



HIGHLAND CITY COUNCIL AGENDA

TUESDAY, SEPTEMBER 3, 2024

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

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Mayor Kurt Ostler

Pledge of Allegiance: Council Member Kim Rodela

1. UNSCHEDULED PUBLIC APPEARANCES

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

2. CONSENT ITEMS

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

- a. **Approval of Meeting Minutes General City Management**
Stephannie Cottle, City Recorder
August 6, 2024
- b. **Approval of Meeting Minutes General City Management**
Stephannie Cottle, City Recorder
August 22, 2024
- c. **Personnel Policy Amendment - Definition of Alcohol General City Management**
Rob Patterson, City Attorney/Planning & Zoning Administrator
The City Council will consider amending the definition of "alcohol" in the City's personnel policies to not prohibit the appropriate use of non-consumable alcohol.
- d. **City Engineer Appointment General City Management**
Erin Wells, City Administrator, Kurt Ostler, Mayor
The City Council will consider appointing Chris Trusty as the City Engineer beginning October 7, 2024.

3. ACTION ITEMS

- a. **PUBLIC HEARING/ORDINANCE: Text Amendment: HB476 (Water-Wise Notice, Subdivision Process, Sidewalk Assurances) Development Code Update (Legislative)**
Rob Patterson, City Attorney/Planning & Zoning Administrator

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

b. PUBLIC HEARING/ORDINANCE: Text Amendment: Building Permit Public Improvements Development Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will hold a public hearing to consider amendments to the Highland City Development Code clarifying public improvement requirements for undeveloped lots.

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

Rob Patterson, City Attorney/Planning & Zoning Administrator

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

4. EXPEDITED ITEMS

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

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

Jeff Murdoch, Assistant Public Works Director

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

5. COMMUNICATION ITEMS

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

a. Naming of the New Park Kurt Ostler, Mayor

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

6. CLOSED MEETING

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

ADJOURNMENT

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

ELECTRONIC PARTICIPATION

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

CERTIFICATE OF POSTING

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

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

Posted and dated this agenda on the 29th day of August 2024.

Stephannie Cottle, CMC, City Recorder

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



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 6, 2024

[Waiting Formal Approval](#)

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

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Council Member Ron Campbell

Pledge of Allegiance: Council Member Brittney P. Bills

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

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS:

Brittney P. Bills	Present
Ron Campbell	Present (arrived at 7:19 pm)
Doug Cortney	Present
Kim Rodela	Present
Scott L. Smith	Present

CITY STAFF PRESENT: City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning & Zoning Administrator Rob Patterson, City Recorder Stephannie Cottle, Finance Director David Mortensen, Police Chief Brian Gwilliam

OTHERS PRESENT: Jon Hart, Preston Hill, Aaron Davidson, Mark Coombs, Loyd Acrems, Greg Slade, Shalynn Larson, Liz Rice, Bryan Irving, Janeal Irving, Josalyn Irving, Brad Teg Irving, Alma Fonua, Imeila Fonua, Alex Pierson, Sydnie Pierson, Taylor Wilkinson, Thomas Bateman, Joyce Pierson, Ryan Rummens, McRae Trowbridge, Wesley Warren, Aaron Gleave

1. UNSCHEDULED PUBLIC APPEARANCES

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

Liz Rice stated that when listening to the audio of City Council meetings, it is difficult to hear anyone but Council Members Bills, Cortney, Smith, and Mayor Ostler; others who are speaking cannot be heard. She asked each member to speak into their microphone. She addressed item 3f on tonight's agenda dealing with campaign finance regulations; she ran for office in the past and was unsuccessful, but people still expect her to appear and

participate in City meetings and keep them informed. She stated that restricting candidate funding is appropriate and taking \$1,000 from a developer or project applicant during a campaign is extremely dishonest. She would even be uncomfortable with \$500; a candidate is either a cheater or they are not and that should not be rationalized based upon a campaign donation amount. She does not feel it is right or fair to take any money from any developer and she would also recommend sanctions against developers who offer a great deal of money to candidates. She then stated she has appreciated increased patrol of 9600 North during the evening hours on the weekends. Cars are racing on that road and the increased patrol has help to reduce that activity. She then addressed the placement of temporary speed bumps on a busy road in the City, noting that moving those speed bumps because of the results of a survey is disappointing. The Council has already made a decision about where to place the speed bumps and she supported that decision; changing the direction due to the response to a survey is a waste of public money.

Joyce Pierson stated she is present this evening to support the proposed code change for Tile Ram; the homes along State Road 92 are hard to sell and the change to this code would give property owners in the area a bit more flexibility when and if they want to sell.

Preston Hill referenced agenda item 3c, noting that he can see the property subject to that application from his home. He asked for more information about the rehabilitation facility and noted there are many young children that live in close proximity to the property.

Mayor Ostler stated that application will be discussed in greater detail later in the meeting.

2. **CONSENT ITEMS**

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

- a. **Approval of Meeting Minutes General City Management**
Stephannie Cottle, City Recorder
June 18, 2024 Special City Council Meeting
- b. **Approval of Meeting Minutes General City Management**
Stephannie Cottle, City Recorder
June 18, 2024 City Council Meeting
- c. **Approval of Meeting Minutes General City Management**
Stephannie Cottle, City Recorder
July 2, 2024 City Council Meeting

Council Members Cortney and Bills offered minor amendments to the minutes, which the Council accepted.

Council Member Doug Cortney MOVED that the City Council approve consent items 2a, the meeting minutes from June 18, 2024 (Special Meeting), 2b, June 18, 2024 (Regular Meeting), and 2c, July 2, 2024 (Regular Meeting), as amended.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 4:0

3. ACTION ITEMS

a. ORDINANCE: Text Amendment - Home Occupation Code for Homes that Front on SR 92 Municipal Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider a request from Bryan Irving/Tile Ram to amend the City's home occupation code to allow homes that front directly onto SR-92 to have non-resident employees.

City Attorney/Planning & Zoning Administrator Patterson explained on July 16, 2024, the applicant addressed the City Council regarding this proposed amendment during unscheduled public appearances and provided the Council with his contact information. In addition, staff briefly informed the Council that this amendment would be presented to the Council for consideration during the August 6, 2024 meeting. Mr. Patterson offered background information regarding the subject property. Brian Irving, owner of Tile Ram, owns the home located at 4922 W Timpanogos Highway. This home faces directly onto SR-92 and is accessed solely from SR-92. After Mr. Irving purchased the home, he began using it for his business. To staff's knowledge, one of Tile Ram's employees lives in the home, and several other non-resident employees come to the property to pick up/drop off equipment. Work is performed off-site, and the home is used as a residence and for coordination of work. City staff became aware of the business use of the home and began a code compliance process, as the business was operating without a business license. After the applicant submitted a business license, staff informed him that the City could not approve the home occupation because of the non-resident employees. Mr. Irving then applied for a text amendment seeking to amend that code limitation. The business license has not yet been issued, and to staff's knowledge, currently Mr. Irving is not operating the businesses out of the home, pending the Council's decision regarding the proposed code amendment. Mr. Patterson reviewed the City's regulations regarding home occupations, after which he noted Mr. Irving has proposed, based on staff's general direction, that the City's code could be amended as follows: "Only bona fide residents of the premises, as defined by the city zoning ordinance, shall be employed by the licensee, provided that, for residential properties that front directly onto SR-92, the home occupation may employ non-resident employees. All parking for such employees must be located on the residential property and must be screened from view of any public street." He concluded by discussing staff's analysis of the application; staff recommends that the City Council consider the proposed amendment, receive and consider comments from the applicant, discuss whether to adopt the amendment and any additional conditions to limit the impact of home occupations on adjacent properties, and either approve or deny the amendment.

Mayor Ostler invited input from Mr. Irving. Mr. Irving reviewed the history of his business and its operations and noted he should have taken steps to secure proper approvals before commencing the operation of his business from the home. He has reached out to his neighbors, and they seem to be comfortable with his proposal and the intended use of the property; he asked for the Council's support of his application or some other means of allowing him to operate his business as intended.

Council Member Cortney asked if the home is a primary residence for someone. Mr. Irving answered yes. Council Member Cortney asked Mr. Irving to describe an average workday for Tile Ram and what activities employees will be engaged in at the home. Mr. Irving stated that employees will come to the home around 7:00 a.m. and leave their personal vehicle at the site; they will take a commercial vehicle from the home and be gone the entire day. No work is done at the subject property.

Mayor Ostler asked if any product is stored at the property. Mr. Irving stated that Tile Ram is a demolition company and there are just a few supplies stored in an accessory building on the property.

Council Member Campbell arrived at 7:19 p.m.

Council discussion centered on whether this type of business is appropriate for a residential area; Council Member Smith stated he is surprised that Mr. Irving did not think it was appropriate to reach out to the Utah Department of Transportation (UDOT) about an access onto a State Road from the subject property. Mr. Irving reiterated his apologies for not securing a business license and for coordinating with UDOT, but he is attempting to cure those issues at this time.

Continued discussion between the Council and Mr. Irving centered on the business operations, the types of vehicles and equipment that is stored on the property, and whether this type of business is appropriate for a residential area. Council Member Campbell stated he does not believe this is an appropriate home-based business. Mayor Ostler stated that the Council must consider if the business meets the home-occupation criteria and, if not, would they be willing to consider a zone change to allow a commercial use on the property. Council Member Rodela noted that the Council has received some public input in support of the application. Mayor Ostler stated it is important to try to understand the motives behind that support; it could be that other property owners see this application as a means for them to also secure commercial zoning of their property, which would financially benefit them.

Council Member Bills stated that it is also important for the Council to keep in mind that a text amendment would apply to the entire City, not just the subject property. It makes her nervous to make this type of change because it could lead to the creep of commercial uses into residential areas. Council Member Campbell agreed and stated he would prefer to delay an action on this until the City finishes updating the General Plan.

Council Member Cortney stated he is not necessarily opposed to the use, but he does agree with Council Member Bills and Campbell positions. He does not feel that this is an appropriate home business, or if it were classified as a home-based business, the business owner would need to live there.

The Council concluded they would like to wait until the General Plan update is complete before taking any action related to this property. Mr. Irving asked if he could be permitted to move back onto the property and operate his business from there until the General Plan is complete. Mayor Ostler stated that would be a zoning violation. The Council conferred with Mr. Patterson to determine if any type of temporary use permit could be granted for the property. Mr. Patterson stated the only real option would be to adopt the text amendment and repeal it in six months when the General Plan update project is complete. The Council did not support that option.

Council Member Scott L. Smith MOVED that City Council REJECT and DENY the proposed amendments to Highland Municipal Code 5.08.050(A), with the request that some of these issues be addressed in the general plan with a possible rezone of the area.

Council Member Ron Campbell SECONDED the motion.

Council Member Cortney stated this is a difficult situation; he would like to find some way for Mr. Irving to operate his business on the property, especially given that all neighboring property owners have offered their support. However, he does not see a legal path for doing so at this time.

The vote was recorded as follows:

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

The motion carried 5:0

b. ORDINANCE: Fence Regulations - Double-Fronted Lots Development Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider the City's fencing regulations relative to double-fronted lots and give staff direction on any desired amendments.

City Attorney/Planning & Zoning Administrator Patterson explained on June 18, 2024, and July 2, 2024, the City Council held public hearings and considered numerous amendments to the City's fencing regulations. As part of those amendments, the Council discussed whether to amend the regulation that requires fences along side and rear property lines that are adjacent to roads to either be (1) open style or (2) privacy but set back at least 14 feet from the top back of curb. The Council unanimously voted to reject the proposed amendments that would remove this setback requirement for all privacy fences along side/rear lot lines adjacent to roads. However, as part of that motion (and as clarified on July 16), the Council continued part of that amendment in order to allow the Council additional time to consider amendments for privacy fence setbacks specific to lots that are double-fronted (have a road on the front and rear lot line). Below are some options that staff have thought through as to how to handle privacy fencing along double-fronted lots. These are not the only options available to the Council:

- A. No change: Keep requiring that all fences along a side or rear property line must either (1) be open or (2) be set back 14' from top back of curb.
- B. Rear property line privacy. Amend the code to allow double-fronted lots to have property line privacy fences along the rear property line. This can result in a street having neighbors with an uneven mix of some privacy fences adjacent to a sidewalk (double-fronted lot) and some privacy fences being set back 14' from top back of curb (corner lots/street-side property line)
- C. Limited exception. Amend the code to allow double-fronted lots to have property line privacy fences along the rear property line up to 50% of the rear fence/property line length. This would resolve some of the one-off circumstances where a property partially backs onto a cul-de-sac or similar situation, without allowing full privacy fencing along rear property lines near a street. This would result in a lower impact with privacy fences.

