



HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, August 17, 2021

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

VIRTUAL PARTICIPATION

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

 Zoom: Call 1-346-248-7799 Meeting ID: 869 3853 9139

 Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann

Invocation – Council Member Kurt Ostler

Pledge of Allegiance – Council Member Timothy A. Ball

1. UNSCHEDULED PUBLIC APPEARANCES

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

2. PRESENTATIONS

a. Youth City Council

A Youth City Council representative will give a presentation of Youth City Council events, specifically their participation in the Highland Fling.

3. CONSENT ITEMS (5 minutes)

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

a. Approval of Meeting Minutes *Administrative* Regular City Council Meeting – July 20, 2021

b. Planning Commission Appointment: Tyler Standifird *Administrative* The City Council will consider the Mayor's request to ratify the appointment of Tyler Standifird to the Planning Commission. The City Council will take appropriate action.

c. Final Plat: Sunrise Farms Plat A *Administrative* The City Council will consider a request by Patterson Development for Final Plat approval for Sunrise Farms Plat A, a proposed 10-lot single family subdivision located at approximately 11241 N 6000 W. The City Council will take appropriate action.

- d. **Resolution: Stormwater Pollution Prevention Plan (SWPPP) Fees** *Legislative*
The City Council will consider a request to amend the fees for Stormwater Pollution Prevention Plan (SWPPP) Plan Review and Inspections. The City Council will take appropriate action.

4. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - GUARANTEE OF PERFORMANCE *Legislative*

The City Council will hold a public hearing to consider a request by Highland City Staff to amend several sections in Chapter 6 Guarantee of Performance in the Development Code to be consistent with Section 10-9a-604.5 in Utah State Code. The City Council will take appropriate action.

5. PURCHASE CONTRACT: DIGITAL RADAR SPEED SIGN & TRAILER *Administrative*

The City Council will consider a purchase contract for a digital radar speed sign and trailer. The City Council will take appropriate action.

6. ACTION: MITCHELL HOLLOW TRAIL IN THE HOLLOWS SUBDIVISION *Administrative*

The City Council will consider a request to fund the Mitchell Hollow Trail in the Hollows Subdivision. The City Council will take appropriate action.

7. DISCUSSION: AMERICAN RESCUE PLAN ACT (ARPA) FUNDING *Administrative*

Staff is requesting that the City Council review American Rescue Plan Act (ARPA) funding and its allocation, including the potential to receive matching funds from the State of Utah. This item is being presented for discussion and direction only.

8. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

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

a. **Run Club** – Mayor Rod Mann & Council Member Kim Rodela

b. Future Meetings

- August 24, Board of Canvassers Meeting, 6:00 pm, City Hall
- August 24, Planning Commission Meeting, 7:00 pm, City Hall
- September 7, City Council Meeting, 7:00 pm, City Hall
- September 8, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- September 21, City Council Meeting, 7:00 pm, City Hall
- September 28, Planning Commission Meeting, 7:00 pm, City Hall

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 via telephone, Skype, or other electronic means 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, at the Lone Peak Fire Station and Lone Peak Police Station, 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 12th day of August, 2021.

Stephannie Cottle, City Recorder

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



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, July 20, 2021

Waiting Formal Approval

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

VIRTUAL PARTICIPATION

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

 Zoom: Call 1-346-248-7799 Meeting ID: 884 0709 5655

 Email comments prior to meeting: council@highlandCity.org

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS

PRESENT: Timothy A. Ball, Brittney P. Bills, Kurt Ostler, Kim Rodela, Scott L. Smith

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Planner & GIS Analyst Kellie Smith, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, City Engineer Andy Spencer, Fire Chief Brian Patten, Police Chief Brian Gwilliam, Park Superintendent Josh Castleberry, PI Water Superintendent Jeff Murdoch

OTHERS PRESENT: Jon Hart, Adam Swerdlow, Shaylene Swerdlow, Craig Shields, Kim Bahr, Addyson Bahr, Keri Bushman, Kendall Bushman, Jenifer Kidd, Madalyn Kidd, Lynn Ritchie, Kathy Harding, Peter Kilger, Wesley Warren, Jarrod Bagley, Xaela Walden, Brian Wolfensberger

7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann

Invocation – Council Member Kim Rodela

Pledge of Allegiance – Addyson Bahr

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

1. UNSCHEDULED PUBLIC APPEARANCES

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

Keri Bushman said that she and her husband had learned in May that they could petition the City to purchase open space behind their home. At the time they had a discussion and meeting with their neighbors. She said that in talking with their neighbors they had decided that they would postpone their petition to purchase the land until May of 2022. She said that shortly after the period to petition ended, their pressurized irrigation system failed, resulting in damage to their yard. Because of this, they were hoping that the City would hear their petition this year so that they could take care of their landscaping. They have experienced flooding with the irrigation canal and problems keeping grass and sprinkler system. In this process, she wanted to make sure that her neighbors were taken care of because they were also having issues with the walking space.

Kendall Bushman clarified that the American Fork irrigation ditch was just north of their property. He said that when the properties north of them were undeveloped, they had a number of issues with spring runoff and the ditch flooding. There were three incidents when their underground trampoline ended up becoming a retention pond. During one flood, their neighbors woke them up because their entire backyard was underwater. He referenced a picture of the drop off between the walking trail and their yard and noted that at one point in time the two surfaces had been level, but that much of their topsoil had washed away. Because the topsoil was gone, no matter how much water they used, they could not get grass to grow. There was also a walking trail on the east side of their property. He said that they would like to landscape their entire backyard, so they are petitioning to purchase the City portion. They had lived on the property for 18 years, during which time the City had not done anything with their portion of the property.

Keri Bushman reiterated that the property that they City owned was not maintained. She said that all of the neighbors would like to buy the property and that they would like it so that they can install a fence to provide adequate privacy.

Brett Shields requested that the City send out crews to cut down weeds and take out a graffitied mailbox. Mayor Mann asked if he was talking about where the retention basin would be. Mr. Shields said it was the whole area there. He said that they had met with the City Engineer and appreciated the efforts there with respect to the proposal. He said that while there were parts of the proposal that were exciting, it seemed like there was a change from what they had been told by Todd Trane, who had said that the City was going to own all of the rights-of-way. He also wanted the Council to be aware of piping constraints. He said that he thought that the nature of the pipes would take away a lot of the building opportunities on the site. He also mentioned that although the wall would deflect some sound, he didn't think it would be feasible for someone to build a house there because they were getting an inordinate amount of noise from the highway.

Madalyn Kidd said that she was going into the 9th grade and would be 15 in September. She said that she had decided to compete in the Miss Utah Outstanding Teen Competition. The Miss Utah Outstanding Teen Competition was a branch of the Miss America Competition Organization, the largest provider for scholarships for teens and women. She said that Utah was an open state competition meaning that she did not need to compete in a local competition to compete in the Miss Utah Outstanding Teen event. She said that because Highland did not hold a local competition she would be going as an at-large contestant and had been awarded the title of Ms. Highland Outstanding Teen. She said that she had come before the Council to let them know that she should love to be of service to her hometown. She said that she would love to be recognized as the Ms. Highland Outstanding Teen as suggested by the Miss Utah director. She explained that her social impact initiative was entitled Read to Love. She said that she enjoyed reading and knew the importance of reading at a young age. She believed that as one learns to be a competent reader, they become confident in other areas of their life. She wanted to promote her social impact initiative by visiting elementary schools, volunteering her time at the library, and any way she can help the community. She said that she knew as she served by reading that she would love the people she came in contact with. For her talent at the competition she would perform a ballet variation on pointe. She started dancing at the age of three and had been seriously studying for nearly 12 years and is a student at Central Utah Ballet. Her

Great Grandmother grew up in Highland and was raised in the log cabin in Heritage Park. To conclude, she said that she was grateful to live in this beautiful town and community.

Andy Swerdlow said that he and his family had recently moved to Highland from California. He said that he shared the sentiment with some of his neighbors about the strip of land. He too wanted to buy the strip on the back of his property. He said that he did not have quite the same problems as those who made the previous comment, but that he wanted to be able to put a permanent structure on the land. Second, he said that there were not any trash cans at the Beacon Hills Disc Golf Course. He said that he saw a lot of trash everywhere and would like a place to be able to throw trash away.

Brian Wolfensberger said that he lived in Windsor Park. He said that his neighbors, the Bushmans, had spoken and that he wanted to support them and talk about his family's issues. He said his family had lived on their property for 3 ½ years. He said that for them the open space was a safety concern. Of all of the trails that were converted to blacktop the only section that was not was the section behind his property. It had been over 10 years since the pavement had been addressed and all of the neighbors maintain the property that should have been maintained by the City. He said that it was evident that City resources did not want to be put into that property. In addition, since they moved in four years ago, they had called four times to get potholes filled in. It was only after their son had a bike accident that required medical attention that the City responded to his calls to have the potholes filled. He said that the property had become a dumping ground and that many people had walked into their property and damaged their playground, requiring them to purchase a second one. He said with three kids under the age of eight, they needed a place for their kids to play. Since they were already maintaining the property it was something that they would like to purchase. Directly behind his home were five neighbors who shared a path. The City maintains only one of the five sections and the other four neighbors maintain the City's property.

2. RECOGNITION ITEMS

a. Mayoral Awards – Mayor Rod Mann

Mayor issued recognition awards to Mayor Lynn Ritchie, Adam Swerdlow, and Vid Angel.

The first award was to Mayor Lynn Ritchie. He noted that Mayor Lynn Ritchie had pushed hard to get a road that connected Alpine Highway and Highland Boulevard. He said that there was not a connection for 40 years, and that the work that Mayor Ritchie did laid the groundwork to get the road installed. Mayor Mann said that every year since he had been Highland's mayor, he had asked staff to create pins that were emblematic of the theme for the year. Last year's theme was "Our Story Unfolds." He said that Mr. Ritchie had been part of Highland's story and that was why he wanted to recognize him with a certificate and a pin.

The next award the mayor gave was to Adam Swerdlow. The Mayor said that Mr. Swerdlow had recently purchased a home in Highland and that they had become connected. Mr. Swerdlow is the COO of *The Chosen*. Because of the number of people in Highland who liked the show, and the Mayor's belief that it was having a positive effect, he wanted to award Mr. Swerdlow and his production partner, Vid Angel.

3. PRESENTATIONS

a. 2021 "Reach" Fling Preview – Corrine Prestwich, Community Events Coordinator

Corrine Prestwich will give a brief overview of the upcoming 2021 Highland Fling which is scheduled for August 2-7, 2021.

Ms. Prestwich said that they were excited to come to the Council with a complete Fling in 2021. After the year of needing to keep people separated and isolated, the planning team chose the theme “Reach” to include reaching up, reaching out, and reaching beyond what was done in the past. The kickoff dinner would be at Mitchell Hollow Park. It would have a block party feel with dinner, games and a family band called Breakfast for Dinner. Other events as a part of the fling would include the rodeo, art show, horseshoe and ultimate frisbee contests, kickboxing, and service projects. There would also be the Highland Games with the caber toss. In addition, there would be a chalk party, kids’ night at splash park, parade, vendor fair, fireworks, and a live concert featuring a band called Synergy. The Fling would entail both large and small events. The Fling magazine was delivered to homes a week prior to the meeting.

Council Member Rodela asked how the Council could help.

Ms. Prestwich said that they would love to have the Council at as many events as they could attend. She mentioned that part of the Council was going to participate in the parade.

Council Member Ostler asked if they needed to come up with their own vehicles for the parade.

Ms. Prestwich said that was her understanding.

Council Member Rodela said that she could get a trailer from Jerry Hudson.

Council Member Ostler asked if there would be a City booth that the Council was supposed to staff during the Fling.

Ms. Prestwich said yes. There would be a spot for the Council on Saturday at the information booth. She said that the Council would be provided with some informational materials, including some about the RAP tax.

Council Member Ostler asked how they were doing with dinner reservations for the Monday night activity.

Ms. Prestwich said that last she checked they had about 10 families, but that they expect people to sign up at the last minute. The deadline was not until the 26th of July. She said that the meal would be catered by R&R BBQ. There were both adult and kids’ meals.

Council Member Smith asked if the Fling planning team had used the texting app to tell people about the event.

Ms. Prestwich said that they had Everbridge texts ready to go out as a part of the social media schedule.

Council Member Smith asked about the flashing sign that they sometimes have on the side of the road.

Ms. Prestwich said that the sign was out and would be rotating locations of the next week and a half.

b. 2021 Pressurized Irrigation Water Update – Jeff Murdoch, Pressurized Irrigation Superintendent

Jeff Murdoch, Pressurized Irrigation Superintendent, provided an update on the current pressurized irrigation conditions within Highland City.

Mr. Murdoch showed a slide of the drought monitor and noted that they were in an exceptional drought. In regard to the water flow out of American Fork Canyon, the peak flow, which was a momentary spike, was 80 cubic feet per second (CFS). Average flows were closer to 20 CFS and had dropped to 15 CFS indicating that water coming

from the canyon was on a steady decline. He explained that they try to maintain river flows by releasing water from Tibble Fork and Silver Lake. He noted that the release from those two retention areas usually did not occur until July 1st. This year, all of the water was gone by the beginning of July. The water had to be released in June.

Mayor Mann asked if they were running about 20% of the normal canyon flows right now, but that they had shares elsewhere.

Mr. Murdoch said that they were running very low and that they did have shares with Jordanelle and Deer Creek. Most of Highland's water was being supplied by the pipelines. When looking at last year's data, Highland's water usage followed a similar trend. There had been a slight reduction that was less than a 5% conservation effort. He said that this was disappointing and that they hoped there would be greater conservation in the months to come.

Mr. Murdoch said that he was asked to give an update on the farm agreement on 6800 West. He said that the agreement provided for 140 Acre feet per year. With the 2021 drought allocation, the property owner brought in about 100 acre feet per year versus the full allotment. To date, the owner had used 25 acre feet. There had been a little bit of a delay in getting the meter installed because the meters were on backorder. However, he was metered now. If the property owner used the same usage it was anticipated he would use another 35 acre feet. This usage represented about 1.5% of the total water Highland used for pressurized irrigation (PI).

Council Member Smith clarified that the property owner was bringing in 100 acre feet and was only using 60.

Mr. Murdoch said yes and that the City did have the opportunity to utilize that water.

Council Member Ostler clarified that they were talking about the Peck Farm. He said that it was his understanding that they had brought in irrigation shares and stored shares.

Mr. Murdoch said that they had brought in stored shares from American Fork Irrigation and the Provo River. The majority of the shares were stored through Deer Creek. He thought that it was 90 acre feet.

Council Member Smith said that it was not a bad thing to have those extra acre feet.

Mr. Murdoch agreed. He said that the agreement led to high usage of Highland's PI system, but that it was working out alright. He did have to contact the Peck Farm to remind the owner of the hours of operation for his turn because there had been some discrepancies in when he was watering with the agreement.

Council Member Ostler asked if there had been concerns with the Canterbury Pond not filling up for other residents because the Peck Farm was irrigating during the day.

Mr. Murdoch said no. He explained that the Canterbury Pond was not a storage pond. Rather it receives and distributes water. They receive water into it based on what can be pumped into the system.

Council Member Ostler asked where they were getting their stored water. He listed Murdock Pond and a connection with Cedar Hills.

Mr. Murdoch said that they did not have a connection with Cedar Hills, but that they did have two connections off of the Central Utah Pipeline. One was located on 6400 West and 10400 North. There was another one located near the gravel pit on the old Victor's property near where Alpine was also hooking on.

Council Member Ostler asked if Alpine had completed their connection yet.

Mr. Murdoch said that to his knowledge they were not. This helped Highland to get a little more usage out of that pipeline.

There was discussion about the amount of storage water available to Highland this year. Mr. Murdoch said that there was 898 acre feet of hold over water from last year. He said that although he did not have the numbers, he thought that the City was still on track to still have some in the bank for next year. It would be less than what was saved in 2020. He mentioned that he had shared an article with a resident that was published in Deseret News where the Central Utah Water Conservancy District gave a great explanation of reservoir usage. They emphasized that they were dipping into the emergency resources. Although that was what the reservoirs were designed for, it did signal that all of the runoff was gone for the year and water was now coming from emergency stores.

Council Member Ostler asked how Highland's wells were doing. Had there been a drop in them? Was there enough culinary water? Had they started to augment PI water with culinary water?

Mr. Murdoch said that the City was utilizing two wells for its pressurized irrigation system. These were used to boost the pressure to be able to supply water to Hogs Hollow and serve the northwest area of the City. There was also a submersible pump at the mouth of the canyon that was also being used to maintain flows.

Andy Spencer, City Engineer, said that in the last month the primary well near the mouth of the canyon, Well #2, had gone down about 13 feet. They were not in jeopardy right now, but they were seeing it diminish. In past years, they had not been able to read the water level like they could now because they had not constructed the well house. This meant that they did not have previous years data to compare the depletion against. He said that right now they had 59 feet of water above where the intake was located. This meant that for now they were fine. He said that the investments the City was making to monitor its wells was important to know the impacts that were occurring on the aquifer.

Council Member Smith said that citizens do not check the City website. A few residents look at the City newsletter. He said that because people were focused on different parts of their life, that he thought that the best way to let people know about the water situation in Highland was to have two or three flashing signs when coming into town from the highway that said "We're out of pressurized irrigation water. Conserve now!" He said that he had neighbors who had hoses hooked to culinary water who were watering the dry spot.

Mr. Murdoch agreed. He said that in their efforts to conserve water for next year they were shooting for a 30% conservation rate. Right now they have only 5% savings. He said that the continued strategies for public awareness included: the newsletter, mailing postcards, text, email, social media, utilizing local religious leaders and LDS emergency channels, door hangers, auto call, future restrictions, enforcement of restrictions, meters (future), and shutoffs.

Mayor Mann said that it was his preference that the City become metered and that every resident be allocated a certain amount to use and that the water be shut off when that allocation was met. He said that because people in Highland had a lot of money, residents would probably still pay for high usage even though that water wasn't really available.

Council Member Ostler asked what percentage of Highland had meters.

Mr. Murdoch said that there were a couple hundred residents who were metered compared to the 4,500 residents in Highland. It was a very small percentage.

Council Member Ostler asked if when it rained heavily if that increased the flow of the river?

Mr. Murdoch said that they do see a spike in the river when good rainstorms come. Usage also drops when it rains because residents do turn off their water.

Council Member Ostler asked if Canterbury Pond was functioning okay.

Mr. Murdoch said that they were still waiting for one of the pumps. It was ordered in January and its delivery just kept getting delayed, as had been the case with many products as a result of COVID.

Council Member Bills asked if they were still running the splash pad. She said that she knew that the water recirculation, but she felt like that was something they should think about continuing to run during a drought. City Engineer/Public Works Director Andy Spencer said that the water was supposed to recirculate, but the person who knew the most about splash pads was Josh Castleberry, Park Superintendent.

Council Member Bills had another question about future metering. She asked if staff knew when the City would be able to reapply for grants to fund continued metering. She also wanted to know if staff had followed up to learn why their proposal was rejected last time. It was her understanding that there was a process they would go through with applicants to help them better understand why a proposal was rejected.

Mr. Murdoch assumed they could apply again next year. There wasn't a waiting period.

