



HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, September 21, 2021

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

VIRTUAL PARTICIPATION



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



Email comments prior to meeting: council@highlandcity.org

6:00 PM WORK SESSION – MOUNTAIN RIDGE PARK

7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann

Invocation – Council Member Scott L. Smith

Pledge of Allegiance – Council Member Kurt Ostler

1. UNSCHEDULED PUBLIC APPEARANCES

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

2. PRESENTATIONS

a. **Fling Update** – *Civic Events Coordinator Corrine Prestwich*

Civic Events Coordinator Corrine Prestwich will give a brief report on the 2021 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 – August 17, 2021

b. **Approval to Purchase a Four-Wheel Drive Vehicle for the City Fleet** *Administrative*

City Council will consider the purchase of a four-wheel drive vehicle to be incorporated in the City fleet. The vehicle will be used by Building Department to perform daily ongoing tasks. The Council will take appropriate action.

c. **RESOLUTION: Updated Personnel Procedures and Policies Related to COVID-19** *Administrative*

The City Council will consider a request by Highland City Staff to adopt a resolution relating to personnel procedures and policies related to COVID-19 and related matters. The City Council will take appropriate action.

d. **PLAT AMENDMENT: Ruby Estates Subdivision** *Administrative*

The City Council will consider a request by James Thomas to amend the Ruby Estates Subdivision to combine Lot 8 with the right-of-way vacated at the September 7th City Council meeting. The City Council will take appropriate action.

e. **PLAT AMENDMENT: Pebble Lane Estates Plat B** *Administrative*

The City Council will consider a request by Highland City to amend Pebble Lane Estates subdivision to adjust the property lines of lots 1 and 3. The City Council will take appropriate action.

f. **PURCHASE CONTRACT: Canal Blvd Project – Valgardson** *Legislative*

The City Council will consider a Real Estate Purchase Contract (REPC) to sell 3,389 square feet located at approximately 5445 W Pebble Lane, Highland, Utah to Eric Valgardson, the property owner of the residential lot directly north of the property for the amount of \$6,778. The Council will take appropriate action.

g. **PRELIMINARY PLAT APPROVAL EXTENSION: Aberlour Subdivision** *Administrative*

The City Council will consider a request by Gilson Engineering for approval of a Preliminary Plat extension for property located approximately at 11020 N 5500 W. The City Council will take appropriate action.

h. **RESOLUTION: Declaration of Surplus Property** *Legislative*

The City Council will consider a request to declare 31,252 square feet of property surplus for the purpose of adjusting the boundaries of an existing building lot in the Pheasant Hollow subdivision. This request is associated with the Canal Boulevard project and the intent is to sell 1 lot for residential use. The Council will take appropriate action.

4. **ORDINANCE: DISPOSAL OF REAL PUBLIC PROPERTY PROCESS** *Legislative*

The City Council will consider a request by City Staff to amend the City's Municipal Code related to the disposing of property in order to streamline the property disposal process and avoid duplicative meetings and decisions. The Council will take appropriate action.

5. **ACTION: BROADLEAF CHANNEL EASEMENT AND RECONSTRUCTION PROJECT** *Legislative*

The City Council will consider a request to approve a new channel easement on Lot 308 of Dry Creek Highlands Phase 3 subdivision. The Council will also review the easement approach that has been coordinated with the residents on the Broadleaf Channel corridor and staff's request to put the project out to bid.

6. **ACTION: PLAYGROUND EQUIPMENT FOR HIGHLAND GLEN PARK** *Administrative*

The City Council will authorize the execution of a contract for the purchase and construction of the selected playground equipment for Highland Glen Park.

7. DISCUSSION: RESOLUTION REGARDING USE OF OPEN SPACE FEE FUNDS

City Council will discuss a resolution that identifies the public areas located within open space subdivisions which will be funded by the Open Space Fund.

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. **Graffiti** – *Council Members Brittney P. Bills, Kim Rodela, and Scott L. Smith*
- b. **Community Center Use** – *Assistant City Administrator Erin Wells*
- c. **Park Maintenance Building** – *City Engineer Andy Spencer*
- d. **Staff Project List** – *City Administrator Nathan Crane*
- e. **Future Meetings**
 - September 28, Planning Commission Meeting, 7:00 pm, City Hall
 - October 5, City Council Meeting, 7:00 pm, City Hall
 - October 13, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
 - October 19, City Council Meeting, 7:00 pm, City Hall
 - October 26, Planning Commission Meeting, 7:00 pm, City Hall

9. **CLOSED SESSION**

The City Council may recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.

ADJOURNMENT

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

ELECTRONIC PARTICIPATION

Members of the City Council may participate electronically 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 16th day of September, 2021.

Stephannie Cottle, City Recorder

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



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 17, 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: 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 Scott L. Smith

The meeting was called to order by Mayor Rod Mann as a regular session at 7:11 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 Kurt Ostler and those in attendance were led in the Pledge of Allegiance by Council Member Scott L. Smith.

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS

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

CITYSTAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, City Engineer Andy Spencer, Planner & GIS Analyst Kellie Bronson, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Brian Patten

OTHERS PRESENT: Scott Hart, Craig Shields, Lisa Bartholomew, Jesse Myrick, Matthew Lambert, Wesley Warren, Kristalee Cook, Kerry Bradshaw, Becca Summers, Cindy Larsen, Kevin Larsen, Seth Larsen, Dave Hall, Rob Wheeler, Rich Henderson, Lori Ross, Bob Ross, Sarah Petersen, Suzanne Worthington, Kristina Magleby, Ed Gifford, Andrew Patterson, Cougar Bartholomew, Porter Rockwell, Julie Rockwell, James Rasmussen, Becky Rasmussen, Taryn Jones, Jerry Abbott, Colby Gibson, Sarah Larsen, Danielle Bement, Sara Sandberg-Pletch

Council Member Kurt Ostler MOVED to adjust the order of agenda items and move the communications item “Run Club” to before the consent item. Council Member Scott L. Smith SECONDED the motion. All voted in favor.

1. UNSCHEDULED PUBLIC APPEARANCES

Mayor Mann opened unscheduled public appearances and requested those in attendance state their name and limit comments to three minutes per person.

Mr. Ed Gifford began by praising Highland. In his 21 years living in Highland, he noted City staff and volunteers have consistently tried to do their best for its citizens. He noted he had served on the Highland Water Advisory Board for roughly 14 years. He expressed concerns on the current condition of the east side of 6800 West Street from 9450 North to 9550 North. He felt that section of the street would not survive a hard winter and noted safety issues stemming from traffic in the north bound lane. Mr. Gifford recalled he had spoken to City Engineer Todd Trane two years ago about these concerns. Mr. Gifford recalled Mr. Trane said they have a MAG project to rebuild the road in question in 2020 and will subsequently maintain it as is and fix the potholes as needed. Mr. Gifford followed up with Mr. Trane this time last year for a status report to which he was told right-of-way purchases were taking longer than expected. Mr. Gifford then noted that he tried to contact Mr. Trane once again about a month ago and was met with no response. Eventually, according to Mr. Gifford, City Administrator/Community Development Director Nathan Crane got back to him and reported that Mr. Trane no longer worked for the City and there would be no construction this year. Mr. Gifford then emailed Mayor Mann and copied Nathan into the email. He noted Mayor Mann addressed the right-of-way issue but did not follow up on the maintenance status. Mr. Gifford then asked City Administrator/Community Development Director Nathan Crane to meet him and address the concerned section. City Administrator/Community Development Director Nathan Crane responded the same way Mr. Trane had initially; they will maintain it as is and fix potholes as needed. Mr. Gifford asked for the following three things:

1. To walk the section of roadway with their professional staff knowledgeable about street maintenance and consult their opinion on the road’s safety and durability.
2. To drive the northbound lane next to the curb to determine its drivability, and observe how most traffic moves to the west to miss the multitude of pothole repairs because of its rough condition.
3. Ensure that the MAG 6800 West project will be constructed in 2022.

Mr. Craig Shields thanked the Council for their service, and expressed concerns over some road construction right adjacent to City property. He noted he had already spoken to Dr. Smith on the issue. He noted Dr. Smith had met with HOA on the issue and previously expressed concerns, but he did not know if anything was being done to resolve the issue. He stressed that the look and feel of the property hasn’t changed. Mr. Shields noted he would appreciate anything that could be done to help the condition of the area.

Jesse Myrick and his daughter Eleanor noted the live close to Canterbury Park and wanted to advocate for Run Club. They spoke on their summer mornings and how their daughter wakes up and walks to the park and for 30 minutes runs laps. In doing this, they get popsicles and get to run with friends and neighbors. He stated that this is what community parks are for.

Council Member Timothy A. Ball arrived at 7:21 pm.

Ms. Becky Rasmussen and her son, James, noted they have been residents of Highland for ten years and had purchased an older home with lower curb appeal. She noted that the first time her daughter was in a carpool, she was made fun of for the appearance of their house. She stressed that in their time in town, they’ve seen the classist attitudes alongside the suicide rates rise at the high school. She noted how embarrassed and ostracized her daughters felt by both the parents and kids in the community leading to their decision to place their daughters in

a different high school (PGHS). She noted they weren't initially accepted on the volleyball team despite being athletic. They later accepted scholarships at D1 schools which was a huge battle. She emphasized that her child James has deeply benefited from the Run Club given the community, friendship, and motivation found in the club. She noted he found such a great relationship with the Run Club he didn't want to go on their family vacation to Italy. Ms. Rasmussen stressed that the lack of fees and freedom of assembly was a great benefit, and as long as they pay taxes, they do not want to see the Run Club disbanded even if some neighbors complain of inconveniences.

Ms. Julie Rockwell thanked the Council for adding this point on the agenda. She asked for clarification on special events permits for Run Club. She noted that she has researched the issue and hasn't found any rule violations. She asked the Council to weigh their options for public gathering permits and stressed the need for the body to fact check their information. Additionally, Ms. Rockwell asked the Council to check Run Club out for themselves so they can see what is happening firsthand.

Ms. Sarah Larsen noted she is not a part of Run Club but has watched them grow over the years. She enjoyed seeing how inclusive they are and stressed how beautiful she felt they were for the ways they help bring the community together to tackle mental and physical issues. She felt the issues people are having are workable, and the benefits outweigh the costs so this group can continue to thrive in the community.

Cindy Larsen spoke about her experience living in Highland Hills. She was recently issued a warning from the Animal Control Officer, Tamara Shadoan, for having her dog unleashed off of her property. She noted she could be fined one hundred dollars should this continue. Ms. Larsen also noted that this warning included questions about her name, address, rabies tag, vet, and more. Ms. Larsen asked if there had been a complaint. Ms. Shadoan said it was her job to address any breaking of this rule and there had been no complaints. The woman then told her that she needed to go to a City Council meeting to get this issue resolved. Ms. Larsen then asked the Council to work on these rules which gave this woman the license to send her this warning as she felt it was overstepping.

Danielle Bement spoke on behalf of Run Club. She noted out of her ten children, five of them go to Run Club and love it. She went through how much she and her children run both individually and together. She then pointed out things she loves about Run Club including the fact it is free, it's health oriented, and her children are building better habits. She noted they are careful with how they drive around the area and addressed concerns with the garbage Run Club produces. She noted she has asked around and no one in the neighborhood she asked has an issue with what Run Club does. She stressed that Highland needs to realize that Run Club makes them unique.

Kristalee Cook talked about how much she loves Run Club. She noted she didn't know where these complaints were coming from as she lives on a public street that was built for the purpose of gathering and unifying the community. She felt Run Club is fulfilling its purpose, and she rarely sees messes from them.

Matt Lambert, whose wife started Run Club, spoke on her behalf. He stressed that this is the most centrally located park and Run Club is free of charge because his wife personally finances it. She receives some donations. He noted Highland City does not offer any kind of athletic opportunities and most have to go to other cities for these programs. He noted they started the club with the goal of 25 kids though this last year, they made it to 320. They moved the club off their block and to Canterbury. He pointed out they bring garbage bags and leave things cleaner when they leave. Mr. Lambert recognized that there are some who have told him they cannot continue going to Run Club if they move locations. He stressed that they cannot move it, and on the website, there are no rules limiting use of property.

Mr. Richard Henderson spoke and expressed concerns about Run Club. He noted he could see where they were coming from, but parking has been an issue. He acknowledged that these kids need a place to run and thought it

was a cool idea. With that said, he noted issues of traffic (contributed to by Pickleball as well), requiring those nearby to do more park upkeep, and noise which interferes with him working at home. If Run Club is to continue, he requested that something be done about parking accommodations. He suggested parking at the church across the street. He also said this is a general concern among the neighborhood and gave another suggestion in which they limit days and times people can gather.

Lori Ross stressed that she watched the club grow and has worked around parking issues. They stressed that the community is great and brought up a letter to Erin which they wanted to share with the Council. She asked the Council to see the importance of this club in the community and see who it benefits most.

Sara Sandberg-Pletch emphasized that she and her children have been truly blessed by Run Club programs as they cheer each other on and celebrate each child. She stressed that Jen Lambert makes every child feel loved and pushes them with energy and optimism. She acknowledged the complaints that have come in and the relocation. Ms. Sandberg-Pletch noted they do not cross into anyone's private property and they keep things clean. Moreover, she noted that the club has facilitated charity drives. She stressed that the Run Club needs to stay where it is.

Dave Hall felt there is a false narrative that some are anti-running club while others are pro. He stressed everyone is a pro-running club and acknowledged the great job Jen has done for the community. Mr. Hall then went on to describe the reasons he chose to live in Highland and emphasized the reasons he chose to build his house in Canterbury Park Circle. He valued the low density, good neighbors, and privacy. He went on to describe similar problems and small disruptions that other local sports have faced including football, tennis, basketball, and soccer. He felt it began as a good idea and has overgrown. Moreover, he noted that the noise produced makes it difficult for him to work at home. He stressed that the club was ten times the size of the City football league who were asked to leave as well. He reiterated earlier concerns about parking, traffic, and volume, and noted that the club is too large and has outgrown the neighborhood.

Taryn Jones said she has been with Jen Lambert since the beginning. She stressed that they encourage people to pick up trash after themselves and park at the church. She also noted that not all the parking problems stem from them. Moreover, Ms. Jones stressed that they take care of the park and one another and not everyone shows up every day which means they do not always produce high density traffic. She ended by stressing that everyone loves having it where it is.

Susanne Worthington noted that Jen is aware of parking concerns and has been very diligent about letting them know where to park. Ms. Worthington stressed that moving the club would preclude many children that she started the club for, as other locations are too far away. Ms. Worthington also echoed earlier comments about trash pick-up and desire to keep the park clean.

Becca Summers felt moving the club would be detrimental. She also stressed that they are meeting in a public place and the neighbors do not have a monopoly on it.

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.

Camilla Bradshaw spoke on behalf of the Youth City Council. She praised the block party, parade, and kids crafts while noting that they postponed the chalk party. She went on to also praise the Kid Zone (for scavenger hunt and Irish dancers), Highland Scottish games, and fireworks. She gave a special thanks to the City Council, Mayor,

and Corrine who helped achieve these successes. Mr. Ryan Bartholomew spoke about the midweek activities including the horseshoe tournament, baby show, and disc golf. Mayor Mann added that he would give Corrine a gold star. Councilmember Kim Rodela also gave praise to the aforementioned events, calling it the best it has ever been, and specifically praised all of the Youth Council and Corrine. Council Member Kurt Ostler agreed and praised the organizing of events and the efforts to get citizens to sign up and turn out. Councilmember Scott L. Smith also noted how impressed he was. Councilmember Timothy Ball echoed this praise and Councilmember Brittany Bills added that the art show was also great.

COMMUNICATIONS ITEM

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

Assistant City Administrator Erin Wells echoed what has already been said about Run Club, but stressed that she must implement the policy that Council has given them. She noted she had asked Jen to move to a different park due to the policy that is currently in place, though said policy is at the discretion of the Council. She decided to take a step back and go through how they have gotten here. She began by noting policies are different for different parks and the special event permit is not codified. It has been developed through practice. Assistant City Administrator Erin Wells stressed that staff wants the parks to be used, but they must treat all groups the same. A City Council candidate was recently turned down for a permit to use the park space for a campaign event because of the volume. Assistant City Administrator Erin Wells emphasized that this is because of the impact on the park and the neighborhood though they do try to balance needs and considerations. Parking, noise, garbage, maintenance, and other concerns are factored in. Liability is also considered. Unfortunately, in applying park policy, Run Club does present problems. Canterbury Park is a neighborhood park and not a community park. Assistant City Administrator Erin Wells noted this means you cannot rent things like the pavilion. She also said they need to address regular impact on park facilities like field size, parking, restrooms, and the neighborhood. She also noted that regular large events require permits and sometimes even insurance. Assistant City Administrator Erin Wells then noted that special events are typically not allowed in neighborhood parks because of these reasons, though they are open to discussion.

Mayor Mann expressed his concerns. He referred to soccer club which was not given access to this park because of similar reasons. Looking at Run Club, he noted a key difference is they are not asking for exclusive use of the trails or facilities. He did note that some issues of the Run Club are noise related (the megaphone might be an issue) and parking. He did note they could not legally curb any parking as they are all public roads. He stressed Run Club could always be more courteous which might mean no more megaphone use.

Councilmember Rodela commented that she checked out Run Club. She asked if this is considered a special event, if it requires a permit, if it's too overwhelming for the park, and more. She said she counted cars and kids (eight parked cars, six cars, fifty four kids) and likened it to a special event. She asked if there was a solid consistent number present because she agreed that 300 people was too much, but what she saw seemed completely fine. She also noted that the megaphone was not that loud and they picked up after themselves. She also agreed with the earlier public comments that this was a good community event and added she would want to live in a neighborhood with those events.

Assistant City Administrator Erin Wells said they start looking at density issues around 100 people and stressed that they are required to get a permit if they have 200 or more. She noted that some family reunions are larger and the pavilion in the park can accommodate that, but that they should be wary of things like this that happen every day as this park is still a neighborhood park. She acknowledged there are garbage issues in every park, but parking looks to be a real issue. Assistant City Administrator Erin Wells did acknowledge that there is a lot of grey area.

Mayor Mann noted they have seven months before Run Club starts again and subsequently can make a policy in that time. Assistant City Administrator Erin Wells agreed and said they would like to have something together by December. Council Member Brittney Bills noted there are many parents who support the club. She emphasized that they want to regulate running as little as possible and find ways to appease the neighbors. Council Member Brittney Bills asked how many kids there are roughly every day. Assistant City Administrator Erin Wells noted that the average tends to be 80 to 100 kids per day. Council Member Kim Rodela said it was not too bad as they were spread around the whole park. Council Member Brittney Bills also noted this club is a good opportunity to teach kids things outside of school.

Council Member Scott Smith asked about potential public safety issues related to parking and if the fire department has been out to look at this. Fire Chief Brian Patten said they haven't been out there. Assistant City Administrator Erin Wells noted the police department went out and saw it was busy but were not concerned. She felt any issues were workable. Council Member Scott Smith noted he supported any initiative to get kids active and was open to arguments not to move the run club as then people might not come. Assistant City Administrator Erin Wells noted that Jen's biggest concerns are on moving the club as she would need volunteers and it has already moved once before. She noted Wimbledon was recommended to Jen as it has a good sized parking lot, but noted Jen is still concerned that the residents close by will complain. Assistant City Administrator Erin Wells said she understood Jen's frustration as she is trying to do something great despite it impacting others. Council Member Brittney Bills suggested reaching out and seeing what the residents are saying. Council Member Kurt Ostler said it sounds like moving to Wimbledon will solve the problem, but the Council should consider rules for neighborhood parks and other policies including special use permits. Council Member Kurt Ostler noted he did not want to divide a neighborhood and felt policy change might be the best.

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.

Council Member Scott L. Smith asked to pull item 3d from the consent agenda.

Council Member Brittney P. Bills MOVED that the Highland City Council approve consent items a, b, and c. 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.

Item D. Council Member Scott L. Smith began by asking if there was a monthly fee of \$100 to inspect. City Administration/Community Development Director Nathan Crane said they require an inspection every month because of a state requirement which is billed to the city. He noted most building times do not go 27 months, but some contractors are slower and the current fee did not cover the cost. Council Member Scott L. Smith asked if this created a lot of problems. Mayor Mann said the fee is for subdivisions or individual homes. City Administrator/Community Development Director Nathan Crane noted they looked at the amount of time inspectors were spending and eliminated projects that went on long. Council Member Scott L. Smith felt they were losing money on this. City Administrator/Community Development Director Nathan Crane said the jump occurred recently and the larger concern involves subdivision construction. Council Member Kurt Ostler asked to clarify costs which stand at \$1500 per lot or \$1500 per home. He then noted a new fee is \$50 for a new unit while a single family home is also \$1500. He asked why they are not charging a higher fee for the unit. City Administrator/Community Development Director Nathan Crane said this boils down to different development types and corresponding permits. Inspection for different units takes different amounts of time for different units. City Administrator/Community Development Director Nathan Crane went on to describe a new project in which all fees will be based on a single family large lot. He stated the first phase of Ridgeview would start charging \$7200. Moreover, he noted they are meeting with a consultant - Mitch at Mystic. He then reiterated that fees will still be different for different types of developments.

Council Member Scott L. Smith MOVED that the Highland City Council approve the resolution adopting the revised fees for the storm water pollution prevention plan review and inspections. 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.

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.

Planner & GIS Analyst Kellie Bronson noted this was regarding Chapter Six which covers Guarantee of Performance. She said this is bonding for public improvements in different development areas including landscaping. She noted once these improvements are finished, the bond is released with 10% being maintained to ensure those improvements stay in place. She acknowledged they currently only accept cash bonds, check, or bond accounts. Planner & GIS Analyst Kellie Bronson relayed the City Attorney comments stating the municipality will establish two performance guarantees or bonds. Irrevocable letter of credits also constitutes bonds as they come from the bank. She noted the bank agrees to pay the City full cost once certain conditions are met, and the bank will only do so if the developer and City can prove they can make these costs. She noted the Planning Commission has discussed this and recommends it for approval.

Mayor Rod Mann opened the public hearing at 8:59 pm. There were no public comments. Mayor Rod Mann closed the public hearing at 8:59 pm.

Council Member Kurt Ostler went on to ask if a letter of credit is different from cash in the bank. He wanted to know if the City can charge an extra fee versus incur more fees and paperwork from the bank.

City Attorney Rob Patterson responded, saying they can charge on the back end only if there has been a problem, but they cannot charge on the front end. Council Member Kurt Ostler asked if these are similar legal agreements to which City Attorney Rob Patterson said yes. Council Member Kurt Ostler noted he was asking about the legalities given his experiences in the past. City Attorney Rob Patterson sympathized, stating cash is better, but a letter of credit is acceptable.

Council Member Brittney Bills asked if it was true if the City developer released developer work before the neighborhood was finished. City Administrator/Community Development Director Nathan Crane noted they would need to pull each file, and it was more myth than reality with the ones he has looked at. City Attorney Rob Patterson said that the City will more typically release the bond when it is ready.

Council Member Kim Rodela MOVED 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. 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.

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.

Finance Director Tyler Bahr stated this was consideration for a purchase contract for digital radar speed sign and trailer. Finance Director Tyler Bahr noted the local police department has this type of unit, but they are looking into getting one dedicated to the City of Highland. He stated this is not in the original budget, but Traffic Logix had a \$5900 bid, and the cost could come from general fund reserves. Finance Director Tyler Bahr asked the Council if this would be an appropriate expense.

Mayor Mann noted he did have an ask earlier in which they could issue warning letters to those caught speeding. He noted he looked at this option and it would have been \$1200 dollars. Mayor Mann pointed out they have been getting requests from residents to place speed warnings on the streets. Police Chief Brian Gwilliam agreed. Mayor Mann then said he supported this as it records the data, and he no longer wishes to share a speed sign with the Police Department. Mayor Mann pointed out that they'll have access to speed data and can compare it to box data.

Council Member Kurt Ostler worried public works might move it around, and Mayor Mann responded by reiterating that it would ultimately make a big difference. Council Member Scott Smith voiced support of this as he felt there are too many speeders and this may change their behavior. Mr. Gwilliam echoed his support, and noted he is recording residents who are repeat offenders.

Council Member Kim Rodela MOVED that the City Council approve the purchase of the digital radar speed sign and trailer offered by Traffic Logix at a cost to not exceed \$5,899.00. 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: 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.

City Administrator/Community Development Director Nathan Crane clarified the length of the trail as just over one quarter of a mile. He noted they did a reimbursement agreement with the developer so they could install the trail. City Administrator/Community Development Director Nathan Crane pointed out the original estimate was \$165,000 without the engineering completed. The second estimate was \$582,000 which was too high, primarily to retaining walls and fencing. The third estimate was \$385,000 because the trail was re-routed and retaining walls removed. He presented a line-item cost count for the area. City Administrator/Community Development Director Nathan Crane noted that the cost largely comes from the wetland and boardwalk (10' wide and 250 lineal feet). City Engineer Andy Spencer has been looking into ways to cut costs.

City Engineer Andy Spencer began by noting the most difficult thing with these projects is pulling loose ends together and truly getting things going. He felt it is tempting to wait and find all the ways to cut costs, but as people move into the developing area, construction and plans will get more challenging as people who move in will try to add their own improvements. He stated that we have \$165,000 in the budget for the trail, the estimate

came in at \$385,000 which is \$220,000 over. He went on to discuss what is causing them to go over budget. They are as follows: \$80,000 for a split rail fence, which may or may not be needed, traffic island on Canal Blvd. City Engineer Andy Spencer suggested the possibility of using \$20,000 from roadway funds for the traffic island, and the possibility of reducing the width of the boardwalk trail to 6ft, but the cost savings of this is unknown. Making these changes would estimate we would only be over \$100,000. City Engineer Andy Spencer noted change is difficult, but he did not want to abandon the project. He would like to find the extra money to build the trail with a narrower boardwalk and no exterior fences. Minimum recommendation would be to abandon the wetlands crossing altogether and make the footprint of the trail, graded and possibly with some gravel. We would come in about \$25,000 over budget, but those who move in would know that the trail is there. City Engineer Andy Spencer said that if we go to MAG with a proposal that shows we have done everything that we could do that looks better on the proposal. He spoke with Jim Price with MAG about a trail connectivity package presentation to MAG and received positive feedback. He expressed concern about losing inertia for the project.

Mayor Mann disagreed with relying on MAG for this small project, as there is a dollar threshold they will not fund below. He stated we would strengthen our case to include the planned regional trails for connectivity. Mayor Mann recalled that Highland has not asked for trail money in years which could help. Highland City would have to be willing to match 6.77% of the cost. Mayor stated we would have to wait a year to see if we get the funding, it's not guaranteed, and we've lost momentum for the project. Ultimately, he felt the Council would have to decide if it is worth the risk, stating that connecting to the Equestrian Center. Connecting to 9600 will benefit Highland residents. He stated that there are issues with the easements. We have easements from 9600 to Canal Blvd. Mayor asked Council if they would like to build the trail now and take that out of the MAG package. There is a possibility of asking MAG for reimbursement agreement if we build now. Mayor Mann asked if they were open to waiting a year to pay on the chance of paying 6.77% of the cost versus the full cost.

City Engineer Andy Spencer suggested they still go to MAG with a package and see if the connectivity package helps as well to get the funding. Just having the basic footprint of the trail would help. Mayor Mann noted they have the design.

Council Member Kurt Ostler asked about the trail system. City Administrator/Community Development Director Nathan Crane, and City Engineer Andy Spencer discussed different trail segments on the original plan, changes they made to respond to concerns they had, and to reduce costs. Council Member Kurt Ostler asked about residents landscaping on city property to which Mr. Spencer said there are 3 lots on the north side that touch the trail and then the boardwalk section. There are existing homes, but we are more worried about the homes that will be built. Council Member Kurt Oster asked if this has been on our trail plan to which Mayor Mann responded that the trail has been on the plan, but not the exact location. Council Member Kurt Ostler asked about easement issues from 9600 to Canal Blvd. Mayor Mann said there are issues with these easements, but MAG money could help with this. Council Member Kurt Ostler asked about easements from 9600 to Equestrian Center. Mayor Mann explained that we do not have the easements. Highland City would have to work with Ron Peck to acquire the easement. Mayor Mann and Kurt Ostler discussed the Equestrian Center and trails that American Fork City built.