Mr. Patterson facilitated discussion among the Mayor and Council regarding the three options presented; there was a focus on whether the City requires a permit for the installation of a fence and whether such a permit offers a resident any protection against future actions from the City, such as a change to a zoning regulation that could require the relocation of the fence; existing conditions throughout the City; and the catalyst for this proposed text amendment.

Council Member Ron Campbell MOVED to amend the code for the limited exception allowing privacy fences on double-fronted lots up to 50% of rear property line length.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 3:2

Mr. Patterson stated he will prepare an ordinance using the direction provided by the Council; the ordinance can be presented for expedited action during the next business meeting.

- c. **ACTION: Zoning Approval for Residential Facility for the Disabled** *Land Use (Administrative)*
Rob Patterson, City Attorney/Planning & Zoning Administrator
The City Council will consider a request by Supportive Stay LLC for a residential facility for the disabled.

City Attorney/Planning & Zoning Administrator Patterson explained the applicants, Alma and Imeila Fonua, sought a business license (as required by the State) to operate an adult daycare facility as a home occupation. The Highland City Code defines “daycare” as an operation related to children, not adults; however, because adult daycare is for care of a person with a disability, the facility can be approved as a residential facility for the disabled. He presented images of the subject property and the surrounding neighborhood to orient the Mayor and Council to its location and explained residential facilities for the disabled are considered a permitted use in all residential zones of the City. The use is protected by City, State, and Federal antidiscrimination laws; so long as the facility operates as a common household, family-type environment, the facility cannot be treated less favorably, or have greater restrictions, than other residences. The use is regulated by State Law and a State license is required. He reviewed the City Code requirements for the use, emphasizing that no more than four unrelated individuals can live in the home at a given time. The applicant has indicated there will be just one client on-site at a time. Staff believes that all requirements of City Code are satisfied, and that the facility will not be a materially different type or nature of impact or use from other residential uses in the area. Staff recommends that the City Council grant zoning approval to Supportive Stay for the property located at 9992 North Dorado Way.

Council Member Bills asked if this is a legislative or administrative action, to which Mr. Patterson answered it is more of an administrative approval. Council Member Bills stated that means that the City Council does not have the option to deny the application if the applicant is able to meet all requirements. Mr. Patterson stated that is correct. Council Member Bills asked if the City would be required to allow this property to be used as a treatment facility if the zoning approval for a residential facility for the disabled is granted. Mr. Patterson stated that could potentially be the case; such an issue arose for another property in the City, but in that case the applicant requested an exception to the City’s standard rules regulating no more than four unrelated persons in the home at a time. This applicant is not requesting an exception and he is not concerned about approval of this application setting a precedent for other similar future applications. Council Member Bills stated she will support the application given it is administrative in nature, but she would not be in favor of loosening any restrictions for the property in the future. Council Members Rodela and Smith agreed.

Council Member Smith asked how the facility will be monitored to determine that they do not exceed four unrelated individuals in the home. Mr. Patterson stated the City does not actively monitor the facility, but they will be required to annually renew their business license and State license. Any inspection or enforcement of the City Code will be complaint driven.

Mayor Ostler asked if the homeowner must be present and counted as one of the four unrelated individuals, or if a business employee and three additional individuals would be counted as the four unrelated. Mr. Patterson stated that one of the individuals should be a resident of the home. Mayor Ostler asked if the property must be owner-occupied. Mr. Patterson answered yes because the application is for a home occupation license. Council Member Campbell stated he is very concerned about the definition of ‘four unrelated individuals’ and the ability of the City to enforce that definition. He would like to address it in the future. Mr. Patterson noted that under Federal Law, the definition of a family as four unrelated persons has been upheld. However, Federal Law also

requires reasonable accommodations that could extend to zoning ordinances. Council Member Smith stated that he was a member of the Council when the City defined the term ‘family’ as including up to four unrelated individuals; the Council spent hours creating the definition in a manner that would not violate Federal Law but would also provide protection for neighborhoods that have expressed concerns about uses such as group homes being operated in a residential area. Council Member Campbell stated that he understands those concerns, but he disagrees with them because preventing those types of uses from locating in a specific community is not acceptable to him.

Council Member Cortney stated that if the requested use does not fall under the definition of a daycare because the City’s definition references ‘children’, it may be acceptable to remove ‘children’ from the definition to allow an adult daycare as a permitted home occupation in the future.

Mayor Ostler invited input from the applicant.

Alma Finua stated the home is owned by his brother, who is also the co-applicant for this facility; the home will not be used as a group home, and they plan to host just one disabled person at a time in the residence. He stated that it will not be a rehabilitation center and is truly just an adult daycare for adults with disabilities. He does not plan to grow at this location but may pursue other host homes in the community.

Council Member Doug Cortney MOVED that City Council GRANT zoning approval for Supportive Stay LLC for the residential facility located at 9992 N. Dorado Way.

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

d. RESOLUTION: Smith Annexation Land Use (Administrative)
Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider a request by Shalynn Larson, representing Trent Smith, to annex approximately 1.13 acres of property located at 7015 W 9600 N. The purpose of this resolution is for the Council to accept or reject the annexation petition for further consideration.

City Attorney/Planning & Zoning Administrator Patterson explained this property was tentatively approved for annexation over one year ago. However, that annexation petition expired as untimely. The property owner who is now represented by a new anticipated future developer of the property, has again filed to annex the property on the same terms and conditions as the original annexation, namely, R-1-20 zoning (allows 2 lots), development of 9600 North and the City property to the east, and utility improvements. The decision to annex and under what circumstances the Council will approve an annexation are legislative decisions. The Council has complete discretion in making these decisions. This means that the Council can approve the annexation on the same or different terms as before. The subject property is included in the Highland City Annexation Policy Expansion Plan. The planned zoning for the southwest area is R-1-20. If the City Council allows the property to be annexed and zoned R-1-20, the subject property would have enough square footage to be subdivided into two

(2) lots, if the Highland City parcel to the east of the subject property is developed as a public right-of-way. As part of the previous annexation attempt for this property, the City Council approved the annexation subject to an annexation agreement prepared by staff. Staff would still support and recommend annexing the property subject to a similar annexation agreement, as it provides for road and utility improvements in 9600 North and the Highland City parcel to the east, utility improvements for the existing home on the property, impact fees being paid, irrigation water dedicated, and the old American Fork irrigation ditch piped or removed. That agreement essentially required the property owner to improve the property and adjacent rights of way to City standards. The only exception approved by the Council previously was to allow the right-of-way improvements along the City parcel to the east to be improved with only 20 feet of asphalt, rather than requiring the City's standard 26 feet of asphalt (1/2 of the normal asphalt width [32 feet] plus 10 feet). Council can give direction as part of approving the resolution that the annexation will require a similar annexation agreement as previously approved.

Discussion among the Mayor, Council, and staff centered on the terms of the annexation agreement that was previously considered for this property, with a focus on the appropriate City for the entire property to be located in and to be served by. The Council communicated to staff a preference for utility and road improvements of 9600 North and dedication of the full right of way on both sides of the property.

Mayor Ostler invited input from the applicant, who indicated they had nothing to add to Mr. Patterson's summary of the application.

Council Member Scott L. Smith MOVED that City Council ADOPT and APPROVE the resolution accepting the Smith annexation petition for further consideration.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

- e. **RESOLUTION: School District Reconfiguration - Approval for Ballot** *General City Management*
Rob Patterson, City Attorney/Planning & Zoning Administrator
The City Council will consider submitting the proposal to split the Alpine School District and create a "central" school district (Alpine, American Fork, Cedar Hills, Draper [Utah County], Highland, and Lehi) to a vote.

City Attorney/Planning & Zoning Administrator Patterson explained under Utah State law, cities can join together by way of an "interlocal cooperation agreement" to propose the creation of a new school district. The central north Utah County cities, consisting of Alpine, American Fork, Cedar Hills, the portion of Draper within Utah County, Highland, and Lehi, have entered into an interlocal agreement and started the process of creating a new school district. Before the district can be created, however, there are many steps that the cities must follow. Many of those steps have now been completed. A 30-day public comment period was held, and the cities that are part of the interlocal cooperation agreement have each held two public hearings. The next step in this process is for each of the cities in the interlocal cooperation agreement to vote on whether to put the creation of the

central school district on the ballot. Importantly, the cities do not directly decide whether to create the district. That decision is left to the voters to decide; if Highland and each of the other cities approve the proposal, then the voters within the proposed school district's boundaries will vote on whether to create a new, central school district in the November 2024 election. The new school district will only be created if a majority of the voters as a whole within the central cities vote in favor of it. If the voters do not, then the central cities will remain within Alpine School District. Accordingly, the question before the Highland City Council (and each of the city councils for the cities of Alpine, American Fork, Cedar Hills, Draper, and Lehi) is whether to approve submitting this school district reconfiguration and split issue to a vote.

Council Member Bills stated that she appreciates all the effort City staff has dedicated to this issue; she personally loves the Alpine School District and all five of her children have attended schools in the District, where they have received a great education. Her vote on this matter is not an expression of non-support for the Alpine School District. One of the things the Council has learned over the past few months is that residents are strongly supportive of placing this issue on the ballot to allow them to vote on the future of the District. She has full confidence in the residents and their ability to research this complex issue and make a decision on what is best for their children and all children in the area. Residents value education, teachers, and students and that is what they will rely upon when making their own decision on this issue.

Mayor Ostler stated this has been a very long process and he agreed that residents want the opportunity to vote on this matter.

Council Member Ron Campbell MOVED that City Council ADOPT and APPROVE the resolution approving the proposal to submit the proposed new school district to the voters residing within the proposed new school district boundaries for approval or rejection.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

f. ORDINANCE: Campaign Finance Amendments Municipal Code Update (Legislative)
Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider amendments to the City's municipal code to restrict donations over \$1,000 from persons who have pursued recent land use applications with the City.

City Attorney/Planning & Zoning Administrator Patterson reviewed the current State law regulating campaign finance:

- \$50 anonymous donation
- No other general restrictions on donations (except conflict of interests)
- Campaign finance disclosures due:
 - 7 days before primary and 30 days after primary (if eliminated)
 - 28 and 7 days before municipal election
 - 30 days after municipal election

Proposed amendments to the City's campaign finance regulations include:

- Candidates must adhere to same conflict of interest standards as elected officials, though filing conflict of interest disclosures is optional.
- Prohibits donations over \$1,000 from any person/ entity with a land use or code amendment application that was filed or pending approval within calendar year of election.
- Allows correction of prohibited donations by refunding them or paying them to the City after receiving notice.
- Imposes an infraction penalty and fine for failure to correct a prohibited donation, with a second infraction within a year also disqualifying the candidate from election.

Mr. Patterson noted he has provided the following additional recital in the proposed ordinance, but indicated the Council can make their own policy decision regarding whether to include the recital in the approved document: "WHEREAS, the Highland City Council further finds that the regulations are narrowly tailored because they do not regulate specific content or candidates; they restrict only large donations (which traditionally are a small number of the total donations for city elections) that are the types of donations most likely to be or give the appearance of a conflict of interest; they restrict only donations from those persons or entities that are most likely to result in a conflict of interest for a candidate; they do not restrict all potential donations but focus on the most egregious cases; and they provide a clear warning and two-strike correction process that avoids harsh and punitive enforcement in favor of voluntary correction and transparency while still providing for fair enforcement that does not depend on how the donations are used."

Council Member Campbell stated that he supports this ordinance in the vein of protecting the City from a potential conflict related to campaign donations that could be interpreted as being large enough to influence a Council Member's position on a certain application. He stated he feels most opportunities for conflict arise from donations from land use applicants.

Council Member Rodela stated that sometimes when a problem is observed, an attempt is made to fix it, but more problems are created. She feels that will be the case with this ordinance. If a developer wants to donate to someone's campaign, but they are prevented from doing so because of the ordinance, they may simply choose to donate as a private individual and their donation could actually be higher than \$1,000. When the donation is recorded, it will be recorded under the individual's name, rather than the developer, and this limits the transparency for residents who review campaign finance reports to determine who a candidate is supported by. She stated there will always be conflicts of interest in campaigns and she is concerned about discriminating between the types of businesses or individuals that can donate to a campaign. The State already has campaign finance regulations and will monitor and enforce those regulations.

