



HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, April 19, 2022

Amended April 18, 2022

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 – FY2022-2023 BUDGET

The City Council will discuss the FY2022-2023 budget.

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Timothy A. Ball

Pledge of Allegiance – Council Member Scott L. Smith

1. UNSCHEDULED PUBLIC APPEARANCES

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

2. PRESENTATIONS

a. Youth Council – Youth Council Representative

A Youth Council representative will present a report to City Council on their recent activities and upcoming events.

b. Central Utah Water Conservancy District – Rick Maloy, Water Conservation Manager

Rick Maloy will provide a presentation to City Council on conservation and the programs Central Utah Water Conservancy District offers.

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 – Stephannie Cottle, City Recorder Regular City Council Meeting – March 15, 2022

b. Capital Purchase: Approval To Purchase A Jacobsen Lawn Mower Administrative – Andy Spencer, Public Works Director/City Engineer

City Council will consider the purchase of a Jacobsen Lawn Mower from RMT to be added to our parks maintenance equipment fleet. The mower will be used by the City parks staff to perform daily parks maintenance.

- c. **Final Plat: Minor Subdivision - Maddox Subdivision** *Administrative - Kellie Smith, Planner & GIS Analyst*

The City Council will consider a request by Travis Maddox for Final Plat approval for Maddox Subdivision, a proposed 2-lot single family minor subdivision with a remnant parcel for future development located at approximately 4764 W 11200 N. The City Council will take appropriate action.

- d. **Plat Amendment: Mercer Hollow Estates Lot 11 Amended (PA-22-03)** *Legislative - Kellie Smith, Planner & GIS Analyst*

The City Council will consider a request petitioned by Kristian and Jamie Johnson. The request is to combine the existing lot located at 11869 N Cyprus Drive with property that the applicant purchased from the City. The City Council will take appropriate action.

4. **ACTION: FY 2022-2023 LONE PEAK PUBLIC SAFETY DISTRICT BUDGET**

Administrative - Tyler Bahr, Finance Director

City Council will consider Lone Peak Public Safety District's tentative budget, including an increase in Highland City's assessments to fund the District. The Council will take appropriate action.

5. **ACTION: AUTHORIZATION TO PROCEED WITH A REVENUE INCREASE (FEE OR TAX) FOR THE FY23 FISCAL YEAR BUDGET** *Administrative - Nathan Crane, City Administrator/Community Development Director*

The City Council will discuss authorizing staff to prepare for a revenue increase (fee or property tax) for the FY23 Fiscal Year Budget. The Council will take appropriate action.

6. **ACTION: SAFETY IMPROVEMENT PROJECT AT THE INTERSECTION OF NORTH COUNTY BOULEVARD AND TIMPANOGOS HIGHWAY**

Administrative - Andy Spencer, Public Works Director/City Engineer

The City Council will consider proceeding with a funding application with Mountainland Association of Governments for an intersection safety improvement project at North County Boulevard and Timpanogos Highway.

7. **CONSTRUCTION CONTRACT: MOUNTAIN RIDGE PARK - PHASE 1 IMPROVEMENT PROJECT** *Administrative - Andy Spencer, Public Works Director/City Engineer*

The City Council will consider entering into a construction contract with Stratton and Bratt Landscapes, LLC for the construction of Mountain Ridge Park – Phase 1, including the two bid alternates. The Council will take appropriate action.

8. **ACTION: CONSIDERATION OF AMENDMENT #1 OF THE DEVELOPMENT AGREEMENT WITH MILLHAVEN DEVELOPMENT, LLC.** *Administrative - Andy Spencer, Public Works Director/City Engineer*

The City Council will consider approving modifications to the development agreement with Millhaven Development, LLC for the reimbursement of roadway and trail costs. The Council will take appropriate action.

9. DISCUSSION: ENCROACHMENT POLICY *Legislative - Rob Patterson, City Attorney*

The City Council will review and discuss an encroachment policy prepared by Highland City staff. The Council will take appropriate action.

10. 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. Open Space Disposal - Wimbledon Subdivision

b. Future Meetings

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

11. CLOSED SESSION

The City Council may recess to convene in a closed session to discuss 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 14th day of April.

Stephannie Cottle, City Recorder

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

Council Projects Table

Description	Owner	Due Date	Status
Park Use Policy – 8/17/2021	Erin Wells	12/2021	Creating policy based on 2/17 Council Direction
Playground equipment for Highland Glen Park: look at different vendors – 9/21/2021	Erin Wells, Josh Castleberry	12/2021	Playground ordered. Anticipated install July - September
Park and Open Space Fund Analysis - 9/21/2021	Tyler Bahr	TBD	Finalizing Report
Community Center Carpet and Paint - 9/21/2021	Erin Wells	2/2022	In Progress
Policy on encroachment and maintenance agreements	City Council		City-wide letter going out first part of April
Work with agreement with USAC for soccer fields – 10/19/2021	Mayor & PTTC	11/9/2021	Needs to be completed by April to allow for construction in 2022.
Fee for Open Space Purchase Applications – 11/9/2021	Kellie Smith		In Progress
Budget Development	Tyler Bahr	6/2022	Preparing Draft Budget
Traffic Calming Toolbox – 2/1/2022	Andy Spencer		Preparing RFP for consultant
Yorkshire Court Speed Tracking – 2/1/2022	Andy Spencer		Reported findings to Council on 3/29/2022. Will conduct second study in summer.
Research on spike in robberies – 2/1/2022	Brian Gwilliam		
Field Rental Policy Improvements	Erin Wells		Researching new system. Reviewing MOU with LPYB and CH. Fees under review.
Add meters to Councilmembers homes and share water usage data			



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, March 15, 2022

Waiting Formal Approval

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

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Scott L. Smith

Pledge of Allegiance – Council Member Sarah D. Petersen

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

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

PRESENT: Timothy A. Ball (arrived at 7:06 pm), Brittney P. Bills, Sarah D. Petersen, Kim Rodela, Scott L. Smith

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

OTHERS PRESENT: Jon Hart, Trent & Jodi Boggess, Rochelle & Chad Broadhead, Jeri Pace Symmes, Jake & Emily Shoff, Mandy & Matt Wagaman, Tatiana Lindsley, Zachary Boyle, Ann Boyle, Harold Christensen, Lois Christensen, McCall Alldredge, Shaun Alldredge, Daniele Brown, Diane Walton, Alissa Christensen, Todd Christensen, Bryson & Katie Nelson, Todd Nelson, Rachel Miller, Kurtis Nelson, Tracee Nelson, Stan & Shellie Bieseke, Garry Pay, Chad Bybee, Elizabeth Damis, Landon Bye, Heather Bye, Stan Shumway, Camile Morris, Eric & Wendy Reynolds, Jim & Emily Denos, Steve Peterson, Steven Gardner, Deborah Gardner, Chelsea Chen, Land & Becky Tomlinson, Darin Edwards, Brenda Edwards, Paige Anderson, Dayton Anderson, Sidnie Anderson, Ambree Anderson, Nick Eaton, Dalton

Chadderdon, Jim Boettcher, Aaron Burningham, Kayley Ketch, Chris Howden, Stephen Stowe, Marcus Blair, Rachelle Bell, Lenore Guest, Spencer Robison, Scott & Angie Fuller, Shane & Shannon Davenport, John Ort, Christina Ward, Shawn Oldroyd, Nannette Guest-Watts, Cameron Gregory Ketch, Roger & Diane Walton, Rob & Camille Gifford, Brenda & Michael Westover, Greg & Karen Ketch, Jed Robinson, Erik McDonald, Branton Richter, Sue Bromley, Karen Allison, Wendy Anderson, Sheay Anderson, Eric Donohue, Wesley Warren, Devin Bybee, Garry Pay, Hiromi McDonald, George Bishop, Bruce Hanks, Jeff Vincent, Amy Nelson, Bryce Nelson, Ryan Gardner, Brady Brammer, Steve Rowley

1. UNSCHEDULED PUBLIC APPEARANCES

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

There were no public appearances.

2. PRESENTATIONS

a. Youth Council - Youth Council Representative

A Youth Council Representative will report on their past events and provide an update on upcoming events.

Ryan Gardiner provided a report of the recent activities of the Youth Council, including preparing for the upcoming Easter Egg Hunt.

b. FY2021 Financial Audit Administrative - Tyler Bahr, Finance Director

The City Council will receive a presentation and briefing on the FY2021 financial audit and financial statements from the City's external auditors, Keddington & Christensen. This item is being presented for discussion and to receive general direction. The Council will not take any formal action.

Steve Rowley of Keddington & Christensen provided an overview of the Independent Audit Report for FY2021; the report renders an unqualified opinion that the City's financial statements present fairly, in all material respects, the financial position of the City. This is known as a 'clean opinion' of the City's finances. He discussed auditing of internal controls and noted the auditor did not find any deficiencies or material weaknesses, but there was a finding that the City did not comply with the requirements regarding budgetary compliance as the City exceeded budgeted expenditures in one of its funds. This is a fairly common finding for municipalities and information regarding this budget overage is summarized in the audit report. He then concluded that his firm worked very well with City staff and there were no other issues identified in the course of the audit.

Council Member Smith stated the audit report indicates that in 2021 the City's capital assets were worth \$66 million and he asked how that determination was made. Mr. Rowley stated that is based upon historical values determined by the County or invoices for the initial cost of the asset. Council Member Smith asked if that takes into account the depreciation or appreciation of the asset. Mr. Rowley stated that the value is determined by considering the original cost and applying an amortization schedule to the asset to determine current value. The value included in the report may not reflect actual market value.

Mayor Ostler asked Mr. Rowley to expound on the material weakness found in the City's Culinary Water Fund. Mr. Rowley stated that this type of situation typically arises when expenses are invoice after a FY has drawn to a close; these costs must be recorded against the appropriate FY budget, but if that is done after the end of the FY, an overage will be included in balance sheets.

Council Member Smith referenced page seven of the report, noting the Public Safety revenue is lagging behind expenditures by \$3.5 million; he asked if that is due to those funds being managed by the Lone Peak Public Safety District. Mr. Rowley stated that the graph is informed by the chart of accounts included on page six of the report. Finance Director Bahr added that there is a specific Public Safety Fee that covers only a portion of the overall public safety costs of the City; the public safety budget is included in the general fund and the difference between the revenues and expenses for public safety is made up from other revenues. Mr. Rowley stated that it is common for property tax and sales tax revenues to subsidize public safety budgets in municipalities.

c. Legislative Updates - Brady Brammer

Representative Brady Brammer will provide an update to the City Council regarding the latest legislative session with emphasis on the bills that effect Highland City.

Representative Brammer provided the Mayor, Council, and others in attendance with a report of the actions taken by the Utah Legislature in the 2022 Legislative Session. His report focused on general budget adjustments for education; Utah Lake legislation; transportation funding; funding for public buildings.

Council Member Smith thanked Representative Brammer for supporting legislation that will facilitate the construction of the new Utah State Development Center (USDC) facility in Utah County; this will provide needed therapy for many residents in the State. Representative Brammer stated that the legislation will also provide increased funding for wages for those working in the facility; this is critical due to current labor market conditions.

Council Member Rodela referenced House Bill (HB) 244 dealing with secondary water and asked how that will impact Highland City. Representative Brammer stated the bill provides a grant program for secondary water metering; cities should submit their applications early to maximize the amount of funding they are eligible to receive. Mayor Ostler stated that it is his understanding the City will only have two years to get meters installed. Representative Brammer stated that the Legislature recognizes there may be a shortage of laborers who can perform the work to install secondary water meters and it will be necessary to evaluate those conditions when determining the level of grant funding for each city; the grant program will be funded with American Rescue Plan Act (ARPA) funds.

Council Member Bills stated that the Utah Supreme Court heard the Pleasant Grove court case this week regarding user fees, and she asked Representative Brammer if he has any insight on that matter. Representative Brammer stated he did not listen to oral arguments in the court, but he does have some opinions on the issue; he believes Pleasant Grove will lose the case as the fee is essentially a tax and should be required to go through the truth in taxation process. He is unsure what the final decision will mean for fee revenues that have been collected to date. There was brief discussion about the implications for other cities who have fees similar to the Pleasant Grove transportation fee.

Mayor Ostler asked Representative Brammer for information regarding the legislation dealing with affordable housing and how it will impact Highland City. Representative Brammer stated that one bill deals with transportation reinvestment zones (TRZ) and would require or provide for higher density/housing affordability along transportation corridors. He does not believe the legislation will dramatically impact Highland, unless State Road (SR) 92 were characterized as a TRZ. The designation should be based upon mass transit rather than traffic flow.

Council Member Ball referenced HB331 and asked why it was defeated so soundly. Representative Brammer stated that legislation dealt with the Hope Scholarship and allocating more funds for those who test poorly in certain areas. There was opposition from the education unions as well as lawmakers because they want funds to be used for all children without too many strings attached. Additionally, the bill was introduced late in the session and there was not enough time to discuss or adjust it responsive to concerns before the session closed.

Mayor Ostler thanked Representative Brammer for his report and his responsible representation of the community.

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 - Stephanie Cottle, City Recorder*
City Council Work Session – February 8, 2022
- b. **Action: Amended Interlocal Agreement with Utah County for 6800 W**
Administrative - Andy Spencer, Public Works Director/City Engineer
City Council will consider an amended Interlocal Agreement with Utah County regarding the additional funding necessary to complete the 6800 West reconstruction project. The Council will take appropriate action.

Council Member Scott L. Smith MOVED to approve consent items 3a Approval of Meeting Minutes for February 8, 2022 and 3b Amended Interlocal Agreement with Utah County for 6800 W.

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

The motion passed 5:0.

4. **PUBLIC HEARING/ORDINANCE: GENERAL PLAN AMENDMENT - TRANSPORTATION ELEMENT OF THE GENERAL PLAN** *Legislative - Kellie Smith, Planner/GIS Analyst*

The City Council will consider a request by City Staff to amend the Transportation Element of the General Plan to update 4800 West from three lane major collector to a five-lane arterial. The City Council will take appropriate action.

Andy Spencer, Public Works Director/City Engineer, reported this item was first heard during the City Council Meeting of March 1; in January 2022, Mountainland Association of Governments (MAG), Utah Department of Transportation (UDOT), Alpine City, Highland City, and Lehi City commissioned a study “to evaluate traffic operations and connectivity for the eastern portion of State Route 92 (Timpanogos Highway).” The study considered major intersections from Lehi Center Street to Canyon Road as well as off-corridor locations. By 2050 the major intersections from Highland Boulevard to North County Boulevard are all projected to operate at a level of service (LOS) of E or F. Growth is projected for this area and there are challenges on the roadway, including that the southbound and northbound lanes do not align and there are no sidewalks on the east side of the road. City Administration wishes to find a permanent solution to these problems on 4800 West, including the four

intersections at SR74, 6000 West, 6400 West, and Highland Boulevard. Ten percent of all accidents in Highland City occur at the intersection of SR92 and North County Boulevard. He presented photographs taken on October 29, 2021 at 7:30 a.m. and November 2, 2021 at 3:50 p.m. to illustrate the traffic congestion at the intersection of 4800 West and 11200 North. He then noted the initial proposal was to construct a five-lane arterial from SR92 to the Alpine round-a-bout, but that proposal has evolved through conversations with the public and the Planning Commission; options include building five lanes from SR92 to 11200 North or addressing intersection safety improvements while minimizing the transition – specifically near Snowflake Drive. These adjustments have been considered from the position of being sensitive to the impacts residents will experience. The current proposal includes intersection safety enhancement as follows:

- Adopt an intersection cross-section
- Does not change the street classification and adopt a design cross section for the intersection
- Transition being minimized based on Engineering standards
- Snowflake Drive

Mr. Spencer presented renderings illustrating optional intersection enhancements; this includes a three-lane collector street, 10-foot sidewalks or trails on the east side of the road, a six-foot sidewalk on the west side, continuous road shoulders, and pedestrian crossing areas.

Mayor Ostler clarified the current recommendation is to deny the change in street classification for 4800 West from a three-lane major collector to a five-lane arterial and approve a change at SR92 and 4800 West to include a 10-foot trail on the east side, a five-foot road shoulder, two 12-foot travel lanes on both the north and south bound sides of the road, a 12-foot turning lane, and a 11-foot right hand turn deceleration lane, and a six-foot sidewalk on the west side of the road. Mr. Spencer stated that is correct; the road will transition to wider widths at intersections, and back to three lanes along the longer stretches of the road. The 10-foot trail will run along the roadside all the way to the border of Highland, where it can link to other trail systems as part of the City's active transportation network. Mayor Ostler stated that the concept also includes pedestrian crossing points at points along 4800 West. Mr. Spencer stated that is correct; there will be a "Z" crossing pedestrian pattern along the roadway. The adjusted recommendation is intended to address core safety needs at intersection and honoring the concerns and requests of residents who live along the roadway.

Council Member Smith thanked Mr. Spencer for listening to the input of residents; he discussed Canal Boulevard, which was designed to accommodate 6,000 to 8,000 vehicles per day and is currently handling over 7,000 vehicles. He asked why it is not possible to shorten the transition area to limit the impact to residences. The transition included on the renderings provided by Mr. Spencer will result in the loss of at least one home and front yards of other homes. Mr. Spencer stated that the recommended transition length will give motorists enough time to signal and merge into traffic. If the transition can be shortened, he will pursue that option, but he has recommended what he feels is appropriate. He believes there will be an impact to nine or 10 properties, and he understands that impact will not be minor. He is simply trying to balance the safety of the area with residential impacts. A difficult decision on the preliminary design must be made by the Council, in order for the City to proceed with seeking funding for the project.

Mayor Ostler stated that if a decision is made by the Council tonight, staff will submit an application to the Mountainland Association of Governments (MAG) for funding; the City will seek public input on the design and pursue right-of-way acquisition before soliciting bids for the project. Mr. Spencer stated that is correct and noted the project could take three to four years to come to fruition.

Council Member Rodela asked if the Council would have additional opportunities in the future to act on the project. Mr. Spencer stated that the City will work with a consultant on the design of the project, and it will be appropriate to bring the recommended design(s) back to the Council for input and approval.

Mayor Ostler opened the public hearing at 8:13 pm

Lois Christensen stated she attended the Planning Commission and City Council meetings regarding this project, and she is glad to hear that the City has listened to public input; she will still be impacted, but she is glad that the overall impact has been reduced.

Spencer Robison addressed the safety of the roadway, noting that from 2017 to 2021 there has been a 46 percent decrease in accidents. This is due to the increase in law enforcement presence on the roadway and the residents are grateful for those enforcement efforts. He stated that he and other residents appreciate the Council's willingness to listen to them and communicate with them via email regarding this project; however, they wished that the communication would have taken place back in November rather than now when the matter is so urgent. He stated that the data that is being used to justify this project only represents a 14 percent increase in movements at the intersection, however the number of lanes will be doubled, and residents feel that change is too dramatic. He suggested the City study the reasons that accidents have occurred rather than overreacting and widening the intersections as has been suggested tonight.

Jeri Symmes stated she grew up in the home at the intersection of 11200 South and 4800 West; her brother now lives in that home and she lives on his east. She believes in growth and applauds everyone who wants to raise their children in Highland, but she believes that as the road is widened, more cars will come. There are many children in the area that are playing and riding their bikes, but a wider road will bring more teenage drivers who are commuting to school, and this will create dangerous conditions for the children already living there.

Shane Davenport also thanked the Mayor and Council for listening to and honoring the concerns expressed by residents. He asked for more study of the timing of the turn signals at the intersections. He added that the photos that were presented by Mr. Spencer were taken during the busiest times of the day; there is truly only an hour in the morning and the hour in the afternoon when traffic is difficult, but the rest of the day the street is not very busy.

Shaun Allredge stated that a lot of work has been done in a short amount of time and the adjusted proposal is an improvement, but he believes that major changes in the timing of the left turn signal could dramatically improve traffic in the area. He wondered if the data that is being considered is current and if decisions are being made too quickly.

Alissa Christensen stated she just moved to Highland from Las Vegas, Nevada and she also expressed appreciation to the Mayor and Council for listening to residents. She stated that she lives on Allegheny Way and her kids cross the street on a regular basis; she also has a high school student who drives to school and she is concerned about increasing traffic in the area. Her neighborhood is located directly between two very busy streets: Alpine Highway and Canyon Crest. School bus routes are already problematic, and many children are dropped in areas where they are forced to cross a busy street to get into their neighborhood. Most of the traffic that comes into the area is from the east side of Alpine and providing connectivity to South High Bench Road that would go around this area would alleviate many of the congestion issues.

Elizabeth Damis stated she lives in Alpine and is also very worried about general safety of road. She is concerned about the Council making a decision tonight that could change in the future and she hopes that all decisions will be based upon safety of residents – especially children – in the area. She stated that widening a road does not necessarily make a road safer and there are other options for addressing traffic issues.

McCall Alldredge stated she sent the Council an email about experiences she has had with her daughter; she has gotten out of her home and crossed a very busy 4800 South. Her biggest concern is the speed limits on the road and the large number of young children. She presented statistics about the death rate for those involved in a pedestrian accident. Ten percent of people impacted by a vehicle traveling at 16 miles per hour died; at 23 miles per hour, the death rate is 23 percent, and at 31 miles per hour, the death rate is 50 percent. She asked that the City take these statistics into consideration when making decisions about this project.

Jeff Vincent stated he is also concerned about the direction of this project; Mr. Spencer indicated that 10 percent of accidents in the City occur on this road, but he asked how many are north/south traffic and how many are east/west traffic. It may be better to address the speed limit of the road approaching the intersection than widening the road around the intersection. It also seems curious to him that the photos taken were from the busiest times of day.

Landon Bye stated he lives on Allegheny Court in Alpine and is very upset that the Alpine City Council pushed this project through in a very secretive way; they did not notify any residents and many have been soured on this issue. Alpine residents are pursuing a referendum on the matter. He stated that he has been to two Alpine meetings and two Highland meetings, but he has yet to hear anyone say that they love the ideas that have been presented. Everyone that has spoken has been generally opposed to the expansion of the road and there are many who have not spoken that share those concerns. He stated that the Alpine Mayor is most concerned that kids cannot get to school in time because of traffic. He agrees with a gentleman who spoke during the March 1 City Council meeting who suggested that the City simply embrace the traffic; it is only busy two times per day during peak commute hours, but there are no backups at the intersections at other times of the day. He rarely sees more than three or four cars backed up towards the east to American Fork Canyon; the backups that do occur could be addressed by resetting the timing of the traffic signals.

Cameron Ketch stated that it seems as if solutions are being proposed before all the necessary data is available. There are a few laws of traffic and congestion that are universal; one is that peak hourly traffic congestion rises to meet capacity and the other is that if you increase the number of vehicles, you will increase the number of accidents. More lanes with more cars equal more accidents so if the City's primary goal is safety, it should look into reducing the number of cars on the road and improving access to other alternatives. He stated he does not feel comfortable having his children cross that road on their own. It is problematic to rush decisions based upon access to funding rather than sound and complete data.

Greg Ketch stated he is also an Alpine resident, and he thinks that the behavior of the high school is problematic; they recently started allowing sophomores to drive and they increased their parking capacity to accommodate more vehicles. He feels that behavior should be addressed before pursuing a project that will be detrimental to a great number of residents in Highland and Alpine. He suggested the City and the high school embrace public transportation options for students. He concluded he appreciates the Highland City Council listening to residents from Alpine as their City Council did not give them a chance to provide input.

John Ort also thanked the Mayor and Council for listening to the input of the residents. He stated he feels the speed limits on 4800 West are too fast; there are no traffic lights or other mechanisms to pause the natural flow of traffic so speed is too high. He asked why the City would consider this road project when the construction on the Alpine Highway has not even been completed. He stated that he has begun counting traffic on 4800 West and has observed that traffic is not a problem for the majority of the day, outside of the heavy traffic hours. He suggested that the speed limit be reduced to 25 miles per hour and that speed bumps be added to the road. Speed control is a better option than widening the road.

Scott Fuller addressed Council Member Smith's background in medicine; there is an axiom in medicine that reads "first do no harm". This means it is appropriate to consider as little intervention as possible when trying to address a problem. He feels the same ideology can be applied to this situation; the City is considering a major project with incomplete data and the Council should not support a project based upon the 'sunk costs fallacy'. He wondered if the Council would be having this conversation if the project were going to be funded entirely by Highland City tax dollars rather than with the aid of 'free money'; he counseled the Council to consider alternatives to what has been presented tonight and to gather complete data before making a decision.

Bruce Hanks stated he is angry with Alpine, and he salutes Highland for accepting public input on this issue. He stated the Alpine Mayor and Council are in the process of destroying their credibility with their citizens and the citizenry is going to do something about it. He thanked Council Member Smith for asking if it is necessary for the widening to extend to Snowflake; he agreed that widening is not appropriate and noted the residents who

moved to that area did so for very specific reasons. He advised the City to not create a metropolitan oasis in the area. He suggested that the City fix the intersection, but not widen the road, which will only increase traffic congestion.

Tatiana Lindsley stated she contacted the Utah Department of Transportation (UDOT) Traffic Operations Center and they informed her that the traffic signal at the subject intersection is 'running free', which means that it has no specific timers added to it. They informed her of opportunities to adjust lighting plans responsive to traffic flow. They also told her that she was the first person to call about this intersection, but that now that they have received her call they could begin working on a light plan. They are running a study and can implement a light plan in two to three weeks; the timing of the light will only be adjusted during heavy traffic. She then noted the house that she and her husband bought was built in 1960 and over the last three years they have been working to update it; she has learned that it is best to consider all options for major improvement projects and the same is true for the roadway that the Council is considering.

Rochelle Broadhead stated that she and her husband own a design build business; they design before building a project. If proper design is not done, mistakes will be made. When projects are rushed, mistakes are made. She noted that Mr. Spencer referred to the proposed adjustments as a permanent solution and once something permanent is done, it cannot be undone. The decision the Council is being asked to make would be very impactful for the residents that live along the roadway. She stated there are only two turn lane signs on SR92 right next to a crosswalk, so no one knows when it is time to turn and that is likely leading to a significant number of the accidents in that area. The road has not been studied well enough. Other things could be done to address traffic and congestion, as well as safety concerns, before a \$10 million decision is made that will take people's homes and change lives. She asked that the Council consider the least impactful options before approving those that are very impactful.

Zachary Boyle stated he is a former UDOT Traffic Engineer, and he has been reviewing the same study data that has been referenced tonight; as residents have said, the traffic studies show that growth and traffic will happen on the Alpine Highway and widening 4800 West to a five-lane road does not make sense and would be a waste of funding. He added that additional lanes typically increase safety problems rather than decrease them. Instead of trying to squeeze in an extra car at the light, the City should consider the types of crashes that are occurring and consider options for addressing those circumstances. He asked that the Council oppose the five-lane road and intersection widening.

Branton Richter stated he lives on Allegheny Court and he and his wife walk in the area regularly; they cross Canyon Crest to walk around a loop before returning to their home. His 14-year-old son crosses the road four times a day and he hopes that it will not become a five-lane road that he is forced to cross. This project, if approved, could be a catalyst for similar projects to creep throughout the community.

George Bishop stated he understands the proposal is to take North County Boulevard up to Snowflake; he lives in the middle of that area, and he understands what occurs in the 'problem area'; he does not think anyone has considered that creating two southbound lanes through the intersection will eliminate the turn-lane onto SR92 from North County Boulevard. This will create so many problems, especially in the morning rush hour. He hopes that the Council will reconsider this issue and not try to fix something that does not need to be fixed.

Harold Christensen stated that given the location of his home, he has had the opportunity to watch traffic and the traffic heading north is amazing at times; in the last six months there have been two major traffic accidents that have ended up in his front yard. One problem is that the roadway is not level and when cars go through too fast, they are out of control. One accident was a result of a truck pulling a trailer with a heavy load, going too fast, and when going through the intersection the trailer was disconnected and he lost his load. He stated that he is not sure how to address that issue given the topography of the area. He then relayed a story from a Brigham Young University (BYU) professor about using different methods for making decisions; many methods are arbitrary and should be avoided. In closing, he relayed stories of a few other tragic vehicle accidents that have occurred in close

proximity to his home and stated that he agrees with others about the need to consider serious solutions to the increase in traffic the community has experienced.

Eric McDonald stated he home is very close to the road and the shoulder is not wide enough for a vehicle to park on; he believes it will be necessary for the road to be fully widened eventually and he does not understand why the City would only widen it at Snowflake and create a bottleneck. He asked the Council to consider whether they are just ‘kicking the can down the road’ and suggested that they carefully evaluate all options before making a quick decision.

Haley Ketch stated she is an Alpine resident and also did not feel heard by her own City Council. She stated there are a few things that stood out to her in the plan that was presented tonight; first is aggressive cyclists and the use of a “Z” pattern sidewalk that will force pedestrians to look toward traffic before crossing. She stated she feels pedestrians and cyclists should be protected from the cars that are travelling at high rates of speed; the speed limits are unsafe and there is not a proper crosswalk on the road. She asked the Council to take into consideration the safety of pedestrians, especially children, who are out trying to use public trails and enjoying the outdoors where they live. The five-lane highway would be a detriment to those who live near it.

Steven Stowe stated he lives on SR92; he attended the Planning Commission meeting and there was a great deal of discussion about whether it would be appropriate to approve the five-lane road if Alpine was not going to approve it. The meeting was stopped and the announcement made that Alpine had approved the road and suddenly everything changed. He attended the March 1 Council meeting and was hopeful after hearing the discussion, but the alternative he has seen presented today is still problematic. It will impact his and his neighbors’ homes. He wondered why anything is being done to begin with because he has not seen a problem; he asked that the Council consider other highway alternatives before moving forward with a project that is not needed.

Nanette Guest-Watts stated that she and her parents have lived in this area for 30 years; she lives on Canyon Crest in Alpine and runs the road on a regular basis. At one point she heard there was consideration of eliminating trails. When the last road widening project was completed, she lost a portion of her property and she had to go to court to address a discrepancy with her boundary line. She has been hit by a teenage driver who was texting, and she is concerned by increased traffic and more lanes that are narrower. She cannot imagine her area taking on any more traffic or losing more homes in the area due to this type of project. She thanked the Mayor, Council, and staff for listening to the residents’ concerns about this issue.

Jim Boettcher stated he also lives in Alpine and he feels that increasing the road to a four-lane road will turn it into a new State Street; next, it will be going further north and may cause people to try to develop the abutting property for commercial uses. He asked the Council to consider the unintended consequences of any decision they make on this matter.

Chad Broadhead stated that he is opposed to both options that have been presented to the Council; as soon as the City hands this project over to UDOT, they will lose all control. He loves the idea of being purposeful and considering projects that are truly depending on needs and growth. If the City proceeds with a three-lane road after Alpine has already voted on a five-lane, he wondered how the road will transition at the City’s boundary.

Garry Pay encouraged the Council to vote in opposition to both proposals; before impacting property values, the City must look for a less intrusive option. As has been pointed out, there are only issues during the morning and afternoon hours when school traffic is greater but adjusting the timing of the traffic signals can help to mitigate those issues. He added that enough time has not lapsed since the left turn lane was built; more time should be taken to evaluate data from that improvement to determine if it will help to solve some of the problems. Future growth will be more impactful on the areas around the Alpine Highway and any expansion should occur there rather than on Canyon Crest Road.

Wesley Warren complimented Ms. Lindsley for contacting UDOT regarding the timing of the traffic signals on the roadway; she may have saved the City hundreds of thousands of dollars with just one phone call. He

encouraged the Council to ask more questions and evaluate all data before voting on this type of project; tonight, the Council should vote no on the proposals that have been presented.

Karen Allison stated that it is unknown whether the accidents on the roadway will decrease if the intersections are expanded; more research is necessary to determine the answer to that question before making a decision that will dramatically change people's lives. She suggested the City erect signage that clearly communicates traffic patterns well in advance of the intersections. She also supported changing the timing of the traffic signal to accommodate increased traffic during the heavy times of day. She concluded that she feels the photographs that were presented are false information; it is interesting to her that they were taken at the heavy traffic times to show a great deal of congestion.

Amy Nelson stated that she has three families that will be greatly impacted by the proposed road projects. She appreciates the Council listening to the concerns that have been expressed and she does not understand why the focus is on this area of the City rather than on Alpine Highway where the road widening would be much easier. She wondered why the Council would consider ruining this neighborhood where there are a great deal of children. She agreed with the sentiment that if the road is widened, the traffic will dramatically increase.

Shellie Biesele echoed the recommendation to adjust the timing of the light at intersection that handles high school traffic. More signage would also be helpful. She stated that her property has been impacted by road projects in the past and she does not think she can handle further impacts associated with this project.

Marcus Blair stated he is also concerned about the photos that were presented; they were not taken randomly, and he feels they are deceptive. He finds it grossly negligent that the City did not first pursue adjusting the timing of the traffic signal before considering such a massive project. This is an example of why people hate government; going into a project of this scope without first attempting the most basic fix is concerning. He acknowledged there are some real safety concerns on the roadway but agreed signage could be improved to try to address those concerns. If the simple improvements are not effective, the issue can be reevaluated to determine if the major road project is truly needed.

Chad Bybee thanked the Council for listening to the input from Highland and Alpine residents. He stated that he operates a landscaping business and used a sprinkler analogy to communicate his concerns about the road project; it would be absurd to rip up an entire yard to fix an issue with one sprinkler and the same is true for this road project. The City should consider adjusting the timing of the traffic signals and install additional signage rather than tearing up the entire roadway and impacting many residences. The residents expect the City to exhaust all resources before moving forward with a project that will be irreversible.

Bryce Nelson referenced the slide in Mr. Spencer's presentation that included traffic data. He stated that the updated proposal is a better solution, but the data is unclear and needs to be reevaluated. He suggested making the easy changes that have been discussed tonight and waiting two years to evaluate the data resulting from those changes. It has not been proven that the proposal would actually reduce accidents; a UDOT Engineer has said tonight that expanding the number of lanes will actually increase accidents. He asked that the Council vote against something drastic; the data does not show that the proposed project would be successful.

There were no additional persons appearing to be heard and Mayor Ostler closed the public hearing at 9:39 p.m.

Council Member Smith asked for a five-minute recess.

The meeting resumed at 9:49 p.m.

Mayor Ostler referenced the comments made during the public hearing regarding the timing of the traffic signal. The City did reach out to UDOT about the traffic signals and UDOT has indicated the signals are 'running free', meaning that the signal is based upon demand at the intersection. The following are the maximum green light times at the intersection, which represents operating times during peak traffic times:

- Northbound left and through lanes – 35 seconds.
- Eastbound left and westbound left lanes – 20 seconds.
- Eastbound and westbound through lanes – 35 seconds.
- Southbound left and through lanes – 35 seconds.

He then referenced the comments made about the photographs presented by Mr. Spencer; he noted he has used his own drone to try to capture photographs of the traffic at the intersection and found reduced traffic levels. He contacted the high school and was told that on Tuesday the juniors were taking their ACT tests and the sophomores and seniors were out of school. He visited the area again on Friday and there was very little traffic that day as well. He stated that Mr. Spencer took photos to help the Council understand when traffic was heavy; he visited the area on random days, but the time was intentional as he was trying to capture photographs when traffic was heavy. He and the Council recognize there are days when there is little to no traffic and that traffic is heaviest during the peak commute times. He referenced the traffic levels at the intersection of SR92 and 4800 West and he asked Police Chief Gwilliam to discuss traffic and accident data for that area.

Chief Gwilliam stated that the traffic data graph that was provided in Mr. Spencer's presentation was created by the Police Department; it reflects traffic incidents that required a Police Department response over the last five years. They are broken down into categories including traffic stops, accidents, and other calls for service. The report indicates that a significant portion of the total accidents in Highland occur at this intersection; there is just one other intersection in the City where more accidents have occurred. Just this evening at 8:15 p.m., there was an accident with injuries at the intersection. He added does not believe the left turn signals adjustments have been in place for long enough to have an accurate understanding of the impact.