Council Member Kurt Ostler asked about the trail segment which could be presented to MAG for funding. Mayor Mann explained that this is part of the existing regional trail system, not just connecting another trail to their system. Mayor explained that City Engineer Andy Spencer is going to have to sell the plan to MAG and explained process that MAG has to award money. City Engineers present the projects, Mayors make recommendations.

Council Member Kurt Ostler asked if they felt they would score well with MAG. City Engineer Andy Spencer said it would depend on the other projects submitted given the fixed dollar amount of support. Mayor Mann spoke about the difference between state and federally funded projects. He also noted they want the project to be locally funded, if possible.

Council Member Kurt Ostler also asked if Millhaven could help to which City Administrator/Community Development Director Nathan Crane said it would depend on their willingness to help build. Council Member Kurt Ostler asked what the cost might be to bring in a different contractor, what would be the cost savings of using Millhaven. City Engineer Andy Spencer said Millhaven help would assist with their savings issue as MAG projects may result in spending more money on management and engineering. City Engineer Andy Spencer said that Millhaven's bid is probably comparable to another contractor, maybe a little bit of economy of scale because they are already there. Council Member Kurt Ostler reminded the Council they are only paying 6.77% of the match. City Engineer Andy Spencer advocated for MAG. Mayor Mann reiterated they have \$165,000 in the budget and to extend south the part that will be a problem and maybe even the boardwalk. Spend \$165,000 and go as far south as we can with it. City Engineer Andy Spencer agreed with this idea. Three homes that already have a trail behind their house. Mayor Rod Mann asked if we could use road money to build the islands. City Engineer Andy Spencer said he would get back to him.

Council Member Kurt Ostler asked which homes may present the largest development issues to which City Engineer Andy Spencer said lots 31, 45, and 46. That's where all the grading and retaining walls will be. Mayor Mann asked if we could just do those 3 homes for \$165,000. Council Member Kim Rodela agreed. Council Member Kim Rodela questioned about taking money for this project from maintenance. She expressed concern about starting another capital project when we can't take care of what we have. She also mentioned that she didn't want to take any money from Mountain Ridge Park for this project. Ms. Rodela suggested that Council take the \$165,000 and see how far we can go with it and see if they could get funding from MAG. She also mentioned she did not want to cut back on the width of the boardwalk. Mayor Mann clarified that we build for those three homes as long as it doesn't exceed \$165,000. City Engineer Andy Spencer asked if he could get with Todd from Millhaven and rough everything in except the boardwalk for \$165,000 would that be acceptable. Mayor Mann express concern about having a trail with a break at the boardwalk, gap with two connecting trails. Mayor Mann suggested that we just go as far south as we can. Mayor Mann suggested they see how far south they could go and maintain fencing standards. Council Member Kurt Ostler was skeptical on how many fences they need should certain homes border the wetlands.

Council Member Scott Smith questioned the change in location of the trail. City Engineer Andy Spencer said that the changed saved money and helped the subdivisions further south by moving it further away from people's homes who didn't want the trail in the back. Council Member Smith expressed approval of this trail because it connects. He also advocated for other trail connections through the Murdock Canal and Equestrian center on the eastern side to cut costs. Furthermore, Council Member Scott L. Smith pushed to keep the area as natural as possible and look to MAG as soon as possible. Council Member Scott L. Smith to spend the \$165 approved for this trail. City Engineer Andy Spencer seemed optimistic about their scoring potential with MAG and said they would do their best.

Council Member Scott Smith asked about the larger lots near the trail and if those individuals in that area have complained. City Engineer Andy Spencer noted they were largely insistent about retaining walls and this is the stretch that we are talking about completing now.

Council Member Brittney Bills agreed with Council and asked if the county trail system was on a different map and if everything on the regional trail system is fully reflected. City Engineer Andy Spencer said not all of the regional trail plans come together. Discussion about city trails vs regional trail system.

Council Scott L. Smith asked about MAG money for maintenance. City Engineer Andy Spencer noted that MAG money is particularly difficult to earn for maintenance, mostly for new construction. When putting together the package for MAG, we will be looking at additional regional trails for connectivity. Council Member Kurt Ostler

asked about the retaining wall. City Engineer Andy Spencer responded that the retaining needs to happen on the east. Council Member Kurt Ostler said it was the Kelly property and there is a water feature.

Council Member Scott Smith said that we want staff to present a package to MAG to fund a trail as far as down to the Equestrian Park, but there are questions about easements. He questioned how you present a package without the easements. City Engineer Andy Spencer responded that you have to work with the residents. Package with MAG will score better if the trail goes down to the Equestrian Center.

City Engineer Andy Spencer noted that you cannot condemn trails, so funding will be essential. With that, he also noted that property owners will be willing to work on the issue. Ultimately, City Engineer Andy Spencer said they would also wait on Peck's development as well.

Council Member Brittney P. Bills MOVED that the City Council allow an expenditure of up to \$167,438 for the trail behind the three properties that we are concerned about, and then moving south, asking to minimize costs as much as we can. Staff is to put together a package for MAG for funding of the remainder of the trail.

Council Member Scott L. Smith SECONDED the motion.

Council Member Kurt Ostler expressed some concern with staff and funding. He asked if they had a good price when approving. He was concerned that there was no bid. City Administrator/Community Development Director Nathan Crane said they would have to address the issue with Mr. Trane first to have a good idea. Mayor Mann said that this would not need to come back to Council for approval if they stay within the dollar amount approved and it would need to go through all three homes, but not beyond that. City Engineer said that based on the discussion, he felt he could cover those three homes with the \$167,000.

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.

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.

Finance Director Tyler Bahr presented the criteria needed for the local match grant. Highland's allocation funds of 2.69 million must be fully allocated by 2024 and spent by 2026. The grant program has allocated an additional 50 million, and additionally asked staff to research park development, Mountain Ridge, all abilities facilities like restrooms and drinking fountains, along with water and chlorination. Finance Director Tyler Bahr noted that larger spending goals include supporting populations disproportionately impacted by the pandemic. The hope, he noted, is to promote healthier living environments and mitigate the spread of Covid-19. Finance Director Tyler Bahr noted that, as it stands, the Mountain Ridge plan includes an all abilities focus throughout its playground

which would amount to 1.8 million dollars. He stressed that an all abilities theme would run through the entire design of the park and not just certain aspects of it.

Council Member Kim Rodela asked if they should stress the disabilities angle to ensure they receive the federal grant. Finance Director Tyler Bahr felt this would be best. Council Member Kim Rodela asked about also including seniors in the plan as they have also been impacted. Council Member Brittney Bills suggested an adult fitness component like adult pull-up/push-up bars. Mayor Mann noted that this may break the distinction in possible funding from federal versus state sources.

Finance Director Tyler Bahr noted that water projects align with federal guidelines and all-abilities focus offer a unique funding opportunity. He noted that Council reserves the right to augment or accelerate these projects as well, and there is a corresponding local match grant. Finance Director Tyler Bahr also pointed out that the committee will be scoring projects on two categories: a general and project specific classification.

Mayor Mann felt none of their existing projects were explicitly innovative which could affect their chances of getting the grant. With that said, he noted he would reach out to Cameron Diehl to see if there are other ways Highland might score well. He also brought up that most of their population was not impacted by Covid-19. Council Member Kim Rodela said they should still go for it. Assistant City Administrator Erin Wells felt they should not talk to Mr. Diehl. Finance Director Tyler Bahr asked if there were any project specific category questions to which Council Member Kim Rodela asked about specific programs for mental health for kids. Finance Director Tyler Bahr pointed out several criteria they qualify for in that area, but they will know more after the Webinar next week, the October 19th committee meets, and November funding information. He said having more direction on which projects should be focused on will help as well. Lastly, he mentioned that September 7th would be the final approval date for the grant application.

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

This item was discussed earlier in the meeting.

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

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

The meeting adjourned at 10:38 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 17, 2021. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle
City Recorder

DRAFT



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT

ITEM #3b

DATE: September 21, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Erin Wells, Assistant City Administrator
SUBJECT: Approval to Purchase a Four-Wheel Drive Vehicle for the City Fleet
Administrative

PURPOSE:

City Council will consider the purchase of a four-wheel drive vehicle to be incorporated in the City fleet. The vehicle will be used by Building Department to perform daily ongoing tasks. The Council will take appropriate action.

BACKGROUND:

In June, the City Council approved funding in the FY2022 budget to purchase one (1) Ford F-150 truck for the new Building Inspector position.

The City currently leases a F-150 vehicle for the Building Official. We were recently made aware that the company we are leasing from is losing its bank funding and the truck will shortly be repossessed by the bank. While the money that Council budgeted was originally intended to go towards a vehicle for the Building Inspector, due to the urgent need for the Building Official, staff proposes reallocating those funds.

Staff is currently evaluating if and when it is the best decision for the City is to hire a Building Inspector. When that decision is made, what to do for transport of the Building Inspector will be worked out at that time. The City is considering vehicle sharing programs, as well as evaluating if any fleet reallocation would be prudent.

Another option staff is considering is what is the best vehicle to purchase. While four-wheel drive is necessary for the work of the Building Department, a small SUV or smaller truck may suffice.

At this time, staff is asking for Council's approval to move forward with the purchase of a vehicle with a not to exceed price of \$40,000. Staff will do a fleet evaluation to determine what is the best vehicle and make the purchase. Items that will be considered include cost, ability of the vehicle to meet the needs of the Building Department, and availability of the vehicle.

The vehicle will be purchased using the State Purchasing Contract. This program allows governmental agencies to purchase items at lower prices because of statewide volume discounts. Purchasers also get better contract terms and conditions. The City does not have to solicit bids if items are purchased using the State purchasing contract since the pricing is deemed the lowest price available for the item.

FISCAL IMPACT:

The estimated cost of a F-150 vehicle is \$37,800. That would be the most expensive vehicle that would be purchased. Any additional equipment which may need to be ordered will be within the previously approved \$40,000 total budget in the General Fund.

RECOMMENDATION:

Staff recommends approval to purchase one vehicle to be added to the City fleet.

PROPOSED MOTION:

I move that City Council APPROVE the purchase of one vehicle, along with accessory equipment to be added to the City fleet through the state purchasing contract for use by the Building Inspection staff.

ATTACHMENTS:

None



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT

ITEM #3c

DATE: September 21, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: **RESOLUTION** – Updated Personnel Procedures and Policies Related to COVID-19 *Administrative*

PURPOSE:

The City Council will consider a request by Highland City Staff to adopt a resolution relating to personnel procedures and policies related to COVID-19 and related matters. The City Council will take appropriate action.

BACKGROUND:

On March 31, 2020, the City Council adopted Resolution R-2020-10 COVID-19 Emergency Limitations, Policies and Procedures. The purpose of this Resolution was to adopt temporary personnel policies and procedures to provide flexibility in meeting the challenges of the current emergency while providing for and reducing risk for employees and their families and to respond to the requirements of the Families First Coronavirus Response Act.

Due to the changing nature of the pandemic and the expiration of the Families First Coronavirus Response Act expired at the end of 2020, staff believes that a new Resolution should be adopted to replace R-2020-10. The major changes are summarized as follows:

- Added a policy related to vaccinations. The policy states that vaccinations are encouraged, and that the City has a right to inquire if an employee has been vaccinated if the employee demonstrates COVID-19 symptoms, test positive, or has been exposed to COVID-19.
- Revises the quarantine and isolation requirements to be consistent with State Health Department Guidelines for employees that have and have not been vaccinated.
- Eliminates travel restrictions and quarantine requirements related to travel.
- Encourages employees to be vaccinated by allowing the use of donated vacation leave to employees who have exhausted their sick leave if they under the care of a healthcare provider for COVID-19 for more than 40 work hours for full time employees or 20 hours for part time employees.

FISCAL IMPACT:

The only potential increase to current fiscal year expenditures would be the donation of vacation leave for employees.

ATTACHMENTS:

1. R-2020-10
2. Proposed Resolution

RESOLUTION 2020-10

A RESOLUTION ADOPTING PERSONNEL PROCEDURES AND POLICIES RELATED TO COVID-19, AND RELATED MATTERS

WHEREAS, Highland City ("City") is a municipality and political subdivision of the state of Utah;

WHEREAS, the City is authorized to adopt and administer personnel policies, guidelines, and benefits pursuant to Utah Code sections 10-3-717 and 10-3-1103;

WHEREAS, a state of emergency has been declared by the Governor Gary R. Herbert for the State of Utah and President Donald Trump for the nation based on the continuing spread of COVID-19;

WHEREAS, the City desires to adopt and administer new personnel policies for City personnel related to the COVID-19 emergency;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The personnel policies identified in the attached exhibit are hereby adopted by the City of Highland.
2. This resolution is effective immediately upon its adoption.

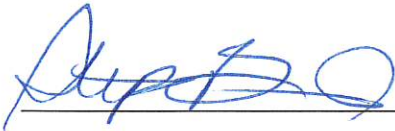
RESOLVED THIS 31st DAY OF MARCH, 2020, BY THE HIGHLAND CITY COUNCIL.

HIGHLAND CITY, UTAH



Rod Mann, Mayor

ATTEST:



Stephannie Cottle, City Recorder



COUNCILMEMBER	YES	NO	
Timothy A. Ball	☒	☐	
Brittney P. Bills	☐	☐	No vote recorded
Kurt Ostler	☒	☐	
Kim Rodela	☒	☐	
Scott L. Smith	☐	☐	Absent

EXHIBIT A

COVID-19 EMERGENCY LIMITATIONS, POLICIES, AND PROCEDURES

I. GENERAL CITY POLICIES:

1. Follow all guidelines and recommendations established by the Governor, Federal CDC, and State/Federal Boards/Departments of Health
2. Cooperate in reporting City and resident status to appropriate officials
3. Coordinate communications between State/Federal governments and residents
4. Work with County regarding county services and operations within City
5. Work with public utilities and own systems to ensure necessary utilities continue to function (water, sewer, electricity)
6. Provide notice with instructions, declarations, and emergency policies

II. COVID-19 QUARANTINE REQUIREMENTS

The following emergency, temporary employment policies and procedures related to COVID-19 are adopted and in immediate effect during the COVID-19 emergency. These policies may change or be withdrawn with or without notice. An employee's failure to follow or comply with policies and orders established by the City may result in discipline.

1. Conditions for Quarantine: Any City employee who meets any of the following conditions shall not come to work and shall contact their supervisor immediately:
 - a. Within the last fourteen (14) days, the employee has been in close contact (within approximately 6 feet for a prolonged period of time) with an individual who has a confirmed diagnosis for COVID-19.
 - b. Within the last fourteen (14) days, the employee has traveled outside of the country or within the country in an area known to have a high concentration of individuals that have tested positive for COVID-19. Any City employee who engages in out-of-state travel shall contact their supervisor, department head, or City Administrator before returning to work.
 - c. Within the last fourteen (14) days, the employee has come to work sick or demonstrated any COVID-19-like symptoms.
 - d. The employee is required to quarantine or otherwise self-isolate pursuant to a State or Federal quarantine or isolation order, an order of a licensed health care provider, to care for someone subject to a quarantine or isolation order or child whose school or place of care is closed, or as otherwise provided by State or Federal law or regulation (Families First Coronavirus Response Act, H.R. 6201).
2. COVID-19 Self-Quarantine Leave: Covid-19 Self-Quarantine Leave, as approved and authorized by these policies, shall consist of the following:

- a. The employee shall self-quarantine for fourteen (14) days, in accordance with State and Federal guidelines.
- b. The employee may be required to work remotely, if possible.
- c. The employee shall record their COVID-19 Self-Quarantine Leave hours in a separate section on their timecard.
- d. The employee shall receive their regular rate of pay for their usual hours during the 14-day COVID-19 Self-Quarantine Leave (two work weeks, up to 80 hours).
- e. If an employee is eligible for State or Federal work benefits related to the COVID-19 emergency that cover the employee's wages separate and apart from the COVID-19 Self-Quarantine Leave established by this policy (such as the Families First Coronavirus Response Act, H.R. 6201), the employee may attempt to obtain such relief. An employee's remaining COVID-19 Self-Quarantine Leave benefits can be deferred until the end of such other benefits, subject to the employee's notification of the City Administrator of such other benefits and the employee's continued need for COVID-19 Self-Quarantine Leave.
- f. Employees shall continue to receive all employee benefits for which they are eligible.

3. Terms of COVID-19 Self-Quarantine Leave:

- a. An employee may be put on COVID-19 Self-Quarantine Leave only once.
- b. COVID-19 Self-Quarantine Leave is a temporary benefit due to an emergency plan adopted to address COVID-19 and shall not be considered normal benefits extended to City employees, "benefits normally provided" as used in the definition of "regular full-time employee" for purposes of eligibility in the Public Employees' Contributory System, or remuneration under Utah Code § 10-3-1105(1)(a).
- c. COVID-19 Self-Quarantine Leave may be denied if the employee does not comply with the terms and conditions of these policies.

4. Employees Eligible for COVID-19 Self-Quarantine Leave:

- a. A benefitted, full-time employee shall be put on Covid-19 Self-Quarantine Leave upon meeting any of conditions described in Section II.1.
- b. A non-benefitted or part-time employee may be put on Covid-19 Self-Quarantine Leave, on a case-by-case basis, determined by the City Administrator, upon meeting any of conditions described in Section II.1.

5. Required Quarantine:

- a. Regardless of whether an employee was put on Covid-19 Self-Quarantine Leave, all employees shall self-quarantine and be prohibited from physically coming to work so long as they meet any of the conditions described in Section II.1, unless the employee has prior authorization from the City Administrator.
- b. The City Administrator shall have authority to require an employee to leave work if the City Administrator determines that the employee meets any of the conditions described in Section II.1.
- c. Benefitted employees who are no longer eligible for COVID-19 Self-Quarantine Leave may be eligible for and may be required to use other forms of paid leave (i.e. vacation leave, sick leave and/or comp time leave), as well as leave or benefits granted pursuant to applicable federal, state, or local laws (including the Family & Medical Leave Act and Families First Coronavirus Response Act) or City policy.
- d. Employees who are required to be quarantined that are able to work remotely may, with the approval of their department head or the City Administrator, continue to work.

III. COVID-19 WORK, HOUR, AND TRAVEL ADJUSTMENTS

The following emergency, temporary employment policies and procedures related to COVID-19 are adopted and in immediate effect during the COVID-19 emergency. These policies may change or be withdrawn with or without notice. An employee's failure to follow or comply with policies and orders established by the City may result in discipline.

1. The City Administrator, in conjunction with department heads and other supervisors, may adjust or limit, in part or total, the work hours and other conditions of employment in order to protect City employees and the public.
2. If the City Administrator, due to the impact of COVID-19, is required to adjust or limit the work hours and other conditions of a benefitted, full-time employee who is not required to self-quarantine under Section II, the employee shall continue to receive their regular rate of pay for the employee's normal work hours, regardless of number of hours actually worked.
3. If the City Administrator, due to the impact of COVID-19, is required to adjust or limit the work hours and other conditions of a non-benefitted or part-time employee who is not required to self-quarantine under Section II.1, the City Administrator shall determine, on a case-by-case basis, the terms of such adjustment or limitation.
4. All out-of-state work-related travel is prohibited. Any in-state travel must be pre-approved through the City Administrator or department head. Any City employee who engages in out-of-state travel shall contact their supervisor, department head, or City Administrator before returning to work.

**A RESOLUTION ADOPTING PERSONNEL PROCEDURES AND POLICIES
RELATED TO COVID-19, AND RELATED MATTERS**

WHEREAS, Highland City (“City”) is a municipality and political subdivision of the state of Utah;

WHEREAS, the City is authorized to adopt and administer personnel policies, guidelines, and benefits pursuant to Utah Code sections 10-3-717 and 10-3-1103;

WHEREAS, the City desires to adopt and administer new personnel policies for City personnel related to the COVID-19 pandemic;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The personnel policies identified in the attached exhibit are hereby adopted by the City of Highland.
2. This resolution is effective immediately upon its adoption.

RESOLVED THIS 21st DAY OF SEPTEMBER 2021, BY THE HIGHLAND CITY COUNCIL.

HIGHLAND CITY, UTAH

Rod Mann, Mayor

ATTEST:

	COUNCILMEMBER	YES	NO
_____ Stephannie Cottle, City Recorder	Timothy A. Ball	☐	☐
	Brittney P. Bills	☐	☐
	Kurt Ostler	☐	☐
	Kim Rodela	☐	☐
	Scott L. Smith	☐	☐

EXHIBIT A

COVID-19 LIMITATIONS, POLICIES, AND PROCEDURES

REVISED SEPTEMBER 2021

Highland City previously adopted emergency, temporary employment policies and procedures related to COVID-19 that were in effect during the COVID-19 emergency declared by the City. Those policies were subject to revocation without notice. As the emergency declarations and policies have since lapsed, the City hereby adopts the following updated policies and procedures related to COVID-19, which supersede and replace all previous policies and procedures.

I. GENERAL CITY POLICIES:

1. Follow guidelines and recommendations established by the Governor, Federal CDC, and State/Federal Boards/Departments of Health
2. Cooperate in reporting City and resident status to appropriate officials
3. Coordinate communications between State/Federal governments and residents
4. Work with County regarding county services and operations within City
5. Work with public utilities and own systems to ensure necessary utilities continue to function (water, sewer, electricity)
6. Work to ensure other City services continue to function.

II. COVID-19 VACCINATION AND INQUIRY POLICY

Under federal employment and anti-discrimination law, disability-related inquiries and medical examinations of employees must be job related and consistent with business necessity. Guidance issued by the Federal CDC, EEOC, Justice Department, and other agencies provides that inquiries into vaccination status of employees are not considered disability-related inquiries or medical examinations. Further, that same guidance, combined with the objective evidence of the impact of COVID-19 across the nation, demonstrates that the spread of COVID-19 and its variants can significantly impair an employee's ability to perform essential job functions and can pose a direct threat to the health and safety of other employees. Accordingly, Highland City adopts the following policy regarding COVID-19 vaccinations and related inquiries:

1. Vaccination of employees is encouraged but not required.
2. Any employee that demonstrates symptoms related to COVID-19 may be asked whether the employee has been vaccinated against COVID-19, which may include a request for proof of vaccination, whether the employee has been in close contact with another individual who demonstrates symptoms of or has been diagnosed with COVID-19, whether the employee has been tested for COVID-19, and, if so, the result of such test.
3. An employee who demonstrates symptoms related to COVID-19 shall be required to leave work and self-isolate.
4. An employee who tests positive for COVID-19 shall be required to leave work and self-isolate.

5. An employee who has not been vaccinated and is exposed to an individual who has tested positive for COVID-19 shall be required to leave work and self-quarantine.
6. An employee who has been vaccinated and is exposed to an individual who has tested positive for COVID-19 may continue to work so long as they do not develop symptoms.
7. To encourage vaccination Highland City, will temporarily relax certain limitations on how employees may contribute and receive leave from other employees as set forth in the City's Personnel Policies and Procedures Manual, as follows:
 - a. Vacation Donation. An employee, with the approval of the City Administrator, may donate vacation leave that would not leave them with less than a minimum of one-hundred-sixty (160) vacation hours.
 - b. COVID-19 Illness
 - i. With the approval of the City Administrator, an employee who is/has been under the care of a healthcare provider for COVID-19 and has missed for greater than 40 work hours for full time employees and 20 work hours for part time employees may receive leave from other employees without needing to exhaust all earned leave credits, so long as the receiving employee has exhausted all accrued sick leave if they have been fully vaccinated. An employee who has not been fully vaccinated may receive donated leave only after exhausting all leave.
 - c. COVID-19 Quarantine Due to COVID-19 Exposure
 - i. An employee who has been fully vaccinated and is required to quarantine because of an exposure to COVID-19 is eligible for donated leave after exhausting all sick leave.
 - ii. An employee who has not been fully vaccinated and is required to quarantine because of an exposure to COVID-19 shall exhaust all leave before being eligible for donated leave.

III. COVID-19 QUARANTINE AND ISOLATION REQUIREMENTS

Whenever an employee is required to self-quarantine or self-isolate under this policy or as required due to a Federal, State, or local government order or advice of a health care provider, the employee shall comply with the following requirements for COVID-19 Self-Quarantine and Self-Isolation as outlined below or as required by the State or local government order or advice of a health care provider.

1. The employee shall self-isolate and may not return to work until 10 days from the first day they were sick or tested positive and when they are fever free and their respiratory systems have improved for 24 hours in accordance with state health guidance.

2. The employee shall self-quarantine for ten (10) days, in accordance with State and Federal guidelines and may be prohibited from coming to work during that time. The quarantining time may be reduced to 7 (seven) with a negative test result and if the individual is showing no symptoms of COVID-19. The quarantine period shall reset if, at any time, the employee receives a confirmed diagnosis or positive test for COVID-19.
3. A quarantining employee may be required to work remotely, if possible, with the approval of the employee's supervisor or the City Administrator.
4. Employees shall continue to receive all employee benefits for which they are eligible.
5. A benefitted employee shall be permitted to use accrued sick, comp, and/or vacation leave for time missed.

IV. COVID-19 INDIVIDUALIZED ADJUSTMENTS

1. The City Administrator, in conjunction with department heads and other supervisors, may adjust or limit, in part or total, the work hours and other conditions of employment in order to protect City employees and the public.
2. If the City Administrator, due to the impact of COVID-19, is required to adjust or limit the work hours and other conditions of a benefitted, full-time employee who is not required to self-quarantine or self-isolate, the employee shall continue to receive their regular rate of pay for the employee's normal work hours, regardless of number of hours actually worked.
3. If the City Administrator, due to the impact of COVID-19, is required to adjust or limit the work hours and other conditions of a non-benefitted or part-time employee who is not required to self-quarantine, the City Administrator shall determine, on a case-by-case basis, the terms of such adjustment or limitation.
4. All policies and procedures related to the City's response to COVID-19 are subject to reasonable accommodation on the basis of disability, religion, or other protected status.



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT

ITEM #3d

DATE: September 7, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner & GIS Analyst
SUBJECT: PLAT AMENDMENT: Ruby Estates Subdivision *Administrative*

PURPOSE:

The City Council will consider a request by James Thomas to amend the Ruby Estates Subdivision to combine Lot 8 with the right-of-way vacated at the September 7th City Council meeting. The City Council will take appropriate action.

BACKGROUND:

On June 20th, 2017, the City Council approved the Sienna Subdivision. 73.17 feet of right-of-way was dedicated to the City where the subdivision connects to 5890 West. The standard right-of-way width for a local street according to Section 5-8-105 of the Development Code is 56 feet.

To address this surplus of public right-of-way, James Thomas requested to vacate the right-of-way up to the inside of the sidewalk. This request was approved by the Council on September 7th.

This plat amendment request is associated with the afore mentioned vacation of right of way. Section 10-9a-609.5 of the Utah State Code requires that a either a plat or an ordinance with a legal description be recorded to reflect the vacation. The proposed plat amendment will address this as well as combine it with Lot 8 in the Ruby Estates Subdivision.

Final plat amendments are an *administrative* process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting to combine Lot 8 of the Ruby Estates Subdivision with the 2,120 square feet of right-of-way that was vacated by the City Council on September 7th, 2021.

CITIZEN PARTICIPATION:

Notice of the plat amendment request was mailed to all property owners within 500 feet on August 26th, 2021. No comments have been received.

ANAYLSIS/FINDINGS:

- The proposed amendment meets all requirements of the Development Code.