In regard to the proposal, Mr. Spencer said that he didn't know if this had happened. He would follow up on it.

Council Member Bills said that she had the contact information for the person who reviewed Highland's application.

c. Open Space Maintenance Update – Josh Castleberry, Park Superintendent

Josh Castleberry will present an update on open space maintenance plans being implemented throughout Highland City.

Mr. Castleberry first reported that the City had reduced watering its parks to three days a week. He said that while it might seem as though they were watering every day, this was because in some locations, they couldn't water a whole park in one day such as in the cemetery where there were 97 valves or in Mitchell Park where there were 55 valves. Instead, they water one section one night, another section the next, and keep rotating what section was watered. Each section only got watered three days a week. He said that he felt fortunate that Highland could still water three days a week, most cities had to reduce their watering to two.

In regard to the splash pad, they do recycle water. He said that he had not checked the meter to know its specific usage. Although they use quite a bit of water, it was cycled down the river, into a tank, filtered and treated with a UV light every 45 minutes. He said that there was a sensor that would add water if it got low.

Council Member Ostler asked if because they were using the UV lights that meant that they were not using chlorine.

Mr. Castleberry said that they use both the UV lights and liquid chlorine. The UV kills cryptosporidium as it passes through the light. The chlorine services as a residual sanitizer as the water sits in the tank.

Mr. Castleberry then noted that they had added an employee to the team. Blade was hired from out of state. He graduated in urban forestry. Then he talked about open space maintenance and weeds. He said that they spend two days a week working on open space maintenance. An employee named Doug, runs the tractor, and had an established rotation to get all of the parks mowed. He waits to mow Highland Hollow and mows that when he's

caught up on the other parks. Right now, all of the open space had been mowed twice. Staff hoped that all of them could get mowed a third time. There were some concerns about dry areas that have become fire dangers that staff might need to wet down in the coming weeks.

The second area after mowing that they were focused on was weed control. Their new employee Blade was primarily focused on spraying including weeds, fertilizer, and trees. This time of year there was a limited window for spraying due to temperatures. They had now sprayed along the trails twice to address the puncture vines. They were using a selective herbicide that targeted broadleaf weeds. He said that if they used a non-selective killer such as roundup, they would just be eliminating the competition for puncture vine. Because of this, they were trying to just target those broadleaf weeds. He felt like they did a good job with thistle.

Council Member Ostler asked when they started spraying for weeds on the trails.

Mr. Castleberry said that last year was the first year they had ever sprayed weeds along the trails. They had not finished fertilizing the City completely yet. Some of this had been because of timing with Blade's late hire. He did note that the City was starting to get lean on seasonal employees. He said that currently they had 14 seasonal employees, but that by the end of the week they would only have 10. At some point they wouldn't have enough seasonal employees and Blade would have to start mowing.

Council Member Rodela asked if as Blade was working on park maintenance if he could keep a log of dead trees.

Mr. Castleberry said that he thought that they had removed 75 dead trees this year. When trees were identified they were added to a list to be removed with other trees all at once. He imagined that they had removed close to 100 trees at this point. He said that the drought would probably lead to a few more.

Council Member Rodela asked what the best way was to bring resident concerns around parks and open space to Mr. Castleberry's attention. Mr. Castleberry said that she could just let him know.

Council Member Smith asked if you used broad spectrum herbicides and killed a lot of stuff, what happens to the environment. Mr. Castleberry said that a broadleaf weed was anything that had a wide leaf like morning glory or dandelion. By using these types of weed killers they can spray an area and know that only certain things are going to die. A similar process was used with the grass, so that the dandelions were killed without killing the grass. He said that they change their chemical usage so that resistance doesn't develop.

Council Member Ostler asked about hiring seasonal employees. Mr. Castleberry said that the City hired 25 employees at the beginning of the summer. They hired everyone who turned in an application. He said that the employee market was not very competitive right now and this created a different work ethic. They had to offer a lot of incentives to keep employees because many were realizing that the summer was almost over and don't want to continue to work. Employees are started at \$12/hour. He said that although there were other places where kids could make more money, Highland's advantage was that they could work 40 hours/week. He liked getting college age kids because they have the desire to work as much as they can to pay for the next semester. He said that they also pay \$0.50 an hour more for every year that a kid comes back because their knowledge was valuable. It takes a long time to figure out where the various property lines are.

Council Member Ostler asked if the Parks Department was seeing a lot of encroachments and if they were impacting their work. He wondered how selling some open space properties would impact them. Mr. Castleberry said that selling the properties with grass would be kind of hard because that would change sprinkler systems. He said that commercial landscape grade sprinklers were a lot more expensive. He didn't feel like the grassed open spaces were worth getting rid of.

Council Member Smith thought out loud about the pros and cons of metering. He said that it seemed that metering would bring in more money to the system that would allow them to do upgrades. He wanted to know Mr. Castleberry's perspective on metering. Mr. Castleberry said that Highland was a town that spent a lot of money on residential landscaping. There were places where people had spent over \$100,000 on their yards. He said that how metering impacted water usage probably had to do with just how much people valued their investment in landscaping.

4. CONSENT ITEMS (5 minutes)

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

- a. Approval of Meeting Minutes** *Administrative*
Regular City Council Meeting – June 15, 2021
- b. Agreement: Rodger and Mara Lyman Temporary Construction Easement** *Administrative*
The City Council will consider a request for an agreement with Rodger & Mara Lyman for a temporary construction easement to facilitate the construction of the Victor View Gravity Sewer line project. The Council will take appropriate action.
- c. Ordinance: Municipal Code Amendment – Fire Code and Burn Permits** *Legislative*
The City Council will consider a request by City Staff to repeal and/or amend three sections of the City's Municipal Code related to fire codes and burn regulations in order to update City Code to comply with current state law and regulations. The Council will take appropriate action.
- d. Resolution: Declaration of Surplus Property** *Legislative*
The City Council will consider a request by City Staff to declare a total of 38,736 square feet of property surplus in the Pebble Lane Estates subdivision that is not needed for right-of-way for Canal Boulevard. The Council will take appropriate action.

Council Member Kurt Ostler pulled item 4b from the consent agenda. Council Member Scott L. Smith pulled item 4c from the consent agenda.

Council Member Kurt Ostler MOVED that the City Council approve consent items 4a and d.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

4b. Council Member Ostler disclosed a conflict of interest. He said that this item dealt with his neighborhood and his neighbor across the street. Because of this, he recused himself from the vote.

Council Member Rodela clarified that this was a temporary construction agreement in which the City was paying \$13,000 to temporarily access a resident's property to fix the resident's sewer station that serviced the resident.

Mr. Spencer said that this was the Victor View Lift Station. He explained that their back field was needed to bring in cranes and other machines. The City would have to monopolize the property owners' field where they pasture their horses. He said that if the City was going to occupy someone's property, it was typical to compensate them. The rate of compensation was determined through the appraisal of some other properties that were recently acquired

Council Member Bills asked how the number was decided.

Mr. Spencer said construction easements are typically 10% of the value of the land. Staff took the average of what the City paid in acquiring land on 6800 West, about \$0.62 a square foot. For the project they were using about 2,300 square feet of property.

4c: Council Member Smith had questions about how residents could apply for a burn permit. He said that the website seemed relatively easy to use, except that when he went to the platform it was all blanked out. He wondered if this meant that people could not apply for permits.

City Attorney Rob Patterson explained that the website was working properly. People could only apply for permits during the time of year that permits were allowed.

Council Member Scott L. Smith MOVED that the City Council approve consent items 4b and 4c, which includes the agreement with Rodger and Mara Lyman for the temporary construction easement and the amendment to the Municipal Code regarding fire codes and burn permits making the fire code equivalent to the State.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Abstain</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 4:0.

5. PUBLIC HEARING/ACTION: URBAN DEER PROGRAM RENEWAL *Administrative*

The City Council will hold a public hearing and consider the renewal of the Urban Deer Control Plan - Maintenance Program for August 2021 through July 2024. The Council will take appropriate action.

Stephannie Cottle, City Recorder, provided some background on Highland's Urban Deer Program. The program began in 2013. Highland was a pilot program with the DWR. The program had been successful with Highland

City. From 2013-2018 this was an archery management program. In 2019 the City Council approved using trap and euthanization methods in addition to archery for population management. This worked well in areas where archers felt as though it was too dangerous to take an animal. Since the beginning of the program, the urban deer population has been reduced from an estimated 300 deer to 150 resident deer.

This year Highland had to apply for a new certificate of registration through the DWR. During this process, the DWR required that Highland make some changes to its urban deer program. One of the biggest changes is that the program will run from August 1st to December 7th as opposed to extended till the end of the year. Another change is the implementation of a tiered approach to harvesting. At the beginning of the season, the harvest of deer will be limited to areas closest to the mountains, with the area expanding closer to the City as the harvesting period goes later into the season. The final change to the program was that in years past the City paid \$75 per deer harvested. This year the payment will be \$100 per deer. That would lead to a change in the program's budget. Last year 25 deer were removed from the herd, a cost of \$6,650 for the program. This year if they took out 25 deer, the program cost would be \$7,500, or an increase of about \$800 for the program.

Council Member Rodela asked what harvesting meant. Ms. Cottle said it was the nice way of saying capturing and killing.

Council Member Rodela said that this was sad. She asked if the deer could not just be relocated.

Council Member Smith asked why the program was shortened to early in December.

Ms. Cottle said that they were trying to make sure that the City did not accidentally harvest deer that were not resident deer to Highland. Shortening the harvest period helps to ensure that the migrant deer are not affected by the program.

She then explained the cost further. The program was \$2,500 per location. The City had two different locations. That totaled \$5,000 per location, plus the \$100 per harvest. The reason for the increase in cost per deer from \$75 to \$100 was simply covering the cost of bait and the cameras used to identify the deer and \$50 to the specialist each time they take out a deer.

Council Member Ostler said that there were a lot of people in the state that pay to go hunt deer. He wanted to know what happened with the meat from the deer and if it was taken somewhere so that the meat could be used. He wondered why the City was paying to have someone harvest the deer when it was something that others would pay to do.

Jarrold Bagley, archer involved in Highland's urban deer program, said that when the program started the meat was donated through some meat processors so that it could get to homeless shelters. At the time, the City was incurring the cost to have the meat processed and donated. To reduce the cost, the City has developed a system where they donate the meat directly through a list of residents looking for deer meat. In the first year of the program, Highland City donated 5,500 pounds of meat or 33,000 meals for the homeless.

In response to why they hired specialists, the short answer was that the Council did not want anyone shooting deer in its City. He said that it was not fair to describe the program as hunting. It was a lot of work. Specialists are essentially donating their time to the project as most of the money goes to the materials to make the kills possible. It costs the specialists thousands of dollars a year in gas and arrows.

Council Member Ostler asked how many hunters were involved in the program.

Mr. Bagley said that there were currently four specialists. It was easier to manage with fewer people. He said that they now have this program in eight cities and all of them follow Highland's model. He said that they get calls from people all across the country from people trying to figure out how to manage urban deer populations. Involvement in the program is extremely selective: specialists have to pass a shooting test with bows and arrows that 99% of people would not be able to pass. They also had to have the right demeanor. It is 100% safety first.

Council Member Smith asked how many deer had been removed from Highland Glen Park.

Mr. Bagley said that initially there were a lot of deer in Highland Glen. In the first couple of years, they probably removed 30+ deer. He said that as Highland Glen has grown with more people and traffic, they haven't gone in there as much recently, unless they got a request from the police or mayor after a specific problem.

Council Member Smith said that he lived on the south end of Highland Glen. He said that he worked with Mayor Ritchie when the program was originally implemented. He said that he liked to garden, but that he had not been able to grow a rose bush because the deer love them. He said that when they put the east-west corridor in and some walls went up that would cut the deer herd down. The deer, however, were coming down the dry American Fork riverbed. He said that although he liked wildlife the deer really can do a lot of destruction.

Mr. Bagley said that the deer really could be a problem. The deer establish a loop and never really go up the canyon. Every year they have two fawns and that's what causes the urban deer population to grow. He said that if residents report problems like Council Member Smith shared, the team can assess if they can safely remove the deer. Because the deer have repeated routes of travel, the specialists can watch them and identify key sites where it would be safe to remove the problem deer. These situations are addressed by request now.

Council Member Ostler asked what the process was for reporting problem deer. Should residents contact the police department or the DWR.

Mr. Bagley said that usually problem cases came through the police or the Mayor.

Council Member Rodela said that she had a deer in her front yard and that she lived off 10400 North. She said that her biggest concern was the deer being hit by a car. She asked if the best case scenario was to call public safety to have them take care of it.

Mr. Bagley said that occasionally having a deer in one's yard was not a problem. They were looking for deer who were living in people's yards. He said that as they've tracked the number of motor vehicle accidents involving deer that they had reduced drastically since the program started. He also said that when the program first started they removed a lot of deer with missing legs and other evidence that they had been hit. He said those deer were rarely seen anymore.

Council Member Smith asked what the process was to get a deer removed from a state highway that had been hit.

Police Chief Brian Gwilliam said that they typically contact the DWR who has a team to come out and pick up carcasses when their schedule allows. He said that sometimes when they are really busy that it can take them a few days to get out. He added that he was around in 2013 when Highland started the program. At the time he was very skeptical. He said that his biggest concern was that they were going to have a wild west situation where deer were going to be running around with arrows hanging out of them and that they would get all kinds of calls from residents. He said that from 2013 to present, the agency had only received one phone call about the group. He said that the gentlemen were marksmen and knew what they were doing. In fact, he did not think that he had ever seen one of the specialists going in or coming out when harvesting a deer. He emphasized that they were really good. The phone calls he did receive were calls from police chiefs throughout the state and country asking how

the program worked and wanting information on how to get the program started. He praised Brian Cook, Program Director, for how well he established the program and all of his personal time, effort, and resources that he put into getting the program started.

Mr. Bagley said that a lot of times when he comes to meetings, people don't know who he is. This is positive. It means that there haven't been conflicts to have to have interactions.

Mayor Ritchie said that he'd presented this program to the Central District, to Salt Lake's Department of Natural Resources (DNR), and tried to sell the program to neighboring cities. He said that Brian and his people were professionals. Although there are four people now, the program started with nine marksmen. Part of the reason why the number of marksmen was reduced was because the pressure on the others was too much. The requirement is that every shot is a lethal shot. He continued that there were 84 accidents on SR92 in the first year of the program, 42 accidents in the second year, and just six accidents in the third year. He said that other methods such as loading up deer in a trailer for relocation or using rifles were not as effective. Only 50% of deer survive relocation and rifle programs tie up a lot of resources. The archery program was so efficient. It was a very successful program.

Mr. Bagley said that transporting deer was a nightmare. It was not an option anymore because there was chronic wasting disease in some of the deer population. They couldn't risk taking an urban deer that might have the disease and put it in the wild.

Council Member Rodela asked if representatives from the DWR were also present. She said that she used to be the budget analyst at the DWR. She wanted to know if Dead Deer Dan, the person who picked up the dead deer, was still there or if he had been replaced. She was informed that he had been replaced.

Xaela Walden, DWR representative, commented on the cost to translocate the animals. She said that when Bountiful used this strategy, the cost was over \$1,000 a deer because of the testing, transport, and man hours. Even after this, the survival rate was extremely low.

Council Member Rodela asked when deer were spotted on the side of the road if it was best to call Lone Peak, UDOT or the DWR. Ms. Walden said that the answer was confusing for the public because the answer depended on what type of road the deer was located on. UDOT has contracted individuals that go out and do the major highways. The DWR picks up on side roads. She said that calling the Springville office directly was a great way to report roadkill.

Council Member Smith clarified that they were not eliminating the deer in the City they were just making the herd manageable. Ms. Walden said exactly. It would not be possible to get rid of all the deer in the City. The goal of the program was to keep them at a tolerance level that was acceptable for residents and manageable for the City. Otherwise the population would grow exponentially, especially as the City developed into more open spaces. Because open spaces were disappearing, there was no place for deer to go except in the City.

Council Member Smith said that they were starting to see a lot of wild turkeys and mountain goats in the foothills. He asked if there were any efforts to control the populations of those two animals. Council Member Bills said that she had a mountain goat in her neighborhood that butted its way through someone's back patio glass door. Ms. Walden said that she did not think that mountain goats and turkeys ramming through windows was a common occurrence. If that continued to happen, she requested that the Council contact her. She could respond 24/7.

Council Member Ostler asked at what point a resident should call and report a cougar or bear sighting. Ms. Walden said that for cougars and bears it never hurts to give the DWR a call so that the animal was on their radar. If an animal began to be reported by multiple residents, the DWR could start to track the animal. She said that they

didn't want children or pets to get injured. An animal became a concern if it was sighted in the middle of the day or had become aggressive towards people. It is normal behavior for cougars to get caught on a trail camera at night.

Council Member Ostler asked about foxes. Ms. Walden said that foxes and skunks were not considered a protected species so she would recommend that residents contact pest control.

Before the public hearing was held, Ms. Cottle displayed the harvesting map.

Public hearing opened at 8:52 pm

There was no public comment.

Public hearing closed at 8:53 pm

Council Member Scott L. Smith MOVED that the City Council approve the continuation of the Urban Deer Control Plan – Maintenance Program for August 2021 through July 2024.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

6. ACTION: REVIEW OF RESOLUTION 2021-16 - DESIGNATION OF ORPHAN PROPERTIES FOR DISPOSAL *Administrative*

The City Council will review, clarify, modify, and approve Resolution 2021-16 Designation of Orphan Properties for Disposal. The Council will take appropriate action.

Kellie Smith, Planner & GIS Analyst, said that on the June 15th, 2021 City Council meeting, the Council reviewed all of the open space requests for purchase. The Council decided to either approve, differ, or deny the requests of residents. Staff are currently asking the Council to review again the requests that were approved because the majority of them had conditions that were attached to the sale. Staff wanted verification that the properties they indicated in the staff report had, in fact, been approved by the Council.

Mayor Mann said that the Council could include any changes to the approvals in tonight's motion.

Council Member Smith asked what the O's meant in the yes and no columns.

Ms. Smith said that the O's just meant that the decision on the sale of the properties were deferred.

Council Member Ostler said that he was concerned because the list of properties that he reviewed at the June 15th meeting didn't match the list that they were reviewing tonight.

Council Member Rodela said that there were properties that were on tonight's list that they Council had never looked at. She asked where properties like those in Canterbury were coming from.

Ms. Smith said that those properties were from a previous direction by the Council that residents in certain areas did not have to put in formal requests.

Peter Kilger, resident, said that he looked at the list of properties. He said that attachment 1 was the list of approved properties for disposal and that attachment 2 was the list that they were going to decide on.

Ms. Smith said that attachment 2 was the resolution that was passed on June 15th. The first list reflected additional discussions and all of the properties that should have been included in the resolution.

Mr. Kilger asked if all of the properties in attachment 1 be addressed in attachment 2.

Ms. Smith said that it was the other way; everything that was in attachment 2 should be included in attachment 1 with some additional properties included in attachment 1. There were properties included in attachment 1 that needed to be added to the resolution. These properties did not have formal requests at the June 15th meeting because the Council had already approved them.

Mayor Mann asked if the Council had any changes to the properties.

