



HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, October 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

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 Report** - *Youth Council Representative*

A member of the Youth Council will report on their recent and upcoming activities.

b. **Waste Management Presentation to Youth Council** - *Blake Leonelli, Waste Management*

Blake Leonelli from Waste Management will present a special award to the Highland City Youth Council.

c. **Certified Municipal Clerk Recognition** - *UMCA President Jackie Nostrom*

UMCA President Jackie Nostrom will recognize City Recorder Stephannie Cottle for achieving the Certified Municipal Clerk designation.

d. **Legislative Updates** - *Senator Mike Kennedy*

Senator Kennedy will present information on current legislation which may have an impact on Highland City.

e. **Xeriscaping and Waterwise Code** - *Chris Howden, Planning Commissioner & Kellie Smith, Planner & GIS Analyst*

Chris Howden, Planning Commissioner, will present a proposal for an amendment regarding xeriscaping in the City. Kellie Smith, Planner & GIS Analyst, will present an update on communications with Central Utah Water Conservancy District.

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** *General City Management – Stephannie Cottle, City Recorder*
Regular City Council Meeting – September 6, 2022
- b. **City Administrator Contract** *General City Management – Mayor Kurt Ostler*
The City Council will consider an employment contract for City Administrator Erin Wells. The Council will take appropriate action.
- c. **ACTION: Amendment of Encroachment Policy** *General City Management – Rob Patterson, City Attorney*
The City Council will consider an amendment and update to the City's existing Encroachment Policy in order to remove the requirement to mail the policy with notices of encroachment. The Council will take appropriate action.

4. **ACTION: FINAL PLAT UPDATES – RIDGEVIEW PLAT F, PLAT G, AND PLAT J** *Land Use (Administrative) – Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public meeting to consider a request by Lennar Homes, Ivory Development, and David Weekley Homes for an adjustment to Ridgeview Plats F, G, and J to dedicate the property along 10100 N as Highland City right-of-way. The Council will take appropriate action.

5. **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. **Report on Encroachment Policy Enforcement** – *Kellie Smith, Planner & GIS Analyst*
- b. **Sewer Lift Station Code Amendments** – *Andy Spencer, City Engineer/Public Works Director*
- c. **Park Strip Code Update** – *Kellie Smith, Planner & GIS Analyst*
- d. **Council Policies & Procedures** – *Erin Wells, City Administrator & Rob Patterson, City Attorney*
- e. **Future Meetings**
 - October 19, 2022, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
 - October 25, 2022, Planning Commission Meeting, 7:00 pm, City Hall
 - November 1, 2022, Work Session & City Council Meeting, 6:00 pm, City Hall
 - November 9, 2022, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
 - November 15, 2022, Planning Commission Meeting, 7:00 pm, City Hall
 - November 29, 2022, City Council Work Session, 6:00 pm, City Hall

6. CLOSED SESSION

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

ADJOURNMENT

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

ELECTRONIC PARTICIPATION

Members of the City Council may participate electronically 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 13th day of October, 2022.

Stephannie Cottle, CMC, 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	Fall 2022	Need direction regarding Open Space parks.
Playground equipment for Highland Glen Park: look at different vendors – 9/21/2021	Erin Wells, Josh Castleberry	October 2022	Playground ordered. Anticipated install Fall 2022
Community Center Carpet and Paint	Erin Wells	Fall 2022	Painting and upstairs carpet to be done.
Work with agreement with USAC for soccer fields	Mayor & PTTC	Fall 2022	Staff working to draft agreement based on 9/20 Council direction
Twin Bridges Deferred Open Space sale properties	Kellie Smith & Council	Fall 2022	Sale approved. Neighbors have determined dividing lines. Survey done. Staff working on sale.
Traffic Calming Toolbox	Andy Spencer	FY2023	Approved in budget. Staff will go out to bid shortly
Field Rental Policy Improvements	Erin Wells	Fall 2022	Researching new system. Reviewing MOU with LPYB and CH. Fees under review. Dependent on Council's direction on Open Space property.
Add meters to Councilmembers homes and share water usage data	Jeff Murdoch	Summer 2022	Final meters to be installed this fall.
Hogs Hollow Trail Work	Andy Spencer		Fence installation and trail construction underway.
Adding surcharge for credit card fees	Tyler Bahr	Summer 2022	Approved with fee schedule. Set to begin November 1.
Security Cameras for City Hall	Andy Spencer	January 2023	Research alternative options for Council decision.
Open Space Maintenance Agreement Help Guide on Website	Kellie Smith	Fall 2022	Completed.
Milkweed in Highland Glen	Andy Spencer	Winter 2022/ Spring 2023	To be planted with remediation efforts
10100 N Rebuild	Andy Spencer		To happen requisite with Ridgeview Development
Park Drive Traffic Calming	Andy Spencer/ Rob Patterson	Winter 2022	Staff preparing plan and budget for Council review.
Daycare/Preschool ordinance update	Kellie Smith	Fall 2022	Planning Commission October 25. City Council November 1.
Create and hire communications positions	Erin Wells	Fall 2022	Job to be posted ASAP.



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, September 6, 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 Sarah D. Petersen

Pledge of Allegiance – Council Member Brittney P. Bills

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:02 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 Sarah D. Petersen and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

PRESENT: Timothy A. Ball, Brittney P. Bills, Kim Rodela, Sarah D. Petersen, Scott L. Smith (arrived at 7:04 pm)

CITY STAFF PRESENT: Interim City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephanie Cottle, Finance Director Tyler Bahr, Planner and GIS Analyst Kellie Smith, City Engineer/Public Works Director Andy Spencer, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Library Director Donna Cardon, Pressurized Irrigation Superintendent Tayson Arnoldsen

OTHERS PRESENT: Jon Hart, David Stewart, Rachel Farnsworth, Stephen Farnsworth, Anjalee Taylor, Brian Braithwaite, Helene Pockrus

1. UNSCHEDULED PUBLIC APPEARANCES

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

Helene Pockrus stated that she contacted the City about an intersection that flooded recently; there are pipes broken on all sides of the intersection and she is concerned about the ground caving in as a result. She added that

the road that leads to Costco is very congested; last week she saw a large vehicle accident on the road and there should be a temporary sign installed to help address the safety issues on the roadway. She advised the City to reach out to Lehi to ask for some help addressing the issue. Mayor Ostler clarified that the intersection Ms. Pockrus is referencing is 10400 South and 1200 East.

2. PRESENTATIONS

a. Youth Council Report – Youth Council Representative

There was no member of the Youth Council present to report.

b. Water Update – Tayson Arnoldsen, Pressurized Irrigation Superintendent

Tayson Arnoldsen, Pressurized Irrigation Superintendent, will present an update on the current water conditions in Highland City.

Mr. Arnoldsen provided an update regarding current water conditions in the community; he discussed City-wide water usage and used graphs to illustrate decreased usage since 2020. To date, the City has used 10 percent less water than in 2021 and 24 percent less than in 2020. Continued strategies relating to improving public awareness of ongoing drought conditions and the need to conserve water include utilization of the City's newsletter and website, text/email/social media messaging, and referring residents to water conservation websites.

c. Grant Lobbyist Consultant – David Stewart

David Stewart will present to the Council an opportunity to use a lobbyist consultant as a method to receive grants.