RECOMMENDATION AND PROPOSED MOTION:

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

1. The recorded plat shall be in substantial conformance with the final plat received August 24, 2021.
2. Prior to recording, the recorded plat shall be revised as required by the City Engineer.

I move that the City Council accept the findings and **APPROVE** Ruby Estates Lot 8 Amended subject to the two (2) stipulations recommended by Staff.

ALTERNATIVE MOTION:

I move that the City Council **DENY** Ruby Estates Lot 8 Amended 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 to Vacate Right-of-Way Approved September 7th, 2021
2. Vicinity Map
3. Ruby Estates Subdivision Plat
4. Proposed Plat Amendment

ORDINANCE NO. O-2021-20

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL VACATING A
PORTION OF THE 5890 WEST RIGHT OF WAY IN THE SIENNA
SUBDIVISION**

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-609; and

WHEREAS, the City Council held a public meeting on this Ordinance on September 7, 2021.

WHEREAS, the City Council finds that good cause exists for the vacation; and neither the public interest nor any person will be materially injured by the vacation.

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

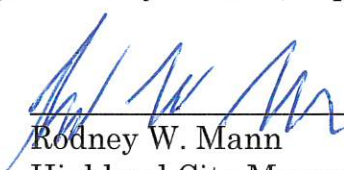
SECTION 1. That a portion of Mountain View Drive is hereby closed to the public pursuant to law and the dedication thereof is hereby vacated as set forth in Exhibit A.

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

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

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, September 7, 2021.


Rodney W. Mann
Highland City Mayor

ATTEST:


Stephanie Cottle
Highland City Recorder



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

EXHIBIT A

Beginning at the southeast corner of Lot 8 Ruby Estates Subdivision, thence North 00°50'19" East 140.34 feet along the east property line to the northeast corner of said lot; thence North 89°50'06" East 12.49 feet; thence southeasterly 5.43 feet along the arc of a 25.00-foot radius non-tangent curve, through a central angle of 12°26' 47", the chord of which bears South 7°02'20" East 5.42 feet; thence South 00°48'56" East 134.93 feet; thence South 89°47'04" West 17.13 feet.

The above described parcel of land contains 2,118.75 square feet or 0.049 acres.

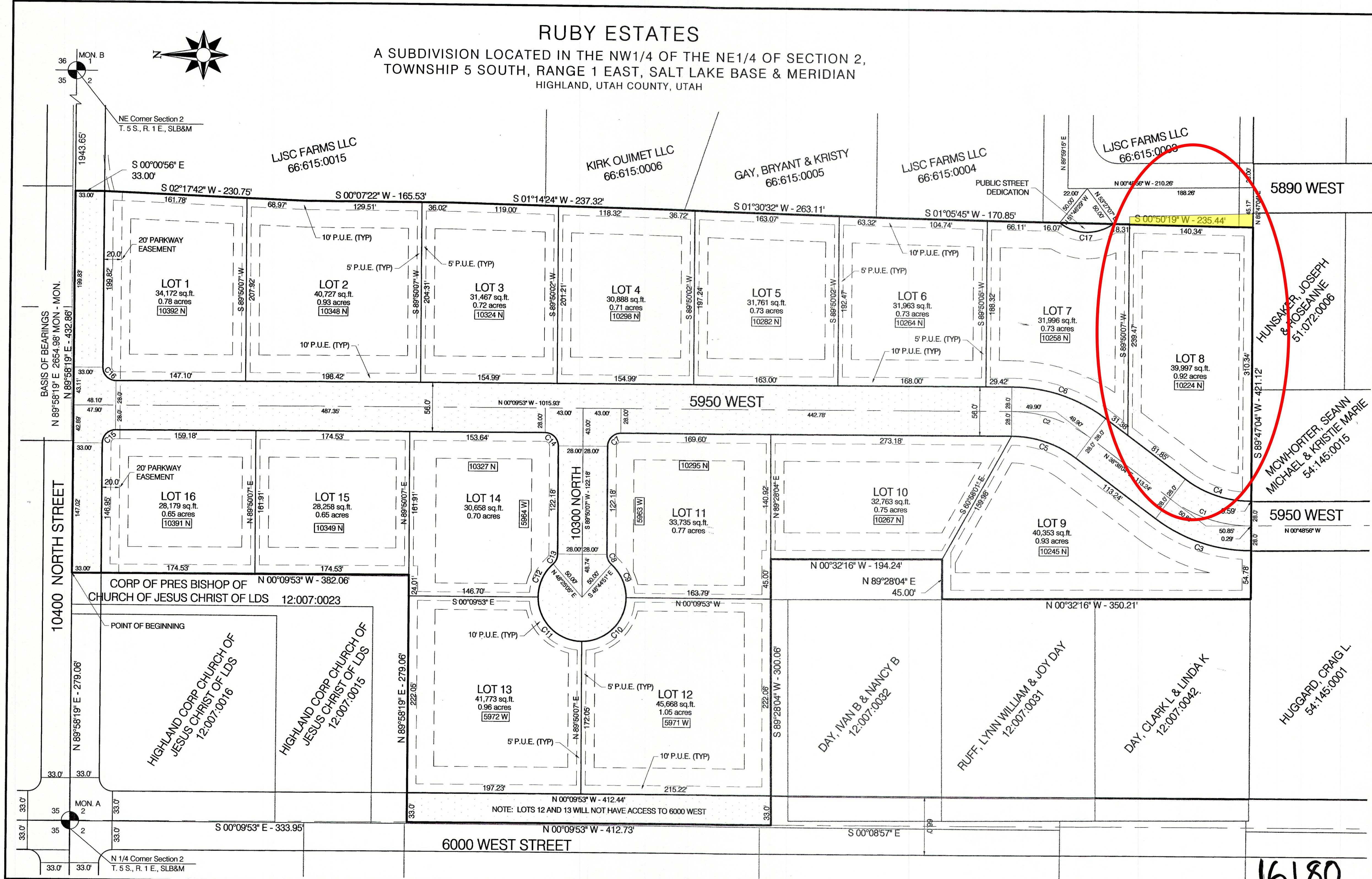


5890 WEST

LOT 7

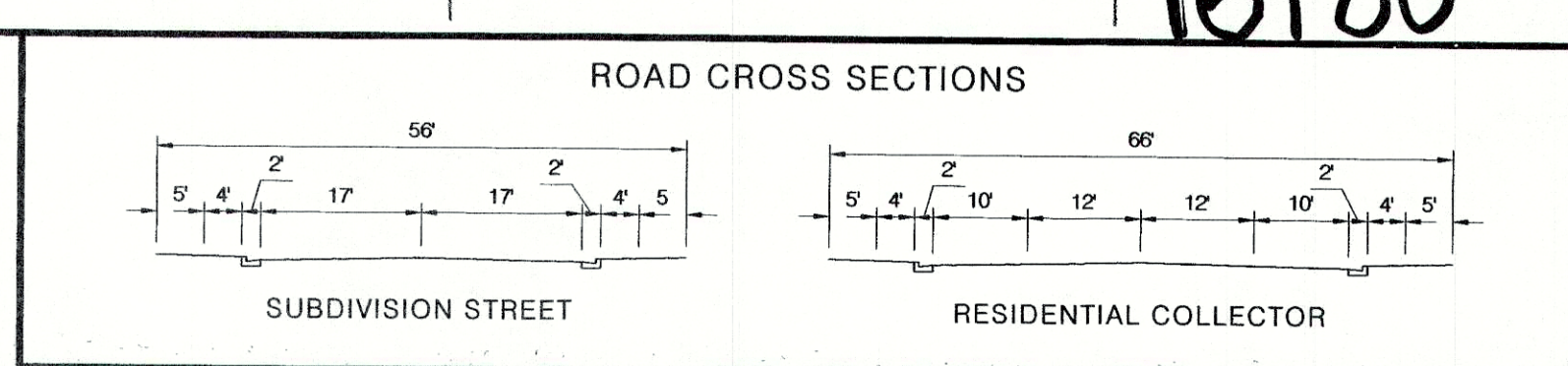
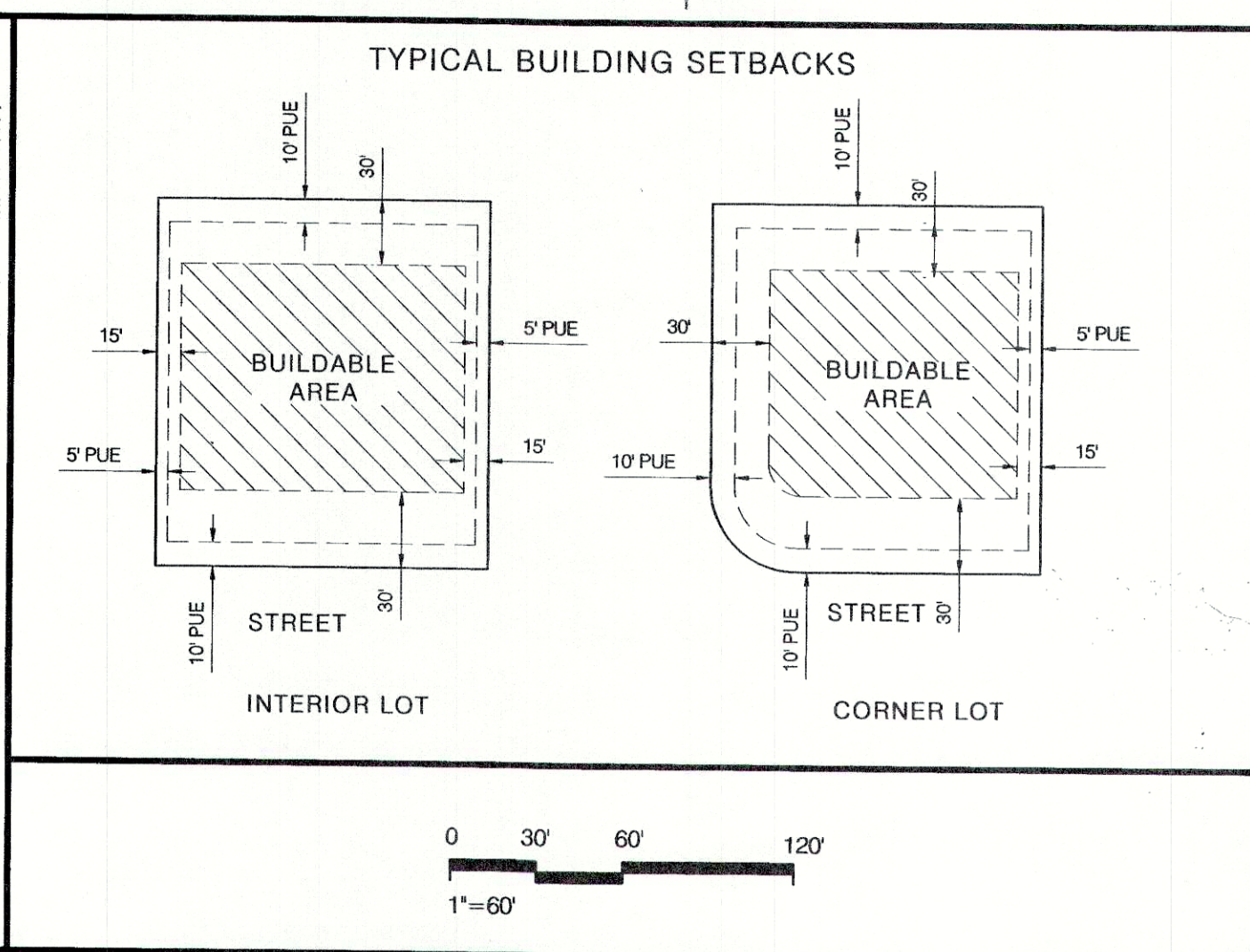
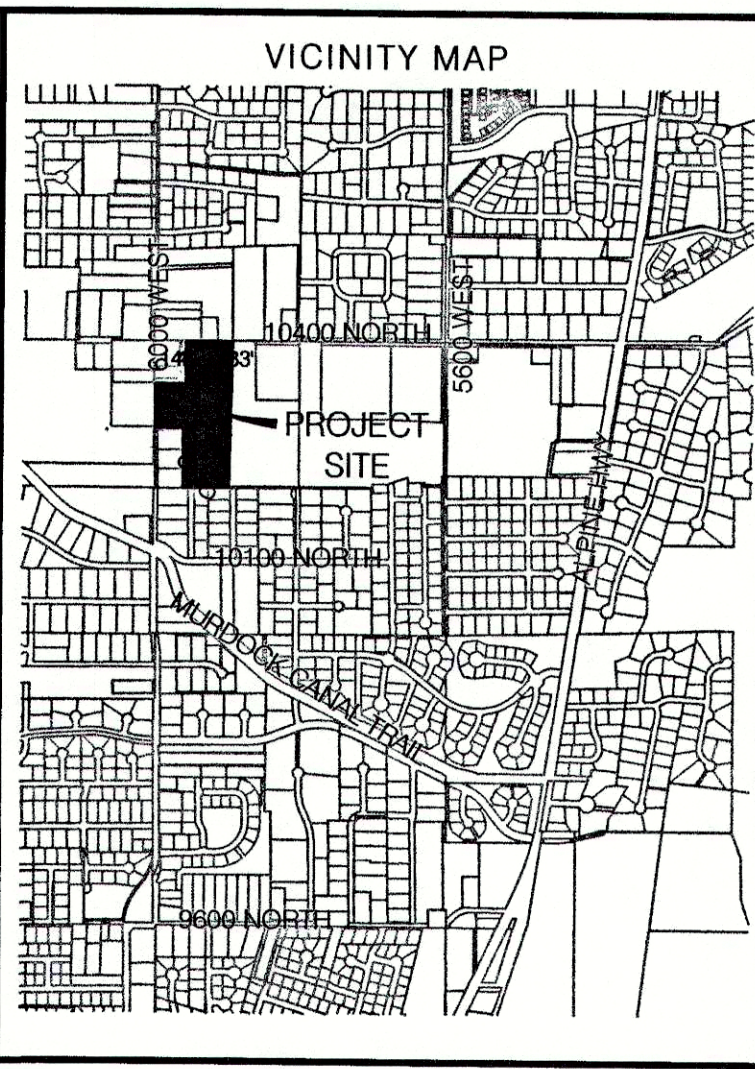
LOT 8





CURVE TABLE									
Curve #	Length	Tangent	Radius	Delta	Chord Direction	Cd Length			
C1	98.04'	50.85'	150.00'	37°27'00"	S17°54'34"W	96.31'			
C2	96.34'	49.90'	150.00'	36°47'57"	S18°14'05"W	94.69'			
C3	116.35'	60.34'	178.00'	37°27'00"	S17°54'34"W	114.29'			
C4	79.74'	41.35'	122.00'	37°27'00"	N17°54'34"E	78.33'			
C5	78.36'	40.58'	122.00'	36°47'57"	S18°14'05"W	77.02'			
C6	114.32'	59.21'	178.00'	37°27'00"	N17°54'34"E	112.37'			
C7	23.56'	15.00'	50.00'	90°00'00"	S45°09'53"E	21.21'			
C8	12.72'	6.77'	15.00'	48°34'58"	N65°32'38"E	12.34'			
C9	42.40'	22.57'	50.00'	48°34'58"	N65°32'38"E	41.14'			
C10	78.54'	50.00'	50.00'	90°00'00"	S45°09'53"E	70.71'			
C11	78.54'	50.00'	50.00'	90°00'00"	S44°50'07"W	70.71'			
C12	42.40'	22.57'	50.00'	48°34'58"	N65°32'38"E	41.14'			
C13	12.72'	6.77'	15.00'	48°34'58"	N65°32'38"E	12.34'			
C14	23.56'	15.00'	50.00'	90°00'00"	S45°09'53"E	21.21'			
C15	23.53'	14.96'	50.00'	89°51'48"	S45°09'47"E	21.19'			
C16	23.60'	15.04'	50.00'	90°08'12"	N44°54'13"E	21.24'			
C17	65.25'	38.21'	50.00'	74°46'23"	S00°50'19"W	60.72'			

MONUMENT TABLE	
N	7,322,179.22
A	E: 1,556,325.95
N1/4 COR. SEC. 2	
N	7,322,180.52
B	E: 1,558,980.18
NE COR. SEC. 2	



DOMINION ENERGY

DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THE 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 ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION RIGHT OF WAY DEPARTMENT.

Approved this 13 day of July, A.D. 20 18. Dominion Energy By: John Sneed Title: Pres/Gen

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 UTILITY 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 OWNERS EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE OWNERS EXPENSE. AT NO TIME ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTIONS WHICH INTERFERES WITH THE USE OF THE PUE WITH OUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE PUE.

Rocky Mt. Power Deborah Qwest _____ Comcast Elvira
Date: 7/16/18 Date: _____ Date: 7-16-18

ARISE Engineering & Surveying, LLC
42 N 200 E, Suite 1, American Fork, Utah 84003
tel: 801-216-4613 www.arise-eng.com

SURVEYOR'S CERTIFICATE

I, TRAVIS L. HANSEN DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NUMBER 4854821 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BASIS OF BEARINGS:
THE BASIS OF BEARINGS USED FOR THIS SURVEY N89°59'15"E BETWEEN THE NORTH QUARTER CORNER AND THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AS SHOWN.

BOUNDARY DESCRIPTION
Beginning at a point N89°58'19"E along the north line of Section 2 and the centerline of 10400 North Street, 279.06 feet from the North Quarter Corner of Section 2, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence N89°58'19"E along the section line 432.86 feet; thence S00°00'56"E 33.00 feet to the beginning of a boundary line agreement; thence along the boundary line agreement the following six (6) courses: 1) S02°17'42"W 230.75 feet; 2) S00°07'22"W 165.53 feet; 3) S01°14'24"W 237.32 feet; 4) S01°30'32"W 263.11 feet; 5) S01°05'45"W 170.85 feet; 6) S00°50'19"W 235.44 feet to a point on the north line of the Vineyard View Subdivision Plat A, thence S89°47'04"W along the north line of the Rawson Subdivision Plat A and the north line of the Vineyard View Subdivision Plat A, 421.12 feet; thence N00°32'16"W 350.21 feet; thence N89°28'04"E 45.00 feet; thence N00°09'53"W along the centerline of 6000 West Street 412.73 feet; thence N89°58'19"E 279.06 feet; thence N00°09'53"W 382.06 feet to the point of beginning.
Containing 15.46 acres more or less, and 16 Lots

Date: 7/16/18
Travis L. Hansen, P.L.S. (See Seal Below)

OWNER'S DEDICATION

WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF 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 HEREUNTO SET OUR HANDS THIS 19TH DAY OF JULY, A.D. 20 18.

Michael Christensen on behalf of Pyrus Holdings LLC
MICHAEL CHRISTENSEN - MANAGER

STATE OF UTAH
COUNTY OF UTAH

ON THE 19TH DAY OF JULY, A.D. 20 18 PERSONALLY APPEARED BEFORE ME, THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES FEB 09, 2023

NOTARY PUBLIC
(SEE SEAL BELOW)

ACKNOWLEDGMENT

ENT 7633812018
JEFFERY SMITH
2018 AUG 13 2:45 PM FEE 46.00
RECORDED FOR HIGHLAND CITY

APPROVED BY MAYOR [Signature]

APPROVED: [Signature] ATTEST: Cindy Smith
CITY ENGINEER (SEE SEAL BELOW) CLERK - RECORDER (SEE SEAL BELOW)

HIGHLAND CITY ATTORNEY
APPROVED AT TO FORM THIS 26 DAY OF July, A.D. 20 18 Jim Seibel
HIGHLAND CITY ATTORNEY

PLANNING COMMISSION APPROVAL
APPROVED THIS 25TH DAY OF July, A.D. 20 17
BY THE AMERICAN FORK CITY PLANNING COMMISSION.

COMMUNITY DEVELOPMENT DIRECTOR [Signature] PLANNING COMMISSION CHAIRMAN [Signature]

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 the 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.

RUBY ESTATES

A SUBDIVISION LOCATED IN THE NW1/4 OF THE NE1/4 OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN

HIGHLAND, UTAH COUNTY, UTAH
SCALE 1 INCH = 80 FEET

SURVEYOR'S SEAL: TRAVIS L. HANSEN, P.L.S., No. 4854821, State of Utah, Commission Expires February 09, 2022

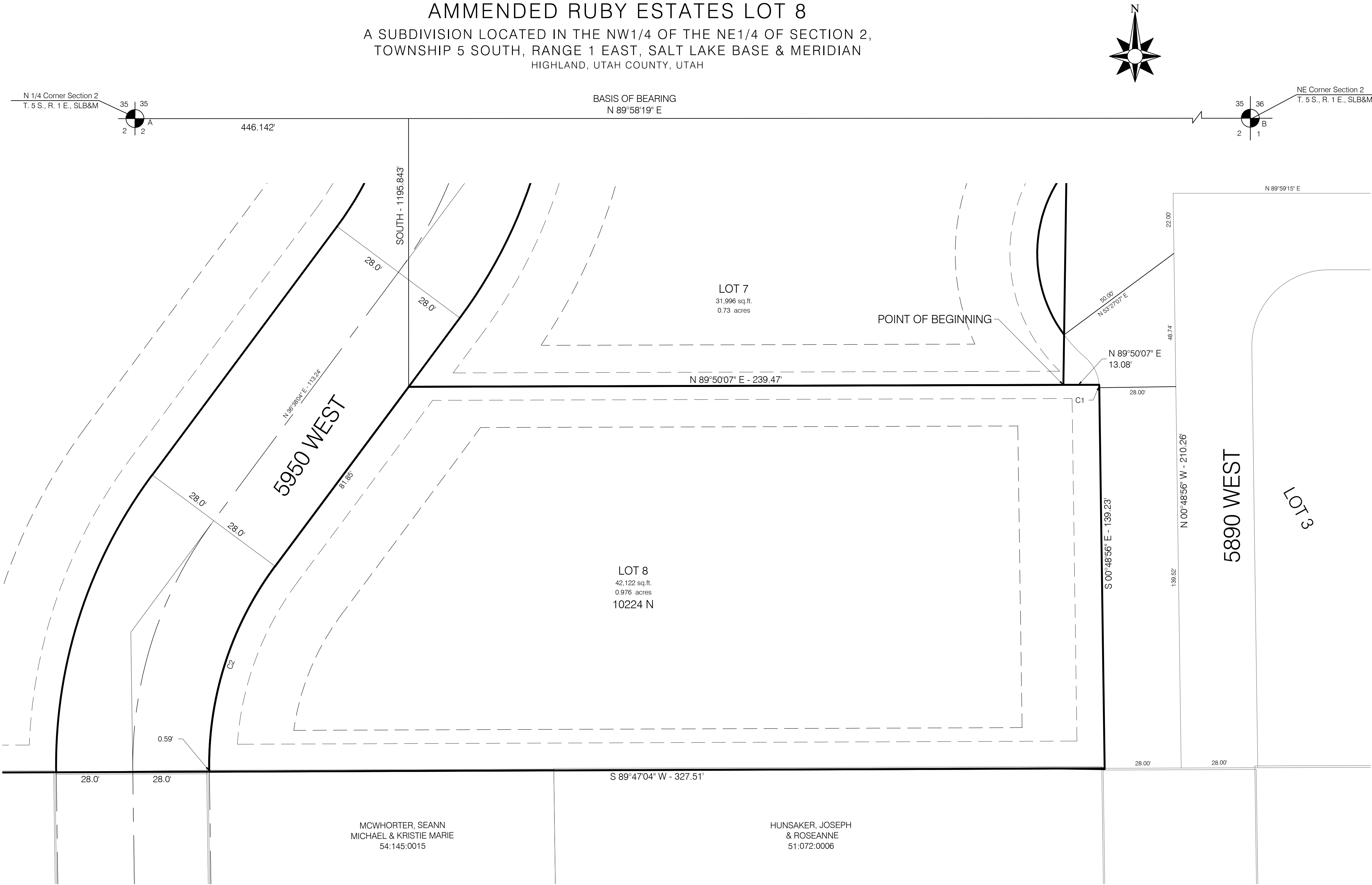
NOTARY PUBLIC'S SEAL: JOHN FREDRICK, Notary Public, State of Utah, Commission Expires February 09, 2022

CITY ENGINEER SEAL: HIGHLAND CITY, ENGINEER, STATE OF UTAH

CLERK-RECORDER SEAL: HIGHLAND CITY, CLERK-RECORDER, STATE OF UTAH

SEC 2 T5S R1E T04S R4

AMMENDED RUBY ESTATES LOT 8
A SUBDIVISION LOCATED IN THE NW1/4 OF THE NE1/4 OF SECTION 2,
TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
HIGHLAND, UTAH COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, _____ DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NUMBER _____ AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS USED FOR THIS SURVEY N89°59'15\"/>

OWNER'S DEDICATION

WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF 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 HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, A.D. 20____.

ACKNOWLEDGMENT

STATE OF UTAH
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 THIS _____ DAY OF _____, A.D. 20____.

APPROVED BY MAYOR _____

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

HIGHLAND CITY ATTORNEY

APPROVED AT TO FORM THIS _____ DAY OF _____, A.D. 20____, _____
HIGHLAND CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____,
BY THE AMERICAN FORK CITY PLANNING COMMISSION.