Council Member Smith said that the Council was going to re-examine the deferred properties in the fall. He wanted to know if some of the new requests the Council had received could be reviewed and decided on then, or if the requests that came in after this year's deadline had to wait for review until May of 2022.

Council Member Bills said that she was not sure what she thought should happen tonight. She said that there were a couple of properties on the list that did not appear as she understood them to be. She said that when she read through the minutes that the discussion was confusing in regard to the properties in Viewpoint on Park Circle. She has also noticed a couple of minor errors in regard to names and addresses. She said that she thought the address for Roger Mickelson was incorrect. Instead of being Chris and Sandy Howden, she thought that it was Chris and Jackie Howden. She said that if they were disposing a property she wanted to make sure that they had the right address. In regard to the properties in Viewpoint she felt that the Council failed to address the issue of maintenance agreements. She had talked with some of her neighbors about maintenance agreements and they shared a process with her of filling out City forms. Because of this, she said that there was a block of properties that she was not ready to approve and there were several that she was. She didn't know the best way forward.

Mayor Mann suggested that they go through each of Council Member Bill's issues so that they could get as many of the properties approved tonight as they could.

Council Member Ostler asked if Council Member Bills wanted to go through the properties block by block.

Council Member Bills asked if anyone else had noticed inconsistencies.

Council Member Ostler agreed that with the Viewpoint properties that there was some confusion. He said that if he remembered correctly, some wanted to purchase, some didn't, and some had already encroached. He did not think that the Council resolved how to handle those different options. He thought that the Council had decided

that if a resident had encroached, they could purchase the surplus property, but that if they chose not to, the resident had to remove their encroachment.

Council Member Ostler summarized that he thought that there were four properties that put in an application to buy. There were two that were not interested in purchasing at this time, but that they had both encroached. There were questions as to if they had maintenance agreements at one time. The property on the very end also wanted to buy. He understood that the four could buy, but that fifth property on the end could not yet until the middle properties with the encroachments were resolved.

Council Member Smith said that he thought that they had surplused all of the properties and had given residents a year to purchase. He said that he thought the Council had agreed that the City would stop maintaining that property.

Mayor Mann asked the City attorney if they could say that they were not going to maintain land that they owned.

Rob Patterson, City Attorney, said that the City could do what it wanted. He said the City might become a nuisance to adjacent property owners.

Mayor Mann said that the City should take care of its property just as it expects residents to take care of theirs.

Council Member Ostler summarized that the four owners could purchase, the two in the middle had the option to buy within the next year. If the two middle properties did not, they would be required to remove their encroachment. He wanted to know if there would be a price lock or if the price of the land would go up next year giving them an incentive to purchase sooner. It was his opinion that they could reopen applications in January of 2022 and would set new prices for the surplus properties then.

Council Member Smith said that the other option was to just surplus the four properties tied to the interested residents because they were already contiguous. They just didn't want to checkerboard the properties.

Council Member Bills asked if they needed to add the caveat that if they don't all purchase that none of them can.

There was continued discussion about if the City could continue to maintain these properties if they were not sold as surplus.

Council Member Bills said that she felt like these were unique properties because there was no reason for anyone else to go back behind them. She said that they could sell some of the property and the City could still have access. She said that she just wanted to make sure that they were fair and consistent.

Council Member Rodela asked if they were going to be consistent with all of the approved properties; residents had a year to purchase the surplus land. If they did not, they had to remove their encroachments.

Mayor Mann said that a third alternative was that if residents were not going to buy the surplus property then they could lease it from the City.

Council Member Ostler asked that they go through the process for a resident to purchase the surplus property. Could those who expressed interest in purchasing properties buy and close now, despite the fact that other residents had up to a year to decide, or did they all have to close at the same time at the end of the one-year period.

Nathan Crane, City Administrator, said that staff would want the direction of the Council.

Council Member Bills asked for the options to be summarized.

Mayor Mann said that there were three options: (1) buy or don't buy now; (2) decide to buy within one-year; or (3) lease the property from the City based on a price determined by staff. After a few years, a resident might as well have bought the property.

Council Member Bills said that she first thought that allowing residents to lease the land sounded like a great option until she heard that the City was going to lease a resident's land for \$13,000 a year. She felt that lease prices would be very variable. She said that she felt like there was something important in the distinction between encroachment and a maintenance agreement. She said that she thought that there were a lot of times that residents believed they had a maintenance agreement when they did not.

Council Member Ostler asked how common of a problem it was that they had residents who thought they had a maintenance agreement, but that the City did not have a copy of that agreement. Ms. Smith said not very often.

Council Member Ostler suggested that they use the same metric for establishing the lease price as was outlined earlier in the meeting: 10% of the appraised property value. At the time the lease was established, they could lock it in for 5-10 years.

Mayor Mann said that because this was the first time the Council had genuinely considered the leasing option, that they don't lock themselves into a specific percentage or price tonight.

There was discussion about if the selling price of the properties should be locked in the full year that residents had the opportunity to purchase. Council Member Smith said that the cost would change on a yearly basis. He said that if they were going to approve a cost that it should stay consistent for at least a year.

Council Member Ostler said that he did not feel like the price should remain locked beyond the year. He felt like the rate of sale should reflect the appraisal of the value of the land from the previous tax year.

Council Member Rodela said that she was fine with that pricing scheme. She asked if the Council had decided if all of the property owners had to buy at the same time for any of the interested parties to be able to finalize their sale.

Council Member Bills said that it was her understanding that the four properties on the east could be purchased immediately because they were contiguous properties, but that the other four (the two who were not interested in buying in the middle and the two who were interested in buying on the end) were on hold until the Council discussed them in October. She said that she brought this up because she was confused about the language on the spreadsheet that said, "Council agreed to surplus and give the owner a one year time period to purchase." She said that it seemed like the same language associated with the properties they had definitely agreed to sell.

It was agreed that the four properties on the east could purchase and close now because they agreed. Although there were two more residents interested in purchasing, they could not close now because there were the two properties between them and the four that wanted to purchase. There was a one-year period for the next four properties (the two that didn't want to purchase and the two that did) to come into agreement that they all wanted to purchase so that they did not end up checkerboarding the ownership of that property.

Council Member Bills said that she was uncomfortable putting residents in a position where they had to convince their neighbors to purchase property for them to be able to do so.

Council Member Rodela said that she felt as though it was okay to checkerboard as long as the City had an access point.

Mr. Castleberry said that right now the City barely had enough room to get the tractor into that area. He said that if the property extended any further to the west, the City would not have access. He said that the City would need to maintain a lane.

Mayor Mann said the lane would be needed anyway because they were not selling all the way to the canyon.

Mr. Castleberry said that he would like for the City to have at least 10', preferably 12', of access to get behind the properties. He said that he didn't want to add to the complications of the conversations, but that the tank size was only so big in Viewpoint. He felt like the Council needed to consider the need for putting in a bigger tank to be able to water. He said that the amount of property the City surplused mattered.

Council Member Bills asked how the amount of land surplused was decided. She said that they had both a square footage and cost amount on the spreadsheet.

Mr. Castleberry said that the City did have a waterline that went through the property that they were discussing surplusing and up the hill.

Council Member Bills asked why the hill needed water.

Mr. Castleberry said that the City got lots of complaints about how the hill looks. He said that there was nothing that was going to change how the hillside looked, but they still got a bunch of complaints about it. He said that despite this, he was hesitant to remove those water lines because he could not predict if they would be useful in the future.

There was further discussion and clarification about the course of the waterline and what properties it serviced.

Council Member Smith said that he appreciated Mr. Castleberry's argument and perspective, but the City had already agreed to surplus the property. He asked if it would be okay to sell the property up to the berm. Mr. Castleberry said that would be okay.

Council Member Rodela asked what the Council's consensus from the discussion was on if the two on the side (not contiguous with the four that have agreed to purchase) can buy the surplused property if the two in the middle do not choose to purchase. She felt as though the sale of those two properties should not be contingent upon the decision to buy/sell of the two property owners in the middle.

Ms. Smith displayed a map of the Viewpoint properties under discussion. The area that the City would need access to was more clearly defined and that the access easement would be needed regardless of if all of the residents in this area purchased the surplused property or not.

Mayor Mann asked that they walk through the properties near Brandon Nish. It was his understanding that the Council had agreed to sell the trail easement up to the north. He wanted to clarify that the sale of those properties would also have to be contiguous so that the City continued to have access. It was clarified that the City had already abandoned the plan to build a trail there.

Council Member Smith said that he thought that made sense and that residents in that area could close one at a time as long as they closed consecutively from the south.

Council Member Ostler asked that they look at the properties on Canterbury and Avery Lane.

Mayor Mann said that the Council had decided not to surplus the back side of the properties. He said that in the area they were looking at, both neighbors had already encroached.

Council Member Ostler confirmed that they were not planning on selling on the South side so that the City could maintain trail access. He said that when the Workman property developed there was supposed to be a trail coming down through that property and this would be the access point to that trail. There would also be some additional roads coming into the property. It was noted that there were already some serious encroachments in this area.

Council Member Smith summarized that they were surplus the property directly behind the homes, but not on the one side where there could be a trail.

Council Member Ostler said that he thought that they had discussed some additional property to the north on Avery Lane.

Ms. Smith said that the district facilities easement ran along the entire Murdock trail. The City was willing to surplus the property up to the line of this easement. The amount of property surplus was probably going to be less than residents expected, but that was all the City could legally sell.

Council Member Smith said that he felt that there was a lesson the Council could learn from this situation. He said that when a buyer comes in and develops a piece of property with proposed trails, those trails need to go in first. He said that a lot of problems have resulted from trails being proposed, but not actually being put in. The Council was spending time 10-15 years later trying to reconcile what was proposed and what was actually developed.

Council Member Bills asked Ms. Smith to outline what the process going forward from the meeting would be. She wanted to know if the prices outlined were set, or if they were dependent on the surveyor.

Ms. Smith said that the price of the land was set, but that the exact boundaries of the properties surplus would be determined by the surveyor. When the City had the total cost of the surveyor and title company's work, they would evenly spread this expense between those who ultimately purchased the surplus land. Every resident who purchased surplus land would have to pay the flat fee.

Council Member Bills said that there would be some cost to the City depending on how many people purchase.

Council Member Ostler asked if they could look at the properties on Apollo Way.

Council Member Smith said that he thought that there were four lots beginning from the corner.

Council Member Ostler said that six lots were listed.

Ms. Smith said that the Council surplus six lots on the bottom of Apollo Way, but did not do anything with the lots on the top.

Council Member Ostler made sure that they did not need to do anything special because if one property owner did not buy, the City still had access.

Mr. Castleberry said that in this area, the sprinklers watered on both sides of the trail. He said that if one property owner did not buy, there was a problem. He felt as though it was all or nothing to make the sprinklers work. The sprinklers run down the back of the houses and water across the trail.

Council Member Smith said that this was surplused in 2017. He said that these people had been looking at the sprinkler issue with former City Engineer Todd Trane for years. He said that residents had agreed to take care of the sprinkler issue.

Mr. Castleberry said that he did not think that residents understood the significance and cost of changing the sprinkler system.

Council Member Smith said that the surplus of these properties was always contingent on the residents' ability to address the sprinkler situation.

Council Member Ostler said the residents were supposed to consult with a commercial sprinkler person to create a plan.

Mr. Castleberry emphasized that they would need a detailed plan that met the City's standards before they should go forward with the sale of the land.

Council Member Bills thought those residents had met with a landscaper and Mr. Castleberry recently.

Mr. Castleberry said that was not true. He had met with them more than a year ago.

Council Member Ostler said that they should add a contingency on the surplus of the Apollo properties that a sprinkler plan and the equipment used needed to be approved by Mr. Castleberry and that all six needed to surplus together.

The Council then returned to each of the different areas already discussed.

In regard to the properties in Viewpoint, Mayor Mann summarized that they were going to surplus all eight properties up to the berm with a 10-foot allowance on the west side. Residents could close whenever they want, up to a year at the current price. After the year passed, residents were either required to remove their encroachment or to enter into a lease agreement with the City.

Ms. Smith clarified if the Council was okay with checkerboarding because the 10-foot allowance would continue to give the City access.

Council Member Ostler asked Council Member Bills if she felt clear about the triangle piece in the Viewpoint area. She said that she felt like the requirements around that property were clear.

Council Member Ostler asked if they could review the property in Mercer Hollow and Cyprus Drive owned by the Johnsons. When he looked at how the property was outlined, the description was clear.

Council Member Ostler then had the Council look at Windsor Meadow. He remembered that the Council had said that all six property owners could buy the land being surplused. Although there were one or two buyers who were not interested, the Council was okay because the City still had access.

Council Member Smith added that they wanted to preserve a nice trail corridor by maintaining an easement of five feet on either side of the trail.

Council Member Ostler said that he felt that it was clear what was going on in the Steve Rock area.

Mayor Mann said that he understood that the City was going to surplus the property north of Steve Rocks' house. On the west portion, the City planned to surplus the property all the way to the north and had asked the Howdens and east property owners if they wanted to purchase. He said that the Howdens wanted to purchase and he felt in instances like this where there were adjoining properties, that both owners should have the opportunity to buy. He noted that there was one other property that could be impacted.

Council Member Ostler then asked to see the Zach Easement Chambery Fields Plat C on Louisiana Street.

Mayor Mann said that this was another trail corridor that the City had already surplused part of because there was no existing trail. The other property functioned as a detention basin.

In regard to the property owned by Allen and Ashley Anderson, it was explained that the previous owner had an open space maintenance agreement, but put a fence up which was not in the open space agreement. The new owner purchased the land that included Highland City open space within the area that was fenced and thought it was included in his property.

Mayor Mann asked what the process would be for this resident to purchase the land and get it included in their lot description.

Ms. Smith said that was a City process unless the parcel was not included in the subdivision agreement. If any of the people purchasing the land wanted to put structures on them or do anything other than landscaping, they would have to go through the plat amendment process. She noted that the plat amendment application was \$500. The City could do multiple plat amendments in the same subdivision if they were all included in the plat amendment application. She said that she hoped residents would go in on the plat amendments together so that they could split those costs. A surveyor or engineering company would have to put the proposed boundary changes on an actual plat. Because the surveys will have already been done, they should be a lot cheaper than starting from square one.

Mayor Mann said that when the Council went through the process with interested buyers they would make sure that those buying know about these requirements and costs. He asked if staff could create a document that outlined the process.

Council Member Ostler had another question about Viewpoint. He asked if they all needed to close at the same time.

Council Member Bills said that she thought they should be required to close at the same time and that she thought that they were ready to.

Council Member Bills asked if Ms. Smith could summarize what she heard the Council say about the Apollo properties.

Ms. Smith said that either all six owners had to purchase or none of them could. The sale of the surplused property was contingent upon the approval of a sprinkler solution by Mr. Castleberry.

Council Member Bills clarified that there were five property owners on one end and one on another. She noted that the applicants had included a landscaping proposal in their request.

Mayor Mann said that based on the discussion tonight, the Council had disposed of properties that affected 55 homeowners. The total land surplus was nearly 3.8 acres.

Council Member Smith stated that the money generated would go back into open space neighborhoods to support parks and trails.

Council Member Ostler said that an agreement had already been made those profits from parcels sold in open spaces would go back into open spaces or to fund playgrounds or landscaping.

Council Member Bills asked for clarification. She said that she felt like residents should have a say in what the money was spent towards. She did not think that the profits should go to fund amenities (parks, trails, maintenance) that should have been funded anyway.

Mayor Mann asked for clarification.

Council Member Bills said that if the sale of the property near Viewpoint resulted in a revenue of \$10,000, that money should not be used to fix sprinklers or something in Viewpoint. Viewpoint was already paying \$20 a month with a subsidy of the City to cover the maintenance of open spaces. She said that she wanted it stated that residents could have a say in how the money was spent.

Mayor Mann asked if the Council had ever said that residents could have a vote on how the money was spent. He said that it was his assumption that it would go into the open space fund.

Council Member Smith said that was his understanding, too and that all 18 neighborhoods could use the money generated because they were all paying the same fee. He thought that if open space was sold in places that were not in open space neighborhoods that those profits would go into the General Fund.

Council Member Rodela said it was her understanding that money gained from the sale of open space in open space neighborhoods would go to a general open space fund to allow for flexibility. There was no dedicated source of funding for any one subdivision.

Council Member Bills said that she agreed with how they had decided to allocate the money. She just felt that these revenues should not go towards maintenance because maintenance should be done anyway by the City.

Council Member Ostler agreed that the money should be used for capital projects or improvements.

Council Member Rodela said the Windsor Meadows playground was in desperate need of replacement.

Council Member Ostler said that he thought that they should try to steer away from funding trails with the open space special service district money.

Before making a motion, Council Member Ostler wanted it recorded that because the approval happened on July 20, 2021 that the pricing for the sale of the properties would be locked until July 20, 2022 at which point the pricing could be adjusted.

Council Member Brittney P. Bills MOVED that the City Council approve Resolution 2021-16 with the changes we discussed.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

Council Member Rodela clarified that the Council will wait to open up the application period for another year.

Mayor Mann said that was the plan.

Council Member Ostler said that he worried about opening another application period when the Council already had to review the applications that were deferred in October.

Council Member Rodela suggested that they review the process to try and determine if it was better to open applications to purchase surplus property all at once or to do it little-by-little.

Council Member Smith said that he recognized the risk of setting a precedent, but that there were always exceptions to the rule. He felt like the family that came before the Council today had some mitigating circumstances. He said that because this was such a complex situation, he felt that the Council should sometimes make an exception to the one-a-year application window.

Mayor Mann noted that it had been suggested that the Council do this process subdivision by subdivision because they were all different.

Council Member Ostler said that would allow the Council to visit the different subdivisions. Looking at them would give the Council a better sense of what they were doing.

There was more discussion about if the Council should make exceptions and review a few more applications or if they should open up the application period again in the fall.

Council Member Smith was in favor of reviewing two or three more applications. Council Member Ostler asked how they would determine which applications were worthy of an exception. He also felt that they would be looking at the hard cases in the fall when the Council reviewed the applications they had already deferred. He asked Ms. Smith what she thought would happen if they opened up the application period in the fall.

Ms. Smith said that a few residents have already asked her about putting in an application. She also had some residents who were already waiting for 2022. It's her opinion that people need to wait till the 2022 application period. When residents claimed that the situation was dire and they needed to acquire property now, it was her process to pass it on to the Council to decide. That was why one of the residents was at the meeting tonight.

Mayor Mann reminded that the application put forth by the resident present at the meeting was not on the agenda so they could not decide on it.

Council Member Smith said again that it was his inclination to review a few more applications in the fall because there were always worthy exceptions.

Mayor Mann said that he was concerned about carving up something like Windsor Meadows without taking a holistic view of it, by default, the Council created policy by looking at a small piece as opposed to the whole subdivision. He also noted that he thought that the applicants from Windsor Meadows wanted to take away a trail. The mayor that it was the Council's policy that if a subdivision wanted to take away a trail that the Council would not consider the application.

Council Member Smith suggested that every four months the Council review a neighborhood and try to do three neighborhoods a year.

Mr. Crane reminded the Council that they were not done with the properties they were reviewing now. He said that there were two big elements the Council still had to address: encroachments and deferred applications. He suggested that the Council get through those and then reassess. He said that this process was started in October of 2020. They were 10 months into the process. He felt like the City owed it to residents to finish the existing applications before reviewing new ones.