Mayor Ostler asked if 31 percent of the accidents on SR92 occur at the intersection of North County and SR92. Chief Gwilliam stated that the 31 percent number is for all accidents on SR92; 10 percent occur at the referenced intersection.

Council Member Peterson thanked Mr. Spencer and City staff for their efforts on this project; she also thanked residents for the respectful manner in which they have addressed the Council. She stated this is a very difficult decision and she is internally conflicted about the matter.

Council Member Rodela stated two of the issues raised by the public that resonated strongly with her include why the City is not considering expanding Alpine Highway rather than 4800 West, and whether the process is being rushed. She stated it is her understanding that this is the very beginning of a very long process to gathering data, designing alternatives, and working with residents to determine the best option for the road. Mr. Spencer stated that there has been a study performed for the SR92 corridor and that study recommends improvements at five intersections along the roadway; there are improvements planned for the Alpine Highway intersection, but also at 6000 West, 6400 West, and Highland Boulevard. If problems had not been observed at the intersections, the study would have never been completed. He agreed this is a very long process and the City is in the early stages of that process; there is much work and refinement to be done and there will likely be opportunities to optimize the service levels of the road utilizing tools such as timers on the traffic signals. He stated he believes the City's track record shows that staff and elected leaders do listen to the input they receive from residents. The goal is to improve the function and safety of intersections along the roadway.

An unidentified resident in the audience asked if a developer is behind this project.

Mr. Spencer stated that the study was a cooperative effort between UDOT, MAG, Alpine City, Highland City, and Lehi City. He reiterated the study was a response to recognition of problems at the intersections along SR92.

Council Member Smith discussed the growth of Highland and surrounding communities, which has contributed to increased traffic; he cited an article in the Scientific American from several years ago that indicates that building a wider road will increase speed and traffic. Traffic will eventually overrun everything and that has been seen on

Interstate 15 on various sections of the road that have been widened throughout the State. He stated that people routinely drive 5 or 10 miles over the speed limit. He discussed speed limits on various roads in the City and asked why it is necessary to have major highways in the City and why higher speeds are allowed. Many moved to Highland because they wanted a neighborhood community that did not have a great deal of commercial development and traffic, yet proposals are regularly made to widen roads and increase speed. Population studies indicate that Highland's build out population will be 25,000 and Alpine's build out population will be 15,000. It is his opinion that the cities should consider all options, one of which being working with the local high schools to limit the number of drivers traveling to and from the schools. Sophomores have been allowed to drive, which has increased traffic and on-street parking. He wondered why everyone is spending millions of dollars to enable kids to drive at an earlier age at the detriment of the community. He personally believes the City does not need a five-lane road and he is leaning towards a three-lane road with wide shoulders and sidewalks on both sides. He feels traffic signalization can be used to address traffic congestion. He appreciates the input from residents of Alpine and Highland, but as a Highland resident he is concerned by the fact that Highland City always builds larger roads, while partner cities are not doing the same. As an example, American Fork was supposed to connect 700 North to the Alpine Highway to provide another east/west corridor for motorists, but that has not happened and it likely will not happen now that a connection has been provided through Highland. He stated that he is most concerned about moving forward with projects that disrupt Highland citizens while other cities are doing nothing. He concluded by noting that he supports staff and thanked them for their work, but he believes there are alternatives to building major highways through existing neighborhoods.

Council Member Bills stated she disagrees with the point that the proposal would be the same as building a major highway through a neighborhood; she does not believe that adding one extra lane to the road will be the same as building a major highway. She feels she has been listening to and reading the input provided by residents; most said they did not want a five-lane road, but that they are concerned about safety on the road. She believes that the proposal made by Mr. Spencer tonight honors those concerns as it is not a five-lane road. She addressed the resident who spoke about her daughter who wanders from her home; the hardest emails she has had to read are those that claim that a decision made by the Council will result in a child being killed. She stated that is a heavy weight to place on an elected official who earns \$400 per month and tries to make decisions that will benefit the entire community rather than favoring one neighborhood. She stated she lives in View Point and drives through the intersection in question every day and she has seen some very bad accidents there. Some have said that if a certain decision is made, it will prove the Council does not care about safety, but that is not correct as her main focus has been safety. The intersection is dangerous, and people are driving very fast, and she is very concerned about safety. She stated it is important to clarify that the proposal will not include taking any existing homes, but some properties will be impacted. She does not want to minimize that impact and she does not take this decision lightly. This is not the first time the Council has made a hard decision. She noted that many people have commented about their desire for sidewalks, bike lanes, and road shoulders, but those improvements would require the road to be widened as well. She wondered if it is an option to include those improvements on just one side of the road. She is unsure what will make everyone happy.

Council Member Rodela asked if it is an option to gather more data and bring this issue before the Council again in two years for a decision. If it is determined after two years that a major project is needed to improve the safety of the intersection, would the City still be eligible to receive MAG funding. Mr. Spencer stated that in each round of MAG funding decisions, the Board works with the money they have available and prioritizes competing projects to determine funding levels. It is difficult to predict what will happen in two years because there is no way of knowing what other projects the City will be competing against. Mayor Ostler stated that for the current round of funding, the City must submit an application within the coming days; on June 5, the Mayors who make up the MAG Board will meet and rank the projects. Mr. Spencer stated that is correct; in order for the City's application to be accepted by MAG, it must have Council support.

Council Member Peterson inquired as to the latitude the City has over design changes for the project. Mr. Spencer stated that the City has latitude to refine the project scope and design, but it would be inappropriate to ask for funding for a five-lane project and then change the scope to a three-lane project. The project that the City applies

for, and the finished product need to resemble one another. There is room for refinement and adjustment, but a 'bait and switch' would be problematic.

Council Member Smith asked if the City would need to wait two years to submit a MAG application if the decision is made to not proceed with the current proposal. He wondered if the City could work with UDOT to adjust the timing of the intersections and evaluate the effectiveness of those changes over the coming months and years. He would like a good road with improved sidewalks and road shoulders, and he would be more supportive of a three-lane road, but he is concerned about rushing a decision when other things can be done to address the current conditions on the road. Mr. Spencer stated that if the Council wants to apply for funding this year, the concept application is due this Thursday. If not, the City cannot apply for funding for another two years.

Council Member Peterson stated she does not want to be forced to make a decision just because there is a funding option; the decision should be based on whether the project is the right thing to pursue at this time.

Mayor Ostler asked if the study completed regarding the roadway will still be valid in two years. Mr. Spencer stated it would be appropriate to update the study to determine the need is still present.

Council Member Bills stated that based on the different proposals that are based upon the same study data, she is comfortable taking additional time to evaluate the issue. Council Member Smith added that the study is intended to project the needs on the roadway to the year 2050, which is when the City is projected to be built out.

Mr. Spencer noted that the one additional option for the Council to consider is that the City could submit an application by the deadline but withdraw it at any point in the process to take additional time to evaluate the project or new data.

Council Member Scott L. Smith MOVED that the City Council deny the change in street classification for 4800 West from a three-lane major collector to a five-lane arterial and recommend that we instruct staff to pull our application and come up with a more complete study of what we need, listening to the citizens' concerns, and consider making it a three-lane road the full length.

Mayor Ostler clarified that the motion reflects a denial of the amendment to the Transportation Element of the General Plan. Council Member Smith stated that is correct and he also does not want staff to proceed with submitting the funding application to MAG; he would like to further evaluate the conditions on the road after adjustments are made to the timing of the signal. He feels the City can develop a plan that is less invasive.

Council Member Peterson stated that she likes the idea of keeping the City's options open; she agrees with the notion of slowing down the process relative to this project, but she does not want to close doors on opportunities. She does not want to change the General Plan, but she hates to close the door on funding opportunities until data is available regarding the results of the adjustments to the timing of the traffic signals.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>No</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 4:1.

5. ZONING APPROVAL/REASONABLE ACCOMMODATION: ROCK SOLID RECOVERY *Administrative – Kellie Smith, Planner/GIS Analyst*

The City Council will consider a request by Jordan Harris for zoning approval for a 9-patient residential rehabilitation/treatment facility with one (1) live-in staff member located at 5159 W 11000 N. The City Council will take appropriate action.

Planner and GIS Analyst Kellie Smith provided background information regarding this application; the Council considered it on February 15 and made the decision to continue the application until tonight to provide time to gather additional information regarding the requested use. She then provided a summary of the request as follows:

1. The applicant is requesting zoning approval to operate a “residential facility for the rehabilitation and treatment of the disabled” in an existing residence. The proposed site is a two story, 3,688 square foot home with seven to eight bedrooms, three baths and a two-car garage. The lot is 12,196 square feet in size. The backyard is fenced. No exterior modifications will be made to the house.
2. The proposed facility will provide private and semi-private rooms for nine (9) patients and one (1) staff member. The home has six off street parking spaces available for staff and visitors.
3. The applicant aims to secure state licensing to, according to the applicant’s narrative, “provide secure housing to recovering addicts who are in need of supervised living, a safe and secure environment with controlled curfew, rules and set programs assisting in recovery.” The applicant submitted an application to the Bureau of Health Facility Licensing and Certification per State requirements.
4. Ryan Chriswell is the owner of the home. The treatment facility will be run through Rock Solid Recovery Inc.
5. The applicant has requested a reasonable accommodation to allow nine (9) patients and one (1) live-in staff member, a total of ten (10) unrelated individuals.

She then discussed the request for a reasonable accommodation and noted that it appears to meet the following findings:

- The project narrative verifies that the housing will be used by persons with a disability as defined under the acts;
- The request for reasonable accommodation is necessary to make specific housing available to a person with a disability as defined under the acts;
- The requested reasonable accommodation does not impose an undue financial or administrative burden on the City;
- The requested reasonable accommodation does not require a fundamental alteration in the nature of the neighborhood, including but not limited to land use and zoning;
- No change is being proposed to the existing and proposed physical attributes of the property and structures;
- The proposed accommodation or facility complies with the condition of the zone in which it is located;
- The applicant and live-in staff member are responsible to ensure that the facility residents do not pose a direct threat to public safety, as stated in section 3-4102 of this ordinance;
- The proposed safety plan complies with all building, health and safety requirements, including state or local licensing laws where applicable. A fire safety inspection will be required with the business license application;
- The proposed facility provides adequate off-street parking for its residents; and
- Proof of certification and/or licensure from the State of Utah Department of Human Services was provided with the business license application submitted November 11th, 2021.

Additionally, the proposed site plan meets the following findings:

- The parking meets the requirements of the development code.
- The required distance between group homes is greater than ¾ mile.

Ms. Smith concluded staff recommends that the City Council accept the findings and approve the request for zoning approval and a reasonable accommodation subject to the following stipulations:

1. The use shall comply with site plan and project narrative date stamped February 1, 2022 except as modified by these stipulations.
2. The number of residents shall not exceed ten (10).
3. No exterior changes will be made that would alter the residential character of the property.
4. Exterior signage that would identify this site as a group home shall not be permitted.
5. All Fire Code and Building Code requirements shall be met.
6. The applicant shall provide the City with a copy of a valid license from the Bureau of Health Facility Licensing and Certification prior to receiving a certificate of occupancy for the group home.

She noted, however, that If the Council determines that the applicant has not presented sufficient information or support for the requested accommodation, the Council should grant zoning approval to the facility, as it is a permitted use, but deny the request for accommodation on the allowable number of unrelated persons.

Council Member Smith stated that the original request was for nine residents plus one staff member. Ms. Smith stated that is correct and she noted that is the reason for the recommended stipulation that the number of residents in the home shall not exceed 10.

Mayor Ostler invited input from the applicant.

Ryan Criswell and Jordan Harris expressed their willingness to answer any questions the Council may have.

Council Member Smith stated that the additional information provided by the applicant indicates that he has an 80 percent success rate and he asked if he has statistics for his other four facilities to back that up. He noted that in his 40 years of medical practice, he has not seen that type of success rate. Mr. Harris stated he can back up that success rate and noted one of his requirements is that a resident maintain their outpatient status while living at the home. Council Member Smith asked how the facility will police relapsing and how people will be kept out of the facility to sell drugs. Mr. Harris stated there will be a surveillance system and a supervisor on site. All surveillance will be accessible from a remote location. He added that residents are drug tested each week.

Council Member Sarah D. Petersen MOVED that the City Council approve the request for zoning approval for the residential facility subject to stipulations 1 and 3 through 6 recommended by staff with the additional stipulation that only 4 unrelated persons may reside in the home and deny the request for reasonable accommodation regarding the number of unrelated residents based on findings A through L set forth in the staff report.

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

The motion passed 5:0.

6. ACTION: ROAD ACCESS AGREEMENT WITH ROCKY MOUNTAIN POWER *Administrative - Nathan Crane, City Administrator/Community Development Director*

The City Council will consider an agreement with Rocky Mountain Power for a perpetual access easement from Highland Town Plaza (Meier's Shopping Center) to 5600 West. The Council will take appropriate action.

City Administrator/Community Development Director Nathan Crane explained Highland Town Plaza is a 4.25-acre shopping center located at the southwest corner of Town Center Boulevard and Timpanogos Highway (SR92). Access to the shopping center is from one driveway on to SR92 and Town Center Boulevard. In April 2021, as part of the review of the final phase and sale of a small portion of City property, the Council directed staff to look at additional access to improve circulation. With the assistance of Mayor Mann, staff was able to work with Rocky Mountain Power to provide an access drive from the shopping center to 5600 West. The easement from Rocky Mountain Power is approximately 30 feet wide by 200 feet long. The cost of the easement is \$43,800. The cost for construction of the access road will be borne by WPI. The cost of the easement was not included in the FY21/22 Budget as the costs were not known at the time. It is anticipated that up to \$30,000 of the cost of easement will be provided by private parties which would leave the City to cover \$13,800. Funding will need to come from previous years' revenue in the General Fund.

Council Member Smith stated this is wonderful news for the City and he thanked former Mayor Mann, Mayor Ostler, and staff for their efforts.

Council Member Scott L. Smith MOVED that Highland City Council approve the road access agreement with Rocky Mountain Power and authorize the Mayor to sign the agreement.

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

The motion passed 5:0.

Mayor Ostler moved to agenda item eight.

8. DISCUSSION: ARPA REVENUE LOSS STANDARD ALLOWANCE *Administrative - Tyler Bahr, Finance Director*

Staff will provide an update regarding changes to permissible uses of the City's American Rescue Plan Act (ARPA) funding. This item is being presented for discussion and no formal action will be taken.

Finance Director Tyler Bahr reported in July 2021, Highland City received \$1,134,686.50 in federal grant money authorized by ARPA. This represents the first of two equal payments totaling \$2,269,373, with the second

scheduled to be made available at the beginning of FY2023. These funds must be obligated by December 31, 2024 and spent by December 31, 2026. Initial requirements mandated the funds be used for one of the following purposes:

- Support public health expenditures
- Address negative economic impacts caused by the public health emergency
- Replace lost public sector revenue
- Provide premium pay for essential workers
- Invest in water, sewer, and broadband infrastructure

Based on these initial requirements, the Council directed staff on September 7, 2021 to use the City's ARPA funding to develop Mountain Ridge Park, with particular attention to inclusive elements to benefit seniors and people with disabilities – populations disproportionately impacted by the COVID-19 pandemic. The Treasury Department issued its Final Rule in January governing use of ARPA funds, including a new provision that allows the City to claim a lost revenue standard allowance of up to \$10 million (or the entire \$2.3 million in the City's case) as a matter of administrative convenience. The City may then use the funds for any government services. Legal counsel has reviewed the Final Rule and validated the opportunity to claim the standard allowance for lost revenue. Due to requirements to keep the year-end General Fund balance at no more than 35% of annual revenues, it may be necessary to transfer the ARPA funds to the Parks Capital fund unless they are spent by the end of FY2022. The receipt of ARPA funds does not obligate the City to allocate additional resources (i.e., matching funds).

Mayor Ostler thanked Mr. Bahr for this update.

7. RESOLUTION: UPDATING PAVILION RENTAL FEES *Legislative – Erin Wells, Assistant City Administrator*

The City Council will consider updating the fees for pavilion rental in Highland parks.

Assistant City Administrator Erin Wells reported the City currently rents 5 pavilions in parks throughout the City: Heritage, Highland Glen, Merlin B. Larson gazebo, Mitchell Hollow, and Town Center Meadows. In 2021, we had 216 rentals by individuals with 170 of them being residents and 46 being non-residents. Our current rental rates are \$50 for non-residents and no charge for residents. As of March 8, there were 38 rentals already booked for 2022. In the February 15 Council meeting, Council directed staff to include in next year's budget money to purchase garbage cans for many of our parks. The total cost of this project is estimated at \$41,000. As a part of that discussion, the idea was brought up of increasing pavilion rental rates to help offset the cost of the garbage can purchases. In addition to helping to pay for garbage cans, pavilion rental fees would also offset city staff time spent emptying the garbage cans and cleaning the pavilions. At the direction of Council, towards the end of last year, staff began emptying the garbage cans more frequently during high usage times. Finally, pavilion fee rentals would also offset the cost of staff time it takes to process rental reservations. She reviewed the findings of staff research of neighboring communities' rental fees, noting based upon that research staff is recommending Highland City begin charging rental fees as follows:

- Half Day Rental – Resident \$35, Non-Resident \$70
- Full Day Rental – Resident \$50, Non-Resident \$100.

If the fees listed above were adopted and the rental rate and resident ratios held true from this year to last year, staff anticipates total pavilion rental revenue of approximately \$8,300 which would be an increase of \$5,000 in comparison with what has been collected in previous years. While this revenue would not completely offset added garbage cans or staff time spent on reservations and

carrying for pavilions, it would be a partial offset. This increase would go to the General Fund Facility Rentals 10-38-83.

Mayor Ostler reported he and the Council received a letter from former Mayor Jess Adamson; he read the letter for the record of the meeting;

“Dear Mayor and City Council,

I have just read about Item 7 on tomorrow’s CC agenda. I am surprised at the recommendation to begin charging residents for the usage of these facilities. In our history I don’t believe that we have charged residents to use these pavilions in the past. Some of these facilities were funded and constructed by volunteer Highland residents and have provided us a common area to gather. As Highland residents we are already taxed to construct and maintain these pavilions for the usage of those who reside here. If we now start charging our residents to use these facilities it appears to be a form of double taxation.

I have no objection in raising the fees appreciably for non-residents because they have not and do not contribute to the construction, maintenance and administrative costs through our general fund. On the other hand—these facilities have provided a special place for all of our citizens to gather for occasions that may be larger than our homes and lots allow.

As I served our community, I was a promoter and advocate for the addition of many of these facilities to encourage gathering and enhance our sense of community. We need to continue to encourage this type of community activity by not charging a reservation fee to our residents. You may argue that \$35 is a small and reasonable fee but it is enough to discourage many of our own to use these pavilions in the future.

If these new fees are put in place, I’m convinced that you will experience substantial pushback from our residents who have used these pavilions in the past as they make reservations in the future. I’m sure you do not want to deal with that issue.

I am not able to attend the CC meeting. I request that this letter be read in CC meeting and then attached to the minutes. I’d appreciate if one of you on the council would read this letter for me. Please let me know if you are willing to do so.

Thanks so much for your service to our community and for “Taking Pride in Highland”.

Best regards,

Jess Adamson”

Ms. Wells stated that former Mayor Adamson is correct in that the City has not charged residents in the past; however, the City has charged non-residents \$50 to rent a pavilion.

Council Member Peterson asked if residents expect to pay a fee for pavilion rental. Ms. Wells stated she cannot answer that question, but staff has reviewed this proposal and felt the fee is justified by the amount of staff time spent to prepare and clean a pavilion after use.

A resident in the audience indicated that he would expect to pay to rent a City pavilion.

Mayor Ostler asked if there is a high rate of ‘no-shows’ for pavilion rentals. He stated that someone may be less inclined to notify the City of cancellation of an event if there is no penalty or cost for rental/cancellation. Parks

Superintendent Josh Castleberry stated that there are some no-shows, but more concerning is that there is no differentiation between half-day and full-day rentals so someone may rent a pavilion and only use it for a few hours. This creates confusion for other users when they show up to use a pavilion and it is posted as rented, but no one is present.

Mayor Ostler facilitated discussion among the Council and staff regarding the number of pavilions located throughout the City and the rate of use of the facilities; many spoke to their experience in other cities relative to fees charged to rent a pavilion.

Council Member Smith stated that he supports charging a non-resident fee, but he does not want to charge residents as he feels their tax dollars should cover the cost associated with maintain the pavilions. He is concerned about the occurrence of no-shows for rentals made by Highland residents .

Council Member Rodela stated that she rents pavilions on a regular basis, and she recognizes that her usage of the facility creates work for the City; she would be willing to pay a \$35 rental fee for a pavilion rental, but she does believe that some people will just try to get access to a pavilion without renting it. Council Member Peterson agreed; she would also expect to pay to use a pavilion and she does not think \$35 for a half-day rental is exorbitant. Discussion centered on the appropriate fee for residents for half-day and full-day rentals; the Council settled on \$10 to \$20 for a half-day rental and \$40 for a full day rental. They voiced support for the non-resident fee schedule included in the staff report.

Council Member Kim Rodela MOVED that the City Council approve the Resolution Updating Pavilion Rental Fees with resident half day rate at \$20.00 and non-resident half day rate at \$70.00 and resident full day rate at \$40.00 and non- resident full day rate at \$100.00.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

9. ACTION: HIGHLAND GLEN PLAYGROUND UPGRADE *Administrative – Erin Wells, Assistant City Administrator*

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

Assistant City Administrator Erin Wells explained that at the direction of the City Council and as a result of voters approving the Parks Tax, 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. This item was first brought to the Council in September of 2021 where Council directed staff to look at alternative design options. Since that time, staff has met with the Council playground subcommittee to discuss their desires for the playground. Options and bids are summarized as follows:

Vendor	Major Elements	Cost	Delivery Time
Big T Recreation	Slide tower, 2 climbing structures, swings	\$142,612	3-4 months
Garrett Parks and Play	Slide tower, climbing structure, spinning structure	\$146,326	4-6 months
Sonntag Recreation	Slide tower, climbing structure, spinning structure	\$158,975	2-3 months

All bids include equipment and installation charges. 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. The City has been awarded a reimbursement grant from Utah County for \$9,184.62 to help with the costs of this project. To receive these grant funds this fiscal year, Highland City must make at least initial payment to the selected vendor by April 7. It is the intention of staff to order the selected playground immediately so that installation can occur as soon as possible. Should the City not be able to meet that deadline, the grant funding will rollover and be available next fiscal year for a recreation project. The Council had previously budgeted \$150,000 in account number 10-70-24 for a playground replacement. This is one of the major budget items that Council directed staff to hold off taking action on due to a budget shortfall staff previously identified. Last fiscal year, the City received unexpected one-time funds of which, \$625,000 was transferred into the Parks Capital account. Staff recommends that the cost of the playground be taken from those funds. This would allow for more flexibility in the General Fund for other needs this fiscal year.

Mayor Ostler inquired as to the source of the \$625,000. Finance Director Bahr noted the money is part of the General Fund balance that exceeds the total fund balance the City is allowed to have. There is a surplus based upon increased one-time revenues and the receipt of ARPA funds.

Council Member Smith stated that he knows that some of the existing equipment is broken and unusable, but there is still a significant amount of equipment that is still in good shape and usable; he asked if that can be sold to residents to generate some revenue. Mr. Crane stated that has been explored in the past and it was found to be cost prohibitive to pull the supports out of the ground rather than demolish the old equipment. Council Member Smith asked if the City would sell the equipment if the buyer agreed to bear the cost of removing it. Mr. Crane stated that may be an option. Mr. Castleberry then reported all damage to the existing structure; this would need to be disclosed to anyone interested in purchasing any of the elements at the park.

Council Member Rodela indicated she showed the different designs to her children, and all supported the design from Garrett Parks and Play. Other Council Members indicated they support that design as well. Ms. Wells stated it is important to recognize that option had the longest lead time, so it may be that the new structure is not installed until the end of the summer. She added that she also needs direction from the Council regarding which funding source they prefer. The Council expressed a desire to use money from the Parks Capital Account.

Council Member Kim Rodela MOVED that the City Council approve the purchase of the Garret Parks and Play option and authorize the City Administrator to sign a contract with Garret Parks and Play, to proceed with the purchase and construction of playground equipment in the amount of \$146,326 and that the funds be taken from the Parks Capital Account.

Council Member Scott L. Smith SECONDED the motion.

Council Member Smith asked staff to inform Garrett Parks and Plan that the other vendors had a sooner delivery time. Ms. Wells indicated she will do that and encourage them to accelerate the project.

The vote was recorded as follows:

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

The motion passed 5:0.

10. 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. Parks Building – *Andy Spencer, Public Works Director/City Engineer – moved to future meeting.*

b. Future Meetings

- March 22, Planning Commission Meeting, 7:00 pm, City Hall
- March 29, City Council Meeting, 7:00 pm, City Hall
- April 12, City Council Work Session, 7:00 pm, City Hall
- April 13, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- April 19, City Council Meeting, 7:00 pm, City Hall

City Administrator/Community Development Director Crane reported that the work session scheduled for March 29 will be spent performing a fund analysis, discuss road bids, and discuss the Country Club sewer project.

ADJOURNMENT

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

The meeting adjourned at 11:26 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 15, 2022. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle
City Recorder



CITY COUNCIL AGENDA REPORT

ITEM #3b

DATE: April 19, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, PE
Public Works Director/City Engineer
SUBJECT: CAPITAL PURCHASE: Approval to purchase a Jacobsen Lawn Mower.
TYPE: ADMINISTRATIVE: The Council is acting in an administrative capacity by authorizing a purchase that was contemplated in the approved budget.

PURPOSE:

City Council will consider the purchase of a Jacobsen Lawn Mower from RMT to be added to our parks maintenance equipment fleet. The mower will be used by the City parks staff to perform daily parks maintenance.

BACKGROUND:

As presented to City Council during the March 22 work session, City staff had received a previous quote from RMT in the amount of \$125,000.00. With the direction of Council to proceed toward the purchase, staff received an updated bid which has increased to \$141,593.60. The increased cost is a result of the current inflation rate.

The Jacobsen mower will be purchased using the State Purchasing Contract. This program allows governmental agencies to purchase items at lower prices because of statewide volume discounts. When purchasing under the State Purchasing Contract, the City does not have to solicit bids since the pricing is deemed by the State to be the lowest price available for the item.

Currently our Parks staff utilizes two Jacobsen mowers to maintain our city parks. These mowers are used to care for the grass in most of the parks, specifically the large open areas such as the cemetery, soccer fields and open space parks. The two that are in our fleet are reaching their lifespan and are ready for replacement.

FISCAL IMPACT:

Funding for this purchase will be coming from the following:

Parks Capital Equipment 10-70-75 – \$80,000.00

Streets Capital Outlay Equipment 10-60-74 – \$40,000.00 (funding is available from skid steer postponement)

Open Space Equipment Replacement 20-43-73 – \$15,000.00

Parks Equipment Replacement 10-70-74 – \$6,593.60

Total Cost of Jacobsen Mower – \$141,593.60

RECOMMENDATION:

Staff recommends approval of the purchase of a Jacobsen Mower to be added to the City parks equipment fleet.

PROPOSED MOTION:

I move that City Council APPROVE the purchase of a Jacobsen Mower and AUTHORIZE the City Administrator to execute the associated purchase contract.

ALTERNATIVE MOTION:

I move that City Council DENY the purchase of a Jacobsen Mower. City Council will provide further direction.

ATTACHMENTS:

1. RMT Equipment Purchase Quote



4225 South 500 West
Murray, UT 84123
(801) 261-2100 • Toll Free (800) 733-7114
Fax: (801) 262-9740
www.rmtequipment.com

Please Remit To:
RMT Equipment
PO Box 57246
Salt Lake City, UT 84157

Ship To: IN STORE PICKUP

Invoice To: HIGHLAND CITY
5400 W. CIVIC CENTER DR.
SUITE 1
HIGHLAND UT 84003

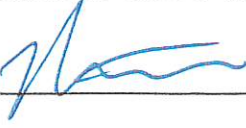
Branch 01 - SALT LAKE CITY		
Date 03/29/2022	Time 14:17:11 (O)	Page 1
Account No HIGHL010	Phone No 8017565751	Est No 00 Q06790
Ship Via		Purchase Order
Tax ID No DUE ON RECEIPT		
RETT MESSERSMITH		Salesperson 124

EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 04/28/2022 Amount

THE FOLLOWING PRICES ARE STATE OF UTAH CONTRACT MA2180

Stock #: 028272 Serial #: 141593.60
New JC 462411G01
New JACOBSEN 462411G01 HR800 W/CAB

Authorization: 

Subtotal: 141593.60
Quote Total: 141593.60

All claims for shortage, damage, etc., must be made in 30 days from date of delivery. Seller retains ownership of merchandise until payment is received. Parts or assemblies will not be received for credit, if returned without our permission, but will be held for disposition of the sender for 30 days. All returns are subject to a 15% restocking fee - All electrical parts and special order items are non-returnable. Buyer agrees to pay all reasonable collection costs, including attorney fees. A service charge of 1.5% per month will be assessed on all past due invoices. Any equipment left over 60 days from repair completion will be sold.



CITY COUNCIL AGENDA REPORT

ITEM #3c

DATE: April 19, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner and GIS Analyst
SUBJECT: **FINAL PLAT: MINOR SUBDIVISION** - Maddox Subdivision
TYPE: **ADMINISTRATIVE:** The Council is the Land Use Authority for Minor Subdivision review. Minor Subdivision review and approval is an administrative action and is subject to Section 5-4-200 of the Highland City Development Code. Review is limited to compliance with the Development Code.

PURPOSE:

The City Council will consider a request by Travis Maddox for Final Plat approval for Maddox Subdivision, a proposed 2-lot single family minor subdivision with a remnant parcel for future development located at approximately 4764 W 11200 N. The City Council will take appropriate action.

BACKGROUND:

The property is 7.24 acres and located at approximately 4764 W 11200 N.

On April 17, 2018, the City Council approved the Preliminary Plat for Stoney Brook Plat B. The approval was after much discussion regarding a connection to the south. This connection gives road and utility access to the Maddox (previously Fehr) and Christensen properties. The developer for Stoney Brook was required to stub the road to the south in order for Stoney Brook and any other properties that were accessed solely through the Stoney Brook road to have a second independent point of access, as the road Stoney Brook was building exceeded 600' (Development Code Section 5-8-105.4c).

The proposed plat prevents this stub street from connecting through to 11200 N. The City and the applicant disputed the need for the road, and whether it was cause for a denial of the subdivision plat. On January 18th, 2022, the City Council moved to continue the item to get an advisory opinion from the Ombudsman's office.

SUMMARY OF THE REQUEST:

1. The applicant is requesting Final Plat approval of 2-lot minor subdivision. The development is split up into 2 phases. Phase 1 includes the 2 lots, and Phase 2 will

be determined when the property owner would like to develop. This is labeled as Parcel A: For Future Development.

2. Right of way and road improvements for 11200 North will be dedicated and constructed as part of the project.

CITIZEN PARTICIPATION:

Notice of the public hearing held at Planning Commission was sent to property owners in a 500' radius from the subject property on November 4th, 2021. The notice was also posted on the state and city websites on November 4th, 2021.

Staff received one letter of opposition, dated November 11, 2021, from Peter and Michael Christensen. They are the owners of the property directly to the east and are the ones most impacted by the current subdivision design (Attachment #8).

After the Planning Commission's recommendation of denial, the Mayor, City Council and City Staff received a letter from an attorney representing the applicant (Attachment #9).

PLANNING COMMISSION ACTION:

The Commission discussed issues regarding Stoney Brooke Plat B and the need for a connection to 11200 N. The applicants were present. The Commission held a public hearing. Resident concerns were regarding where the road would connect to 11200 N in the proposed plat. The Commission concluded that there is a potential solution and that the applicants needed to be in agreement with the adjacent property owners to move forward.

The Commission recommended DENIAL – Voted 4:0. The resident asked that the request move forward to be reviewed by the City Council.

ADVISORY OPINION:

The City received an advisory opinion from the Office of the Property Rights Ombudsman on April 6, 2022. The advisory opinion concluded that the "City may impose requirements to build road and utility facilities to the extent that such requirements only offset the impacts of the proposed development. Since the parties agree that the proposed development does not need the road and utility connections the City seeks to require the Maddoxes to construct, the City may not impose the requirement, as the exaction would be excessive."

FINDINGS:

Based on the advisory opinion received from the Ombudsman's office, the proposed minor subdivision/final plat appears to meet the required findings for approval.

RECOMMENDATION AND PROPOSED MOTION:

Staff recommends the City Council consider the Ombudsman's advisory opinion, accept the findings, and **APPROVE** the proposed minor subdivision/final plat.

I move that the City Council accept the findings and **APPROVE** the final plat for the Maddox Subdivision.

ALTERNATIVE MOTION:

I move that the City Council **DENY** the final plat for the Maddox Subdivision based on the following findings: (The City 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. Project Narrative
3. Proposed Minor Subdivision/Final Plat
4. Letter from Peter & Michael Christensen, dated November 11, 2021
5. Letter from Paxton R. Guymon, dated December 29, 2021
6. Property Rights Ombudsman Advisory Opinion, dated April 6, 2022

ATTACHMENT #1:



Dear Highland City,

The following narrative is intended to address the future development of parcel number 11:054:0591, or the property located at 4764 West 11200 North.

Our family was born and raised in Highland City. As children, we attended Highland Elementary, Mountain Ridge Junior High, and Lone Peak High School. We enjoyed countless neighborhood parties, played on local sports teams in Highland City's parks, and time with our siblings in our own back yard. As Highland City grew, we also grew with it and we now are fortunate enough to have located a piece of land large enough for our own families to enjoy.

The proposed plan continues the use of R-1-40. This proposal is consistent with the Highland City general plan to have a very low-density residential environment within Highland City. These three large lots fit within the characteristics of the R-1-40 density with well-spaced buildings, well maintained lawns, trees, and other landscaping, minimal vehicular travel, and have quiet conditions which are favorable for family living.

We are excited to work with Highland City staff, Planning Commission, and Council to plan out and design this unique part of the city. We feel this plan will enhance the character of Highland City and helps set a precedence for future developments in the area.

Thanks,
Steven Maddox
Travis Maddox

ATTACHMENT #4:

November 11, 2021

Dear Planning Commission Member,

We would like to respond to the proposed Maddox Subdivision on 11200 North. We oppose the proposal as submitted, due to how it may negatively impact our neighboring property to the East.

The current plan for development in the area is to have the road from the Stoney Brook Subdivision extend south to 11200 North- half on the Maddox property and half on our property. (see Attachment 1) The proposed Maddox Subdivision would not allow for the road to extend thru as was accepted by the city.

Please allow us to give some background information to clarify our stance on the subject. We have owned our farm for decades.

In 2005, we submitted a preliminary proposal for a development on our property. (See Attachment 2) We were not ready to subdivide at that time (nor are we currently considering subdividing) and were told the City would bear in mind our proposal for future consideration. Our proposed cul-de-sac was, and still is, the ideal use of our property should we want to develop in the future.

When the North side of Stoney Brook was approved, we were not notified for phase 1 and how it would impact our property. We were informed when the South side of Stoney Brook, also known as the Burgess Property, was being proposed and we attempted to participate in the planning. All proposals were brought to us by the City/Developer's engineer. The first proposal (see Attachment 3) did not impact us and our planned subdivision was kept as we desired. We were never informed why the first proposal was not implemented.