COMMUNITY DEVELOPMENT DIRECTOR PLANNING COMMISSION CHAIRMAN

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 the property by the legislative body of Highland City, which are in addition to the Development Code are as follows:

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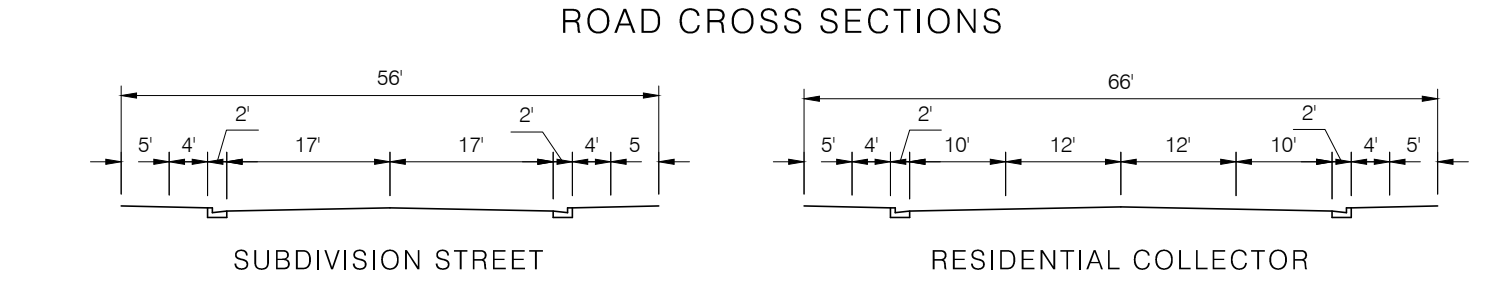
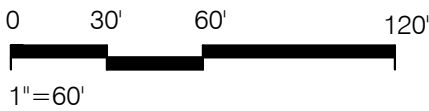
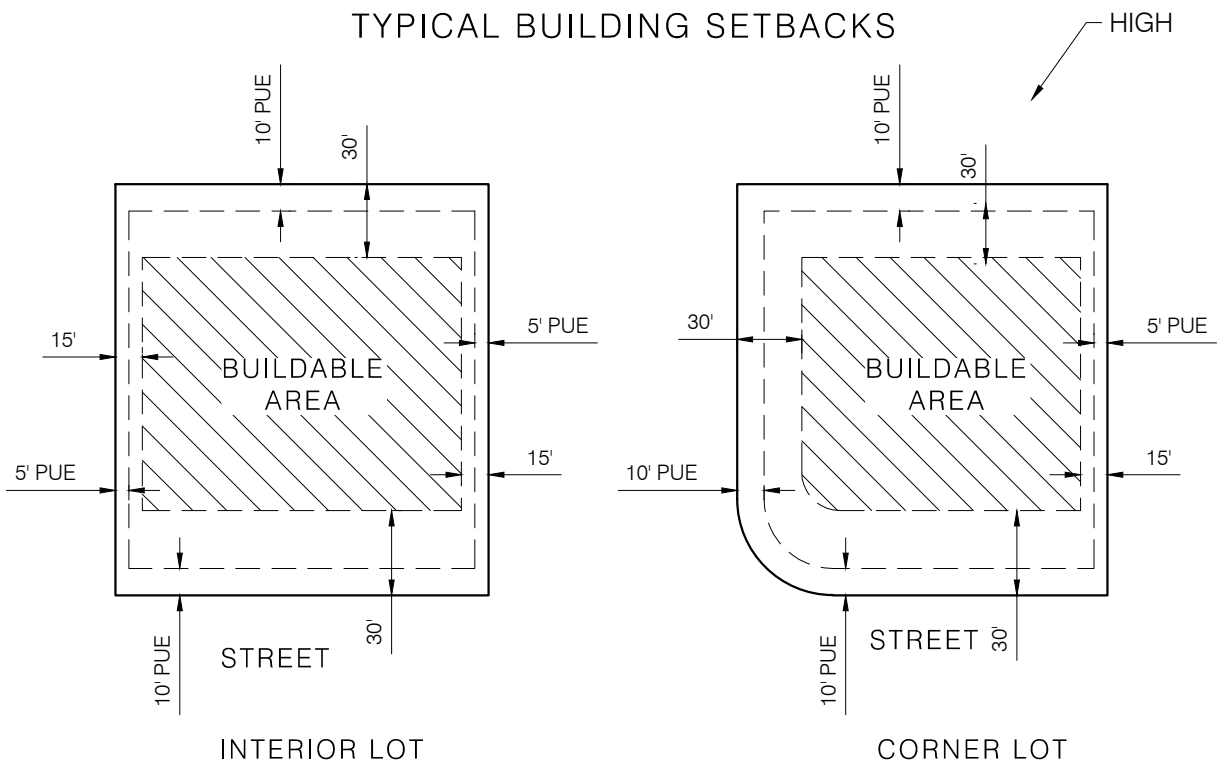
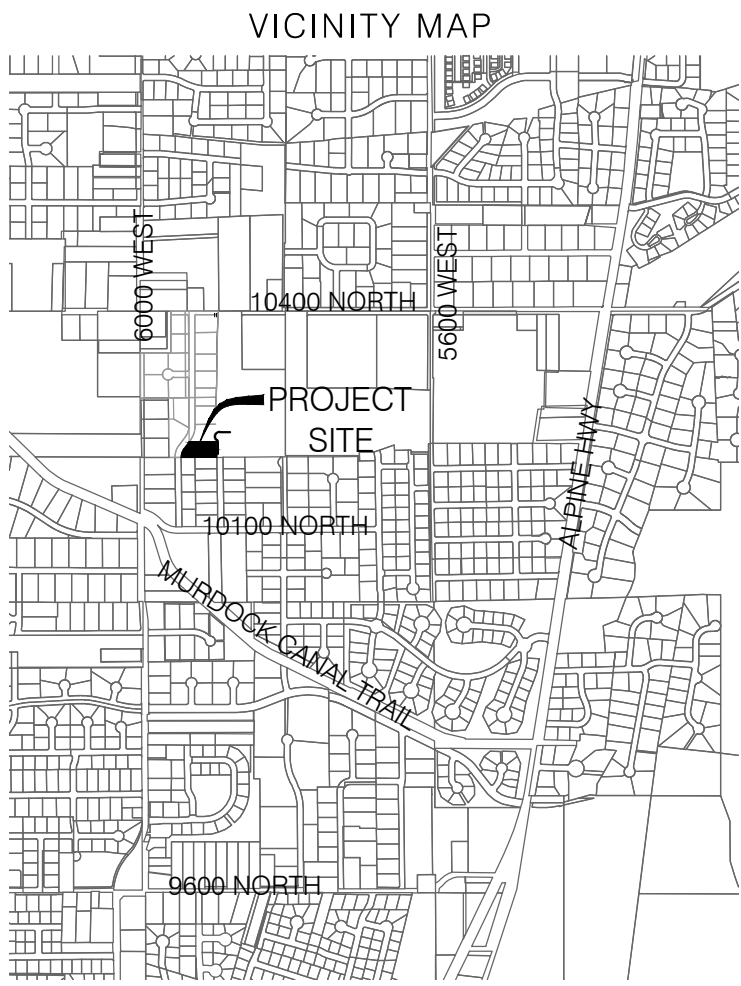
AMMENDED RUBY ESTATES LOT 8
A SUBDIVISION LOCATED IN THE NW1/4 OF THE NE1/4 OF SECTION 2,
TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN

HIGHLAND, UTAH COUNTY, UTAH
SCALE 1" = 20 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC'S SEAL	CITY ENGINEER'S SEAL	CLERK-RECORDER SEAL
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Curve Table					
Curve #	Length	Tangent	Radius	Delta	Chord Direction
C1	1.09'	0.55'	15.00'	4°09'53"	N02°53'53"W
C2	79.74'	41.35'	122.00'	37°27'00"	N17°54'34"E

Monument Table	
A	N: 7,322.180.52 E: 1,558.980.18
B	N: 7,322.179.22 E: 1,556.325.95



DOMINION ENERGY

DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THE 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 NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION 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 UTILITY 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 REMOVE SUCH STRUCTURES AT THE OWNERS EXPENSE. AT NO TIME ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTIONS WITCH INTERFERES WITH THE USE OF THE PUE WITH OUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE PUE.

Rocky Mt. Power _____ Qwest _____ Comcast _____
Date _____ Date _____ Date _____



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT

ITEM #3e

DATE: September 21, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner & GIS Analyst
SUBJECT: PLAT AMENDMENT: Pebble Lane Estates Plat B *Administrative*

PURPOSE:

The City Council will consider a request by Highland City to amend Pebble Lane Estates subdivision to adjust the property lines of lots 1 and 3. The City Council will take appropriate action.

BACKGROUND:

On July 20th, 2021, the City Council approved a resolution to declare 38,736 square feet of property surplus in the Pebble Lane Estates subdivision that was not needed for right-of-way for Canal Boulevard. On August 3rd, 2021, the City Council held a public hearing associated with that property surplus. There was no citizen comment. The plat amendment was also reviewed and approved by the Council on August 3rd.

Highland City is requesting to amend the plat again to address the waterline easement, and a minor lot line adjustment between lot 1 and the original lot 3 of the Pebble Lane Estates subdivision (labeled as Lot 2 on the plat amendment).

Plat Amendments are an *administrative* process.

SUMMARY OF THE REQUEST:

1. The request is for approval of a plat amendment to the Pebble Lane Estates subdivision to adjust the property lines of lots 1 and 3.
2. The boundaries for the Highland City waterline easement have been adjusted to line up with the location of the existing waterline.
3. The public access easement across lot 3 meant to access lot 2, as noted on the original plat, will be vacated with this plat amendment.

CITIZEN PARTICIPATION:

Notice of this request was mailed to all property owners within 500 feet on September 9th,

2021. No comments have been received.

PLANNING COMMISSION ACTION:

The Planning Commission does not review final plat amendments.

ANAYLSIS/FINDINGS:

- The proposed amendment meets all requirements of the Development Code.
- The public access easement recorded on the original Pebble Lane Estates plat was meant for access to Lot 2, as Lot 2 was to have no access to Alpine Hwy. With the Canal Blvd project, a portion of Lot 2 was dedicated to the City for the road, and the remnant parcel was dedicated to the property owner of Lot 1. With the official combining of Lots 1 and 2, the property owners of Lots 1 and 3 have agreed that the public access easement to access Lot 2 should be vacated. A minor lot line adjustment was also agreed upon by the residents.

RECOMMENDATION AND PROPOSED MOTION:

Staff recommends the City Council accept the findings and **APPROVE** the final plat amendment.

I move that the City Council accept the findings and **APPROVE** Pebble Lane Estates Plat B.

ALTERNATIVE MOTION:

I move that the City Council **DENY** Pebble Lane Estates Plat B 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. Vicinity Map
2. Original Pebble Lane Estates Subdivision Plat
3. Plat Amendment approved by the City Council on August 3rd, 2021
4. Existing Waterline Exhibit
5. Proposed Plat Amendment

ATTACHMENT 1:

SURVEYOR'S CERTIFICATE

I, JASON D. WILLES, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 376067 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, A SURVEY WAS MADE UNDER MY DIRECTION OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, I CERTIFY THAT SAID SURVEY WAS COMPLETED IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, I FURTHER CERTIFY THAT I HAVE VERIFIED ALL MEASUREMENTS AND THAT MONUMENTS HAVE BEEN PLACED AS SHOWN ON THIS PLAT, I HEREBY STATE THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF AND IN MY PROFESSIONAL OPINION.

DRAFT REVIEW COPY

JASON D. WILLES, P.L.S.

DATE

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SR-74 (ALPINE HIGHWAY) AS DEPICTED ON PEBBLE LANE ESTATES PLAT "A", WHICH PLAT IS RECORDED AS MAP NO. 12097 AND ENTRY 17479:2007 AT THE OFFICE OF THE UTAH COUNTY RECORDER, WHICH POINT IS EAST 962.82 FEET AND SOUTH 1,556.52 FEET FROM THE WEST QUARTER CORNER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTHEASTERLY 21.73 FEET ALONG THE ARC OF A 15.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 83°00'09", THE CHORD OF WHICH BEARS NORTH 49°58'22" EAST 19.88 FEET, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF PEBBLE LANE (9760 NORTH); THENCE SOUTH 88°31'34" EAST 120.16 FEET; THENCE SOUTH 02°25'40" EAST 146.44 FEET; THENCE SOUTH 32°15'02" EAST 93.32 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE EASTERLY 17.99 FEET ALONG THE ARC OF A 940.00-FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01°05'48", THE CHORD OF WHICH BEARS NORTH 77°32'43" EAST 17.99 FEET; THENCE NORTH 76°59'49" EAST 62.65 FEET; THENCE NORTH 00°16'45" EAST 103.00 FEET; THENCE NORTH 02°42'46" WEST 97.95 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE SOUTHEASTERLY 6.52 FEET ALONG THE ARC OF A 15.00-FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 24°53'28", THE CHORD OF WHICH BEARS SOUTH 38°49'37" EAST 6.47 FEET, TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY 147.39 FEET ALONG THE ARC OF A 75.00-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 112°35'59", THE CHORD OF WHICH BEARS SOUTH 82°41'07" EAST 124.79 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 86°01'47" EAST 183.39 FEET; THENCE SOUTH 29°44'22" WEST 14.70 FEET; THENCE SOUTH 58°10'39" WEST 22.93 FEET; THENCE SOUTH 29°44'22" WEST 32.12 FEET; THENCE SOUTH 04°18'35" WEST 132.77 FEET; THENCE SOUTH 89°58'02" EAST 127.53 FEET TO A POINT NON-TANGENT CURVATURE; THENCE WESTERLY 26.65 FEET ALONG THE ARC OF A 735.50-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 02°04'33", THE CHORD OF WHICH BEARS SOUTH 86°27'40" WEST 26.65 FEET, TO A POINT OF NON-TANGENCY; THENCE SOUTH 21°25'38" WEST 2.23 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE WESTERLY 99.84 FEET ALONG THE ARC OF A 735.50-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 07°46'39", THE CHORD OF WHICH BEARS SOUTH 81°26'49" WEST 99.76 FEET; THENCE SOUTH 77°32'51" WEST 280.11 FEET; THENCE SOUTH 71°48'29" WEST 65.88 FEET; THENCE NORTH 18°11'31" WEST 6.64 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE WESTERLY 241.70 FEET ALONG THE ARC OF A 790.50-FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17°31'07", THE CHORD OF WHICH BEARS SOUTH 86°43'13" WEST 9.72 FEET, TO A POINT OF NON-TANGENCY; THENCE WEST 22.89 FEET; THENCE NORTH 09°00'00" EAST 42.52 FEET; THENCE NORTH 89°58'00" WEST 1.00 FEET; THENCE NORTH 09°02'00" EAST 66.66 FEET; THENCE SOUTH 89°58'00" EAST 32.99 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF SR-74 (ALPINE HIGHWAY) 150.65 FEET ALONG THE ARC OF A 2,518.00-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 03°25'41", THE CHORD OF WHICH BEARS NORTH 10°11'07" EAST 150.63 FEET; THENCE NORTH 08°28'17" EAST 67.89 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 136,497 SQUARE FEET OR 3.133 ACRES IN AREA, MORE OR LESS.

THE BASIS OF BEARINGS IS NORTH 00°20'30" WEST (N.A.D. 27) ALONG THE LINE BETWEEN THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN AND THE WEST QUARTER CORNER OF SAID SECTION.

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 20____

HIGHLAND CITY MAYOR

PLANNING COMMISSION APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____

COUNTY RECORDER STAMP

PLANNING COMMISSION CHAIR

COMMUNITY DEVELOPMENT DIRECTOR

PEBBLE LANE ESTATES PLAT "B"

INCLUDING A VACATION OF LOTS 1, 2, & PART OF LOT 4 OF PEBBLE LANE ESTATES PLAT "A"

SITUATE IN THE SW1/4 OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN

City of Highland, Utah County, Utah Scale 1"=30' Sheet 1 of 1

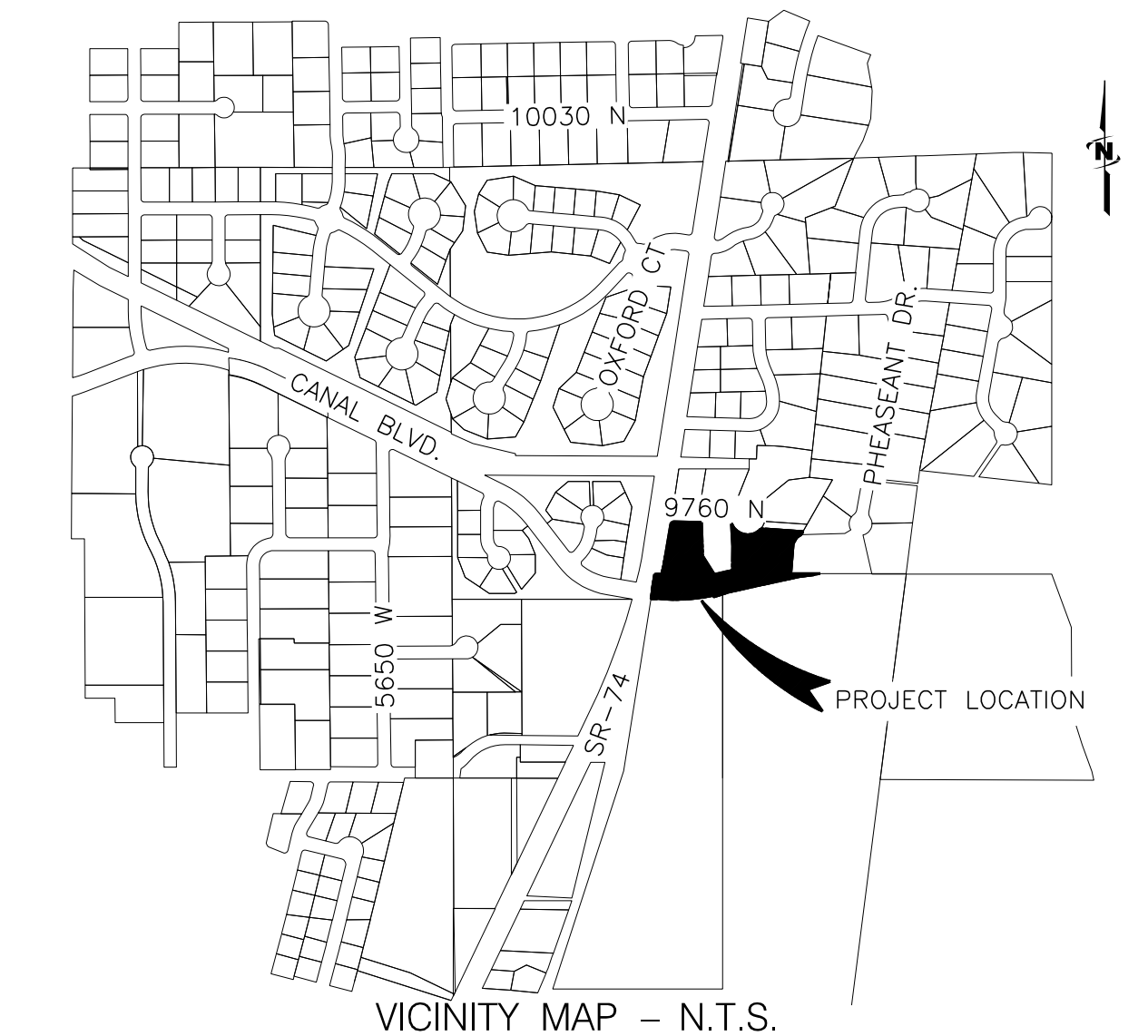
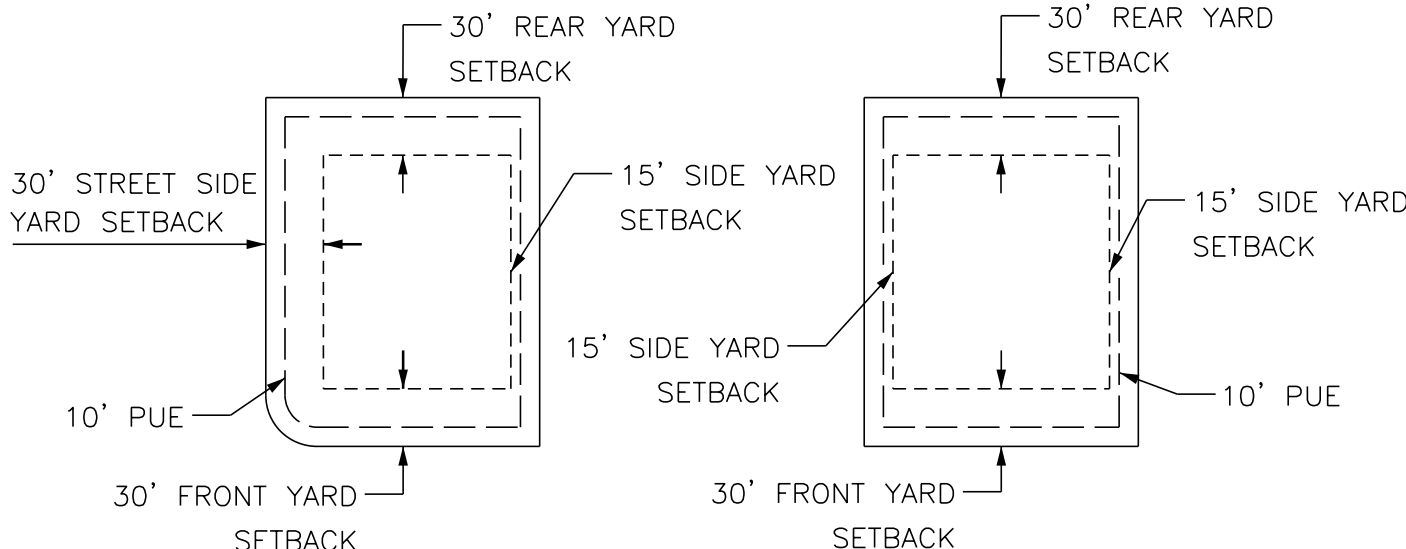
SURVEYOR'S SEAL

NOTARY PUBLIC SEAL

CITY ENGINEER SEAL

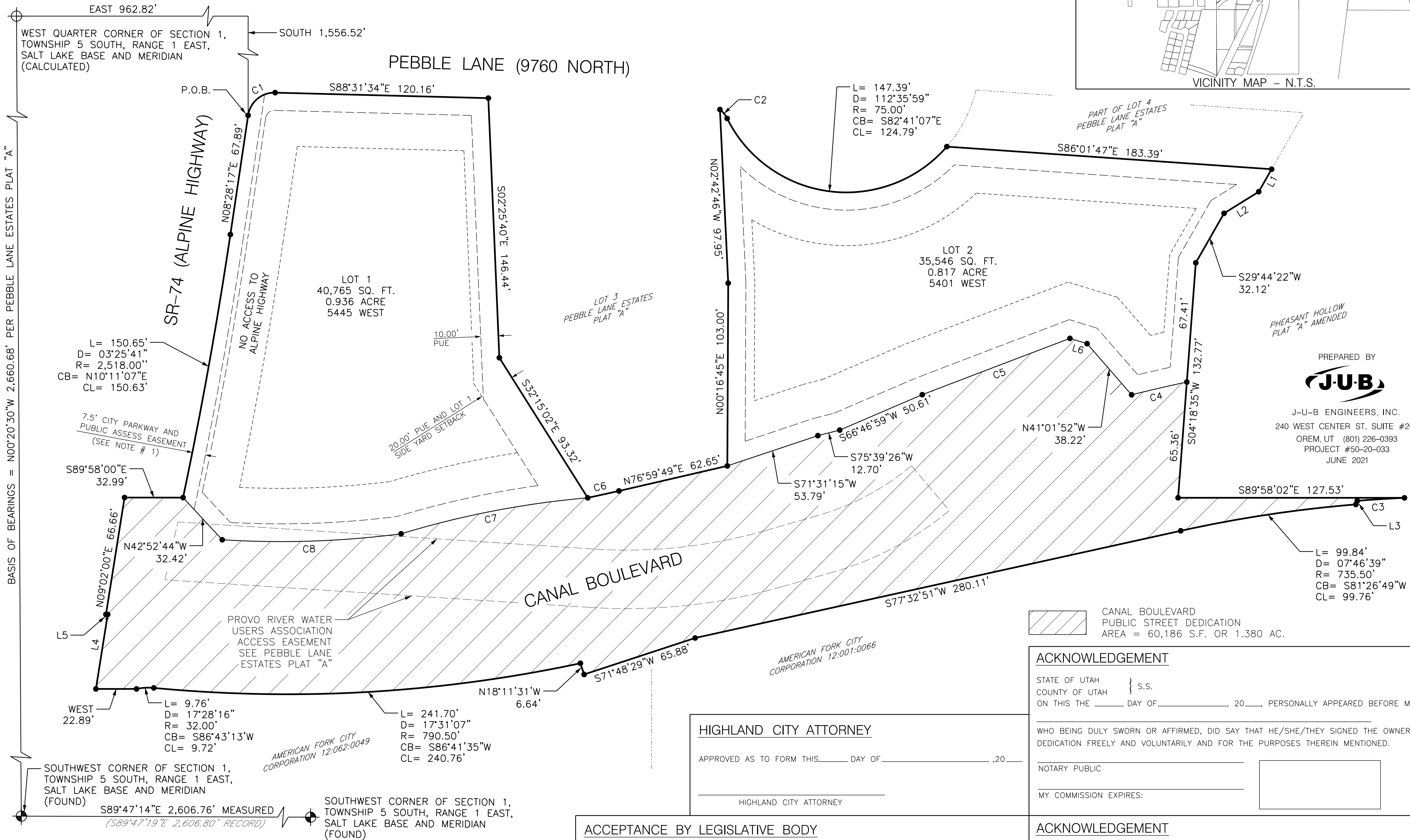
CLERK-RECORDER SEAL

SETBACK AND EASEMENT DETAILS (UNLESS NOTED OTHERWISE)



VICINITY MAP - N.T.S.

LINE TABLE			CURVE TABLE					
	BEARING	DISTANCE		LENGTH	DELTA	RADIUS	CHORD BRNG	CHORD LENGTH
L1	S29°44'22"W	14.70'	C1	21.73'	83°00'09"	15.00'	N49°58'22"E	19.88'
L2	S58°10'39"W	22.93'	C2	6.52'	24°53'28"	15.00'	S38°49'37"E	6.47'
L3	S21°25'38"W	2.23'	C3	26.65'	02°04'33"	735.50'	S86°27'40"W	26.65'
L4	N09°00'00"E	42.52'	C4	31.92'	02°13'49"	820.00'	S76°59'42"W	31.92'
L5	N89°58'00"W	1.00'	C5	89.04'	00°09'00"	34,025.00'	S69°07'45"W	89.04'
L6	N72°54'49"W	10.10'	C6	17.99'	01°05'48"	940.00'	N77°32'43"E	17.99'
			C7	107.28'	11°56'06"	515.00'	S79°05'13"W	107.08'
			C8	100.99'	11°01'16"	525.00'	S88°05'50"W	100.83'



PREPARED BY
J-U-B ENGINEERS, INC.
240 WEST CENTER ST. SUITE #200
OREM, UT (801) 226-0393
PROJECT #50-20-033
JUNE 2021

CANAL BOULEVARD
PUBLIC STREET DEDICATION
AREA = 60,186 S.F. OR 1.380 AC.

ACKNOWLEDGEMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
ON THIS THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME,

WHO BEING DULY SWORN OR AFFIRMED, DID SAY THAT HE/SHE/THEY SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

HIGHLAND CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____

HIGHLAND CITY ATTORNEY

ACCEPTANCE BY LEGISLATIVE BODY

THE DEPARTMENT OF PUBLIC WORKS AND ENGINEERING OF HIGHLAND CITY, COUTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, 20____

APPROVED BY MAYOR _____

APPROVED _____
CITY ENGINEER
(SEE SEAL BELOW)

ATTEST _____
CLERK-RECORDER
(SEE SEAL BELOW)

ACKNOWLEDGEMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
ON THIS THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME,

WHO BEING DULY SWORN OR AFFIRMED, DID SAY THAT HE/SHE/THEY SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

- NOTES:
1. PARKSTRIP ALONG ALPINE HIGHWAY IS 30 FEET FROM THE EXISTING CURB AND IS TO HAVE NO BUILDINGS OR PERMANENT STRUCTURES WITHIN THE EASEMENT. IT IS TO COMPLY WITH THE PARKWAY DETAIL AND THE REGULATIONS REQUIRED BY THE PARKWAY DETAILS WHICH INCLUDES FENCE REQUIREMENTS AS ESTABLISHED BY THE PEBBLE LANE ESTATES PLAT "A" DEVELOPMENT.
 2. 70% OF THE FRONT YARD LANDSCAPING SHALL BE INSTALLED BY THE HOMEOWNER WITHIN ONE YEAR AFTER RECEIVING A CERTIFICATE OF OCCUPANCY.
 3. LANDSCAPING AND CONSTRUCTION MATERIALS OF ANY TYPE ARE NOT PERMITTED UPON OR WITHIN THE STREET, CURB AND GUTTER, OR SIDEWALK (STREET RIGHT-OF-WAY) WITH THE EXCEPTION OF THE PARKSTRIP WHICH REQUIRES 75% TO BE LANDSCAPED.
 4. A FENCE THAT ABUTS OPEN SPACE OR A TRAIL HAS ADDITIONAL RESTRICTIONS OF SIZE AND OPACITY. FENCES ALONG OPEN SPACE OR A TRAIL MUST COMPLY WITH HIGHLAND CITY ORDINANCES. ALL FENCES REQUIRE A FENCE PERMIT PRIOR TO INSTALLATION. IN ADDITION, RETAINING WALLS ARE REGULATED BY ORDINANCE AND REQUIRE A RETAINING WALL PERMIT PRIOR TO CONSTRUCTION.
 5. 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.



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT

ITEM #3f

DATE: September 15, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner & GIS Analyst
SUBJECT: PURCHASE CONTRACT: Canal Blvd Project – Valgardson *Legislative*

PURPOSE:

The City Council will consider a Real Estate Purchase Contract (REPC) to sell 3,389 square feet located at approximately 5445 W Pebble Lane, Highland, Utah to Eric Valgardson, the property owner of the residential lot directly north of the property for the amount of \$6,778. The Council will take appropriate action.