Council Member Smith inquired as to the origin of the \$750 penalty proposal. Mr. Patterson stated that is the maximum infraction amount set by State law, but the Council can adjust the penalty downwards if they deem appropriate. Council Member Smith asked what becomes of an illegal campaign donation if it is not returned to the person who made the donation. Mr. Patterson stated that the City could make policy decisions about where the money should be allocated in the City's budget if the candidate is unable to return the donation to its original source.

Council Member Rodela asked what other cities in Utah have regulations similar to what has been proposed. Mr. Patterson stated there is no other similar restriction in Utah; some cities have greater anonymous donation limits, but they do not restrict the amount that can be donated by a developer or land use applicant.

Council Member Courtney asked if the City could mandate that any unreturned illegal campaign donation be dedicated to the State rather than to the Highland City budget in order to avoid any appearance of impropriety in

terms of enforcing the campaign finance ordinance. The Mayor and Council expressed opposition to dedicating any campaign donation to the State; the City regularly enforces its ordinances and collects penalties associated with violations.

The Mayor and Council then discussed the different reasons that any business or individual would donate to a municipal candidate campaign; they participated in philosophical debate about whether it is appropriate to further regulate any type of donation or to rely upon the State’s campaign finance regulations. Council Member Rodela stressed her opposition to the proposed ordinance. Mayor Ostler and Council Member Campbell expressed support for the ordinance, indicating they feel that the ordinance will help candidates to be more aware of the potential conflicts associated with accepting a large donation from a land use applicant. Council Member Cortney stated he does not feel strongly that the City needs to expand regulations on campaign finance, but he is supportive of increased transparency. He would like some sort of online platform where any candidate is required to post a campaign donation within 24 hours of receiving it. Council Member Rodela stated she also likes that idea and that could be something for the City to discuss with the State of Utah.

Council Member Smith asked where the \$1,000 campaign donation limit came from, to which Mr. Patterson answered it was a suggestion from Council Member Campbell. He stated that could be changed to any amount. Council Member Cortney reminded the Council that a resident spoke earlier this evening and suggested that number be reduced to \$500.

Council Member Ron Campbell MOVED that City Council ADOPT and APPROVE the proposed amendments related to campaign donations, with the additional recital.

Council Member Doug Cortney SECONDED the motion.

Council Member Doug Cortney AMENDED the motion to set the limit at \$500, rather than \$1000.

Council Member Ron Campbell SECONDED.

The vote for the amended motion was recorded as follows:

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

The motion carried 3:1

The vote for the original motion was recorded as follows:

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

The motion carried 4:1

4. EXPEDITED ITEMS

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

a. ACTION: Approval of Vehicle Purchases *General City Management*

Jeff Murdoch, Assistant Public Works Director

The City Council will consider approving the purchase of (3) 2024 F-150 pickup trucks and (1) 2024 Transit Van for the Public Works Department as approved in the FY25 City Budget.

Assistant Public Works Director Murdoch explained staff recommends the purchase of three 2024 F150 pickup trucks and one 2024 Transit Van to add to the City's current fleet of vehicles. The pickup trucks will be added to the rotation of Public Works trucks and the van will be used in the Parks Department as a sprinkler repair vehicle.

Council Member Smith stated there are some areas of the City where the landscaping is struggling and does not look great; he asked if that is due to the City being short staffed or limited in the equipment available for maintaining sprinklers and landscaping. Mr. Murdoch state the City is currently fully staffed, but the sprinkler system is large and difficult to maintain; the budget includes an additional position to improve sprinkler maintenance and repair to address this issue. City Administrator Wells added that some areas have pressure problems and that contributes to dead spots in grass. Council Member Smith stated that the complaint he hears most frequently is that the City spends hundreds of dollars on each tree but lets them die due to insufficient water/maintenance. He would like for the City to prioritize keeping these expensive trees alive.

Council Member Scott L. Smith MOVED that City Council APPROVE the purchase of three 2024 F-150 pickup trucks and a 2024 Transit Van and AUTHORIZE the City Administrator to sign the associated contracts, noting that the money is already in the budget.

Council Member Doug Cortney SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

5. COMMUNICATION ITEMS

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

a. Golf Carts on Public Roads *Brian Gwilliam, Police Chief*

City Attorney/Planning & Zoning Administrator Patterson explained that according to State Law, a person may not operate a golf cart on a public street, unless the City authorizes it and regulates safety. Police Chief Gwilliam added that the City is experiencing issues with kids operating golf carts on City streets. Children do not have experience driving and this type of vehicle is not meant to be on a City road. They do not have turn signals, brake lights, or horns, all of which are required for any all-terrain vehicle (ATV) that is allowed to be driven on a City street. Additionally, the lowest speed limit on a City street is 25 miles per hour and golf carts cannot travel at that speed. In July of 2023, Alpine City had a serious accident involving teens operating a golf cart on a public street; and this July, a 13-year-old child who was operating a golf cart in Roosevelt was killed in an accident.

Many cities are experiencing problems with golf carts, and he wanted to discuss the matter with the Mayor and Council to determine what types of regulations they would like to implement and enforce. He facilitated discussion among the Mayor and Council regarding current regulations for ATVs and whether similar regulations would also be appropriate for golf carts; they also discussed whether use of golf carts may be appropriate for private developments, particularly those near a golf course. Council Member Bills stated that Nephi and St. George cities have enacted ordinances regulating golf cart operation in neighborhoods near a golf course. Council Member Campbell stated he would like for staff to look into a similar ordinance to make certain areas of the City golf cart friendly. Council Member Bills stated that she spoke with representatives of Lehi, Cedar Hills, Alpine, and American Fork cities and none of them are considering allowing golf carts based on concerns about safety. They expressed that it would be convenient for all neighboring cities to have the same rules and regulations to avoid confusion. She found Riverton and Pleasant Grove have recently had issues with golf carts; kids as young as eight years old are operating golf carts and they do not understand the traffic laws. Her preference is to keep the City's rules in line with State laws and rather than using staff resources to research the issue, any resident interested in a law change should be charged with that work. Council Member Smith agreed and noted that he has observed safety issues with small, motorized motorcycles or scooters that are being operated on City trails and sidewalks. Council Member Cortney stated he is also concerned about safety, and he is inclined to rely upon the current State laws rather than explore a City ordinance change to regulate golf carts. Mayor Ostler concluded that three Council Members do not want to direct staff to research the issue; if any change is to be considered by the Council it must be citizen driven. Council Member Campbell stated that it is the City Council's role to better the community and he feels that City resources should be used to research the issue. Council Member Bills stated she has done her own research and is also not inclined to consider an ordinance change to allow golf carts on public streets. If a resident performs their own research and reaches a different conclusion, she is happy to consider it, but she does not want to use staff resources to further research the issue.

b. Flock Cameras *Brian Gwilliam, Police Chief*

Police Chief Gwilliam reported on the Lone Peak Public Safety District (LPPSD) use of flock cameras as an increased law enforcement mechanism. He cited specific incidents for which flock camera video has been instrumental in solving a crime and asked for Council consideration of an agreement that would allow for the installation of additional flock cameras in Highland City; the cost would be \$3,000 per year per camera, for three years and the suggestion locations of the cameras are:

- Timpanogos Highway and Mouth of Canyon
- North County Boulevard and Summerfield Drive
- Alpine Highway and 9600 North
- Highland Boulevard and Grant Boulevard
- Timpanogos Highway and 6600 West
- 9600 North and 6000 West
- 9600 North and 6800 West

There was discussion among the Mayor and Council regarding the use and protection of any data collected with the cameras and the hardware and software costs for the service. Chief Gwilliam clarified that the software costs of \$2,500 per year will be paid for by the LPPSD. The Council concluded they are supportive of the agreement to obtain and install flock cameras in the City and Mayor Ostler indicated Administration will present a budget adjustment to the Council to authorize funding for the cameras.

c. Accessory Structures Restrictions and Ridgeview PD *Scott Smith, Council Member, Rob Patterson, City Attorney/Planning & Zoning Administrator*

City Attorney/Planning & Zoning Administrator Patterson reviewed the City's current accessory structure rules

for the different zones allowed in Highland City. Council Member Smith cited a specific accessory structure in the City that overwhelms the lot it is located on and is not appropriate for the zone it is located in. He suspects that it was built to house a rental unit, rather than to serve as a pool house and he wants to consider adjustments to setbacks and lot area the building consumes. Council Member Rodela noted that the City already has regulations to address rental units; she asked if the biggest concern was that the accessory structure may be used as a rental unit or that it was too large. Council Member Smith answered residents are concerned about both. This led to discussion of the difference between an accessory structure and a dwelling unit; Mr. Patterson indicated that allowing bathrooms and kitchens in a building contributes to it being classified as a dwelling unit. Council Member Smith stated that he is interested in a text amendment that would help to prevent an accessory structure from being used as a dwelling unit.

d. Sign Code *Kurt Ostler, Mayor, Rob Patterson, City Attorney/Planning & Zoning Administrator*

Mayor Ostler discussed frustrations that arose during the last election cycle regarding election signage regulations. He asked the Council if there is any appetite to revisit the signage ordinance specific to election signage. City Attorney/Planning & Zoning Administrator Patterson stated that the City could allow a free speech zone where signs of any nature could be placed for a specified length of time; however, content restrictions could not be imposed. Council Members Cortney, Bills, and Rodela indicated they are comfortable with the current signage regulations. Council Member Smith stated he would be interested in having more discussion about the issue in advance of the next election; if there are too many barriers to advertising one's candidacy, people may not run for office.

Council Member Doug Cortney MOVED to extend the meeting to 10:30 pm

There was no SECOND. Motion failed.

Council Member Ron Campbell MOVED to extend the meeting to 10:15 pm

Council Member Scott L. Smith SECONDED the motion.

All voted in favor, except Council Member Brittney P. Bills. The motion carries 4:1

Council Member Smith stated he would like for staff to research the issue for further discussion. The Council debated whether one Council Member has the authority to direct an item to be placed on an agenda for discussion; this led to revisitation of the golf cart issue as City Administrator Wells acknowledged that two Council Members can direct an action item on a certain issue. The Council concluded a discussion item regarding campaign signs can be added to a future agenda at Council Member Smith's request.

e. Council Policies and Procedures & Annual Conflict of Interest Statements *Erin Wells, City Administrator*

This item will be discussed at a later meeting.

f. 4800 West MAG Funding Update *Kurt Ostler, Mayor*

Mayor Ostler stated that the City did not receive funding from the Mountainland Association of Governments (MAG) for the 4800 West project. He reported on the discussion of the project during the recent MAG meeting; he stated that a project regarding Provo Airport was added to the list of projects after a deadline for finalizing the list of projects being considered for funding. Many Mayors were concerned with this project, but the explanation that was provided was that the project is needed due to the fact that the State of Utah will be hosting

the Winter Olympics in 2034. He then noted that the City's project is next in line for receiving funding if any of the funded projects do not go forward. He added that a fifth quarter tax was approved in the County, but it appears that the money generated by that tax that should have gone to Utah County was instead given to the Utah Transit Authority (UTA) and it has been deposited into their General Fund; Utah County Mayors are looking into the problem and will work to resolve it.

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

Assistant City Administrator/Community Development Director Baughman provided a community development update, which included the City's receipt of an updated site plan for Highland Mains; submittal of the moderate-income housing report to the State of Utah; the status of the General Plan update project;

City Administrator Wells then referenced the Council's earlier action to place a question on an upcoming election ballot regarding the creation of a new school district. State Law indicates that if the ballot measure is approved, the new district must be named within 30 days. She does not want the City to spend money advocating for any given name for the District, but Administrative staff recommends that the district be called Central School District with the understanding that the future school board can change the name. Council Member Campbell suggested Central School District as a placeholder name for the potential district.

6. CLOSED MEETING

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

ADJOURNMENT

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

The meeting adjourned at 10:17 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 August 6, 2024. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC
City Recorder



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Thursday, August 22, 2024

Waiting Formal Approval

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

1:00 PM SPECIAL SESSION

Call to Order: Mayor Kurt Ostler

The meeting was called to order by Mayor Kurt Ostler as a special session at 1:07 pm. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS:

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

CITY STAFF PRESENT: City Administrator Erin Wells, City Recorder Stephannie Cottle

OTHERS PRESENT: N/A

1. CLOSED MEETING

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

At 1:09 pm Council Member Scott L. Smith MOVED that the City Council recess the regular meeting to convene in a closed meeting in the Executive Conference Room to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205.