Then a second proposal (see Attachment 4) was brought to us which ran the road down the middle of our property. We rejected this proposal as we desired to have a cul-de-sac.

Finally a third proposal (see Attachment 5) was given. We, along with the former owner of the Maddox property, Mr Robert Fehr, opposed this proposal. Against our wishes, the City adopted this proposal and a road was stubbed into the north end of the two properties.

We have already lost monetary value in future development, and are unwilling to have the burden of even more infrastructure placed on our property, which would be at our expense.

We ask you to deny the Maddox Subdivision as proposed because it adversely impacts our property value and its potential use.

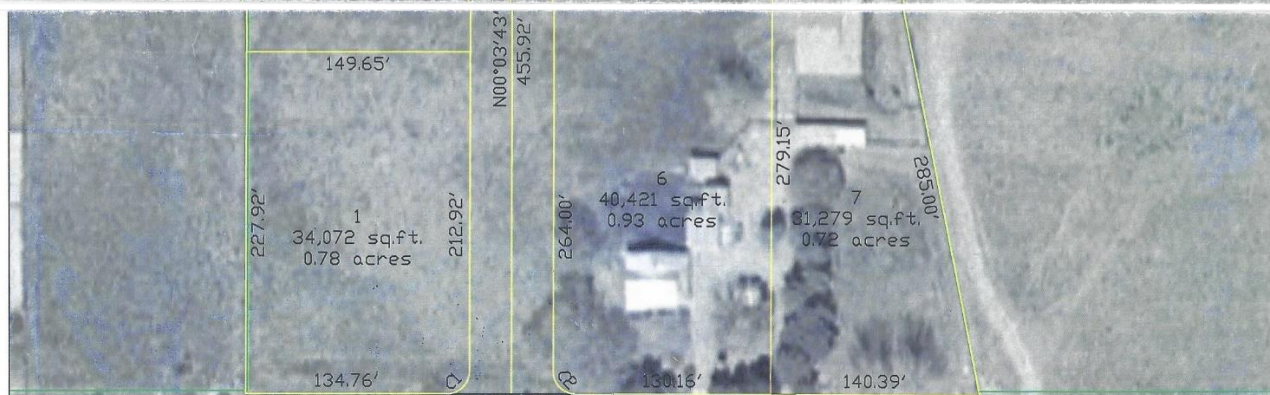
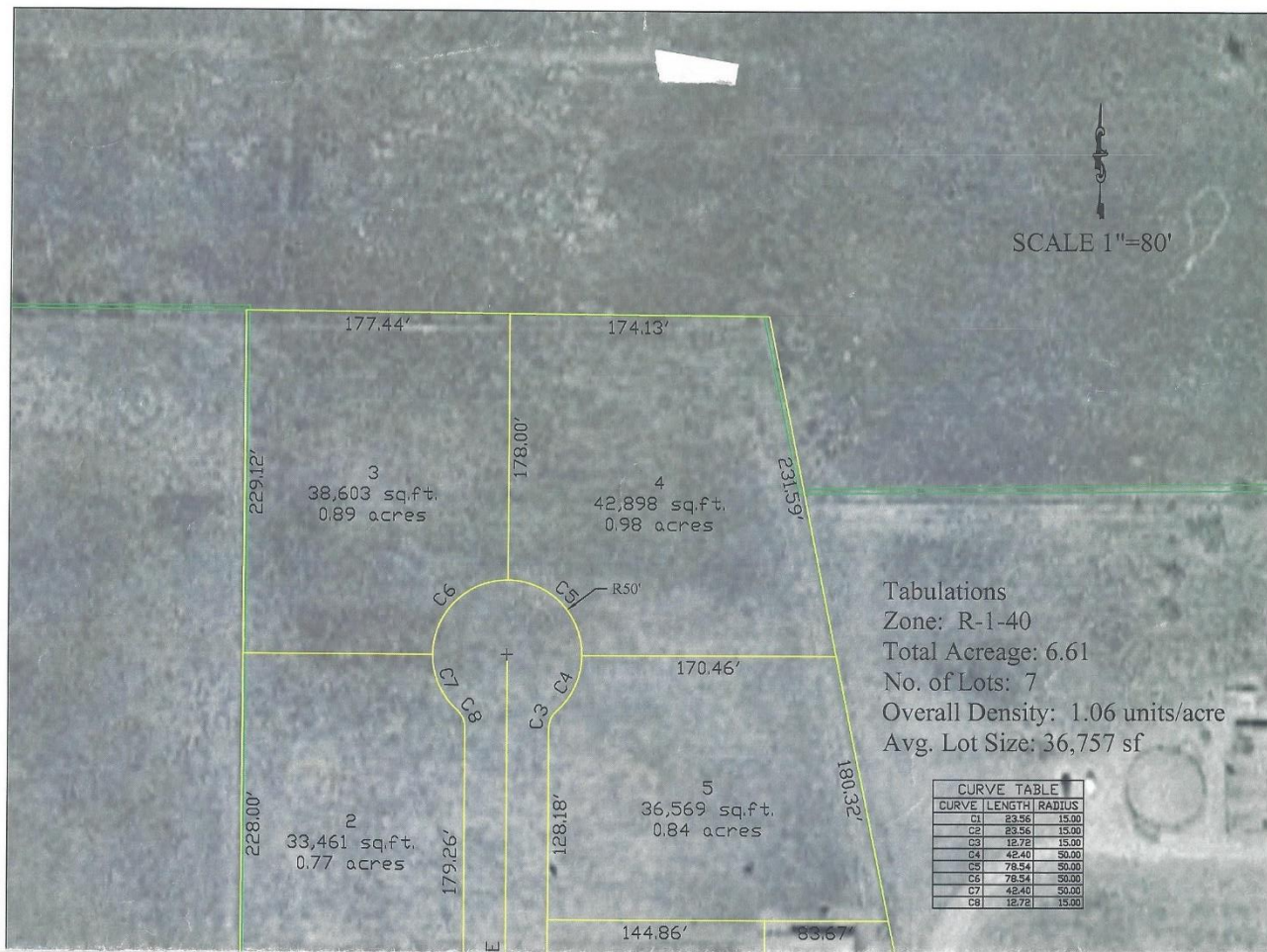
Thank You,
Peter Christensen
Michael Christensen



Attachment 1 - Christensen

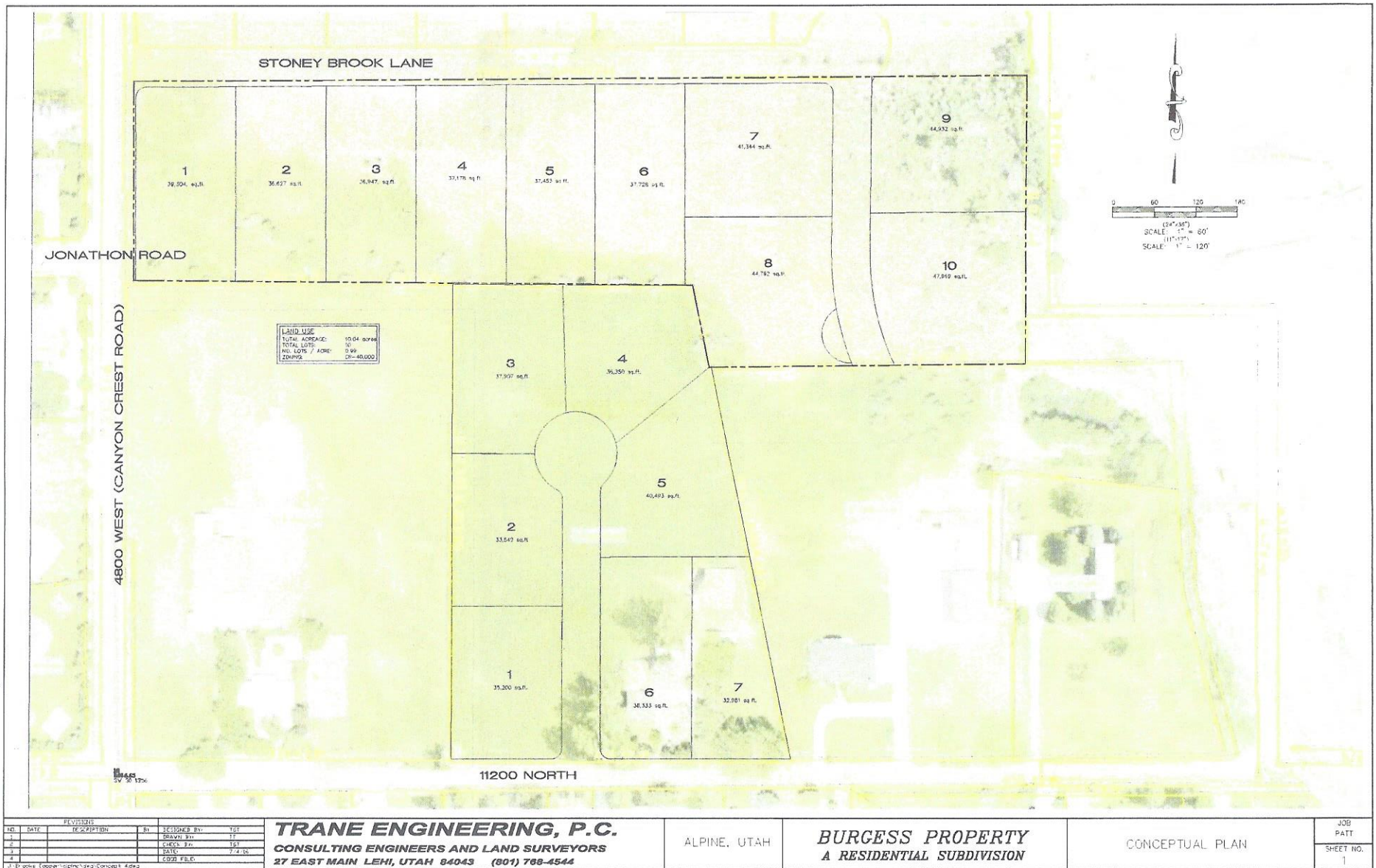


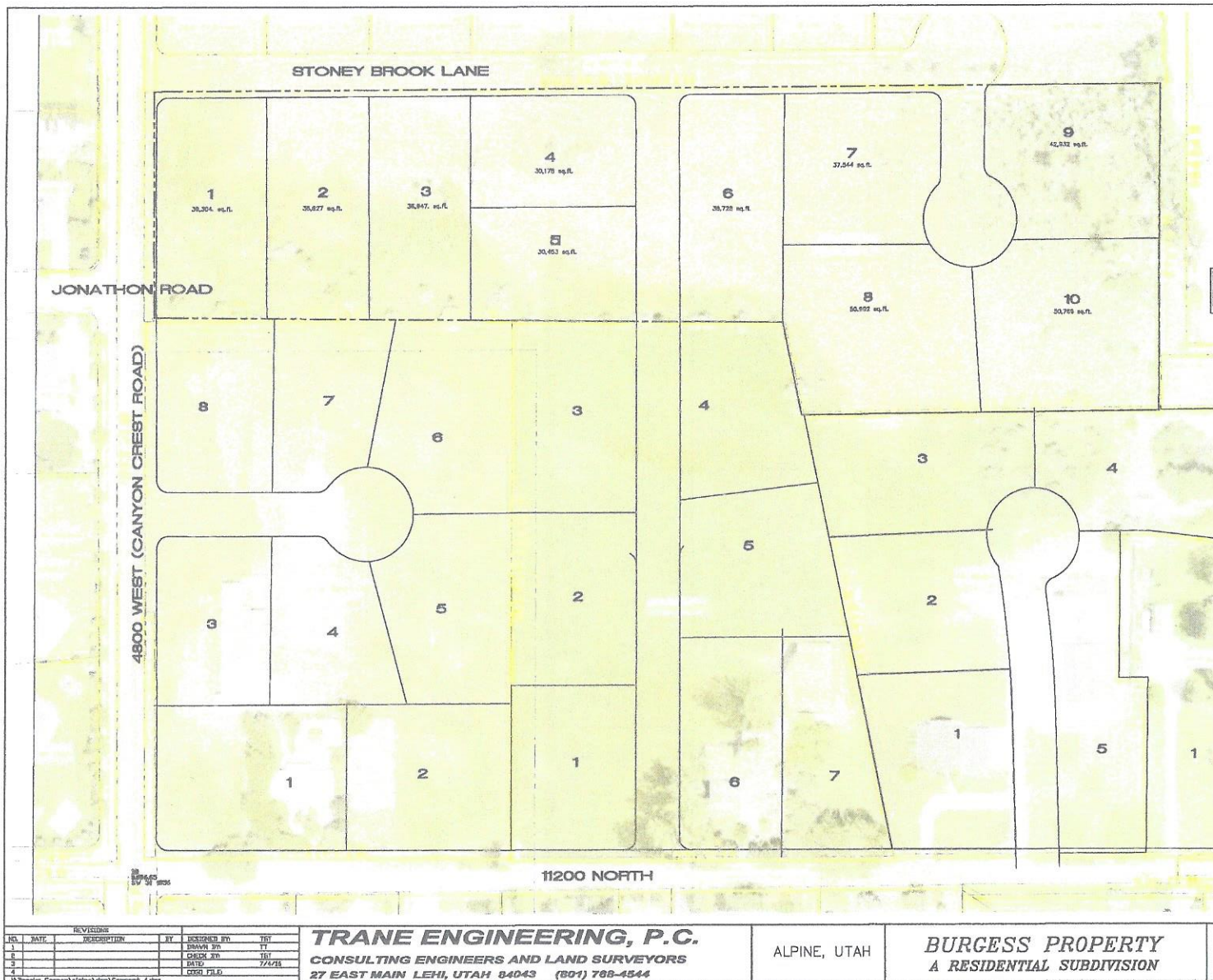
A

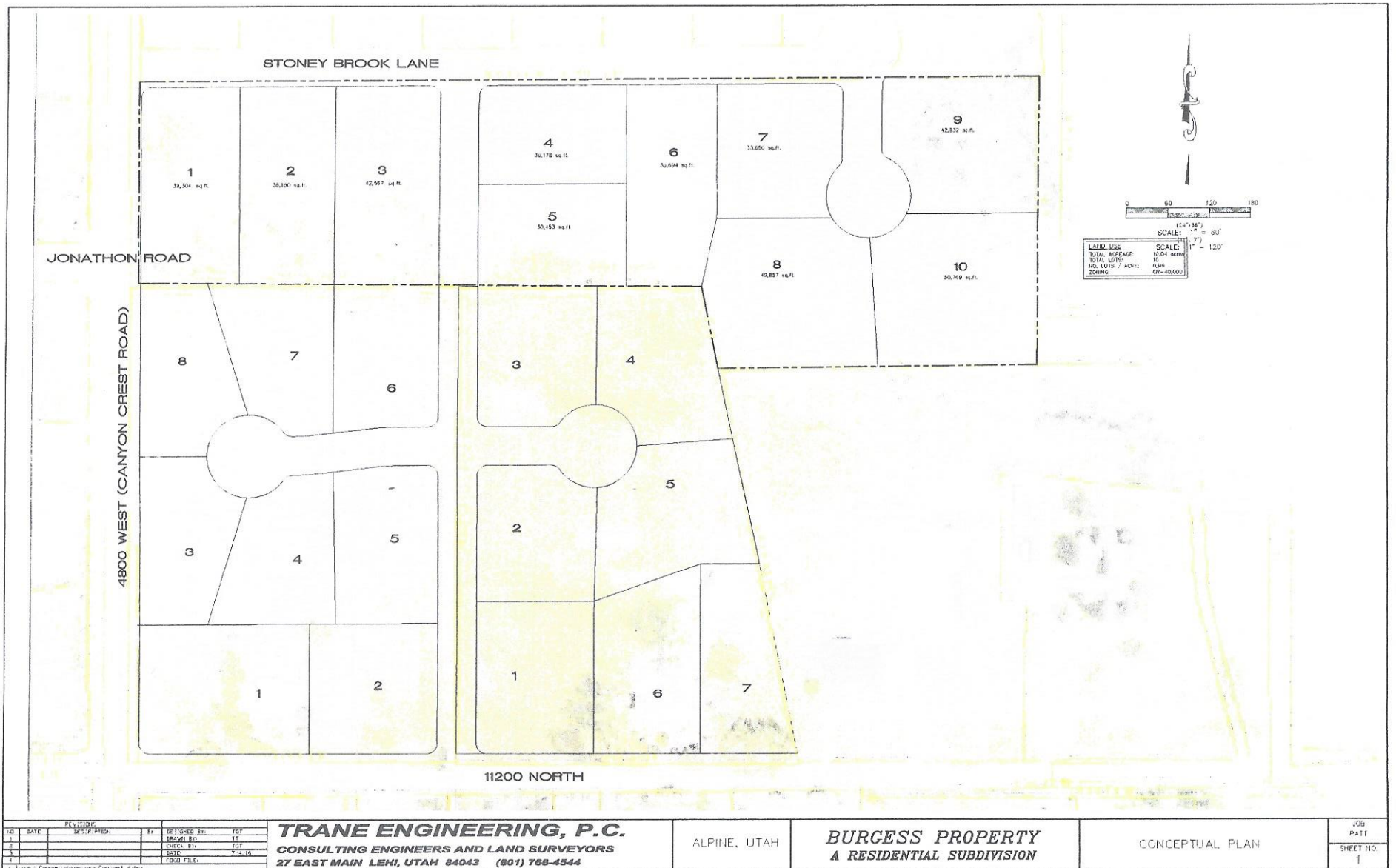


REVISION NO. BY DATE		 SHANE L. SORENSEN, P.E. 593 WEST 480 NORTH SPANISH FORK, UTAH 84660 PHONE/FAX: (801) 798-1209	PETE CHRISTENSEN DEVELOPMENT LOCATION: 11200 NORTH HIGHLAND, UTAH	PROJECT NUMBER: 2005-3
				PLOT SCALE: 1"=80' DRAWN BY: SLS DESIGNED BY: SLS CHECKED BY: SLS PLOT DATE: 3/5/05

Please note 2005 date







3
E



S O P H I S T I C A T E D S I M P L I C I T Y

10610 South Jordan Gateway, Suite 200, South Jordan, UT 84095
W 801-527-1040 • F 801-527-1000 • yorkhowell.com

December 29, 2021

Honorable Mayor Rod Mann
Honorable Mayor-Elect Kurt Ostler
City Council Members
Highland City
5400 W. Civic Center Drive
Highland, Utah 84003

Re: Final Plat – Minor Subdivision (Maddox Subdivision)

Dear Mayors and City Council Members:

Our law firm has been retained to represent Travis Maddox and his father, Steve Maddox, who owns the 7.25-acre parcel of land located at 4764 W. 11200 N., Highland, Utah 84003, which is identified as Utah County Tax Serial Number 11:054:0591 (the “Maddox Property”). The Maddox Property is the subject of an application for Minor Subdivision Approval (the “Application”) scheduled to be considered at your City Council meeting on January 11, 2022.

As you may know, the Highland City Planning Commission recommended a denial of the Application, as did the Staff Report prepared by Kellie Smith dated November 16, 2021. For the reasons explained below, the Planning Commission’s recommendation and the Staff Report are misguided and are erroneously based on an unenforceable “verbal” agreement that was purportedly reached in 2017 with the prior owner of the Maddox Property (Mr. Robert Fehr). As you prepare for the meeting on January 11, 2022, we respectfully request that you consider the information provided in this letter and make the correct decision to approve the Application.

The Application requests approval of the “Maddox Subdivision,” which is a proposed 2-lot single family minor subdivision with a remnant parcel. The Maddox Property is located on the northeast corner of the intersection of 4800 West and 11200 North. The two (2) proposed single family lots are located along the southern boundary of the Maddox Property (adjacent to 11200 North Street). The existing residential dwelling is located on proposed Lot 2, and Lot 1 would be a new single family lot (for one new home). The rest of the Maddox Property (approximately 5.8 acres) is designated as “*Parcel A for future development*.” There are no plans now or in the near future to develop the remaining 5.8 acres. Thus, in terms of development impacts, the proposed minor subdivision would have the effect of creating only one (1) new single family lot which would front 11200 North. Attached to this letter as Exhibit “A” is a map depicting the location of the two (2) proposed lots (remember, Lot 2 is where the existing home is already located).

Despite the simple nature of this Application (allowing only one new single family home), the City’s staff recommended denial on the basis of a complex historical analysis of the Stoney

Brook Subdivision that was approved in 2017 (which is located on the north side of the Maddox Property). According to the Staff Report, the developer of the Stoney Brook subdivision was in a bind because the proposed Stoney Brook subdivision did not have a second independent point of access. Instead, it only had one road that exceeded six hundred feet (600') in length, in direct violation of the City's Development Code §5-8-105.4c. Nevertheless, the City approved the Stoney Brook subdivision with nothing more than a stub-road at 4740 West (stubbed to the northeast corner of the Maddox Property). Because the only road for the Stoney Brook subdivision is longer than 600 feet and ends in a cul-de-sac, it violates the City's Development Code.

Here, the City's staff contends that the 4740 West stub road must be extended in a southerly direction to connect to 11200 North (with one-half of the road extension on the Maddox Property and the other half of the road on the Christensen property which is adjacent to the east side of the Maddox Property).¹ In other words, the City's staff argues that the Maddox Property and the Christensen property must accommodate an extension of 4740 West in order to resolve the access problem created by the 2017 approval of the Stoney Brook subdivision. Of course, under basic principles of private property rights, the City cannot lawfully force one property owner to solve an access violation created years earlier by a different property owner/developer, especially when the minor subdivision at issue does not need any new roadways at all. It will be adequately serviced by the existing 11200 North street.

Under Utah law, the City cannot lawfully require the 4740 West stub road to be extended to 11200 North as a requirement or condition of approval of the Maddox Subdivision because such a requirement would be an unlawful exaction. "Exactions are conditions imposed by governmental entities on developers for the issuance of a building permit or subdivision plat approval." *B.A.M. Development, LLC v. Salt Lake County*, 2006 UT 2, ¶ 34, 128 P.3d 1161, 1169. The term "exaction" includes any condition on development, including not only dedication of property, but also dedications of land, installation of specific improvements or roadways, or other requirements imposed by a public entity. A City may only impose lawful exactions if: (a) an essential link exists between a legitimate governmental interest and each exaction; and (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development. See Utah Code Ann. § 10-9a-508(1). In other words, the exaction (i.e., the requirement or condition of approval) must be "roughly proportionate" to the impact of the subdivision. The Utah Supreme Court explained that the exaction must be related to the impact of the development both in nature and in extent. *B.A.M. Development, LLC v. Salt Lake County*, 2008 UT 45, ¶ 9.

Here, it would be an unlawful exaction to require the Maddox family to install any new roadway or dedicate any land for a new roadway as a condition of approval of this minor subdivision Application. The reason is simple: the "impact" of the development does not justify the imposition of such an exaction. No new roadway of any kind is required for this minor subdivision. The existing home (which is located on proposed Lot 2) already has roadway access and utility service from 11200 North, and the new home to be constructed on proposed Lot 1 will likewise have access and utility service from 11200 North. It will be a conforming, buildable lot

¹ If 4740 West is forced through the Maddox Property to 11200 North, it would take away the land needed for proposed Lot 1 of the Maddox Subdivision. There would not be enough land for a single family lot between the existing residential structure and the 4740 West roadway. As proposed in the Maddox Subdivision, the eastern boundary of Lot 1 is the eastern boundary of the Maddox Property.

without any new roads or roadway dedications. In short, there are no new impacts or burdens created by allowing one new single family lot that fronts 11200 North.

The City staff attempts to justify its position about extending the 4740 West stub road to the south by saying that in 2017, the City brokered some kind of verbal agreement with Robert Fehr (the then-owner of the Maddox Property) and the Christensens to allow 4740 West to be extended through their properties to connect to 11200 North. Not only do Mr. Fehr's surviving heirs deny that such an agreement was made, but so do the Christensens. In a letter from Peter and Michael Christensen dated November 11, 2021 (which is included in the Staff Report), the Christensens explained that when the Stoney Brook subdivision was being considered, and the proposal to extend the road from that subdivision to 11200 North was given, **"We, along with the former owner of the Maddox property, Mr. Robert Fehr, opposed this proposal. Against our wishes the City adopted this proposal and a road was stubbed into the north end of the two properties."**

It is disingenuous for the City to argue that a verbal agreement was reached with property owners in 2017 when the owners of both properties deny that such agreement was reached. In fact, as stated in the Christensens' letter, they and Mr. Fehr "opposed" that proposal. Moreover, the City, with the benefit of legal counsel, should know that verbal agreements regarding property rights are not binding or enforceable under the Utah Statute of Frauds. See Utah Code Ann. § 25-1-1. The City should also know that it would have been inappropriate to try to influence Mr. Fehr, in his final days on earth, to agree to any such proposal without being represented by his own legal counsel. Simply put, the City cannot force the owners of the Maddox Property or the Christensen property to dedicate land for a road or install a new roadway to provide an access road needed by the Stoney Brook subdivision to the north. The sole exception is if the City decides to exercise its politically unpopular powers of eminent domain to extend the 4740 West stub road through private property.

At your City Council meeting on January 11, 2022, I will be present with the applicant to explain why the proposed Maddox Subdivision complies with the governing standards for minor subdivisions under the Highland City Code. As with all administrative decisions such as this, it is important to limit the analysis to whether the proposed Application complies with the Code requirements. The analysis should not turn on purported verbal agreements that are disputed and unenforceable.

We look forward to discussing this Application with you in more detail at the upcoming meeting.

Sincerely,

YORK HOWELL & GUYMON



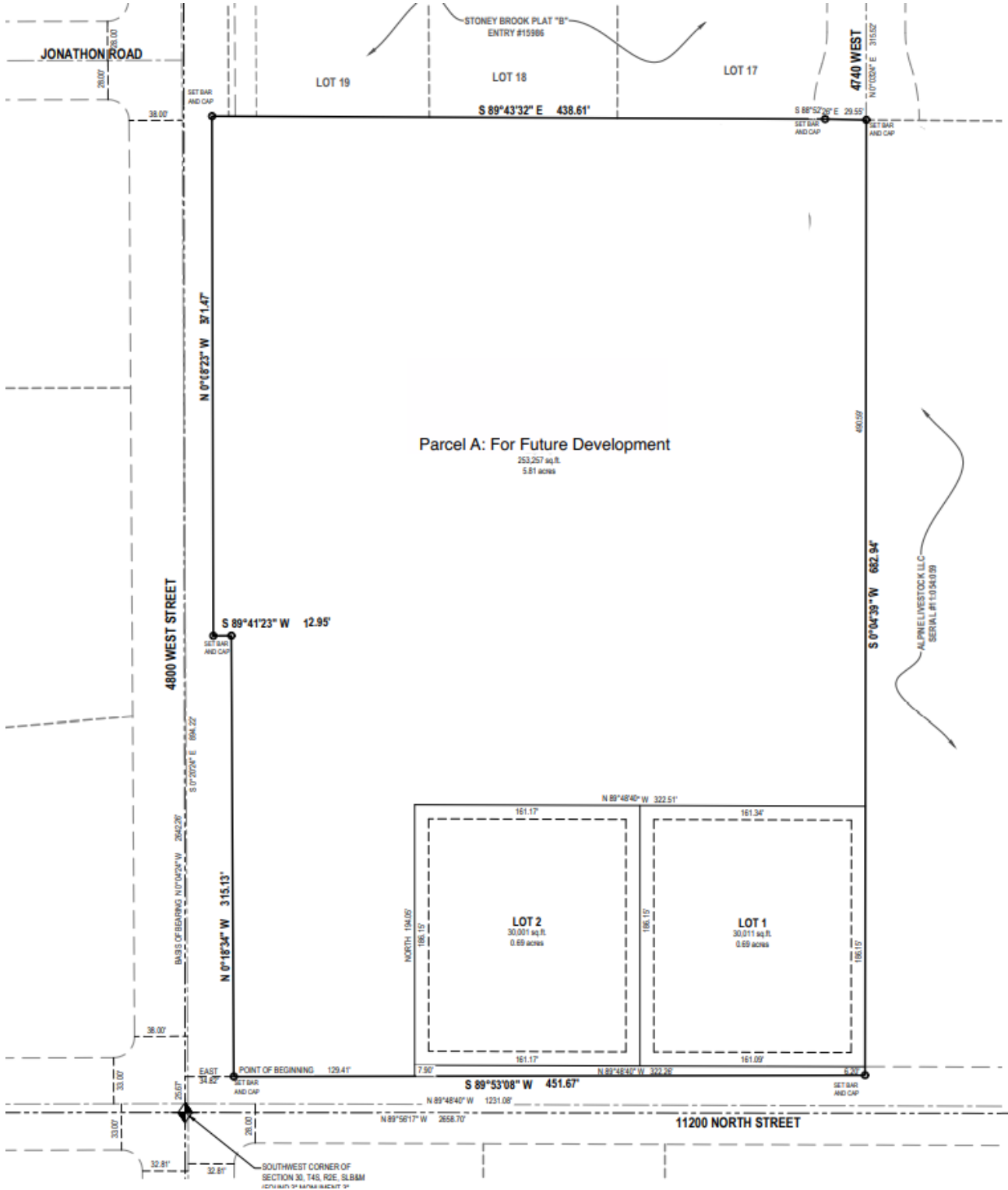
Paxton R. Guymon, Esq.

Enclosure

cc: Steve Maddox
Travis Maddox

EXHIBIT "A"

Proposed Minor Subdivision





GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah Department of Commerce

OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

CHRIS PARKER
Executive Director

JORDAN S. CULLIMORE
Division Director, Office of the Property Rights Ombudsman

ADVISORY OPINION

Advisory Opinion Requested By:	Highland City
Local Government Entity:	Highland City
Applicant for Land Use Approval:	Steve & Travis Maddox
Type of Property:	Residential
Date of this Advisory Opinion:	April 6, 2022
Opinion Authored By:	Jordan S. Cullimore Office of the Property Rights Ombudsman

ISSUE

Whether the City's requirement that the developer construct a portion of a half-road and utility facilities is a lawful exaction, where the parties agree that facilities are not needed to serve the applicant's current development proposal, but will be necessary for future development on a remainder parcel of land resulting from the proposed development.

SUMMARY OF ADVISORY OPINION

A city may only require a property owner to offset impacts of development proposed in a land use application. It may not address impacts of future development a property owner has yet to propose.

In this case, the Maddoxes have applied to Highland City for the creation of two building lots, only one of which will accommodate a new dwelling. Accordingly, the City may only impose a requirement to build road and utility facilities to the extent that such a requirement offsets the impacts of the proposed development. Since the parties agree that the proposed development does not need the road and utility connections the City seeks to require the Maddoxes to construct, the City may not impose the requirement as the exaction would be excessive.

REVIEW

A Request for an Advisory Opinion may be filed at any time prior to the rendering of a final decision by a local land use appeal authority under the provisions of Title 13, Chapter 43, Section

205 of the Utah Code. An advisory opinion is meant to provide an early review, before any duty to exhaust administrative remedies, of significant land use questions so that those involved in a land use application or other specific land use disputes can have an independent review of an issue. It is hoped that such a review can help the parties avoid litigation, resolve differences in a fair and neutral forum, and understand the relevant law. The decision is not binding, but, as explained at the end of this opinion, may have some effect on the long-term cost of resolving such issues in the courts.

A Request for an Advisory Opinion was received from Highland City, on September 23, 2020.

EVIDENCE

The Ombudsman's Office reviewed the following relevant documents and information prior to completing this Advisory Opinion:

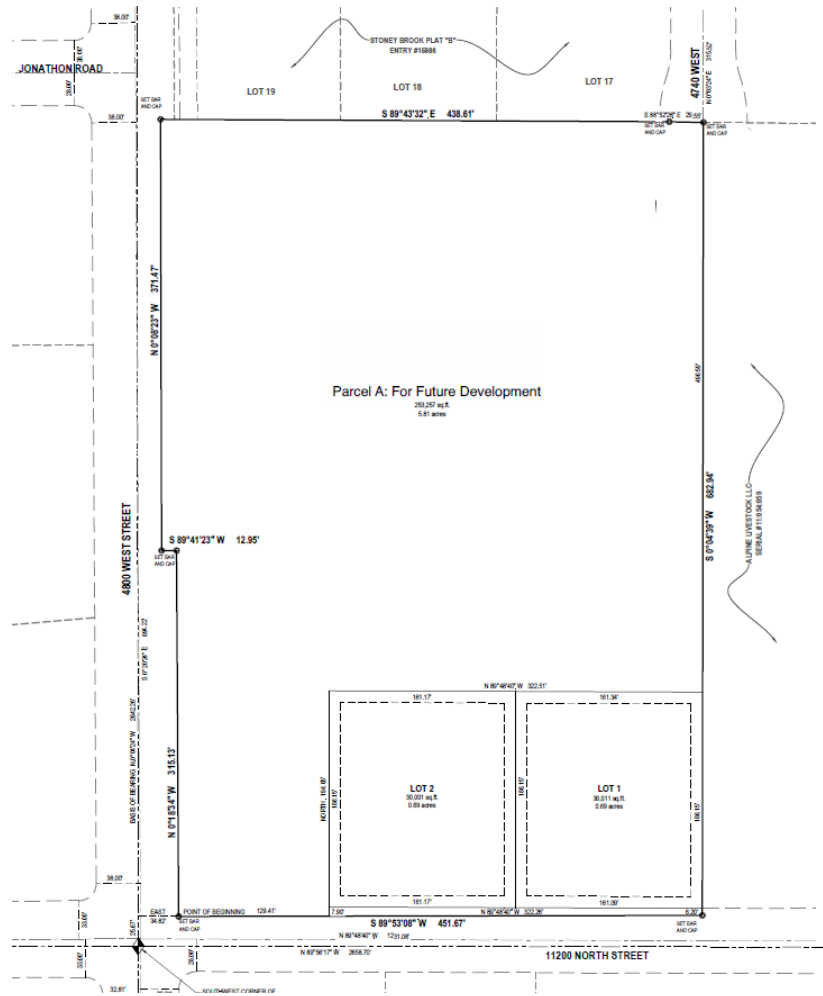
1. Request for an Advisory Opinion submitted by Robert Patterson, Attorney for Highland City, on February 3, 2022.
2. Response submitted by Paxton Guymon, Attorney for Steve Maddox, received on February 10, 2022.

BACKGROUND

Steve and Travis Maddox (the Maddoxes) own an approximately 7.25-acre parcel of land (the Maddox parcel) at 4764 North in Highland City. 4800 West street runs along the west border of the parcel, and 11200 North runs along the southern border of the property. The land is zoned R-1-40 under Highland City ordinances. This zoning designation would allow the Maddoxes to divide the parcel into as many as eight residential building lots. Presently, the entire parcel is occupied by a single residence.

Highland City (the City) points out that there is an existing subdivision, the Stoney Brook subdivision, to the north of the Maddox parcel that was approved sometime in 2018. When the Stoney Brook subdivision was platted, there were concerns about the length of the development's cul-de-sac, so the City required the developer of that project to include a stub road, designated as 4740 West, to provide a future secondary access point to the development, and to provide access to future development on the Maddox parcel and the Christensen property that abutted the east side of the Maddox parcel.

The City's plan, at that time, was to align this stub road with the border between the Maddox parcel—then owned by the Fehrs—and the Christensens' property, so that when the Fehr and Christensen properties eventually developed, the parties would theoretically complete the 4740 West road and connect it to 11200 North, thus sharing equally in the construction of the connection. The extent to which the Fehrs and Christensens agreed with this plan is unclear from the materials submitted to our office, but the City asserts that parties ultimately "acquiesced" to the plan. Neither the City or the Stoney Brook developer acquired any definitive rights from the Fehrs or Christensens for the proposed road alignment, at that time.