Council Member Ball asked Mr. Patterson if there was any timeline or danger of implied ownership if encroachment went unaddressed.

Mr. Patterson said no, especially when the discussion about encroachment was that the City was aware of it and figuring out a good policy on how to address it, as opposed to saying that the City loved encroachments and did not care about them. Although it took time to work through the policy it did not give residents some sort of right.

Council Member Ball said that when he lived in another state, the church had a problem with other people using the parking lot. Those using the lot came back and said that it was an implied usage and easement because the church had not done anything about it. He said that oftentimes the City is seen as having a lot of money and resources, which causes them to sue the City. He felt like there would be benefit to issuing letters stating to residents that a piece of land was not their property and that the City was dealing with it.

Mr. Patterson said that he didn't have an opinion about the letter, but that the law was clear: you can't claim government property.

Council Member Ostler said that he felt like the Council already had a lot on their plate for the fall so he thought that it was better to have anyone who inquired to wait until the 2022 application period so that there was consistency.

Council Member Smith said that he felt like they should look at the exceptions.

Council Member Rodela said she felt as though they should finish the review of the current applications and then re-evaluate any additional requests.

Council Member Bills agreed.

7. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

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

a. RAP Tax – *Erin Wells, Assistant City Administrator*

Erin Wells, Assistant City Administrator, reviewed that the RAP tax was a .1% sales tax charged at Highland businesses. The City could collect between \$135,000 and \$164,000 a year depending on what the market did. State law was very specific about what the RAP tax can fund: cultural, recreational, zoological, and botanical facilities. The RAP tax must be approved by voters and can be renewed after 10 years. She reminded that a month ago the Council passed a resolution asking the county if they were going to issue a county-wide RAP tax. The county responded that they were not going to issue a county wide tax allowing the City to institute the RAP tax.

Council Member Smith wanted it noted that cities surrounding Highland—Lehi, American Fork and Cedar Hills—already had a RAP tax implemented.

Ms. Wells said that was correct. She continued that the subcommittee—Mayor Mann, Council Member Bills, Council Member Rodela, and herself—had met and established a communications plan. They wanted to make sure to communicate to residents that this would impact anyone who shopped in Highland and that when a resident shopped in a neighboring community, they were already paying a RAP tax that benefited another City. The subcommittee had also talked about the use of the funds and suggested that it be limited to parks and trails only as opposed to cultural initiatives such as the arts. The subcommittee thought that some residents might feel as though the arts should be funded privately as opposed to from governmental funds. There were a myriad of projects and ways that these funds could be used within the parks and trails list. Blueline Design had put together a capital improvement list for Highland's parks, there had been discussion about adding another parks employee that would cost an additional \$80,000 a year, the maintenance for Mountain Ridge would be about \$22,000 a year for phase 1, or the money could be put towards the trail plan. She said that while the Council does not have to be exact in what they will spend the money on, what the money can be spent on was dependent on the ballot question. If the ballot question said that funds could only go towards recreational, the money could not then go towards the arts later. The Council would have to wait the ten years until the RAP Tax was up for renewal and change the ballot question at that point.

Ms. Wells outlined the next steps. Staff will bring a resolution to the Council on August 3, 2021. The resolution would officially communicate with Utah County that Highland was putting the tax on the ballot. At that point in time staff needed to distribute a voter information pamphlet, hold a public meeting, and the election. If the tax was approved in 2021, it would go into effect in April of 2022. Because of this, it would not be until FY 2022-2023 that the City would see the impact of the tax.

She reminded, as was the case for ballot propositions in general, that the City had to stay neutral. If there ended up being an argument against the tax, the City had to give that position equal time in whatever form the tax was presented (website, public meeting, video, etc.). She continued that one of the ideas of the subcommittee was to have information at the Fling informational booth about the RAP Tax, the Wimbledon Referendum and about Mountain Ridge Park. Staff, however, was concerned about how the RAP Tax could be presented in a neutral manner in this setting. Because of this, staff suggested that if the Council wanted to talk about the RAP Tax or the Wimbledon Referendum that they pay for a booth so that they can say what they want about those topics on their own time.

Council Member Smith said that when he goes to a public event he does not expect to get information about taxes and referendums. He felt those topics could be communicated in a different setting.

Council Member Bills agreed. She said that if they had a Council booth it would be hard to differentiate between what was the formal booth and what was council members talking independently about these issues.

Ms. Wells said that if someone came up and asked the Council about one of the issues when they were staffing the booth that it was okay to give them factual information and could say, "If you'd like my opinion, let's go take a walk so I can give you my opinion on my own time."

Council Member Bills said she felt like it was a great time to talk to people about the park, especially when people had limited attention for talking with Council members during a community event.

Ms. Wells ultimately needed direction from the Council on language used in the ballot question and the focus of the pro argument for the informational pamphlet. If it was the Council's direction that the money be limited to recreational uses, potential language might read, "shall Highland impose this tax for recreational uses." She said that she could include all of the ballot language in the resolution brought before the Council in August and the Council could indicate what they wanted to strike.

Council Member Smith commented that he worked with the Friends of American Fork Library. Because of this, he knew that there were several organizations that would apply for grants funded by the RAP tax. Because of this, he was hesitant to limit the proceeds of the tax just to recreation.

Ms. Wells said that she agreed with him. On one hand the tax might be more assured in passing if it was limited to recreational projects, but did they want to lock themselves in for 10 years to only funding that use.

Council Member Bills asked if they could include language for all of the different areas, but when talking about the tax focus on the parks and trails initiatives.

Ms. Wells said that she felt that was okay. If the Council passed the resolution, the City wrote the pro argument for the voter pamphlet. It was her thought that this argument would focus on parks.

Council Member Ball said that a lot of people did not like vague language. He said that he had a lot of residents talk to him about road taxes who had concerns that it was going to go to something else. He felt that they needed specific language.

Ms. Wells said state statute specified the ballot language. It would read, "Shall Highland City be authorized to impose .1% sales tax for recreational, cultural, or zoological facilities and recreational, cultural, or zoological programs or organizations that provide a benefit to the City." The Council could decide to list all of those options or to remove some of them. The only flexibility with this language was what to include in the list. With the voter informational pamphlet, however, the City could explain specific projects it intends to fund. It was her understanding that Council Member Bills suggested that in this pamphlet, the City focus on its park's initiatives.

Council Member Ball said that the term "cultural" was pretty broad.

Ms. Wells said that the state actually defined *cultural* as performance and physical arts.

Council Member Ostler said that he felt like they needed to be specific about what recreational and cultural projects the City intended to support. He asked if there were cities that put the RAP tax on the ballot and failed to have it pass. It was stated that Lehi's first attempt to pass the RAP tax failed. There was one individual who had a ton of time on their hands who did a lot of work to try and not have the tax passed and people listened because it was a tax.

****The Meeting recessed at 10:43 p.m. and adjourned at 10:51 p.m.**

Council Member Ostler said that he felt that any time the City imposed or increased a tax, it was hard for residents to see the increase and say yes. He felt that it was important to educate residents and to be careful with the wording. He noted that in looking at survey data, including language that supported the arts might cause people to pull back their support.

Mayor Mann said that was a fair point. He noted that if the City was going to get \$160,000 a year, there were things they could do with that money in its parks every year, especially because it could go towards operational or capital expenses. He felt that narrower was better.

Ms. Wells verified that it was the direction of the Council to narrow the ballot language only to recreational facilities. She asked if the Council needed any additional information before making the decision if this goes on the ballot.

b. Park Maintenance Building - *Andy Spencer, City Engineer/Public Works Director*

Andy Spencer, City Engineer, reminded the Council that as part of the budget they funded a Parks Maintenance Building to be located north of the Community Center at 10400 and SR74. Staff had entertained that a metal structure would be placed on the northeast corner of the property. Most of the property was unfinished and several trees would have to be removed for the building project to go forward.

One of the items that needed to be discussed with the Council was that the original subdivision plat contained a 50' setback along SR74. The current code would only require a 30' setback. The proposed plan was laid out honoring the 50' setback and aligned with the eastern wall of the community center. The proposed building and the community center would connect with a solid fence. One of the design elements that they plan to implement is to extend the wall. However, with the 50' setback the highway drifts away from the building. Because of this, staff would like to design the site with the 30' setback in the current code so that they can maximize the yard. This would have a lot of value because there will be a lot of trucks and trailers that will need to be able to get back to the shop. If they could design the site with the 30' setback was an issue staff needed feedback from the Council.

Staff also wanted feedback about the aesthetic of the building. While the building will be metal, they had met with a contractor and had a plan to have the SR-74 side of the building be brick in appearance. Although the siding would be commercial stucco, it would look like brick and replicate the look of the existing building. The pitch of the roof would be seen from SR-47, so staff intended to replicate the dark roof of the community center to look more integrated in the existing site. The other three sides of the building would be metal, but would be a complementing cream color. There would be a fence line to indicate the area that was closed to the public for security reasons and ensuring that kids don't get into the yard.

Mr. Spencer noted that part of the proposal was to have access into the basement of the community center to create office spaces for parks operations. Including the need to cut into the building and some of the basic fencing the project is estimated to cost \$450,000. The current budget is \$300,000 for the project so a budget adjustment was needed. This estimate did not include the site work. That would be an additional \$375,000 making the total budget for the new building \$825,000. Because of this, the project will need to be phased over the next couple of years. The hope is to get into the buildings as soon as possible to be able to optimize staff time. Highland was currently renting two storage units in American Fork. Not only did the trips take time, but there was the monthly cost, which was significant because they were large units.

Mayor Mann had a question for Mr. Crane about the setback. He said that Chad Copier, the property owner to the north, wanted to build a fence a couple of years ago and the City told him no. He wanted to know if his request had a 50' or 30' setback.

Mr. Crane said that he wanted a fence along SR-74 along the sidewalk. He said that when Mr. Copier could not meet the old code, so the City changed the code to try and create a standard that could also apply for subdivisions. He noted that there was a difference between building and fence setbacks.

Mayor Mann asked how the building would be positioned if the Council approved the 30' setback.

Mr. Spencer said that the building would still be oriented perpendicular to the parking areas to keep the building aligned with the drive areas. However, they would angle the fence between the existing building and the new building. This would give them another 20' of mobility.

Mayor Mann asked if with the smaller setback they would have to remove additional trees.

Mr. Spencer said that apart from removing one additional tree, staff thought they could design the site without impacting any of the other trees. We may have to remove one more tree. He restated that the goal was to match the aesthetics of the building and have part of the building visible to the street, but to position the fences in such a way that there wasn't a trash area/weed area in between the fence and the building.

Mayor Mann asked if they moved the building to the north 20' would they need an additional fence. He said Mr. Copier already had a fence there.

Mr. Spencer said they would replace that fence because the existing fence was not very secure. The intention was to put in a solid fence. They would want to be good neighbors to him.

Council Member Ostler asked why staff did not want this metal building to look like the metal blue house up the street. Mr. Spencer said that he had been told that it was a gorgeous house inside. He said the idea of doing the east side to look like the existing building was to do the best to mesh with the existing campus. They were trying to do a metal structure because it was so much more cost effective. One of the first bids for the building came back at \$1.3 million. If it were to be built today it would be about \$1.6 million. This project could be done at half that \$825,000.

Council Member Ostler said that there was a small subdivision just down the road. He wanted to know if there was parkway detail in that subdivision.

Mr. Spencer said that the 30' setback was to the structure. The parkway detail was usually 29', plus an additional 10-15' setback for curb and sidewalk. He said that the site plan would be similar to the fence location of the parkway detail. He said that the 50' setback seemed to be an idea from when the subdivision went in many years ago. He said that there were not many 50' setbacks along the road.

Council Member Ostler asked if Mr. Copier wanted to put in a fence today if he would be required to use the 50' setback even though the City could be approved for 30'.

Mr. Crane said again that the 50' setback was for the building position from the property line. Mr. Copier could put his fence 30' from the back of the curb just like what the City was proposing to do.

Council Member Ostler and Mayor Mann asked if they would be adding some parking spots with the renovation of the site?

Mr. Spencer said that all of the areas on the site plan in yellow indicated additional parking along with a second entrance.

Council Member Ostler asked what rooms in the basement of the community center they were planning on taking for offices.

Mr. Spencer said the Historical Society would have access through the eastern door. The arts would have one room for storage, leaving the rest of the basement for parks storage and offices. There would be not classrooms available in the basement to teach classes.

Council Member Bills asked if they were taking space away from the Historical Society.

Ms. Wells said apart from no longer being able to store items in the kitchen, no. She said that they had talked with Shauna, Charlie and TSSD and they were okay. She said that Shauna was good at finding ways to make it work. The City had already stopped reserving that space for the Historical Society because they had hoped that Parks could be in that area this year.

There was more conversation about how the Community Center was being used.

Council Member Smith said that he thought this was a great plan and supported the 30' setback to expand the area.

Council Member Rodela asked clarifying questions about the budget. What had they allocated before and what was the current proposed budget? Where was the money coming from?

Mr. Spencer said that there were sufficient funds in the building capital fund which had a balance of \$830,000. Only \$300,000 of that was in the budget because it was unknown what the project would entail. If they just did the building, the access to the basement and some of the key fences, it would cost \$450,000. However, it was likely that they would need to put in some of the asphalt, so it was likely that the proposal brought back to the Council would be around \$550,000 - \$600,000. They would build this in various phases. He said that at a minimum they needed the \$450,000 to construct the building and secure the area with fences.

Council Member Rodela asked if the full balance of the building capital fund had been earmarked for the parks building or if there are other projects the City had considered using that money for.

Mr. Crane said that of the building capital fund, \$300,000 came from the exaction fees that the City was reimbursed for its contribution to infrastructure. The rest of the money came from contributions over time when it hadn't snowed as much, or if there was excess over the 25% reserve in the General Fund, it was moved to the building capital funds.

Council Member Smith said that it was good to understand where the money was coming from, however, this was a building the City absolutely needed. Gas had doubled, so a huge expense was going towards hauling stuff.

Council Member Ostler was concerned that the project was going to cost a lot more than anticipated.

Mr. Spencer said the project was more than anticipated, but that was why they had been working with the contractor to find the balance between budget, aesthetics, and use. They had found a way to reduce the costs.

Council Member Ostler asked Finance Director Tyler Bahr how this would show up in the budget.

Mr. Bahr said that it would not show up on the balance sheet because only \$300,000 was in the current budget. However, the money was in the fund.

Council Member Bills asked Mr. Bahr if he could clarify the difference between an exaction fee and an impact fee.

Mr. Crane said that when the town center was built some developers came together to build infrastructure in the area. It could be thought of as an infrastructure reimbursement fee that the City would have to pay back. An impact fee was for future growth for the infrastructure overall.

Council Member Ostler asked where the money was going when the General Fund exceeded the allowed 25%.

Mr. Bahr said that the balance from the fund came from when there was extra money in the General Fund and the Council approved a budget allocation. It was agreed that anything over 27% would go towards this capitol building account. He said that as the state had increased the allowed reserve to 35%. He said that Council could allocate General Fund surplus, but there would be no de facto transfer.

Mr. Spencer acknowledged that the expense was significant, but he appreciated that it was also noted that the project needed to be done and this proposal seemed to be the best option, especially since the capital building funds were available. Unless there was additional feedback, they would get the Council design documents and move forward with the project.

c. ARPA UPDATE:

Finance Director Tyler Bahr explained that the City applied for ARPA funds. We have received our first amount of \$1.1 million dollars. The City has until end of 2024 to allocate the funds and until 2026 to spend them. The City had the ability to receive matching funds, though there was a short window on that opportunity. He stated that the portal opens on August 16th. The criteria for applications are yet to be published. Council Member Ostler asked if the City can apply for other money.

Mayor Mann stated that if the City was using money for meters, it would be more meters. In this case, the City is looking for park, there will be more park. Mr. Bahr stated that staff will begin immediately asking the Utah League of Cities and Towns for clarification. He stated that when council meets again, staff will bring information and the seek approval for matching funds. Successful applicants and funds will be dispersed mid-November.

Council Member Smith stated that he would like to see some of the stipulations. Mr. Bahr said staff will report to federal government and the State can't put additional stipulations on to the funds.

Mr. Crane stated that money will most likely be disbursed to disadvantaged communities. This will be a challenge for the City.

Mayor Mann stated that he attended a two-day seminar Training done by the Arbinger Group. The President of the trust offered to hold special training free of charge for Highland. He suggested using work sessions for training.

d. Future Meetings

- July 27, Planning Commission Meeting, 7:00 pm, City Hall
- August 3, City Council Meeting, 7:00 pm, City Hall
- August 11, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- August 17, City Council Meeting, 7:00 pm, City Hall
- August 24, Planning Commission Meeting, 7:00 pm, City Hall

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 11:39 pm

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on July 20, 2021. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle
City Recorder

DRAFT



CITY COUNCIL AGENDA REPORT

ITEM #3b

DATE: August 17, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Rod Mann, Mayor
PREPARED BY: Stephannie Cottle, City Recorder
SUBJECT: **PLANNING COMMISSION APPOINTMENT:** Tyler Standifird
Administrative

PURPOSE:

The City Council will consider the Mayor's request to ratify the appointment of Tyler Standifird to the Planning Commission. The City Council will take appropriate action.

BACKGROUND:

The Planning Commission is made of seven members appointed by the Mayor with the advice and consent of the City Council. Commissioners serve four-year terms beginning February first of each year. The Commission provides recommendations to the City Council on land use matters.

With the resignation of Seth Barrus one seat needed to be filled. The Mayor is recommending Tyler Standifird to fill that seat which will expire on February 1, 2024. Mr. Standifird has served as the Planning Commission alternate since February 2021.

Seat	Name	Term Expiration	Notes
1	Audrey Moore	2023	Formerly Christopher Kemp's seat
2	Claude Jones	2023	
3	Sherry Carruth	2022	
4	Chris Howden	2025	
5	Mino Morgese	2025	
6	Jerry Abbott	2024	
7	Tyler Standifird	2024	Formerly Ron Campbell's and Seth Barrus's seat

FISCAL IMPACT:

None

PROPOSED MOTION:

I move that the City Council ratify the Mayor's appointment of Tyler Standifird to fill the seat vacated by Seth Barrus to expire on February 1, 2024.

ATTACHMENTS:

1. Tyler Standifird Volunteer Statement

* 5/23/2019



Highland City Volunteer Statement of Interest

The residents of Highland have great pride in their City. The City utilizes many volunteers in numerous capacities to improve the overall quality of life in our town.

In order to encourage this participation, the Mayor is requesting statement of interests from those who are willing to serve. As vacancies or needs arise within the City, the Mayor and the City Recorder will review the statements, conduct interviews and make a selection(s).

If you are interested in serving as a volunteer within Highland City, please submit this Statement of Interest to the City Offices.

Name Tyler Standiford Date 5/23/2019
Phone number [REDACTED] Email address [REDACTED]
Residence address [REDACTED]

Please fill out the following form or attach a resume type document listing expertise, experience, interests, etc.