Council Member Doug Cortney SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

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

The CLOSED MEETING adjourned at 2:30 pm.

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 2:31 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 August 22, 2024. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC, UCC
City Recorder



CITY COUNCIL AGENDA REPORT

ITEM #2c

DATE: September 3, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Personnel Policy Amendment - Definition of Alcohol
TYPE: General City Management

PURPOSE:

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

STAFF RECOMMENDATION:

Staff recommends that the City Council APPROVE and ADOPT the resolution amending the definition of "alcohol" in the City's personnel policies to not prohibit the appropriate use of non-consumable alcohol.

PRIOR COUNCIL DIRECTION:

No prior Council discussion.

BACKGROUND:

Highland City personnel policies regulate and prohibit the use of alcohol by City employees. Misuse of alcohol is grounds for discipline, including termination. The current definition of "alcohol," however, is broader than just alcohol used for consumption and includes alcohol used in industrial, cleaning, and medical purposes (methyl and isopropyl alcohol). These latter types of alcohol are not consumable by humans, and the City administration does not desire to regulate or prohibit the use of these types of alcohol by employees in appropriate situations (hand sanitizer, cleaning agents, etc.).

The definition of alcohol in the current policy is: "Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found."

Staff proposes amending this definition as follows: "Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, in any form that can be consumed by humans. Alcohol does not include non-consumable alcohol, such as those used in cleaning agents, medical applications, or industrial purposes, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found."

FISCAL IMPACT:

No anticipated fiscal impact.

MOTION:

I move that City Council APPROVE and ADOPT the resolution amending the definition of "alcohol" in the City's personnel policies to not prohibit the appropriate use of non-consumable alcohol.

ATTACHMENTS:

1. Resolution - Amendment Policy Alcohol Definition

Highland City, Utah

RESOLUTION NO. 2024-_____

**A RESOLUTION AMENDING THE HIGHLAND CITY PERSONNEL POLICIES
AND PROCEDURES RELATED TO THE DEFINITION OF ALCOHOL**

WHEREAS, pursuant to Utah Code § 10-3-717 and Utah Code § 10-3-1103, Highland City is authorized to adopt and has previously adopted and implemented personnel policies and procedures;

WHEREAS, the Highland City Council desires to amend the City's personnel policies to clarify permitted and prohibited forms of alcohol;

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

SECTION 1. The City Council approves of and adopts the amendments to the Personnel Policies and Procedures Manual for Highland City attached hereto as Exhibit A.

SECTION 2. The City Recorder, under the supervision of the City Administrator and City Attorney, may make non-substantive corrections to any portion of this resolution and to the personnel policies referenced herein for grammatical, typographical, numbering, and consistency purposes in accordance with the expressed intent of the City Council.

SECTION 3. All prior versions of the City's personnel policies or portions thereof in conflict with the amendments approved herein are hereby repealed, superseded, and replaced by the personnel policies as approved and amended by this resolution.

SECTION 4. This resolution shall take effect immediately upon adoption.

RESOLVED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this _____ day of _____, 2024.

Mayor

ATTESTED:

City Recorder

COUNCILMEMBER

YES

NO

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

EXHIBIT A

Approved Amendments to Personnel Policies and Procedures Manual for Highland City

SECTION 4: ALCOHOL AND DRUG TESTING

1. GENERAL STATEMENT

...

E. Definitions.

(1) Alcohol. Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, in any form that can be consumed by humans. Alcohol does not include non-consumable alcohol, such as those used in cleaning agents, medical applications, or industrial purposes. ~~or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.~~



CITY COUNCIL AGENDA REPORT

ITEM #2d

DATE: September 3, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Erin Wells, City Administrator, Kurt Ostler, Mayor
SUBJECT: City Engineer Appointment
TYPE: General City Management

PURPOSE:

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

STAFF RECOMMENDATION:

Staff recommends the appointment of Chris Trusty as the full-time City Engineer.

PRIOR COUNCIL DIRECTION:

On July 16, 2024, Council approved the appointment of Tavis Timothy as the interim City Engineer until a new full-time City Engineer could be appointed.

BACKGROUND:

The City's previous City Engineer resigned his position at the end of July 2024. Since that time, staff has been seeking and interviewing applicants for the City Engineer/PW Director Position. Chris Trusty applied for the position and based on his prior experience and interviews with staff, staff recommended Chris to the Mayor and City Council to be appointed as the City Engineer. Council subsequently interviewed Chris and agreed with staff's recommendation. Chris has signed an acceptance offer with the City with an intended start date of October 7, 2024 pending Council's formal appointment.

FISCAL IMPACT:

The salary for the City Engineer/Public Works Director is budgeted among a variety of funds in the City budget based on the duties of the position. As this is not a new position, this cost is already budgeted for.

MOTION:

I move that City Council appoint Chris Trusty as the City Engineer beginning October 7, 2024.

ATTACHMENTS:

1. Chris Trusty Resume_Redacted

CHRIS TRUSTY

To be in a position where I can help a community grow in an organized and positive manner.

EXPERIENCE

OCTOBER 2004 – CURRENT

CITY ENGINEER, EAGLE MOUNTAIN CITY

Oversee the planning, design and implementation of critical City infrastructure including water, sewer, storm drain and roadways. Supervise inspection staff. Manage MS4 state storm water system compliance. Oversee GIS staff and projects. Work closely with City administration including Mayor and City Council to oversee City needs. Manage budget for Engineering, GIS, and Capital Improvements. Oversaw master planning and impact fee facilities plans for Water, Wastewater, Storm Systems, Transportation, Parks and Public Safety Systems. Generated and implemented Master Infrastructure Agreements, Development Agreements and Construction Agreements with FACEBOOK, GOOGLE, QTS, TRACT data centers.

OCTOBER 2002 – OCTOBER 2004

PROJECT ENGINEER, IBI GROUP

Designed civil infrastructure for commercial and residential projects. Assisted in master planning communities and obtaining required city approvals for construction.

MAY 1994 – OCTOBER 2002

STAFF ENGINEER, BUSH AND GUDGELL

Designed civil infrastructure for commercial and residential projects. Acted as City Engineer for Hyrum and Wellsville, Utah. Consulted for National Parks Services relating to water and wastewater treatment facilities at several Lake Powell marinas.

EDUCATION

JUNE 1994

B.S. CIVIL AND ENVIRONMENTAL ENGINEERING, UTAH STATE UNIVERSITY

General civil engineering coursework including transportation, water resources and structures.

JUNE 1991

A.S. CIVIL ENGINEERING, SALT LAKE COMMUNITY COLLEGE

CERTIFICATIONS

- Utah PE #266052-2202
- National Incident Management Systems 700 & 800
- sUAS (Drone) Pilot License
- Utah Water Op Distribution IV (233009000)
- ULCT Supervisor Training Substance Abuse

PROJECTS

WATER

0.6 MG TANK #3 (2008)
2 MG TANK #4 (2016)
3.5 MG TANK #5 (2018)
WELL #3 (2007)
WELL #4 (2009)
WELL #5 (2009)
WELL #6 (2018)
WELL #7 (CURRENT)
WELL #8 (CURRENT)

WASTEWATER

1.2 MGD WASTEWATER TREATMENT (2016)
2.4 MGD WASTEWATER TREATMENT EXPANSION (2020)
RAPID INFILTRATION BASIN SYSTEM (2020)
FACEBOOK LIFT STATION (2018)
QTS LIFT STATION (2023)

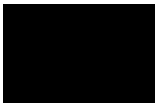
ROADS

PONY EXPRESS PARKWAY PH 1-6
EAGLE MOUNTAIN BLVD ROAD WIDENING (2022)
OLD AIRPORT ROAD PH 1 (2021)
OLD AIRPORT ROAD PH 2 (2024)
MIDVALLEY ROAD WIDENING (2023)
MIDVALLEY ROAD EXTENSION (2024)

PI SYSTEM

WINTER STORAGE PONDS (2018)
FILTRATION AND PUMP STATION (2019)
DISTRIBUTION SYSTEM (2019)

REFERENCES

Name	Relationship	Phone	Email
Jared Oldroyd	Colleague		jared@iwoengineering.com
Bryan Schmitz	Colleague		bryans@advancedcivilengineering.com
Carl Neilsen	Friend		carl@cdncompany.com

SKILLS

- Great communication skills
- Proficient with Excel, Word, PowerPoint
- Problem solving
- Excellent presentation skills
- Positive attitude
- Enthusiastic and hard working



CITY COUNCIL AGENDA REPORT

ITEM #3a

DATE: September 3, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Text Amendment: HB476 (Water-Wise Notice, Subdivision Process, Sidewalk Assurances)
TYPE: Development Code Update (Legislative)

PURPOSE:

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

STAFF RECOMMENDATION:

Staff recommends that the City Council hold a public hearing, consider the amendments, and ADOPT and APPROVE the proposed amendments.

PRIOR COUNCIL DIRECTION:

No prior Council review.

BACKGROUND:

HB 476 was passed in the 2024 general legislative session, and it will go into effect on November 1, 2024. HB 476 amended several provisions of Utah State Law related to municipal land use regulations. Some of the amendments from HB 476 require the City to amend its development code to conform, while some amendments are either optional for the City or do not need to be implemented directly by the City. The amendments proposed by staff related to HB 476 address three items: water wise landscaping notice requirements, subdivision review procedures, and bonding for sidewalks.

In addition, HB 476 allows for window wells to encroach into rear setbacks and allows a 32 square foot encroachment into a rear setback to allow for stairs, landings, and walkout porches that provide access to/from a home. Staff has not proposed amendments to the Development Code to incorporate this change (1) to avoid additive setback encroachment allowances and (2) to avoid needing to amend setback/zoning regulations for every zone and planned development in the City (as each zone has separate rear setback regulations). The City already permits (for most zones) a 5-foot encroachment into rear setbacks for up 50% of the length of a home. This additional 32 square foot/window well encroachment will apply in addition to that 50% 5-foot encroachment allowance.

The building and planning departments are knowledgeable of the 32 square foot allowance and will apply it regardless of whether it is incorporated into City code. However, if the Council would like to address the 32 square foot encroachment in City Code for reference purposes, staff would recommend adding the following provision as a supplemental regulation under Chapter 3, Article 6: "**Allowable Features in Rear Setback:** Allowable features shall be permitted within the rear setback of a property

pursuant to section 10-9a-538, Utah Code Ann., as amended."

Water Wise Landscaping

HB 476 allows cities to require that the seller of a newly constructed residence inform the buyer of city water wise landscaping requirements. Effectively, this means that a developer must tell the first buyer of a new home about any special xeriscaping requirements applicable to the new lot. Highland City requires that park strips have water wise landscaping/xeriscaping. Accordingly, staff recommends that the City adopt a requirement for sellers to inform the buyer of a new home of the park strip landscaping requirements.

Subdivision Review Procedures

HB 476 modifies the subdivision review process that Highland City recently implemented with its recent overhaul of the subdivision review and approval process (approved January this year). The changes to this process are summarized as follows:

- The 15-day review period applies to all single-family, two-family, and townhome plats, preliminary and final (previously only applied to preliminary plats)
- The 20-day review period applies only to subdivision improvement plans for single-family, two-family, and townhome subdivisions (previously also applied to final plats)
- A city can only require subdivision improvement plans (engineered plans) to be submitted with preliminary OR final plats, but not both (previously unregulated)
- The 4-review-cycle limit now only applies to reviews of subdivision improvement plans (previously applied to review of plats as well)
- The requirement that a city make a correction on the first review or waive that issue now only applies to reviews of subdivision improvements plans (previously applied to review of plats as well)

The staff-proposed amendments to the Development Code incorporate these changes. The most significant change was to section 5-4-305. That section previously required preliminary subdivision improvement plans to be submitted with a preliminary plat, which would require developers to submit fairly detailed plans regarding subdivision utilities, roads, landscaping, and drainage/storm drain calculations. Because these plans may be construed as "subdivision improvement plans" under HB 476, staff has proposed revising the section to require less detailed information at the preliminary plat stage. The proposed amendments to section 5-4-305 will now require only information regarding phasing of the development, preliminary information regarding location, extension, and connection of utilities, roads, and other circulation elements. Fully engineered subdivision plans will still be required at the final plat stage.