Mr. Stewart reporting on his work with the State Legislature and currently the Mountainland Area of Governments (MAG); he discussed past efforts to secure grant funding for local government entities and indicated his willingness to contract with Highland City to assist in the grant application process for housing and water projects for the community. He stated that he has been working in this field for 25 years and has never lost a client due to lack of success in securing grant funding.

Mayor Ostler reported Mr. Stewart's fee is \$100,000 per year and he is seeking feedback from the Council regarding whether they would like to contract with him.

Council Member Peterson asked Mr. Stewart if he works to find grants outside of the State of Utah. Mr. Stewart answered no and indicated that he assists local government entities in securing grants in the State of Utah. Council Member Peterson inquired as to the average return on investment (ROI) local government entities experience; she also asked if the ROI is one time or year after year. Mr. Stewart cited his relationship with Brigham City as an example of ROI his clients experience; that city had a street called Forrest Street that was bisected by Union Pacific Railroad tracks; Union Pacific was staging trains in that section of their track, and it was very negatively impactful to the City. He worked with the City to develop a strategy for addressing and assessing fuel taxes on Union Pacific to generate a revenue stream that could be used as leverage for bonding to build a bridge over the railroad tracks. He secured \$30 million in funding and was paid \$120,000 for his work. He noted other city clients he has worked for for several years have received millions of dollars in grant support; most receive anywhere between 10 and 50 times his fee. Council Member Peterson asked Mr. Stewart how he avoids conflicts of interest; if he is working for several cities, how does he decide which city he will work for in regard to various grant programs. Mr. Stewart stated that some of his clients are narrowly focused on grants for which matching funds are from a specific source; not all his clients have those funding sources, so that is one tool he uses to determine when to pursue funding opportunities. He stated that in 38 years he has never had to drop a client due to a conflict of interest.

Council Member Smith asked if cities are required to communicate if they have matching funds in advance of applying for grants from the \$50 million in transportation funding approved last year and the \$25 million approved this year. Mr. Stewart stated that he would aid the City in applying for funding for projects that have been planned for and for which a portion of funding is already available; funding available could be moved to another project if sufficient grant funding is secured.

Council Member Rodela inquired as to which projects City Administration feels would be appropriate for assignment to Mr. Stewart. City Engineer/Public Works Director Spencer stated that he has identified three projects, two of which have been the subject of past grant applications. They include completion of a well house for well number four, remediation of well number five and chlorination, and the last third of the Country Club sewer line project.

Council Member Rodela asked Mr. Stewart if there are grant programs for parks projects. Mr. Stewart indicated parks funding is difficult and there is not a lot of funding at the State level. However, there may be funding for trails and other active transportation projects.

Council Member Peterson asked Mr. Stewart if he ever executes a contract that would base his fee upon the grant amount the City receives. Mr. Stewart stated that he cannot legally enter into a contract that would give him a percentage of a grant amount received; he must charge a fixed fee that is negotiated before he begins working for a client. However, he believes he can secure \$1 million for the City and his fee would be 10 percent of that amount. Council Member Peterson asked if there is an exit clause in the agreement. Mr. Stewart indicated that he would request a one-year contract and it would not include an exit clause.

Council Member Bills asked if it is possible to include a clause that prohibits Mr. Stewart from applying for similar funding for other clients. Mr. Stewart indicated he is willing to negotiate on that point.

Mayor Ostler facilitated brief discussion among the Council and City Attorney Patterson regarding the City's legal options relative to the proposed arrangement/relationship with Mr. Stewart, after which Council Member Peterson indicated that she would like additional time to think about this matter; she is concerned about the funding source for Mr. Stewart's fee. She also wondered if there are other grant writers who could seek grants outside of the State of Utah. Mayor Ostler stated the agreement with Mr. Stewart would be project specific; there is a September 20 deadline for applying for MAG transportation funding. City Attorney Patterson stated there is not funding identified in the budget for grant writing services, but if projects are funded through this contract, the fee could be taken from an enterprise fund.

Mayor Ostler stated he understands the concerns expressed by Council Member Peterson but noted that this is a unique opportunity; Mr. Stewart is not just a grant writer and he has relationships that would be valuable to the City. Council Members Rodela and Ball indicated a willingness to consider an agreement with Mr. Stewart in advance of the September 20 deadline. Council Member Bills stated she is not ready to approve a contract at this time due to the \$100,000 fee. Council Member Smith stated that there are many positive aspects of this proposal, but he is concerned about getting a later start on working to apply for a portion for the \$25 million in transportation funding. Mr. Stewart stated that there will be other programs for which he can assist the City in seeking funding from. Council Member Smith stated he is intrigued and is willing to consider a contract in two weeks.

At the conclusion of discussion among the Council and Mr. Stewart, Mayor Ostler concluded there is support from three Council Members for proceeding with consideration of a formal contract; he indicated that matter will be brought back to the Council as soon as possible.

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*
Regular City Council Meeting – July 5, 2022
City Council Work Session and Regular City Council Meeting – July 19, 2022
- b. **Library Board Appointment** *Administrative – Donna Cardon, Library Director*
City Council will consider the appointment of Rachel Farnsworth to the Library Board.
- c. **Resolution/Agreement: Interlocal Cooperation Agreement: Active Transportation Plan with MAG & Alpine City** *Administrative – Kellie Smith, Planner & GIS Analyst*
The City Council will consider entering into an interlocal cooperation agreement with Mountainland Association of Governments (MAG) and Alpine City for an Active Transportation Plan. The Council will take appropriate action.

Mayor Ostler invited Rachel Farnsworth, Library Board Appointee, to introduce herself to the Council. Ms. Farnsworth stated she has lived in Highland for four years and she is a professional food blogger. She has written two cookbooks, one of which will be published in 28 days. Her blog is self-sustaining, and she will retire at the end of this year. She is excited to serve the community in this capacity.

Council Member Smith requested to pull item 3c for further discussion.

Council Member Kim Rodela MOVED that the City Council approve consent items 3a and 3b.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member 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.

- c. **Resolution/Agreement: Interlocal Cooperation Agreement: Active Transportation Plan with MAG & Alpine City.**

Council Member Smith stated he would like to know more about the proposed agreement; he asked if the agreement involves just trails, or roads as well. Planner/GIS Analyst Smith stated that it does involve roads that include an active transportation element, mostly for bikes and pedestrians and trail connectivity. It will provide interconnectivity between Highland and Alpine cities. Mayor Ostler stated that it will also provide for forecasting

for future improvement projects based upon usage and growth and the City's share of the matching funds for the project is 6.77 percent.

Council Member Scott L. Smith MOVED that the City Council approve consent item 3c the Interlocal Cooperation Agreement with Mountainland Association of Governments and Alpine City for an Active Transportation Plan and appropriate \$4,062.00 to pay our portion.

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 - MODERATE INCOME HOUSING ELEMENT & IMPLEMENTATION PLAN *Legislative - Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public hearing to consider a proposal by Highland City staff to amend the Moderate-Income Housing element of the General Plan to update strategies and include an implementation plan. The Council will take appropriate action.