How long have you resided in Highland City? 34 years
Occupation Professor
Education PhD in Biomechanics
Are you able to meet in the evenings? yes Semi-monthly _____ Monthly _____
List any background and experience you have that you think would be helpful to the Committee or Commission you would like to serve: UVU - faculty senate. Passionate resident.

Please state why you would like to serve: Planning Commission

If not selected for an immediate opening, do you wish to be considered for the next opening? _____
Additional comments: _____

Please select your interest:

Standing Committees

Arts Council
Beautification
Highland Fling
Tree Commission
Youth Council

Ad Hoc Committees

Planning Commission
Open Space
Water Advisory Board
Other: _____

Submittal of a Statement of Interest does not guarantee an appointment to a committee.



CITY COUNCIL AGENDA REPORT

ITEM #3c

DATE: August 17, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner and GIS Analyst
SUBJECT: FINAL PLAT: Sunrise Farms Plat A *Administrative*

PURPOSE:

The City Council will consider a request by Patterson Development for Final Plat approval for Sunrise Farms Plat A, a proposed 10-lot single family subdivision located at approximately 11241 N 6000 W. The City Council will take appropriate action.

BACKGROUND:

The property is 9.16 acres and located at approximately 11241 N 6000 W. The applicant is requesting to create a 10-lot subdivision.

The property is in the R-1-40 Zone.

On May 4th, 2021, the City Council approved the preliminary plat for Sunrise Farms Plat A subject to the following stipulations:

1. *The final plat shall be in substantial conformance with the preliminary plat received April 26, 2021.*
2. *All public improvements shall be installed as required by the City Engineer.*
3. *The civil construction plans shall meet all requirements as determined by the City Engineer.*

Final Plat review and approval is an *administrative* process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting Final Plat approval of 10 single-family residential lots located at approximately 11241 N 6000 W.
2. Access to the site will be from 6000 West. It aligns with the current 11200 North intersection. A stub road with a temporary turn-around is proposed on the west that can connect to the property to the south when it is developed.
3. Lot sizes range from 23,175 to 40,325 square feet.
4. Parcel A is a 4.41-acre parcel proposed to be kept for future development.

CITIZEN PARTICIPATION:

Notice of the City Council meeting was posted on the State and City websites August 12, 2021.

ANALYSIS:

- The property is designated as Low-Density Residential in the General Plan Land Use Map. It is zoned as R-1-40.
- The subdivision consists of 13.59 acres. With R-1-40 density requirements, the developer is allowed 14 lots on the entire parcel. When the square footage of Parcel A is subtracted from the property, the remaining square footage allows for 10 lots. As a result, with or without Parcel A, the proposed subdivision meets the requirements for R-1-40. The developer's request is consistent with the R-1-40 density requirement.
- There are two (2) lots that are less than 30,000 square feet. This meets the requirement that no more than 25% of the lots can be under 30,000 square feet in the R-1-40 Zone.
- The developer has stated that Parcel A will continue to be used as agricultural land until future development takes place. A fence will be put up along the north side of Parcel A.
- The properties directly north, south, and east of the proposed project are zoned R-1-40. The property to the west is the R-1-40 Bull River subdivision. The proposed project is compatible with the surrounding uses.
- The stub road for future development on the west side of the property exceeds 600 feet and therefore requires a temporary turn-around as shown on the plat.
- The City Engineer made it clear that it is not possible for the subdivision to connect to sewer on 6000 W due to the topography of the land hence the reason for the sewer easement going down to SR-92 to be recorded with the plat.

FINDINGS:

With the proposed stipulations, the final plat appears to meet the following findings:

- The plat is consistent with the General Plan.
- The plat is compliant with R-1-40 Zoning requirements.
- The plat meets the requirements of the Development Code.

RECOMMENDATION AND PROPOSED MOTION:

Staff recommends the Council consider the request, accept the findings, and **APPROVE** the proposed final plat subject to the following stipulations:

1. The recorded plat shall be in substantial conformance with the final plat received June 16, 2021.
2. All public improvements shall be installed as required by the City Engineer.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.

I move that the City Council accept the findings and **APPROVE** the final plat for Sunrise Farms Plat A subject to the three (3) stipulations recommended by staff.

ALTERNATIVE MOTION:

I move that the City Council **DENY** the final plat for Sunrise Farms Plat A based on the following findings: (The Council will need to draft appropriate findings.)

FISCAL IMPACT:

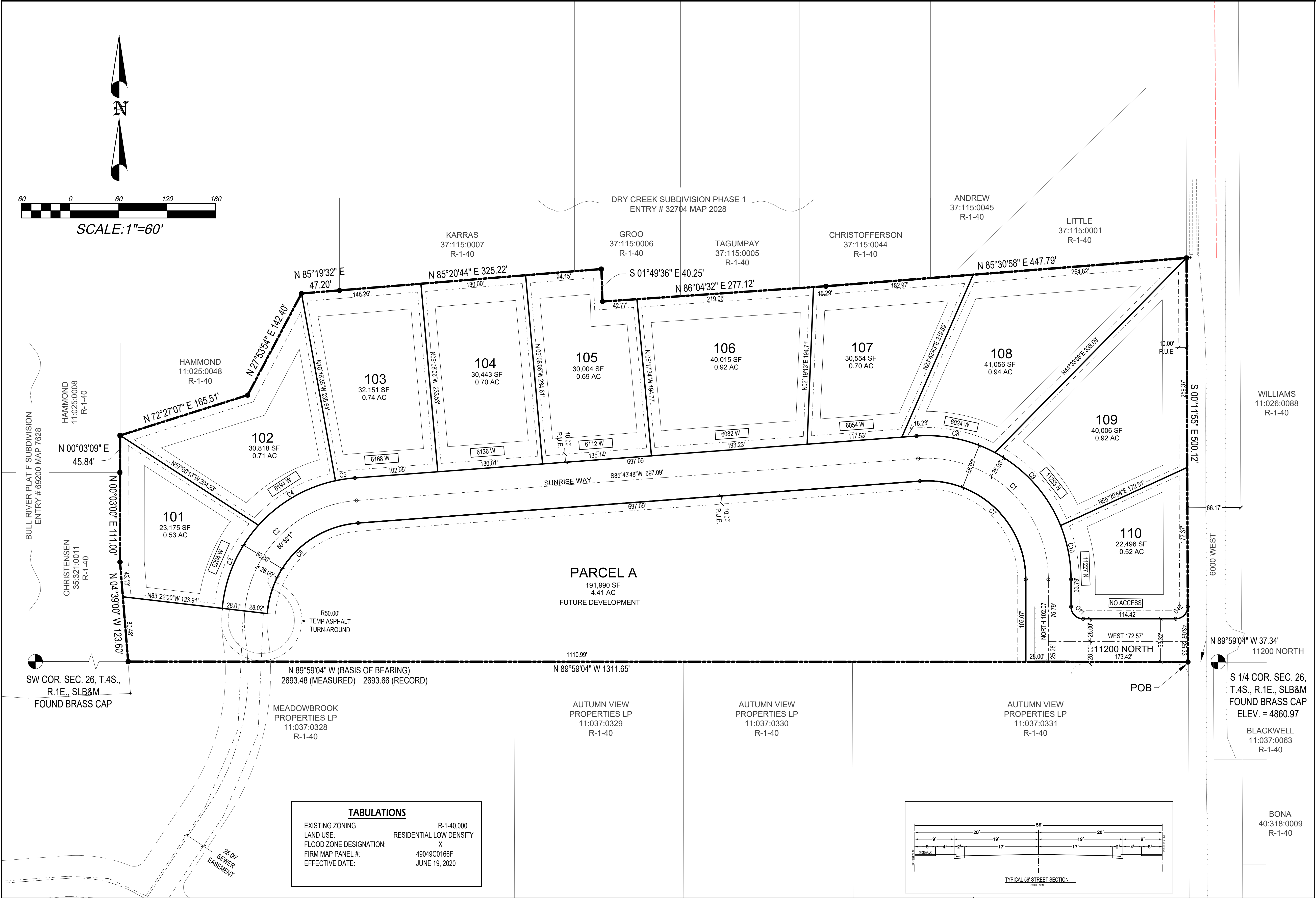
This action will not have a financial impact on this fiscal year's budget expenditure.

ATTACHMENTS:

1. Vicinity Map
2. Final Plat received June 16, 2021
3. Minutes from the City Council Preliminary Plat Approval May 4, 2021

ATTACHMENT 1:





SURVEYOR'S CERTIFICATE

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

DATE _____ SURVEYOR (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

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

RUNNING THENCE N 89°59'04" W 1311.65 FEET; THENCE N 04°39'00" W 123.61 FEET; THENCE N 00°03'00" E 111.00 FEET; THENCE N 00°03'09" E 45.84 FEET; THENCE N 72°27'07" E 165.51 FEET; THENCE N 27°53'54" E 142.40 FEET; THENCE N 85°19'32" E 47.20 FEET; THENCE N 85°20'44" E 325.22 FEET; THENCE S 01°49'36" E 40.25 FEET; THENCE N 86°04'32" E 277.12 FEET; THENCE N 85°30'58" E 447.79 FEET; THENCE S 00°11'55" E 500.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 590,938 SF OR 13.57 AC

OWNERS' DEDICATION

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

IN WITNESS WHEREOF WE HAVE SET OUR HANDS THIS _____ DAY OF _____, A.D. 20____

BY: WAYNE PATTERSON, MEMBER
MEADOWBROOK PROPERTIES LIMITED PARTNERSHIP

ACKNOWLEDGEMENT

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

NOTARY PUBLIC (SEE SEAL BELOW)

ACCEPTANCE BY LEGISLATIVE BODY

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

APPROVED BY MAYOR _____

CITY ENGINEER (SEE SEAL BELOW) ATTEST: CLERK-RECORDER (SEE SEAL BELOW)

HIGHLAND CITY ATTORNEY

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

PLANNING COMMISSION APPROVAL

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

COMMUNITY DEVELOPMENT DIRECTOR _____

CONDITIONS OF APPROVAL

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

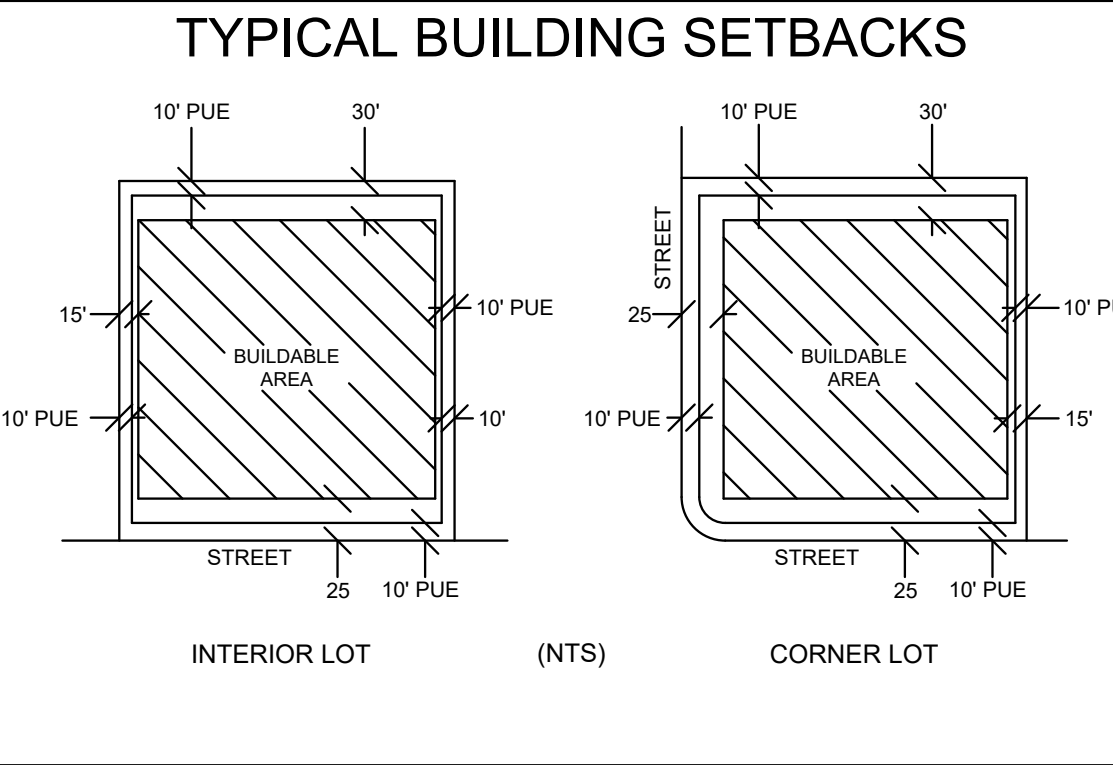
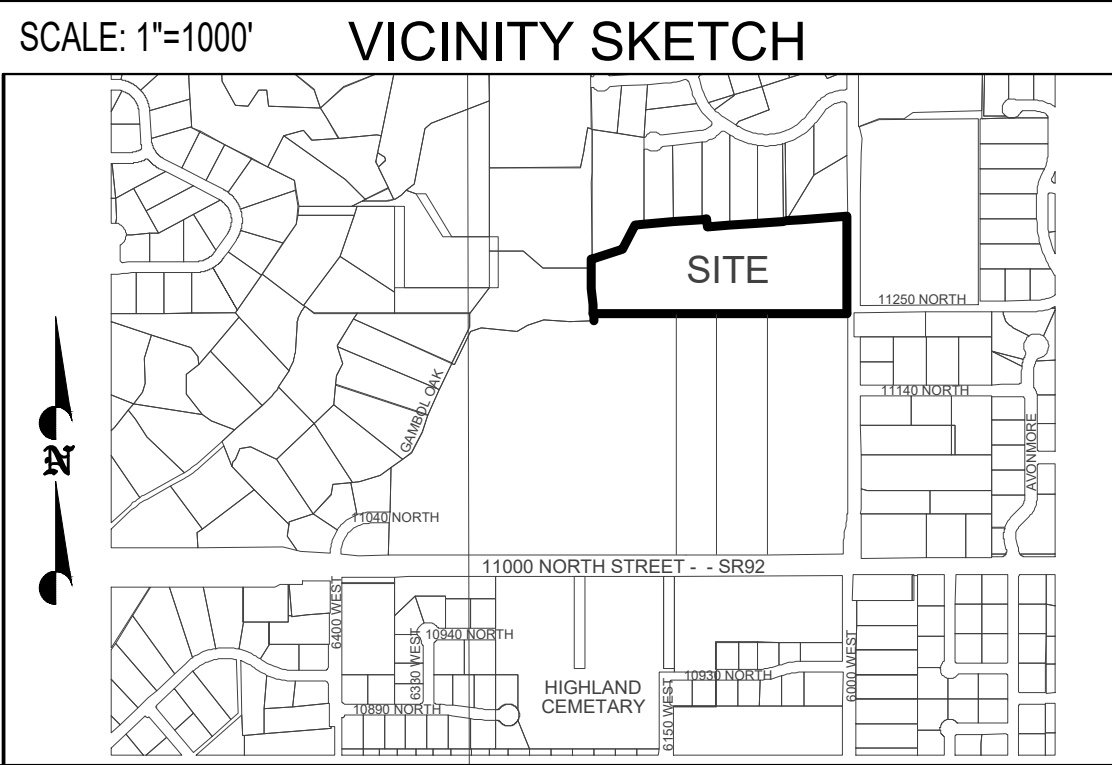
- 70% of the front yard landscaping shall be installed by the homeowner within one year after receiving a certificate of occupancy.
- Landscaping and construction materials of any type are not permitted upon or within the street, curb & gutter, park strip or sidewalk (street right-of-way) with the exception of the park strip which requires 75% to be landscaped.
- A fence that abuts open space or has a trail has additional restrictions of size and opacity. Fences along open space or a trail must comply with Highland City Ordinance. A fence permit is required for all fences.
- Highland City Ordinances restrict height of foundation above curb. It is the responsibility of the buyer to contact the city prior to purchasing any lot. This restriction applies to all lots in this subdivision.

OWNER

MEADOWBROOK PROPERTIES, LP
11038 N. Highland Blvd Suite 400
Highland, UT 84003
(801) 492-3400

ENGINEER

BERG
CIVIL ENGINEERING
11038 N Highland Blvd Suite 400
Highland UT 84003
office (801) 492-1277
cell (801) 616-1677



DOMINION ENERGY

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

Approved this _____ day of _____, 20____, Dominion Energy By: _____ Title: _____

UTILITIES APPROVAL

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

Rocky Mtn. Power _____ Qwest _____ Comcast _____

Date: _____ Date: _____ Date: _____

SUNRISE FARMS

PLAT "A"

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

SCALE: 1" = 60 FEET

SURVEYOR'S SEAL

NOTARY PUBLIC SEAL

CITY ENGINEER SEAL

CLERK-RECORDER SEAL



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, May 4, 2021

Approved June 1, 2021

4. **PRELIMINARY PLAT: SUNRISE FARMS** *Administrative*

The City Council will consider a request by Patterson Development for Preliminary Plat approval for Sunrise Farms, a proposed 10-lot single family subdivision located at approximately 11241 N 6000 W. The City Council will take appropriate action.

Kellie Bronson, Planner & G.I.S. Analyst, gave background of the plat request. The request is for a 10 lot, single-family subdivision. It is just west of 6000 West and north of Timpanogos Highway. It is zoned as R-140 and designated as a low density residential in the general plan. The preliminary plat is a total of 13.59 acres. The lots range from 23,175 square feet to 40,325. On the southern portion of the subdivision there is a parcel designated for future development. She confirmed that the plat conforms to what is required of R-140 standards. She said that 25% of the lots are allowed to be between 20,000 and 30,000 square feet, and two of them are. The main access to the lot comes from 6000 West. Because there are future plans for the road to be extended in the future, a temporary turnaround is accounted for on the plat because it exceeds the 600-foot minimum for a cul de sac. She said that a public hearing was held at the Planning Commission, and public hearing notices were sent out to properties within 500 feet of the subject property. It was also posted in newspapers and on the City website. One written correspondence was included in the packet from a resident in Bull River. At the public hearing a few residents had concerns about the R-140 standards. They went through that with the residents at the Planning Commission. There were also concerns about the development on the whole. The Planning Commission did move for a recommendation of approval for the preliminary plat. The staff recommends that the Council considers the request, accept the findings, and approve the preliminary plat. The engineer was also present.

Council Member Smith said that he had questions in regards to the correspondence from the Bull River resident. He said that there were concerns about a partially filled ravine on the east side of the property. He said the ravine has a bunch of cement and he wanted to know if work would be done on it.

Ms. Bronson said that was addressed, and a note was added on the construction plans that the ravine would be removed, cleaned up, and graded evenly.

Council Member Smith said there were questions about putting an eight-foot fence along the property rather than a six-foot fence. He said that City ordinances allow a six-foot fence. He asked if there was a discussion about putting a six-foot fence up.

Ms. Bronson said that because it is a low density development next to another low density development they can't require that of the developer. She said that residents that move in have the freedom to build six foot fences.

Mayor Mann asked if residents on the other side could put a fence up, which Ms. Bronson confirmed. Council Member Smith said there was a request for the developers to make one story homes. He said he didn't think the Council could mandate that. Ms. Bronson said that the Council can't mandate that with a development like this.