Sidewalk Bonding

HB 476 now allows subdividers to separately bond for public sidewalks to allow the developer to begin to build homes and record plats even if the sidewalks near the homes are incomplete. The purpose of this amendment, as understood by staff, is to resolve issues where cities require subdividers to install sidewalks before homes are constructed. This leads to sidewalks being damaged during home construction, requiring the subdivider to install the sidewalk twice or have their subdivision bond foreclosed on to pay for the sidewalks.

Under HB 476, the City cannot withhold a building permit, plat recordation, or acceptance of other public improvements based on incomplete sidewalks if a separate sidewalk bond is posted. The City can, however, withhold certificates of occupancy for homes until the sidewalk in front of the home along the public street is complete. Staff has proposed a new section of code in the City's regulations related to

sidewalk bonding that complies with HB 476 and mandates that no certificates of occupancy will be issued until after the sidewalk in front of a home is completed.

PLANNING COMMISSION ACTION

The Planning Commission conducted a public hearing after due notice on August 27, 2024. The Commission discussed and were supportive of the proposed amendments, particularly the changes for sidewalk bonds. One resident spoke during the public hearing regarding water wise requirements and whether the City could do more to assist residents to transition from lawn to xeriscape/water wise landscaping (particularly for park strips), especially in light of the PI metering project. The Commission indicated that they would support a discussion of park strip requirements and sidewalk/park strip design standards in the future, to see if there were ways the City could reduce the impact of park strips, but did not propose any changes to the amendments related to these issues. Ultimately, the Commission voted 7-0 to recommend the proposed amendments as presented.

STAFF REVIEW

Staff has proposed amendments to incorporate the changes required or allowed by HB 476 related to water wise, landscaping notice, subdivision review procedures, and sidewalk bonding. Staff believes the proposed amendments align with state law.

PROPOSED FINDINGS

- The proposed amendments modify Highland City land use regulations to conform to Utah State Law, as amended by HB 476.

FISCAL IMPACT:

No anticipated fiscal impact.

MOTION:

I move that City Council ADOPT and APPROVE the proposed amendments to the Highland City Development Code.

ATTACHMENTS:

1. Proposed Ordinance - HB 476 Amendments

Highland City, Utah

ORDINANCE NO. 2024-_____

**AN ORDINANCE AMENDING HIGHLAND CITY DEVELOPMENT CODE TO
INCORPORATE CHANGES TO STATE LAW PURSUANT TO HOUSE BILL 476**

WHEREAS, Highland City is authorized to enact land use regulations that govern the use and development of property;

WHEREAS, Highland City has previously adopted regulations regarding xeriscape requirements for park strips, subdivision review and approval processes, and subdivision improvement and warranty assurances;

WHEREAS, the Utah State Legislature adopted HB 476 that affects the land use regulations previously adopted by Highland City

WHEREAS, a duly noticed public hearing was held by the Planning Commission regarding the proposed amendments described herein on August 27, 2024, after which hearing the Commission recommended adoption of certain amendments to the regulations;

WHEREAS, the Highland City Council provided notice of and conducted a public hearing regarding the proposed amendments and to review the recommendation of the Planning Commission on September 3, 2024;

WHEREAS, the Highland City Council desires to amend the Highland City Development Code to conform to the provisions and requirements of HB 476;

WHEREAS, the Highland City Council finds that the proposed amendments further the public welfare and are in the interest of the public.

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

SECTION 1. The Highland Development Code is amended as shown in Exhibit A, attached hereto.

SECTION 2. All ordinances and parts and provisions thereof in conflict with this ordinance are repealed to the extent of such conflict.

SECTION 3. The City Recorder, under the supervision of the City Administrator and City Attorney, may make non-substantive corrections to any portion of this resolution and to the personnel policies referenced herein for grammatical, typographical, numbering, and consistency purposes in accordance with the expressed intent of the City Council.

SECTION 4. This ordinance shall take effect immediately upon its adoption and publication, in accordance with law.

ADOPTED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this
_____ day of _____, 2024.

Mayor

ATTESTED:

City Recorder

COUNCILMEMBER

YES

NO

Brittney P. Bills

Ron Campbell

Doug Cortney

Kim Rodela

Scott L. Smith

Exhibit A
Amendments to Highland Development Code

3-621 Park Or Planter Strips

All park strip areas, the area between the sidewalk and the curb, shall be landscaped and maintained by the property owner directly adjacent to that sidewalk using Xeriscape or water-wise methods as defined in Chapter 10 Definitions. Lawn shall not be installed in park strips.

1. Vegetation such as grasses, flowers, ground covers and shrubs shall not exceed 22-inches in height. Vegetation shall not include weeds identified on the State of Utah Department of Agriculture and Food Designated Noxious Weed List for Colorado (CO), Idaho (ID), Kansas (KS), Montana (MT), Nebraska (NE), North Dakota (ND), South Dakota (SD), Utah (UT), Wyoming (WY) but may include approved drought tolerant plants.
2. The park strip may be covered with non-living material such as wood chips or decorative landscaping rocks (rock diameter of one inch minimum and six inches maximum) if commonly practiced xeriscape landscaping procedures are followed.
3. Trees planted in the park strip may be separated by non-living materials only if a water source is available at each tree (not from a hose, or above ground sprinkler).
4. Only trees from the city approved Class I Trees list may be planted within a park strip. See Section 2.36.160(J) Tree Class Divisions in the Highland City Municipal Code for the permitted Class I trees.
- 4.5. The seller of a newly constructed residence shall inform the first buyer of the residence of the water wise and xeriscaping requirements for park strips.

5-4-102 Review Cycle Process For Plat Applications

1. For each complete subdivision application, the City shall review the subdivision plat, subdivision improvement plans, and other application materials through the review cycle process forth in this Section and Utah Code section 10-9a-604.2 to ensure compliance with all requirements of this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
2. A review cycle begins with the City's receipt of either a complete application for a new application or a complete review response submitted as part of a prior review cycle.
3. The City may issue review comments with each review cycle to correct any deficiencies with the plat, subdivision improvement plans, and related information, documents, and materials.
 - a. The City shall complete its review and shall issue review comments within the following timeframes:
 - i. For preliminary plats, final plats, and related application materials ~~preliminary subdivision improvement plans~~ for single-family, two-family, and townhome subdivisions that do not involve property within identified geological hazard areas, the City shall have fifteen (15) business days after receipt of the complete application or complete review response to complete its review and to issue review comments.
 - ii. For ~~final plats and final~~ subdivision improvement plans for single-family, two-family, and townhome subdivisions that do not involve property within identified geological hazard areas, the City shall have twenty (20) business days after receipt to complete its review and to issue review comments.
 - iii. For all other plats and subdivision improvement plans for all other subdivisions, the City shall have a reasonable timeframe to complete its review and to issue review comments.
 - b. Review comments issued by the City shall be specific, include citations to the law, ordinance, regulation, decision, standard, or specification justifying the review comment, and shall be compiled and logged into a single index of requested modifications for the application.
 - c. The City's failure to issue a review comment regarding a specific deficiency or defect of the ~~preliminary plat~~, subdivision improvement plans, ~~or related information, documents, and materials submitted by~~

~~the applicant~~ shall waive the City's right to require that the deficiency or defect be corrected, unless:

- i. The modification or correction required by the review comment is necessary to protect public health and safety or to enforce state or federal law;
 - ii. The modification or correction required by the review comment is necessitated by the applicant's review response or other adjustment to the ~~proposed subdivision plat, subdivision improvement plans, or related materials~~;
 - iii. The modification or correction required by the review comment is necessitated by the applicant's update to the proposed phasing of the development that adjusts the needed infrastructure; or
 - iv. The applicant does not submit ~~a revised~~ subdivision improvement plans in response to the City's review comments within twenty (20) business days after the City issued its review comments.
4. The applicant shall provide a complete review response in response to the City's review comments, consisting of revised plats, plans, information, documents, or materials together with a written explanation identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - a. The applicant's written explanation shall be comprehensive and specific, including citations to the relevant law, ordinance, regulation, decision, standard, or specification and including an index of requested revisions or additions for each required correction.
 - b. The applicant's failure to address a review comment shall render their review response incomplete. The review cycle is not complete, and the subsequent review cycle or action shall not begin until all review comments are addressed and the applicant submits a complete review response.
5. The City may not require more than four review cycles for the review of subdivision improvement plans, provided that the City may restart the review cycle process at the first review cycle, if the applicant makes a material change to a subdivision improvement plan set. Such restarted review cycle process shall apply only to the portion of the subdivision improvement plan set that the material change substantively affects.

5-4-303 Preliminary Plat - Application

1. After completing pre-application review, if applicable, the subdivider of a major subdivision shall file an application for preliminary plat approval with the Zoning Administrator on a form prescribed by the City and submit all information, documents, materials required by this Code and the City's application form and required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
2. The application form shall specify the requirements, information, documents, and materials required to be submitted in order for the preliminary plat application to be complete. At least the following information, documents, and materials shall be required as part of the application to be submitted by the subdivider:
 - a. A complete application form;
 - b. Owner's affidavit;
 - c. Project narrative;
 - d. Project data information;
 - e. Legal description of the property being subdivided;
 - f. ALTA survey;
 - g. Title report for the property being subdivided;
 - h. Sensitive lands submittals, in accordance with Chapter 8;
 - i. Preliminary plat, in accordance with Section 5-4-304;
 - j. Preliminary ~~subdivision improvement~~ phasing, utility, and connectivity plans, in accordance with Section 5-4-305;
 - k. Vicinity map indicating the exact location of the property and each other property within 1/2 mile of the property being subdivided;
 - l. Property ownership map and list of names and addresses of each owner of record of each other property within 500 feet of any portion of the property being subdivided, and pre-addressed and pre-stamped envelopes for each such owner;
 - m. All applicable fees.

3. The application form may be amended, added to, and updated by the City Administrator or designee as necessary to ensure that applicants are informed as to the requirements for an application to be complete and to ensure that the City can successfully evaluate each application for compliance with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
4. The applicant shall submit electronic and/or paper copies of the preliminary plat application and related materials in the form, method, size, and standard specified by the City.
5. The subdivider shall pay all application fee(s) as published in the Consolidated Fee Schedule for the preliminary plat application. These fees shall not be refunded or waived in the event the subdivider does not obtain approval of the preliminary plat or does not proceed with a final plat application.

5-4-305 Preliminary Plat – Preliminary Phasing, Utility, and Connectivity Improvement Plans

1. The purpose of the preliminary phasing, utility, and connectivity plans are to assist the subdivider and the City plan for the utility and connectivity requirements of the subdivision, the impacts on City utility and circulation systems, and how such connections and impacts will be managed through various phases of development. Preliminary phasing, utility, and connectivity plans are not required to be prepared as civil engineering plans or otherwise meet the standard for subdivision improvement plans.

~~1.2.~~ The preliminary ~~subdivision improvement~~ phasing, utility, and connectivity plans shall contain the plans, maps, details, designs, and information required by this Code, the City's application form, and as may be required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards, including the following:

a. Proposed construction and development phasing plan, including how the items described herein will be managed and connected through phases;

b. Locations of proposed ~~F~~fences and walls;

~~c.~~ Freestanding signage;

~~d.c.~~ Preliminary ~~Utility, service, and public infrastructure~~ facilities and improvements plans, including proposed connections to or extensions of existing facilities and improvements including fire hydrants, backflow prevention, water, sewer, stormwater, natural gas, telephone, energy, and telecommunication lines and extensions;

~~e.d.~~ Preliminary drainage plan, including descriptions of how the subdivision will manage drainage and stormwater, including impacts to existing storm drain facilities, and storm drain calculations, including existing and proposed drainage channels, ditches, water conveyance facilities, and retention/detention areas;

~~f.~~ Landscaping plan;

~~g.e.~~ Preliminary ~~G~~grading plan with topographic contours;

~~h.f.~~ Preliminary ~~C~~irculation plan showing streets, trails, sidewalks, and other vehicular and pedestrian circulation elements, with proposed cross-sections and other design considerations.

6-110 Assurances for Public Sidewalks

1. The regulations and procedures set forth in this chapter applicable to all performance guarantees and warranty assurances shall apply to performance guarantees and warranty assurances posted for public sidewalks, except as otherwise provided herein.
2. Performance guarantees for public sidewalks required to be constructed and installed in connection with a subdivision or other development may be posted separately from any other assurance required by this chapter.
3. The amount of such guarantees shall not be less than 120% of the estimated cost of the public sidewalks, for the following purposes:
 - a. 100% of the construction costs to cover the construction and installation of required improvements;
 - b. 10% to cover administrative costs incurred by the City to complete the public sidewalks; and
 - c. 10% to serve as the warranty assurance for the public sidewalks.
4. The City shall not declare a performance guarantee for a public sidewalk to be in default or redeem such a performance guarantee sooner than 18 months after the date the performance guarantee is posted.
5. The City shall not withhold a building permit for or prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement or an infrastructure improvement based on the lack of installation of a public sidewalk if a performance guarantee has been posted for the public sidewalk in accordance with this section.
6. The City shall not issue a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two family residence or town home is completed and accepted by the City.