Recently, the Maddoxes submitted an application for a minor subdivision¹ to the City proposing to subdivide the Maddox parcel. The Maddoxes’ application proposed subdividing the parcel into two residential lots—one of which would include the existing home. The two residential lots will front along 11200 West. The application also proposes leaving a 5.81-acre remainder parcel designated “for future development.”

The Maddoxes’ application does not follow the City’s prior laid plans. The application does not provide for construction of any portion of 4740 West connection, because the connection is not needed for the current proposal. Moreover, the proposed configuration of the lots along 11200 West does not conform with the City’s desired alignment for the 4740 connection, as Lot 1 of the subdivision comes all the way to the eastern boundary of the parcel, and leaves no space for the future 4740 West connection. Consequently, in response to the Maddoxes’ subdivision application, the City asked the Maddoxes to explain how they intended to provide for future development of the 5.81 acre remainder parcel. The Maddoxes provided a concept plan depicting the ultimate connection to 11200 West as being entirely on the Christensen parcel.

¹ Highland City Code defines a “minor subdivision” as a subdivision that results in no more than three parcels. Highland Development Code § 5-4-205(1).

Owner's Concept Plan for Future Development of Remainder Parcel



The Highland City Planning Commission considered the Maddoxes application on November 16, 2021. Representatives of the Maddoxes and the Christensens participated. The Maddoxes outlined their eventual plan to develop as many as six additional lots on the remainder parcel identified in the current application. The Christensens indicated they were amenable to the City's plan proposing to split the 4740 West Connection between the Maddox parcel and the Christensen parcel, and they asked the City to deny the Maddoxes present application because it does not conform to that plan, and it would theoretically require the Christensens to bear a disproportionate burden if the properties ultimately developed as proposed in the Maddoxes' concept plan.

City staff recommended denial of the application and the Planning Commission unanimously voted to recommend denial of the application because the Maddoxes refused to provide for a portion of the 4740 West connection adjacent to Lot 1 in the proposed subdivision and because the Maddoxes and Christensens were unable to agree on an alternative proposal for road and utility connections from the 4740 West stub to 11200 West.

The Highland City Council, acting as the land use authority for the subdivision application, considered the matter on January 18, 2022. City staff again recommended denial for reasons related to the future 4740 West connection. After discussion, the City Council voted to continue the application and submit an advisory opinion request to this office seeking guidance on the matter.

ANALYSIS

The City, in its submission to this office, frames the dispute between the parties as follows:

The dispute between the Owner and the City is whether the City’s proposed condition on the approval of the Application that Owner dedicate and construct the Owner’s portion of the 180-foot or so section of the Connecting Road along and adjacent to Lot 1, consisting of a half-road plus additional asphalt to meet minimum standards for two lanes and utility facilities, (the “Condition”) is an unlawful exaction. Both sides appear to agree that the first prong of the exaction analysis is satisfied; i.e., there is an “essential nexus” or “essential link” between a legitimate governmental interest and the proposed condition. Utah Code § 10-9a-508(1)(a); *B.A.M. Development, L.L.C. v. Salt Lake County*, 2012 UT 26, ¶ 17, 282 P.3d 41. The interest is in providing for adequate circulation and connectivity of public roads and utilities, and the Connecting Road will directly advance those goals.

The dispute between the parties is whether the extent of the exaction is “roughly proportionate, both in nature and extent, to the impact of the proposed development.” Utah Code § 10-9a-508(1)(b); *B.A.M.*, 2012 UT 26, ¶ 19.

To the Owner, the Application only proposes one new home on a residential lot that does not require additional road or utility access other than what currently exists along 11200 North. As such, the Owner believes that providing a stub road and utilities for the future connection to the Stoney Brook Stub is disproportionate to the impact of the Application. To the City, the Application proposes three parcels that effectively stage or phase the overall development of the Property. The City’s review of the impact of the Application includes all three parcels—Lots 1 and 2 and the Remainder Parcel—and the City seeks to ensure that all three are adequately served by public infrastructure. The City’s Code on minor subdivisions specifically requires the City to ensure that “[l]ots created shall not adversely affect the remainder of the parcel or adjoining property.” Highland Development Code § 5-4-205(4).

In the City’s view, the creation of the Remainder Parcel, and Owner’s stated plans for the future development of the same, must be considered as part of the overall impact of the Application and proposed development. Owner or Owner’s representatives have represented to the City throughout this process that they intend to develop the Remainder Parcel in the future. The Remainder Parcel is created by the Application and is specifically marked “For Future Development.” No deed restriction, zoning regulation, or other limitation exists that would preclude development of the Remainder Parcel, except for the requirement to provide adequate public infrastructure to serve future lots. While the City would not require completion of the Connecting Road until the subdivision of the Remainder Parcel, the City believes that it is appropriate and necessary to provide for the future development of the Remainder Parcel.

Highland City Letter Supporting Request for Advisory Opinion, received February 3, 2022.

While the questions of nexus and proportionality must eventually be addressed, there is a threshold question that must be first address, and which, in this case, resolves the present dispute. The

threshold question relates to impact and asks about the *scope* of the proposed development—in other words, the first question is, “What development is the present application proposing?” This question defines the scope of the proposal and presents the impact the City must seek to offset through the rough proportionality test.

The city’s arguments here illustrate the debate about how to frame the development proposal for determining the impact of the proposal. May the city look at a “larger parcel” or potential future phases of a development when determining the impact of a proposal, or must the city determine only the impact of the *currently proposed* development when determining impact and a proportional exaction?

To resolve this question, we do not need to look any further than the plain language of the state statute governing when and to what extent a municipality may impose an exaction on development.² Utah Code § 10-9a-508(1) states that a “municipality may impose an exaction or exactions *on development proposed in a land use application...*” (emphasis added).

Therefore, when determining what the City may consider when determining the impact of the proposed application, the City may only consider development proposed in the *current* land use application. If the law were to allow otherwise, a City may presumably impose disproportionate burdens on developers simply by identifying potential—possibly speculative—development that may occur and that may someday benefit from the imposed requirement, and tie the impact of that future, potential development, to a presently proposed development proposal. This would undoubtably impose an unlawfully disproportionate burden on the proposed development.

Accordingly, where an application substantively conforms to local code requirements, the city may not impose requirements or exactions that consider the anticipated impacts of future development proposals that may or may not materialize in the near term.

Here, the Maddoxes’ application proposes the addition of one additional building lot, therefore the City may only consider the impact of that additional building lot when determining the extent to which it may impose conditions on the proposed development.

The City, in its advisory opinion request, acknowledges that the proposed development does not need the road and utility facilities connecting 4740 West to 11200 North. Therefore, it would be unlawful for the City to impose the requirement to construct those facilities on the Maddoxes’ current development proposal.

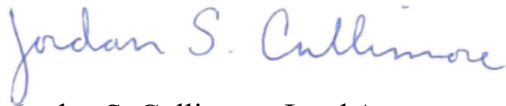
We take a moment to recognize the need for careful and orderly planning within a city, and we acknowledge that the City has done its part to attempt to facilitate such planning. While the city’s efforts to plan for the orderly development of its local street system is commendable, the city may not pursue its carefully laid, non-binding plan at the expense of property rights it does not possess and that it has not proposed to pay for. This is the case even where the property owner’s development proposal may create added costs for itself down the road, and may not align with what the City considers to be in accordance with best practices. If a property owner ultimately elects to develop in a manner different than the City’s preferences, but nonetheless in accordance

² See Utah Code § 10-9a-306(1) (“A land use authority shall apply the plain language of land use regulations.”)

with local ordinances governing the development proposal, then the developer is entitled to approval of his proposal, and the City may not require the developer to address future impacts of future development.³

CONCLUSION

A city may only require a property owner to offset impacts of development proposed in a land use application. In this case, the Maddoxes are currently proposing the creation of two building lots, only one of which will accommodate a new dwelling. Accordingly, the City may impose requirements to build road and utility facilities to the extent that such requirements only offset the impacts of the proposed development. Since the parties agree that the proposed development does not need the road and utility connections the City seeks to require the Maddoxes to construct, the City may not impose the requirement, as the exaction would be excessive.



Jordan S. Cullimore, Lead Attorney
Office of the Property Rights Ombudsman

³ Notably, in situations involving development in phases where the developer is not currently seeking approval for all phases of the development, and where the Code doesn't require such a plan, the city may consider proposing a development agreement in which the parties may attempt to negotiate a mutually beneficial solution that would provide the city improvements it seeks for future development and the property owner certain vested rights. Ultimately, however, if the parties cannot reach a voluntary agreement, the property owner's obligation is to comply with code requirements to obtain approval.

NOTE:

This is an advisory opinion as defined in Section 13-43-205 of the Utah Code. It does not constitute legal advice, and is not to be construed as reflecting the opinions or policy of the State of Utah or the Department of Commerce. The opinions expressed are arrived at based on a summary review of the factual situation involved in this specific matter, and may or may not reflect the opinion that might be expressed in another matter where the facts and circumstances are different or where the relevant law may have changed.

While the author is an attorney and has prepared this opinion in light of his understanding of the relevant law, he does not represent anyone involved in this matter. Anyone with an interest in these issues who must protect that interest should seek the advice of his or her own legal counsel and not rely on this document as a definitive statement of how to protect or advance his interest.

An advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to a dispute involving land use law. If the same issue that is the subject of an advisory opinion is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion, the substantially prevailing party on that cause of action may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution. Additionally, a civil penalty may also be available if the court finds that the opposing party—if either a land use applicant or a government entity—knowingly and intentionally violated the law governing that cause of action.

Evidence of a review by the Office of the Property Rights Ombudsman and the opinions, writings, findings, and determinations of the Office of the Property Rights Ombudsman are not admissible as evidence in a judicial action, except in small claims court, a judicial review of arbitration, or in determining costs and legal fees as explained above.

The Advisory Opinion process is an alternative dispute resolution process. Advisory Opinions are intended to assist parties to resolve disputes and avoid litigation. All of the statutory procedures in place for Advisory Opinions, as well as the internal policies of the Office of the Property Rights Ombudsman, are designed to maximize the opportunity to resolve disputes in a friendly and mutually beneficial manner. The Advisory Opinion attorney fees and civil penalty provisions, found in Section 13-43-206 of the Utah Code, are also designed to encourage dispute resolution. By statute they are awarded in very narrow circumstances, and even if those circumstances are met, the judge maintains discretion regarding whether to award them.



CITY COUNCIL AGENDA REPORT

ITEM #3d

DATE: April 19, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner & GIS Analyst
SUBJECT: **PLAT AMENDMENT:** Mercer Hollow Estates Lot 11 Amended (PA-22-03)
TYPE: **LEGISLATIVE:** The City Council is the Land Use Authority for Plat Amendments and is subject to Section 5-10-103 of the Highland City Development Code. Final plat amendments are a legislative process.

PURPOSE:

The City Council will consider a request petitioned by Kristian and Jamie Johnson. The request is to combine the existing lot located at 11869 N Cyprus Drive with property that the applicant purchased from the City. The City Council will take appropriate action.

BACKGROUND:

The City Council approved the final plat for Mercer Hollow Estates Plat A on June 1st, 2004. The previously City-owned open space parcel to be combined with the property is part of the Highland Hills Plat C Amended subdivision approved on December 7th, 2004. These properties are in open space subdivisions in the R-1-40 Zone.

The property owner's request to purchase the open space next to their lot was approved by the City Council on June 15th, 2021. The property sale closed in December 2021.

SUMMARY OF THE REQUEST:

1. The applicant is requesting to combine Lot 11 in the Mercer Hollow Estates Plat A subdivision with 3,525 square feet of open space the applicant purchased from the City. The combined lot square footage will be 33,532 square feet.

CITIZEN PARTICIPATION:

Notice of the plat amendment request was mailed to all property owners within 500 feet on April 7, 2022. No comments have been received.

ANAYLSIS/FINDINGS:

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

- The property owner's pressurized irrigation bill has been adjusted to include the additional irrigable square footage.

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 March 29, 2022.
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** Mercer Hollow Estates Plat A Lot 11 Amended subject to the two (2) stipulations recommended by Staff.

ALTERNATIVE MOTION:

I move that the City Council **DENY** Mercer Hollow Estates Plat A Lot 11 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:

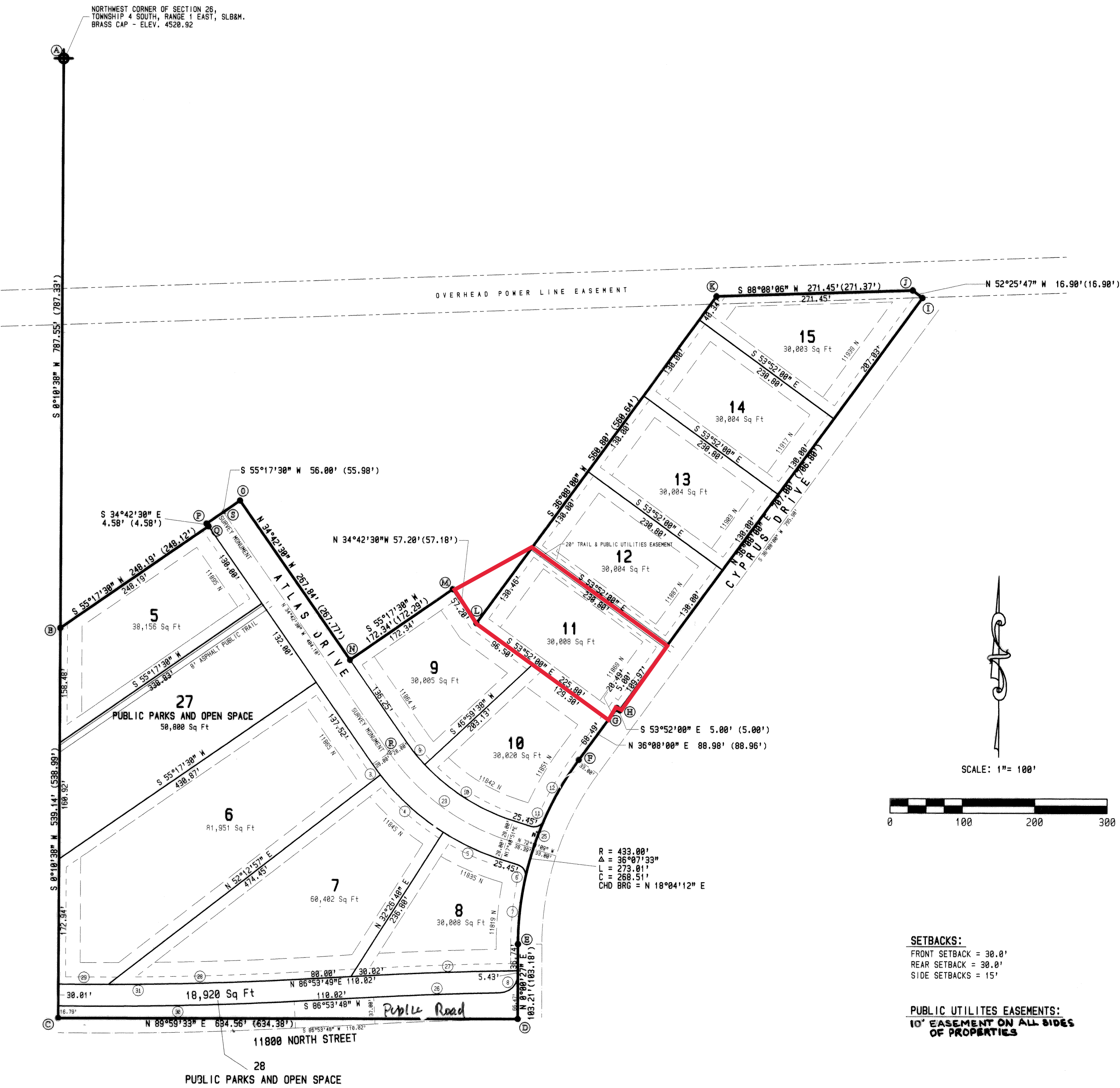
1. Vicinity Map
2. Mercer Hollow Estates Plat A
3. Highland Hills Plat C Amended
4. Proposed Plat Amendment



HIGHLAND WATER COMPANY
APPROVED THIS _____ DAY OF _____, 20____
BY THE HIGHLAND WATER COMPANY
ADMINISTRATOR.

WATER COMPANY OFFICIAL

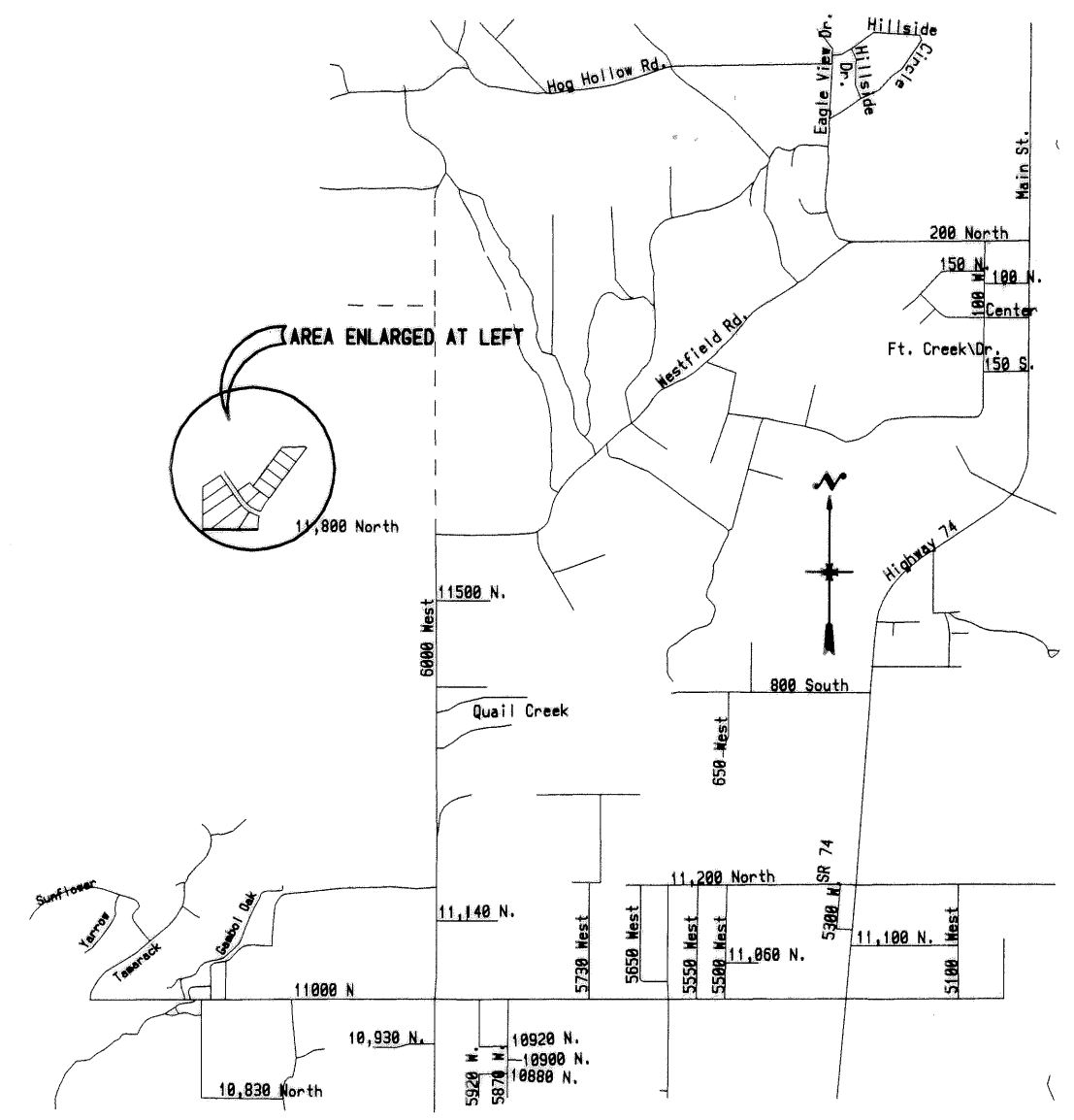
ATTACHMENT #2:



SETBACKS:
FRONT SETBACK = 30.0'
REAR SETBACK = 30.0'
SIDE SETBACKS = 15'

PUBLIC UTILITIES EASEMENTS:
10' EASEMENT ON ALL SIDES
OF PROPERTIES

- NOTES:
- 1 - PUBLIC PARKS AND OPEN SPACE LOTS 27 & 28 DEEDED TO HIGHLAND CITY.
 - 2 - LOTS 8 AND 10 SHALL NOT HAVE ACCESS FROM CYPRUS DRIVE.
 - 3 - LOTS HAVING LESS THAN 30,000 SQUARE FEET DO NOT HAVE LARGE ANIMAL RIGHTS.
 - 4 - A SOLID OR OPEN FENCE MAY BE CONSTRUCTED AT A MAXIMUM HEIGHT OF 4 FEET ALONG A TRAIL OR MAXIMUM HEIGHT OF 6 FEET IF IT ADJUTS OPEN SPACE AND IS 60% OPEN. ANY FENCE TO BE CONSTRUCTED REQUIRES A FENCE PERMIT PRIOR TO INSTALLATION.
 - 5 - THE APPLICANT SHALL INCLUDE A FEE WITH THE CITY FOR THE COST OF ONE 2" CALIBER TREE PER LOT TO BE PLANTED BY EACH INDIVIDUAL LOT OWNER WITHIN ONE YEAR FROM THE TIME A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THEIR HOME.
 - 6 - 70% OF FRONT YARD LANDSCAPING IS REQUIRED TO BE INSTALLED BY HOMEOWNER WITHIN ONE YEAR FROM THE TIME A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THEIR HOME.



VICINITY MAP

CURVE TABLE					
CURVE NO.	RADIUS	DELTA	ARC LENGTH	CHORD	CHORD BEARING
1	228.00'	7°25'22"	36.32'	36.32'	S 89°59'33" E
2	228.00'	27°17'45"	189.62'	211.93'	N 21°03'37" W
3	343.00'	3°04'33"	18.41'	18.41'	N 36°14'48" W
4	343.00'	19°45'08"	116.35'	116.35'	N 47°48'07" W
5	343.00'	14°37'55"	87.53'	87.53'	N 54°52'00" W
6	15.00'	84°29'25"	25.12'	25.12'	N 28°58'58" W
7	433.00'	12°17'47"	92.93'	92.93'	N 6°09'28" E
8	25.00'	88°52'25"	38.78'	38.78'	S 44°26'41" W
9	267.00'	8°17'53"	41.57'	41.57'	S 38°51'26" E
10	267.00'	29°10'47"	146.18'	146.18'	S 57°25'48" E
11	15.00'	84°29'25"	25.12'	25.12'	N 28°58'58" W
12	433.00'	12°48'49"	96.84'	96.84'	N 29°43'34" E
13	15.00'	88°08'08"	23.58'	23.58'	N 81°08'08" E
14	158.00'	27°28'45"	74.45'	74.45'	S 67°32'22" E
15	158.00'	8°24'11"	23.23'	23.23'	S 85°29'38" E
16	15.00'	88°52'25"	23.58'	23.58'	S 44°26'41" W
17	172.00'	34°53'08"	184.73'	184.73'	S 17°15'56" E
18	15.00'	88°02'26"	23.57'	23.57'	S 45°11'51" W
19	180.00'	35°54'58"	62.68'	62.68'	N 71°49'28" W
20	15.00'	88°08'08"	23.58'	23.58'	N 81°08'08" E
21	128.00'	35°54'58"	62.68'	62.68'	S 71°49'28" W
22	280.00'	21°53'08"	121.77'	121.77'	N 17°15'56" E
23	315.00'	37°28'48"	286.64'	286.64'	N 53°26'58" W
24	156.00'	27°49'07"	75.74'	75.74'	S 67°54'08" E
25	433.00'	38°47'32"	273.67'	273.67'	S 10°04'12" W
26	580.00'	1°53'08"	174.58'	174.58'	S 87°52'28" W
27	580.00'	2°16'08"	280.64'	280.64'	N 88°01'53" E
28	4933.00'	2°57'52"	255.22'	255.22'	N 88°22'44" E
29	4933.00'	8°48'03"	58.06'	58.06'	S 89°44'19" E
30	4933.00'	3°45'45"	325.80'	325.80'	S 80°40'35" W
31	4933.00'	3°45'55"	324.15'	324.15'	N 88°46'48" E

STATE PLANE COORDINATES		
POINT #	NORTHING	EASTING
A	771,120.0200	1,913,452.4900
B	770,332.6949	1,913,458.0535
C	769,793.7182	1,913,448.3853
D	769,793.7922	1,914,082.7673
E	765,896.9735	1,914,082.7888
F	770,152.1786	1,914,156.8448
G	770,224.8153	1,914,219.5888
H	770,221.0678	1,914,222.5371
I	770,791.9138	1,914,639.3140
J	770,882.2152	1,914,625.9229
K	770,793.3835	1,914,354.6952
L	770,340.5834	1,914,824.1048
M	770,387.5922	1,913,991.5435
N	770,290.4854	1,913,849.3894
O	770,589.6127	1,913,697.4416
P	770,477.7354	1,913,651.4190
Q	770,473.9746	1,913,654.8239

SURVEY MONUMENTS		
R	770,161.5735	1,913,994.4583
S	770,493.6741	1,913,674.4383

GRID FACTOR = 0.999797	
------------------------	--

SURVEYOR'S CERTIFICATE

I, BARRY L. PRETTYMAN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 166406 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION

COMMENCING SOUTH 0°10'38" WEST 787.55 FEET ALONG THE SECTION LINE FROM THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE MERIDIAN; THENCE AS FOLLOWS:

COURSE	DISTANCE	REMARKS
S 0°10'38" W	539.14'	ALONG THE SECTION LINE
N 89°59'33" E	634.56'	
N 0°00'27" E	103.21'	
NORTHEASTERLY	L = 273.81' R = 433.00', Δ = 36°07'33", CHD = N 18°04'12" E 268.51'	
N 36°08'00" E	88.98'	
S 53°52'00" E	5.00'	
N 36°08'00" E	707.00'	
N 52°25'47" W	16.90'	
S 88°08'06" W	271.45'	
S 36°08'00" W	568.80'	
N 34°42'30" W	57.20'	
S 55°17'30" W	172.34'	
N 34°42'30" W	267.84'	
S 55°17'30" W	56.00'	
S 34°42'30" E	4.58'	
S 55°17'30" W	248.19'	TO THE POINT OF BEGINNING.

AREA = 12.453 ACRES

BASIS OF BEARING = UTAH COORDINATE BEARINGS, CENTRAL ZONE, S 89°46'56" E BETWEEN THE NORTH-WEST CORNER AND THE NORTH 1/4 CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SLB&M.

Sep. 16, 2004 DATE Danny R. Williams SURVEYOR (See Seal Below)

OWNERS' DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS THIS 15th DAY OF Nov, A.D. 2004

William P. Seavelle, Manager for AVS LLC ALPINE VALLEY GROUP LLC
William P. Seavelle

ACKNOWLEDGEMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }

ON THE 15th DAY OF November, A.D. 2004, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES 9/17/06

Shirley D. Seavelle NOTARY PUBLIC (See Seal Below)

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 15th DAY OF June, A.D. 2004

Jess Adamson RANDALL S. COULSTON
CITY CLERK UTAH COUNTY RECORDER (See Seal Below)

APPROVED maxim ATTEST Shirley D. Seavelle
ENGINEER (See Seal Below) CLERK-RECORDER (See Seal Below)

BOARD OF HEALTH

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS

CITY-COUNTY HEALTH DEPARTMENT

PLANNING COMMISSION APPROVAL

APPROVED THIS 25th DAY OF May, A.D. 2004, BY THE Highland City PLANNING COMMISSION

Danny L. Prettyman DIRECTOR-SECRETARY Shirley Paul Seavelle CHAIRMAN, PLANNING COMMISSION

PLAT "A"

MERCER HOLLOW ESTATES

BEING A VACATION OF OPEN SPACE LOTS 65 & 67 HIGHLAND HILLS PLAT B AND PORTIONS OF OPEN SPACE LOT 125, HIGHLAND HILLS PLAT C

SUBDIVISION

HIGHLAND CITY, UTAH COUNTY, UTAH

SCALE: 1" = 100 FEET

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

REGISTERED LAND SURVEYOR BARRY L. PRETTYMAN #166406 STATE OF UTAH

WILLIAM P. SEAVELLE CITY ENGINEER HIGHLAND CITY STATE OF UTAH

1-27-04

This form approved by Utah County and the municipalities therein.

CURVE NO.	RADIUS	DELTA	ARC LENGTH	CHORD	
				BEARING	DISTANCE
C1	156.00'	27°48'07"	75.74'	S 67°54'00" E	75.00'
C2	15.00'	90°00'00"	23.56'	N 8°52'00" W	21.21'
C3	100.00'	35°54'56"	62.66'	N 71°49'28" W	61.66'
C4	15.00'	90°02'26"	23.57'	S 45°11'51" W	21.22'
C5	228.00'	30°05'17"	119.73'	S 37°13'24" E	118.36'
C6	277.00'	180°00'00"	870.22'	N 36°08'00" E	554.00'
C7	15.00'	90°00'00"	23.56'	N 81°08'00" E	21.21'
C8	422.00'	0°41'47"	5.13'	S 53°30'45" E	5.13'
C9	327.00'	54°45'04"	312.46'	S 26°29'28" E	300.72'
C10	541.57'	7°07'49"	67.40'	N 39°58'41" E	67.35'
C11	448.00'	10°33'05"	82.50'	N 29°45'21" E	82.39'
C12	15.00'	90°00'00"	23.56'	S 81°08'00" W	21.21'
C13	167.00'	4°13'25"	12.31'	N 55°58'46" W	12.31'
C14	277.00'	4°13'24"	20.42'	S 55°58'42" E	20.41'
C15	277.00'	21°24'59"	103.54'	S 68°47'54" W	102.94'
C16	167.00'	21°24'59"	62.42'	N 68°47'52" W	62.06'
C17	167.00'	23°40'00"	68.98'	S 88°39'36" W	68.49'
C18	277.00'	23°40'00"	114.42'	N 88°39'36" E	113.61'
C19	277.00'	19°26'00"	93.95'	N 67°06'36" E	93.50'
C20	167.00'	19°26'00"	56.64'	S 67°06'36" W	56.37'
C21	167.00'	21°25'00"	62.06'	S 46°41'06" W	62.06'
C22	277.00'	21°25'00"	103.54'	N 46°41'06" E	102.94'
C23	277.00'	23°40'00"	114.42'	N 24°08'36" E	113.61'
C24	167.00'	23°40'00"	68.98'	S 24°08'36" W	68.49'
C25	167.00'	19°26'00"	56.64'	S 2°35'36" W	56.37'
C26	277.00'	19°26'00"	93.95'	N 2°35'36" E	93.50'
C27	277.00'	21°25'00"	103.54'	N 17°49'54" W	102.94'
C28	167.00'	21°25'00"	62.42'	S 17°49'54" E	62.06'
C29	277.00'	23°40'00"	114.42'	N 40°22'24" W	113.61'
C30	167.00'	23°40'00"	68.98'	N 40°22'24" E	68.49'
C31	277.00'	1°39'36"	8.03'	N 53°02'07" W	8.02'
C32	167.00'	1°39'35"	4.84'	S 53°02'14" E	4.84'
C33	111.00'	180°00'00"	348.72'	N 36°08'00" E	222.00'
C34	15.00'	90°00'00"	23.56'	S 8°52'00" E	21.21'
C35	15.00'	90°00'00"	23.56'	S 81°08'00" W	21.21'
C36	15.00'	90°00'00"	23.56'	S 8°52'00" W	21.21'
C37	327.00'	12°38'47"	72.18'	S 46°50'51" E	72.03'
C38	422.00'	12°38'47"	93.14'	N 46°50'51" W	92.96'
C39	422.00'	13°48'10"	101.66'	N 33°37'20" W	101.42'
C40	327.00'	13°48'10"	78.78'	S 33°37'21" E	78.58'

CURVE NO.	RADIUS	DELTA	ARC LENGTH	CHORD	
				BEARING	DISTANCE
C41	327.00'	13°48'10"	78.78'	S 19°49'11" E	78.58'
C42	422.00'	13°48'10"	101.66'	N 19°49'11" W	101.42'
C43	422.00'	13°48'10"	101.66'	N 6°01'01" W	101.42'
C44	327.00'	13°48'10"	78.78'	S 6°01'01" E	78.58'
C45	478.00'	6°25'49"	53.05'	S 2°26'52" E	53.62'
C46	478.00'	8°16'07"	68.98'	S 9°47'52" E	68.92'
C47	478.00'	9°07'12"	76.89'	S 18°29'30" E	76.00'
C48	478.00'	7°34'25"	63.18'	S 26°40'58" E	63.14'
C49	478.00'	7°36'09"	63.42'	S 34°25'37" E	63.38'
C50	15.00'	84°59'47"	22.25'	S 4°16'12" W	20.27'
C51	504.00'	11°27'40"	100.82'	S 34°21'08" W	100.65'
C52	504.00'	10°24'08"	91.58'	S 23°25'14" W	91.38'
C53	504.00'	7°37'36"	67.09'	S 14°24'22" W	67.04'
C54	504.00'	10°17'28"	90.53'	S 5°26'55" W	90.48'
C55	15.00'	89°43'32"	23.49'	S 45°09'05" W	21.16'
C56	15.00'	66°53'08"	17.51'	S 56°32'36" E	16.53'
C57	50.00'	85°28'19"	74.59'	S 65°50'12" E	67.86'
C58	50.00'	58°11'51"	50.79'	N 42°19'44" E	48.63'
C59	50.00'	12°56'29"	11.29'	N 6°45'34" E	11.27'
C60	448.00'	11°52'58"	92.91'	N 6°13'40" E	92.75'
C61	448.00'	10°33'05"	82.50'	N 29°45'21" E	82.38'
C62	448.00'	9°29'31"	74.22'	N 39°46'39" E	74.13'
C63	448.00'	2°14'42"	17.55'	N 45°38'45" E	17.55'
C64	15.00'	84°59'47"	22.25'	N 89°15'58" E	20.27'
C65	478.00'	5°37'52"	46.98'	S 51°03'04" E	46.96'
C66	15.00'	98°00'00"	23.56'	S 8°52'00" E	21.21'
C67	228.00'	16°35'47"	66.04'	S 27°50'07" W	65.81'
C68	228.00'	16°42'41"	66.50'	S 11°10'52" W	66.26'
C69	228.00'	2°32'13"	10.18'	S 1°33'25" W	10.09'
C70	172.00'	35°58'41"	107.60'	N 18°12'40" E	105.86'
C71	15.00'	84°51'14"	22.21'	N 78°33'37" E	20.24'
C72	200.00'	35°50'41"	125.12'	N 18°12'40" E	123.09'
C73	139.00'	180°00'00"	436.68'	N 36°08'00" E	278.00'
C74	450.00'	10°38'06"	83.53'	S 48°32'57" E	83.41'
C75	450.00'	44°03'14"	346.00'	S 21°12'17" E	337.54'
C76	476.00'	46°31'53"	386.57'	N 23°31'42" E	375.64'

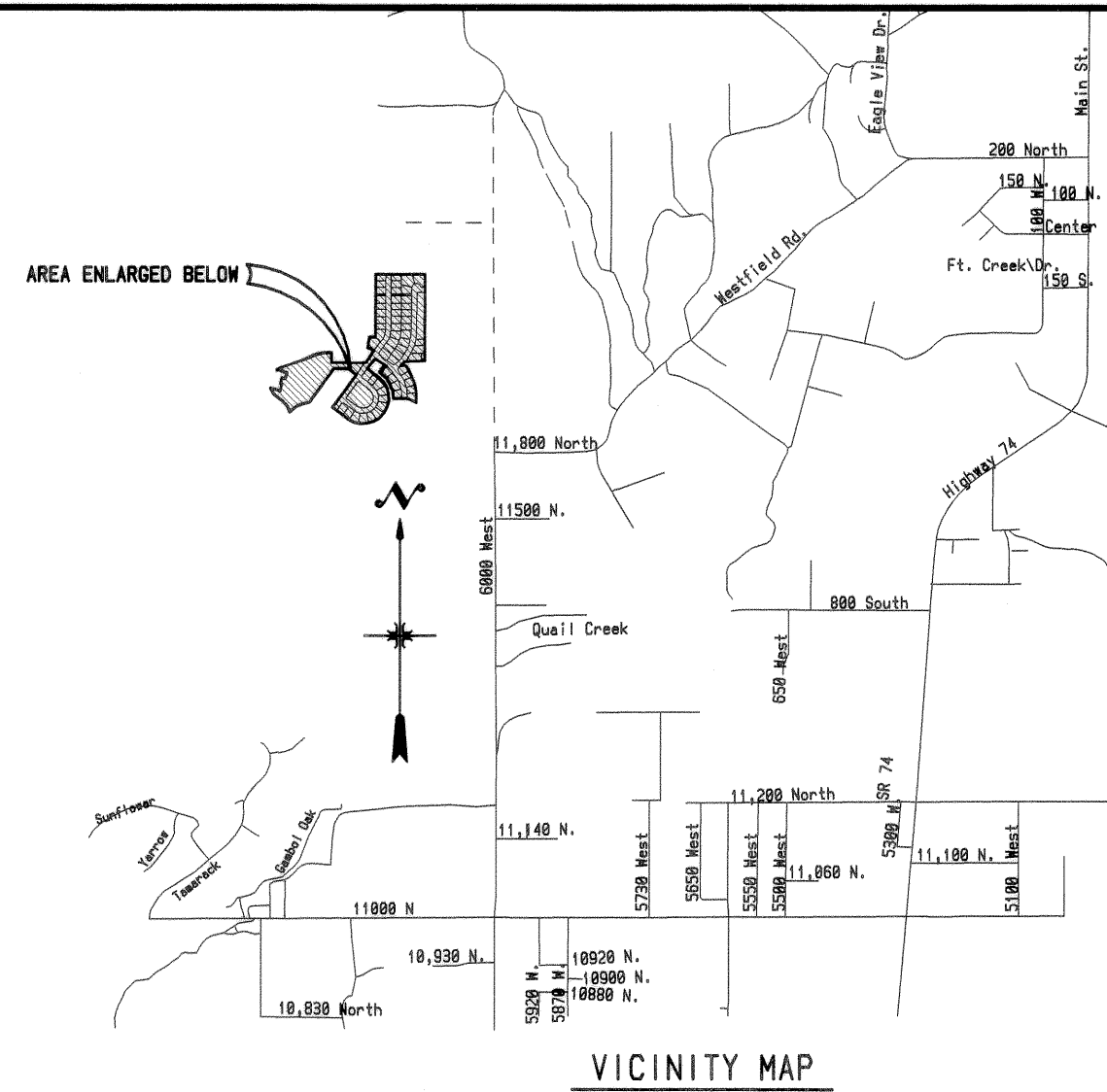
POINT #	BEARING	DISTANCE	GRID DIST.
T1	N 53°52'00" W	145.86'	145.92'
T2	N 36°08'00" E	138.00'	129.96'
T3	S 53°52'00" E	138.66'	130.82'
T4	S 87°54'38" W	32.00'	31.99'
T5	S 36°08'00" W	75.17'	75.15'
T6	S 53°52'00" E	20.01'	20.00'
T7	S 87°54'38" W	52.54'	52.53'
T8			
T9			
T10			

SETBACKS:
 FRONT SETBACK = 25.0'
 REAR SETBACK = 25.0' ON ALL LOTS EXCEPT LOTS 80 - 88 REAR SET BACK = 20.0'
 SIDE SETBACKS = 25.0' - 12.5' ON EACH SIDE

PUBLIC UTILITES EASEMENTS:
 10' FRONT & REAR EASEMENTS
 5' SIDE EASEMENTS

OPEN SPACE
 OPEN SPACE (LOTS 125 - 133)
 DEDICATED TO THE PUBLIC FOR PUBLIC USE.