Planner/GIS Analyst Smith explained on August 16, 2022, the City Council discussed possible adjustments to existing Moderate-Income Housing (MIH) strategies in the General Plan and agreed that they wanted to keep the existing implementation measures and did not want to add any new strategies. She discussed background of State legislation dealing with moderate housing requirements, noting House Bill (HB) 462 includes 24 strategies, from which the City must choose three to include in its General Plan. She summarized the current text of the City's General Plan, which includes four strategies intended to achieve compliance with HB462, concluding the Planning Commission held a public hearing regarding this matter and made a recommendation to amend the implementation timeline for the first and fourth MIH strategies. The first deals with senior housing projects and the fourth deals with accessory dwelling units (ADUs). Staff recommends the City Council hold a public hearing and review the amendments recommended by the Planning Commission and take action on the matter. She concluded that this matter must be resolved by October 1 in order to meet the reporting requirement included in HB462.

Council Member Smith expressed concern about the senior housing strategy; he believes that the housing that is being developed for seniors is actually not used by that demographic. It is high density and he has seen family after family move into the units. He wondered if that element of the General Plan is actually enforceable, and he feels that it is being exploited by developers who just want to build high density projects. Ms. Smith stated that some developments are age targeted, but not deed restricted to ensure senior occupants only.

Mayor Ostler inquired as to the legality of deed restricting a development for senior housing only. City Attorney Patterson stated that a deed restriction would need to be part of a rezone action, something a developer requests but they are not necessarily entitled to. A developer could promise to the City that they will place deed

restrictions on individual properties to ensure senior occupancy. He stated that it would be necessary to craft an ordinance that allows for this type of activity.

There was brief discussion among the Council regarding the strategy relating to ADUs, with a focus on whether an ADU must be attached or if detached ADUs are allowed.

Mayor Ostler opened the public hearing at 8:29 p.m.

There were no public comments.

Mayor Ostler closed the public hearing at 8:29 p.m.

Council Member Bills stated she agrees with the previous determination to leave the document unchanged; she supports motion language option one included in the staff report.

Mayor Ostler allowed public input.

Helene Pockrus stated that the senior housing at Ridgeview is a “mess”; she has driven through the project, and it is very discouraging. The prices for housing units are higher than seniors can sell their current homes for. She fought for senior housing for six years, but that type of land use seems to be going ‘down the drain’. Mayor Ostler stated that there are no deed restrictions on the senior housing projects, but they are age recommended. Ms. Pockrus asked about the Apple Creek housing project. Mayor Ostler stated that project was not approved. Council Member Smith added that some new townhome units are being built and marketed as senior housing, but there is no deed restriction. Ms. Pockrus stated there are many seniors who want to stay in Highland City, but they cannot afford the units that are marketed as senior housing.

Discussion then refocused on the ADU strategy; Ms. Smith stated that the most important thing to staff is consistency when advising property owners on what type of unit then can build on their property. Interim City Administrator Wells stated that one option would be to remove the ADU strategy from the General Plan; this would still leave three strategies and the City would be compliant with HB462; or, the implementation timeline for ADUs can be removed. Council Member Bills stated she would prefer to remove the timeline and monitor ADU activity in the City and solicit public input regarding that type of land use.

Council Member Brittney P. Bills MOVED that City Council accept the findings and APPROVE the original proposal to the Moderate-Income Housing element of the General Plan that updates strategies and includes an implementation plan for each strategy, with the change to the ADU section that will say “On an ongoing basis that city will monitor ADU’s and will also seek citizen input.”

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.

5. COMMUNICATION: MOUNTAIN RIDGE PARK - TOTAL PARK COST & FUNDING SOURCES *Administrative - Erin Wells, Interim City Administrator*

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 this communication item.

Interim City Manager Wells provided a table illustrating Council approved and planned revenue sources for Mountain Ridge Park, totaling \$8,047,486. Potential extra revenue sources include a water conservancy grant (\$60,000), private donation (\$500,000), American Fork landscaping escrow funds (\$104,000), and Parks Capital Fund balance (\$1 million). These extra sources total \$1,664,000. City Attorney Patterson briefly noted that the American Fork funding was an exaction and there is no timeframe for spending those funds. He discussed the project that the exaction was related to and the basis for the exaction. The Mayor polled the Council to determine if there was support for using the \$104,000 for the Mountain Ridge Park and there was a consensus among the Council for such.

Ms. Wells then presented an additional chart illustrating spent or committed funds for the park, totaling \$2.9 million. She then presented a rendering of the park project to remind the Council of the elements included in the project scope. She discussed priority unfunded items in the project and indicated finishes in phase one, completion of gap area one, and gap area two total \$1.8 million. There was a brief focus on a \$494,307 change order in phase one relating to piping, sumps, electrical service, and xeriscaping of the park; City Engineer/Public Works Director Spencer stated that none of the changes were reflected in the original project scope, and when adjustments were made, the costs increased.

Ms. Wells then reviewed other unfunded items and asked for direction from the Council to assist in prioritizing the unfunded items; in gap area three, the Council indicated they would like basketball to be constructed at the same time as pickleball. In gap area four, they agreed to fund the ninja course. They concluded to delay discussion of the turf baseball field and SURF soccer project until later in the meeting. Ms. Wells then indicated the current deficit for the project is approximately \$1 million, though this does not include the potential \$500,000 donation amount. The Council indicated support for continuing with fundraising, even if the City has sufficient funding to cover the deficit and complete everything on the list of unfunded items. They discussed plans to hold a fundraising event on October 20 at Alpine Country Club; residents and corporations will be invited. The Council expressed a willingness to help organize and attend the event to discuss the project with potential donors.

6. ACTION: MOUNTAIN RIDGE PARK FUNDING SOURCES *Administrative - Tyler Bahr, Finance Director*

The City Council will review funding sources for Mountain Ridge Park and consider a request to transfer eligible sources to the Parks Capital Fund.

Finance Director Bahr indicated on August 16, staff presented a preliminary list of potential funding sources to complete construction of Mountain Ridge Park. The Council provided feedback and directed staff to refine the estimates of available funding and transfer certain funds to the Parks Capital Fund in preparation for Mountain Ridge Park construction. The purpose of this item is to outline the sources of funding the Council desires to use for completion of Mountain Ridge Park. The items highlighted in blue would be transferred from their current location in the budget to the Mountain Ridge Park project:

Source	Amount	Notes
Remaining from Sale of Spring Creek Park	1,402,668	In Parks Capital Fund

Sale to Patterson Storage	358,055	In Parks Capital Fund
Dry Creek Property Sale	400,000	In Parks Capital Fund
Street Tree Account	95,700	
Enterprise Fund Eligible Portions	87,300	
B&C Road Money Eligible Portions	144,390	
Patterson Donation	10,000	Prior year GF balance
ARPA Funds	2,269,373	In General Fund
Parks Tax	135,000	FY23 projected revenue
Reimbursement for 6800 West Project	550,000	Anticipated by end of FY23
Remainder from Town Center Exaction Fund	300,000	
FY22 General Fund Net Revenue	Pending Closeout	
FY23 General Fund Net Revenue	400,000	Budgeted for \$780,000
General Fund Balance	750,000	Would put GF unrestricted balance at 27.5% of annual revenues.(\$100,000 roughly equivalent to 1%.)
Private Donation	100,000	Pavilion
Highland Foundation Donations	45,000	
Parks Capital Fund Balance	1,000,000	This would leave approximately \$2.6 million in the Fund to pay for remaining \$3.6 million owed on the bond through 2027, with \$1,000,000 in additional impact fee revenue anticipated by FY2028 to fund remaining bond payments.
American Fork Debris Basin Landscaping Funds	104,558	
TOTAL AVAILABLE	\$9,152,044	

Council Member Scott L. Smith MOVED that City Council approve the use of the sources identified in blue by staff to fund construction of Mountain Ridge Park and authorize staff to transfer funds in blue to the Parks Capital Fund as noted.