CITY COUNCIL AGENDA REPORT

ITEM #3b

DATE: September 3, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Text Amendment: Building Permit Public Improvements
TYPE: Development Code Update (Legislative)

PURPOSE:

The City Council will hold a public hearing to consider amendments to the Highland City Development Code clarifying public improvement requirements for undeveloped lots.

STAFF RECOMMENDATION:

Staff recommends that the City Council hold a public hearing, consider the amendments, and ADOPT and APPROVE the proposed amendments related to public improvement requirements for non-conforming and undeveloped lots.

PRIOR COUNCIL DIRECTION:

No prior Council review specific to these amendment. On September 15, 2020, the Council adopted amendments to the City's Development Code related to nonconforming lots of record. Those amendments clarified that subdivision-type improvements are required for any nonconforming lot of record that has not been improved. However, the amendments did not address other related sections of the City code, leaving some room for uncertainty.

BACKGROUND:

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

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

PLANNING COMMISSION ACTION

The Planning Commission conducted a public hearing after due notice on August 27, 2024. The Commission discussed and were supportive of the proposed amendments. There were no public comments. The Commission voted 7-0 to recommend the proposed amendments as presented.

STAFF REVIEW

Staff has proposed the amendments in order to clarify requirements to obtain a building permit for undeveloped and nonconforming lots of record, in order to ensure that all new homes have and are served by appropriate City right-of-way and utility improvements.

PROPOSED FINDINGS

- The proposed amendments clarify and provide consistency in requirements for public improvements for undeveloped and nonconforming lots of record.

FISCAL IMPACT:

No anticipated fiscal impact.

MOTION:

I move that City Council ADOPT and APPROVE the proposed amendments to Chapters 10 and 11 of the Highland City Development Code.

ATTACHMENTS:

1. Proposed Ordinance - Building Permit Public Improvements

Highland City, Utah

ORDINANCE NO. 2024-_____

**AN ORDINANCE AMENDING HIGHLAND CITY DEVELOPMENT CODE TO
INCORPORATE CHANGES TO STATE LAW PURSUANT TO HOUSE BILL 476**

WHEREAS, Highland City is authorized to enact land use regulations that govern the use and development of property;

WHEREAS, Highland City has previously adopted regulations regarding xeriscape requirements for park strips, subdivision review and approval processes, and subdivision improvement and warranty assurances;

WHEREAS, the Utah State Legislature adopted HB 476 that affects the land use regulations previously adopted by Highland City

WHEREAS, a duly noticed public hearing was held by the Planning Commission regarding the proposed amendments described herein on August 27, 2024, after which hearing the Commission recommended adoption of certain amendments to the regulations;

WHEREAS, the Highland City Council provided notice of and conducted a public hearing regarding the proposed amendments and to review the recommendation of the Planning Commission on September 3, 2024;

WHEREAS, the Highland City Council desires to amend the Highland City Development Code to conform to the provisions and requirements of HB 476;

WHEREAS, the Highland City Council finds that the proposed amendments further the public welfare and are in the interest of the public.

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

SECTION 1. The Highland Development Code is amended as shown in Exhibit A, attached hereto.

SECTION 2. All ordinances and parts and provisions thereof in conflict with this ordinance are repealed to the extent of such conflict.

SECTION 3. The City Recorder, under the supervision of the City Administrator and City Attorney, may make non-substantive corrections to any portion of this resolution and to the personnel policies referenced herein for grammatical, typographical, numbering, and consistency purposes in accordance with the expressed intent of the City Council.

SECTION 4. This ordinance shall take effect immediately upon its adoption and publication, in accordance with law.

ADOPTED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this
_____ day of _____, 2024.

Mayor

ATTESTED:

City Recorder

COUNCILMEMBER	YES	NO
Brittney P. Bills		
Ron Campbell		
Doug Cortney		
Kim Rodela		
Scott L. Smith		

Exhibit A
Amendments to Highland Development Code

3-621 Park Or Planter Strips

All park strip areas, the area between the sidewalk and the curb, shall be landscaped and maintained by the property owner directly adjacent to that sidewalk using Xeriscape or water-wise methods as defined in Chapter 10 Definitions. Lawn shall not be installed in park strips.

1. Vegetation such as grasses, flowers, ground covers and shrubs shall not exceed 22-inches in height. Vegetation shall not include weeds identified on the State of Utah Department of Agriculture and Food Designated Noxious Weed List for Colorado (CO), Idaho (ID), Kansas (KS), Montana (MT), Nebraska (NE), North Dakota (ND), South Dakota (SD), Utah (UT), Wyoming (WY) but may include approved drought tolerant plants.
2. The park strip may be covered with non-living material such as wood chips or decorative landscaping rocks (rock diameter of one inch minimum and six inches maximum) if commonly practiced xeriscape landscaping procedures are followed.
3. Trees planted in the park strip may be separated by non-living materials only if a water source is available at each tree (not from a hose, or above ground sprinkler).
4. Only trees from the city approved Class I Trees list may be planted within a park strip. See Section 2.36.160(J) Tree Class Divisions in the Highland City Municipal Code for the permitted Class I trees.
- 4.5. The seller of a newly constructed residence shall inform the first buyer of the residence of the water wise and xeriscaping requirements for park strips.

5-4-102 Review Cycle Process For Plat Applications

1. For each complete subdivision application, the City shall review the subdivision plat, subdivision improvement plans, and other application materials through the review cycle process forth in this Section and Utah Code section 10-9a-604.2 to ensure compliance with all requirements of this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
2. A review cycle begins with the City's receipt of either a complete application for a new application or a complete review response submitted as part of a prior review cycle.
3. The City may issue review comments with each review cycle to correct any deficiencies with the plat, subdivision improvement plans, and related information, documents, and materials.
 - a. The City shall complete its review and shall issue review comments within the following timeframes:
 - i. For preliminary plats, final plats, and related application materials ~~preliminary subdivision improvement plans~~ for single-family, two-family, and townhome subdivisions that do not involve property within identified geological hazard areas, the City shall have fifteen (15) business days after receipt of the complete application or complete review response to complete its review and to issue review comments.
 - ii. For ~~final plats and final~~ subdivision improvement plans for single-family, two-family, and townhome subdivisions that do not involve property within identified geological hazard areas, the City shall have twenty (20) business days after receipt to complete its review and to issue review comments.
 - iii. For all other plats and subdivision improvement plans for all other subdivisions, the City shall have a reasonable timeframe to complete its review and to issue review comments.
 - b. Review comments issued by the City shall be specific, include citations to the law, ordinance, regulation, decision, standard, or specification justifying the review comment, and shall be compiled and logged into a single index of requested modifications for the application.
 - c. The City's failure to issue a review comment regarding a specific deficiency or defect of the ~~preliminary plat~~, subdivision improvement plans, ~~or related information, documents, and materials submitted by~~

~~the applicant~~ shall waive the City's right to require that the deficiency or defect be corrected, unless:

- i. The modification or correction required by the review comment is necessary to protect public health and safety or to enforce state or federal law;
 - ii. The modification or correction required by the review comment is necessitated by the applicant's review response or other adjustment to the ~~proposed subdivision plat,~~ subdivision improvement plans, ~~or related materials;~~
 - iii. The modification or correction required by the review comment is necessitated by the applicant's update to the proposed phasing of the development that adjusts the needed infrastructure; or
 - iv. The applicant does not submit ~~a revised~~ subdivision improvement plans in response to the City's review comments within twenty (20) business days after the City issued its review comments.
4. The applicant shall provide a complete review response in response to the City's review comments, consisting of revised plats, plans, information, documents, or materials together with a written explanation identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - a. The applicant's written explanation shall be comprehensive and specific, including citations to the relevant law, ordinance, regulation, decision, standard, or specification and including an index of requested revisions or additions for each required correction.
 - b. The applicant's failure to address a review comment shall render their review response incomplete. The review cycle is not complete, and the subsequent review cycle or action shall not begin until all review comments are addressed and the applicant submits a complete review response.
5. The City may not require more than four review cycles for the review of subdivision improvement plans, provided that the City may restart the review cycle process at the first review cycle, if the applicant makes a material change to a subdivision improvement plan set. Such restarted review cycle process shall apply only to the portion of the subdivision improvement plan set that the material change substantively affects.

5-4-303 Preliminary Plat - Application

1. After completing pre-application review, if applicable, the subdivider of a major subdivision shall file an application for preliminary plat approval with the Zoning Administrator on a form prescribed by the City and submit all information, documents, materials required by this Code and the City's application form and required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
2. The application form shall specify the requirements, information, documents, and materials required to be submitted in order for the preliminary plat application to be complete. At least the following information, documents, and materials shall be required as part of the application to be submitted by the subdivider:
 - a. A complete application form;
 - b. Owner's affidavit;
 - c. Project narrative;
 - d. Project data information;
 - e. Legal description of the property being subdivided;
 - f. ALTA survey;
 - g. Title report for the property being subdivided;
 - h. Sensitive lands submittals, in accordance with Chapter 8;
 - i. Preliminary plat, in accordance with Section 5-4-304;
 - j. Preliminary ~~subdivision improvement~~ phasing, utility, and connectivity plans, in accordance with Section 5-4-305;
 - k. Vicinity map indicating the exact location of the property and each other property within 1/2 mile of the property being subdivided;
 - l. Property ownership map and list of names and addresses of each owner of record of each other property within 500 feet of any portion of the property being subdivided, and pre-addressed and pre-stamped envelopes for each such owner;
 - m. All applicable fees.

3. The application form may be amended, added to, and updated by the City Administrator or designee as necessary to ensure that applicants are informed as to the requirements for an application to be complete and to ensure that the City can successfully evaluate each application for compliance with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.
4. The applicant shall submit electronic and/or paper copies of the preliminary plat application and related materials in the form, method, size, and standard specified by the City.
5. The subdivider shall pay all application fee(s) as published in the Consolidated Fee Schedule for the preliminary plat application. These fees shall not be refunded or waived in the event the subdivider does not obtain approval of the preliminary plat or does not proceed with a final plat application.

5-4-305 Preliminary Plat – Preliminary Phasing, Utility, and Connectivity Improvement Plans

1. The purpose of the preliminary phasing, utility, and connectivity plans are to assist the subdivider and the City plan for the utility and connectivity requirements of the subdivision, the impacts on City utility and circulation systems, and how such connections and impacts will be managed through various phases of development. Preliminary phasing, utility, and connectivity plans are not required to be prepared as civil engineering plans or otherwise meet the standard for subdivision improvement plans.

~~1.2.~~ The preliminary ~~subdivision improvement~~ phasing, utility, and connectivity plans shall contain the plans, maps, details, designs, and information required by this Code, the City's application form, and as may be required to ensure the subdivision complies with this Chapter and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards, including the following:

a. Proposed construction and development phasing plan, including how the items described herein will be managed and connected through phases;

b. Locations of proposed ~~F~~fences and walls;

~~c.~~ Freestanding signage;

~~d.c.~~ Preliminary ~~Utility, service, and public infrastructure~~ facilities and improvements plans, including proposed connections to or extensions of existing facilities and improvements including fire hydrants, backflow prevention, water, sewer, stormwater, natural gas, telephone, energy, and telecommunication lines and extensions;

~~e.d.~~ Preliminary drainage plan, including descriptions of how the subdivision will manage drainage and stormwater, including impacts to existing storm drain facilities, and storm drain calculations, including existing and proposed drainage channels, ditches, water conveyance facilities, and retention/detention areas;

~~f.~~ Landscaping plan;

~~g.e.~~ Preliminary ~~G~~grading plan with topographic contours;

~~h.f.~~ Preliminary ~~C~~irculation plan showing streets, trails, sidewalks, and other vehicular and pedestrian circulation elements, with proposed cross-sections and other design considerations.