ATTATCHMENT #3:



BOUNDARY DESCRIPTION - CONTINUED			
COURSE	DISTANCE	REMARKS	
N 08°46'56" W	856.92'	R = 156.00', Δ = 27°49'07", CHD. = S 67°54'00" E 75.00'	
SOUTHEASTERLY	L = 75.74'	R = 15.00', Δ = 90°00'00", CHD. = N 8°52'00" W 21.21'	
S 36°08'00" W	221.00'	NORTHWESTERLY L = 23.56'	
NORTHWESTERLY	L = 23.56'	R = 100.00', Δ = 35°54'56", CHD. = N 71°49'28" W 61.66'	
N 89°46'56" W	856.92'	SOUTHWESTERLY L = 23.57'	
SOUTHWESTERLY	L = 23.57'	R = 15.00', Δ = 90°02'26", CHD. = S 45°11'51" W 21.22'	
S 0°10'39" W	90.31'	S 0°10'38" W	
N 87°54'38" E	225.18'	S 34°42'30" E	
S 0°10'38" W	153.63'	S 55°17'30" W	
S 34°42'30" E	89.96'	S 34°42'30" E	
S 55°17'30" W	218.48'	S 34°42'30" E	
S 34°42'30" E	151.88'	S 55°17'30" E	
S 55°17'30" E	172.34'	S 34°42'30" E	
S 34°42'30" E	57.28'	N 36°08'00" E	
N 36°08'00" E	560.80'	N 88°08'06" E	
N 88°08'06" E	271.45'	S 52°25'47" E	
S 52°25'47" E	16.90'	S 36°08'00" W	
S 36°08'00" W	534.00'	S 53°52'00" E	
S 53°52'00" E	201.86'		

SURVEYOR'S CERTIFICATE
 I, BARRY L. PRETTYMAN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 166406 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION
 COMMENCING SOUTH 89°45'56" EAST 1264.79 FEET ALONG THE SECTION LINE FROM THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE MERIDIAN; THENCE AS FOLLOWS:

COURSE	DISTANCE	REMARKS
S 08°11'26" W	117.88'	
SOUTHEASTERLY	L = 75.74'	R = 156.00', Δ = 27°49'07", CHD. = S 67°54'00" E 75.00'
S 36°08'00" W	221.00'	
NORTHWESTERLY	L = 23.56'	R = 15.00', Δ = 90°00'00", CHD. = N 8°52'00" W 21.21'
NORTHWESTERLY	L = 61.66'	R = 100.00', Δ = 35°54'56", CHD. = N 71°49'28" W 61.66'
N 89°46'56" W	856.92'	
SOUTHWESTERLY	L = 23.57'	R = 15.00', Δ = 90°02'26", CHD. = S 45°11'51" W 21.22'
S 0°10'39" W	90.31'	
N 87°54'38" E	225.18'	
S 0°10'38" W	153.63'	
S 34°42'30" E	89.96'	
S 55°17'30" W	218.48'	
S 34°42'30" E	151.88'	
S 55°17'30" E	172.34'	
S 34°42'30" E	57.28'	
N 36°08'00" E	560.80'	
N 88°08'06" E	271.45'	
S 52°25'47" E	16.90'	
S 36°08'00" W	534.00'	
S 53°52'00" E	201.86'	

- DESCRIPTION CONTINUED BELOW AT LEFT -

BASIS OF BEARING = UTAH COORDINATE BEARINGS, CENTRAL ZONE, N 67°19'04" W BETWEEN THE NORTH WEST CORNER OF SECTION 26, T 4 S, R 1 E, SLB8M. AND THE VIEW #2 BACKSIGHT TOWER.

Nov. 15 2004
 DATE

Darryl R. Prettyman
 SURVEYOR
 (See Seal Below)

OWNERS' DEDICATION
 KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS THIS 8th DAY OF November, A.D. 2004

William P. Sovell, Manager for Alpine Valley Corp. *Barry Edwards* for Highland City

ACKNOWLEDGEMENT
 STATE OF UTAH } S.S.
 COUNTY OF UTAH }
 ON THE 8th DAY OF December, A.D. 2004 PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES 11/10/06

Shirley D. Jones
 NOTARY PUBLIC
 (See Seal Below)

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 1st DAY OF December, A.D. 2004

Jess Adamson

APPROVED ms 8mm ENGINEER (See Seal Below) ATTEST *Shirley D. Jones* CLERK-RECORDER (See Seal Below)

BOARD OF HEALTH
 APPROVED SUBJECT TO THE FOLLOWING CONDITIONS

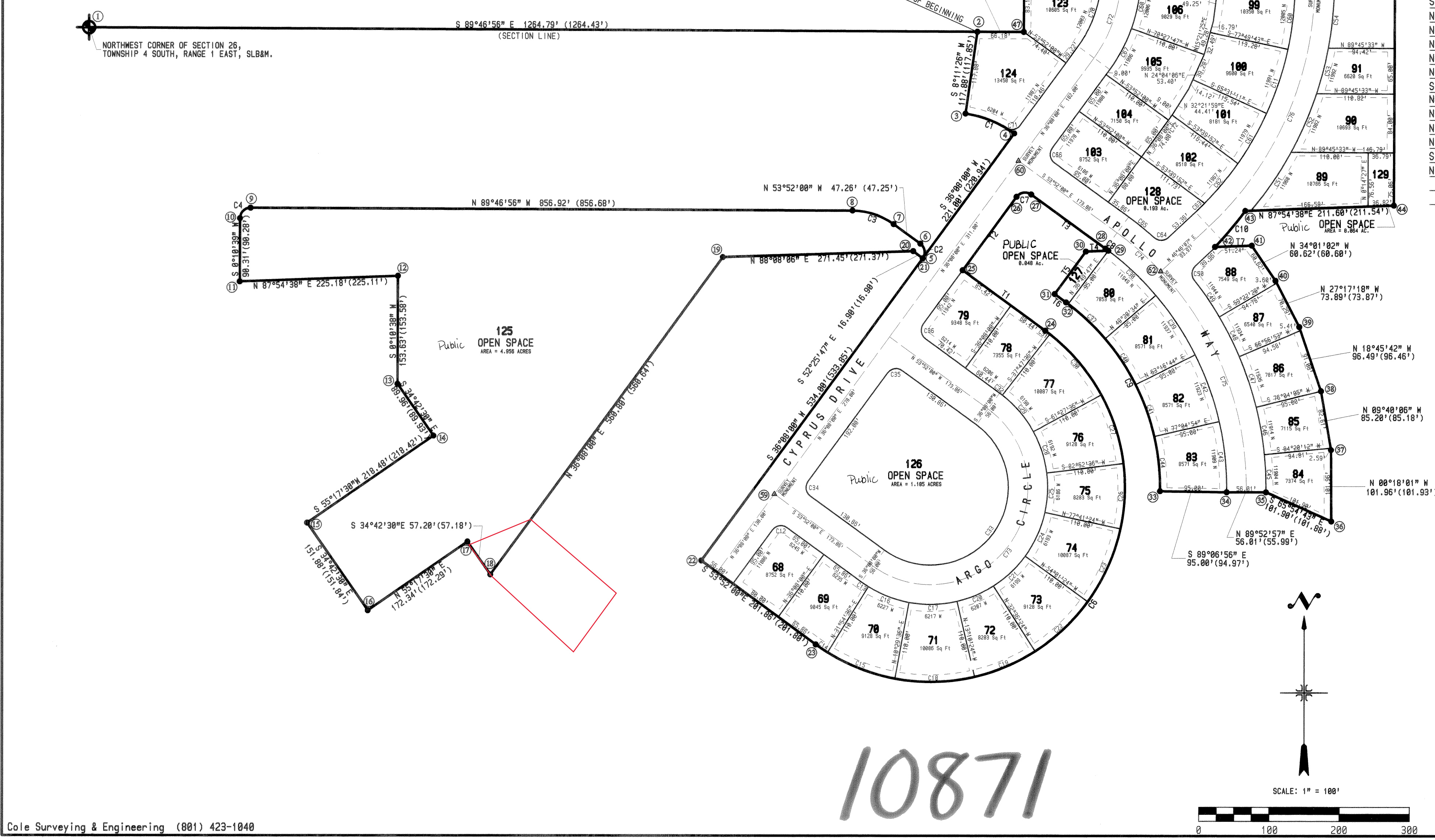
PLANNING COMMISSION APPROVAL
 APPROVED THIS 27th DAY OF November, A.D. 2004, BY THE Highland City PLANNING COMMISSION

Barry Edwards DIRECTOR-SECRETARY *James Paul Prosser* CHAIRMAN, PLANNING COMMISSION

PLAT "C"
HIGHLAND HILLS
A MENDED
 SUBDIVISION
 HIGHLAND, UTAH COUNTY, UTAH
 SCALE: 1" = 100 FEET

SURVEYOR'S SEAL: *BARRY L. PRETTYMAN* #166406
 NOTARY PUBLIC SEAL: *SHIRLEY D. JONES*
 CITY-COUNTY ENGINEER SEAL: *HIGHLAND CITY* 12-8-04
 CLERK-RECORDER SEAL: *CORPORATE SEAL*

approved to form David Church

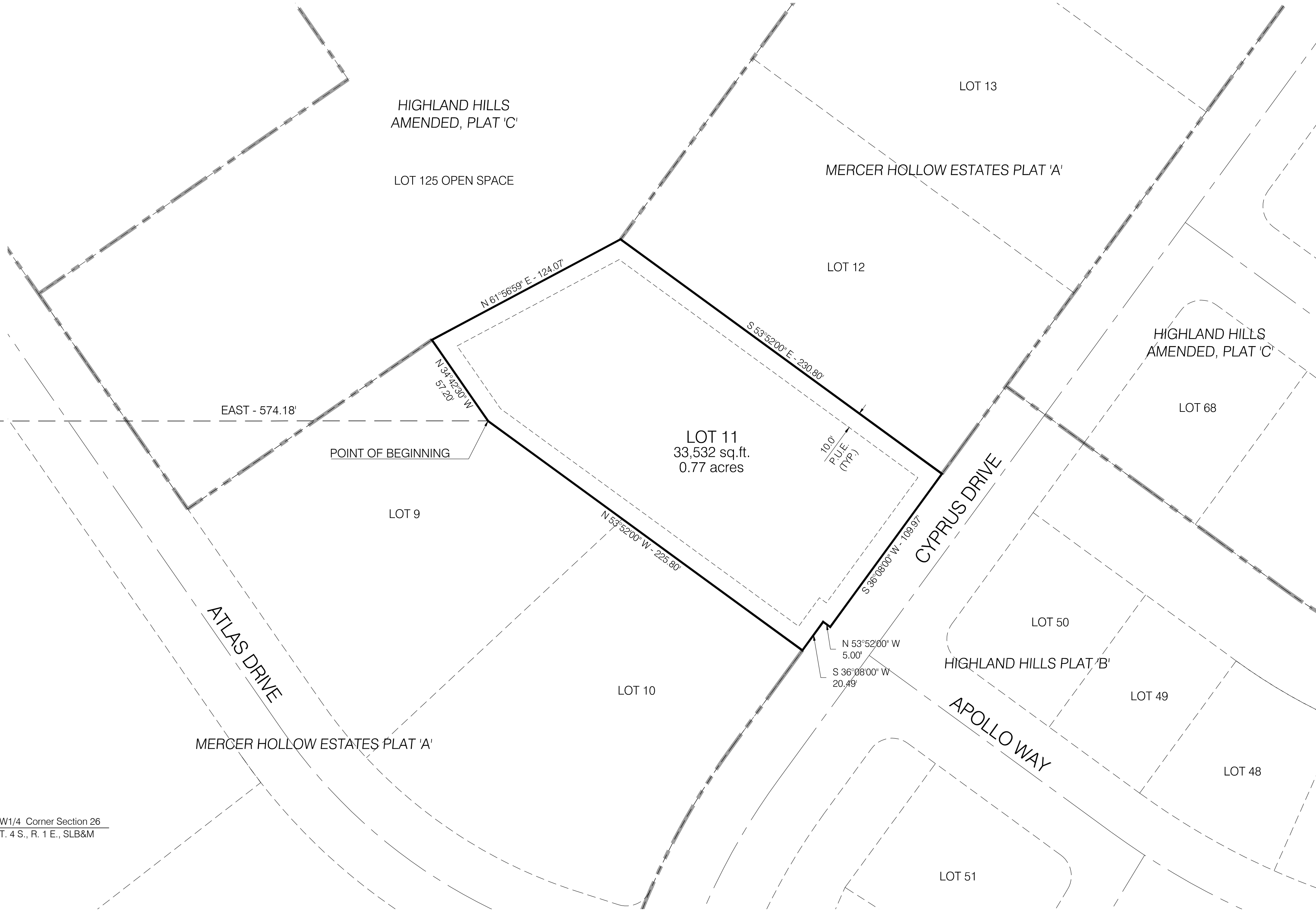
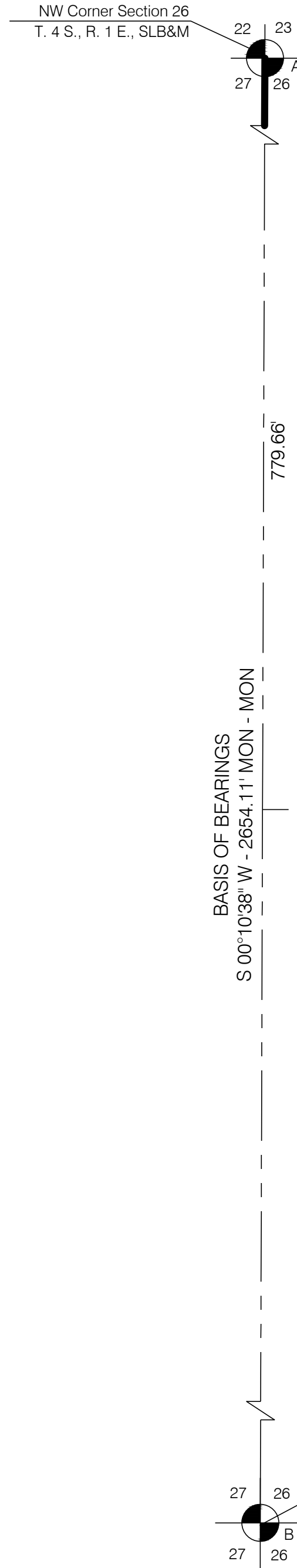
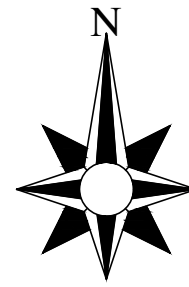


STATE PLANE COORDINATES			STATE PLANE COORDINATES		
POINT #	NORTHING	EASTING	POINT #	NORTHING	EASTING
1	771,128.8208	1,913,452.4908	34	770,458.8982	1,915,072.6295
2	771,115.2116	1,914,716.9131	35	770,459.8130	1,915,128.6287
3	770,990.5625	1,914,708.1232	36	770,417.4338	1,915,221.6247
4	770,970.3533	1,914,709.5934	37	770,519.3863	1,915,221.0907
5	770,791.9138	1,914,639.3148	38	770,680.3325	1,915,286.7808
6	770,812.8674	1,914,636.0454	39	770,694.6672	1,915,175.7614
7	770,840.7298	1,914,597.8843	40	770,768.3184	1,915,141.8933
8	770,859.9582	1,914,539.3142	41	770,810.5468	1,915,107.9918
9	770,863.2144	1,913,682.6416	42	770,808.6317	1,915,055.5082
10	770,848.2651	1,913,687.5889	43	770,809.2294	1,915,098.7622
11	770,797.9051	1,913,667.3092	44	770,807.9421	1,915,310.1634
12	770,766.1926	1,913,892.2718	45	771,791.0752	1,915,314.0497
13	770,612.6081	1,913,891.7967	46	771,791.1943	1,914,786.4816
14	770,538.6798	1,913,943.0036	47	771,114.9681	1,914,783.0752
15	770,414.3123	1,913,763.4510			
16	770,289.4894	1,913,849.9091			
17	770,387.5322	1,913,991.5435			
18	770,340.5834	1,914,024.1048			
19	770,793.3835	1,914,354.6925			
20	770,802.2152	1,914,625.9229			
21	770,791.9138	1,914,639.3142			
22	770,560.7514	1,914,324.5287			
23	770,241.7547	1,914,487.5866			
24	770,889.8857	1,914,814.0991			
25	770,775.8581	1,914,698.3200			
26	770,880.8147	1,914,732.9559			
27	770,883.2895	1,914,793.9889	59	770,455.6686	1,914,428.4796
28	770,886.1428	1,914,899.5656	60	770,931.2390	1,914,775.6651
29	770,883.8932	1,914,903.6896	61	771,195.8082	1,914,921.4421
30	770,881.9278	1,914,871.7241	62	770,773.5519	1,914,978.5708
31	770,741.2317	1,914,827.4162	57	771,182.4445	1,915,197.3827
32	770,729.4373	1,914,843.5851	58	771,623.1367	1,915,199.5248
33	770,468.3642	1,914,877.6575			
GRID FACTOR = 0.9997193					

ATTACHMENT #4:

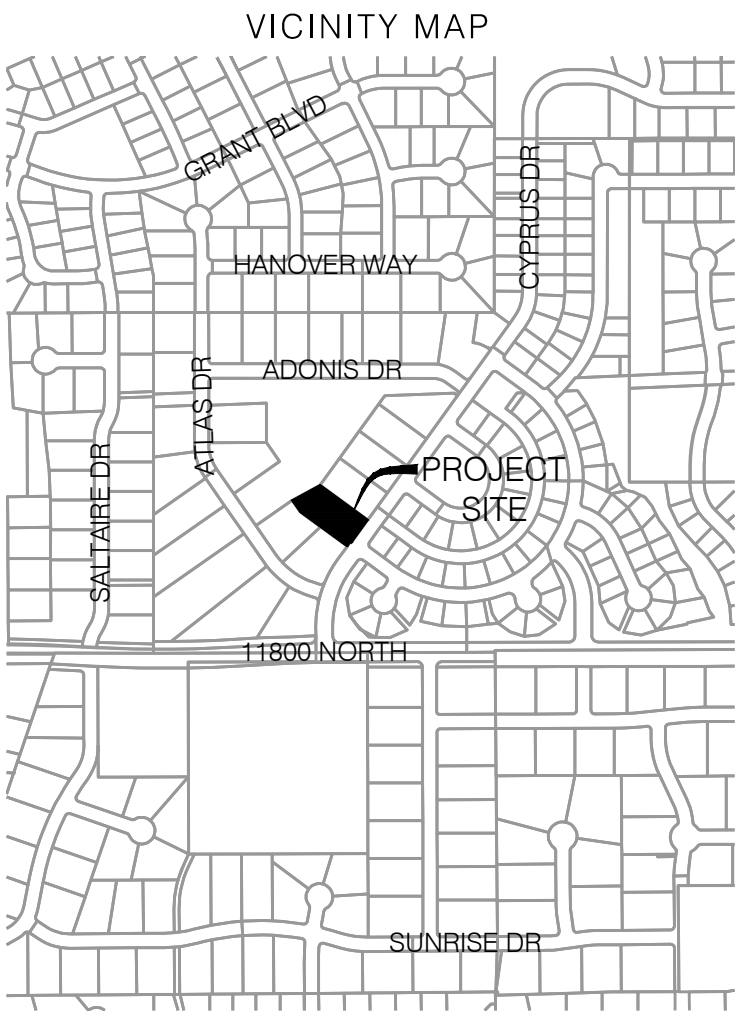
MERCER HOLLOW ESTATES PLAT A LOT 11 AMENDED

BEING A VACATION AND AMENDMENT OF LOT 11, MERCER HOLLOW ESTATES PLAT A, AND PART OF LOT 125 OPEN SPACE, HIGHLAND HILLS PLAT C AMENDED, IN THE NW 1/4 OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
HIGHLAND, UTAH COUNTY, UTAH

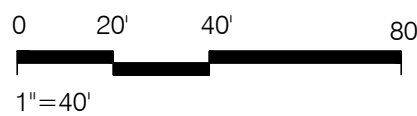
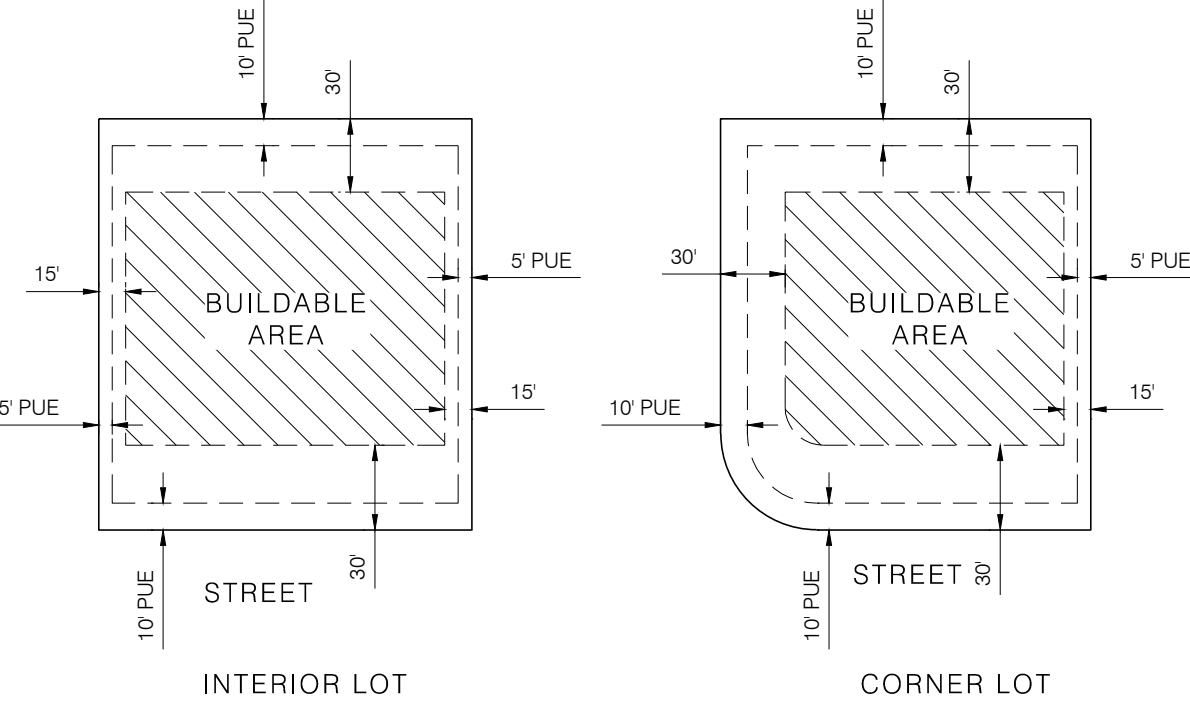


Monument Table	
A	N: 7,332,786.36 E: 1,553,655.99
B	N: 7,330,133.00 E: 1,553,648.64

Utah State Plane Coordinates
NAD83 Utah Central Zone, US Survey Ft



TYPICAL BUILDING SETBACKS



SURVEYOR'S NOTES:
THIS PLAT IS TO AMEND LOT 11 OF MERCER HOLLOW ESTATES PLAT 'A' TO INCLUDE A PORTION OF OPEN SPACE LOT 125 OF HIGHLAND HILLS AMENDED PLAT 'C' DEEDED BY HIGHLAND CITY TO KRISTIAN & JAIMIE JOHNSON IN WARRANTY DEED ENTRY 204362:2021, RECORDED DECEMBER 9, 2021.

BASIS OF BEARINGS:
THE BASIS OF BEARINGS USED FOR THIS SURVEY S00°10'38"W BETWEEN THE NORTHWEST CORNER AND THE WEST QUARTER CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AS SHOWN. THIS IS BASED ON THE BEARING SHOWN ON MERCER HOLLOW ESTATES PLAT 'A'. THIS BEARING DOES NOT MATCH THE UTAH STATE PLANE COORDINATE SYSTEM BEARING BETWEEN THESE CORNERS.

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 TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BOUNDARY DESCRIPTION
A TRACT OF LAND BEING SITUATE IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID TRACT BEING PART OF LOT 125 OPEN SPACE, HIGHLAND HILLS PLAT 'C' AMENDED, UTAH COUNTY RECORDER MAP NO. 10871, AND ALL OF LOT 11, MERCER HOLLOW ESTATES PLAT 'A', UTAH COUNTY RECORDER MAP NO. 10925, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF LOT 9 OF SAID MERCER HOLLOW ESTATES PLAT 'A'; SAID POINT BEING S00°10'38"W 779.66 FEET ALONG THE SECTION LINE AND EAST 574.18 FEET FROM THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 9 AND SUBDIVISION BOUNDARY, N34°42'30"W 57.20 FEET; THENCE N61°56'59"E 124.07 FEET TO THE WESTERNMOST CORNER OF LOT 12 OF SAID MERCER HOLLOW ESTATES PLAT 'A'; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 12, S53°52'00"E 230.80 FEET TO THE WESTERLY LINE OF CYPRUS DRIVE AS SHOWN ON HIGHLAND HILLS PLAT 'B'; THENCE ALONG SAID SUBDIVISION BOUNDARY S36°08'00"W 109.97 FEET; THENCE CONTINUING ALONG SAID BOUNDARY N53°52'00"W 5.00 FEET; THENCE CONTINUING ALONG SAID BOUNDARY S36°08'00"W 20.49 FEET TO THE NORTHEASTERNMOST CORNER OF LOT 10 OF SAID MERCER HOLLOW ESTATES PLAT 'A'; THENCE ALONG THE NORTHEASTERLY LINE OF LOT 10 AND LOT 9 OF SAID SUBDIVISION N53°52'00"W 225.80 FEET, TO THE POINT OF BEGINNING.

CONTAINING 0.770 ACRES, MORE OR LESS.

MARCH 24, 2022
DATE:

Travis L. Hansen
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 _____ 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

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.

MERCER HOLLOW ESTATES PLAT A LOT 11 AMENDED

BEING A VACATION AND AMENDMENT OF LOT 11, MERCER HOLLOW ESTATES PLAT A, AND PART OF LOT 125 OPEN SPACE, HIGHLAND HILLS PLAT C AMENDED, IN THE NW 1/4 OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
HIGHLAND, UTAH COUNTY, UTAH
SCALE 1" = 40 FEET

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



CITY COUNCIL AGENDA REPORT

ITEM #4

DATE: April 19, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Tyler Bahr, Finance Director
SUBJECT: **ACTION:** FY 2022-2023 Lone Peak Public Safety District Budget
TYPE: **ADMINISTRATIVE** – The Council is acting in an administrative capacity as outlined in the Municipal Code, State Law and Interlocal agreement governing the Lone Peak Public Safety District.

PURPOSE:

City Council will consider Lone Peak Public Safety District's tentative budget, including an increase in Highland City's assessments to fund the District. The Council will take appropriate action.

BACKGROUND:

The Lone Peak Public Safety District Interlocal Agreement, as amended in 2020, requires both Alpine and Highland City Councils to approve increases in the Cities' assessments when they will increase more than property tax revenue. The District's Board adopted its tentative budget on April 13, including salary increases as well as estimated benefit cost increases. Upon approval of both city councils, the Board is scheduled to adopt the District's budget on May 11.

As discussed in individual briefings with members of both Alpine and Highland city Councils, the primary focus of the District's tentative budget is addressing salary and benefits to retain and recruit qualified employees.

All other costs have been held consistent with the FY2022 budget unless absolutely necessary which includes:

- Public information – increase of \$350 for website management
- Legal fees – increase of \$1,375 consistent with FY2022 trend
- Audit fees – increase of \$800 for anticipated contract increases
- Dispatch – increase of \$6,653 to Alpine and \$16,702 to Highland (dispatch costs are billed by Central Utah 911 and passed directly to each city)
- Miscellaneous expenses – increase of \$4,000 due to increased use of transcriptionist and bank fees (FY2022 expenses included approximately \$23K of legal settlements that are not recurring)
- Vehicle lease (Police) – increase of \$40,400 representing first installment on

purchase of four vehicles

- Uniform expense (Fire) – increase of \$4,000 for six full-time employees’ daily work and class A uniforms
- Vehicle supplies (Fire) – increase of \$3,000 to cover maintenance costs for aging vehicles
- Insurance (Fire) – increase of \$4,638 for anticipated premium increase
- Miscellaneous expense (Fire) – increase of \$326

In addition, it is anticipated that staffing changes in the Fire Department will allow for an additional \$75,000 in transport revenue. A number of expense reductions were also identified, most notably savings of \$143,120 in Fire part-time staffing which was reallocated to offset some of the salary increase.

FISCAL IMPACT:

The District’s tentative budget proposes funding from Highland City as follows:

Fire	Police	Admin	Total
\$2,064,977	\$2,699,333	\$191,201	\$4,955,512

**Admin includes Central Utah 911 dispatch charged to Highland City (\$140,022)*

The assessment proposed represents a 16% increase above the \$4,274,565 assessed in FY2022. As development of the City’s FY2023 budget proceeds, the Council will determine if additional revenue is necessary to meet the increased funding level.

RECOMMENDATION:

Staff recommends the Council approve Lone Peak Public Safety District’s FY2023 tentative budget.

PROPOSED MOTION:

I move that City Council approve Lone Peak Public Safety District’s FY2023 tentative budget.