Council Member Sarah D. Petersen SECONDED the motion.

There was some confusion about the difference between the items in blue versus the items in white; Mr. Bahr indicated that items in white will also be used for the project, but there is no need to transfer them to another

location. Additionally, the FY22 General Fund net revenue is pending closeout and an official amount is not available at this time. Interim City Administrator Wells clarified the purpose of this agenda item was for the Council to approve all funding sources included in both charts, but to note that the items in blue should be transferred to the Parks Capital Fund for the project.

There was no vote on the original previous motion.

Council Member Sarah D. Petersen MOVED that City Council approve the use of the sources identified by staff to fund construction of Mountain Ridge Park and authorize staff to transfer funds to the Parks Capital Fund as noted, except for FY2022 GF net revenue.

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>No</i>

The motion passed 4:1.

7. CONTRACT: MOUNTAIN RIDGE PARK CHANGE ORDER *Administrative - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider a change order with Stratton and Bratt Landscapes, LLC for Mountain Ridge Park construction. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on April 19, 2022, the Council awarded the Phase 1 Construction project to Stratton and Bratt Landscapes, LLC and authorized construction amount up to \$2,095,416. On August 16, 2022, the Council was presented with a funding and cost summary for the uncontracted portions of Mountain Ridge Park construction. The Council directed that the construction items be presented to the Council for consideration on the September 6, 2022 Council meeting. Following the award of the Phase 1 construction contract, the Council directed that several changes be made to the Mountain Ridge Park plans. Notable among these changes were the addition of a much larger playground area that required different grading than had been previously contemplated, the change to xeriscape along the 10400 North and 5600 West frontages, and the addition of the basketball courts. Additionally, it was requested that the plan be modified to provide power for food trucks and the stage and vendor areas planned for Highland Fling at the park. With the award of the phase 1 contract, playground contract, restroom contract, pavilion contract, it has left several areas in which the work needs to be completed to allow for the contracted improvements to be functional. In working to come up with pricing for these areas, the scope of work has been divided into 5 areas. These areas have been termed "Gap Areas" because they represent gaps in the scopes/projects that have already been awarded. The Gap Areas are numbered according to priority per staff's understanding and for the overall flow of the park.

Stratton and Bratt have provided change order pricing for the items necessary to modify the Phase 1 contract to accommodate the Council directed changes. These are:

- Change Order Pending Request (COPR) #2 – Grading and Drainage changes and providing the structural footings and concrete pads for the pavilions.

- COPR #3 – Electrical modifications to accommodate the stage, vendor areas, food truck areas, and installation of the pickleball area lighting.
- COPR #4 – Modifying the 10400 N and 5600 W frontage landscape to xeriscape.

Stratton and Bratt also provided pricing for the Gap Areas. He identified the gap areas on a map and summarized them as follows:

- Gap #1 – Area surrounding the playground
- Gap #2 – Area surrounding the baseball fields
- Gap #3 – Area surrounding the pickleball and basketball courts
- Gap #4 – Area south and west of the playground
- Gap #5 – Area surrounding the baseball and soccer field on the south and west.

The project cost of \$2,207,776 will be paid from the Parks Capital account by the funds designated by the City Council for Mountain Ridge Park. Staff recommends that the City Council approve the change order with Stratton and Bratt Landscapes, LLC for COPR numbers 2, 3, 4 and gap areas 1, 2, 3, and 4 and allocate a 15 percent project contingency of \$251,561 to be administered by staff, for a maximum authorized change order amount of \$2,207,776 and authorize the Interim City Administrator Wells to execute the necessary contract documents for the project.

Council Member Smith inquired as to the original contract with Stratton and Bratt; he noted that a request for \$2 million in change orders is concerning. Mr. Spencer stated that his understanding is that the original contract was executed before decisions were made regarding the playground, baseball fields, and an arrangement with SURF soccer. The project area was mainly the frontage for the park ground, but since additional areas have been added to the project scope, the City visited with Stratton and Bratt to determine costs to add those to the contract. Council Member Smith asked if those areas were competitively bid or if the City only worked with Stratton and Bratt. Mr. Spencer stated that the City only spoke with Stratton and Bratt and was comfortable with their pricing; however, if the Council would like the project to be competitively bid, that can be done. He concluded that it is most practical to work with Stratton and Bratt; it would be very complicated to add an additional contractor to the project site because there would be conflicts as both would be doing similar work on top of one another. The Council briefly discussed whether to approve the change orders or competitively bid the additional work; they concluded that they support staff's recommendation to proceed with the change orders for the project. Mayor Ostler expressed his surprise at the cost for some elements included in the change order. Mr. Spencer agreed but noted that the areas are fairly large and the work to be completed within them is extensive.

Council Member Smith stated that staff's recommendation does not include any consideration of gap area five. Mr. Spencer stated that was intentional and will give staff additional time to negotiate with SURF Soccer and understand the total amount of money the City will have through donations. The ninja course element will be handled with a separate contract at some point in the future.

City Council Member Brittney P. Bills MOVED that the City Council approve the contract with change order with Stratton and Bratt Landscapes, LLC for COPR numbers 2, 3, 4 and GAP AREAS 1, 2, and 3 and including GAP AREAS 4, in an amount up to \$2,207,776 for the Mountain Ridge Park project and authorize the Interim City Administrator to execute the contract documents.

Council Member Scott L. Smith SECONDED the motion.

Council Member Smith asked why the contingency for this contract is 15 percent, but the contingency for the next agenda item is just 10 percent. Mr. Spencer stated that amount was based upon the broader scope of the project; the money will only be used if needed.

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.

8. CONTRACT: MOUNTAIN RIDGE PARK PICKLEBALL AND BASKETBALL COURTS *Administrative – Andy Spencer, City Engineer/Public Works Director*

The City Council will consider awarding a construction contract for pickleball courts and a basketball court to L.E.R. Renner Sports Surfaces. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on August 16, 2022, the Council was presented with a funding and cost summary for the uncontracted portions of Mountain Ridge Park construction. The Council directed that the construction items be presented to the Council for consideration on the September 6, 2022 Council meeting. He presented a rendering of the park and identified the location of the pickleball courts and basketball court. The courts consisting of eight (8) pickleball courts and one (1) basketball court were recently bid. The scope of work consists of the court, surfacing, fencing, and basketball standards. It does not include any of the concrete outside of the court areas. Three bids were received, L.E.R. Renner Sports Surfaces was the lowest bidder. The project cost of \$422,081.00 will be paid from the Parks Capital account by the funds designated by the City Council for Mountain Ridge Park.

Council Member Sarah D. Petersen MOVED that the City Council approve the contract with L.E.R. Renner Sports Surfaces and authorize a contract amount up to \$422,081.00 for the Mountain Ridge Park pickleball and basketball court project including the base bid and bid alternative 1 and authorize the Interim City Administrator to execute the contract documents.