6-110 Assurances for Public Sidewalks

1. The regulations and procedures set forth in this chapter applicable to all performance guarantees and warranty assurances shall apply to performance guarantees and warranty assurances posted for public sidewalks, except as otherwise provided herein.
2. Performance guarantees for public sidewalks required to be constructed and installed in connection with a subdivision or other development may be posted separately from any other assurance required by this chapter.
3. The amount of such guarantees shall not be less than 120% of the estimated cost of the public sidewalks, for the following purposes:
 - a. 100% of the construction costs to cover the construction and installation of required improvements;
 - b. 10% to cover administrative costs incurred by the City to complete the public sidewalks; and
 - c. 10% to serve as the warranty assurance for the public sidewalks.
4. The City shall not declare a performance guarantee for a public sidewalk to be in default or redeem such a performance guarantee sooner than 18 months after the date the performance guarantee is posted.
5. The City shall not withhold a building permit for or prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement or an infrastructure improvement based on the lack of installation of a public sidewalk if a performance guarantee has been posted for the public sidewalk in accordance with this section.
6. The City shall not issue a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two family residence or town home is completed and accepted by the City.



CITY COUNCIL AGENDA REPORT

ITEM #3c

DATE: September 3, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Site Plan Engineering and Civil Plan Fees
TYPE: General City Management

PURPOSE:

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

STAFF RECOMMENDATION:

Staff recommends that the City Council APPROVE and ADOPT the resolution imposing a \$2,250 fee for site plan engineering and civil plan review.

PRIOR COUNCIL DIRECTION:

On June 18, 2024, the City Council recently updated and amended the City's general fee schedule. The site plan fee proposed to be adopted here was not included on that list as staff did not realize, at the time, that the City was not charging any fees for engineering review of site plans.

BACKGROUND:

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

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

For comparison, the City charges the following fees for subdivision plans:

- Preliminary plat (1-10 lots): Staff (2 reviews) - \$795, Engineering (2 reviews) - \$2,250
- Final plat: Staff (2 reviews) - \$779, Engineering (2 reviews) - \$450 (most of the engineering with final plats is part of civil plan review)
- Civil Plan Review (1-10 lots): Staff (2 reviews) - \$1,156, Engineer (2 reviews) \$2,938

Engineering costs increase as the number of lots within a plat increase. Staff has recommended adopting

the same fee as engineering for a 1-10 lot preliminary plat as the baseline fee. This fee will cover two reviews of engineering plans for a site plan, after which additional fees would be required.

FISCAL IMPACT:

The adoption of this fee will generate additional revenue for the City that will help offset the City's costs to provide required site plan reviews.

MOTION:

I move that City Council APPROVE and ADOPT the resolution imposing a \$2,250 fee for site plan engineering and civil plan review.

ATTACHMENTS:

1. Resolution - Fee Schedule Amendment

Highland City, Utah

RESOLUTION NO. 2024-_____

**A RESOLUTION ADOPTING A FEE FOR SITE PLAN ENGINEERING AND CIVIL
PLAN REVIEW**

WHEREAS, Highland City is authorized to adopt land use application fees that covers the City's reasonable costs of processing and reviewing applications in accordance with Utah Code § 10-9a-510;

WHEREAS, Highland City has previously adopted fees related to site plan application to cover the City's cost of providing planning and zoning review of site plans, but such fees do not cover the cost to the City to review engineering and civil plans associated with such site plans;

WHEREAS, Highland City Council desires to adopt a site plan engineering review fee to cover the City's reasonable cost of reviewing engineering and civil plans associated with site plans

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

1. The City Council hereby imposes a fee of \$2,250.00 for site plan engineering and civil plan review. Such fee is to be added to the City's general fee schedule.
2. Nothing herein shall repeal or supersede any other fee or charge imposed by the City.
3. This resolution shall take effect immediately upon adoption.

RESOLVED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this _____ day of _____, 2024.

Mayor

ATTESTED:

City Recorder

COUNCILMEMBER	YES	NO
Brittney P. Bills		
Ron Campbell		
Doug Cortney		
Kim Rodela		
Scott L. Smith		



CITY COUNCIL AGENDA REPORT

ITEM #4a

DATE: September 3, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Jeff Murdoch, Assistant Public Works Director
SUBJECT: Sewer Bypass Pump and Camera Purchase
TYPE: General City Management

PURPOSE:

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

STAFF RECOMMENDATION:

Staff recommends the approval of the purchase of a Sewer Inspection Camera from Dawson Infrastructure Solutions and a Xylem (Dri-prime SD150M Diesel Pump) Bypass Pump for use in our Sewer and Storm Drain systems.

PRIOR COUNCIL DIRECTION:

City Council approved the annual city budget for FY2025 which included these expenditures in the Sewer Capital Equipment Purchases and Storm Water System Repairs and Maintenance.

BACKGROUND:

The Bypass Pump from Xylem (Dri-prime SD150M Diesel Pump) would serve as a critical backup tool in several scenarios. If a lift station goes down, the bypass pump can take over the job of moving wastewater with the proper connections, preventing backups and overflows that could lead to environmental damage and costly repairs. During heavy rainfall like we recently experienced, the bypass pump can be deployed to manage the increased flow of water, helping to prevent backups in the system that could otherwise overwhelm our infrastructure and potentially lead to backups in homes. With the bypass pump on hand, our team can quickly respond to emergencies, reducing the risk of service interruptions for residents and businesses. This proactive approach helps maintain public trust and minimizes the impact of infrastructure failures. The bypass pump can be used in various locations across the city, making it a versatile tool for managing both planned maintenance and unexpected emergencies.

Currently, Highland City relies on TSSD for our sewer main line camera inspection reports. Due to their heavy demand from other communities and limited resources, we usually only get one day a month with them to come out and camera our sewer lines. If we need something sooner, we usually have to hire an outside firm to have it done.

In addition, the camera can be used to inspect storm drain lines that can be plugged with various debris.

With owning our own camera, our team will have the ability to conduct more thorough inspections of lateral connections, which are crucial for maintaining the integrity of our city's sewer system. We will be able to add GSI data directly into our mapping system to have exact locations and enhance our

infrastructure management and planning capabilities. We can expand our operations to include the mapping of storm drain lines, providing a more comprehensive understanding of our city's underground utilities. This new camera could significantly improve our team's efficiency, reduce dependency on external services, and offer long-term cost savings by enhancing our mapping and inspection capabilities.

Combining the new camera with the bypass pump would significantly enhance our teams' ability to manage and maintain the city's systems. It would reduce reliance on external services, improve response times during critical situations, and provide greater control over our infrastructure. This investment could ultimately lead to long-term savings and better service for the community.

In soliciting bids for camera options, staff received proposals from Dawson Infrastructure Solutions for \$92,632 and Owen Equipment for \$124,324. After researching both cameras, staff feels the Dawson camera is the best selection.

In soliciting bids for bypass bumps, Xylem was the only responsive company and gave us three different pump options as shown on their proposal. After researching the options, staff feels like the Dri-Prime SD150M Diesel Pump model priced at \$31,347 and circled on their proposal is the best option.

FISCAL IMPACT:

The cost of the purchase of the Bypass pump would be \$31,347.00 Funding for this expense is included within the FY 2024/2025 budget as follows:

- \$31,347.00 in 52-40-59 Sewer Capital Equipment Purchases.

The cost of the purchase of the inspection camera would be \$92,632.87. Funding for this expense is included within the FY2024/2025 budget as follows:

- \$46,316.44 in 52-40-59 Sewer Capital Equipment Purchases; and
- \$46,316.43 in 54-40-41 Storm Water System Repairs & Maintenance.

MOTION:

I move that City Council Approve the purchases of a Bypass Pump in the amount of \$31,347.00, and a Sewer Inspection Camera in the amount of \$92,632.87. And Authorize the City Administrator to sign the purchase contracts.

ATTACHMENTS:

1. Dawson Camera Quote
2. Owen Camera Quote
3. Bypass Pump Quote
4. Bypass Pump Literature



Experts in Environmental & Inspection Equipment Solutions

Dawson Infrastructure Solutions

(303) 632-8236
dawsonis.com

Estimate

Page 1 of 3

Date 8/8/2024

Estimate # Q21622

Expires 9/7/2024

Terms Net 30

Shipping Method Best Way

Sales Order #

Bill To

Highland City, UT
5400 W Civic Center Dr
Highland City UT 84003
United States

Qty	Description	Info Link
1	T66.1 Camera Tractor * For camera operation in pipelines 4" and larger * Zero turn radius, full steering with ATC (Automatic Tilt Compensation) * Incl. test adapter, tool set and lowering claw * Includes 4", 6" and 8" wheelsets * REQUIRES New 1.1, 2.1 or 5.1 Camera Connection (Sold Separately)	https://rapidview.com/products/t66-camera-tr...
1	Additional Weight for T66 *For 6" and up *Light and heavy weights included *Additional Weight = additional traction = greater distance	
1	Camera Connection Type 2.1 (HD) for T66.1HD with Non-HD Camera	
1	CC Electric Lift HD for T66.1 HD	
1	BP100 Control Console - High resoution 10" touch display (IP43) and 2 joysticks - Integrated Windows 10 PC - 2x USB 3.0 Ports - IBAK Recorder software for recording and playback of videos and pictures. - Includes (2) hand rests, mounted on controller - Software by 3rd party software manufacturers under preparation.	

Dawson Infrastructure Solutions

(303) 632-8236

dawsonis.com

Qty	Description	Info Link
1	KW 306 Cable Drum with Boom * Powered cable drum for up to 1000 ft. / 300m of cable * Automatic level wind * Includes boom which can be mounted or used on mobile rack	
1	KW306 CAMERA CABLE TYPE 524/11 1000 FEET * Terminated with connector for KW306 Reels * High strength, 2000lb. pull, Kevlar reinforced	
1	Mobile Rack for KW306 Type 3 -Mount KW306 inside protective frame - Large wheels for moving over uneven surfaces -Designed for use with V8047004 Cable Reel + Boom -Integrated seat and mount for BP100	
1	Cable Deflection Pulley KUV 2.7 with rope and holder	https://rapidview.com/products/downhole-roll...
1	High-Traction Tungsten Carbide Wheels for 5" and up	
1	Treaded Wheel set for 6" pipe for T66 / 8" for PANORAMO 150 (SOFT)	
1	High-Traction Tungsten Carbide Wheels for 8" and up	
1	Pneumatic Wheels and Adapters for KRA65 Tractor Carriage	
1	ORION Zoom PAN & TILT CAMERA * Pan, Tilt and Zoom (3x digital) camera for 4" and up pipelines * May be used on tractor or pushrod * Auto-focus, Auto-uprighting, LED Lighting and 33 kHz Transmitter for locate * New wide angle of view = 90°	https://rapidview.com/products/orion-l-zoom/
1	BOP100 Truck mount with emergency switch	
1	Pressure Test Set	

Dawson Infrastructure Solutions

(303) 632-8236
dawsonis.com

Qty	Description	Info Link
1	On-Site Training	

Subtotal
Shipping Cost (Best Way)
Total

90,132.87
2,500.00
\$92,632.87





Owen Equipment Company
 1220 South Legacy View Street
 Salt Lake City, UT 84104
 Phone: 801-975-0400
 Fax: 801-975-7567
 www.owenequipment.com

QUOTATION

Quote ID: TJV0000201-2

Page 1 of 2

2018
Customer: HIGHLAND CITY
 5400 WEST CIVIC CENTER DRIVE
 HIGHLAND, UT 84003

Quote Number: TJV0000201-2
Quote Date: 4/1/2024
Quote valid until: 5/1/2024

Contact: TREVER AFTON
Phone: 385-497-9133

Salesperson: TRAVIS VALLEJO

QUANTITY		DESCRIPTION	UNIT PRICE	AMOUNT
1	EA	CUES C550 FLEXITRAX LPP (Large Platinum Package) 2.25"-36" Multiple Pipe Options Powered Drum with 1000' cable with Swivel P354 Crawler Assy. P356 Crawler Assy. Command Module (Also Used for CUES C542 Push Camera System) Pan/Tilt camera Pan/Tilt Zoom Camera Down Hook and Strap Down Hole set Includes: Top / Bottom roller, rope, poles Large Elevator Powered Fixed Elevator Medium Wheel set x4 Dual Large Pneumatic Wheel set with spacers 3" Intermediate Wheel set with adaptors 3" & 4" PVC Wheels set with adaptors 5m Link Cable Pendant Controller 8W Light Head Steering Capability Accupoint Locator C550 CABLE BLANKING TOW EYE C542 2" Pushrod Camera System 200' mini system 2.25" – 6" Pipe Capabilities	\$118,500.00	\$118,500.00
1	EA	CUES TRAINING FOR SPPG, ON SITE FOR 2 DAYS	\$2,925.00	\$2,925.00
1	EA	QB306 CUES FRONT MOUNT WITH DROP DOWN ARM/FAIRLEAD ROLLERS	\$1,811.85	\$1,811.85
1	EA	QB082 CUES REAR SUPPORT FOR C550 CCTV SYSTEM	\$906.27	\$906.27
1	EA	04/VT3048N3 CUES DESKTOP MOUNT SPIKE FOR C550 COMMAND MODULE	\$181.22	\$181.22
Quote Total:				\$124,324.34

- ◆ Pricing Valid 30 days from the date of this quotation.
- ◆ Pricing subject to change pending availability of the chassis.
- ◆ Price does not include chassis or equipment modifications that may be necessary due to unforeseen compatibility issues. Customer will be contacted for approval before any modifications are made.
- ◆ Paint, if applicable, will be matched as closely as possible. An exact match cannot be guaranteed.
- ◆ Terms are Due Upon Receipt unless prior credit arrangements are made at the time of order.
- ◆ Please note if chassis is furnished, it is as a convenience and terms are Net Due on Receipt of Chassis
- ◆ Quote may not include all applicable Federal Excise Tax, Sales Tax or Delivery Fees.