ATTACHMENTS:

1. Lone Peak Public Safety District FY2023 Tentative Budget

LONE PEAK PUBLIC SAFETY DIST

Budget Worksheet - FY2023 Draft Budget

Page: 1

Periods: 07/22-06/23

Apr 04, 2022 04:35PM

Account Number	Account Title	2018-19 Prior year 3 Actual	2019-20 Prior year 2 Actual	2020-21 Prior year1 Actual	2021-22 Current year Actual YTD	2021-22 Current year Budget	2022-23 Future year Budget	% Budget Increase/ Decrease	Budget Notes
GENERAL FUND									
ADMINISTRATION REVENUE									
10-33-01	ALPINE	73,435.80	77,649.48	72,761.70	69,866.50	84,370.00	93,252.54	11%	
10-33-02	HIGHLAND	143,013.96	148,665.48	156,070.44	126,144.00	168,194.00	191,201.46	14%	
10-33-03	CEDAR HILLS	27,031.20	.00	.00	.00	.00	.00	.00	
10-33-15	INTEREST EARNINGS	776.21	477.15	64.94	40.86	450.00	75.00	-83%	
10-33-18	MISCELLANEOUS INCOM	200.00	242,161.56	3,389.33	4,821.03	.00	.00	.00	
10-33-20	FICA Refunds	.00	.00	.00	.00	.00	.00	.00	
10-33-21	IRS Interest on Refund	.00	.00	.00	.00	.00	.00	.00	
10-33-30	BUDGETED SURPLUS	.00	.00	.00	.00	.00	.00	.00	
Total ADMINISTRATION REVENUE:		244,457.17	468,953.67	232,286.41	200,872.39	253,014.00	284,529.00	12%	
POLICE REVENUE									
10-35-01	ALPINE	1,105,582.80	1,192,727.40	1,114,044.11	1,007,976.59	1,220,168.00	1,397,968.88	15%	
10-35-02	HIGHLAND	2,026,780.20	1,799,588.72	2,228,780.28	1,698,588.00	2,264,780.00	2,699,333.34	19%	
10-35-04	ALPINE SCHOOL DISTRI	71,890.00	78,480.00	70,340.00	3,480.00	72,000.00	72,000.00	.00	
10-35-09	COURT REVENUE	222.50	224.48	18.50	163.47	500.00	500.00	.00	
10-35-10	POLICE REPORT CHARG	5,525.00	4,809.75	5,900.85	3,131.00	3,500.00	3,500.00	.00	
10-35-11	Finger Printing	2,780.00	1,700.00	684.50	397.00	2,000.00	1,800.00	-10%	
10-35-12	Dog License Revenue	35.00	20.00	133.75	8.75	.00	.00	.00	
10-35-13	Security Services	960.00	780.00	3,885.25	2,074.07	.00	1,000.00	.00	
10-35-17	Credit Card Cash Back	.00	827.57	1,200.58	896.12	.00	.00	.00	
10-35-18	MISCELLANEOUS INCOM	1,629.85	21,599.26	63,602.58	16,352.05	3,000.00	6,000.00	100%	
10-35-19	K-9 Donations	.00	.00	27.00	.00	.00	.00	.00	
10-35-20	GRANTS	24,743.60	417,447.90	12,939.14	5,202.71	8,000.00	8,000.00	.00	
10-35-25	Proceeds From Lease	.00	51,742.00	.00	.00	.00	.00	.00	
10-35-30	BUDGETED SURPLUS	.00	.00	.00	.00	.00	.00	.00	
10-35-40	Proceeds from Sale or Ass	12,190.50	18,335.00	21,857.50	1,238.00	10,000.00	10,000.00	.00	
Total POLICE REVENUE:		3,252,339.45	3,588,242.08	3,523,414.04	2,739,507.76	3,583,948.00	4,200,102.22	17%	
FIRE / EMS REVENUE									
10-37-01	ALPINE	801,152.28	1,133,427.84	1,005,259.37	932,481.35	1,108,175.00	1,197,484.99	8%	
10-37-02	HIGHLAND	1,316,276.88	1,424,922.20	1,813,536.49	1,373,517.00	1,831,361.00	2,064,976.90	13%	
10-37-03	CEDAR HILLS	756,329.76	.00	.00	.00	.00	.00	.00	
10-37-05	UTAH COUNTY	9,684.95	5,779.96	7,145.01	4,952.88	5,300.00	5,300.00	.00	Pending new contract

Account Number	Account Title	2018-19 Prior year 3 Actual	2019-20 Prior year 2 Actual	2020-21 Prior year1 Actual	2021-22 Current year Actual YTD	2021-22 Current year Budget	2022-23 Future year Budget	% Budget Increase/ Decrease	Budget Notes
10-37-11	CHARGES FOR SERVICE	501,918.54	343,076.41	411,206.44	371,177.22	325,000.00	400,000.00	23%	FY2021 actual was \$410K
10-37-12	Charge offs and misc write-	.00	.00	.00	.00	.00	.00	.00	
10-37-14	First Aid Kit Sales	136.11	.00	.00	.00	.00	.00	.00	
10-37-15	Burn Permits	.00	3,580.00	1,229.96	.00	.00	.00	.00	
10-37-17	Credit Card Cash Back	.00	653.87	1,540.79	707.70	.00	.00	.00	
10-37-18	MISCELLANEOUS INCOM	762.99	7,143.98	124,873.48	18,110.41	.00	.00	.00	
10-37-19	Trauma Kits for Schools	15,400.17	4,115.00	.00	.00	.00	.00	.00	
10-37-20	GRANTS	15,175.00	434,132.00	35,395.00	4,324.00	4,800.00	4,800.00	.00	
10-37-25	Proceeds From Lease	.00	.00	.00	.00	.00	.00	.00	
10-37-30	Budgeted Surplus	.00	.00	.00	.00	39,343.00	.00	-100%	
10-37-40	Proceeds from Sale or Ass	25,969.58	20,332.75	.00	.00	.00	.00	.00	
10-37-41	Aid Provided to Other Agen	182,644.44	154,527.00	547,443.33	241,097.87	16,500.00	.00	-100%	
Total FIRE / EMS REVENUE:		3,625,450.70	3,531,691.01	3,947,629.87	2,946,368.43	3,330,479.00	3,672,561.89	10%	
ADMINISTRATION DEPARTMENT									
10-43-10	WAGES - PERMANENT E	48,214.72	48,118.72	50,149.52	26,700.94	52,000.00	53,560.00	3%	Merit increases
10-43-33	PUBLIC INFORMATION	171.94	231.00	97.02	475.83	150.00	500.00	233%	Website
10-43-36	Membership in UASD	.00	.00	.00	.00	.00	.00	.00	
10-43-38	Build up District Reserves	.00	.00	.00	.00	.00	.00	.00	
10-43-39	Emergency Preparation	.00	.00	.00	.00	.00	.00	.00	
10-43-40	POSTAGE - MISC SUPPLI	669.42	508.14	853.02	679.35	1,200.00	1,300.00	8%	
10-43-50	FICA Refund	.00	.00	16.17-	6.04	.00	.00	.00	
10-43-61	LEGAL FEES	352.80	300.00	.00	3,400.00	5,500.00	6,875.00	25%	Increase based on FY22 trend
10-43-62	AUDIT FEES	6,375.00	6,200.00	4,183.00	6,300.00	6,200.00	7,000.00	13%	Anticipate cost increase
10-43-68	TRAINING	.00	.00	.00	.00	.00	.00	.00	
10-43-69	RENT	.00	.00	.00	.00	.00	.00	.00	
10-43-79	INSURANCE	187.75	142.74	104.78	76.57	200.00	200.00	.00	
10-43-80	Alpine Dispatch	39,275.98	40,876.30	43,586.67	.00	60,194.00	66,747.00	11%	As per CU911 tentative budget
10-43-81	Highland Dispatch	81,037.66	80,336.76	87,812.12	92,445.38	123,320.00	140,022.00	14%	As per CU911 tentative budget
10-43-82	Cedar Hills Dispatch	.00	.00	.00	.00	.00	.00	.00	
10-43-88	Board Expenses	262.82	250.59	173.12	38.61	250.00	250.00	.00	
10-43-89	Employee Relations	.00	.00	.00	.00	.00	.00	.00	
10-43-90	MISCELLANEOUS EXPEN	10,484.16	9,346.21	6,322.32	29,895.19	4,000.00	8,000.00	100%	Prior years ' average (excluding FY22)=\$8K
Total ADMINISTRATION DEPARTMENT:		187,032.25	186,310.46	193,265.40	160,017.91	253,014.00	284,454.00	12%	

Account Number	Account Title	2018-19 Prior year 3 Actual	2019-20 Prior year 2 Actual	2020-21 Prior year1 Actual	2021-22 Current year Actual YTD	2021-22 Current year Budget	2022-23 Future year Budget	% Budget Increase/ Decrease	Budget Notes
POLICE DEPARTMENT									
10-45-10	WAGES - PERMANENT E	1,369,243.58	1,492,391.39	1,528,860.68	1,174,450.98	1,509,509.00	1,821,857.00	21%	Proposed Wage Adjustment, 1.5% merit increase for sworn
10-45-11	HOLIDAY PAY	9,188.64	14,066.14	11,313.40	20,903.30	53,825.00	66,205.00	23%	Increase to match 10-45-10
10-45-12	OVERTIME	81,166.13	59,876.74	40,321.26	27,571.07	70,000.00	70,000.00	.00	
10-45-13	WAGES-CROSSING GUA	99,140.66	92,432.20	83,084.95	59,943.00	96,000.00	96,000.00	.00	
10-45-14	WAGES-PART-TIME	22,199.20	33,413.57	22,285.33	9,513.44	36,850.00	36,850.00	.00	
10-45-16	CALL PAY - POLICE	20,435.70	22,884.75	16,892.70	12,432.45	20,000.00	20,000.00	.00	
10-45-18	Specialty Pay	6,000.02	6,000.02	3,873.09	.00	6,000.00	6,000.00	.00	
10-45-20	MEDICAL BENEFITS	377,921.88	377,024.59	381,134.88	293,431.20	395,701.00	512,680.00	30%	Estimated 10% increase in medical/dental benefits
10-45-21	RETIREMENT	446,911.70	473,473.16	462,771.91	359,786.68	505,977.00	612,743.00	21%	Increase to match 10-45-10
10-45-22	FICA/MEDICARE	23,946.87	25,958.80	25,181.01	18,999.87	23,280.00	30,695.22	32%	1.45% of all wages; Increase to match 10-45-10
10-45-23	401K	.00	60,103.94	53,451.16	36,455.14	74,231.00	94,098.00	27%	Increase to match 10-45-10
10-45-25	UNIFORM EXPENSE	41,378.13	37,343.38	42,912.77	26,162.12	43,090.00	43,090.00	.00	
10-45-31	DUES, SUBSCRIPTIONS,	2,609.24	1,413.15	2,873.84	2,017.73	1,750.00	1,750.00	.00	
10-45-33	PUBLIC EDUCATION	297.54	6,294.90	3,910.44	2,812.25	4,000.00	4,000.00	.00	
10-45-34	NOVA & School Lunch	2,084.38	1,981.98	917.30	1,734.48	2,200.00	2,200.00	.00	
10-45-38	TRAVEL EXPENSE	2,074.38	7,790.52	8,347.49	5,743.62	8,500.00	8,500.00	.00	
10-45-40	POSTAGE, PRINTING, MI	11,394.52	10,736.27	10,989.31	9,608.22	10,300.00	10,300.00	.00	
10-45-50	K-9 Expenses	2,488.30	4,138.73	3,786.27	458.32	3,000.00	3,000.00	.00	
10-45-52	Utilities Expense	29,326.11	12,762.63	26,834.26	32,053.17	39,100.00	39,100.00	.00	
10-45-57	Drug Screens	1,655.00	1,685.00	2,580.00	1,408.15	1,800.00	1,800.00	.00	
10-45-58	Professional Services/Cont	99,695.53	203,198.17	128,442.66	56,524.04	100,100.00	100,100.00	.00	
10-45-59	Building Maintenance	19,444.85	31,139.27	21,728.37	12,021.59	20,000.00	20,000.00	.00	
10-45-61	Chief's Admin	9,058.33	12,856.80	10,145.97	7,972.10	8,000.00	8,000.00	.00	
10-45-63	BILLING AND COLLECTIO	.00	.00	.00	.00	.00	.00	.00	
10-45-68	TRAINING	15,686.47	9,721.12	15,492.57	6,927.40	18,550.00	18,550.00	.00	
10-45-69	RENT	132,110.40	132,110.41	132,110.40	66,055.20	132,110.00	132,110.00	.00	
10-45-71	FUEL	52,142.40	44,595.30	47,887.69	46,670.77	52,000.00	52,000.00	.00	
10-45-72	VEHICLE REPAIRS	.00	.00	.00	.00	.00	.00	.00	
10-45-73	VEHICLE SUPPLIES/MAI	44,435.52	45,078.90	71,147.66	17,347.08	37,000.00	37,000.00	.00	
10-45-74	VEHICLE LEASE	57,519.11	118,937.18	161,520.50	101,221.73	131,054.00	171,454.00	31%	4 Replacement Vehicles
10-45-76	VEHICLE REPLACEMENT	.00	.00	.00	.00	.00	.00	.00	
10-45-77	Equipment Replacement	28,954.57	58,422.53	56,293.20	55,474.73	62,975.00	62,975.00	.00	
10-45-78	CAPITAL	9,222.51	62,972.80	8,865.62	3,545.66	9,295.00	9,295.00	.00	
10-45-79	INSURANCE	78,917.51	71,764.41	69,661.05	58,760.46	93,000.00	93,000.00	.00	
10-45-80	Bankcard Fees	1,552.19	1,155.13	1,934.10	3,198.91	1,200.00	1,200.00	.00	
10-45-89	Animal Control	3,523.11	3,475.10	3,845.00	1,564.57	4,000.00	4,000.00	.00	
10-45-90	POLICE SUPPLIES	4,847.36	22,050.66	20,695.74	15,913.63	9,550.00	9,550.00	.00	
10-45-91	One Time Refund to Cities	.00	.00	.00	.00	.00	.00	.00	

Account Number	Account Title	2018-19 Prior year 3 Actual	2019-20 Prior year 2 Actual	2020-21 Prior year1 Actual	2021-22 Current year Actual YTD	2021-22 Current year Budget	2022-23 Future year Budget	% Budget Increase/ Decrease	Budget Notes
Total POLICE DEPARTMENT:		3,106,571.84	3,559,249.64	3,482,092.58	2,548,683.06	3,583,947.00	4,200,102.22	17%	
FIRE / EMS DEPARTMENT									
10-47-10	WAGES - PERMANENT E	1,036,495.29	1,168,485.19	1,265,341.83	768,630.59	1,136,700.00	1,449,276.00	27%	Wage scale
10-47-11	Overtime Wages/Standby	69,451.91	108,285.32	127,864.93	101,053.24	120,565.00	120,565.00	.00	
10-47-12	PART TIME EMPLOYEES	501,091.59	427,743.24	550,009.30	375,794.03	458,480.00	315,360.00	-31%	
10-47-13	Holiday Pay	1,950.09	.00	.00	1,395.24	.00	53,775.28	.00	Holiday payout potential 15 FTE
10-47-17	Interns	.00	30.00-	.00	.00	.00	.00	.00	
10-47-18	Special Payouts	.00	.00	5.00-	.00	.00	.00	.00	
10-47-20	MEDICAL BENEFITS	282,966.51	300,249.62	303,728.18	222,068.33	340,282.00	413,186.00	21%	10% estimated increase in medical/dental benefits cost
10-47-21	RETIREMENT	238,944.90	256,756.35	258,469.37	203,599.14	312,644.00	387,731.00	24%	Increase due to wage increases
10-47-22	FICA/MEDICARE	23,483.77	24,858.83	28,343.00	20,066.60	23,108.00	28,115.16	22%	1.45% of all wages
10-47-23	Wildland Deployment Wag	.00	.00	9,471.13	124,379.41	.00	.00	.00	
10-47-24	Wildland Deployment Back	.00	.00	.00	.00	.00	.00	.00	
10-47-25	UNIFORM EXPENSE	30,496.97	23,732.88	18,904.52	24,909.85	20,566.00	24,566.00	19%	6 FTE uniform replacement and class A
10-47-29	State Medicaid Fund	19,303.63	14,344.37	9,694.91	10,664.68	16,400.00	16,400.00	.00	
10-47-30	Charge Offs Ambulance Se	.00	.00	.00	.00	.00	.00	.00	
10-47-31	DUES, SUBSCRIPTIONS,	1,637.97	3,536.72	1,012.41	1,580.62	4,132.00	3,132.00	-24%	Training related
10-47-32	Equipment Repairs	1,567.17	1,057.95	2,610.38	1,582.69-	5,609.00	5,500.00	-2%	
10-47-33	PUBLIC EDUCATION	5,392.10	2,698.88	1,704.68	.00	2,244.00	2,000.00	-11%	Didn't spend in 2020 due to COVID
10-47-34	Equipment Maintenance	9,984.86	8,692.14	8,968.05	1,163.41	13,054.00	13,054.00	.00	Air compressor testing, fire equipment & gas detection SCBA cer
10-47-35	Station Supplies-Consuma	2,546.94	3,979.13	3,898.67	680.97	4,693.00	4,000.00	-15%	
10-47-36	EMERGENCY PREPARAT	.00	.00	.00	.00	.00	.00	.00	
10-47-37	Cell Phones & Devices	7,935.48	9,660.67	8,808.60	6,536.56	10,464.00	10,464.00	.00	
10-47-38	TRAVEL EXPENSE	.00	.00	.00	.00	.00	.00	.00	
10-47-39	IT Services & Computers	14,843.83	9,617.73	11,125.00	5,508.05	14,148.00	14,148.00	.00	
10-47-40	POSTAGE, PRINTING, MI	2,963.71	3,564.58	3,855.26	2,498.40	5,856.00	5,000.00	-15%	
10-47-41	Employee Recognition	.00	145.36	3,667.42	3,857.15	4,487.00	4,487.00	.00	
10-47-42	Professional & Technical S	31,725.87	27,095.12	32,224.28	10,493.93	37,586.00	33,878.00	-10%	Medication control, physicals
10-47-43	Medical Equipment	4,903.91	2,410.42	31,621.51	1,124.59	6,544.00	6,500.00	-1%	battery replacemnt
10-47-44	Protective Clothing	27,913.50	25,819.45	5,774.89	30,791.77	67,641.00	28,298.00	-58%	8 sets TO 2 water 500 misc
10-47-45	Food & Beverage	2,684.79	1,600.18	2,471.98	3,096.82	3,845.00	3,845.00	.00	
10-47-46	Grants	15,347.92	19,919.25	5,420.00	.00	.00	.00	.00	
10-47-47	Trauma Kits for Schools	8,287.63	5,401.23	.00	.00	.00	.00	.00	
10-47-48	PHYSICALS	370.00	.00	.00	63.96	.00	.00	.00	
10-47-49	MEDICAL SUPPLIES	35,282.56	32,589.59	37,506.81	59,815.45	33,420.00	33,420.00	.00	
10-47-50	Capital Projects	270,818.41	32,445.00	353,786.30	1,558.94	60,113.00	60,000.00	.00	Radios, SCBA match
10-47-52	Utilities	28,669.91	26,734.92	26,636.43	23,240.59	27,413.00	27,413.00	.00	

Account Number	Account Title	2018-19 Prior year 3 Actual	2019-20 Prior year 2 Actual	2020-21 Prior year1 Actual	2021-22 Current year Actual YTD	2021-22 Current year Budget	2022-23 Future year Budget	% Budget Increase/ Decrease	Budget Notes
10-47-58	Exp Aid Provided Oth. Age	85,489.98	39,516.43	38,610.60	54,355.07	.00	.00	.00	
10-47-59	Building Maintenance	17,579.73	8,607.76	17,342.36	14,076.14	17,388.00	17,388.00	.00	
10-47-60	RADIO SERVICE	2,261.05	1,295.00	1,200.00	900.00	.00	.00	.00	
10-47-63	BILLING AND COLLECTIO	31,380.61	24,665.62	22,391.67	16,833.37	24,650.00	24,650.00	.00	
10-47-68	TRAINING	11,365.68	12,391.88	23,890.24	24,858.01	20,370.00	20,370.00	.00	
10-47-69	RENT	185,111.20	126,859.59	126,859.80	63,430.00	126,860.00	126,860.00	.00	
10-47-71	FUEL	30,060.39	22,906.43	21,754.48	30,476.92	31,643.00	31,643.00	.00	
10-47-73	VEHICLE SUPPLIES/MAI	79,166.29	53,958.32	45,235.89	26,156.42	39,282.00	42,282.00	8%	
10-47-74	VEHICLE LEASE	252,415.22	255,274.60	209,311.98	210,310.59	216,205.00	216,205.00	.00	
10-47-75	EARLY PAY OFF OF LEAS	.00	.00	.00	.00	.00	.00	.00	
10-47-76	CAPITAL EXPENSE	.00	.00	.00	.00	.00	.00	.00	
10-47-78	EQUIPMENT	161,386.17	49,390.81	44,640.99	17,590.59	26,643.00	26,643.00	.00	Hose, nozel, & tool replacement
10-47-79	INSURANCE	94,257.06	83,576.83	82,769.39	66,307.90	92,769.00	97,407.45	5%	Estimating 5% increase
10-47-90	MISCELLANEOUS EXPEN	1,653.17	41,036.70	140,252.89	145.87	4,674.00	5,000.00	7%	
10-47-91	Equipment Lease	12,894.49	12,894.49	6,937.00	6,961.06	.00	.00	.00	
Total FIRE / EMS DEPARTMENT:		3,642,082.26	3,273,768.58	3,894,112.13	2,535,391.57	3,330,478.00	3,672,561.89	10%	
GENERAL FUND Revenue Total:		7,122,247.32	7,588,886.76	7,703,330.32	5,886,748.58	7,167,441.00	8,157,193.11	14%	
GENERAL FUND Expenditure Total:		6,935,686.35	7,019,328.68	7,569,470.11	5,244,092.54	7,167,439.00	8,157,118.11	14%	
Net Total GENERAL FUND:		186,560.97	569,558.08	133,860.21	642,656.04	2.00	75.00	3650%	

Account Number	Account Title	2018-19 Prior year 3 Actual	2019-20 Prior year 2 Actual	2020-21 Prior year1 Actual	2021-22 Current year Actual YTD	2021-22 Current year Budget	2022-23 Future year Budget	% Budget Increase/ Decrease	Budget Notes
Depreciation Expense									
Source: 30									
91-30-10	Disposition Fixed Assets	21,846.32	.00	21,236.76	.00	.00	.00	.00	
Total Source: 30:		21,846.32	.00	21,236.76	.00	.00	.00	.00	
Depreciation Expense									
91-40-10	Police Depr. Expense	137,247.64	.00	11,863.75	.00	116,756.00	360,000.00	208%	
91-40-20	Fire Depr. Expense	203,363.41	.00	.00	.00	207,253.00	260,000.00	25%	
Total Depreciation Expense:		340,611.05	.00	11,863.75	.00	324,009.00	620,000.00	91%	
Depreciation Expense Revenue Total:		21,846.32	.00	21,236.76	.00	.00	.00	.00	
Depreciation Expense Expenditure Total:		340,611.05	.00	11,863.75	.00	324,009.00	620,000.00	91%	
Net Total Depreciation Expense:		318,764.73-	.00	9,373.01	.00	324,009.00-	620,000.00-	91%	
Net Grand Totals:		132,203.76-	569,558.08	143,233.22	642,656.04	324,007.00-	619,925.00-	91%	



CITY COUNCIL AGENDA REPORT ITEM #5

DATE: April 19, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: **ACTION:** Authorization to Proceed with a Revenue Increase (fee or tax) for the FY23 Fiscal Year Budget
TYPE: **ADMINISTRATIVE:** The Council is acting in an administrative capacity and fulfilling their responsibilities as the Governing Body as defined in the Municipal Code.

PURPOSE:

The City Council will discuss authorizing staff to prepare for a revenue increase (fee or property tax) for the FY23 Fiscal Year Budget. The Council will take appropriate action.

BACKGROUND:

On April 13, 2022, the Lone Peak Public Safety Board approved the Tentative Budget for the District for FY22-23. This budget includes an increase in public safety expenditures primarily to increase employee compensation to be competitive in the current market. The budget also includes changing the Fire Department staffing model from 5 full time and 3 part time employees per shift to 6 full time and 2 part time employees. The City's assessment for public safety is: \$4,955,512. This is an increase of: \$680,947.

Staff and the Mayor have prepared the Highland City FY22-23 Tentative Budget. The proposed budget reduces a number of ongoing expenditures. Even with these reductions, additional revenue is needed to meet the assessment. In addition, there other needs within the City which will be presented as part of the work session.

To generate an additional \$650,000 and address the funding that is being requested the following options are proposed. These represent current estimates and will change based on approval of the FY22-23 City Budget:

- Public Safety Fee:
 - Increase monthly fee from \$11.50 to \$23.00 per customer (includes residential and commercial properties)
- Property tax option (estimated by using average taxable value of \$550,000 and market valuation of \$1,000,000 on residential):
 - Increase the City's property tax rate to approximately .001190 based on 2021 property values (it was .000975 in 2021) or an average annual increase of

\$132.71 – 2.6% above the entire tax bill including school district and other taxing entities or 22% above the City's portion.

RECOMMENDATION:

The Council discuss the issue and determine which revenue source should be increased.

ATTACHMENTS:

None.



CITY COUNCIL AGENDA REPORT

ITEM #6

DATE: April 19, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, PE
Public Works Director/City Engineer
SUBJECT: **ACTION:** Safety Improvement Project at the Intersection of North County Boulevard and Timpanogos Highway
TYPE: **ADMINISTRATIVE:** The Council is acting in an administrative capacity as outlined in the Municipal Code and State Law.

PURPOSE:

The City Council will consider proceeding with a funding application with Mountainland Association of Governments for an intersection safety improvement project at North County Boulevard and Timpanogos Highway.

BACKGROUND:

Per the discussion in the April 12, 2022 City Council work session, the project that has been recently discussed at the corner of North County Boulevard and Timpanogos Highway has been revised to focus the design on those elements necessary to address safety concerns at the intersection. The updated concept drawings will be available at or before the Council meeting for review.

FISCAL IMPACT:

The City has applied for funding through Mountainland Association of Governments. If the project is awarded the City will be responsible for 6.77% of the project total cost. This reduced project will be substantially lower in cost than the previously discussed versions of the intersection. However, an exact cost estimate is not yet available. Funding for the match will be through the City's B & C road funds.

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** the amendment to the intersection concept plans.

PROPOSED MOTION:

I move that the City Council **APPROVE** the updated intersection concept drawings presented and proceed with the Mountainland Association of Governments application for funding of necessary safety improvements at the intersection of North County Boulevard and Timpanogos Highway.

ALTERNATIVE MOTION:

I move that the City Council postpone the funding application until a future date to allow for further study of the intersection. (The Council should draft appropriate findings).

ATTACHMENTS:

None



CITY COUNCIL AGENDA REPORT

ITEM #7

DATE: April 19, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, PE
Public Works Director/City Engineer
SUBJECT: **CONSTRUCTION CONTRACT:** Mountain Ridge Park – Phase 1 Improvement Project.
TYPE: **ADMINISTRATIVE:** The Council is acting in an administrative capacity per the Municipal Code.

PURPOSE:

The City Council will consider entering into a construction contract with Stratton and Bratt Landscapes, LLC for the construction of Mountain Ridge Park – Phase 1, including the two bid alternates. The Council will take appropriate action.

BACKGROUND:

As directed by the Council staff has obtained bids for the first phase of Mountain Ridge Park. This project includes the construction of the primary parking lot and utility infrastructure along 10400 North in preparation for the forthcoming phases of the Mountain Ridge Park construction.

The base bid includes the center portion of the parking lot, the primary utilities, and the 10400 North improvements. The parking lots to the east and west were included as bid alternates. The bids also include the associated landscaping between the parking lots and 10400 North for each portion.

At the April 12, 2021, Council meeting, the Council directed staff to prepare the bid award for three portions of phase one. Bids for the remainder of the park improvements will be solicited in the future.

FISCAL IMPACT:

The total bid including the base bid, bid alternate 1, and bid alternate 2 is \$1,904,932.58.

This contract is part of the Mountain Ridge Park collective funding and budgeting efforts which are anticipated as follows:

- Estimated Total City Funds Available: \$5,392,486
 - \$1,402,668 – Spring Creek Park Sales

- \$358,055 –Patterson Storage Units Sale
- \$400,000 – Dry Creek Property Sale
- \$95,700 – Street Tree Account
- \$87,300 – Enterprise Fund Eligible Portions
- \$144,390 – B&C Road Eligible Portions
- \$10,000 – Patterson Donation
- \$2,269,373 – ARPA Funds
- \$625,000 – One-time Revenue Over Expenses FY2021

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** the contract with Stratton and Bratt Landscapes, LLC for \$1,904,932.58 allocating a 5% project contingency of \$190,492 to be administered by staff, for a maximum authorized project construction amount of \$2,095,416 and **AUTHORIZE** the City Administrator to execute the necessary contract documents for the project.

PROPOSED MOTION:

I move that the City Council **APPROVE** the contract with Stratton and Bratt Landscapes, LLC and authorize a contract amount up to \$2,095,416 for the Mountain Ridge Park – Phase 1 project including bid alternates 1 and 2 and **AUTHORIZE** the City Administrator to execute the contract documents.

ALTERNATIVE MOTION:

I move that the City Council **REJECT** the bids for the Mountain Ridge Park – Phase 1 project. (The Council should draft appropriate findings).

ATTACHMENTS:

1. Bid Documents
2. Phase Plan (*including the bid alternates*)
3. Bid Tabulation (*including noted corrections*)

Base Bid Schedule

Mountain Ridge Park – Phase 1

Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price
Mobilization and Regulatory					
1	Mobilization	1	LS	\$ 42,460	\$ 42,460
2	Permitting	1	LS	\$ 2,200 ⁰⁰	\$ 2,200 ⁰⁰
3	Testing	1	LS	\$ 3,500 ⁰⁰	\$ 3,500 ⁰⁰
4	Traffic Control	1	LS	\$ 16,600 ⁰⁰	\$ 16,600 ⁰⁰
5	Temporary Controls/SWPPP	1	LS	\$ 2,350 ⁰⁰	\$ 2,350 ⁰⁰
6	Survey and Layout	1	LS	\$ 5,900 ⁰⁰	\$ 5,900 ⁰⁰
Demolition					
7	Asphalt Sawcut & Removal (10400 N)	3,546	SF	\$ 4.14	\$ 14,680.44
8	Remove & Salvage Ex. Traffic Sign	1	LS	\$ 150 ⁰⁰	\$ 150 ⁰⁰
9	Clear & Grub (including tree removal)	68,210	SF	\$.16	\$ 10,913.60
Hardscape					
10	Asphalt Roadway (10400 N)	11,310	SF	\$ 3.44	\$ 38,904.40
11	Asphalt Parking Lot	18,647	SF	\$ 3.66	\$ 68,248.02
12	Curb and Gutter (10400 N)	1,100	LF	\$ 38 ⁰⁰	\$ 41,800 ⁰⁰
13	Curb and Gutter Parking Lot	985	LF	\$ 38 ⁰⁰	\$ 37,430 ⁰⁰
14	Concrete Drive Approach	871	SF	\$ 39.90	\$ 34,752 ⁰⁰
15	5' Concrete Sidewalk (10400 N)	5,566	SF	\$ 18 ⁰⁰	\$ 100,188 ⁰⁰
16	ADA Ramp	1	LS	\$ 1450 ⁰⁰	\$ 1450 ⁰⁰
17	Parking Lot Striping	1	LS	\$ 2,100 ⁰⁰	\$ 2,100 ⁰⁰
18	6" Concrete Edger	65	LF	\$ 29.30 ⁰⁰	\$ 1,904.50 ⁰⁰
19	Stop Signs	3	Each	\$ 350 ⁰⁰	\$ 1,050 ⁰⁰
20	Install Salvaged Traffic Sign	1	Each	\$ 250 ⁰⁰	\$ 250 ⁰⁰
Utilities					
21	Sewer Connection	1	LS	\$ 4,890 ⁰⁰	\$ 4,890 ⁰⁰

Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price
22	8" PVC SDR-35	33	LF	\$ 93.50	\$ 3,085.50
23	6" PVC SDR-35	120	LF	\$ 81.50	\$ 9,780.00
24	Sewer Manhole	1	LS	\$ 8,122.00	\$ 8,122.00
25	Secondary Water Connection	1	LS	\$ 4,800.00	\$ 4,800.00
26	4" Secondary Water Meter	1	LS	\$ 10,910.00	\$ 10,910.00
Grading & Drainage					
27	Rough Grading (Cut)	1	LS	\$ 4,200.00	\$ 4,200.00
28	Cut (Spread on site)	1	LS	\$ 3,200.00	\$ 3,200.00
29	Rough Grading (Fill)	1	LS	\$ 62,621.00	\$ 62,621.00
30	Connect to Ex. Irrigation Box	1	LS	\$ 420.00	\$ 420.00
31	24" RCP SD	1,061	LF	\$ 70.85	\$ 75,171.85
32	4'x4' COB	4	Each	\$ 6,100.00	\$ 24,400.00
33	6' Dia. Sump	2	Each	\$ 14,100.00	\$ 28,200.00
Electrical and Lighting					
34	Electrical Connection/Service (Transformer, Meter, Conduit)	1	LS	\$ 30,833.00	\$ 30,833.00
35	Power Distribution (Power Panel, Lighting Control Panel, Strong Box Enclosure)	1	LS	\$ 159,500.00	\$ 159,500.00
36	Street Lighting (ZD2)	4	Each	\$ 9,444.00	\$ 37,776.00
37	Street Lighting Circuiting	1	LS	\$ 29,444.00	\$ 29,444.00
38	Parking Lot Lighting (ZX1)	1	Each	\$ 5,833.00	\$ 5,833.00
39	Parking Lot Lighting (ZX2)	4	Each	\$ 5,833.00	\$ 23,333.00
40	Parking Lot Lighting Circuiting	1	LS	\$ 27,777.00	\$ 27,777.00
41	Spare Conduits for Future Phases	1	LS	\$ 5,334.00	\$ 5,334.00
Landscaping					
42	Deciduous Tree (2" caliper)	6	Each	\$ 479.00	\$ 2,874.00
43	Ornamental Tree (2" caliper)	30	Each	\$ 479.00	\$ 14,370.00
44	Deciduous Shrub (5 gallon)	14	Each	\$ 45.00	\$ 630.00
45	Perennial (1 gallon)	62	Each	\$ 17	\$ 1,054.00

Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price
46	Ornamental Grass (1 gallon)	42	Each	\$ 18 ⁰⁰	\$ 756 ⁰⁰
47	Bio Blue Bluegrass Sod	23,215	SF	\$.89	\$ 20,661.35
48	Wood Mulch	1,104	SF	\$ 1.40	\$ 1,545.60
49	4" Depth Topsoil (Sod)	284	CY	\$ 34 ⁰⁰	\$ 9,656 ⁰⁰
50	12" Depth Topsoil (Shrub Bed)	41	CY	\$ 34 ⁰⁰	\$ 1,394 ⁰⁰
Irrigation					
51	POC Assembly (Isolation Valves, Filter & Strong Box, Master Valve, Quick Coupler)	1	LS	\$ 22,400 ⁰⁰	\$ 22,400 ⁰⁰
52	Irrigation Controller	1	LS	\$ 8,498 ⁰⁰	\$ 8,498 ⁰⁰
53	Irrigation Mainline	1	LS	\$ 14,680 ⁰⁰	\$ 14,680 ⁰⁰
54	Irrigation Valves	1	LS	\$ 12,470 ⁰⁰	\$ 12,470 ⁰⁰
55	Irrigation Laterals	1	LS	\$ 18,400 ⁰⁰	\$ 18,400 ⁰⁰
56	Irrigation Heads	1	LS	\$ 18,680 ⁰⁰	\$ 18,680 ⁰⁰
57	Irrigation Dripline	1	LS	\$ 12,420 ⁰⁰	\$ 12,420 ⁰⁰
58	Irrigation Wires/Service for Future Phases	1	LS	\$ 18,465 ⁰⁰	\$ 18,465 ⁰⁰
TOTAL BASE BID SCHEDULE				= \$	1,165,460.76

Total Estimate Price for Base Bid One million, one hundred & sixty five thousand four hundred & sixty w/ seventy six cents Dollars.