DISCUSSION:

On August 3rd, 2021, the City Council directed Staff to draft a purchase contract for the property that was approved for surplus on July 20th, 2021 by the Council. The property surplus that is declared in the purchase contract is residual property from the Canal Boulevard project that was not needed for right-of-way. A purchase price of \$2 per square foot was discussed by both the buyer (Valgardson) and the seller (City) and is represented in the purchase contract.

The profit from this purchase will go back to the Mountainland Association of Governments (MAG), as the rest of the land sales from the remnant parcels from the Canal Boulevard project.

FISCAL IMPACT:

This action will not impact the current fiscal year's expenditures.

RECOMMENDATION:

Staff recommends the Council **APPROVE** the REPC.

PROPOSED MOTION:

I move that the City Council approve the REPC with Eric Valgardson for 3,389 square feet located at approximately 5445 W Pebble Lane for the sum of \$6,778.

ALTERNATIVE MOTION:

I move that the City Council **DENY** the REPC.

ATTACHMENTS:

1. Draft REPC

PROPERTY PURCHASE AGREEMENT

This Property Purchase Agreement (“**Agreement**”) is executed on _____ [Date], between Highland City, a Utah municipality (the “**City**” or “**Seller**”) and _____ (“**Buyer**”) together with their respective principals, agents, officers, attorneys, and representatives (collectively, “**Parties**”).

RECITALS

- A. The City owns certain real property described below and in the plat shown in Exhibit A, attached hereto (the “**Property**”).
- B. The City has determined that it no longer needs the Property for public purposes and that the Property should be sold to Buyer on the terms and conditions described below.
- C. The City has determined that the consideration described below constitutes adequate consideration for the Property, given the Property’s circumstances, uses, location, value, and other relevant considerations.

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. **Property.** Buyer agrees to purchase and the City agrees to sell, convey, and transfer certain real property located within Utah County, more particularly described as follows:

BEGINNING AT A POINT WHICH IS NORTH 00°20'30" WEST 888.73 FEET ALONG THE SECTION LINE AND EAST 915.62 FEET FROM THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°58'02" EAST 205.38 FEET; THENCE SOUTH 17°27'13" EAST 1.86 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE WESTERLY 35.21 FEET ALONG THE ARC OF A 290.00-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 06°57'24", THE CHORD OF WHICH BEARS SOUTH 79°45'58" WEST 35.19 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE WESTERLY 49.84 FEET ALONG THE ARC OF A 2,762.50-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 01°02'01", THE CHORD OF WHICH BEARS SOUTH 76°09'10" WEST 49.84 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE WESTERLY 49.79 FEET ALONG THE ARC OF A 604.00-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 04°43'22", THE CHORD OF WHICH BEARS SOUTH 85°26'22" WEST 49.77 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE WESTERLY 51.20 FEET ALONG THE ARC OF A 689.00-FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°15'27", THE CHORD OF WHICH

BEARS NORTH 89°08'14" WEST 49.84 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 43°34'14" WEST 32.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,389 SQUARE FEET, OR 0.078 ACRE IN AREA, MORE OR LESS.

2. **Warranties.** The City represents that the City owns the Property and that the City has completed such steps and requirements as are necessary to execute this Agreement and authorize the sale of the Property to Buyer. The City expressly disclaims and excludes any other warranty regarding the Property. The Parties agree that the City shall transfer the Property to Buyer by quit-claim deed, which deed shall not include or convey any warranty as to the Property.
3. **Purchase Price.** The Purchase Price for the Property is \$2 per square foot for a total Purchase Price of \$6,778. The Purchase Price shall be paid in a lump sum at Settlement. No financing or appraisal is required or made a condition of this Agreement. The Parties agree that this amount represents fair market value and adequate consideration for the Property.
4. **Settlement.** Settlement shall take place no later than the Settlement Deadline described in Section 12. **"Settlement"** will occur only when all of the following have been completed:
 - a. The Parties have signed and delivered to each other or to the escrow/closing office all documents required by this Agreement, by the title insurance and escrow/closing offices, by written escrow instructions (including any split closing instructions, if applicable), or by applicable law;
 - b. Any monies required to be paid by the Parties under this Agreement have been delivered by the responsible Party to the other Party or to the escrow/closing office, in the form of cash, wire transfer, cashier's check, or other form acceptable to the Party or escrow/closing office.
5. **Closing.** Closing shall take place no later than four calendar days after Settlement. **"Closing"** will occur only when all of the following have been completed:
 - a. Settlement has been completed;
 - b. The applicable Closing documents, including deeds and other legal instruments, have been recorded in the office of the county recorder (**"Recording"**).
6. **Possession.** The City shall deliver physical possession of the Property to Buyer upon Recording. These provisions shall survive closing.
7. **Payment Obligations and Insurance.** The following obligations and provisions shall survive Closing:
 - a. The City shall maintain and be responsible for all utilities and other services provided to the Property prior to Settlement. Buyer shall maintain and be responsible for all utilities and other services provided to the Property after Settlement.
 - b. Prior to Settlement, if any part of the Property is damaged or destroyed by fire, vandalism, flood, earthquake, or act of God, the risk of such loss or damage shall be borne by the City, provided that if the cost of repairing such damage or loss would exceed ten percent (10%) of the Purchase Price, either the City or Buyer may elect to cancel and terminate this

Agreement by providing written notice to the other Party. Upon such termination, all obligations and rights of the Parties under this Agreement shall immediately terminate. As of Settlement, Buyer shall be responsible for obtaining and maintaining any and all insurance.

- c. Each Party shall be responsible for their own fees and costs charged by the escrow/closing office, real estate agents, attorneys, and other agents for their services regarding this Agreement and in the Settlement/Closing process.

8. **Disclosures.** The City shall not be obligated to provide specific property disclosures beyond those provided herein as part of this Agreement. The City shall upon written request provide all information it has regarding the status and conditions of the Property.

9. **Title and Title Insurance.**

- a. The City shall convey title to all of the Property to Buyer at Closing by quit-claim deed.
- b. Buyer will accept title to the Property subject to the contents of the Commitment for Title Insurance, if required by Buyer under Section 10. Buyer shall be responsible for all costs related to a Commitment for Title Insurance and for paying for and causing to be issued in favor of Buyer the most current available version of an ALTA Owner's Policy of Title Insurance.

10. **Buyer's Conditions of Purchase.** Buyer's obligation to purchase the Property under this Agreement is conditioned upon Buyer's Due Diligence, as described below:

- a. Buyer's Due Diligence shall consist of Buyer's review and approval of any materials disclosed by the City referenced in Section 8, and any other tests, evaluations and verifications of the Property deemed necessary or appropriate by Buyer, such as: Commitment for Title Insurance and issues regarding title to the Property; the physical condition of the Property; the existence of any hazardous substances, environmental issues or geologic conditions; the square footage or acreage of the land and/or improvements; the condition of any structures, improvements, or other construction on the Property; the costs and availability of property and flood insurance, if applicable; water source, availability and quality; the location of property lines; regulatory use restrictions or violations; fees for services such as HOA dues, municipal services, and utility costs; and any other matters deemed material to Buyer in making a decision to purchase the Property.
- b. All of Buyer's Due Diligence shall be paid for by Buyer and shall be conducted by individuals or entities of Buyer's choice. The City shall cooperate with Buyer's Due Diligence. Buyer agrees to pay for any damage to the Property resulting from any such inspections or tests during the Due Diligence.
- c. If Buyer determines, in Buyer's sole discretion, that the results of the Due Diligence are unacceptable, Buyer may either:
 - i. No later than the Due Diligence Deadline described in Section 12, cancel and terminate this Agreement by providing written notice to the City. Upon such termination, all obligations and rights of the Parties under this Agreement shall immediately terminate.

- ii. No later than the Due Diligence Deadline described in Section 12, resolve in writing with the City any objections Buyer has arising from Buyer's Due Diligence. If unable to resolve the objections, Buyer may elect to terminate this Agreement as set forth above.
- d. If Buyer fails to terminate this Agreement or to resolve in writing with the City any objections Buyer has arising from Buyer's Due Diligence, Buyer shall be deemed to have waived the Due Diligence Condition.

11. As-Is Condition of Property. The following obligations and provisions shall survive Closing:

- a. Buyer agrees that in reference to the physical condition of the Property:
 - i. Buyer is purchasing the Property in its "As-Is" condition without expressed or implied warranties of any kind.
 - ii. Buyer shall have, during Buyer's Due Diligence, an opportunity to completely inspect and evaluate the condition of the Property.
 - iii. If based on Buyer's Due Diligence, Buyer elects to proceed with the purchase of the Property, Buyer is relying wholly on Buyer's own judgment and that of any contractors or inspectors engaged by Buyer to review, evaluate and inspect the Property.
 - iv. Buyer is taking title to and possession of the Property with the express acknowledgment that the Property is not a separate lot of record and that the Property has not and will not be improved by the City as a subdivision lot.
 - v. Buyer acknowledges that the Property was acquired by the City as part of a public road, trail, and utility improvement project, that the City has not occupied or used the Property except in connection with said project, and that the City generally lacks knowledge of conditions or defects that may impact the Property's value.
- b. In reference to the physical condition of the Property, the City agrees:
 - i. disclose in writing to Buyer defects in the Property known to the City that materially affect the value of the Property that cannot be discovered by a reasonable inspection by an ordinary prudent purchaser; and
 - ii. deliver the Property to Buyer in substantially the same general condition as it was on the date of this Agreement, ordinary wear and tear excepted.

12. Schedule of Deadlines.

- a. Due Diligence Deadline: October 1, 2021
- b. Settlement Deadline: November 1, 2021
- c. The Parties may agree in writing to alter any dates.

13. Complete Agreement. This written Agreement is the entire contract entered into between the Parties, and no Party is relying or may rely on any other representations, promises, or

understandings of any kind not expressly set forth herein. This Agreement may not be altered, amended, modified, or otherwise changed in any respect except in a writing executed by all Parties.

14. **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.
15. **Assignment and Successors.** This Agreement may not be assigned to any other person without the prior written consent of the other Party. Provided, however, that the Parties agree that this Agreement shall continue and be binding on all successors-in-interest, partners, agents, officers, trustees, attorneys, insurers, representatives, heirs, executors, and administrators of each of the Parties, and the transfer of a Party's interest to such person shall not be treated as an assignment requiring prior written consent.
16. **Counterparts.** This Agreement may be executed in counterparts, whether physical or electronic, which together form a single Agreement. Signatures on this Agreement, whether executed physically or by electronic means, shall be deemed original signatures and shall have the same legal effect as original signatures.
17. **Governing Law and Forum.** This Agreement shall be governed and construed in accordance with Utah law. Any action to enforce this Agreement or adjudicate any issues under or in connection with this Agreement shall be brought and maintained in the Utah Fourth District Court, Utah County, and the Parties agree to submit to the jurisdiction thereof for purposes of this Agreement and any dispute arising out of the same. These provisions shall survive closing.
18. **Attorney Fees and Costs.** Both Parties agree to pay for their own attorney fees and costs arising out of or connected in any way to the execution of this Agreement. Any Party that prevails in any legal proceeding, including court proceedings, arbitration, and administrative proceedings, to enforce this Agreement or adjudicate any issues under or in connection with this Agreement shall be entitled to recover its reasonable attorney fees, costs, and expenses of such proceedings.

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.

On Behalf of Buyer

On Behalf of Highland City, Utah

[Signature]

[Name]

[Title]

ATTESTED:

City Recorder

Proposed Plat Map

[illegible]



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT

ITEM #3g

DATE: September 21, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
 Planner and GIS Analyst
SUBJECT: **PRELIMINARY PLAT APPROVAL EXTENSION** – Aberlour Subdivision
Administrative

PURPOSE:

The City Council will consider a request by Gilson Engineering for approval of a Preliminary Plat extension for property located approximately at 11020 N 5500 W. The City Council will take appropriate action.

BACKGROUND:

The property is approximately 15.215 acres and located approximately at 11020 N 5500 W. The applicant is requesting to create a 14-lot subdivision.

The property is designated as Low Density Residential on the General Plan Land Use Map. The current zoning is R-1-40. The R-1-40 District allows for one home per 40,000 square feet of land within the development. The minimum lot width is 130 feet.

The City Council reviewed and approved the preliminary plat for the Aberlour Subdivision on September 15, 2020.

Below is the motion for approval from the approved minutes from the September 15th, 2020 meeting:

Council Member Kurt Ostler MOVED that the City Council accept the findings and APPROVE case PP-20-02, a request for preliminary plat approval for Aberlour Subdivision located at 11020 N 5500 W, subject to the seven stipulations recommended by Planning Commission. 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.

City Administrator Nathan Crane noted that there were eight stipulations and requested that the motion be amended.

Council Member Kurt Ostler MOVED to amend the motion that the City Council accept the findings and APPROVE case PP-20-02 a request for preliminary plat approval for Aberlour Subdivision located at 11020 N 5500 W, subject to the eight following stipulations recommended by Planning Commission.

- 1. The final plat shall be in substantial conformance with the preliminary plat received July 9, 2020*
- 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.*
- 4. Final easement location and restrictions shall be approved by Lehi Irrigation, Salt Lake Metropolitan Water District, and Rocky Mountain Power before final plat approval. Any applicable restrictions shall be noted on the final plat.*
- 5. The applicant will need to work with Lehi Irrigation Company to determine if the ditch needs to be abandoned or piped. If the ditch is piped the easement shall be demonstrated on the final plat as determined by the City Engineer.*
- 6. A note shall be put on the final plat that says “Any building or roads next to or under the powerline must have prior approval from Rocky Mountain Power before start of construction”*
- 7. The road shall be reviewed and approved by Rocky Mountain Power and Salt Lake Metropolitan Water District before start of construction.*
- 8. The planning of the swell located west of lot 11 shall be approved by Salt Lake Metropolitan Water District and the City Engineer*

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.

A Preliminary Plat extension of approval is an *administrative* process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting an extension of the approval of the Aberlour Subdivision: 14 single-family residential building lots located approximately at 11020 N 5500 W.

ANALYSIS:

- Section 5-4-308 of the Development Code states that the Preliminary Plat approval shall be valid for one year from the date of approval. The approval has since expired. The applicant submitted the request of an extension prior to the expiration date.

- The Development Code states, “Preliminary Plat approval may, upon written application to the Council by the subdivider and payment of an application fee, be extended for an additional one (1) year if, in the opinion of the Council, there is no change in conditions within or adjoining the preliminary plat which would warrant a revision of the original preliminary plat and the applicant demonstrates to the commission that substantial effort is being applied to create a final plat.”
- The property has Lehi Irrigation and Rocky Mountain Power easements, and Salt Lake Metropolitan Water District land. The developer has received approval from the Salt Lake Metropolitan Water District, Rocky Mountain Power, and has very recently received approval from the Utah Department of Transportation (UDOT) to have the access off of Alpine Highway. The developer needs to request a formal variance from UDOT to have that access as it is in close proximity to the driveways north and south of the property.

FINDINGS:

With the proposed stipulations, the preliminary plat extension request meets the following findings:

- There is no change in conditions within or adjoining the preliminary plat which would warrant a revision of the original preliminary plat.
- The applicant demonstrates that substantial effort is being applied to create a final plat to meet the stipulations made with the preliminary approval.

RECOMMENDATION & PROPOSED MOTIONS:

Staff recommends the Council accept the findings and **APPROVE** the preliminary plat extension of approval request for the Aberlour Subdivision.

I move that the City Council accept the findings and **APPROVE** the request for an extension of preliminary plat approval for the Aberlour Subdivision.

ALTERNATIVE MOTION:

I move that the City Council **DENY** the preliminary plat extension of approval request for the Aberlour Subdivision based on the following findings: (The Council will need to draft appropriate findings.)

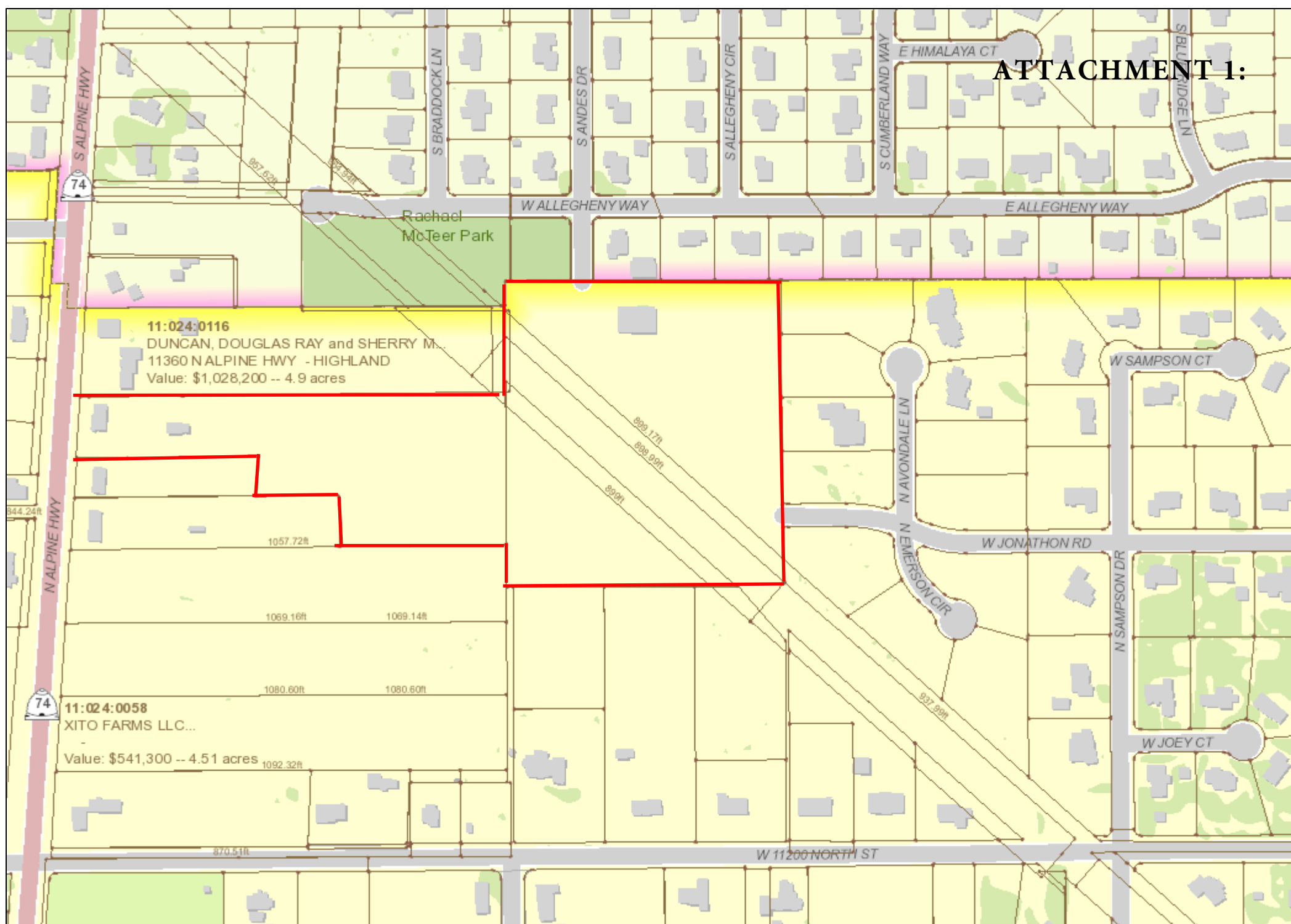
FISCAL IMPACT:

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

ATTACHMENTS:

1. Vicinity Map
2. Narrative Explaining Reason for Extension
3. Approved Preliminary Plat
4. Council Meeting Minutes – September 15th, 2020; Preliminary Plat Approval

ATTACHMENT 1:



Extension Request Narrative

Gilson Engineering would like to request an extension on our Preliminary Plat Application for the Aberlour Subdivision in Highland, Utah. For the last few months progress has been put on hold as we worked with UDOT to get access off of SR-74. Originally, they denied us access, but after discussions with UDOT, Metro, and Highland City, UDOT has decided that the best course of action is to grant us access with a variance in order to allow development to continue. Now that we have an answer on how to proceed with the access off of SR-74 we can move forward with plan production, review, and ultimately approval.

We appreciate you working with us on this project. There are a number of stakeholders which has made it difficult, however we feel that if granted an extension we will be able to move forward and get the subdivision approved and constructed.

Thank you again for your help. Please let me know if you need anything from us.

Tyler Stanich P.E.

Project Engineer

Gilson Engineering

12401 S 450 E C-2

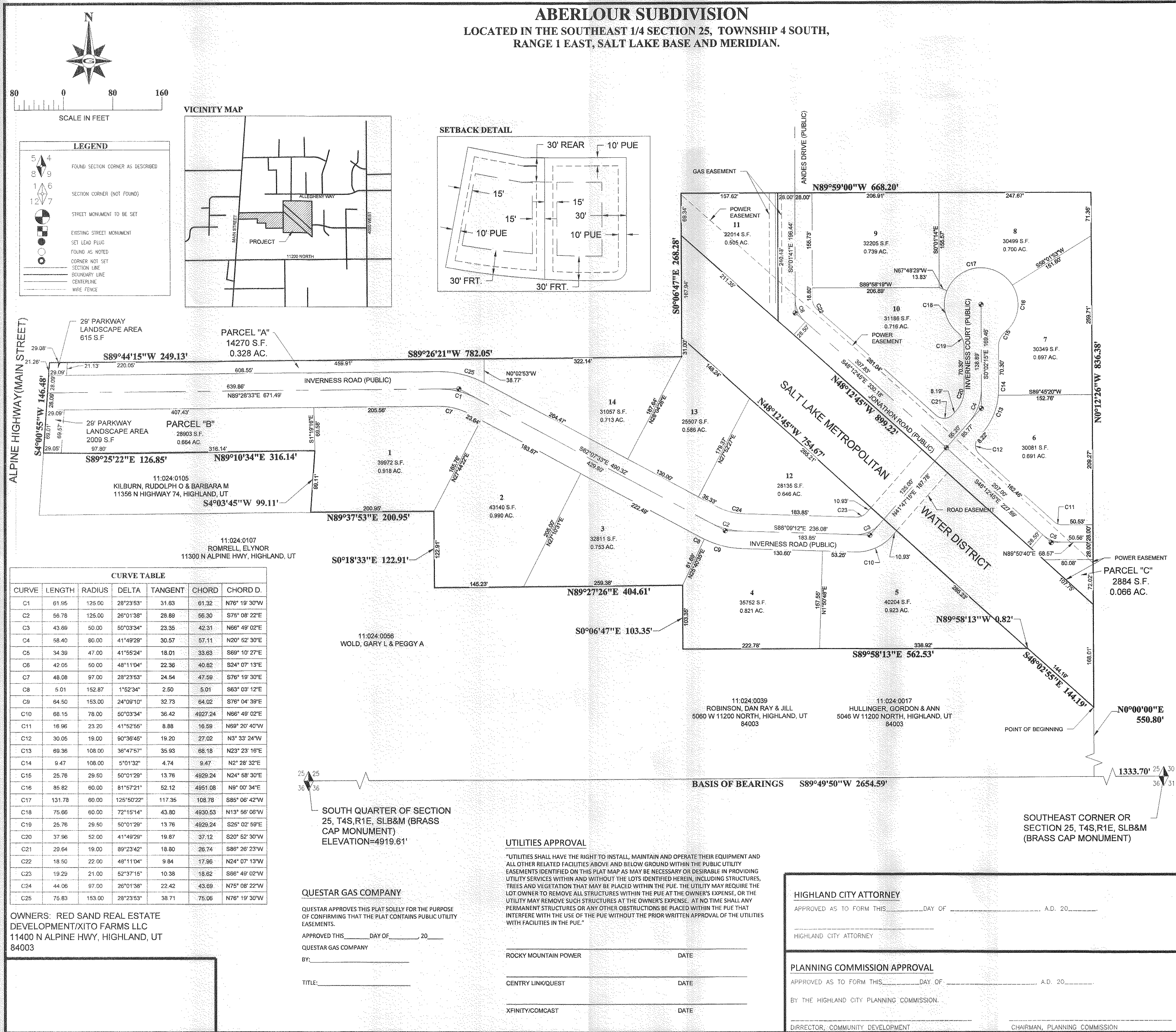
Draper, UT 84020

Office: (801) 571-9414

Cell: (406) 788-3773



ATTACHMENT 3:



SURVEYOR'S CERTIFICATE

I, JOSH F. MADSEN DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152657 AS PRESCRIBED UNDER LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS HEREAFTER TO BE KNOWN AS "THE VIEWS SUBDIVISION", SAME AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT ALL LOTS HAVE BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND, MEET FRONTAGE WIDTH AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCES.

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT LOCATED SOUTH 89°49'50" WEST 1333.70 FEET AND NORTH 550.80 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 25 AND RUNNING THENCE NORTH 0°12'26" WEST 836.38 FEET; THENCE NORTH 89°59'00" WEST 668.20 FEET; THENCE SOUTH 0°06'47" EAST 288.28 FEET TO A POINT ON A BOUNDARY LINE AGREEMENT PER DOCUMENT ENTRY # 959472008, THENCE SOUTH 89°28'21" WEST 782.05 FEET ALONG SAID BOUNDARY LINE AGREEMENT; THENCE SOUTH 89°44'15" WEST 249.13 FEET ALONG SAID BOUNDARY LINE AGREEMENT; THENCE SOUTH 04°00'55" WEST 146.48 FEET TO A POINT ON AFORESAID BOUNDARY LINE AGREEMENT AND THE FOLLOWING SEVEN (7) COURSES; THENCE SOUTH 89°25'22" EAST 126.85 FEET; THENCE NORTH 89°10'34" EAST 316.14 FEET; THENCE SOUTH 4°03'45" WEST 99.11 FEET; THENCE NORTH 89°37'53" EAST 200.95 FEET; THENCE SOUTH 0°18'33" EAST 122.91 FEET; THENCE NORTH 89°27'26" EAST 404.61 FEET; THENCE SOUTH 0°06'47" EAST 103.35 FEET; THENCE SOUTH 89°58'13" EAST 562.53 FEET; THENCE SOUTH 48°02'55" EAST 144.19 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPTING THE FOLLOWING (SALT LAKE METROPOLITAN WATER DISTRICT): COMMENCING AT A POINT LOCATED SOUTH 89°49'50" WEST ALONG THE SECTION LINE 1333.70 FEET AND NORTH 550.80 FEET FROM THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 48°02'55" WEST 144.19 FEET; THENCE NORTH 89°58'13" WEST ALONG A FENCE LINE 0.82 FEET; THENCE NORTH 48°12'45" WEST ALONG THE SALT LAKE METROPOLITAN WATER DISTRICT'S SOUTHERLY BOUNDARY 754.87 FEET; THENCE NORTH 0°06'47" WEST ALONG A FENCE LINE 167.94 FEET; THENCE SOUTH 48°12'45" EAST ALONG THE SALT LAKE METROPOLITAN WATER DISTRICT'S NORTHERLY BOUNDARY 889.22 FEET; THENCE SOUTH 0°12'26" EAST ALONG A FENCE LINE 168.01 FEET TO THE POINT OF BEGINNING. ALSO LESS PARCEL 1A

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAID TRACT TO BE SUBDIVIDED INTO LOTS AND STREETS TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS

ABERLOUR SUBDIVISION
DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF UTAH
ON THE _____ DAY OF _____, A.D. 20____, PERSONALLY
APPEARED BEFORE ME _____, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE MANAGER OF _____, BY _____
AND THAT THE WITHIN AND FOREGOING INSTRUMENT WAS SIGNED VOLUNTARILY FOR SAID CORPORATION AND FOR THE USES AND PURPOSES HEREIN MENTIONED.