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

Mayor Ostler moved to agenda item 13a at this point in the meeting.

13a. Mountain Ridge Baseball Field & Soccer Field – Erin Wells, Interim City Administrator

Interim City Administrator Wells indicated staff needs some direction on the baseball field and SURF soccer fields at Mountain Ridge Park; a donor has agreed to donate the surface grade and installation of turf baseball fields at the Park and has recommended that the entire field be constructed of turf. This is a significant investment, and he has asked for a contribution from the City of \$500,000. If the City does not want a turf field, the donor will cover all costs for a traditional grass/dirt field; however, if the City would like the turf field, he would like participation from the City and a commitment from the City to lock the field so that it can only be accessed by way of rental. She facilitated discussion among the Council regarding these requests. Council Member Bills stated she is not willing to lock the field up to keep people from playing on it. She would like to keep it open and available to residents. Council Members Smith, Peterson, and Rodela agreed; they are accepting of a grass/dirt baseball field. Council Member Peterson stated that if the donor were willing to keep the field open for public use, she would support the turf. Mayor Ostler stated that he does not believe the donor is willing to pay for the turf if the City will not agree to keep it locked up. There was brief discussion regarding the maintenance of a turf field when compared to a grass/dirt field, with City Engineer/Public Works Director Spencer indicating that the City's Parks Department has communicated that there is as much or more preparation work associated with turf fields when compared to a traditional grass/dirt field. The Council concluded to support a traditional grass/dirt baseball field.

Ms. Wells then discussed ongoing negotiations with SURF Soccer; if the City were to install a field in one of the gap areas, it would cost \$480,000. This information was shared with SURF and the City is awaiting their final proposal regarding their participation in the project. Once that proposal is received, it will be brought to the Council, hopefully during the September 20 meeting. There was brief discussion of ongoing maintenance costs for the park, with Council Member Smith noting that he is hopeful that SURF will communicate their intent regarding maintenance. Council Member Rodela stated she is still opposed to allowing SURF to have control of the soccer fields in the park. Mayor Ostler stated that has been communicated to SURF and there has been some discussion about identifying another location for their fields. Council Member Smith stated he would still like to hear from SURF and he is very interested to learn if they are willing to agree to pay for ongoing maintenance of their fields. Council Member Bills stated she is interested in the idea of SURF using the fields by Lone Peak High School, but she is also interested in hearing their presentation regarding fields at Mountain Ridge Park. Council Member Peterson stated she is also more interested in the Lone Peak option.

Mr. Spencer then stated he was approached by Highland residents Emma Green and Heidi Burnham, who indicated monarch butterflies have been included on a list of endangered species; they have requested allocating a small area at Mountain Ridge Park for milkweed and nectar plants for the butterflies. The area must be natural, and no weed spray can be used. The total area would be 100 square feet and other suitable locations could be Highland Glen or Mitchell Hollow. The Mayor and Council Member Smith indicated they believe Highland Glen would be a more suitable location for the use and Council Member Smith offered to donate the plants needed for the habitat.

9. ACTION: COUNCIL CHAMBERS AV UPGRADES CHANGE ORDER

Administrative – Erin Wells, Interim City Administrator

The City Council will hold a public meeting to consider whether to approve change orders for the recently approved Council Chambers AV upgrade. The Council will take appropriate action.

Interim City Administrator Wells explained that on July 19 the Council approved a contract with GENCOMM for upgrades to the Council Chambers audio visual system. The scope of the project included the following:

- Replace Recorder's non-functional mic
- Fix damaged mic

- Replace projector
- Update recording system
- Replace the dais monitor with annotating individual monitors
- Add a countdown timer

After continued discussion of the project, staff requested some changes to the scope, including:

- Replace lectern mic with array mic
- Add annotating touch screen at the lectern
- Add a credenza rack near staff table
- Add annotating capability to HDMI lectern & Clickshare inputs
- Zoom calls through staff PC

The added items increased the project cost by \$10,778.55, which exceeds the 10 percent contingency for the contract. The total cost is now \$56,126.55 and is still the lowest bid when considering costs received for the original proposal. As this \$6,126.55 cost increase was not included in the budget, it will need to be funded by previous year carryover and will be included as part of the mid-year budget adjustments, unless otherwise directed by the Council.

Council Member Scott L. Smith MOVED that the Highland City Council authorize the change orders with GENCOMM in the amount of \$10,788.55 for the Council Chambers AV system upgrades.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member 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. ORDINANCE: MUNICIPAL CODE AMENDMENT - MAINTENANCE AGREEMENTS

Administrative - Kellie Smith, Planner & GIS Analyst

The City Council consider a proposal by Highland City Staff to amend Chapter 12.28 Private Maintenance of Public Open Space Property. The City Council will take appropriate action.

Planner/GIS Analyst Smith explained that on July 19, 2022, the City Council adopted Resolution No: R-2022-27 adopting the Encroachment Policy and Maintenance Agreement template. The Encroachment Policy outlines the process of approving new maintenance agreements. Chapter 12.28 of the Municipal Code was adopted by the City Council in 2017. The chapter details the process of application, public notice, review and approval, and appeals for private maintenance of public open space. The proposed ordinance amendment removes everything in Chapter 12.28 to ensure consistency with Resolution R-2022-27.

Council Member Smith suggested that a ‘help sheet’ or list of frequently asked questions (FAQ) regarding this topic be created and posted for public viewing to eliminate confusion as residents are seeking information about maintenance agreements.

Council Member Kim Rodela MOVED that the City Council accept the findings and approve the proposed amendment to Chapter 12.28 of the Municipal Code relating to Maintenance Agreements, with the stipulation that a help guide is made for residents.

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

11. RESOLUTION: WATER CONSERVATION PLAN *Administrative - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider approving the updated Water Conservation Plan prior to submitting the report to the Utah Division of Water Resources. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained in 1999, Utah's legislature passed the Water Conservation Plan Act requiring all drinking water systems serving 500 connections or more to file a water conservation plan with the Utah Division of Water Resources. In 2022, the legislature updated the Act (Utah Code 73-10-32). Water Conservation plans are required to be updated every 5 years. The proposed Water Conservation Plan is an update of the City's most recent Water Conservation Plan, which was adopted in February of 2017. It is in compliance with the latest Act requirements and the State of Utah has approved the plan in draft format. The plan revisions are largely to comply with current City ordinances and policy and State requirements. Highlights of the update include noting designated Highland City programs or policy for watering days and time designations, smart irrigation systems on new public facilities, updated landscaping ordinances, and public outreach and awareness efforts. One goal identified in the Plan is to reduce water usage by 20 percent. Approval of the updated plan is mandated in order to comply with the funding requirements for the Pressurized Irrigation Meter grant from the State of Utah.

Council Member Smith stated that the document includes a list of approved trees that can be planted in the City, and he asked who decided on the trees included in that list. Mr. Spencer stated that it is based upon decisions made by the City in 2018.

Council Member Brittney P. Bills MOVED that City Council approve the Resolution adopting the 2022 Water Conservation Plan Update.

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>

Council Member Kim Rodela
Council Member Scott L. Smith

Yes
Yes

The motion passed 5:0.