(Please write in words)

Bid Alternate Schedules
Mountain Ridge Park – Phase 1

Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price
Bid Alternate 1					
Mobilization and Regulatory					
A1	Mobilization	1	LS	\$ 12,250	\$ 12,250
A2	Permitting	1	LS	\$ 1,000 ⁰⁰	\$ 1,000 ⁰⁰
A3	Testing	1	LS	\$ 2,500 ⁰⁰	\$ 2,500 ⁰⁰
A4	Traffic Control	1	LS	\$ 6,475 ⁰⁰	\$ 6,475 ⁰⁰
A5	Temporary Controls/SWPPP	1	LS	\$ 1,400 ⁰⁰	\$ 1,400 ⁰⁰
A6	Survey and Layout	1	LS	\$ 2,800 ⁰⁰	\$ 2,800 ⁰⁰
Demolition					
A7	Clear & Grub (including tree removal)	37,594	SF	\$.30	\$ 11,278.20
A8	Cut & Remove Existing Sidewalk	155	SF	\$ 10.65	\$ 1,650.75
A9	Curb Cut	40	LF	\$ 4.00	\$ 160.00
Hardscape					
A10	Asphalt Parking Lot	27,628	SF	\$ 3.57	\$ 98,631.96
A11	Curb and Gutter Parking Lot	1,015	LF	\$ 38 ⁰⁰	\$ 38,570 ⁰⁰
A12	Concrete Drive Approach	138	SF	\$ 39.90	\$ 5,506.20
A13	5' Concrete Sidewalk	155	SF	\$ 18.00	\$ 2,790.00
A14	Parking Lot Striping	1	LS	\$ 2,100 ⁰⁰	\$ 2,100 ⁰⁰
A15	6" Concrete Edger	10	LF	\$ 30 ⁰⁰	\$ 300 ⁰⁰
Grading & Drainage					
A16	Rough Grading (Cut)	1	LS	\$ 8,100 ⁰⁰	\$ 8,100 ⁰⁰
A17	Cut (Spread on site)	1	LS	\$ 7,210 ⁰⁰	\$ 7,210 ⁰⁰
A19	Rough Grading (Fill)	1	LS	\$ 14,350 ⁰⁰	\$ 14,350 ⁰⁰
A20	6' Dia. Sump	4	Each	\$ 14,100 ⁰⁰	\$ 56,400 ⁰⁰
Electrical and Lighting					
A21	Parking Lot Lighting (ZX1)	2	Each	\$ 5,833 ⁰⁰	\$ 11,666 ⁰⁰
A22	Parking Lot Lighting (ZX2)	2	Each	\$ 5,833 ⁰⁰	\$ 11,666 ⁰⁰

Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price
A24	Parking Lot Lighting Circuiting	1	LS	\$ 27,777 ⁰⁰	\$ 27,777 ⁰⁰
A25	Spare Conduits for Future Phases	1	LS	\$ 5,334 ⁰⁰	\$ 5,334 ⁰⁰
Landscaping					
A26	Deciduous Tree (2" caliper)	10	Each	\$ 479 ⁰⁰	\$ 4,790 ⁰⁰
A27	Deciduous Shrub (5 gallon)	34	Each	\$ 45 ⁰⁰	\$ 1,530 ⁰⁰
A29	Perennial (1 gallon)	13	Each	\$ 17 ⁰⁰	\$ 221 ⁰⁰
A30	Ornamental Grass (1 gallon)	30	Each	\$ 18 ⁰⁰	\$ 540 ⁰⁰
A31	Bio Blue Bluegrass Sod	4,079	SF	\$.89	\$ 3,630.31
A32	Wood Mulch	849	SF	\$ 1.40	\$ 1,188.60
A33	4" Depth Topsoil (sod)	50	CY	\$ 34 ⁰⁰	\$ 1,700.00
A34	12" Depth Topsoil (Shrub Bed)	31.5	CY	\$ 34.00	\$ 1,071.00
Irrigation					
A35	Irrigation Mainline	1	LS	\$ 14,000 ⁰⁰	\$ 14,000 ⁰⁰
A37	Irrigation Valves	1	LS	\$ 2,000 ⁰⁰	\$ 2,000 ⁰⁰
A38	Irrigation Laterals	1	LS	\$ 2,000 ⁰⁰	\$ 2,000 ⁰⁰
A39	Irrigation Heads	1	LS	\$ 1,500 ⁰⁰	\$ 1,500 ⁰⁰
A40	Irrigation Dripline	1	LS	\$ 10,500 ⁰⁰	\$ 10,500 ⁰⁰
A41	Relocate Ex. Valves & Mainline as needed for construction in 5600 W Parkstrip	1	LS	\$ 2,500 ⁰⁰	\$ 2,500 ⁰⁰
TOTAL BID ALTERNATE 1 SCHEDULE				=	\$ 342,373.02

Total Estimate Price for Bid Alternate 1 three hundred & forty two thousand
three hundred & seventy three & two cents Dollars.

(Please write in words)

Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price
Bid Alternate 2					
Mobilization and Regulatory					
B1	Mobilization	1	LS	\$ 13,800	\$ 13,800
B2	Permitting	1	LS	\$ 1,000 ⁰⁰	\$ 1,000 ⁰⁰
B3	Testing	1	LS	\$ 2,500 ⁰⁰	\$ 2,500 ⁰⁰
B4	Traffic Control	1	LS	\$ 6,475 ⁰⁰	\$ 6,475 ⁰⁰
B5	Temporary Controls/SWPPP	1	LS	\$ 1,400 ⁰⁰	\$ 1,400 ⁰⁰
B6	Survey and Layout	1	LS	\$ 2,800 ⁰⁰	\$ 2,800 ⁰⁰
Demolition					
B7	Clear & Grub (including tree removal)	35,210	SF	\$.24	\$ 8,450.40
Hardscape					
B8	Asphalt Parking Lot	28,960	SF	\$ 3.60	\$ 104,256 ⁰⁰
B9	Curb and Gutter Parking Lot	1,226	LF	\$ 38 ⁻	\$ 46,588 ⁰⁰
B10	Maintenance Driveway Approach	65	SF	\$ 42 ⁹⁰	\$ 2,788 ⁹⁰
B11	5' Concrete Sidewalk (10400 N)	84	SF	\$ 18 ⁰⁰	\$ 1,512 ⁰⁰
B12	ADA Ramp	1	LS	\$ 1450 ⁰⁰	\$ 1450 ⁰⁰
B13	Parking Lot Striping	1	LS	\$ 2100 ⁰⁰	\$ 2,100 ⁰⁰
B14	6" Concrete Edger	32.5	LF	\$ 30 ⁰⁰	\$ 975 ⁰⁰
Grading & Drainage					
B15	Rough Grading (Cut)	1	LS	\$ 5,500 ⁰⁰	\$ 5,500 ⁰⁰
B16	Cut (Spread on site)	1	LS	\$ 3,700 ⁰⁰	\$ 3,700 ⁰⁰
B17	Rough Grading (Fill)	1	LS	\$ 52,850 ⁰⁰	\$ 52,850 ⁰⁰
B18	6' Dia. Sump	4	Each	\$ 14,100 ⁰⁰	\$ 56,400 ⁰⁰
Electrical and Lighting					
B19	Parking Lot Lighting (ZX2)	1	Each	\$ 5,833 ⁰⁰	\$ 5,833 ⁰⁰
B20	Parking Lot Lighting Circuiting	5	LS	\$ 27,777 ⁰⁰	\$ 27,777 ⁰⁰
B21	Spare Conduits for Future Phases	1	LS	\$ 5,334 ⁰⁰	\$ 5,334 ⁰⁰

Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price
Landscaping					
B23	Deciduous Tree (2" caliper)	4	Each	\$ 479 ⁰⁰	\$ 1,916 ⁰⁰
B24	Deciduous Shrub (5 gallon)	10	Each	\$ 45 ⁰⁰	\$ 450 ⁰⁰
B25	Perennial (1 gallon)	26	Each	\$ 17 ⁰⁰	\$ 442 ⁰⁰
B26	Ornamental Grass (1 gallon)	20	Each	\$ 18 ⁰⁰	\$ 360 ⁰⁰
B28	Wood Mulch	560	SF	\$ 1.40	\$ 784 ⁰⁰
B29	12" Depth Topsoil (Shrub Bed)	21	CY	\$ 34.00	\$ 714 ⁰⁰
Irrigation					
B30	Irrigation Dripline	1	LS	\$ 4,220	\$ 4,220 ⁰⁰
TOTAL BID ALTERNATE 2 SCHEDULE				= \$	363,374.90

Total Estimate Price for Bid Alternate 2 three hundred & sixty three thousand three hundred & seventy four & ninety cents. Dollars.

(Please write in words)

Lehi Irrigation Company standard is a 24" RCP pipe. Highland City has proposed a possible substitutions of double wall grey ADS or fused HDPE for the irrigation ditch. Highland City will evaluate the costs and determine the best option for piping material.

Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price
Bid Alternate 3					
Grading & Drainage					
1	24" ADS Double Wall	1,061	LF	\$ 75 ⁰⁰	\$ 79,575 ⁰⁰
2	24" HDPE SDR13.5 – 1.778" Fused	1,061	LF	\$ 155 ⁰⁰	\$ 164,455 ⁰⁰

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

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

ARTICLE 6 – TIME OF COMPLETION

- 6.01** Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 6.02** Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the Contract Times.

ARTICLE 7 – ATTACHMENTS TO THIS BID

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

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

ARTICLE 8 – DEFINED TERMS

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

BID SUBMITTAL

- 9.01** This Bid submitted by:

If Bidder is:

An Individual

Name (typed or printed): _____

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

Doing business as: _____

A Partnership

Partnership Name: _____ (SEAL)

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

Name (typed or printed): _____

A Joint Venture

Name of Joint Venture: _____

First Joint Venturer Name: _____ (SEAL)

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

Name (typed or printed): _____

Title: _____

Second Joint Venturer Name: _____ (SEAL)

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

Name (typed or printed): _____

Title: _____

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

Bidder's Business Address 754 W. 700S.

Pleasant Grove, UT 84062

Phone No. 801-785-8011 Fax No. 801-785-8012

SUBMITTED on April 12, 2022.

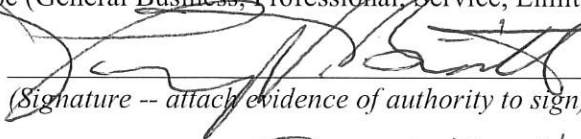
State Contractor License No. 8831565-5501

A Corporation

Corporation Name: Stratton and Bratt Landscapes, LLC (SEAL)

State of Incorporation: UT

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

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

Name (typed or printed): Perry V. Bratt

Title: V. P. (CORPORATE SEAL)

Attest 

Date of Authorization to do business in the State of Utah is 7 / 1 / 2013

AIA[®] Document A310[™] – 2010

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Stratton and Bratt Landscapes, LLC
754 W. 700 S.
Pleasant Grove, Utah 84062

SURETY:

(Name, legal status and principal place of business)

The Cincinnati Insurance Company
PO Box 145496
Cincinnati, OH 45250

OWNER:

(Name, legal status and address)

Highland City
5400 W. Civic Center Drive, Suite 1
Highland, UT 84003

BOND AMOUNT:

Five Percent of Attached Bid

PROJECT:

(Name, location or address, and Project number, if any)

Mountain Ridge Park
10400 N. 5600 W. Highland, UT 84003

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

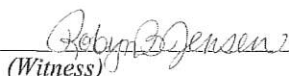
The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

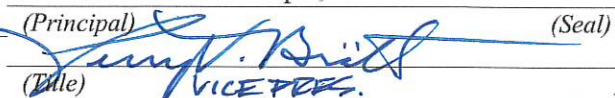
When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 12th day of April, 2022


(Witness)


(Witness)

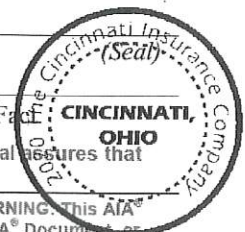
Stratton and Bratt Landscapes, LLC

(Principal)  (Seal)

(Title) VICE PRES.
The Cincinnati Insurance Company

(Surety)
Michael R. Vowles

(Title) Michael R. Vowles, Attorney-in-Fact



CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

Michael R. Vowles; Robyn B. Jensen; Danise Worwood;
David T. Smedley; Brett Palmer and/or Alan C. Anderson

of Spanish Fork, Utah

its true and lawful Attorney(s)-in-Fact to sign, execute, seal

and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

Any such obligations in the United States, up to

Twenty Five Million and No/100 Dollars (\$25,000,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Vice President this 1st day of October, 2015.



STATE OF OHIO) ss:
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY

Stephen A. Jantz

Vice President

On this 1st day of October, 2015, before me came the above-named Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.



Mark J. Huller

MARK J. HULLER, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration
date. Section 147.03 O.R.C.

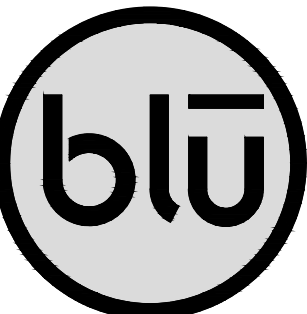
I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio.
this 12th day of April, 2022



Scott R. Boben

Secretary



blu line designs
planning | landscape architecture | design

8719 S. Sandy Parkway
Sandy, UT 84070
p 801.679.3157

OWNER:
HIGHLAND CITY
5600 W CIVIC CENTER DRIVE
HIGHLAND, UT 84003

CONTACT:
TODD TRANE
PH: 801-756-5751

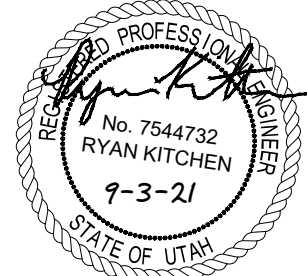


HIGHLAND CITY MOUNTAIN RIDGE PARK | PHASE 1 10400 N 5600 W HIGHLAND, UT 84003

REVISIONS

NO.	DESCRIPTION

Stamp



Designed By: RB
Drawn By: RB
Date: 09.03.21
Checked By: RK
Project No: 18-224

Drawing Title

CIVIL SITE &
UTILITY PLAN

Drawing number

C1.0



LEGEND

---	EX. 5' CONTOUR
---	EX. 1' CONTOUR
---	EX. CURB & GUTTER
---	EX. SIDEWALK
---	EX. FENCE
---	EX. EDGE OF ASPHALT
---	EX. SEWER LINE
---	EX. STORM DRAIN LINE
---	EX. WATER LINE
---	EX. TELEPHONE LINE
---	EX. GAS LINE
---	EX. CONCRETE PAD
---	EX. BUILDING PAD
---	EX. TOP OF BANK
---	EX. WATER
---	EX. STORM DRAIN
---	EX. SEWER
---	PROP. CURB & GUTTER
---	PROP. SPILL G&G
---	PROP. SIDEWALK
---	PROP. FENCE
---	PROP. 5' CONTOUR
---	PROP. 1' CONTOUR
---	PROP. STORM DRAIN
---	PROP. WATER
---	PROP. SEWER
---	PROP. SWALE
---	PROPERTY BOUNDARY
---	PHASE 1 LIMITS
---	BID ALTERNATE LIMITS

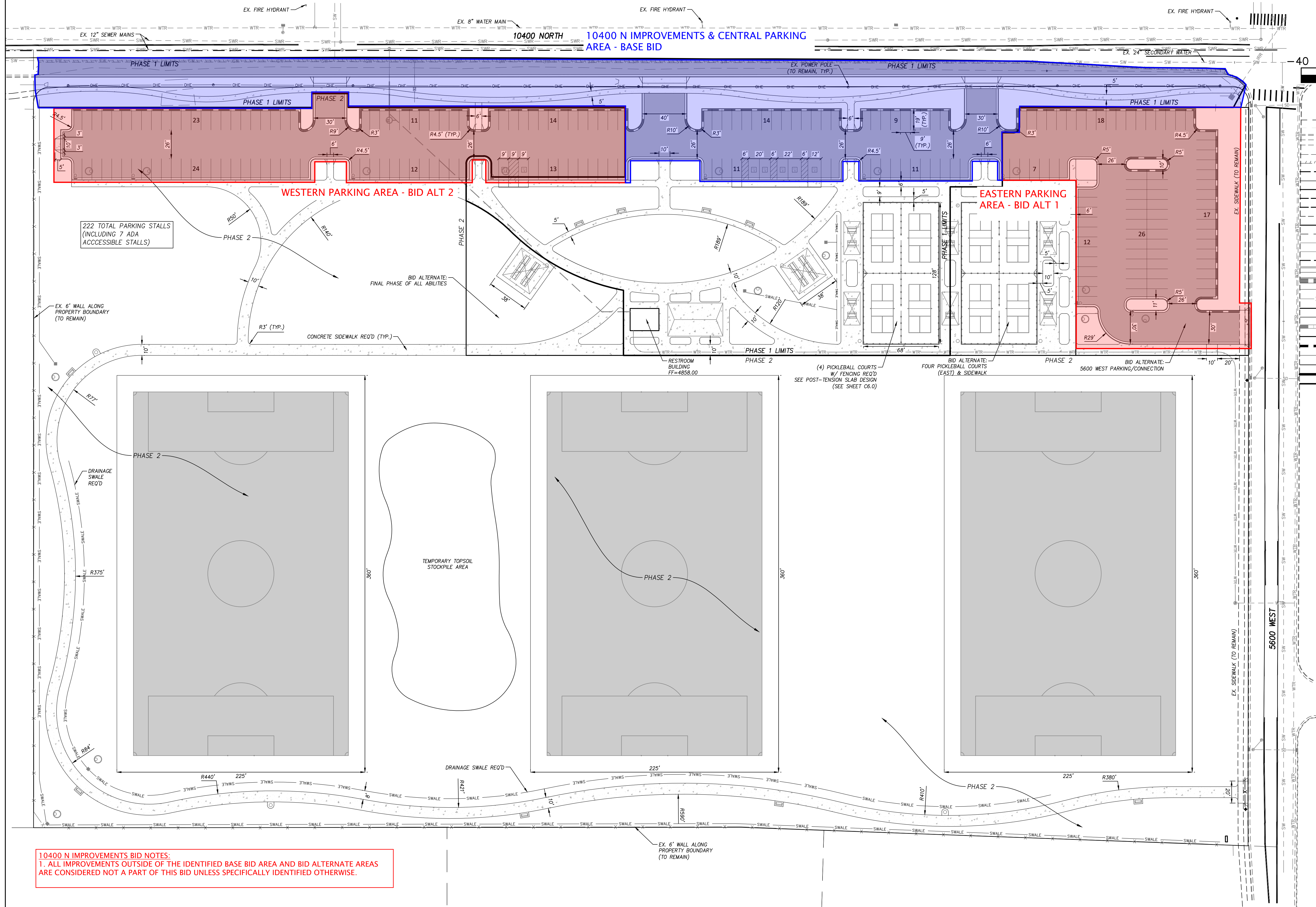
SITE & UTILITY NOTES

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH GOVERNING AGENCY STANDARDS AND SPECIFICATIONS. IN THE ABSENCE OF PROJECT STANDARD AND SPECIFICATIONS APWA STANDARD AND SPECIFICATIONS SHALL GOVERN.
- CONTRACTOR SHALL RETAIN AND PROTECT ALL EXISTING IMPROVEMENTS UNLESS OTHERWISE NOTED. CONTRACTOR IS RESPONSIBLE TO REPAIR ALL SIDEWALK, PAVEMENT, GRAVEL, UTILITIES, LANDSCAPING, IRRIGATION, FENCING AND EXISTING IMPROVEMENTS DAMAGED AS PART OF CONSTRUCTION.
- ALL CURB DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL WORK SHALL COMPLY WITH THE PROJECT PLANS, PROJECT SPECIFICATIONS, AND PROJECT GEOTECHNICAL ENGINEERING REPORT, WHICHEVER IS THE MOST STRINGENT.
- ALL STRIPING, PAVEMENT MARKINGS, AND SIGNAGE TO COMPLY WITH THE CURRENT M.U.T.C.D. EDITION MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES OR LOCAL CODE, WHICHEVER IS MORE STRINGENT.
- CONTRACTOR IS RESPONSIBLE FOR PERFORMING WORK ON OR ADJACENT TO A PUBLIC ROAD TO PROVIDE, INSTALL, AND MAINTAIN

- APPROPRIATE TRAFFIC CONTROL DEVICES, AS WELL AS ANY ADDITIONAL TRAFFIC CONTROL DEVICES THAT MAY BE REQUIRED TO INSURE SAFE AND EFFICIENT MOVEMENT OF TRAFFIC AND PEDESTRIANS THROUGH OR AROUND THE WORK AREA AND TO PROVIDE MAXIMUM PROTECTION AND SAFETY TO ROAD WORKERS.
- IT IS THE CONTRACTORS RESPONSIBILITY TO CONTACT BLUE STAKES OF UTAH PRIOR TO STARTING ANY ACTIVITIES. ALL EXISTING UTILITIES SHOWN ON THE PLANS ARE APPROXIMATIONS ONLY.
 - EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THEN EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD

ADJUSTMENTS SHOULD BE MADE. ENSURE ALL OSHA STANDARDS ARE FOLLOWED.

- IF DURING THE CONSTRUCTION PROCESS, CONDITIONS ARE ENCOUNTERED WHICH INDICATE AN UNIDENTIFIED SITUATION IS PRESENT, THE CONTRACTOR SHALL CONTACT THE OWNER AND ENGINEER IMMEDIATELY.
- DIMENSIONS FOR LAYOUT AND CONSTRUCTION ARE NOT TO BE SCALED FROM ANY DRAWING. IF PERTINENT DIMENSIONS ARE NOT SHOWN CONTACT THE ENGINEER FOR CLARIFICATION.
- ALL UTILITY SERVICE ENTRY POINTS SHOWN ARE APPROXIMATE LOCATIONS ONLY. SEE ARCHITECT PLANS FOR EXACT LOCATIONS AT BUILDING.
- CONTRACTOR SHALL PROVIDE AND MAINTAIN AT ALL TIMES AMPLE MEANS AND DEVICES WITH WHICH TO REMOVE PROMPTLY AND TO PROPERLY DISPOSE OF ALL WATER ENTERING THE TRENCH EXCAVATION.
- CONTRACTOR SHALL INSTALL THRUST BLOCKING AT ALL WATERLINE ANGLE POINTS AND TEES.



10400 N IMPROVEMENTS BID NOTES:
1. ALL IMPROVEMENTS OUTSIDE OF THE IDENTIFIED BASE BID AREA AND BID ALTERNATE AREAS ARE CONSIDERED NOT A PART OF THIS BID UNLESS SPECIFICALLY IDENTIFIED OTHERWISE.



MOUNTAIN RIDGE PARK PHASE 1

BASE BID SCHEDULE				STRATTON & BRATT		S & L, INC		CAL WADSWORTH		GENEVA ROCK		J.L.R.	
Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price
Mobilization and Regulatory													
1	Mobilization	1	LS	\$ 42,460.00	\$ 42,460.00	\$ 110,000.00	\$ 110,000.00	\$ 119,330.64	\$ 119,330.64	\$ 125,000.00	\$ 125,000.00	\$ 96,100.00	\$ 96,100.00
2	Permitting	1	LS	\$ 2,200.00	\$ 2,200.00	\$ 2,000.00	\$ 2,000.00	\$ 4,105.96	\$ 4,105.96	\$ 500.00	\$ 500.00	\$ 6,100.00	\$ 6,100.00
3	Testing	1	LS	\$ 3,500.00	\$ 3,500.00	\$ 20,000.00	\$ 20,000.00	\$ 3,207.78	\$ 3,207.78	\$ 5,000.00	\$ 5,000.00	\$ 23,950.00	\$ 23,950.00
4	Traffic Control	1	LS	\$ 16,600.00	\$ 16,600.00	\$ 30,000.00	\$ 30,000.00	\$ 1,924.67	\$ 1,924.67	\$ 6,000.00	\$ 6,000.00	\$ 49,350.00	\$ 49,350.00
5	Temporary Controls/SWPPP	1	LS	\$ 2,350.00	\$ 2,350.00	\$ 25,000.00	\$ 25,000.00	\$ 2,566.20	\$ 2,566.20	\$ 10,000.00	\$ 10,000.00	\$ 14,980.00	\$ 14,980.00
6	Survey and Layout	1	LS	\$ 5,900.00	\$ 5,900.00	\$ 15,000.00	\$ 15,000.00	\$ 2,310.88	\$ 2,310.88	\$ 8,000.00	\$ 8,000.00	\$ 32,500.00	\$ 32,500.00
Demolition													
8	Asphalt Sawcut & Removal (10400 N)	3,546	Sq. Ft.	\$ 4.14	\$ 14,680.44	\$ 2.00	\$ 7,092.00	\$ 5.13	\$ 18,190.98	\$ 1.10	\$ 3,900.60	\$ 3.00	\$ 10,638.00
9	Remove & Salvage Ex. Traffic Sign	1	LS	\$ 150.00	\$ 150.00	\$ 400.00	\$ 400.00	\$ 600.00	\$ 600.00	\$ 175.00	\$ 175.00	\$ 610.00	\$ 610.00
10	Clear & Grub (including tree removal)	68,210	Sq. Ft.	\$ 0.16	\$ 10,913.60	\$ 0.60	\$ 40,926.00	\$ 0.26	\$ 17,734.60	\$ 0.35	\$ 23,873.50	\$ 0.27	\$ 18,416.70
Hardscape													
12	Asphalt Roadway (10400 N)	11,310	Sq. Ft.	\$ 3.44	\$ 38,906.40	\$ 3.50	\$ 39,585.00	\$ 5.77	\$ 65,258.70	\$ 4.30	\$ 48,633.00	\$ 3.60	\$ 40,716.00
13	Asphalt Parking Lot	18,647	Sq. Ft.	\$ 3.66	\$ 68,248.02	\$ 3.00	\$ 55,941.00	\$ 9.28	\$ 173,044.16	\$ 2.40	\$ 44,752.80	\$ 3.50	\$ 65,264.50
14	Curb and Gutter (10400 N)	1,100	Ln. Ft.	\$ 38.00	\$ 41,800.00	\$ 26.00	\$ 28,600.00	\$ 32.08	\$ 35,288.00	\$ 32.00	\$ 35,200.00	\$ 38.00	\$ 41,800.00
15	Curb and Gutter Parking Lot	985	Ln. Ft.	\$ 38.00	\$ 37,430.00	\$ 28.00	\$ 27,580.00	\$ 101.48	\$ 99,957.80	\$ 36.00	\$ 35,460.00	\$ 46.00	\$ 45,310.00
16	Concrete Drive Approach	871	Sq. Ft.	\$ 39.90	\$ 34,752.90	\$ 12.00	\$ 10,452.00	\$ 7.70	\$ 6,706.70	\$ 9.00	\$ 7,839.00	\$ 11.80	\$ 10,277.80
17	5' Concrete Sidewalk (10400 N)	5,566	Sq. Ft.	\$ 18.00	\$ 100,188.00	\$ 8.00	\$ 44,528.00	\$ 6.42	\$ 35,733.72	\$ 9.10	\$ 50,650.60	\$ 10.00	\$ 55,660.00
18	ADA Ramp	1	LS	\$ 1,450.00	\$ 1,450.00	\$ 2,000.00	\$ 2,000.00	\$ 2,309.60	\$ 2,309.60	\$ 2,000.00	\$ 2,000.00	\$ 2,950.00	\$ 2,950.00
19	Parking Lot Striping	1	LS	\$ 2,100.00	\$ 2,100.00	\$ 2,500.00	\$ 2,500.00	\$ 3,207.78	\$ 3,207.78	\$ 3,900.00	\$ 3,900.00	\$ 5,730.00	\$ 5,730.00
20	6" Concrete Edger	65	Ln. Ft.	\$ 30.00	\$ 1,950.00	\$ 32.00	\$ 2,080.00	\$ 32.08	\$ 2,085.20	\$ 30.00	\$ 1,950.00	\$ 48.00	\$ 3,120.00
21	Stop Signs	3	Each	\$ 350.00	\$ 1,050.00	\$ 500.00	\$ 1,500.00	\$ 1,283.11	\$ 3,849.33	\$ 680.00	\$ 2,040.00	\$ 790.00	\$ 2,370.00
22	Install Salvaged Traffic Sign	1	Each	\$ 250.00	\$ 250.00	\$ 500.00	\$ 500.00	\$ 641.56	\$ 641.56	\$ 185.00	\$ 185.00	\$ 550.00	\$ 550.00
Utilities													
24	Sewer Connection	1	LS	\$ 4,890.00	\$ 4,890.00	\$ 2,000.00	\$ 2,000.00	\$ 8,340.22	\$ 8,340.22	\$ 2,500.00	\$ 2,500.00	\$ 1,975.00	\$ 1,975.00
25	8" PVC SDR-35	33	Ln. Ft.	\$ 93.50	\$ 3,085.50	\$ 75.00	\$ 2,475.00	\$ 64.16	\$ 2,117.28	\$ 130.00	\$ 4,290.00	\$ 170.00	\$ 5,610.00
26	6" PVC SDR-35	120	Ln. Ft.	\$ 81.50	\$ 9,780.00	\$ 80.00	\$ 9,600.00	\$ 44.91	\$ 5,389.20	\$ 86.00	\$ 10,320.00	\$ 135.00	\$ 16,200.00
27	Sewer Manhole	1	LS	\$ 8,122.00	\$ 8,122.00	\$ 6,500.00	\$ 6,500.00	\$ 5,774.00	\$ 5,774.00	\$ 6,000.00	\$ 6,000.00	\$ 7,420.00	\$ 7,420.00
28	Secondary Water Connection	1	LS	\$ 4,800.00	\$ 4,800.00	\$ 2,500.00	\$ 2,500.00	\$ 4,490.89	\$ 4,490.89	\$ 1,700.00	\$ 1,700.00	\$ 1,360.00	\$ 1,360.00
29	4" Secondary Water Meter	1	LS	\$ 10,910.00	\$ 10,910.00	\$ 20,000.00	\$ 20,000.00	\$ 9,623.34	\$ 9,623.34	\$ 16,500.00	\$ 16,500.00	\$ 32,100.00	\$ 32,100.00
Grading & Drainage													
31	Rough Grading (Cut)	1	LS	\$ 4,200.00	\$ 4,200.00	\$ 20,000.00	\$ 20,000.00	\$ 89,769.44	\$ 89,769.44	\$ 14,000.00	\$ 14,000.00	\$ 6,605.00	\$ 6,605.00
32	Cut (Spread on site)	1	LS	\$ 3,200.00	\$ 3,200.00	\$ 2,000.00	\$ 2,000.00	\$ 12,189.56	\$ 12,189.56	\$ 7,100.00	\$ 7,100.00	\$ 2,970.00	\$ 2,970.00
33	Rough Grading (Fill)	1	LS	\$ 62,621.00	\$ 62,621.00	\$ 60,000.00	\$ 60,000.00	\$ 12,061.25	\$ 12,061.25	\$ 130,000.00	\$ 130,000.00	\$ 206,445.00	\$ 206,445.00
34	Connect to Ex. Irrigation Box	1	LS	\$ 420.00	\$ 420.00	\$ 1,500.00	\$ 1,500.00	\$ 2,309.60	\$ 2,309.60	\$ 2,100.00	\$ 2,100.00	\$ 3,660.00	\$ 3,660.00
35	24" RCP SD	1,061	Ln. Ft.	\$ 70.85	\$ 75,171.85	\$ 90.00	\$ 95,490.00	\$ 70.57	\$ 74,874.77	\$ 102.00	\$ 108,222.00	\$ 69.00	\$ 73,209.00
36	4'x4' COB	4	Each	\$ 6,100.00	\$ 24,400.00	\$ 7,000.00	\$ 28,000.00	\$ 1,924.67	\$ 7,698.68	\$ 5,100.00	\$ 20,400.00	\$ 5,900.00	\$ 23,600.00
37	6' Dia. Sump	2	Each	\$ 14,100.00	\$ 28,200.00	\$ 20,000.00	\$ 40,000.00	\$ 7,698.67	\$ 15,397.34	\$ 17,500.00	\$ 35,000.00	\$ 14,990.00	\$ 29,980.00
Electrical and Lighting													
39	Electrical Connection/Service (Transformer, Meter, Conduit)	1	LS	\$ 30,833.00	\$ 30,833.00	\$ 35,000.00	\$ 35,000.00	\$ 12,831.11	\$ 12,831.11	\$ 46,000.00	\$ 46,000.00	\$ 28,950.00	\$ 28,950.00
40	Power Distribution (Power Panel, Lighting Control Panel, Strong Box Enclosure)	1	LS	\$ 159,500.00	\$ 159,500.00	\$ 115,000.00	\$ 115,000.00	\$ 6,415.56	\$ 6,415.56	\$ 145,000.00	\$ 145,000.00	\$ 175,100.00	\$ 175,100.00
41	Street Lighting (ZD2)	4	Each	\$ 9,444.00	\$ 37,776.00	\$ 10,000.00	\$ 40,000.00	\$ 4,490.89	\$ 17,963.56	\$ 9,500.00	\$ 38,000.00	\$ 10,365.00	\$ 41,460.00