ITS MANAGER: _____

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC RESIDING AT _____

ACCEPTANCE BY LEGISLATIVE BODY
THE CITY COUNCIL OF HIGHLAND CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, 20____

APPROVED BY ENGINEER _____ APPROVED BY MAYOR _____

CLERK/RECORDER _____

ABERLOUR SUBDIVISION

LOCATED IN THE SOUTHEAST 1/4 SECTION 25, TOWNSHIP 4 SOUTH,
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

SURVEYOR SEAL	NOTARY PUBLIC SEAL	HIGHLAND CITY ENGINEER SEAL	HIGHLAND CITY RECORDER SEAL

- b. ACTION: James Loveland is requesting Preliminary Plat Approval for a 14-lot subdivision. The property is approximately 15.215 acres and is located at 11020 N 5500 W** *Administrative*

The City Council will consider a request by James Loveland for a Preliminary Plat approval for property located approximately at 11020 N 5500 W. The City Council will take appropriate action.

Council Member Kurt Ostler asked to pull Item 3b from the Consent Agenda for further discussion.

Council Member Kurt Ostler MOVED to approve Consent Item 3a on the agenda. 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 Kurt Ostler noted that the plan showed some open space off of Alpine Highway, and he asked who would be responsible for maintaining that property. City Engineer Todd Trane stated that the open space would remain natural. The property wasn't large enough for a buildable lot. This would be similar to other natural open space properties along the Highway. Council Member Kurt Ostler stated that the City wouldn't be able to maintain the property, because they already had a difficult time maintaining all of the existing open space. City Engineer Todd Trane assured the Council that the City would not maintain this property, because it would remain natural.

The Council discussed the possibility of this property becoming a buildable lot in the future.

Council Member Kurt Ostler asked about the location of the sewer connection for this subdivision. City Engineer Todd Trane explained that the original developer of this property showed utilities connecting into Alpine, but Highland wouldn't allow that. The newest plans submitted have all utilities within Highland, with no connections going through Andes Drive. All utilities will go out west and then up the highway. Council Member Kurt Ostler identified a note on document C.404 of the application, which showed a sewer manhole connecting into Alpine. City Engineer Todd Trane said that this note must have been missed. There would be no sewer connection in that location.

Council Member Kurt Ostler commented that Alpine had expressed concerns about roads connecting into their City. City Engineer Todd Trane said he had spoken to the Alpine City engineer, and they were currently doing a study with UDOT and MAG regarding such road connections. The property in this subdivision plat was a difficult piece, which was why it hadn't been developed until now. He noted the many easements going through the property.

Council Member Scott L. Smith thought that the Salt Lake Metropolitan Water District owned a portion of the subject property. He asked how that would affect the road going across this area. City Engineer Todd Trane explained that the Water District had seen the proposed plans and made their own comments. This is why the

plans had been revised so many times. Because they own some of the property here, the developer was required to enter into an agreement for the utility and road crossings. There were other locations like this in the City.

Council Member Scott L. Smith asked who would pay for the required piping, and City Engineer Todd Trane said that would be the responsibility of the developer.

Council Member Kurt Ostler MOVED that the City Council accept the findings and APPROVE case PP-20-02, a request for preliminary plat approval for Aberlour Subdivision located at 11020 N 5500 W, subject to the seven stipulations recommended by Planning Commission. 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.

City Administrator Nathan Crane noted that there were eight stipulations and requested that the motion be amended.

Council Member Kurt Ostler MOVED to amend the motion that the City Council accept the findings and APPROVE case PP-20-02 a request for preliminary plat approval for Aberlour Subdivision located at 11020 N 5500 W, subject to the eight following stipulations recommended by Planning Commission.

- 1. The final plat shall be in substantial conformance with the preliminary plat received July 9, 2020*
- 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.*
- 4. Final easement location and restrictions shall be approved by Lehi Irrigation, Salt Lake Metropolitan Water District, and Rocky Mountain Power before final plat approval. Any applicable restrictions shall be noted on the final plat.*
- 5. The applicant will need to work with Lehi Irrigation Company to determine if the ditch needs to be abandoned or piped. If the ditch is piped the easement shall be demonstrated on the final plat as determined by the City Engineer.*
- 6. A note shall be put on the final plat that says "Any building or roads next to or under the powerline must have prior approval from Rocky Mountain Power before start of construction"*
- 7. The road shall be reviewed and approved by Rocky Mountain Power and Salt Lake Metropolitan Water District before start of construction.*
- 8. The planning of the swell located west of lot 11 shall be approved by Salt Lake Metropolitan Water District and the City Engineer*

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>

Council Member Scott L. Smith Yes

The motion passed 5:0.



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT ITEM #3h

DATE: September 21, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner/GIS Analyst
SUBJECT: RESOLUTION: Declaration of Surplus Property *Legislative*

PURPOSE:

The City Council will consider a request to declare 31,252 square feet of property surplus for the purpose of adjusting the boundaries of an existing building lot in the Pheasant Hollow subdivision. This request is associated with the Canal Boulevard project and the intent is to sell 1 lot for residential use. The Council will take appropriate action.

DISCUSSION:

Highland City is requesting to declare the residual property from the Canal Boulevard project as surplus that is not needed for right of way. There were originally 2 lots, however, with the square footage needed for a right-of-way, a detention basin, and City utilities, only 1 buildable lot will remain. The parcel to be declared surplus has 31,252 square feet with the intent of being a single-family lot.

Section 2.44.30 Disposal of Real Public Property requires a three-step process to sell property as follows:

- 1) Declaration of Surplus Property
- 2) Hold a Public Hearing
- 3) Approval of Purchase Contract

The purpose of this item is to adopt a Resolution to declare the property surplus. A public hearing will be held at the October 5th City Council meeting. If the Council declares the property surplus, a request for a plat amendment to adjust the boundary of this lot will be reviewed at the October 5th City Council meeting as well.

FISCAL IMPACT:

This action will not impact the current fiscal year's expenditures.

RECOMMENDATION:

Staff recommends the Council **APPROVE** the Resolution.

PROPOSED MOTION:

I move that the City Council approve the Resolution declaring 31,252 square feet of public feet surplus for the purpose of disposal.

ALTERNATIVE MOTION:

I move that the City Council **DENY** the resolution.

ATTACHMENTS:

1. Resolution

**A RESOLUTION OF HIGHLAND CITY, UTAH
DESIGNATING PROPERTY FOR DISPOSAL PROPERTY**

WHEREAS, the Highland City Council has established a process of designating property for disposal.

NOW, THEREFORE be it resolved by the City Council of Highland City that the Property, outlined and shown in Exhibit “A” is hereby designated for disposal. The City Council hereby authorizes the City Administrator to begin the disposal process of the above-mentioned property following State and City Code subject to the following stipulations:

1. (The Council will need to include appropriate stipulations.)

This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of Highland City, Utah, this 21st day of September, 2021.

HIGHLAND CITY, UTAH

Rodney W. Mann, Mayor

ATTEST:

Stephannie Cottle
City Recorder

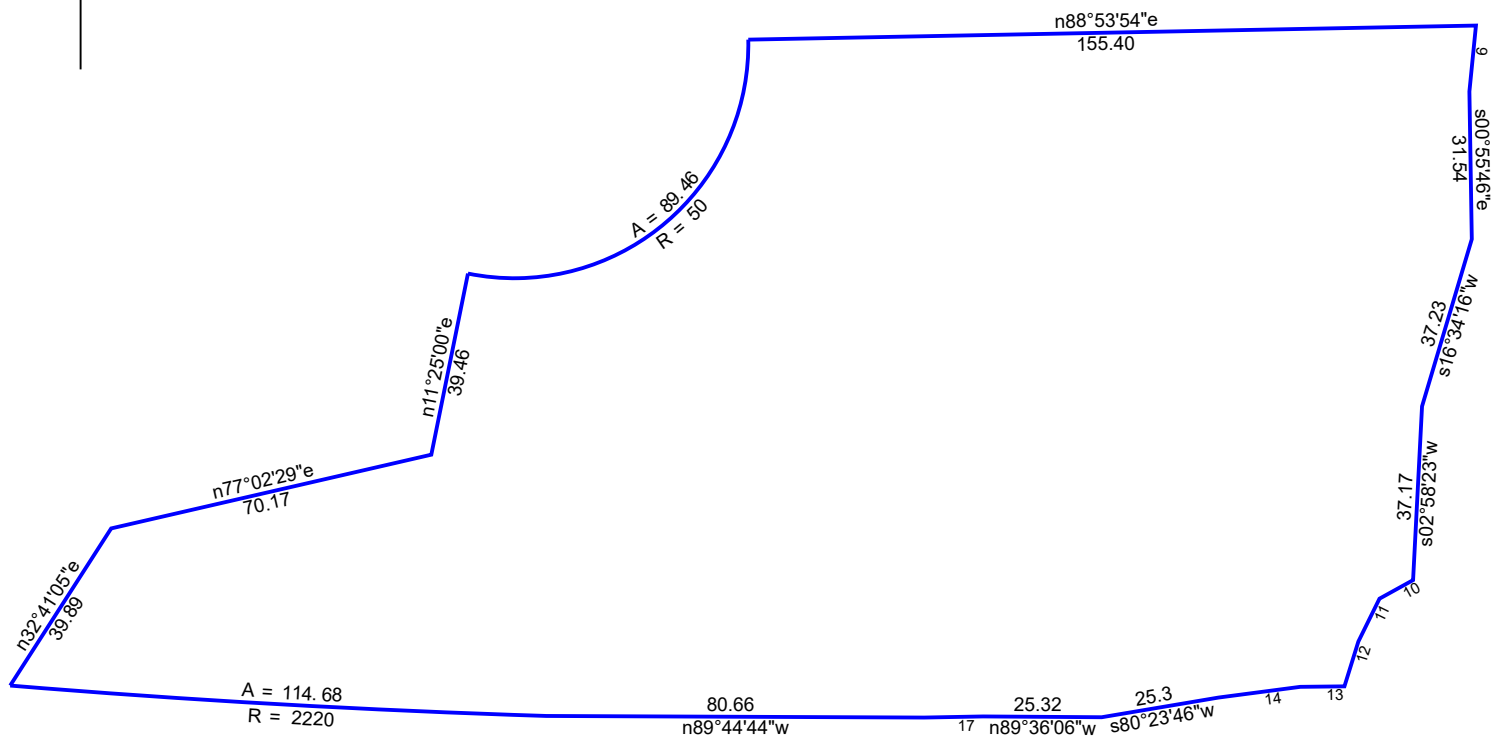
COUNCILMEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Kurt Ostler	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

EXHIBIT "A"

PARCEL 1 LYING WITHIN THE BOUNDS OF PROPOSED LOT 1, PHEASANT HOLLOW ESTATES PLAT "B"

BEGINNING AT A POINT WHICH IS NORTH 00°20'30" WEST 971.29 FEET ALONG THE SECTION LINE AND EAST 1,672.94 FEET FROM THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 32°41'05" EAST 39.89 FEET; THENCE NORTH 77°02'29" EAST 70.17 FEET; THENCE NORTH 11°25'00" EAST 39.46 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE EASTERLY 89.46 FEET ALONG THE ARC OF A 50.00-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 102°30'48", THE CHORD OF WHICH BEARS NORTH 50°09'27" EAST 78.00 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 88°53'54" EAST 155.40 FEET; THENCE SOUTH 05°38'16" WEST 14.15 FEET; THENCE SOUTH 00°55'46" EAST 31.54 FEET; THENCE SOUTH 16°34'16" WEST 37.23 FEET; THENCE SOUTH 02°58'23" WEST 37.17 FEET; THENCE SOUTH 61°06'15" WEST 8.20 FEET; THENCE SOUTH 26°05'36" WEST 10.21 FEET; THENCE SOUTH 17°21'06" WEST 10.01 FEET; THENCE SOUTH 89°22'07" WEST 9.44 FEET; THENCE SOUTH 82°33'07" WEST 17.59 FEET; THENCE SOUTH 80°23'46" WEST 25.30 FEET; THENCE NORTH 89°36'06" WEST 25.32 FEET; THENCE SOUTH 88°56'46" WEST 12.62 FEET; THENCE NORTH 89°44'44" WEST 80.66 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE WESTERLY 114.68 FEET ALONG THE ARC OF A 2,220.00-FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02°57'35", THE CHORD OF WHICH BEARS NORTH 86°46'03" WEST 114.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 31,252 SQUARE FEET, OR 0.717 ACRE IN AREA, MORE OR LESS.



Surplus Parcel Within Proposed Lot 1 - Closure Check

9/14/2021

Scale: 1 inch= 41 feet

File: Pheasant Hollow Surplus Parcel 1.ndp

Tract 1: 0.7174 Acres (31251 Sq. Feet), Closure: s74.4030w 0.01 ft. (1/125786), Perimeter=829 ft.

01 n32.4105e 39.89

02 n77.0229e 70.17

03 n11.2500e 39.46

04 Lt, r=50.00, delta=102.3048, arc=89.46, chord=n50.0927e 78.00

05 n88.5354e 155.40

06 s05.3816w 14.15

07 s00.5546e 31.54

08 s16.3416w 37.23

09 s02.5823w 37.17

10 s61.0615w 8.2

11 s26.0536w 10.21

12 s17.2106w 10.01

13 s89.2207w 9.44

14 s82.3307w 17.59

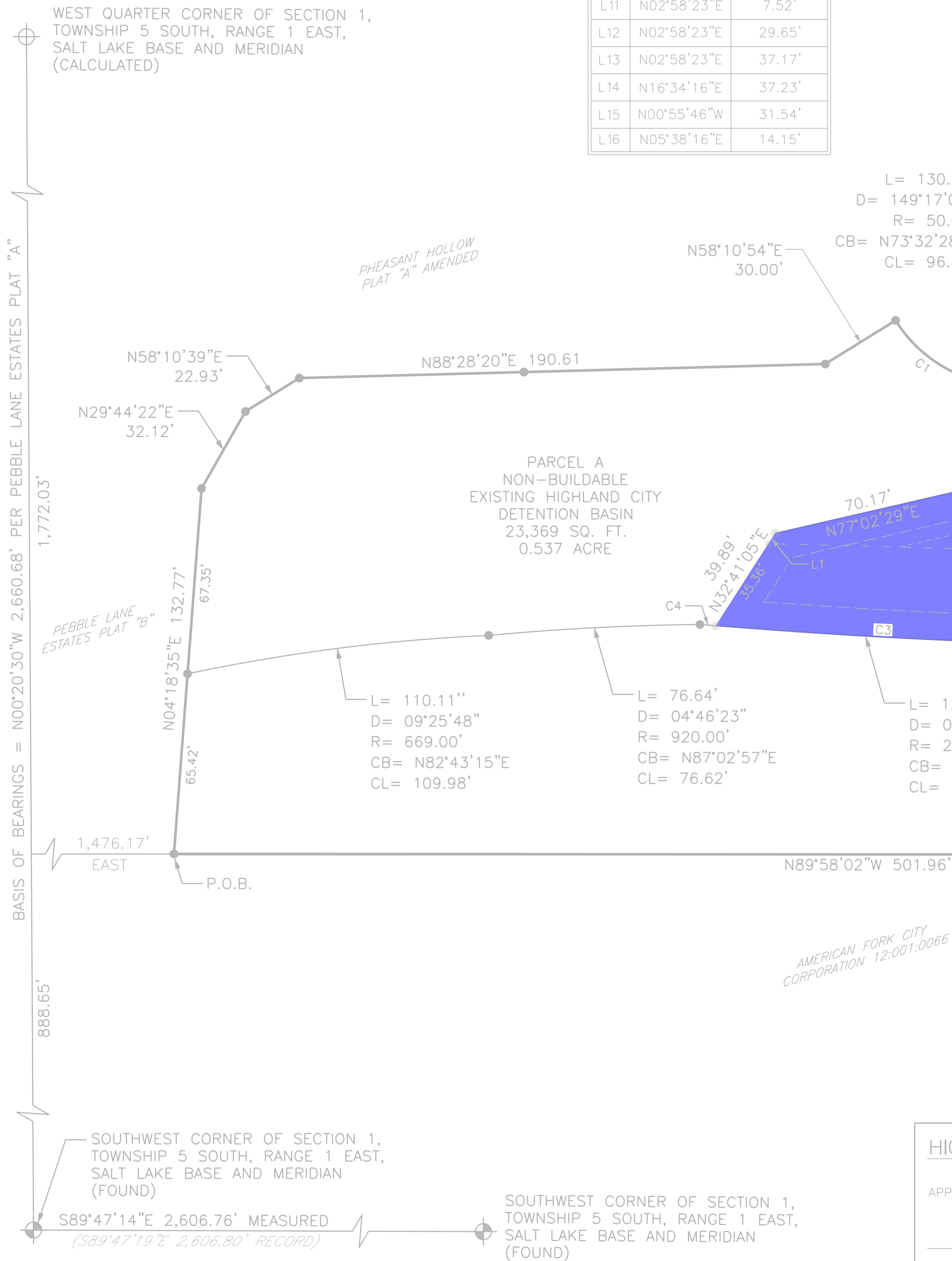
15 s80.2346w 25.3

16 n89.3606w 25.32

17 s88.5646w 12.62

18 n89.4444w 80.66

19 Rt, r=2220.00, delta=002.5735, arc=114.68, chord=n86.4603w 114.67



SETBACK AND EASEMENT
DETAILS (UNLESS NOTED OTHERWISE)

PARCEL B
NON-BUILDABLE
3,097 SQ. FT.
0.071 ACRE

ACKNOWLEDGEMENT

I, JASON D. WILLES, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 376067 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953. AS AMENDED, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, A SURVEY WAS MADE UNDER MY DIRECTION OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, I CERTIFY THAT SAID SURVEY WAS COMPLETED IN ACCORDANCE WITH SECTION 17-23-17 UTAH CODE ANNOTATED, 1953 AS AMENDED. I FURTHER CERTIFY THAT I HAVE VERIFIED ALL MEASUREMENTS AND THAT MONUMENTS HAVE BEEN PLACED AS SHOWN ON THIS PLAT, I HEREBY STATE THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF AND IN MY PROFESSIONAL OPINION.

THE BASIS OF BEARINGS IS NORTH 00°20'30" WEST (N.A.D. 27) ALONG THE LINE BETWEEN THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN AND THE WEST QUARTER CORNER OF SAID SECTION.

SITUATE IN THE SW1/4 OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE & MERIDIAN

City of Highland, Utah County, Utah Scale 1"=30' Sheet 1 of 1



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT ITEM #4

DATE: September 21, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson
City Attorney
SUBJECT: ORDINANCE: Disposal of Real Public Property Process *Legislative*

PURPOSE:

The City Council will consider a request by City Staff to amend the City's Municipal Code related to the disposing of property in order to streamline the property disposal process and avoid duplicative meetings and decisions. The Council will take appropriate action.

BACKGROUND:

This request stems from the City Council's recent consideration and approval of the sale of different City properties (Pebble Lane, WPI, etc.). As the City Council has noted, the City's current process is somewhat confusing. That process is found in HCC 2.44.030(B):

1. Council declares the property as surplus during a public meeting;
2. City publishes notice of the proposed sale/disposition of the property
3. Council holds a public hearing during a separate public meeting;
4. Council directs that the property be appraised; and
5. Authorize the sale or other disposition of the property, potentially at yet another public meeting.

This process requires the Council to consider the disposal of a single parcel of property multiple times over multiple meetings, even if there is no issue with the sale of the property. It specifically requires the Council to first designate property as surplus, and then hold a public hearing on the property already designated as surplus, and then approve the sale of the property. This process is not required by state law, and it seems to create confusion.

State law only requires that the City provide at least 14 days' notice and a public hearing prior to the disposition. UCA § 10-8-2(4). As to valuation, state law requires only that the City Council ensure that it receives adequate consideration for any sale, which can involve

an appraisal, but does not require an appraisal. As such, the City's current process could be streamlined to make the disposal process more straight-forward while still retaining the benefits of public notice and affirming the Council's broad discretion on whether and how to dispose of real public property. This process applies only to significant parcels of real property and does not apply to orphan parcels.

City Staff recommends updating the code to streamline the significant real property disposal process as described below:

Proposed Process:

1. Council formally or informally directs that a certain property be brought before the Council for potential sale or other disposition;
2. City publishes notice of the proposed sale/disposition of the property
3. Council holds a public hearing;
4. Council formally approves the disposal of the property on such terms and conditions as the Council determines is appropriate during a public meeting. This is done after the public hearing, but can be in the same meeting as the public hearing.

The proposed process removes the requirement that the Council address the disposal of property through several meetings (surplus, then notice, then hearing, then approval, then contract approval), so the Council can dispose of property quicker where it has already determined the necessary terms and conditions of the sale of a particular property. The new process still allows the Council, if it determines it is necessary, to take longer to consider whether a particular parcel should be disposed of and still allows the Council to impose appropriate conditions or limitations on the sale of a particular property.

FISCAL IMPACT:

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

RECOMMENDATION:

Staff recommends the Council **APPROVE** and **ADOPT** the proposed code changes.

PROPOSED MOTION:

I move that the City Council **ADOPT** the proposed ordinance amending Highland City Code section 2.44.030 Disposal of Real Public Property.

ALTERNATIVE MOTION:

I move that the City Council **DENY** the proposed changes to the Municipal Code.

ATTACHMENTS:

1. Proposed Ordinance

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SECTION
2.44.030 OF THE HIGHLAND CITY MUNICIPAL CODE RELATED TO THE
DISPOSAL OF REAL PUBLIC PROPERTY, AND RELATED MATTERS.**

WHEREAS, Utah Law provides that municipalities have the authority to purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality, if the action is in the public interest and complies with other law; and

WHEREAS, Utah Law provides that municipalities must provide notice and an opportunity for public comment on proposed dispositions of significant parcels of real property; and

WHEREAS, Highland City Municipal Code, Title 2, Chapter 44, establishes reasonable notice, the definition of significant parcels of real property, and the City's process for disposing of significant parcels of real property; and

WHEREAS, the City Council finds that the current City process for disposing of significant parcels of real property should be amended to clarify and streamline the process, while still providing for appropriate public notice and comment and City Council discretion on the approval of the disposition of real public property.

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

SECTION 1. Highland City Municipal Code Section 2.44.030 is amended as follows:

2.44.030 Disposal Of Real Public Property

- A. The city shall have the authority to sell, lease, convey and dispose of real public property for the benefit of the city as provided by Utah Code Annotated Section 10-8-2, as amended.
- B. Before the city may dispose of a significant parcel of real public property, the city shall:

~~1. Declare the property surplus by resolution at a regularly scheduled city council meeting; and~~

~~2.1. Shall publish~~ Publish a notice of the proposed disposition of real public property and of a public hearing before the city council to consider such disposition:

- a. On the Utah Public Notice Website created in Section 63F-1-701, and
- b. Advertised on the Highland City Website

(This defines "reasonable notice of real property" as required by Utah State Code.)

~~3.2. Hold a meeting-public hearing~~ at which the city council accepts public comment on the proposed disposition.

~~4.3. Approve the disposal of the property on such terms and conditions as the City Council determines are appropriate. Direct the city administrator to cause the real public property to be appraised by a licensed real estate appraiser.~~

C. The city council may, as part of its approval of the disposition of a significant parcel of real public property, authorize some or all of the following ~~also authorize at its discretion and under such terms and conditions~~ as it may deem desirable, fair and appropriate, considering intended use, property tax value, and the interests of the city; ~~the sale, trade, exchange, or lease of any public property:~~

1. Authorize the sale, trade, exchange, lease or lease of property;

2. Require an appraisal or other valuation of the property prior to disposition;

3. Authorize the disposition through auction, bid, the use of the State Division of Surplus Property, listing with a broker, private negotiations, or any other method designed to best serve the interests of city residents and produce a fair return, such as;

4. Require any contract regarding the final disposition be approved by the Council or designated person prior to execution; and

5. Impose any other necessary term or condition on the sale of the property.

~~1. Through public auction; or~~

~~2. By bid; or~~

~~3. Through the State Division of Surplus Property; or~~

~~Any other method designed to best serve the interests of city residents and produce a fair return. Methods for the sale, trade, exchange, or lease of public property may include, but are not limited to: listing with a broker, auction, private negotiations, or other processes or formulas the the city council determines are appropriate.~~

D. The city council may designate certain public property as orphan parcels, which parcels may be designated as surplus and disposed of without following the notice, appraisal, and other procedures for significant parcels of real public property. The city council shall designate such parcels and their valuation by resolution annually.

SECTION 2. All other sections of the Highland City Code inconsistent with these provisions are hereby repealed to the extent of such conflict.

SECTION 3. This Ordinance shall be in full force and effect immediately upon the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, September 21, 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	☐	☐



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT ITEM #5

DATE: September 21, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, PE
Public Works Director/City Engineer
SUBJECT: ACTION: Broadleaf Channel Easement and Reconstruction Project *Legislative*

PURPOSE:

The City Council will consider a request to approve a new channel easement on Lot 308 of Dry Creek Highlands Phase 3 subdivision. The Council will also review the easement approach that has been coordinated with the residents on the Broadleaf Channel corridor and staff's request to put the project out to bid.

BACKGROUND:

The Broadleaf Channel storm-drainage facility has meandered outside of the easement corridor that was dedicated with the Dry Creek Highlands Phase 3 development and subdivision plat. The impacted properties are Dry Creek Highlands Phase 3, Lots 302~310. The City staff have been meeting with the residents along the Broadleaf Channel corridor. The objective of these meetings has been to select an alignment and easement condition that will provide the City a long-term and maintainable storm-drainage channel and minimize the impact on the residents.

Jonathan and Sunny Myres, residents residing on Lot 308 (11738 N Sunset Hills Dr) have been instrumental in bringing the neighborhood and City together to find a solution. The Council review of the proposed easement and conditions associated with the Myres' property will serve as a template for the balance of the properties.

All properties on the corridor are anticipated to grant new easement corridors with the exception of Lot 310 owned by Tanya and Joshua College. Lot 310 will instead have a storm-drainage facility that will be reconstructed within the existing easement corridor.

The agreement in principle with the property owners is that the No-Build or Conservation line will move to the west side of the access easement and the portions of the existing open-channel easement that are west of that line will be vacated. This will allow the residents greater use of their rear yards.

FISCAL IMPACT:

The budget line item 54-40-25, Storm Sewer System Reconstruction has \$220,000 that has been slated for this construction based on the initial reconstruction bid. That reconstruction project bid has now expired. The project will be rebid after signatures are obtained from all the property owners. There has been significant cost escalation in calendar year 2021. Staff anticipates that the rebid will be a minimum of 20% higher than the initial bid. As such, the ensuing construction will likely require a budget adjustment as a part of the mid-year budget adjustment considerations in January 2021.

RECOMMENDATION:

Staff recommends that the City Council approve the channel easement for lot 308 and authorize the City staff to prepare appropriate documents, advertisements, and other necessary items for the final easement adjustment and construction bid.

RECOMMENDATION AND PROPOSED MOTION:

I move that the City Council **APPROVE** the channel easement for Dry Creek Highlands Phase 3 lot 308 and **AUTHORIZE** staff to make preparations for the adjusted easement on the entire project and place the reconstruction project out to bid.