12. ACTION: PURCHASE CONTRACT WITH RHINO PUMPS FOR THE OVERWATCH SEWER PUMP SYSTEM *Administrative - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider the purchase of OverWatch pump system from Rhino Pumps to replace the existing lift station pumps. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained the Greens at the Highlands sewer lift station (Greens) is located near the intersection of North County Blvd and Caddie Lane. This is one of four Lift Stations currently in operation in Highland City. Lift Stations are located in low lying areas around the City where sewer is collected and pumped or “lifted” to meet a gravity sewer line, which proceeds downhill through the City sewer collection system to the TSSD sewer network. Lift stations are prone to clogging up and pumps losing prime which requires our sewer crew to respond and either reprime or disassemble the pump to clear the obstruction to restore service. This is an unpleasant task and exposes them to harmful materials. Recently, the City’s supplier of replacement parts and services for our existing lift station pumps announced they are no longer a representative of Gorman Rupp pumps. Staff is unsure where they will obtain local service when needed as the nearest supplier is now located in Colorado. As a part of reaching out to locate a new supplier, Rhino Pumps presented a product that will reduce many of the problems the City is facing with its current pumping systems. This product, called OverWatch, is installed in the existing wet well, so no major excavation is needed for the installation. It reduces the risk of losing prime or clogging up with materials that get flushed down the drains as it has a built-in unclogging/grinding mechanism. Rhino Pumps and staff evaluated the Greens lift station to see if this location would be a good candidate for this product. It was determined that many of the issues the City is facing could be avoided with this new system. Currently, there are not any OverWatch Systems installed in Utah. Rhino Pumps have been exploring a location to install OverWatch locally to showcase the product and bring interested customers to see it operating. Since there are not any of this product installed in Utah, staff was able to negotiate a much better price for this system. The listed price for a new OverWatch system is \$125,000. Rhino/OverWatch is providing a discounted installation for \$97,000. While this mechanism is exposed and being installed, Sewer Staff would like to install some additional valves to ensure we have a pump around option available for emergencies. The estimated overall price will be \$105,000. To evaluate the OverWatch system pricing, Rhino priced a replacement system to the existing system with the inclusion of a grinder to address some of the blockage issues that have been experienced. The comparable system price was \$148,161. Staff also interviewed a representative for the wastewater in Sherman, NY. He indicated that they have only had one minor issue with OverWatch in four-years of use at a location where they used to have weekly problems with a prior system. In past discussion of this proposal, the Council also asked that staff evaluate the energy usage of the OverWatch system in comparison with the existing system. It is projected that the OverWatch system will use less energy than the existing system and will save approximately \$600 per year in power costs. OverWatch and Rhino have agreed to provide an additional year of full warranty; the system will be warranted for two-years.

Mr. Spencer concluded the cost of this project is \$105,000. Partial funding for this expense is included in the Sewer Capital Improvement Plan (CIP) within the Fiscal Year (FY) 2023 budget in the amount of \$70,304 (Lift station VFD’s/soft starts). The remaining balance would require a mid-year budget adjustment in the amount of \$34,696 from fund balance in the Sewer Fund unless otherwise directed by the Council.

There was brief discussion among the Council and Mr. Spencer regarding other potentially suitable locations for OverWatch pumps to be installed in the City.

Council Member Sarah D. Petersen MOVED that City Council approve the Purchase Contract with Rhino Pumps in an amount up to \$105,000 for the purchase and installation of the OverWatch pump system and authorize the Interim City Administrator to sign the appropriate contracts.

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.

13. 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. Mountain Ridge Baseball Field & Soccer Field – Erin Wells, Interim City Administrator

This item was discussed between agenda items 8 and 9.

b. Finance Department Update – Tyler Bahr, Finance Director

Finance Director Bahr provided the financial update for the month of July; he reported on equipment purchases, transfers for various projects, a summary of revenue and expenses by fund, sales tax revenues, and provided financial statements for quarterly revenue and expenses detailed by account. He then provided the following observations of budget conditions as one month of the Fiscal Year (FY) 2023 budget has lapsed:

- Building and commercial-related impact fees are higher than anticipated, but residential impact fees (i.e., Parks) are lower than anticipated.
- Miscellaneous revenue (General Fund) is at 22 percent of the projected total for FY2023; this is due to annual Fling revenue and Lone Peak rent that is paid the first month of each quarter.

He concluded FY2023 sales tax revenue collection will begin in September; FY22 estimated sales tax revenues were \$337,000 above the budget estimate of \$3,325,000. There were a few months last year where there was a slight dip in revenue collection, which may be an indication of market corrections. He will closely monitor revenue trends. The County recently provided an extensive analysis regarding expected declines in sales tax; growth may continue in FY23, but there is uncertainty for future years.

c. Text Amendment: Fence Materials – Kellie Smith, Planner & GIS Analyst

This item was moved to the September 20, 2022 City Council meeting agenda.

d. Text Amendment: CUWCD Water-wise – *Kellie Smith, Planner & GIS Analyst*

Planner/GIS Analyst Smith discussed a program with the Central Utah Water Conservancy District (CUWCD) that assists residents with flipping their park strips in an effort to conserve water. Starting January 1, 2023, CUWCD grants will only be available to cities that have adopted the provided standards and have provided the District with the adopted language. Grant eligible projects include:

- Flip Your Strip
- Locascapes Rewards
- Leadership Grant (Mountain Ridge Park)

She summarized the requirements for local standards that must be adopted by the Council to make property owners within the City eligible, but some landscape elements will be required for new construction. City Attorney Patterson indicated that City Administration will evaluate the list of recommended criteria from CUWCD and determine if there is legislative support for certain mandates. Staff will work with the Mayor to present a recommendation for Council consideration in the coming months. Council Member Smith expressed concern about legislating strict landscaping requirements; Council Member Peterson agreed and stated that more discussion and consideration is necessary before the Council is presented with an action item on the matter .

e. 10100 N Rebuild – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer presented a map illustrating the 10100 North rebuild project area; the City is responsible for the existing asphalt area. He stated he is concerned about completing asphalt work during the school year and he would rather delay the project until next summer and rebuild the road through to the Lennar portion of the project. Developers will pay a larger portion of the project and the City's estimated costs are approximately \$200,000. He asked if the Council is supportive of delaying the project until June 1, 2023.

Mayor Ostler inquired when the road rebuild was originally planned for. Mr. Spencer stated that was not determined; the crown of the road is not great, and drainage is not adequate, so a rebuild will fix that. This would mean using Fiscal Year (FY) 2024 funding for the project.

Council Member Smith asked why the school district is not required to contribute to this type of project. Mr. Spencer stated that is a legislative issue and not within the City's control.

Council Members Peterson, Rodela, Ball, and Smith supported delaying the project until June 1, 2023.

f. Dry Creek Circle – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer reported on a problem in the Dry Creek Circle construction area over the past weekend; the water was not turned on as intended and staff is working with residents to make sure they can water landscaping in need of irrigation. There was brief discussion about a resident who is working with the City to install a sewer lateral in conjunction with the project.

g. Knight Avenue Signal – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer reported the Utah Department of Transportation (UDOT) is installing a traffic signal at Knight Avenue and Utah County Boulevard; they have asked for some work from the City on side streets to allow for more room in the travel lanes. The design for this work is pending and the Council will receive an update when that information is available. The work will come at small expense to the City.

h. Future Meetings

- September 14, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- September 20, City Council Meeting, 7:00 pm, City Hall
- September 27, Planning Commission Meeting, 7:00 pm, City Hall
- October 4, Work Session & City Council Meeting, 6:00 pm, City Hall
- October 12, Lone Peak Public Safety District Meeting, 7:30 am, City Hall

14. CLOSED SESSION

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

At 11:37 pm Council Member Brittney P. Bills MOVED that the City Council recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205.