Council Member Kim Rodela MOVED that the City Council accept the findings and APPROVE the Sunrise Farms Preliminary Plat subject to the three (3) following stipulations recommended by staff.

- 1. The final plat shall be in substantial conformance with the preliminary plat received April 26, 2021.*
- 2. All public improvements shall be installed as required by the City Engineer.*
- 3. The civil construction plans shall meet all requirements as determined by the City Engineer.*

Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.



CITY COUNCIL AGENDA REPORT

ITEM #3d

DATE: August 17, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: RESOLUTION: Stormwater Pollution Prevention Plan (SWPPP) Fees
Legislative

PURPOSE:

The City Council will consider a request to amend the fees for Stormwater Pollution Prevention Plan (SWPPP) Plan Review and Inspections. The City Council will take appropriate action.

DISCUSSION:

A storm water pollution prevention plan (SWPPP) is required for all construction sites, which are one to five acres, or less than an acre if part of a common plan of development or sale that is one acre or greater. This is designed to address the exposure of pollutants inherent in each proposed construction process at each site, so that activities, materials, and processes are managed by Best Management Practices (BMPs) to minimize pollutants being transported off the site by storm water runoff. Specific self-inspection requirements and frequencies are included to ensure maintenance and effectiveness of BMPs. Stabilization of the site is required prior to termination of permit coverage to prevent the discharge of pollutants after the completion of construction.

We currently contract with Mitch Hilburn of Mystic Peak, LLC to review SWPP plans and perform inspection services. We are charged \$100 per inspection. All sites are inspected once per month. The length of time for construction for a single-family home can vary from 6 months to 27 months. Non-residential buildings can also vary.

Working with Mitch Hilburn, Finance and Building Departments recently completed an audit of our SWPP charges. Here is a summary of our findings:

- We do not currently have a charge for review of the permit and site inspections during the construction of a subdivision.
- Our current fee of \$750 per lot for single family subdivisions is not covering our costs. This fee was also used for non-residential development.
- We do not have a fee for attached single family homes.

As a result, staff is proposing the following fees:

- A new fee of \$1,500 for plan review and inspections for new subdivisions.
- An increase from \$750 to \$1,500 per lot for all other development.
- A new fee of \$50.00 per unit for attached single family homes.

A note about attached single-family homes. This type of product differs from a traditional detached single-family home. There are 96 townhomes in the first phase of Ridgeview. At the proposed \$50 per unit the fee is \$4,800 rather than \$72,000 at the current fee of \$750 per unit.

FISCAL IMPACT:

Staff does not anticipate a significant impact to the City's budget with any of these changes, however these changes will result in more accurate cost recovery.

RECOMMENDATION:

Staff recommends that the Council approve the amended fees.

PROPOSED MOTION:

I move that the City Council Approve the Resolution adopting the revised fees for Stormwater Pollution Prevention Plan (SWPP) Plan Review and Inspections.

ATTACHMENTS:

1. Resolution

**A RESOLUTION OF THE HIGHLAND CITY COUNCIL, HIGHLAND CITY,
UTAH AMENDING THE STORMWATER POLLUTION PREVENTION
PLAN (SWPP) PLAN REVIEW AND INSPECTIONS**

WHEREAS, the Highland City Council has determined that the fee schedule should be amended to reflect the costs of providing services.

NOW, THEREFORE, BE IT Resolved BY the City Council of Highland City, Utah:

SECTION 1. The Highland City Fee Schedule is hereby amended to amend the Stormwater Pollution Prevention Plan (SWPP) Plan Review and Inspections fee as follows:

- A new fee of \$1,500 for plan review and inspections for new subdivisions.
- An increase from \$750 to \$1,500 per lot for all other development.
- A new fee of \$50.00 per unit for attached single family homes.

SECTION 3. This Resolution shall take effect immediately upon its first posting or publication.

PASSED AND ADOPTED by Highland City Council this 17th day of August 2021.

HIGHLAND CITY, UTAH

Rod Mann, Mayor

Stephannie Cottle, City Recorder

COUNCILMEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Kurt Ostler	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐



CITY COUNCIL AGENDA REPORT

ITEM #4

DATE: August 17, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner and GIS Analyst
SUBJECT: PUBLIC HEARING/ORDINANCE: Text Amendment – Guarantee of Performance *Legislative*

PURPOSE:

The City Council will hold a public hearing to consider a request by Highland City Staff to amend several sections in Chapter 6 Guarantee of Performance in the Development Code to be consistent with Section 10-9a-604.5 in Utah State Code. The City Council will take appropriate action.

BACKGROUND:

In order to protect the City from incomplete or inadequate installation of public improvements, the City requires the developer of a subdivision to post a bond that covers the cost of 110% of the public improvements and landscaping, of which 10% is held after the improvements have been accepted by the city to guarantee those improvements. Utah State Code Section 10-9a-604.5 establishes the requirements related to improvement warranty when a subdivision plat is recorded. It states: “A *municipality shall... establish a minimum of two acceptable forms of completion assurance.*” Currently Development Code only identifies *one* form.

A development code amendment is a *legislative* process.

SUMMARY OF THE REQUEST:

1. The proposed amendment includes “an irrevocable letter of credit” as an acceptable form of a bond for the performance guarantee.
2. The remainder of the changes are adjustments to wording or phrasing to be consistent with the change above.

CITIZEN PARTICIPATION:

Notice of the public hearing held at the Planning Commission meeting was published in the Daily Herald on July 10, 2021 and posted on the State and City websites July 8, 2021.

Notice of the public hearing to be held at City Council was published in the Daily Herald on July 31, 2021 and posted on the State and City websites July 29, 2021. No comments have been received.

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing on July 27, 2021 and voted 5-0 to recommend **APPROVAL** of the proposed amendment.

ANALYSIS:

- Currently, the City only accepts cash bonds for the guarantee of performance for the public improvements. This means the money either comes to the City from the developer as a check, or they must sign an Improvement Deposit Account Agreement which holds the money (the 110%) in a Deposit Account with Highland City.
- Utah State Code requires there to be a second way for the developer to bond. The proposed amendment adds an irrevocable letter of credit as an option to meet this requirement. An irrevocable letter of credit comes from the bank; the bank agrees to pay the seller (the City) as soon as certain conditions are met.
- These changes are needed to update the Development Code to be consistent with Utah State Code.

FINDINGS:

The proposed amendment appears to meet the following findings:

- The amendment is needed to update the Development Code.
- The proposed amendment is consistent with Section 10-9a-604.5 in the Utah State Code.

RECOMMENDATION AND PROPOSED MOTION:

The Planning Commission recommends that the City Council accept the findings and **APPROVE** the proposed amendment.

I move that the City Council accept the findings and **APPROVE** the proposed amendment to several sections in Chapter 6 Guarantee of Performance in the Development Code.

ALTERNATIVE MOTION:

I move that the City Council **DENY** case TA-21-09 a request to amend several sections in Chapter 6 Guarantee of Performance in the Development Code based on the following findings: (The Council will need to draft appropriate findings.)

FISCAL IMPACT:

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

ATTACHMENTS:

1. Ordinance
2. Utah State Code Section 10-9a-604.5

ATTACHMENT 1:

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SEVERAL SECTIONS IN CHAPTER 6 GUARANTEE OF PERFORMANCE IN THE DEVELOPMENT CODE AS SHOWN IN FILENAME TA-21-09.

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

WHEREAS, the Commission held a public hearing on this Ordinance on July 27, 2021 and

WHEREAS, the City Council held a public hearing on this Ordinance on August 17, 2021.

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

SECTION 1: **ADOPTION** Several sections of the Development Code relating to parcel boundary adjustments, lot line adjustments, and plat amendments are hereby amended as shown on “Exhibit A” attached hereto and incorporated herein.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from August 17, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, August 17, 2021

HIGHLAND CITY, UTAH

Rodney W. Mann
Highland City Mayor

ATTEST:

Stephannie Cottle

Highland City Recorder

COUNCILMEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Kurt Ostler	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

EXHIBIT A

6-101 Applicability Of Chapter

This Chapter shall govern the provisions, nature, use, and disposition of guarantees of performance which are required to be posted with or deposited for the benefit of the City by Chapter 5, Chapter 3, Article 4 (all commercial development), or any other provision of this Code.

6-102 Type And Amount Of Guarantee

The performance guarantee or bond shall be one of the following:

1. A deposit of cash in a separate escrow account in an amount not less than 110% of the estimated cost of constructing the required improvement or improvements, as determined by the City. Said account shall be made with a financial institution acceptable to the City Administrator and shall be established in such a manner that any release therefrom shall require the advance written consent of the City, as set forth in this Chapter.

1.2. An irrevocable letter of credit in an amount not less than 110% of the estimated cost of constructing the required improvement or improvements, as determined by the City. Said letter shall be issued by a financial institution acceptable to the City Administrator and shall contain the terms and conditions required by this Chapter. Two letters of credit may be issued, provided that one is in an amount not less than 100% of the estimated cost of construction to guarantee completion of all required improvements, and the other is not less than 10% of the estimated cost of construction to guarantee the durability of all required improvements.

6-103 Security: Site Improvements/project Completion

The following articles shall apply to all commercial and residential developments within Highland.

1. Site Improvements.

a. Guarantee. To guarantee the construction, repair and/or replacement of required public improvements, the permittee shall post a bond in the form of a cash deposit. The amount of the bond shall be the greater of One-thousand Dollars (\$1000.00) or 110% of the reasonable construction or installation costs of each of the following that is applicable to the project:

i. Public Improvements as listed, but not limited to:

- (1) Curb, gutter and sidewalk
- (2) Storm sumps
- (3) Asphalt paving
- (4) Fire hydrants
- (5) Fencing

- (6) Landscaping sprinkling systems
 - (7) Water and sewer lines
 - (8) Driveway approaches
 - (9) Any other required improvements
- ii. Landscaping (if commercial or public/institutional building or if landscaping or open space is required)
- b. Calculation. In calculating the amount of the bond, the City Engineer may accept the amount specified in a construction bid as the reasonable cost of the improvements.
- c. Damage. This site improvement bond shall also guarantee the repair or replacement of any public improvements damaged by the contractor or owner or their agents during construction.
- d. The City shall notify the owner and/or contractor of any such damage and shall require repair or replacement of the damaged public improvements within a reasonable time. Upon the failure of the owner or contractor to make the specified repairs, the City may take whatever legal action it deems appropriate, including foreclosure on the bond, to secure the repairs.
- e. Bond Release. No bond shall be released until all improvements are completed and accepted by the City.

2. Project Completion.

- a. Security Required. In order to protect the City from incomplete or inadequate installation of the public improvements and Landscaping, the City requires the developer post a bond in the amount of 110% for the public improvements and landscaping of which 10% will be held after the public improvements and landscaping have been accepted by the city to guarantee those public improvements and landscaping improvements. Also, all landscaping requirements associated with each commercial or public/institutional building shall be installed and bonded for prior to the final building inspection associated with a building permit and issuance of a Certificate of Occupancy.
- b. Construction According to Approved Plans. All construction shall be completed according to the approved plans on which the building permit(s) was issued. The approved plans shall also include the site improvements shown on the approved site plan. Deviations from the approved plans must be approved in advance by staff, provided that requested deviations to the site plan do not increase or decrease the approved building square footage by five percent (5%) and that the project as a whole does not exceed the total approved square footage (zero sum). If changes are requested that exceed a five percent (5%) increase or decrease, the plans must be

submitted by the applicant to be reviewed and recommended by the Planning Commission and approved by the City Council prior to approval of a building permit.

- c. **Security for Completion.** No certificate of occupancy will be issued unless the building and the site improvements associated with that building are completed, or the developer has provided adequate security to guarantee completion of the associated site improvements. When the site improvements and the building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the developer (excluding financial inability to complete the project) the City may issue a certificate of occupancy or use inauguration for the project, provided the following conditions are met:
 - i. The building, buildings, or portions thereof, to be occupied have been constructed in accordance with the approved plans for those buildings and are in full compliance with applicable building and fire codes, and are completed to the extent that only exterior site improvement work remains unfinished; and,
 - ii. The Building Inspector determines that occupancy of the buildings, or portions thereof, prior to completion of required site improvements, is safe and that access for emergency vehicles is adequate with the site improvements unfinished; and,
 - iii. The developer posts adequate security for the benefit of the City to insure completion of the site improvements in full compliance with the approved plans before occupancy or inauguration of use.
- d. **Amount of Security.** The amount of security to be posted by the developer shall be determined by the City Engineer, and shall be equal to 110% of the amount reasonably estimated by the developer and City Engineer as being necessary to complete remaining site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the Engineer, the developer may prove a lower construction cost by providing binding contracts between the developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 110% of the total contract price of all such contracts submitted, plus 110% of the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.
- e. **Terms of Security.** The terms of any ~~security arrangement~~bond offered to the City shall state a date certain by which the developer agrees to have site improvement work completed in accordance with the plans. After completion of those improvements which are bonded for and acceptance by the city, the city shall reimburse the bond in the amount of 100% of the contract price and retain the

remaining 10% to guarantee those improvements per Section 6-108 (below). In the event that the developer has not completed required site improvement work by that date, the City may, at its option and on its schedule, ~~or draw on the funds~~ escrowed bond, by its own act, and shall not be required to obtain consent of developer to withdraw funds for completion of the work shown on approved plans. The City shall in no way be a guarantor of the developer to any person, nor shall the City be responsible or liable for the completion of the improvements. The City's actual costs in administering the completion of work in the event of a default by the developer shall be reimbursed from the ~~escrow funds~~ bond or the developer.

- f. Form of Security. Security arrangements offered in lieu of simultaneous completion of buildings and site improvements shall be in a form and contain such terms and conditions as required by this Chapter.~~one or more of the following forms:~~
 - i. ~~A deposit of cash with a third party escrow account through a financial institution federally or state insured acceptable to the City.~~
- g. Payment of Interest. Any interest accruing on ~~escrowed funds~~ a bond shall, inure to the benefit of the developer upon release and not to the City, provided all improvements have been installed as required; otherwise interest will inure to the city.

...

6-109 Default

1. When the City Engineer shall determine that the person posting the performance guarantee has failed or neglected to satisfactorily install the required improvements or make required corrections, or to pay all liens in connection with said improvements, the City Engineer may, declare the performance guarantee, or any unreleased portion thereof, forfeited and thereafter may install or cause the required improvement to be installed or repaired using the proceeds of the guarantee to defray the expense thereof. The City Engineer will give 30 days written notice to the person giving the performance guarantee prior to declaring the bond in default.
2. In the event that the unreleased portion of the guarantee is not sufficient to pay additional costs and expenses of such installation or repair, the City may commence to declare legal action against the person giving the guarantee for any additional costs and expenses of such installation or repair, including all costs of administration and enforcement.

Effective 5/14/2019

10-9a-604.5 Subdivision plat recording or development activity before required infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

- (1) A land use authority shall establish objective inspection standards for acceptance of a landscaping or infrastructure improvement that the land use authority requires.
- (2)
 - (a) Before an applicant conducts any development activity or records a plat, the applicant shall:
 - (i) complete any required landscaping or infrastructure improvements; or
 - (ii) post an improvement completion assurance for any required landscaping or infrastructure improvements.
 - (b) If an applicant elects to post an improvement completion assurance, the applicant shall provide completion assurance for:
 - (i) completion of 100% of the required landscaping or infrastructure improvements; or
 - (ii) if the municipality has inspected and accepted a portion of the landscaping or infrastructure improvements, 100% of the incomplete or unaccepted landscaping or infrastructure improvements.
 - (c) A municipality shall:
 - (i) establish a minimum of two acceptable forms of completion assurance;
 - (ii) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this title, and any local ordinances;
 - (iii) establish a system for the partial release of an improvement completion assurance as portions of required landscaping or infrastructure improvements are completed and accepted in accordance with local ordinance; and
 - (iv) issue or deny a building permit in accordance with Section 10-9a-802 based on the installation of landscaping or infrastructure improvements.
 - (d) A municipality may not require an applicant to post an improvement completion assurance for:
 - (i) landscaping or an infrastructure improvement that the municipality has previously inspected and accepted;
 - (ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation; or
 - (iii) in a municipality where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the municipality requires to be private.
- (3) At any time before a municipality accepts a landscaping or infrastructure improvement, and for the duration of each improvement warranty period, the municipality may require the applicant to:
 - (a) execute an improvement warranty for the improvement warranty period; and
 - (b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the municipality, in the amount of up to 10% of the lesser of the:
 - (i) municipal engineer's original estimated cost of completion; or
 - (ii) applicant's reasonable proven cost of completion.
- (4) When a municipality accepts an improvement completion assurance for landscaping or infrastructure improvements for a development in accordance with Subsection (2)(c)(ii), the municipality may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.

- (5) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

Amended by Chapter 384, 2019 General Session



CITY COUNCIL AGENDA REPORT

ITEM #5

DATE: August 17, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Tyler Bahr, Finance Director
SUBJECT: **PURCHASE CONTRACT:** Digital Radar Speed Sign & Trailer
Administrative

PURPOSE:

The City Council will consider a purchase contract for a digital radar speed sign and trailer. The Council will take appropriate action.

BACKGROUND:

Mayor Mann requested that the City procure a digital radar speed sign and trailer, in addition to one already owned and operated by the Lone Peak Police Department.

Staff obtained a quote for the sign and trailer from Traffic Logix totaling \$5,899.00, which includes one year of unlimited cloud access for data storage. After the first year, continued cloud access will cost \$400 per year (for one sign), or the sign can be configured to download data manually. The unit collects the time and the speed in which the vehicle was traveling when it passes the unit. The unit would be funded entirely by and dedicated for use within Highland City. The trailer and sign offered by the are pictured below:



Staff requested quotes from three additional vendors with contracts approved by the State of Utah's purchasing office. At the time of this writing, a quote for a comparable system came back from Kustom Signals at \$6,865.00. The other two quotes are still pending and will be presented if received ahead of the Council meeting.

FISCAL IMPACT:

Funds for the initial \$5,899.00 purchase were not included in the FY2022 budget and would come from the general fund balance. Cloud-based data storage would cost \$400 per year after the first year. This expenditure is not in the current budget and will need to be pulled from reserves.

If approved, the current fiscal year budget will be amended to reflect this purchase as part of the mid-year budget adjustments unless otherwise directed by the Council.

RECOMMENDATION:

Staff recommends the Council discuss the issue and determine if the City should purchase the equipment.