ATTACHMENTS:

1. Easement Document
2. Dry Creek Highlands Phase 3 Plat
3. Easement Exhibit Lot 308

WHEN RECORDED, MAIL TO:
Highland City
5400 West Civic Center Drive
Highland City, Utah 84003

EASEMENT

Utah County

Affecting Tax No. 37:220:0308

For the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, as GRANTOR, hereby grant, convey, sell, and set over unto the CITY of HIGHLAND, a Utah municipal corporation, hereinafter referred to as GRANTEE, its successors and assigns, a perpetual easement as described herein as **Parcel A** to construct, maintain, operate, repair, inspect, protect, remove and replace a storm-drainage gathering, routing, and conveyance facility. Said storm-drainage facility may, at the sole discretion of the GRANTEE, be in the form of an open channel or piped conveyance. GRANTOR also grants, conveys, sells, and sets over unto the GRANTEE a perpetual easement described herein as **Parcel B** as a storm-drainage facility access and maintenance easement and right-of-way for the purpose of perpetual access for maintenance, inspection, construction, protection, removal, and reconstruction of the storm-drainage facility granted in Parcel A to protect and maintain the same. Portions of Parcel A and Parcel B include a 30-foot wide public trail easement and public utility easements as dedicated to GRANTEE on the subdivision plat for Dry Creek Highlands Phase 3, as recorded in the office of the Utah County Recorder as Entry Number 6288:2005, Map Number 10896. These easements remain in place and unmodified by the granting of the perpetual easements herein. Parcels A and B hereinafter are collectively called the CORRIDOR, said right-of-way and easement, being situated in Utah County, State of Utah, over and through a parcel of the GRANTOR'S land lying within a strip more particularly described as follows:

Parcel A - Storm-Drainage Facility Easement:

Beginning at the northeast corner of Lot 308 Dry Creek Highlands Phase 3, thence South 19°05'14." West 75.73 feet along the east property line to the southeast corner of said lot; thence North 87°15'10" West 62.53 feet along the south property line; thence North 19°05'14" East 88.12 feet; thence South 75°51'52" East 74.03 feet along the north property line to the northeast corner of said lot.

The above described parcel of land contains 4916.47 square feet or 0.113 acres.

Parcel B - Storm-Drainage Facility Access and Maintenance Easement:

Beginning at the northwest corner of Parcel A, thence South 19°05'14" West 88.12 feet along the west boundary of Parcel A, thence North 87°15'10" West 10.42 feet along the south property line; thence North 19°05'14" East 90.19 feet; thence South 75°51'52" East 10.04 feet along the north property line to the beginning point of Parcel B.

The above described parcel of land contains 891.55 square feet or 0.020 acres.

Parcel A and B are shown in Exhibit 'A' attached hereto and by this reference made a part hereof.

Notary Public

EXHIBIT A

CORRIDOR Easement

CORRIDOR Easement through the Myres Property



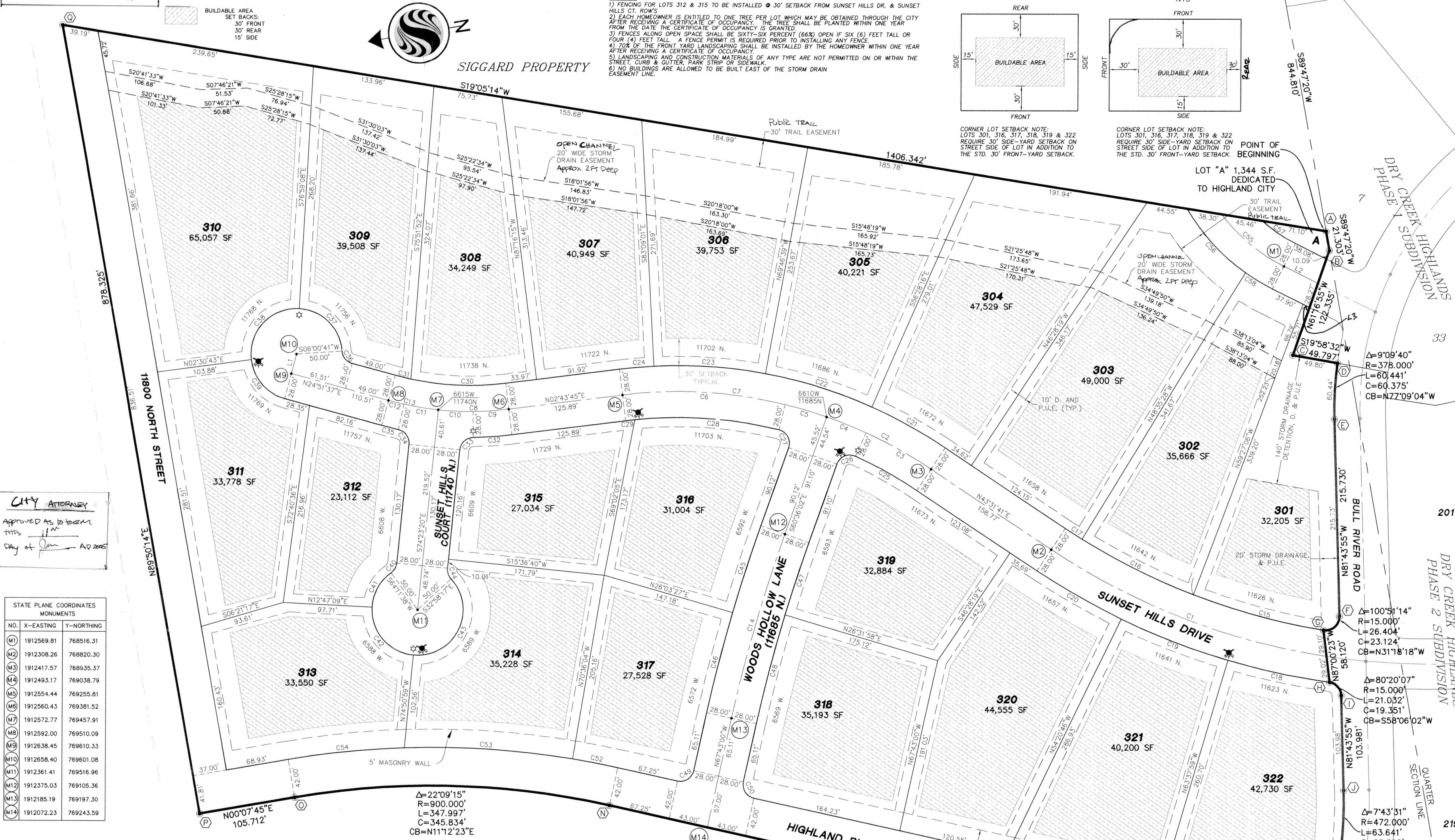
CITY ADMINISTRATOR
APPROVED AS TO FORM THIS 17th
DAY OF Jan A.D. 2005
[Signature]
HIGHLAND CITY ADMINISTRATOR

LEGEND
10' DRAINAGE AND PUBLIC UTILITY
EASEMENT (D. AND P.U.E.) AS
SHOWN ON THIS PLAT
PROPOSED FIRE HYDRANT
EXISTING FIRE HYDRANT
MONUMENT TO BE SET
EXISTING MONUMENT
STREET LIGHT
BOUNDARY CORNER SET WITH REBAR & CAP
BUILDABLE AREA
SET BACKS:
30' FRONT
30' REAR
15' SIDE

EASEMENT APPROVAL
[Signature] 1/5/2005
SUBSET COMMUNICATIONS
UTAH POWER AND LIGHT
[Signature] 1-5-05
RESISTOR GAS CO
[Signature] 1/5/05
COMICASE CASE

DRY CREEK HIGHLANDS PHASE 3

LOCATED IN THE SOUTHEAST HALF OF SECTION 27,
TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
CITY OF HIGHLAND, UTAH COUNTY, UTAH



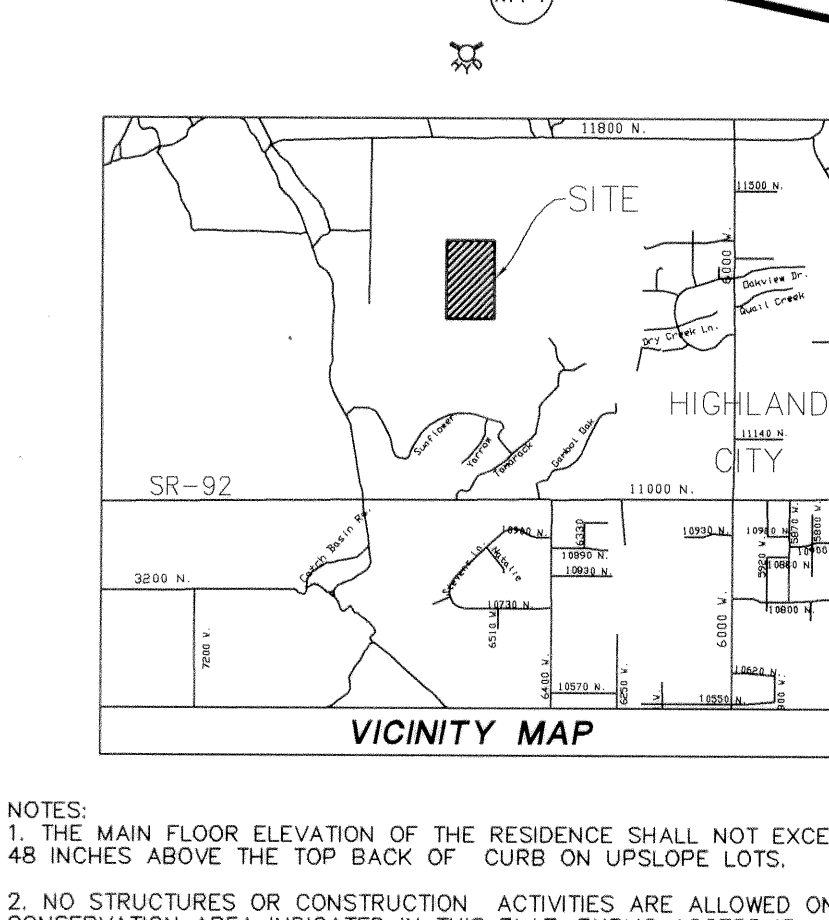
NO.	X-EASTING	Y-NORTHING
M1	1912569.81	768516.31
M2	1912508.26	768820.30
M3	1912417.57	768935.37
M4	1912493.17	769038.79
M5	1912554.44	769255.81
M6	1912560.43	769381.52
M7	1912572.77	769457.91
M8	1912592.00	769510.09
M9	1912638.45	769610.33
M10	1912658.40	769601.08
M11	1912361.41	769516.96
M12	1912375.03	769105.36
M13	1912185.19	769197.30
M14	1912072.23	769243.59

NO.	X-EASTING	Y-NORTHING
A	1912599.75	768464.29
B	1912578.46	768464.21
C	1912471.20	768522.97
D	1912454.20	768476.18
E	1912395.35	768489.61
F	1912181.93	768520.62
G	1912169.92	768540.37
H	1912111.90	768543.40
I	1912095.48	768533.18
J	1911992.61	768548.13
K	1911930.46	768561.49
L	1911810.65	768595.83
M	1911840.05	768677.01
N	1913059.49	769792.88

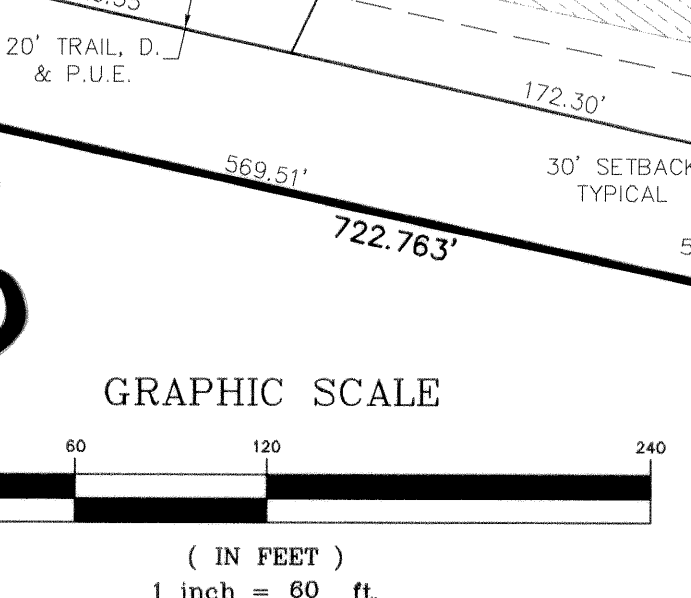
CURVE	RADIUS	ARC LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	750.00	327.56	25°01'25"	S31°00'59"W	324.98'
C2	500.00	128.50	14°43'31"	N36°09'56"E	128.15'
C3	500.00	81.90	9°23'05"	N38°50'08"E	81.81'
C4	500.00	46.80	5°20'25"	N31°28'37"E	46.59'
C5	500.00	47.63	5°27'30"	N26°04'25"E	47.62'
C6	500.00	179.90	20°36'55"	N13°02'13"E	178.93'
C7	500.00	227.54	26°04'25"	N15°45'36"E	225.58'
C8	1245.00	775.27	12°52'55"	S09°01'13"W	771.40'
C9	345.00	39.25	6°31'09"	S05°59'20"W	39.23'
C10	345.00	38.31	6°21'46"	S12°25'47"W	38.29'
C11	345.00	38.31	6°21'46"	S18°47'34"W	38.29'
C12	345.00	17.38	2°53'11"	S23°29'02"W	17.38'
C13	345.00	55.69	9°14'57"	S20°14'09"W	55.63'
C14	1700.00	211.14	7°08'58"	N64°09'31"W	211.00'
C15	722.00	148.79	11°48'28"	S25°01'34"W	148.53'
C16	722.00	136.98	10°52'13"	S36°21'54"W	136.78'
C17	722.00	21.77	1°43'40"	S42°39'51"W	21.77'
C18	778.00	114.52	8°28'02"	S22°39'00"W	114.42'
C19	778.00	128.11	9°17'13"	S31°00'36"W	128.97'
C20	778.00	106.92	7°52'26"	S39°35'28"W	106.83'
C21	528.00	92.15	9°59'57"	N38°31'42"E	92.03'
C22	528.00	122.62	13°18'33"	N26°52'32"E	122.35'
C23	528.00	123.23	13°22'02"	N15°32'10"E	122.95'
C24	528.00	37.97	4°07'14"	N04°47'22"E	37.96'
C25	472.00	77.31	9°23'05"	N38°50'08"E	77.22'
C26	15.00	24.80	94°44'36"	N13°13'43"W	22.07'
C27	15.00	25.15	96°03'18"	N17°22'19"E	22.30'
C28	472.00	159.52	19°21'51"	N13°39'45"E	158.76'
C29	472.00	10.31	1°15'04"	N02°21'17"E	10.31'
C30	317.00	104.60	18°56'12"	S12°21'22"W	104.20'
C31	317.00	17.77	3°12'40"	S23°15'18"W	17.76'
C32	373.00	42.44	6°31'09"	S05°59'20"W	42.42'
C33	15.00	21.90	83°38'14"	N32°34'13"W	20.00'
C34	15.00	21.90	83°38'14"	N63°47'34"E	20.00'

CURVE	RADIUS	ARC LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C35	373.00	18.79	2°53'11"	S23°25'02"W	18.79'
C36	15.00	18.63	71°09'03"	S60°26'09"W	17.45'
C37	50.00	72.43	82°59'49"	N54°30'46"E	66.26'
C38	50.00	87.71	100°30'09"	N37°14'13"W	76.89'
C39	50.00	59.04	67°39'05"	S58°41'10"W	55.67'
C40	15.00	12.72	48°34'58"	S00°55'51"E	12.34'
C41	50.00	44.86	51°24'29"	N51°30'37"W	43.37'
C42	50.00	76.48	87°30'08"	S58°58'05"W	69.24'
C43	50.00	120.53	138°07'18"	S53°54'36"E	93.40'
C44	15.00	12.72	48°34'58"	S81°19'12"W	12.34'
C45	1728.00	100.79	3°20'31"	N62°16'17"W	100.78'
C46	1728.00	113.82	3°46'27"	N65°49'46"W	113.80'
C47	1672.00	83.65	2°52'00"	N62°02'02"W	83.65'
C48	1672.00	124.00	4°14'58"	N65°35'31"W	123.98'
C49	15.00	23.66	90°00'00"	S22°43'00"E	21.21'
C50	15.00	23.56	90°00'00"	S67°17'00"W	21.21'
C51	1000.00	81.78	4°41'08"	S19°56'26"W	81.76'
C52	942.00	50.57	3°04'32"	N20°44'44"E	50.56'
C53	942.00	185.42	1°16'42"	N13°34'02"E	185.13'
C54	942.00	128.25	7°48'02"	N04°01'46"E	128.15'
C55	200.00	90.26	25°51'24"	S49°30'35"W	89.49'
C56	228.00	96.21	24°10'38"	S57°21'58"W	95.50'
C57	172.00	44.36	14°46'34"	S43°58'10"W	44.23'
C58	228.00	34.60	8°41'46"	S40°55'46"W	34.57'

LINE	BEARING	LENGTH
L1	N65°08'23"W	22.00'
L2	S36°34'53"W	41.85'
L3	S3°34'53"W	41.85'



10896



NOTE: BOUNDARY CORNERS TO BE SET WITH A NO. 5 REBAR AND PLASTIC CAP, MARKED 'STANTEC'



Stantec Consulting
Suite 300, 3995 South 700 East
Salt Lake City UT U.S.A.
84107
Tel. 801.261.0090
Fax. 801.266.1671
www.stantec.com

NO.	CITY COMMENTS	Revisions	By	Date
1	CITY COMMENTS		JMD	11/10/04

SURVEYOR'S CERTIFICATE
I, J. Michael DeMass, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 174007, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, streets, and open spaces, hereafter to be known as:
DRY CREEK HIGHLANDS PHASE 3
and that the same has been surveyed and staked on the ground as shown on this plat. I further certify that all lots meet the area, frontage and width requirements of the applicable zoning ordinance.
Nov 10, 04
DATE
[Signature]
J. MICHAEL DEMASS
R.L.S. 174007

DRY CREEK HIGHLANDS PHASE 3 BOUNDARY DESCRIPTION
Beginning at a point S89°47'20"W 844.810 feet from the East Quarter Corner of Section 27, Township 4 South, Range 1 East, Salt Lake Base and Meridian, said point being a point on the Northern Boundary Line of Dry Creek Highlands Phase 1 Subdivision, recorded as Entry No. 124112:2003 as Map No. 10104 in the Utah County Recorder's Office then as follows:
Course Distance Remarks
S89°47'20"W 21.303 feet along the Quarter Section Line
N61°16'55"W 122.335 feet
S19°58'32"W 49.797 feet
thence leaving said Northern Boundary Line of Dry Creek Highlands Phase 1 Subdivision to a point on a 378.000 foot radius curve to the left, thence Westerly 60.441 feet along the arc of said curve, chord bears N77°09'04"W 60.375 feet
to a point on a 15.000 foot radius curve to the right, thence Northwesterly 28.404 feet along the arc of said curve, chord bears N31°18'18"W 23.124 feet
to a point on a 15.000 foot radius curve to the right, thence Southwesterly 21.032 feet along the arc of said curve, chord bears S58°06'02"W 19.351 feet
to a point on a 472.000 foot radius curve to the right, thence Northwesterly 63.641 feet along the arc of said curve, chord bears N77°52'09"W 63.592 feet
to a point on the centerline of Highland Blvd, said point also being a point on a 1042.000 foot radius curve to the right, thence Northwesterly 86.390 feet along the arc of said curve, chord bears N19°54'30"E 86.365 feet
along the centerline of said Highland Blvd to a point on a 900.000 foot radius curve to the left, thence Northwesterly 347.937 feet along the arc of said curve, chord bears N11°12'23"E 345.834 feet
N00°07'45"E 105.712 feet along the centerline of said Highland Blvd
N89°50'14"E 878.328 feet
S19°05'14"W 1406.342 feet to the point of beginning.
Contains 22 lots on 23.775 acres.
Basis of Bearing: S00°01'34"E from the East Quarter Corner to the Southeast Corner of Section 27, Township 4 South, Range 1 East, Salt Lake Base and Meridian.

UTAH POWER
11/11/04
[Signature]
Craig S. Fryer
"Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related facilities within the Public Utility Easements identified on this plat 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 P.U.E. The utility may require the lot owner to remove all structures within the P.U.E. or the lot owner's expense, or the utility may remove such structures at the lot owner's expense. At no time may any permanent structures be placed within the P.U.E. or any other obstruction which interferes with the use of the P.U.E. without the prior written approval of the utilities with facilities in the P.U.E."

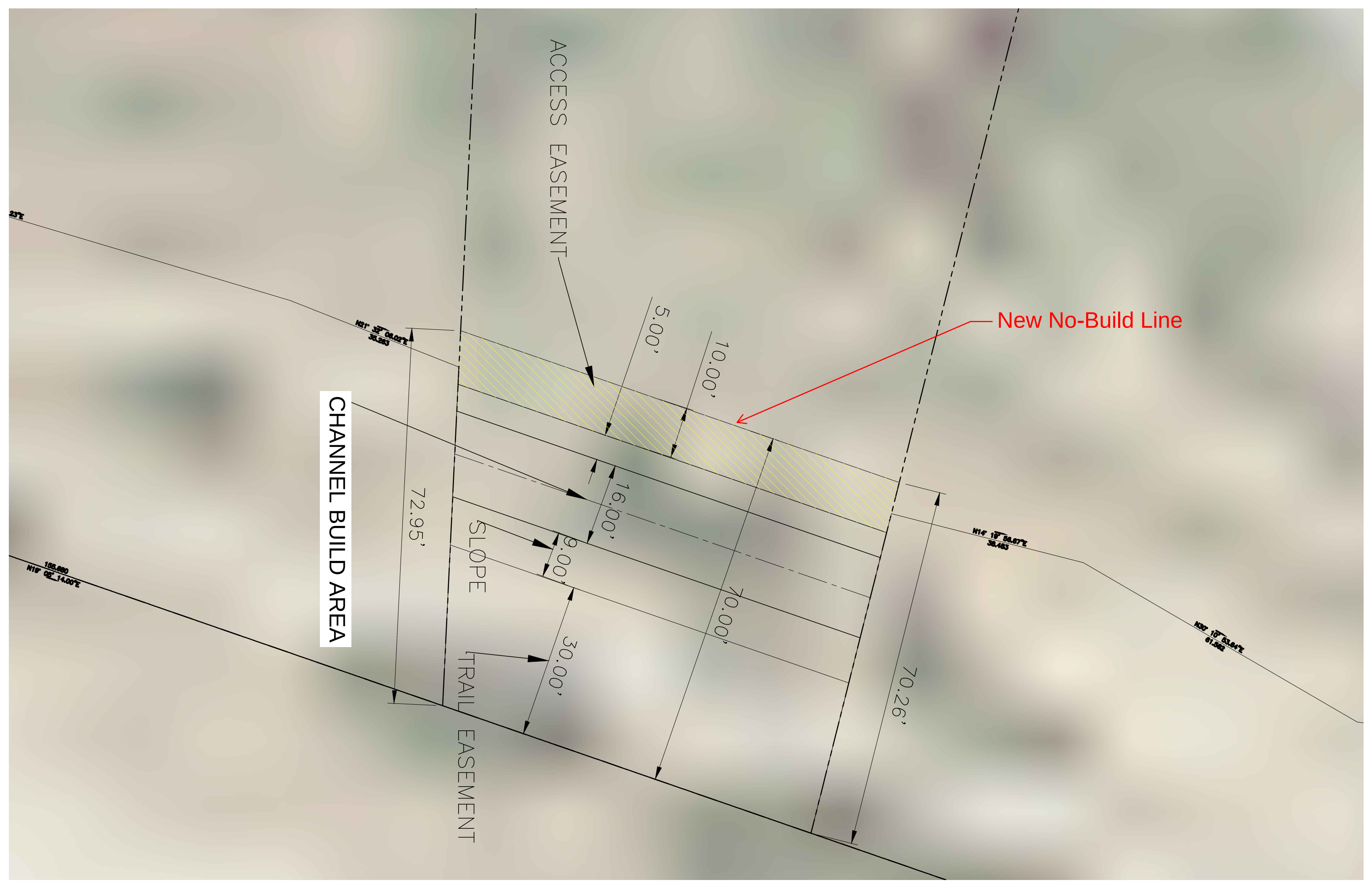
OWNER'S DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER(S) OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS PLAT AND SUBJECT TO ANY RESTRICTIONS AND CONDITIONS STATED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, OPEN SPACES, AND EASEMENTS TO BE HEREAFTER KNOWN AS:
DRY CREEK HIGHLANDS PHASE 3
DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.
IN WITNESS WHEREOF I HAVE HEREUNTO SET OUR HANDS THIS 15 DAY OF November A.D. 2004
[Signature]
PRESIDENT, IVORY DEVELOPMENT L.L.C. CHRISTOPHER P. GAVANJIAS

LIMITED LIABILITY ACKNOWLEDGMENT
ON THE 15 DAY OF November A.D. 2004 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE, IN SALT LAKE COUNTY, UTAH, CHRISTOPHER P. GAVANJIAS, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT L.L.C., AND THAT HE SIGNED THE OWNER'S DEDICATION FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID L.L.C. EXECUTED THE SAME.
MY COMMISSION EXPIRES 02-02-08
[Signature]
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

ACCEPTANCE BY LEGISLATIVE BODY
THE CITY COUNCIL OF HIGHLAND, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF THE STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 14th DAY OF September A.D. 2004.
[Signature]
MAYOR
[Signature]
APPROVED: ENGINEER
RANDY B. BROWN
UTAH COUNTY RECORDER

BOARD OF HEALTH
APPROVED THIS DAY OF A.D. 2004.
CITY - COUNTY HEALTH DEPARTMENT
PLANNING COMMISSION APPROVAL
APPROVED THIS DAY OF September A.D. 2004, BY THE SARATOGA SPRINGS PLANNING COMMISSION.
[Signature]
CHAIRMAN, PLANNING COMMISSION

DRY CREEK HIGHLANDS PHASE 3
LOCATED IN THE SOUTHEAST HALF OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN CITY OF HIGHLAND, UTAH COUNTY, UTAH
SCALE 1" = 60'
SURVEYOR'S SEAL
NOTARY PUBLIC'S SEAL
CITY ENGINEER'S SEAL
CLERK-RECORDING SEAL
HIGHLAND CITY
CITY ENGINEER
1-6-5
STATE OF UTAH
CORPORATE SEAL
HIGHLAND CITY





HIGHLAND CITY

CITY COUNCIL AGENDA REPORT ITEM #6

DATE: September 21, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, PE
City Engineer/Public Works Director
SUBJECT: ACTION: Playground Equipment for Highland Glen Park *Administrative*

PURPOSE:

The City Council will authorize the execution of a contract for the purchase and construction of the selected playground equipment for Highland Glen Park.

BACKGROUND:

At the direction of the City Council, staff has been working to implement a playground equipment replacement program. Based on equipment age, condition, and usage, staff recommends that the Highland Glen Park playground equipment should be considered for the first replacement. This playground was installed in approximately 2002. This spring, staff had to close one slide at the playground due to broken equipment and the inability to order replacement parts. To keep the playground equipment standardized, staff has been working with Big T Recreation to select playground alternatives that are within the approved budget parameters.

SUMMARY OF THE REQUEST:

Big T Recreation has provided 2 playground options.

- Option 1 - A traditional aesthetic and stylized playground system with multiple structures that are designed to engage a wide age range of children with a mix of abilities. This option includes slides, climbing apparatus, swings and other equipment that aids in the development of motor skills in children. This option does include a timber stack and a double-decker cone spinner for climbing experiences. The cost of this playground is \$158,729.75 under the Utah State Purchasing contract.
- Option 2 - A playground with equipment that will appeal to children who enjoy a more robust play experience. This option includes multiple climbing structures of varying difficulty. There are multiple slides as well as swings provided with this option. The aesthetic of this option is a modern architecture. The cost of this playground is \$165,096.60 under the Utah State Purchasing contract.

Both options offer a wide variety of play experiences. Staff desires to place orders and have the equipment installed in this fiscal year. If orders are made at this time, installation will likely not occur until early 2022 when winter weather allows for installation.

As a part of the installation, additional bark chip material will be purchased to help replace what has been lost. A transition area will also be created to ensure the park meets ADA requirements.

FISCAL IMPACT:

Currently there is \$150,000 of funding allocated in account number 10-70-24 for the replacement of playground equipment. The account also includes \$4,000 for minor playground repairs in other parks. The purchase of either of these options exceeds the budgeted amount and will require a budget adjustment. Staff is also pursuing a grant option through Utah County to assist with the budget shortfall.