Council Member 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 unanimously.

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

The CLOSED SESSION adjourned at 12:58 am.

ADJOURNMENT

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

The meeting adjourned at 12:58 am.

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 September 6, 2022. This document constitutes the official minutes for the Highland City Council Meeting.



CITY COUNCIL AGENDA REPORT

ITEM #3c

DATE: October 18, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney
SUBJECT: **ACTION:** Amendment of Encroachment Policy
TYPE: **GENERAL CITY MANAGEMENT**

PURPOSE:

The City Council will consider an amendment and update to the City's existing Encroachment Policy in order to remove the requirement to mail the policy with notices of encroachment. The Council will take appropriate action.

PRIOR COUNCIL DIRECTION:

The City Council has discussed private encroachments on City property, and the City's response and handling of the same, on numerous occasions. On July 19, 2022, the Council voted unanimously to adopt a policy regarding enforcement and directed City staff to bring information back to Council in order for the Council to give direction on which areas to begin enforcing the new policy. On August 2, 2022, the Council directed that enforcement begin with the Highland Hollows Subdivision. Since then, City Staff and the Mayor have prepared and sent out notices of encroachment per the policy and Council direction.

BACKGROUND:

Notices of encroachment, with requests to remediate the issues, have been sent out to several residents in the Highland Hollows subdivision. Per the adopted policy, each notice has included a complete copy of the encroachment policy:

"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."

In preparing and sending out these notices and copies of the policy, it appears that the information being sent to residents is somewhat confusing or overwhelming due to the amount of information provided. Each notice is typically two pages of explanation that is specific to the property and the encroachment, plus 5 pages of the encroachment policy.

Staff believes that the notice of encroachment, on its own, is likely sufficient information, as it summarizes the encroachment policy, describes the existing encroachment, and details the options available to the resident. Staff believes that reducing the amount of paperwork sent to a resident may be helpful for both staff and the resident, as it reduces the amount of extraneous information and reduces confusion regarding what paperwork is

important and relevant. Accordingly, staff recommends Council consider changing the policy in order to not require that the entire policy be mailed to residents, and instead direct that staff provide information on how the residents can find and access the policy. The proposed change is below:

“The Notice shall summarize the circumstances and type of encroachment, explain the compliance options and timeframes, contain information on how to view or obtain a copy of this policy, and provide City contact information.”

FISCAL IMPACT:

Removing the requirement to mail the policy may result in a minor savings to the city in terms of mailing and printing costs.

STAFF RECOMMENDATION:

Staff recommends adopting the proposed amendment to the Encroachment Policy.

MOTION TO APPROVE FINANCING:

I move that City Council approve the amendment to the Encroachment Policy as presented in the staff report.

ATTACHMENTS:

1. Encroachment Policy with proposed amendment
2. Example Notice of Encroachment

HIGHLAND CITY ENCROACHMENT POLICY

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 non-manicured 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 expenses and utility service and maintenance costs, to the detriment of taxpayer dollars and resident fees.

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, nor does it change the ownership of the property in question. Under the Utah Constitution, the City is prohibited from giving away taxpayer property. As such, regardless of the timing, past action or inaction, 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, curbing, 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. Maintenance Agreements

- a. The only encroachments that are permitted are those that are specifically authorized by way of a duly authorized Maintenance Agreement.
- b. Maintenance Agreements – Prior to 2022
 - 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 approve or extend Maintenance Agreements initially approved prior to 2022. All such 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 Maintenance Agreement (see below) that contains terms and requirements in accordance with this policy. All existing 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. Maintenance Agreements – 2022 and Beyond

- i. Any property owner or resident who desires to improve, beautify, landscape, maintain, or otherwise encroach upon public property for the benefit of Highland residents as a whole must apply for a new Maintenance 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. Maintenance Agreements may be approved by the City Council based on property circumstances and City needs. The Council may condition Maintenance 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. No person shall have any right to obtain or enter into a Maintenance Agreement, and the City Council shall have the right, in its sole discretion, to approve or deny a Maintenance Agreement. This Agreement must be recorded with the Utah County Recorder.
- iii. Maintenance 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.
- iv. Maintenance Agreements approved by the City Council after adoption of this policy shall have a term of 5 years. Such Agreements may be renewed for additional 5-year terms by city staff upon application by the property owner or resident on the same terms and conditions as the previously authorized Maintenance Agreement, plus any new terms or conditions that are generally required for all Maintenance Agreements, so long as the property owner or resident has complied with all terms and conditions of the Agreement. City staff may refer any request for renewal to the City Council for review and approval.

- v. Any dispute or conflict regarding compliance with the terms and conditions of a Maintenance Agreement, the approval of an improvement plan or remediation plan, the renewal of a Maintenance Agreement, or any other matter regarding Maintenance Agreements shall be referred to the City Council for review and decision.

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 [information on how to view or obtain](#) 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, unless otherwise authorized by the City Council. 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 a Maintenance 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. Maintenance Agreement. Resident applies for a Maintenance 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 Maintenance 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 written 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 a new Maintenance 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.



Highland City
5400 West Civic Center Drive, Suite 1
Highland, Ut 84003
Phone (801) 756-5751
www.highlandcity.org

Date

Name

Address

Highland, UT 84003

Re: Notice of Encroachment

Dear NAME,

This letter is to inform you that you or prior owners of your property have encroached upon Highland City-owned property, as described below. We recognize that you may not have been the one to encroach or that you may have encroached unintentionally. However, as the property owner, you are responsible to ensure that your landscaping, improvements, and structures stay on your property.

Description of your Encroachment:

Encroachment Type:



Red = Encroachment on City property

*See the attached subdivision plat for the lot boundaries.

You can review your property and property boundaries online at: <https://maps.utahcounty.gov/ParcelMap/ParcelMap.html>. All private landscaping, sprinklers, structures, and other improvements outside of your property boundaries, even if not specifically described above, are encroachments that must be resolved.

Under Highland City's encroachment policy, a copy of which is included, you have two of the three options for resolving the encroachment. The option for a "Maintenance Agreement" is not an option since the area encroached upon is wetlands, city open space, and in a conservation easement area. Purchasing the City property is also not an option.

You must take action and proceed with at least one option described below within **30 days** of receiving this letter:

1. Provide a written copy of your existing, approved maintenance agreement authorizing the encroachment;
2. Provide a plan for how you will remove the encroachments and restore the property to its original state within one year;
 - a. The plan will need to include restoration of the City property with native plantings including grasses, shrubs, and trees.
 - i. Grasses. Native seed mixes for grasses and wildflowers are available at several local merchants including Granite Seed in Lehi which carries Native Cabin grass mix and Great Basin Wildflower mix (examples of mixes acceptable to the City).
 - ii. Shrubs. Resources for locating varieties of native Utah shrubs can be found at <https://extension.usu.edu/cwel/native-other>.
 - iii. Trees. Gambel oak is an acceptable tree to plant on the City property.
 - b. As a reminder, the restoration of the City property will *not* include sprinklers.