ATTACHMENTS:

1. Attachment 1 – Traffic Logix Quote
2. Attachment 2 – Kustom Signals Quote



Traffic Logix Corporation
 3 Harriett Lane
 Spring Valley, NY 10977 USA
Tel: (866) 915-6449
Fax: (844) 405-6449
www.trafficlogix.com

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Quote Number QUO-16636-D3M5K4
 Created Date 7/7/2021
 Expiration Date 8/18/2021
 Prepared by Nate Hill

QUOTATION

Contact: Darci Brunson
 Phone: 8017569800
 Email: dbrunson@lonepeakpolice.com

Lone Peak Police
 5400 Town Center W #3
 Highland, Utah 84003
 United States

Shipping Address:

5400 Town Center W #3
 Highland, Utah 84003
 United States

Standard Features (Included) – Evolution Signs

- The Evolution radar feedback signs come with 1 year of unlimited cloud access. At the end of this 12 month period the customer has the option to either renew the cloud at a cost of \$400 per sign or resort back to a Bluetooth option at no cost.
- Sign powers down when no traffic present
- Programmable Speed Violator Flashing Strobe Light
- Ambient Light Sensor and Automatic Brightness adjustment
- Banding Mount Bracket
- Safe Pace Management Software
- Bluetooth

Special Notes

Quote Line Items – All Prices shown are in \$USD

Product	Product Code	Quantity	Sales Price	Total Price
EV12FM-Solar w/ Cruiser LT Tlr	EV12FMEYL-CLT Solar	1.00000	\$5,899.00	\$5,899.00

Totals

Subtotal	\$5,899.00
Freight	
Sales Tax (if applicable)	
Grand Total	\$5,899.00

Terms: 1% - 10 Days - Net 30 We also accept: MC - VISA - AMEX



Traffic Logix Corporation
3 Harriett Lane
Spring Valley, NY 10977 USA
Tel: (866) 915-6449
Fax: (844) 405-6449
www.trafficlogix.com

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Quote Number QUO-16636-D3M5K4
Created Date 7/7/2021
Expiration Date 8/18/2021
Prepared by Nate Hill

IF TAX EXEMPT: Please Provide Tax Exempt Certificate with Order

Delivery Requirements

Please Indicate the availability of the following as this determines the freight costs:

1. Do You have a Loading Dock? - Yes/No
2. Do you have a Fork Lift and Pallet Jack to unload? - Yes/No
3. Can access be gained by a 53 foot truck for delivery? - Yes/No
4. Is the delivery address a Construction site? - Yes/No
5. Is the delivery address a Military site? - Yes/No
6. If shipping to Military site, is a U.S. Driver required? - Yes/No

Quote Acceptance Information

Signature _____
Name _____
Title _____
Date _____

Thank you for choosing Traffic Logix. Please sign and return to:

nhill@trafficlogix.com
Nate Hill
Sales

Please complete to set up new account: <https://trafficlogix.com/business-application-form/>

Quotation



Date 08/11/2021

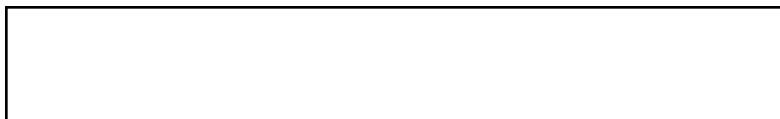
To... TYLER BAHR
LONE PEAK POLICE5400 WEST CIVIC CENTER DR, STE 3
HIGHLAND UT 84003Quote # -588956405906PC
 Terms Per Approved Terms
 This Quote Expires on 11/09/2021
 Phone 801-756-9800
 Fax 801-763-1850

<u>Qty</u>	<u>Product Description</u>	<u>UnitPrice</u>	<u>SubTotal</u>
	Pricing on the Smart 12 includes shipping / applicable tax applies		
1	SMART 12 RADAR trailer with 12" fixed amber LED display, fold down posted speed limit sign, and 5-year warranty	\$4,995.00	\$4,995.00
1	SMART 12 violator alert strobes with red/blue, blue/blue, white/white, red/red or red/white pairs	\$350.00	\$350.00
1	50W Solar Panel (12/800/850/+ trailers)	\$795.00	\$795.00
1	Traffic data recording with USB download and SMARTstat™ traffic statistics analysis and configuration software	\$725.00	\$725.00

Total \$6,865.00

Signature

* Applicable Sales Tax Not Included. Seller may charge Buyer a 25% restocking fee.



Toll Free 800-4KUSTOM (800-458-7866)

KUSTOM SIGNALS, INC.
TERMS AND CONDITIONS

1. **APPLICABILITY.** Unless otherwise specified in a written bid, quote or contract, the following terms and conditions shall apply.

2. **PRICES AND TAXES.** Prices will be Kustom Signals, Inc.'s ("Seller") prices in effect on the date a purchase order is accepted by Seller, and Seller may change its prices at any time, in its sole discretion. All prices will be F.O.B. Chanute, Kansas, and net of any duties, sales, use or similar taxes, fees or assessments, and do not include shipping, packaging or any insurance costs, all of which are Buyer's responsibility.

3. **PAYMENT.** Unless otherwise provided on the face of the invoice, payment is to be paid in US dollars and in accordance with the Seller approved terms for Buyer. Partial payments are not permitted unless authorized in writing. Partial payments will be treated as non-payment. Each invoice is independent from shipping sequence and disputes relating to other invoices. Failure to pay an invoice within 30 days will be considered a default.

4. **DELIVERY AND PERFORMANCE.** Delivery dates are approximate. Seller disclaims all liability for late or partial delivery. Seller may deliver in such lots and at such times as is convenient for Seller.

5. **LOSS IN TRANSIT.** Risk of loss will pass to Buyer upon delivery of the goods to the carrier. In case of breakage or loss in transit, Buyer will have notation of same made on expense bill before paying freight. Seller may reject claims for shortages not made within 15 days of Buyer's receipt of the goods.

6. **TERMINATION, RESTOCKING CHARGES.** Buyer may terminate this purchase order for its convenience, in whole or in part, by written, faxed or telegraphic notice at any time. If Buyer terminates this purchase order for convenience, Buyer will be liable to Seller for Seller's reasonable costs incurred in the performance of this purchase order that Seller cannot mitigate. Unless otherwise agreed upon in advance in writing by Seller, Seller may charge Buyer a 25% restocking fee, if: (a) upon approval by Seller, the Buyer returns any non-defective goods covered by this invoice; or (b) prior to shipment, but after the goods are produced by Seller, Buyer cancels the order for the subject goods.

7. **WARRANTY.** Seller's warranty is provided separately.

8. **LIMITATION OF LIABILITY.** SELLER IS NOT LIABLE FOR ANY CONSEQUENTIAL, INDIRECT, OR INCIDENTAL DAMAGES, OR ANY LOST PROFITS OR LOST SAVINGS, EVEN IF A SELLER REPRESENTATIVE HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH LOSS, DAMAGES, CLAIMS OR COSTS, NOR IS SELLER LIABLE FOR ANY CLAIM BY ANY THIRD PARTY. SELLER'S AGGREGATE LIABILITY UNDER OR IN CONNECTION WITH THIS PURCHASE ORDER IS LIMITED TO THE AMOUNT PAID FOR THE GOODS.

9. **INDEMNIFICATION.** Buyer will indemnify, defend and hold Seller harmless from all losses, damages, liabilities and costs, including attorneys' fees, incurred or sustained by Seller as a result of any third party claim made against Seller, including a claim by a customer of Buyer, arising from its negligent, reckless, willful, or intentional actions in marketing and reselling the goods.

10. **EXPORT RULES.** Exports and re-exports of the goods may be subject to United States export controls and sanctions administered by the U.S. Department of Commerce Bureau of Industry and Security under its Export Administration Regulations ("EAR"). Buyer shall comply with all laws, rules and regulations applicable to the export or re-export of goods including but not limited to EAR which includes, among other things, screening potential transactions against the U.S. Government's (i) list of prohibited end users, and (ii) list of prohibited countries. Buyer represents and warrants that (i) it has not been charged with, convicted of, or penalized for, any violation of EAR or any statute referenced in EAR § 766.25, and (ii) it has not been notified by any government official of competent authority that it is under investigation for any violation of EAR or any statute referenced in EAR § 766.25.

11. **MISCELLANEOUS.** These terms and conditions, together with any other written agreement between Buyer and Seller, if any: (i) are the exclusive statements of the parties with respect to the subject matter and supersedes any prior or contemporaneous communications; (ii) may not be amended except in writing executed by the parties and will prevail in any case where the terms of Buyer's purchase order or other communication are inconsistent; (iii) will be interpreted and enforced in accordance with the laws of the State of Kansas, without giving effect to principles of conflicts of law. These terms and conditions are: (1) solely for the benefit of the parties, and no provision of these terms and conditions will be deemed to confer upon any other person any remedy, claim, liability, reimbursement, cause of action or other right. Each party consents to the exclusive personal jurisdiction of the state and federal courts located in the State of Kansas for purposes of any suit, action or other proceeding arising out of this Agreement, waives any argument that venue in any such forum is not convenient and agrees that the venue of any litigation initiated by either of them in connection with this Agreement will be in either the District Court of Johnson County, Kansas, or the United States District Court, District of Kansas. If any provision of these terms and conditions is unenforceable, the remaining provisions will remain in effect. No waiver (whether by course of dealing or otherwise) is effective unless it is made in writing and signed by the party to be charged with such waiver. Unless otherwise specified in writing, notices must be given in writing by registered or certified mail, return receipt requested, addressed to:

Kustom Signals, Inc.
Attn: Sales Dept.
9652 Loiret
Lenexa, KS 66219



CITY COUNCIL AGENDA REPORT ITEM #6

DATE: August 17, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: ACTION: Mitchell Hollow Trail in the Hollows Subdivision *Administrative*

PURPOSE:

The City Council will consider a request to fund the Mitchell Hollow Trail in the Hollows Subdivision. The City Council will take appropriate action.

BACKGROUND:

The Hollows is a 68-lot subdivision generally located at 6531 West and 10250 North. The Council approved the Final Plat at the February 16, 2021 Council meeting.

As part of this project a public trail is to be constructed along the east side of the subdivision through Mitchell Hollow. The trail includes asphalt, boardwalk over wetlands, and necessary retaining walls. Upon completion there will be a trail from Canal Boulevard on the south to 10400 North and Mitchell Hollow Park on the north which is about 0.75 miles and then to the Murdock Canal Trail.

A reimbursement agreement with Millhaven Homes for this trail was approved by the Council on March 30, 2021. At the time, it was estimated that the cost of the trail would be \$167,438 however, there we did not have three bids and there was a concern regarding the bid. As such the reimbursement agreement was written so that the City had to approve the cost prior to construction.

In anticipation of the project, the Council approved \$167,500 in the FY22 Budget. The money is found in GL# 40-40-76: Trails.

DISCUSSION:

During the preparation of the construction drawings it was found that the preliminary estimate was inaccurate. The initial revised cost that came back for the trail was \$582,500. This was due to the number of retaining walls that were proposed. This was a cost that was not acceptable to staff.

The trail has been redesigned and relocated to reduce the retaining walls and move the trail further west away from the residents to the east. The revised cost is \$384,958. The delta between the revised cost and what the original estimate was is: \$218,000. The

Developer is ready to begin construction on the trail once the Council authorizes the expenditure.

Trail Cost				
<i>Item</i>	<i>Qty</i>	<i>Unit</i>	<i>Price</i>	<i>Total</i>
Trail Cut/Fill	2,980	CY	\$4.50	\$13,410
Prep Rockery (8" UTBC)	760	LF	\$4.65	\$3,534
Rockery	3,600	SF	\$40.00	\$144,000
6" UTBC Trail Base	19,800	160	\$0.80	\$15,904
3" Asphalt (10' Wide Trail)	14,200	SF	\$1.45	\$20,590
10' Wide Boardwalk	250	LF	\$326.00	\$81,500
ADA Ramp	2	Each	\$1,250	\$2,500
Split Rail Fence	3,760	LF	\$22.00	\$82,720
Pedestrian Traffic Island	4	Each	\$4,600	\$18,400
2' X 10' Truncated Domes	2	Each	\$1,200	\$2,400
Total				\$384,958

FISCAL IMPACT:

Staff has reviewed the existing budget, financial reserves and current spending plans and provides the following alternatives for the Council's consideration:

1. The Council budgeted \$135,000 (GL#'s 10-70-38 and 20-43-22) in the FY22 Budget for Trail Maintenance. Using these funds would cause the existing trail maintenance projects to be postponed. These funds could be replaced if revenue exceeds projections.
2. The Council could reallocate the majority of the \$300,000 that has been budgeted for playground and tree replacement (GL#'s 10-70-24 and 20-43-19). These funds could be replaced if revenue exceeds projections.
3. The initial plan for phase one of Mountain Ridge Park included four pickleball courts (\$423,000) and half of the all-inclusive playground (\$295,000). Since the initial cost estimates staff and the Council have planned to construct the entire playground (approximately \$250,000-\$285,000). While staff does not believe these are the best options, the following are being presented for Council consideration:
 - a. Eliminate the pickleball courts from phase one thereby saving \$423,000 which is enough to complete the playground.
 - b. Reduce the playground to its original configuration. The additional funding could then be used for the trail.
4. The Council has also been considering using ARPA Funds to provide funding for Mountain Ridge Park and the all-inclusive playground; however, a final decision has not been made. The Council could choose to have all additional expenses for Mountain Ridge Park come from these funds. Staff does not believe ARPA funds can be used for the trail.
5. State Law allows the City to maintain a maximum General Fund reserve of 35% of annual revenues. For FY2022 the Council chose to maintain a reserve of 25% which

represents three months of operating expenses. The FY2022 Budget was approved with a reserve of 27.5%. Staff was proposing to fund the additional playground expenditures which is about \$248,000. Although not recommended by staff, the Council could reduce the reserves to 23% to fund the trail.

6. The Council could also choose to delay construction of the trail until sometime in the future to when the City has the money for construction. The cost of the trail will probably be higher due to inflation and lost opportunity costs (see Spring Creek Park).

RECOMMENDATION:

If the Council determines that they still want to fund the trail, the Council will need to determine what funding option to pursue. If the Council chooses to fund the trail, staff recommends option four followed by option two then option one.

ATTACHMENTS:

1. Excerpt of the Minutes of the March 30, 2021 Council Meeting
2. Approved Development Agreement
3. Hollow Trail Alignment
4. Mitchell Hollow Trail

HIGHLAND CITY COUNCIL MINUTES

Tuesday, March 30, 2021

Approved April 20, 2021

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

6. ACTION: DEVELOPMENT AGREEMENT APPROVAL *(Legislative)*

The City Council will consider a request by Millhaven Development LLC, regarding reimbursement for public improvements related to the Hollows Subdivision. The Council will take appropriate action.

Nathan Crane, City Administrator and Community Development Director, said that this item followed up on the Highland Hallows project. It was a 68-lot subdivision located at 6531 West and 10250 North. The Council approved the final plat on February 16, 2021. As part of the project there were a number of public improvements associated that required reimbursement for the developer. These included three projects:

- (1) Madison Avenue: This was a collector road. The improvements include a culvert over Mitchell Hollow, a bridge crossing, and pavement and curb and gutter. The total estimated cost was just over \$1.2 million. The cost would be reimbursed through impact fees.
- (2) 10200 N: When the Wimbleton Subdivision was developed the road improvements were not build to current standards. As a result, staff have worked with the owners on the north and south side on 10200 to do a modified cross section to remove the park strip and attaching curb and gutter to existing sidewalk. The estimated cost was \$33,711.
- (3) Mitchell Hollow Trail: Improvements would entail retaining walls, an asphalt trail, and a boardwalk over wetlands. It was part of the agreement that was made with Millhaven Development to provide the wetlands and dedicate the wetlands to the city. The estimated cost was \$167,438. Staff had found room in the proposed budget for 2021-2022 to cover the expense.

Mayor Mann said that about a year ago he had talked with Jim Price, the person who oversees trail projects for MAG. He said that the trail extending from the Equestrian Center up to the Murdock canal was a part of the County's long-term trail plan. In the fall, Highland could submit a request to develop that trail. The project would likely get funding, but its development would be three or four years out. Whatever money Highland paid for this part of the trail could be reimbursed later when the full trail was put in place. Highland had easements to construct a trail from Madison Avenue all the way to 9600. He said there were not trail easements between 9600 and the Equestrian Center.

Council Member Smith asked when they anticipated the trail being built if Millhaven built it.

Mr. Crane said that it would be part of their phase 1 improvements and would be built prior to the subdivision being completely done.

Council Member Smith said that it would be done soon, so Highland City would need to pay for it soon. Mayor Mann said that Highland might be reimbursed in the future. Right now, however, they would need to come up with \$168,000 in the next year's budget.

Mr. Crane said that the project was already factored into next year's budget. He said the agreement was really simple. He said there was timing related to the bridge to have it completed within 15 months of the recordation, a time frame staff believe to be more than ample time.

Mayor Mann asked if the road improvements were in phase 1.

Council Member Smith said that he liked the trail concept. He wondered how it would affect other approved train maintenance.

Mr. Crane said this was an additional and would not affect other funds.

Council Member Rodela was thinking back to Spring Creek Park. She asked if by having Millhaven do the trail did it lead to cost savings for Highland.

Mr. Crane said that he believed it would.

Council Member Smith asked how to explain the situation to people. He said that they had not really had money to maintain a lot of other trails, but suddenly they found \$168,000 to build a new trail.

Mr. Crane said that decision could be made with the budget.

Mayor Mann reminded the Council this opportunity came up because the development of the six-acre property was bundled into several improvements. Initially it was his expectation that the trail would be completed at the end, as opposed to the beginning.

Council Member Smith said that he was sure it would be well used. He just wanted to know the funding.

Council Member Kurt Ostler MOVED that the City Council approve the Development Agreement with Millhaven Development LLC.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

DEVELOPMENT AGREEMENT

This Development Agreement (“**Agreement**”) is entered into between HIGHLAND CITY, a Utah political subdivision (“**City**”) and MILLHAVEN DEVELOPMENT, LLC, a Utah limited liability company (“**Developer**”), (individually or collectively, “**Party**” or “**Parties**”).

RECITALS

- A. Developer seeks to develop certain property within Highland City located approximately at 10250 North 6531 West, Highland, containing approximately 64.464 acres (“**Property**”).
- B. The Property is located within the City’s R-1-40 zone.
- C. The Property contains approximately 7.093 acres of wetlands in private ownership, attached hereto (“**Wetlands**”). The Wetlands can, pursuant and subject to Federal law and regulation, remain in private ownership as part of the development of the Property. Developer is in the process of obtaining a final delineation of the Wetlands pursuant to Federal law.
- D. Developer has received final approval for development of the Property consisting of 68 single-family residential lots, 8 of which would contain various portions of the Wetlands.
- E. The City desires to remove the Wetlands from private ownership in order to ensure that the Wetlands and the surrounding, non-wetland areas are permanently preserved and protected from private encroachment and interference.
- F. The Parties wish to set forth the terms and conditions by which the Property may be developed and the Wetlands preserved.

AGREEMENT

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

1. Delineation and Ownership of Wetlands.

- a. Developer shall be solely responsible for obtaining a final delineation of the Wetlands approved by the U.S. Army Corps of Engineers (“**Delineation**”) and shall bear all costs associated with obtaining a final delineation.
- b. Developer shall provide a copy of the final Delineation to the City.
- c. Developer shall dedicate fee title to the Wetlands and certain property adjacent to the Wetlands to the City (“**Dedication**”). The Dedication shall consist of approximately 7.093 acres of the Property, as shown in Exhibit 1, attached hereto.
- d. The Dedication shall occur after completion of the Delineation and prior to or contemporaneously with the recordation of any plat containing any of the Wetlands.
- e. The exact boundaries of the Dedication are subject to modification and adjustment based on the results of the Delineation in order to ensure that all Wetlands and necessary buffer

areas are dedicated to the City. Any such modification or adjustment shall be made in a writing signed by the Parties. If the Parties cannot agree upon the necessity for or the terms of any such modification or adjustment, either Party shall be entitled to terminate this Agreement upon written notice to the other Party, upon which notice this Agreement and all rights, duties, and obligations contained herein shall be terminated, and neither Party shall have any further obligation therewith.