RECOMMENDATION:

The City Council should select an appropriate playground option and authorize staff to move forward with a contract to purchase and install the equipment. Costs in excess of the budgeted amount and any grant money will be formalized in the mid-year budget adjustment anticipated in January 2022. Budget adjustment to cover the additional costs will be taken from General Fund Balance or may be covered by additional sales tax revenue if the revenue is in excess of the anticipated amounts.

PROPOSED MOTION:

I move that the City Council APPROVE the purchase of Option (*select Option 1 or Option 2*) and AUTHORIZE the City Administrator to sign a contract with Big T Recreation to proceed with the purchase and construction of playground equipment in the amount of \$_____ (*Option 1 = \$158,729.75; Option 2 = \$165,096.60.*)

ATTACHMENTS:

1. Option #1 Traditional Style
2. Option #2 Modern Extreme Style
3. Photos of the existing playground at Highland Glen Park.

Option #1 - Traditional Style

QUOTE



Big T Recreation
11618 S. State St #1602
Draper, UT 84020
801-572-0782
taft@bigtrec.com

Date	Quote #
08/03/2021	13475
Exp. Date	09/15/2021

Shipping Address

Highland City
5400 W Civic Center Dr., Ste 1
Highland, UT 84003

PRODUCT	DESCRIPTION	QTY	RATE	AMOUNT
Playground Structure	HIGHLAND GLENN PARK PLAYGROUND PROJECT New Playworld Playground Custom Design # 21-3369A Nature Themed Play Structure Large Cone Spinner Playcubes with Slide Timber Stakes Rocks Blocks Climber Double Bay Swing Set with 2 Belt and 2 Tot Seats	1	113,978.75	113,978.75
Services	Installation	1	34,416.00	34,416.00
Freight	Freight (16,402 LBS)	1	6,780.00	6,780.00
Surfacing	Eng. Wood Fiber Surfacing Top Off Safety Surfacing The above is available for purchase via Utah State Purchasing Contract # MA2568 Tax has not been added to this quote. Tax Exempt Certificate Required at time of Order	1	3,555.00	3,555.00
			SUBTOTAL	
			TAX	
			TOTAL	\$158,729.75

Accepted By

Accepted Date

Acceptance of this quote agrees to the terms and conditions set by Big T Recreation. Please contact us with any questions or concerns P: 801.572.0782, F: 801.216.3077 or E: taft@bigTrec.com or merit@bigTrec.com.

We thank you for your business.



Highland Glenn Park

Highland City, Utah

21-6369A

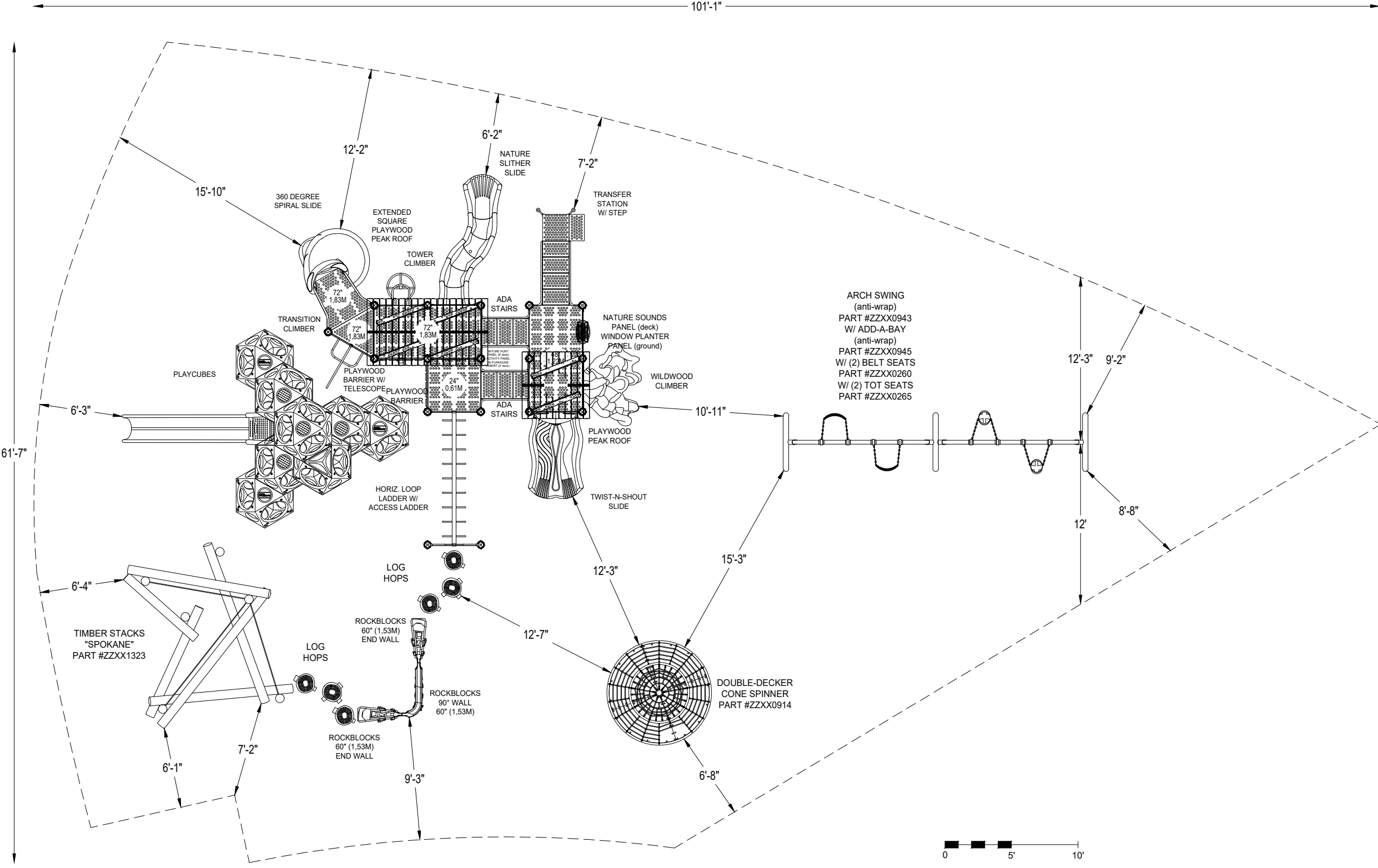
Sales Representative



Equipment Manufacturer



POST & COMPONENT	ROTOMOLD PLASTIC	2-COLOR PLASTIC	ECO-ARMOR
Forest Green	Chartreuse	Dark Brown-Sand	Gray
Chartreuse	Brownstone		
	Forest Green		
	Graystone		
	Dark Brown		



*PLAYGROUND SUPERVISION REQUIRED



BIG T RECREATION
11618 S. State Street #1602
Draper, UT 84020

EQUIPMENT SIZE:
39' X 41'9" X 15'5"

USE ZONE:
101'1" X 61'7"

AREA:
4,082 SqFt.

PERIMETER:
268 Ft.

FALL HEIGHT:
8 Ft. 5 In.

USER CAPACITY:
134+

AGE GROUP:
5-12

ADA SCHEDULE	Total Elevated Play Activities: 11		
	Total Ground-Level Play Activities: 14		
	Accessible Elevated Activities	Accessible Ground-Level Activities	Accessible Ground-Level Play Types
Required	6	4	3
Provided	11	14	5

✓ ASTM F1487-17
✓ CPSC #325



PROJECT NO:
21-6369A

SCALE:
1/8"=1'-0"

DRAWN BY:
CHIP ZECHMAN

Paper Size

DATE:
22-JUL-21

B

HIGHLAND GLENN PARK

HIGHLAND CITY, UTAH



Highland Glenn Park

Highland City, Utah

21-6369A

Sales Representative



Equipment Manufacturer



POST & COMPONENT	ROTOMOLD PLASTIC	2-COLOR PLASTIC	ECO-ARMOR
 Forest Green	 Chartreuse	 Dark Brown-Sand	 Gray
 Chartreuse	 Brownstone		
	 Forest Green		
	 Graystone		
	 Dark Brown		



Highland Glenn Park

Highland City, Utah

21-6369A

Sales Representative



Equipment Manufacturer



POST & COMPONENT	ROTOMOLD PLASTIC	2-COLOR PLASTIC	ECO-ARMOR
 Forest Green	 Chartreuse	 Dark Brown-Sand	 Gray
 Chartreuse	 Brownstone		
	 Forest Green		
	 Graystone		
	 Dark Brown		



Highland Glenn Park

Highland City, Utah

21-6369A

Sales Representative



Equipment Manufacturer



POST & COMPONENT	ROTOMOLD PLASTIC	2-COLOR PLASTIC	ECO-ARMOR
Forest Green	Chartreuse	Dark Brown-Sand	Gray
Chartreuse	Brownstone		
	Forest Green		
	Graystone		
	Dark Brown		

Option #2 - Modern Extreme Style

QUOTE



Big T Recreation
11618 S. State St #1602
Draper, UT 84020
801-572-0782
taft@bigtrec.com

Date	Quote #
09/10/2021	13666
Exp. Date	
	10/20/2021

Shipping Address
Highland City 5400 W Civic Center Dr., Ste 1 Highland, UT 84003

PRODUCT	DESCRIPTION	QTY	RATE	AMOUNT
Playground Structure	HIGHLAND GLENN MODERN EXTREME PLAYGROUND OPTION New Playworld Playground Custom Design Extreme #21-6780A Modern Dynamic Extreme Theme Branch Out Tower Net Climber Summit Challenge Course Climber Unity Connect Course Climber 360 Slide Pod Canopy Multi Level Upper Body Concourse Double Bay Swing Set	1	118,773.60	118,773.60
Installation	Installation and Construction Service	1	36,280.00	36,280.00
Freight	Freight (15,214 LBS) Direct Truck	1	6,488.00	6,488.00
	The Above is available for purchase via Utah State Purchasing Contract # MA2568 Tax has not been added to this quote. Tax Exempt Certificate Required at time of order			
Surfacing	Eng Wood Fiber Surfacing Top Off Safety Surfacing	1	3,555.00	3,555.00
			SUBTOTAL	
			TAX	
			TOTAL	\$165,096.60

Accepted By

Accepted Date

Acceptance of this quote agrees to the terms and conditions set by Big T Recreation. Please contact us with any questions or concerns P: 801.572.0782, F: 801.216.3077 or E: taft@bigTrec.com or merit@bigTrec.com.

We thank you for your business.



Highland Glenn Park

Highland City, Utah

21-6780A

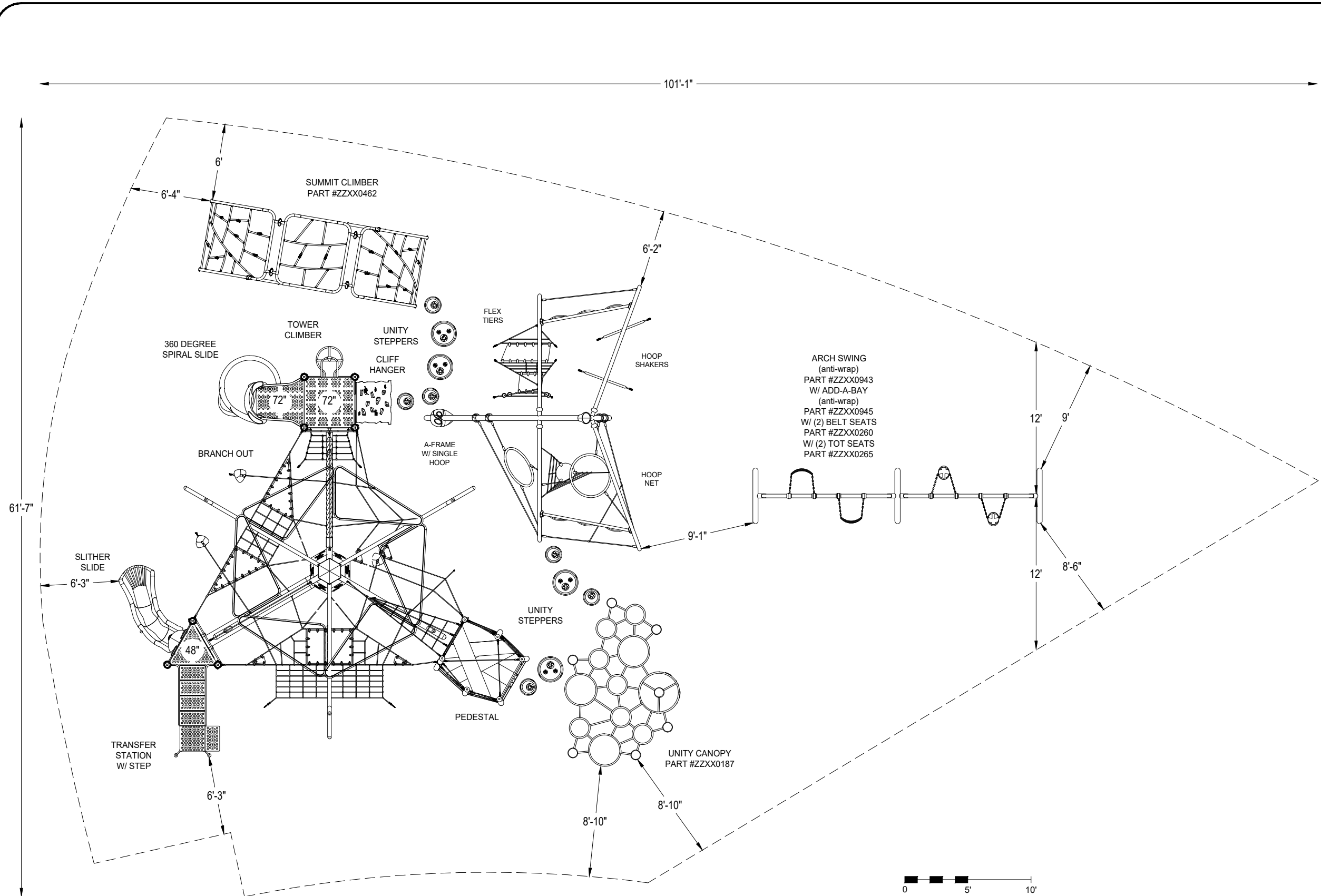
Sales Representative



Equipment Manufacturer



POST & COMPONENT	ROTOMOLD PLASTIC	2-COLOR PLASTIC	ECO-ARMOR
 Cobalt	 Chartreuse	 Beige-Gray	 Gray
 Chartreuse	 Graystone		
 Silver			



*PLAYGROUND SUPERVISION REQUIRED



BIG T RECREATION
11618 S. State Street #1602
Draper, UT 84020

EQUIPMENT SIZE:
44'6" X 45' X 17'

USE ZONE:
101'1" X 61'7"

AREA: **4,082 SqFt.** PERIMETER: **268 Ft.**

FALL HEIGHT:
8 Ft. 5 In.

USER CAPACITY: **137+** AGE GROUP: **5-12**

ADA SCHEDULE	Total Elevated Play Activities: 5		
	Total Ground-Level Play Activities: 16		
	Accessible Elevated Activities	Accessible Ground-Level Activities	Accessible Ground-Level Play Types
	Required 3	1	1
Provided	5	16	4

✓ ASTM F1487-17
✓ CPSC #325



PROJECT NO: 21-6780A	SCALE: 1/8"=1'-0"
DRAWN BY: CHIP ZECHMAN	Paper Size B
DATE: 09-SEP-21	

HIGHLAND GLENN PARK

HIGHLAND CITY, UTAH



Highland Glenn Park

Highland City, Utah

21-6780A

Sales Representative



Equipment Manufacturer



POST & COMPONENT	ROTOMOLD PLASTIC	2-COLOR PLASTIC	ECO-ARMOR
 Cobalt	 Chartreuse	 Beige-Gray	 Gray
 Chartreuse	 Graystone		
 Silver			



Highland Glenn Park

Highland City, Utah

21-6780A

Sales Representative



Equipment Manufacturer



POST & COMPONENT	ROTOMOLD PLASTIC	2-COLOR PLASTIC	ECO-ARMOR
 Cobalt	 Chartreuse	 Beige-Gray	 Gray
 Chartreuse	 Graystone		
 Silver			



Highland Glenn Park

Highland City, Utah

21-6780A

Sales Representative



Equipment Manufacturer



POST & COMPONENT	ROTOMOLD PLASTIC	2-COLOR PLASTIC	ECO-ARMOR
 Cobalt	 Chartreuse	 Beige-Gray	 Gray
 Chartreuse	 Graystone		
 Silver			







CITY COUNCIL AGENDA REPORT

ITEM #7

DATE: September 21, 2021
TO: Members of the City Council
FROM: Rod Mann, Mayor
SUBJECT: **Discussion:** Resolution Regarding Use of Open Space Fee Funds

PURPOSE:

City Council will discuss a resolution that identifies the public areas located within open space subdivisions which will be funded by the Open Space Fund.

BACKGROUND:

Over the years some residents of open space subdivisions have expressed concern that the city is not providing adequate care to parks and trails within their subdivisions and the fees collected are not being used appropriately. Other non-open space residents have complained that their tax dollars are being used to fund parks in open space subdivisions.

We have contracted with Lewis and Young to review the costs associated with all parks, trails, and open space in Highland. In advance of the study's report, the City should clearly indicate which costs should be allocated to the Open Space Fund.

Over the last 4 years I have done a significant amount of research on the cost of maintaining parks, trails, and open space as well as how these costs are allocated between the General Fund and the Open Space Fund. Between 2018 and 2022 the General Fund subsidized the Open Space Fee Fund and average of 36% (see table below for details).

	2018 Actual	2019 Actual	2020 Actual	2021 Budget	2022 Budget
Total OS Rev	\$ 371,389	\$ 401,720	\$ 450,497	\$ 473,251	\$ 617,413
From General Fund	\$ 106,924	\$ 100,000	\$ 150,000	\$ 170,000	\$ 317,313
% General Fund	29%	25%	33%	36%	51%

In reviewing the amenities within Open Space subdivisions, it became clear that there are some that are more oriented towards the community in general rather than for the open-space subdivisions in particular. Removing the amenities that are community oriented from the costs covered by the Open Space Fund is a reasonable approach to look at the current Open Space fee to determine whether it should be changed.

According to the research I've done (current as of Aug of 2020) there are 4,692 residential units in Highland. Of these 1,226 (26%) are in open space subdivisions and 3,466 (74%) are not.

Below is a rough estimate of the cost of maintaining parks, trails, and open space within the Open Space Subdivisions with and without the community-oriented amenities. Please

note, I don't believe my analysis captured all costs and I believe at least a couple of items were underestimated (playground replacement costs and tree maintenance/replacement). Below is a table showing what the current estimated costs to the Open Space Fee Fund are with (Current) and without (Proposed) community-oriented amendments. *Please note, because the Lewis and Young report will include more comprehensive information the costs will be different than what is shown below (most likely higher).*

Open Space	Current	Proposed	Difference
Annual Cost	\$ 464,906	\$ 306,833	\$ 170,186
Annual Fee Rev	\$ 294,720	\$ 294,720	\$ 12,133
Fee to cover all costs	\$ 31.55	\$20.82	\$ 10.73

As can be seen removing community-amenities from the current cost allocation brings the costs more in line with the current fee we are collecting. Changing the allocation would have NO financial impact to the city but would help set better expectations for residents and help with future planning.

The resolution shown below would establish the policy. Exhibits 1 and 2 show which specific amenities will remain funded by the Open Space fee and which will not be.

The following criterial/guidelines were used to determine which amenities are community oriented:

- All trails. A possible exception could be made for in park trails such as those in Canterbury Circle and Wimbleton South parks.
- All parkway details that border a collector road or non-open space
- Parks with fields that are reservable and/or parks with restrooms and parking

FISCAL IMPACT:

The resolution will have no net fiscal impact to the city. It only clarifies how costs should be allocated.

RECOMMENDATION:

The Mayor recommends that the resolution be adopted at a future meeting with any amendments which Council may choose to make in order to clarify for staff and residents what the open space fee covers. This will also help ensure that the output of the Lewis and Young study meets our needs.

ATTACHMENTS:

1. Draft Resolution
2. Exhibit 1 Fee Areas that would remain funded via the Open Space Fund
3. Exhibit 2 Areas currently funded via the Open Space Fund that will move to the General Fund.

A RESOLUTION ADOPTING A POLICY REGARDING THE USE OF THE OPEN SPACE FEE AND FUND FOR PUBLIC OPEN SPACES

WHEREAS, the Highland City Council previously created the Highland Open Space Special Service District (“District”) of which the Highland City Council is the governing body,

WHEREAS, developers and other property owners have annexed their properties into the District order to obtain certain benefits through the City’s open space subdivision process;

WHEREAS, in exchange for said benefits, the developers and other property owners agreed that lots within open space subdivisions would be subject to a monthly open space fee (“Fee”) and that the developer or other property owner would dedicate open spaces to the City, which fees and open spaces are managed by the City through the District;

WHEREAS, Highland City has created an Open Space Fund (“Fund”) that receives the Fee paid by lot owners and also receives transfers from the City general fund, which funds are used to cover the costs of owning, maintaining, equipping, and improving all open spaces owned by the City;

WHEREAS, the City Council desires to clarify the purposes for which the Fee is collected and to establish a policy that addresses which open spaces, such as parks, trails, and other public amenities, are financed by the Fee in order to guide future discussion and consideration of the use and need for the Fee;

NOW THEREFORE, BE IT RESOLVED by the Highland City Council, as the governing body of the Highland Open Space Special Service District, as follows:

1. All City and District parks, trails, and open spaces are open to the public, and may be used by any person, regardless of whether such person owns a lot within an open space subdivision or pays the Fee, subject to the City’s policies, ordinances, and regulations governing such use.
2. The Fee is primarily intended to offset the costs of owning, maintaining, equipping, and improving the amenities within the open space district identified as the “Fee Area” in Exhibit 1.
3. The fee is not intended to offset the costs of owning, maintaining, equipping, and improving other public parks, trails, and open space areas.
4. Other contributions to the Fund from the City’s general fund are to offset and cover the costs of the general public using Fee Areas and to offset and cover all other costs of owning, maintaining, equipping, and improving all other, non-Fee Area parks, trails, and open spaces within the City.

Nothing in this resolution and policy is intended to establish a special right or entitlement of lot owner within open space subdivisions to the use of any particular open space area.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF HIGHLAND CITY,
UTAH, this _____ day of _____, 2021.

Rod Mann
Mayor

ATTESTED:

Stephannie Cottle
City Recorder

PUBLICATION DATE: _____

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

EXHIBIT 1

Fee Areas (this list may be modified from time to time by the Highland City Council)

Subdivision	Area Name	Maintenance Type	Acres	Maintained Acres	# of Play grounds
Apple Blossom	Apple Blossom Grass	Manicured	1.70	1.70	1
	Apple Blossom Native	Native	1.88	0.00	0
Beacon Hills	Light House	Native	0.58	0.00	0
	Light House Grass	Manicured	0.19	0.19	0
	Native Area - Angels Gate	Native	8.91	0.00	0
	Twin Bridges	Manicured	0.99	0.99	1
Canterbury Circle	6000 W and Canterbury Park Strips	Manicured	0.20	0.20	0
	Canterbury Circle Park	Manicured	2.54	2.54	1
Canterbury North	Asphalt Trail	Native	1.78	0.00	0
	Asphalt Trail with Grass	Manicured	0.16	0.16	0
	Asphalt Trail with Native Trail	Native Trail	1.73	0.00	0
	Canterbury Grass Area	Manicured	0.40	0.40	0
	Canterbury North Park	Manicured	3.79	3.79	1
Canterbury South	10250 North Grass Area	Manicured	0.10	0.10	0
	Asphalt Trail with Native	Native	0.26	0.00	0
	Canterbury South Park	Manicured	1.36	1.36	0
Chamberry Fields	Chamberry Grass	Manicured	3.77	3.77	0
	Chamberry Native	Native	1.72	0.00	0
Dry Creek Bench	Dry Creek Bench	Manicured	7.52	7.52	1
	Dry Creek Bench Native	Native	1.98	0.00	0
	Skyline	Manicured	0.05	0.05	0
Greenland Mountain Vista	Native Trail Area	Native	0.17	0.00	0
Greens at the Highlands	Caddie Lane	Manicured	1.21	1.21	0
Highland Hills	11800 N Parkway	Manicured	1.05	1.05	0
	Argo Park	Manicured	1.28	1.28	1
	City Native Area	Manicured	0.34	0.34	0
	Highland Hills	Native	1.00	0.00	0
	Highland Hills Grass	Manicured	7.94	7.94	1
	Highland Hills Native Trail	Native	2.49	0.00	0
	Horseshoe Trail	Manicured	1.94	1.94	0
Highland Hollow	Highland Hollow Detention Pond	Manicured	0.41	0.41	0

Subdivision	Area Name	Maintenance Type	Acres	Maintained Acres	# of Play grounds
	Red Hawk and 1200 E	Manicured	0.03	0.03	0
Mercer Hollow	Atlas	Not Maintained	4.36	0.00	0
	Atlas Parkstrip	Manicured	0.01	0.01	0
	Mercer Hollow Conservation Easement	Native	2.12	0.00	0
View Pointe	View Point	Manicured	4.73	4.73	2
	View Point Native	Native	4.67	0.00	0
Wildrose Estates	Wild Rose	Manicured	3.16	3.16	0
	Wild Rose Native	Native	0.38	0.00	0
Wimbledon	Wimbledon	Manicured	2.16	2.16	1
	Wimbledon Park South Trail	Native Trail	4.66	0.00	0
Windsor Meadows	Windsor Meadows	Manicured	8.34	8.34	2
	Windsor Meadows Native	Native	10.56	0.00	0
Total			104.58	55.35	12

EXHIBIT 2: Public Areas Within Open Space to be funded by the General Fund

Subdivision	Area Name	Maintenance Type	Acres	Maintained Acres	# of Play grounds
Beacon Hills	Beacon Hills Lower Detention Ponds	Manicured	7.14	7.14	0
	Beacon Hills Park Future	Native	14.96	0.00	0
	Beacon Hills Park Phase 1	Manicured	6.93	6.93	0
	North Wildflower	Not Maintained	19.04	0.00	0
	South Wildflower	Not Maintained	10.87	0.00	0
Canterbury North	10400 N Parkway	Manicured	3.18	3.18	0
	Canterbury North P. I. Field	Manicured	2.31	2.31	0
	Dry Creek Hollow Park	Native	39.39	0.00	0
Canterbury South	Mitchell Hollow Park	Manicured	10.37	10.37	1
Greenland Mountain Vista	10400 North	Native	4.83	0.00	0
Hidden Pond	Native Trail	Native Trail	0.72	0.00	0
Highland Town Center Meadows	5600 W Native Trail	Native Trail	0.58	0.00	0
	5600 W Parkway	Manicured	2.78	2.78	0
	Town Center Islands	Landscaped - No Mow	0.12	0.00	0
	Town Center Meadows Park	Manicured	6.94	6.94	0
	Town Center Parkstrip	Manicured	0.07	0.07	0
Wimbledon	Wimbledon Park South	Manicured	5.34	5.34	1
Total			135.55	45.05	2

Subdivision	Trail Length
Apple Blossom	0.27
Beacon Hills	0.57
Canterbury Circle	0.24
Canterbury North	1.27
Canterbury South	0.65
Chamberry Fields	0.50
Dry Creek Bench	0.66
Greenland Mountain Vista	0.09
Greens at the Highlands	0.54
Hidden Pond	0.30
Highland Hills	0.66
Highland Town Center Meadows	0.56

Subdivision	Trail Length
Mercer Hollow	0.22
View Pointe	1.06
Wildrose Estates	0.33
Wimbledon	1.57
Windsor Meadows	3.97
Total Length	13.44