Owen Equipment Company
1220 South Legacy View Street
Salt Lake City, UT 84104
Phone: 801-975-0400
Fax: 801-975-7567
www.owenequipment.com

QUOTATION

Quote ID: TJV0000201-2

Page 2 of 2

Customer must fill out the information below before the order can be processed...

Accepted by:	
Date:	
P.O. number:	

Notes: Quoted price does not include shipping charges.

Estimates freight charge on this order is between \$175 - \$250

Please feel free to contact me anytime with any questions or if you need anything else.

Thank you,

Travis Vallejo
801-414-0109

SALE QUOTATION

ITEM	QTY	DESCRIPTION	UNIT PRICE	SALE TOTAL
A	1	Dri-Prime SD150M Diesel Pump • 6" 150# Flange Suction and Discharge • 260mm Trimmed Impeller • Isuzu 4LE2T T4 Diesel Engine • Includes PV380 Engine Controller • GP60 Highway Trailer, 60 Gal Fuel Tank	\$ 31,347.00	\$ 31,347.00
B	1	PG2 Controller, Deere T2, 3-T4 Electronic	634.58	634.58
C	1	Dri-Prime SD150M Critically • Silenced Sound Attenuated Enclosure • 6" 150# Flange Suction and Discharge • 260mm Imp, Isuzu 4LE2T FT4 PV380 Engine • Global Series 6 Skid-mounted, • Spill Containment, 110% Fuel Containment	38,259.75	38,259.75
D	1	Dri-Prime CD150S Diesel Pump • 6" 150# Flange Suction and Discharge • Isuzu 4LE2X FT4 Diesel Engine • with Field Smart Technology • Road Going Trailer, Elec Brakes- 3" Pintle • Lights - DOT Standard	45,257.25	45,257.25
E	1	Global Series 6 Trailer Kit • with Bolt on Tongue, Fenders, • Axle with Electric Brakes, • and Wiring Harness • Fits N32-10374	4,418.25	4,418.25

THE PRICE PROVIDED IS BASED UPON XYLEM'S REVIEW OF THE APPLICABLE PLAN DRAWINGS AND RELEVANT TECHNICAL SPECIFICATION SECTIONS BEARING ON THE EQUIPMENT DESCRIBED IN THIS QUOTATION. SUBMISSION OF THIS QUOTATION SHOULD NOT BE MISCONSTRUED AS XYLEM'S ACCEPTANCE OF ANY OTHER PROVISIONS OF THE PRIME CONTRACT BETWEEN CONTRACTOR AND PROJECT OWNER (HOWSOEVER REFERENCED) AND ATTEMPTS IN ANY SUBSEQUENT SUBCONTRACT TO BIND XYLEM TO SUCH OWNER DOCUMENTS ARE HEREBY REJECTED AND SHALL BE OF NO FORCE AND EFFECT, IRRESPECTIVE OF ANYTHING STATED ELSEWHERE TO THE CONTRARY.

Please note all sale pricing is in U.S. Dollars. The price does not include freight, export boxing, duties, taxes, or any other items not specifically mentioned.

This pricing information is for internal use only. We ask that these items and terms be kept confidential. All applicable tax and freight charges will be added to invoices. All quotations are subject to credit approval. All quotations are valid for 30 days. All prices quoted in US dollars.

This order is subject to the Standard Terms and Conditions of Sale - Xylem Americas effective on the date the order is accepted which terms are available at <https://www.xylem.com/en-US/support/xylem-americas-standard-terms-and-conditions/> and incorporated herein by reference and made a part of the agreement between the parties.

SALE QUOTATION

ITEM	QTY	DESCRIPTION	UNIT PRICE	SALE TOTAL
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Our current delivery lead-times associated with this Quotation are best estimates at this time. Due to the outbreak of the COVID-19 virus pandemic and its global effects on commerce, supply chain, and logistics, these lead-times are an estimate only and not a commitment. Xylem is and will continue to use all commercially reasonable efforts to minimize any delivery delay impacts.

A signed copy of this Quotation is acceptable as a binding contract.

Signature:	Name:
Company/Utility:	(PLEASE PRINT)
Address:	Reference #:
	Date:
	Phone:
	Email:
	Fax:

NET SALE TOTAL

\$ 119,916.83

THE PRICE PROVIDED IS BASED UPON XYLEM'S REVIEW OF THE APPLICABLE PLAN DRAWINGS AND RELEVANT TECHNICAL SPECIFICATION SECTIONS BEARING ON THE EQUIPMENT DESCRIBED IN THIS QUOTATION. SUBMISSION OF THIS QUOTATION SHOULD NOT BE MISCONSTRUED AS XYLEM'S ACCEPTANCE OF ANY OTHER PROVISIONS OF THE PRIME CONTRACT BETWEEN CONTRACTOR AND PROJECT OWNER (HOWSOEVER REFERENCED) AND ATTEMPTS IN ANY SUBSEQUENT SUBCONTRACT TO BIND XYLEM TO SUCH OWNER DOCUMENTS ARE HEREBY REJECTED AND SHALL BE OF NO FORCE AND EFFECT, IRRESPECTIVE OF ANYTHING STATED ELSEWHERE TO THE CONTRARY.

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Godwin CD150S Dri-Prime® Pump



The Godwin CD150S Dri-Prime pump is a versatile, general purpose dewatering pump designed for use in the industry's most challenging construction, municipal, industrial and emergency response applications. This rugged pump is ideally suited for tough dewatering jobs, and is the reliable choice for rental solutions.

The CD150S is a member of the Godwin S Series of Smart pumps, equipped with a new generation of Field Smart Technology (FST) for remote monitoring and control. In addition to improved hydraulic efficiency, greater fuel economy, and streamlined serviceability, the CD impeller is now interchangeable with a Flygt N-Technology non-clog impeller, providing the flexibility to tackle stringy, modern wastewater applications with the same pump.

Specifications

Suction connection	6 in (150 mm) flange
Delivery connection	6 in (150 mm) flange
Max capacity	2290 USGPM (520 m ³ /hr) †
Max impeller diameter	11.8 in (300 mm)
Max solids handling	3 in (75 mm)
Max operating temp	176 °F (80°C) *
Max working pressure	91 psi (6.3 bar)
Max suction pressure	58 psi (4 bar)
Max casing pressure	138 psi (9.5 bar)
Max operating speed	2200 rpm

* Please contact our office for applications in excess of 80°C (176°F).
† Larger diameter pipes may be required for maximum flows.

Features and benefits

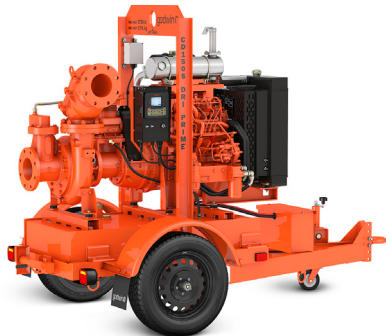
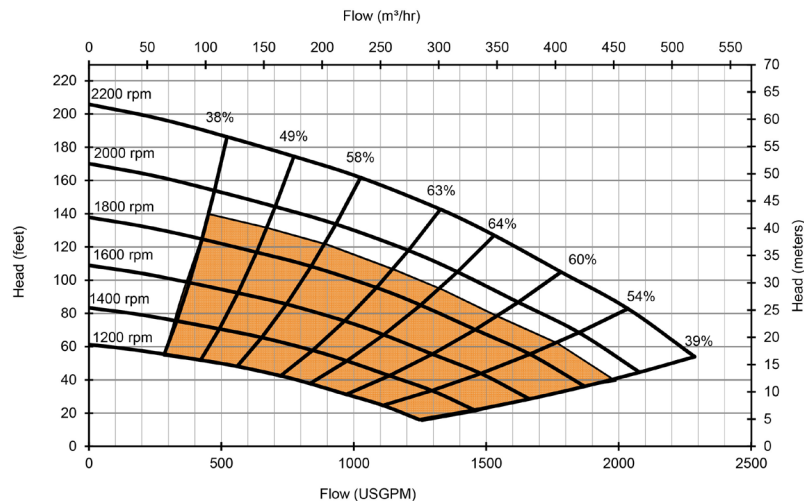
- Interchangeable impellers to tackle a full range of solids handling applications.
- Field Smart Technology (FST) allows the user to monitor & control the pump from anywhere in the world.
- New compressor belt tensioner reduces time to change and adjust belt to approximately 30 minutes.
- New sight glass and measuring stick added to monitor level and quality of mechanical seal oil.
- Improved hydraulic design reduces vibration, maximizes efficiency and fuel economy.
- Diesel Oxidative Catalyst (DOC) technology maximizes available power from diesel engine, and reduces maintenance and downtime.
- Fully automatic priming from dry to 28 feet (8.5 m).
- Venturi priming requires no adjustment or control.
- Available as open set or Sound Attenuated Enclosure.
- Standard build engine Isuzu 4LE2X (EPA Final Tier 4).
- Other engine options available.
- Optional environmentally friendly skid base contains all fluid spills.

godwin 
a xylem brand

Godwin CD150S Dri-Prime® Pump

Performance curve

Pump curve is based on 0ft (0m) dynamic suction lift.



Materials

Pump casing	Cast Iron BS EN 1561/EN-JL1030
Wearplates	Cast Iron BS1561:1997
Pump shaft	Carbon steel BS970:1991 817M40T
Impeller	Cast Steel BS3100 A5 Hardness to 200 HB Brinell
Mechanical seal faces	Silicon carbide Vs Silicon carbide



Xylem Dewatering Solutions
84 Floodgate Rd.
Bridgeport, NJ 0814 United States
Tel (856) 467-3636
Fax (856) 467-4841
www.xylem.com/godwin

Suction lift table 1800 rpm

Performance data provided in tables is based on water tests at sea level and 20°C (68°F) ambient. All information is approximate and for general guidance only. Please contact the factory or office for further details.

Total suction Head (feet)	Total Delivery Head (feet)				
	30	43	56	69	82
	Output (USGPM)				
10	1852	1710	1520	1314	1140
15	1789	1646	1441	1251	1061
20	1741	1567	1361	1172	934
25	1678	1425	1251	1061	823

Open trailer

Fuel capacity 60 US Gal (227 liters)

Weight dry 2750 lb (1250 kg)

Weight wet 3170 lb (1440 kg)

Dimensions L 119 in x W 66 in x H 87 in
(L 3023 mm x W 1676 mm x H 2210 mm)

Sound attenuated enclosure

Noise @ 23 ft (7m) 66 db(A)

Fuel capacity 80 US Gal (303 liters)

Weight dry 3100 lb (1410 kg)

Weight wet 3680 lb (1670 kg)

Dimensions L 101 in x W 43 in x H 70 in
L 2565 mm x W 1092 mm x H 1778 mm

Engine

Engine Isuzu 4LE2X

Engine power 62 hp (46.2 kW) max engine rating

Emissions standard EPA Final Tier 4

Fuel consumption @ 1800 rpm 2.6 USGal/hr (10 l/hr)

Please contact the factory or office for further details. A typical picture of the pump is shown. All information is approximate and for general guidance only.

Specifications and illustrations are subject to revision without notice. Xylem makes no representation regarding the completeness or accuracy of this information and is not liable for any direct or indirect damages arising from or relating to this information or its use.

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