2. Development Conditions.

- a. The City acknowledges and agrees that Developer is not required under governing law to provide the Dedication to the City, and that Developer could subdivide and develop the Property into 70 single-family residential lots in conformance with the requirements and restrictions of the City's R-1-40 zone.
- b. Developer shall develop no more than 68 single-family residential lots within the Property.
- c. Developer shall be entitled to count the Dedication as part of adjacent lots to determine compliance with the lot size requirements of the R-1-40 zone, subject to the following conditions:
 - i. All lots shall otherwise comply with the frontage, minimum lot area, minimum width, and other requirements of the R-1-40 zone, without including the Dedication as part of the lots.
 - ii. Any final plat or other recorded plat that contains any lot adjacent to the Dedication shall clearly designate the Dedication as owned and controlled by the City and not contained in or part of any private lot.

3. Madison Avenue Construction

- a. The Developer shall construct the full width of Madison Avenue as shown on the approved plan set for the Hollow Subdivision. Developer shall dedicate the portion of the Canal Boulevard right-of-way located within the boundaries of the Project and on which Canal Boulevard is constructed to the City as a public right of way at no cost to City.
- b. The City shall be responsible to reimburse the Developer for the cost of Madison Avenue for the amount equal to \$1,263,357.80.
- c. Reimbursement Calculation. The Cost reimbursed to the Developer by City shall be determined by a bidding process, pursuant to which Developer shall secure a minimum of three bids pursuant to which the applicable contractor provides a bid to construct Madison Avenue. The bids must be reviewed and approved by the City Engineer and Developer. The Cost shall be the average difference in costs to construct pursuant to the three bids secured by Developer.
- d. Reimbursement Timeline. Developer will begin construction of Madison Avenue and Canal Boulevard in connection with improvements to the Property. Developer will have 18 months from the date that the subdivision plat is recorded to complete this portion of the project.
- e. Reimbursement Process. Developer will be responsible for managing and controlling the construction of the section of Canal Boulevard located within the Property. City will

reimburse Developer no later than 30 days after the acceptance of any improvement and approval of each invoice.

4. Trail Construction and Maintenance.

- a. Trail Construction. Developer will construct the trail as part of the subdivision improvements. Developer will provide The City with a cost breakdown for approval prior to construction of the trail. The City understands and agrees that this cost breakdown is an estimate. If during trail construction, Developer encounters geological, ecological, or other unforeseen obstacles or hazards, the City will be responsible for the total and final cost of the trail. Upon completion of the trail, the City will reimburse Developer for the trail construction.
- b. Reimbursement Calculation. The Cost reimbursed to the Developer by City shall be determined by a bidding process, pursuant to which Developer shall secure a minimum of three bids pursuant to which the applicable contractor provides a bid to construct Madison Avenue. The bids must be reviewed and approved by the City Engineer and Developer. The Cost shall be the average difference in costs to construct pursuant to the three bids secured by Developer.
- c. Trail Maintenance. The City will maintain the trail once it has been completed and Developer shall be released from any future responsibility regarding the trail's ongoing maintenance.

5. 10200 North Improvements.

- a. The Developer shall construct the improvements for 10200 North as shown on the approved plan set for the Hollow Subdivision. The City shall be responsible to reimburse the Developer for the cost of these improvements for the amount equal to \$33,711.
- b. Reimbursement Calculation. The Cost reimbursed to the Developer by City shall be determined by a bidding process, pursuant to which Developer shall secure a minimum of three bids pursuant to which the applicable contractor provides a bid to construct Madison Avenue. The bids must be reviewed and approved by the City Engineer and Developer. The Cost shall be the average difference in costs to construct pursuant to the three bids secured by Developer.
- c. Reimbursement Timeline. Developer will begin construction of Madison Avenue and Canal Boulevard in connection with improvements to the Property. Developer will have 18 months from the date that the subdivision plat is recorded to complete this portion of the project.
- d. Reimbursement Process. Developer will be responsible for managing and controlling the construction of the section of Canal Boulevard located within the Property. City will reimburse Developer no later than 30 days after the acceptance of any improvement and approval of each invoice.

- 6. Compliance with Land Use Regulations.** Developer acknowledges that the execution of this Agreement, on its own, does not constitute final plat approval, approval of building permits, or other land use approvals, and that any such approvals shall be granted only upon Developer's compliance with all applicable governing laws, ordinances, standards, and conditions of land use approval, including completion of all required improvements.

7. **Assignment.** Neither this Agreement nor any rights or obligations hereunder may be assigned either voluntarily or involuntarily, by operation of law or otherwise, by either Party without the prior written consent of the other Party, which shall not be unreasonably withheld.
8. **No Third Parties.** The rights, duties, and obligations of this Agreement are for the sole benefit of the Parties, and no third party, other than authorized assignees, transferees, and other successors in interest, has any rights hereunder to enforce the terms of this Agreement.
9. **Amendments.** This Agreement may not be altered, amended, modified, or otherwise changed in any respect except in a writing executed by all Parties.
10. **Counterparts.** This Agreement may be executed in counterparts, each of which will be deemed an original and together constitute the same contract whether each Party executes a separate counterpart.
11. **Authority to Execute.** The person executing this Agreement on behalf of each Party hereby represents that he or she has full authority to execute the Agreement and to bind each Party to the terms of this Agreement, and that all necessary actions for him or her to enter into this Agreement have heretofore been completed.
12. **Governing Law and Venue.** This Agreement shall be governed and construed in accordance with the laws of the State of Utah. Any dispute arising out of this Agreement shall be brought and maintained in Utah State district court, Utah County.
13. **Limitation of Liability.** Neither Party shall be liable to the other Party in any action or claim for loss of profits or revenues, whether direct or indirect, or any indirect, special, consequential, or punitive damages or losses.
14. **Enforcement and Fees.** In any action or proceeding arising out of or related to this Agreement, the prevailing Party shall be entitled to its reasonable attorneys' fees and related costs, including fees and costs incurred prior to formal initiation of an action or proceeding and fees and costs incurred for collecting or attempting to collect any judgment or award.

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

DATED this 1 day of April, ~~2020~~ 2021

On Behalf of Highland City, Utah



ATTESTED:



DATED this 27 day of April, 2020.

On Behalf of Developer, MILLHAVEN DEVELOPMENT, LLC


Name:

Title: Manager

EXHIBIT 1

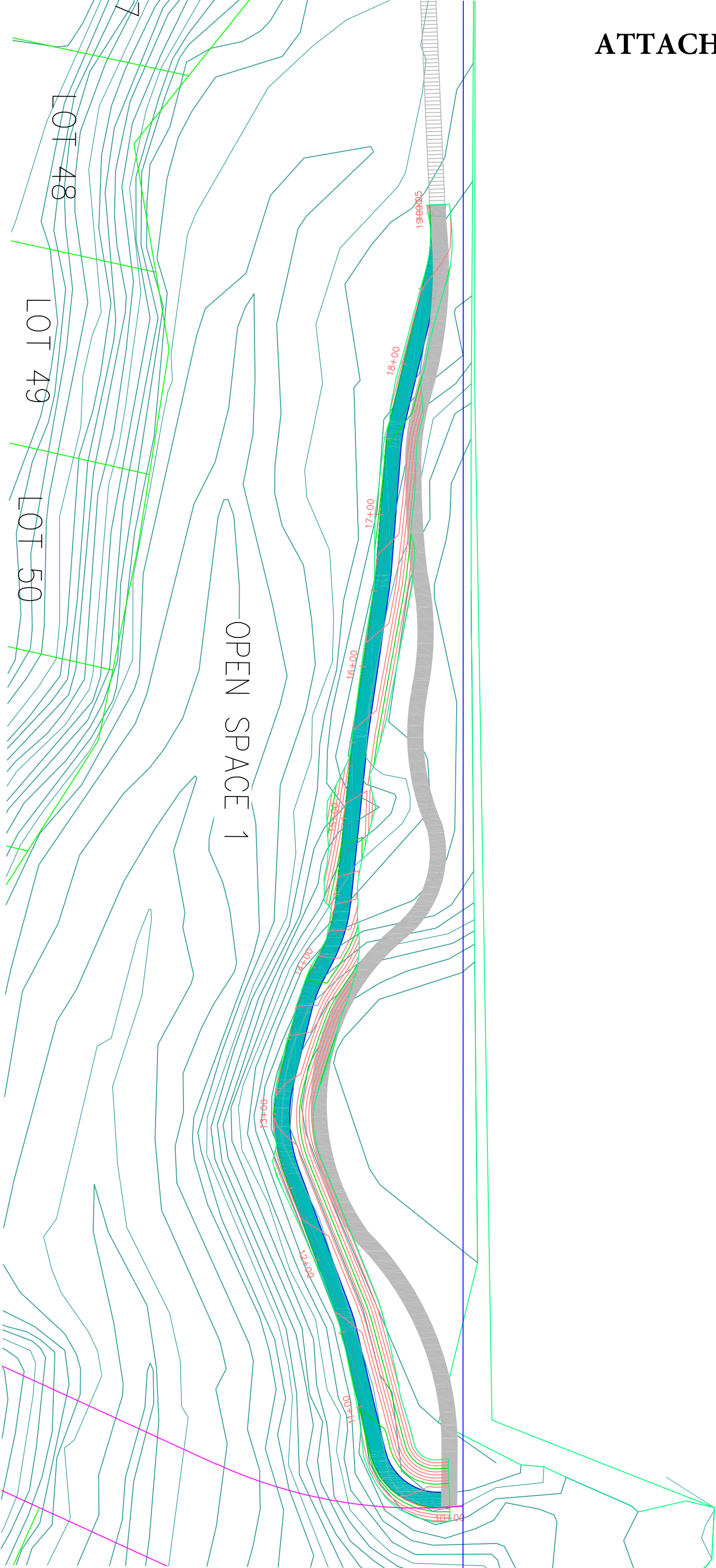
Description of Dedication of Wetlands and Surrounding Areas

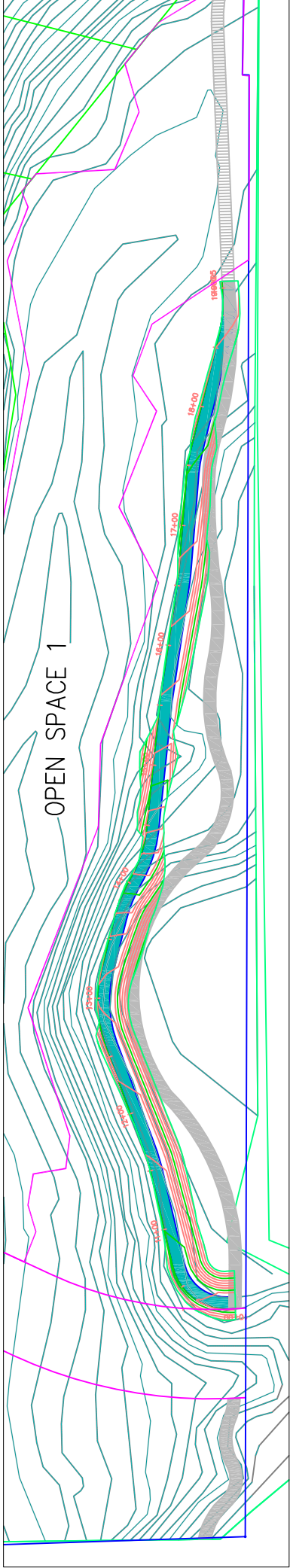
OPENSOURCE NORTH DEDICATION LEGAL DESCRIPTION

BEGINNING AT THE UTAH COUNTY MONUMENT FOR THE EAST QUARTER CORNER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN; THENCE S87°52'15"E 5.65 FEET; THENCE S00°26'27"E 1,019.96 FEET; THENCE S85°13'59"W 5.52 FEET; THENCE S88°37'48"W 37.57 FEET; TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 317.00 FEET; AND TO WHICH POINT A RADIAL LINE BEARS N02°01'37"E THENCE 122.46 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°07'59", WITH A CHORD BEARING AND DISTANCE OF N76°54'23"W 121.70 FEET; THENCE N65°50'24"W 179.79 FEET; THENCE N00°42'51"W 138.03 FEET; THENCE N03°47'51"E 140.10 FEET; THENCE N32°08'45"E 142.41 FEET; THENCE N11°06'44"E 128.91 FEET; THENCE N08°28'12"E 130.60 FEET; THENCE N10°06'37"W 136.16 FEET; THENCE N38°18'05"E 312.80 FEET; THENCE N01°12'43"E 145.52 FEET; THENCE N02°23'48"W 218.13 FEET; THENCE S47°52'56"E 26.63 FEET; THENCE N65°24'06"E 4.09 FEET; THENCE S00°20'00"W 460.51 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 5.977 ACRES, OR 260,337 SQUARE FEET.

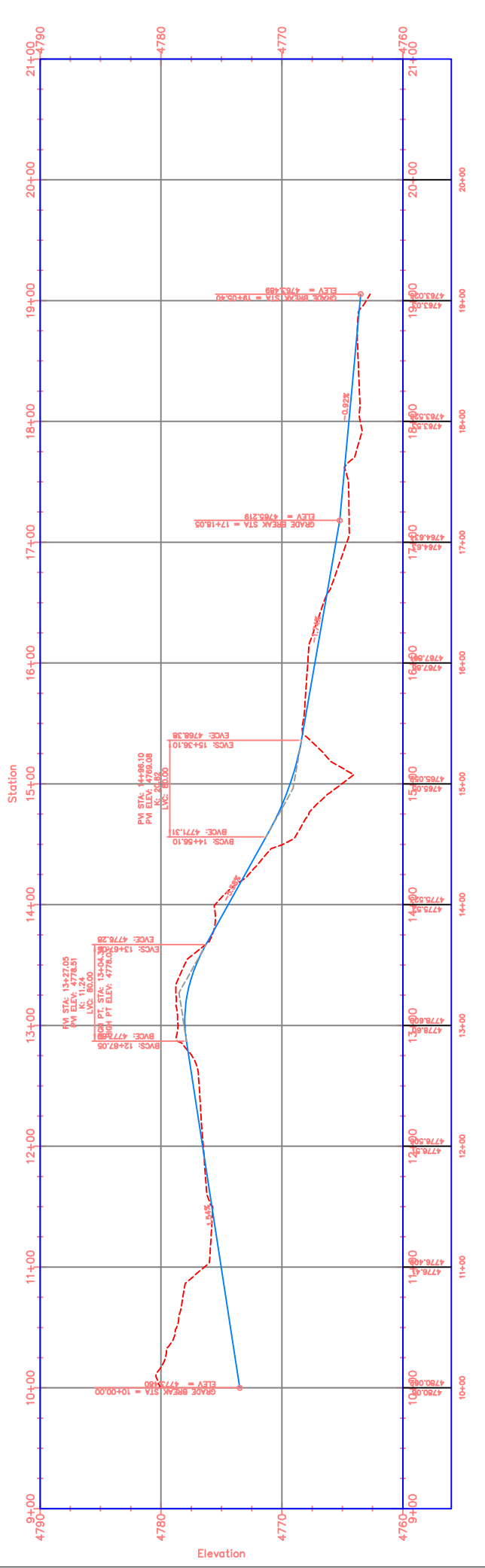
OPENSOURCE SOUTH DEDICATION LEGAL DESCRIPTION

BEGINNING AT A POINT THAT IS SOUTH 00°45'56" EAST ALONG THE SECTION LINE 1210.15 FEET AND WEST 1.00 K 70 FEET FROM THE UTAH COUNTY MONUMENT FOR THE EAST QUARTER CORNER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN; THENCE S87°30'54"W 367.44 FEET; THENCE N23°47'23"E 221.36 FEET; THENCE S65°50'24"E 93.26 FEET; TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 391.00 FEET; THENCE 197.33 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°54'59", WITH A CHORD BEARING AND DISTANCE OF S80°17'53"E 195.24 FEET; THENCE S00°26'27"E 0.14 FEET; THENCE S00°07'36"E 115.40 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 1.116 ACRES, OR 48,602 SQUARE FEET.





South Trail PROFILE



ATTACHMENT 4:

Existing Mitchell Hollow Trail

Planned extension with
The Hollow
Subdivision





CITY COUNCIL AGENDA REPORT

ITEM #7

DATE: August 17, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Tyler Bahr, Finance Director
SUBJECT: **DISCUSSION:** American Rescue Plan Act (ARPA) funding
Administrative

PURPOSE:

Staff is requesting that the City Council review American Rescue Plan Act (ARPA) funding and its allocation, including the potential to receive matching funds from the State of Utah. This item is being presented for discussion and direction only.

PRIOR REVIEW:

During the August 3 meeting and in subsequent feedback, the City Council indicated interest in the following potential uses of the City's ARPA funding:

- Park development and improvement
 - Mountain Ridge Park
 - All-inclusive elements and other ADA-friendly accommodations
 - Restrooms, drinking fountains, and garbage cans
- Water
 - Chlorination
 - Pond bubbling system
 - Pressurized irrigation meters
 - Culinary water well

Staff will provide a verbal update regarding any information learned during the review of the application for the Local Match Grant.

BACKGROUND:

In July, Highland City received \$1,134,686.50 in federal grant money authorized by ARPA. This represents the first of two equal payments totaling \$2,269,373, with the second scheduled to be made available one year following the first at the beginning of FY2023. These funds were distributed from the Federal Government through the State of Utah as Highland City is considered a non-entitlement unit (NEU).

ARPA Requirements

ARPA funds must be obligated by December 31, 2024 and spent by December 31, 2026. The City must file an annual report with the Federal Government each October on the disposition of these funds which can be used for the following purposes:

- **Support public health expenditures**, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- **Provide premium pay for essential workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Further guidance on the use of ARPA funds has been published by the U.S. Department of Treasury and is being updated on a weekly basis.

Local Match Grant

In addition to the funding received through the State from the federal government, the State has announced a local match grant program to which \$50 million has been allocated. Local governments will be able to apply for this additional grant and funds will be awarded according to the timeline laid out in the July 20, 2021, letter to Local Leaders and Elected Officials:

- August 16 to September 15 – Online application portal opens
- September 15 to October 15 – Committee reviews and evaluates applications
- October 19 – Committee reports selections to Executive Committee
- Mid-November – Applicants notified of project funding
- Mid-November – Funds dispersed to local entities

After the application period opens on August 16, the Governor's Office of Planning and Budget in partnership with the Utah League of Cities and Towns will present a webinar town hall on the Local Match Program on August 25.

DISCUSSION:

Staff will present the results of research on the qualification of the potential uses above for ARPA and Local Match funding.

As there will be a narrow window in which to apply for the local match grant, staff recommends the Council continue discussing possible uses for the funds in upcoming Council meetings.

- August 17 – Council discussion on possible use of ARPA funds
- September 7 – Staff report outcome of August 25 webinar; Council determine use of

funds and if Highland City will apply for State match

- September 15 – Deadline for State match application

FISCAL IMPACT:

As noted above, Highland City will receive a total of \$2,269,373 in ARPA funding. No other fiscal impact is noted.

ATTACHMENTS:

None