42	Street Lighting Circuiting	1	LS	\$	29,444.00	\$	29,444.00	\$	30,000.00	\$	30,000.00	\$	3,207.78	\$	3,207.78	\$	14,000.00	\$	14,000.00	\$	32,300.00	\$	32,300.00	
43	Parking Lot Lighting (ZX1)	1	Each	\$	5,833.00	\$	5,833.00	\$	7,000.00	\$	7,000.00	\$	6,415.56	\$	6,415.56	\$	8,500.00	\$	8,500.00	\$	12,800.00	\$	12,800.00	
44	Parking Lot Lighting (ZX2)	4	Each	\$	5,833.00	\$	23,332.00	\$	7,000.00	\$	28,000.00	\$	6,415.56	\$	25,662.24	\$	9,000.00	\$	36,000.00	\$	4,800.00	\$	19,200.00	
45	Parking Lot Lighting Circuiting	1	LS	\$	27,777.00	\$	27,777.00	\$	30,000.00	\$	30,000.00	\$	10,906.45	\$	10,906.45	\$	10,000.00	\$	10,000.00	\$	30,490.00	\$	30,490.00	
46	Spare Conduits for Future Phases	1	LS	\$	5,334.00	\$	5,334.00	\$	6,000.00	\$	6,000.00	\$	1,090.64	\$	1,090.64	\$	13,000.00	\$	13,000.00	\$	5,800.00	\$	5,800.00	
Landscaping																								
48	Deciduous Tree (2" caliper)	6	Each	\$	479.00	\$	2,874.00	\$	550.00	\$	3,300.00	\$	769.87	\$	4,619.22	\$	560.00	\$	3,360.00	\$	610.00	\$	3,660.00	
49	Ornamental Tree (2" caliper)	30	Each	\$	479.00	\$	14,370.00	\$	550.00	\$	16,500.00	\$	449.09	\$	13,472.70	\$	560.00	\$	16,800.00	\$	610.00	\$	18,300.00	
50	Deciduous Shrub (5 gallon)	14	Each	\$	45.00	\$	630.00	\$	45.00	\$	630.00	\$	641.56	\$	8,981.84	\$	45.00	\$	630.00	\$	67.00	\$	938.00	
51	Perennial (1 gallon)	62	Each	\$	17.00	\$	1,054.00	\$	20.00	\$	1,240.00	\$	160.39	\$	9,944.18	\$	16.00	\$	992.00	\$	24.50	\$	1,519.00	
52	Ornamental Grass (1 gallon)	42	Each	\$	18.00	\$	756.00	\$	20.00	\$	840.00	\$	21.81	\$	916.02	\$	16.00	\$	672.00	\$	24.50	\$	1,029.00	
53	Bio Blue Bluegrass Sod	23,215	Sq. Ft.	\$	0.89	\$	20,661.35	\$	1.00	\$	23,215.00	\$	1.04	\$	24,143.60	\$	1.10	\$	25,536.50	\$	2.20	\$	51,073.00	
54	Wood Mulch	1,104	Sq. Ft.	\$	1.40	\$	1,545.60	\$	1.20	\$	1,324.80	\$	1.04	\$	1,148.16	\$	1.15	\$	1,269.60	\$	1.25	\$	1,380.00	
55	4" Depth Topsoil (Sod)	284	Cu. Yd.	\$	34.00	\$	9,656.00	\$	45.00	\$	12,780.00	\$	53.44	\$	15,176.96	\$	48.00	\$	13,632.00	\$	42.70	\$	12,126.80	
56	12" Depth Topsoil (Shrub Bed)	41	Cu. Yd.	\$	34.00	\$	1,394.00	\$	45.00	\$	1,845.00	\$	53.44	\$	2,191.04	\$	48.00	\$	1,968.00	\$	42.70	\$	1,750.70	
Irrigation																								
58	POC Assembly (Isolation Valves, Filter & Strong Box, Master Valve, Quick Coupler)	1	LS	\$	22,400.00	\$	22,400.00	\$	38,000.00	\$	38,000.00	\$	33,077.65	\$	33,077.65	\$	39,000.00	\$	39,000.00	\$	43,145.00	\$	43,145.00	
59	Irrigation Controller	1	LS	\$	8,498.00	\$	8,498.00	\$	12,000.00	\$	12,000.00	\$	10,719.48	\$	10,719.48	\$	12,000.00	\$	12,000.00	\$	13,650.00	\$	13,650.00	
60	Irrigation Mainline	1	LS	\$	14,680.00	\$	14,680.00	\$	50,000.00	\$	50,000.00	\$	41,325.79	\$	41,325.79	\$	51,000.00	\$	51,000.00	\$	73,500.00	\$	73,500.00	
61	Irrigation Valves	1	LS	\$	12,470.00	\$	12,470.00	\$	20,000.00	\$	20,000.00	\$	25,787.75	\$	25,787.75	\$	20,000.00	\$	20,000.00	\$	22,420.00	\$	22,420.00	
62	Irrigation Laterals	1	LS	\$	18,400.00	\$	18,400.00	\$	24,000.00	\$	24,000.00	\$	14,531.90	\$	14,531.90	\$	25,000.00	\$	25,000.00	\$	35,600.00	\$	35,600.00	
63	Irrigation Heads	1	LS	\$	18,680.00	\$	18,680.00	\$	18,000.00	\$	18,000.00	\$	15,278.05	\$	15,278.05	\$	18,000.00	\$	18,000.00	\$	19,990.00	\$	19,990.00	
64	Irrigation Dripline	1	LS	\$	12,420.00	\$	12,420.00	\$	2,500.00	\$	2,500.00	\$	1,332.29	\$	1,332.29	\$	2,000.00	\$	2,000.00	\$	2,500.00	\$	2,500.00	
65	Irrigation Wires/Service for Future Phases	1	LS	\$	18,465.00	\$	18,465.00	\$	6,000.00	\$	6,000.00	\$	15,000.00	\$	15,000.00	\$	6,000.00	\$	6,000.00	\$	11,890.00	\$	11,890.00	
TOTAL BASE BID SCHEDULE				=	\$	1,165,462.66	\$	1,278,923.80	\$	1,170,229.36	\$	1,321,551.60	\$	1,598,098.50										
					Written Bid off by		O/S \$1.90			Written Bid		\$	1,167,662.30											
Item No.	Item	Estimated Quantity	Unit		Unit Price	Total Estimated Price		Unit Price	Total Estimated Price		Unit Price	Total Estimated Price		Unit Price	Total Estimated Price		Unit Price	Total Estimated Price		Unit Price	Total Estimated Price		Unit Price	Total Estimated Price
Bid Alternate 1																								
Mobilization and Regulatory																								
A1	Mobilization	1	LS	\$	12,250.00	\$	12,250.00	\$	25,000.00	\$	25,000.00	\$	10,264.89	\$	10,264.89	\$	50,000.00	\$	50,000.00	\$	15,500.00	\$	15,500.00	
A2	Permitting	1	LS	\$	1,000.00	\$	1,000.00	\$	500.00	\$	500.00	\$	692.88	\$	692.88	\$	100.00	\$	100.00	\$	610.00	\$	610.00	
A3	Testing	1	LS	\$	2,500.00	\$	2,500.00	\$	4,000.00	\$	4,000.00	\$	577.40	\$	577.40	\$	3,000.00	\$	3,000.00	\$	3,100.00	\$	3,100.00	
A4	Traffic Control	1	LS	\$	6,475.00	\$	6,475.00	\$	1,000.00	\$	1,000.00	\$		\$		\$	200.00	\$	200.00	\$	3,650.00	\$	3,650.00	
A5	Temporary Controls/SWPPP	1	LS	\$	1,400.00	\$	1,400.00	\$	3,500.00	\$	3,500.00	\$	1,154.80	\$	1,154.80	\$	2,500.00	\$	2,500.00	\$	4,500.00	\$	4,500.00	
A6	Survey and Layout	1	LS	\$	2,800.00	\$	2,800.00	\$	4,000.00	\$	4,000.00	\$	641.56	\$	641.56	\$	4,000.00	\$	4,000.00	\$	4,150.00	\$	4,150.00	
Demolition																								
A7	Clear & Grub (including tree removal)	37,594	SF	\$	0.30	\$	11,278.20	\$	0.60	\$	22,556.40	\$	0.21	\$	7,894.74	\$	0.30	\$	11,278.20	\$	0.30	\$	11,278.20	
A8	Cut & Remove Existing Sidewalk	155	SF	\$	10.65	\$	1,650.75	\$	7.00	\$	1,085.00	\$	12.83	\$	1,988.65	\$	1.00	\$	155.00	\$	10.00	\$	1,550.00	
A9	Curb Cut	40	LF	\$	4.00	\$	160.00	\$	25.00	\$	1,000.00	\$	23.10	\$	924.00	\$	13.00	\$	520.00	\$	12.00	\$	480.00	
Hardscape																								
A10	Asphalt Parking Lot	27,628	SF	\$	3.57	\$	98,631.96	\$	3.00	\$	82,884.00	\$	5.77	\$	159,413.56	\$	2.40	\$	66,307.20	\$	3.50	\$	96,698.00	
A11	Curb and Gutter Parking Lot	1,015	LF	\$	38.00	\$	38,570.00	\$	28.00	\$	28,420.00	\$	32.08	\$	32,561.20	\$	36.00	\$	36,540.00	\$	45.00	\$	45,675.00	
A12	Concrete Drive Approach	138	SF	\$	39.90	\$	5,506.20	\$	11.00	\$	1,518.00	\$	8.98	\$	1,239.24	\$	10.00	\$	1,380.00	\$	15.50	\$	2,139.00	
A13	5" Concrete Sidewalk	155	SF	\$	18.00	\$	2,790.00	\$	9.00	\$	1,395.00	\$	6.42	\$	995.10	\$	10.00	\$	1,550.00	\$	133.00	\$	20,615.00	
A14	Parking Lot Striping	1	LS	\$	2,100.00	\$	2,100.00	\$	1,000.00	\$	1,000.00	\$	500.00	\$	500.00	\$	1,000.00	\$	1,000.00	\$	5,700.00	\$	5,700.00	
A15	6" Concrete Edger	10	LF	\$	30.00	\$	300.00	\$	35.00	\$	350.00	\$	32.08	\$	320.80	\$	30.00	\$	300.00	\$	60.00	\$	600.00	
Grading & Drainage																								
A16	Rough Grading (Cut)	1	LS	\$	8,100.00	\$	8,100.00	\$	15,000.00	\$	15,000.00	\$	89,769.44	\$	89,769.44	\$	3,000.00	\$	3,000.00	\$	15,550.00	\$	15,550.00	
A17	Cut (Spread on site)	1	LS	\$	7,210.00	\$	7,210.00	\$	7,500.00	\$	7,500.00	\$	12,189.56	\$	12,189.56	\$	7,500.00	\$	7,500.00	\$	7,920.00	\$	7,920.00	
A19	Rough Grading (Fill)	1	LS	\$	14,350.00	\$	14,350.00	\$	1,000.00	\$	1,000.00	\$	12,061.25	\$	12,061.25	\$	17,000.00	\$	17,000.00	\$	19,250.00	\$	19,250.00	
A20	6" Dia. Sump	4	Each	\$	14,100.00	\$	56,400.00	\$	20,000.00	\$	80,000.00	\$	7,698.67	\$	30,794.68	\$	19,000.00	\$	76,000.00	\$	14,000.00	\$	56,000.00	
Electrical and Lighting																								
A21	Parking Lot Lighting (ZX1)	2	Each	\$	5,833.00	\$	11,666.00	\$	7,000.00	\$	14,000.00	\$	6,415.56	\$	12,831.12	\$	9,000.00	\$	18,000.00	\$	6,400.00	\$	12,800.00	
A22	Parking Lot Lighting (ZX2)	2	Each	\$	5,833.00	\$	11,666.00	\$	7,000.00	\$	14,000.00	\$	6,415.56	\$	12,831.12	\$	9,000.00	\$	18,000.00	\$	12,805.00	\$	25,610.00	
A24	Parking Lot Lighting Circuiting	1	LS	\$	27,777.00	\$	27,777.00	\$	45,000.00	\$	45,000.00	\$	3,207.78	\$	3,207.78	\$	6,500.00	\$	6,500.00	\$	39,850.00	\$	39,850.00	
A25	Spare Conduits for Future Phases	1	LS	\$	5,334.00	\$	5,334.00	\$	5,000.00	\$	5,000.00	\$	1,090.64	\$	1,090.64	\$	13,000.00	\$	13,000.00	\$	2,925.00	\$	2,925.00	

Landscaping																												
A26	Deciduous Tree (2" caliper)	10	Each	\$	479.00	\$	4,790.00	\$	550.00	\$	5,500.00	\$	445.00	\$	4,450.00	\$	560.00	\$	5,600.00	\$	610.00	\$	6,100.00					
A27	Deciduous Shrub (5 gallon)	34	Each	\$	45.00	\$	1,530.00	\$	45.00	\$	1,530.00	\$	460.00	\$	15,640.00	\$	45.00	\$	1,530.00	\$	610.00	\$	20,740.00					
A29	Perennial (1 gallon)	13	Each	\$	17.00	\$	221.00	\$	20.00	\$	260.00	\$	19.50	\$	253.50	\$	16.00	\$	208.00	\$	24.50	\$	318.50					
A30	Ornamental Grass (1 gallon)	30	Each	\$	18.00	\$	540.00	\$	20.00	\$	600.00	\$	21.75	\$	652.50	\$	16.00	\$	480.00	\$	24.50	\$	735.00					
A31	Bio Blue Bluegrass Sod	4,079	SF	\$	0.89	\$	3,630.31	\$	1.00	\$	4,079.00	\$	0.87	\$	3,548.73	\$	1.10	\$	4,486.90	\$	2.20	\$	8,973.80					
A32	Wood Mulch	849	SF	\$	1.40	\$	1,188.60	\$	1.20	\$	1,018.80	\$	1.57	\$	1,332.93	\$	1.15	\$	976.35	\$	1.10	\$	933.90					
A33	4" Depth Topsoil (sod)	50	CY	\$	34.00	\$	1,700.00	\$	45.00	\$	2,250.00	\$	40.25	\$	2,012.50	\$	48.00	\$	2,400.00	\$	43.00	\$	2,150.00					
A34	12" Depth Topsoil (Shrub Bed)	31.5	CY	\$	34.00	\$	1,071.00	\$	45.00	\$	1,417.50	\$	40.25	\$	1,267.88	\$	48.00	\$	1,512.00	\$	43.00	\$	1,354.50					
Irrigation																												
A35	Irrigation Mainline	1	LS	\$	14,000.00	\$	14,000.00	\$	20,000.00	\$	20,000.00	\$	15,922.23	\$	15,922.23	\$	21,000.00	\$	21,000.00	\$	26,450.00	\$	26,450.00					
A37	Irrigation Valves	1	LS	\$	2,000.00	\$	2,000.00	\$	16,000.00	\$	16,000.00	\$	5,253.24	\$	5,253.24	\$	16,000.00	\$	16,000.00	\$	8,590.00	\$	8,590.00					
A38	Irrigation Laterals	1	LS	\$	2,000.00	\$	2,000.00	\$	5,000.00	\$	5,000.00	\$	3,382.96	\$	3,382.96	\$	5,000.00	\$	5,000.00	\$	7,250.00	\$	7,250.00					
A39	Irrigation Heads	1	LS	\$	1,500.00	\$	1,500.00	\$	3,600.00	\$	3,600.00	\$	2,890.16	\$	2,890.16	\$	4,000.00	\$	4,000.00	\$	5,150.00	\$	5,150.00					
A40	Irrigation Dripline	1	LS	\$	10,500.00	\$	10,500.00	\$	600.00	\$	600.00	\$	1,136.31	\$	1,136.31	\$	1,000.00	\$	1,000.00	\$	2,500.00	\$	2,500.00					
A41	Relocate Ex. Valves & Mainline as needed for construction in 5600 W Parkstrip	1	LS	\$	2,500.00	\$	2,500.00	\$	11,000.00	\$	11,000.00	\$	4,490.89	\$	4,490.89	\$	11,000.00	\$	11,000.00	\$	4,270.00	\$	4,270.00					
TOTAL BID ALTERNATE 1 SCHEDULE				=	\$			377,086.02	\$	\$			432,563.70	\$	\$			456,178.24	\$	\$			413,023.65	\$	\$			491,665.90

				Written Bid				\$	342,373.02	Written Bid				\$	659,449.99				
--	--	--	--	-------------	--	--	--	----	------------	-------------	--	--	--	----	------------	--	--	--	--

Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price										
Bid Alternate 2																							
Mobilization and Regulatory																							
B1	Mobilization	1	LS	\$	13,800.00	\$	13,800.00	\$	20,000.00	\$	10,264.89	\$	10,264.89	\$	50,000.00	\$	50,000.00	\$	13,900.00	\$	13,900.00		
B2	Permitting	1	LS	\$	1,000.00	\$	1,000.00	\$	300.00	\$	692.88	\$	692.88	\$	100.00	\$	100.00	\$	610.00	\$	610.00		
B3	Testing	1	LS	\$	2,500.00	\$	2,500.00	\$	3,000.00	\$	577.40	\$	577.40	\$	5,000.00	\$	5,000.00	\$	2,270.00	\$	2,270.00		
B4	Traffic Control	1	LS	\$	6,475.00	\$	6,475.00	\$	1,000.00	\$	1,924.67	\$	1,924.67	\$	200.00	\$	200.00	\$	1,830.00	\$	1,830.00		
B5	Temporary Controls/SWPPP	1	LS	\$	1,400.00	\$	1,400.00	\$	3,000.00	\$	1,154.80	\$	1,154.80	\$	2,500.00	\$	2,500.00	\$	1,830.00	\$	1,830.00		
B6	Survey and Layout	1	LS	\$	2,800.00	\$	2,800.00	\$	4,000.00	\$	641.56	\$	641.56	\$	4,000.00	\$	4,000.00	\$	2,970.00	\$	2,970.00		
Demolition																							
B7	Clear & Grub (including tree removal)	35,210	SF	\$	0.24	\$	8,450.40	\$	0.60	\$	21,126.00	\$	0.21	\$	7,394.10	\$	0.45	\$	15,844.50	\$	0.30	\$	10,563.00
Hardscape																							
B8	Asphalt Parking Lot	28,960	SF	\$	3.60	\$	104,256.00	\$	3.00	\$	86,880.00	\$	5.77	\$	167,099.20	\$	2.40	\$	69,504.00	\$	3.50	\$	101,360.00
B9	Curb and Gutter Parking Lot	1,226	LF	\$	38.00	\$	46,588.00	\$	28.00	\$	34,328.00	\$	32.08	\$	39,330.08	\$	36.00	\$	44,136.00	\$	41.50	\$	50,879.00
B10	Maintenance Driveway Approach	65	SF	\$	42.90	\$	2,788.50	\$	11.00	\$	715.00	\$	7.70	\$	500.50	\$	12.00	\$	780.00	\$	14.50	\$	942.50
B11	5" Concrete Sidewalk (10400 N)	84	SF	\$	18.00	\$	1,512.00	\$	9.00	\$	756.00	\$	6.42	\$	539.28	\$	10.00	\$	840.00	\$	12.00	\$	1,008.00
B12	ADA Ramp	1	LS	\$	1,450.00	\$	1,450.00	\$	2,000.00	\$	2,309.60	\$	2,309.60	\$	2,000.00	\$	2,000.00	\$	2,990.00	\$	2,990.00		
B13	Parking Lot Striping	1	LS	\$	2,100.00	\$	2,100.00	\$	600.00	\$	600.00	\$	3,207.78	\$	3,207.78	\$	2,500.00	\$	2,500.00	\$	5,730.00	\$	5,730.00
B14	6" Concrete Edger	32.5	LF	\$	30.00	\$	975.00	\$	35.00	\$	1,137.50	\$	32.08	\$	1,042.60	\$	30.00	\$	975.00	\$	37.50	\$	1,218.75
Grading & Drainage																							
B15	Rough Grading (Cut)	1	LS	\$	5,500.00	\$	5,500.00	\$	15,000.00	\$	15,000.00	\$	89,769.44	\$	89,769.44	\$	5,000.00	\$	5,000.00	\$	3,980.00	\$	3,980.00
B16	Cut (Spread on site)	1	LS	\$	3,700.00	\$	3,700.00	\$	2,000.00	\$	12,189.56	\$	12,189.56	\$	1,000.00	\$	1,000.00	\$	1,550.00	\$	1,550.00		
B17	Rough Grading (Fill)	1	LS	\$	52,850.00	\$	52,850.00	\$	18,000.00	\$	18,000.00	\$	12,061.25	\$	12,061.25	\$	55,000.00	\$	55,000.00	\$	42,510.00	\$	42,510.00
B18	6" Dia. Sump	4	Each	\$	14,100.00	\$	56,400.00	\$	20,000.00	\$	80,000.00	\$	7,698.67	\$	30,794.68	\$	19,000.00	\$	76,000.00	\$	14,000.00	\$	56,000.00
Electrical and Lighting																							
B19	Parking Lot Lighting (ZX2)	1	Each	\$	5,833.00	\$	5,833.00	\$	45,000.00	\$	45,000.00	\$	6,415.45	\$	6,415.45	\$	45,000.00	\$	45,000.00	\$	38,420.00	\$	38,420.00
B20	Parking Lot Lighting Circuiting	5	LS	\$	5,555.40	\$	27,777.00	\$	7,000.00	\$	35,000.00	\$	10,906.45	\$	54,532.25	\$		\$	10,000.00	\$	9,450.00	\$	47,250.00
B21	Spare Conduits for Future Phases	1	LS	\$	5,334.00	\$	5,334.00	\$	4,000.00	\$	4,000.00	\$	1,090.64	\$	1,090.64	\$	15,000.00	\$	15,000.00	\$	2,950.00	\$	2,950.00

Landscaping																							
B23	Deciduous Tree (2" caliper)	4	Each	\$	479.00	\$	1,916.00	\$	550.00	\$	2,200.00	\$	629.05	\$	2,516.20	\$	560.00	\$	2,240.00	\$	610.00	\$	2,440.00
B24	Deciduous Shrub (5 gallon)	10	Each	\$	45.00	\$	450.00	\$	45.00	\$	450.00	\$	66.47	\$	664.70	\$	45.00	\$	450.00	\$	610.00	\$	6,100.00
B25	Perennial (1 gallon)	26	Each	\$	17.00	\$	442.00	\$	20.00	\$	520.00	\$	21.36	\$	555.36	\$	16.00	\$	416.00	\$	24.50	\$	637.00
B26	Ornamental Grass (1 gallon)	20	Each	\$	18.00	\$	360.00	\$	20.00	\$	400.00	\$	21.36	\$	427.20	\$	16.00	\$	320.00	\$	24.50	\$	490.00
B28	Wood Mulch	560	SF	\$	1.40	\$	784.00	\$	1.20	\$	672.00	\$	1.04	\$	582.40	\$	1.15	\$	644.00	\$	1.25	\$	700.00
B29	12" Depth Topsoil (Shrub Bed)	21	CY	\$	34.00	\$	714.00	\$	45.00	\$	945.00	\$	53.44	\$	1,122.24	\$	48.00	\$	1,008.00	\$	42.50	\$	892.50
Irrigation																							
B30	Irrigation Dripline	1	LS	\$	4,220.00	\$	4,220.00	\$	7,500.00	\$	7,500.00	\$	2,755.40	\$	2,755.40	\$	6,500.00	\$	6,500.00	\$	5,150.00	\$	5,150.00
TOTAL BID ALTERNATE 2 SCHEDULE =				\$	362,374.90			\$	390,529.50			\$	452,156.11			\$	416,957.50			\$	407,170.75		

		Written Bid \$ 363,374.90				Written Bid \$ 385,529.50				Written Bid \$ 452,525.99				Written Bid				Written Bid			
Item No.	Item	Estimated Quantity	Unit	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price	Unit Price	Total Estimated Price				
Bid Alternate 3																					
Grading & Drainage																					
C1	24" ADS Double Wall	1,061	Ln. Ft.	\$ 75.00	\$ 79,575.00	\$ 90.00	\$ 95,490.00	\$ 14.13	\$ 14,991.93	\$ 105.00	\$ 111,405.00	\$ (8.60)	\$ (9,124.60)								
C2	24" HDPE SDR13.5 - 1.778" Fused	1,061	Ln. Ft.	\$ 155.00	\$ 164,455.00	\$ 165.00	\$ 175,065.00	\$ 16.00	\$ 16,976.00	\$ 155.00	\$ 164,455.00	\$ 40.00	\$ 42,440.00								
TOTAL BID ALTERNATE 3 SCHEDULE				=	\$	\$		\$		\$		\$		\$							



CITY COUNCIL AGENDA REPORT

ITEM #8

DATE: April 19, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, PE
Public Works Director/City Engineer
SUBJECT: **ACTION:** Consideration of Amendment #1 of the Development Agreement with Millhaven Development, LLC.
TYPE: **Administrative:** The Council is acting in an administrative capacity as outlined in the Municipal Code and State Law.

PURPOSE:

The City Council will consider approving modifications to the development agreement with Millhaven Development, LLC for the reimbursement of roadway and trail costs. The Council will take appropriate action.

BACKGROUND:

In April 2021, the City entered into a development agreement with Millhaven Development, LLC for the costs associated with the completion of Madison Avenue, 10200 North, and to install the trail in Mitchell Hollow. At the time of the agreement, there were a few costs that had yet to be finalized, additionally unforeseen inflation in construction costs have caused the final costs to exceed what was anticipated at the time.

On August 17, 2021, the Council authorized the expenditure of up to \$167,438 for the construction of the trail between the existing homes to the east of the development and three of the new lots. Following meetings with the adjacent residents, the only portion of the trail that will be constructed by Millhaven was the earthwork to create the primary grading for the trail. Additional contractors were hired to complete the balance of the work. As such, the developer's costs related to the trail are significantly less than had been contemplated.

As a result of these circumstances the agreement should be modified as follows:

- An increase of \$142,70.75 for Madison Avenue construction
- An increase in \$ 3,431 for 10200 North construction
- Trail reimbursement of \$13,410.

FISCAL IMPACT:

The expenses for Madison Avenue are being paid from the Capital Roads Project account (41-40-70). The Madison Avenue expenses are eligible for use of impact fees, the available impact fees that have been accumulated will be used to pay for the reimbursement. The funds to pay for the Madison Avenue construction were not budgeted in the FY2022 budget including a payment of \$743,045 in December; however, funds are available in the fund balance for the account. There will be a necessary end of year budget adjustment to address these expenses. The budget adjustment will be for the total Madison Avenue cost of \$1,406,058.55.

The 10200 North improvements were budgeted in the Streets and Roads Capital Outlay-Improvements account (10-60-73). The budget included \$34,000 for these improvements. As such, an additional amount of \$3,431 will be necessary to fund from other accounts. The additional funds will be paid from the Streets Major Roads Maintenance (41-40-71) account. There are sufficient funds remaining in this account to address the overage.

The FY22 budget includes \$167,000 in the Park Capital Trails account (40-40-76), of which \$163,350 remains unused. The trails portion of the development agreement will be paid from this account.

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** the amendment to the existing agreement.

PROPOSED MOTION:

I move that the City Council **APPROVE** Amendment #1 to the Development Agreement with Mill haven Development, LLC and **AUTHORIZE** the Mayor to execute the document.

ALTERNATIVE MOTION:

I move that the City Council **REJECT** the bids for construction of the 2022 Road Preservation Project. (The Council should draft appropriate findings).

ATTACHMENTS:

1. Modified Agreement
2. 2021 Agreement

DEVELOPMENT AGREEMENT – AMENDMENT #1

**FIRST AMENDMENT TO HIGHLAND CITY – MILLHAVEN DEVELOPMENT, LLC
DEVELOPMENT AGREEMENT**

On this ____ day of _____ 2022, this First Amendment is made to the Development Agreement between Highland City (“**City**”), a political subdivision of the State of Utah, and Millhaven Development, LLC (“**Developer**”)

WHEREAS, the City and the Developer entered into an Agreement on April 1, 2021;
and

WHEREAS, the City and the Developer now desire to amend the Agreement on account of additional costs for the construction of City facilities.

NOW THEREFORE, in consideration of the foregoing, the mutual covenants made herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Developer hereby amend the Development Agreement Nas follows:

Item #3 (b) shall be modified to read:

b. The City shall be responsible to reimburse the Developer for the cost of Madison Avenue for the amount equal to \$1,406,058.55.

Item #4, (d) shall be added and read as follows:

d. The City shall be responsible to reimburse the Developer for a portion of the trail construction in the amount of \$13,410.00. The Developer completed preliminary grading for a portion of the trail. The Developer shall not be required to complete any remaining trail improvements under this section, and all additional trail construction services shall be completed by others at the City's sole cost.

Item #5 (a) shall be modified to read:

a. The Developer shall construct the improvement for 10200 North as shown on the approved plan set for the Hollow Subdivision. They City shall be responsible to reimburse the Developer for the cost of these improvements for the amount equal to \$37,431.00.

The remaining portions and all remaining paragraphs of Development Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to be duly executed on the date listed above.

HIGHLAND CITY

KURT OSTLER, MAYOR

ATTEST:
STEPHANNIE COTTLE

By: _____
Recorder

MILLHAVEN DEDVELOPMENT, LLC

MANAGER

DEVELOPMENT AGREEMENT

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

RECITALS

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

AGREEMENT

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

1. Delineation and Ownership of Wetlands.

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

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

2. Development Conditions.

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

3. Madison Avenue Construction

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

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

4. Trail Construction and Maintenance.

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

5. 10200 North Improvements.

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

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

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

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

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

On Behalf of Highland City, Utah



ATTESTED:



DATED this 27 day of April, 2020.

On Behalf of Developer, MILLHAVEN DEVELOPMENT, LLC


Name: _____

Title: Manager

EXHIBIT 1

Description of Dedication of Wetlands and Surrounding Areas

OPENSOURCE NORTH DEDICATION LEGAL DESCRIPTION

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

OPENSOURCE SOUTH DEDICATION LEGAL DESCRIPTION

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



CITY COUNCIL AGENDA REPORT ITEM #9

DATE: April 19, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson
City Attorney
SUBJECT: **DISCUSSION:** Encroachment Policy
TYPE: **LEGISLATIVE:** The Council is acting in a legislative capacity in fulfilling their responsibilities as the Governing Body as defined in the Municipal Code. This topic is informational only. No final action will be taken.

PURPOSE:

The City Council will review and discuss an encroachment policy prepared by Highland City staff. The Council will take appropriate action.

BACKGROUND:

The City Council has discussed issues regarding encroachment onto City-owned property. The Council directed staff to draft an encroachment policy addressing existing encroachments as well as maintenance agreements.

DISCUSSION:

The following is a short outline of the draft policy:

1. Background and Purpose
2. Permitted and Prohibited Encroachments
 - a. Definitions of 'encroachment', 'public property', and examples of private use of public property.
 - b. Encroachment and maintenance agreements
3. Encroachment Removal Procedures
 - a. Voluntary compliance
 - b. City-enforced compliance procedures
 - c. No waiver of rights

ATTACHMENT:

1. Draft Encroachment Policy

HIGHLAND CITY ENCROACHMENT POLICY

DRAFT POLICY FOR DISCUSSION – NOT FINAL

I.BACKGROUND AND PURPOSE

Highland City has been a sought-after place to live for years, and it is the goal of the Mayor, Council, Planning Commission, and staff to support the continuation of Highland being a great place to live and raise families. Part of the attraction of Highland is its low density and beautiful natural landscapes. In order to attain and preserve these benefits, the City has acquired a large amount of property throughout the City.

The primary purpose of this public land is to benefit all Highland residents. Some of these parcels are small slivers of natural open space land that provide spacing in residential neighborhoods; others are multi-acre properties reserved for parks and trails. Some of this land is immediately needed and used for a specific benefit to the residents of Highland, other property is reserved for future needs, while yet other property is kept solely for open space, aesthetic, and buffering purposes. Regardless of the size of the property, the City acquired and preserved those properties in order to protect the Highland way of life.

The Highland City Council, Mayor, and other City staff, officers, and representatives serve as stewards of this public property and must be vigilant in the protection of tax dollars and city property. Highland City officials and staff recognize and appreciate the time, effort, and resources spent by many residents in voluntarily maintaining and beautifying open space areas for the benefit of their neighbors. Unfortunately, there has been an ongoing and increasing issue in Highland related to encroachments by private citizens onto public property for the purpose of benefitting the citizen but not the residents of Highland at large.

These types of encroachments are unlawful and do not benefit the residents of Highland City. These encroachments convert public property—acquired and supported by taxpayer dollars—into a private benefit without recompense to the City and its residents. Encroachments may increase the City’s risk of liability and expenses, to the detriment of taxpayer dollars.

While many residents unintentionally encroached or unknowingly continued an encroachment started by a previous owner, a resident’s intention does not change the City’s responsibility to its citizens. Under the Utah Constitution, the City is prohibited from giving away taxpayer property for nothing. As such, regardless of the timing or source of the encroachment, the City has a constitutional obligation to protect City property and to require that unauthorized private encroachments be prohibited and removed.

Great cities are founded on principles of accountability, respect, and a desire to work together to create a beautiful city. The purpose of this policy is to outline how Highland City officers and staff will support these principles by providing procedures for the removal of illegal encroachments and protection of public property. It is the Mayor and City Council’s hope that all residents, including those who encroached unknowingly, are willing to help protect City property for all current and future residents of this wonderful city.

II. PERMITTED AND PROHIBITED ENCROACHMENTS

1. Definitions and Examples

- a. “Encroachment” refers to circumstances where a person extends their private property or private uses onto public property or when a person modifies public property without authorization. An encroachment is treating public property as private property. Most encroachments involve extensions of residential yards, landscaping, and structures into public parks, open space areas, and trail corridors. The only allowed encroachments are those that received prior written authorization from the City by way of a written agreement.
- b. “Public property” refers to property owned by the City. Property being “public” means that it kept by the City for the benefit and use of the public. It does not mean that members of the public have the right to unilaterally or exclusively modify or use the public property for personal purposes. Public property includes parks, trails, city buildings and yards, roads, sidewalks, park strips, and open space areas and remains public even if it is not accessible to or used by most residents.
- c. Private use of public property is regulated by the City in order to ensure that the property remains useful and beneficial for the public. Just as a resident cannot use their neighbor’s yard without their neighbor’s permission, neither can a resident use the City’s property without the City’s permission. The following is a non-exhaustive list of the types of illegal encroachments on City-owned property:
 - i. Building accessory structures such as garages and sheds or installing retaining walls and fencing;
 - ii. Installing above- and below-ground pools, play structures, trampolines, sports equipment, and other recreational equipment or facilities;
 - iii. Installing sprinklers, irrigation lines, sodding, landscaping, grading, and paving;
 - iv. Planting trees, shrubs, hedges, creating gardens or planters, and creating or extending yard-like spaces;
 - v. Restricting access to or across public property by other members of the public.

2. Encroachment and Maintenance Agreements

- a. The only encroachments that are permitted are those that are specifically authorized by way of a duly authorized Maintenance or Encroachment Agreement.
- b. Maintenance Agreements
 - i. Highland City has authorized Maintenance Agreements for many residents to allow those residents to encroach onto certain areas of public property. Those

residents were required to obtain City approval of “Improvement Plans” that detailed the type and extent of the allowed encroachment. These agreements do not give residents any property interest or exclusive right in or to the public property, nor do they allow residents to exclude others members of the public from the property.

- ii. Highland City will no longer issue, approve, or extend Maintenance Agreements. All currently existing Maintenance Agreements in good standing will continue to be honored, however the Agreements will not be renewed or extended except through a new Encroachment Agreement (see below). All Maintenance Agreements will be terminated when their term expires. If the resident has not complied with the terms of the Maintenance Agreement or Improvement Plan, then the Agreement will be terminated and revoked.

c. Encroachment Agreements

- i. Any property owner or resident who desires to improve, beautify, landscape, maintain, or otherwise encroach upon public property must apply for an Encroachment Agreement. This includes any person who previously had a Maintenance Agreement that expired or was terminated. The applicant will be required to show and explain how the proposed encroachment benefits the City, rather than just benefitting the applicant.
- ii. Encroachment Agreements may be approved by the City Council based on property circumstances and City needs. The Council may condition Encroachment Agreements on payment of application fees, increased water charges, limitations on allowable uses, and other terms and conditions as the City Council finds are appropriate.
- iii. Encroachment Agreements will not grant any person any property right or interest in the public property, nor will the Agreements allow any person to exclude any member of the public from the public property.

III. ENCROACHMENT REMOVAL PROCEDURES

1. Voluntary Compliance

The preferred method for rectifying illegal encroachments is voluntary compliance. Highland City encourages all residents to review their property information and boundaries to ensure that they have not encroached on public property. The Utah County Parcel Map, found online at maps.utahcounty.gov/ParcelMap/ParcelMap.html is available for residents to check their property boundaries. City staff are available to help people understand their boundaries and to come up with a plan to remove encroachments and restore public property to its original state.

2. City-Enforced Compliance Procedures

- a. Notice of Encroachment. The City shall mail a written Notice of Encroachment to the responsible property owner, or to all adjacent owners and residents when the

responsible party is not apparent, when the City determines that an encroachment exists. The Notice shall summarize the circumstances and type of encroachment, explain the compliance options and timeframes, contain a copy of this policy, and provide City contact information.

b. Compliance Options

i. Removal and Remediation.

1. Resident shall be required to remove all encroachments and restore property to its original or natural state. The resident must submit and obtain City staff approval of resident's plan for remediating the property within thirty (30) days after receipt of the notice of encroachment or denial of an Encroachment Agreement application.
2. Restoration must be completed within one (1) year after receipt of the notice of encroachment. Resident shall schedule with the City an inspection of the property after completing the remediation plan. Resident may request an extension as part of their plan for remediating the property, which extensions may be granted by the Mayor for good cause.

ii. Encroachment Agreement. Resident applies for an Encroachment Agreement within thirty (30) days after receipt of the notice of encroachment. The Agreement may or may not be approved with or without conditions, based on a review of the property at issue and the resident's proposed encroachment, as set forth in this policy. If the Encroachment Agreement is denied, the resident must remove the encroachment and restore the property to its original or natural state.

iii. Existing Agreement. Resident provides a copy of their approved Maintenance Agreement and Improvement Plan authorizing the encroachment. So long as the resident has complied with the approved Agreement and Plan, the encroachment shall be permitted to continue for the remaining term of the Agreement. After the Agreement expires, Resident shall be required to remove the encroachment and remediate the property or apply for an Encroachment Agreement.

3. No Waiver of Rights

It is each resident's responsibility to understand this policy, review their property, and ensure that their landscaping, sprinklers, sheds, pools, and all other private improvements and features are located entirely on their own property and not on City property. The City's failure to send a written notice regarding an encroachment, or the City's failure to follow-up on a written notice regarding an encroachment, does not waive the City's rights to enforce this policy or governing law. The only authorized encroachments are those that have been approved in writing by agreement with the City. All other encroachments are illegal and constitute a trespass on public property. No resident or other person shall interpret or rely on the City's omission, inaction, or failure to exercise any right as approval of an encroachment or as a waiver of any right that the City may have. The City retains and reserves the right at all times to enforce its property rights and any other rights granted under this policy, City Code, and Utah law.