Currently, no legal action is being taken, and no penalties are being imposed. This notice is a request for you to voluntarily resolve the encroachment according to the process described above. It is our hope that you will work with the City on resolving this matter in a timely and reasonable manner. If no action is taken to resolve this matter, the City may pursue legal remedies and impose penalties in the future.

If you have questions about the scope of the encroachment (e.g., what property and improvements must be addressed or removed), or to submit a removal/remediation plan, please contact the City Planner, Kellie Smith, at kelsmith@highlandcity.org, 801.772.4506.

If you desire to appeal or challenge this notice or to request an extension regarding the time to remediate the City property, please contact me directly at mayor@highlandcity.org.

Sincerely,

Kurt Ostler
Highland City Mayor



CITY COUNCIL AGENDA REPORT

ITEM #4

DATE: October 18, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith, Planner & GIS Analyst
SUBJECT: **ACTION:** Final Plat Updates – Ridgeview Plat F, Plat G, and Plat J
TYPE: **LAND USE (ADMINISTRATIVE)**

PURPOSE:

The City Council will hold a public meeting to consider a request by Lennar Homes, Ivory Development, and David Weekley Homes for an adjustment to Ridgeview Plats F, G, and J to dedicate the property along 10100 N as Highland City right-of-way. The Council will take appropriate action.

PRIOR COUNCIL DIRECTION:

On May 21, 2019, the property was rezoned as a Planned Development (PD) district. On November 9, 2021, the City Council approved the preliminary plat for Pod B subject to nine stipulations. The preliminary plat included a total of 424 residential units, two roads (Featherstone Drive and Dorado Way), and the park.

The City Council approved the final plats for Plat F and Plat G and June 21, 2022. Ridgeview Plat J was approved on September 20, 2022.

BACKGROUND:

Highland City is maintaining the landscaping along North County Blvd and 10100 N. All interior landscaping and landscaping along Canal Blvd will be maintained by the HOA.

During the civil review process, it was brought to staff's attention that the property between the Development's fence on 10100 N and the sidewalk was reflected as HOA owned on each of the final plats approved by the City Council. The property from the sidewalk north is City right-of-way.

SUMMARY OF REQUEST:

1. The proposed adjustment to the plats is to include the property between the HOA's fence and the sidewalk as City right-of-way.
2. A cross-section was added to each plat clarifying that the fence along 10100 N is HOA maintained.

STAFF REVIEW:

- The subdivision plat is consistent with the Ridgeview PD Zoning District.
- It conforms to the Development Code as applicable.
- It is staff's preference that the property we maintain be City right-of-way rather

than privately owned.

FISCAL IMPACT:

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

STAFF RECOMMENDATION:

Staff recommends the City Council accept the findings and **APPROVE** the final plat adjustments to Ridgeview Plats F, G, and J subject to the following stipulation:

- 1) The recorded plat shall be in substantial conformance with the final plat dated October 11, 2022, except as modified by these stipulations.
- 2) All stipulations of the original final plat approvals be met.

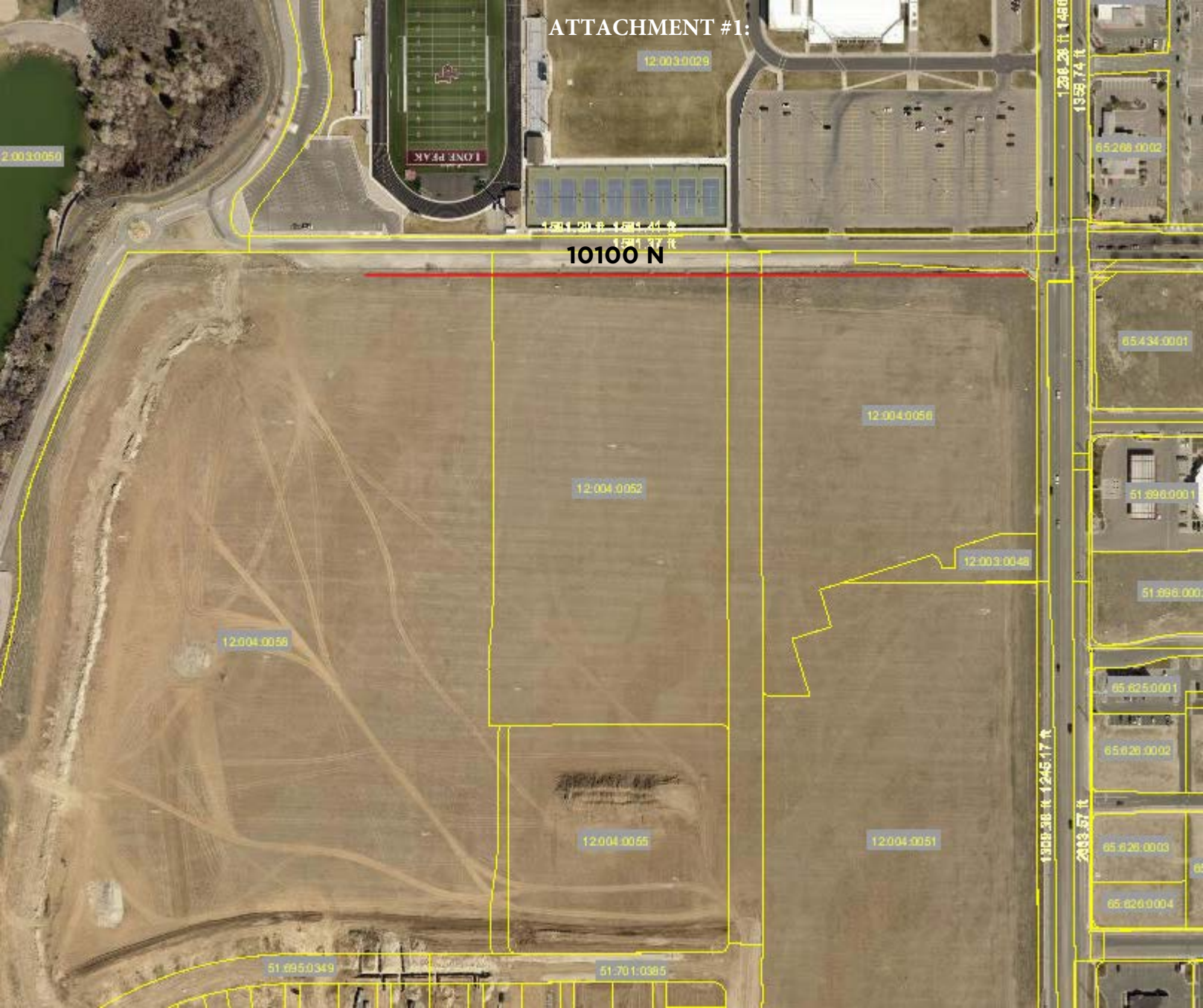
MOTION TO APPROVE:

I move that City Council **APPROVE** the adjustment to Ridgeview Plats F, G, and J relating to City right-of-way subject to the two (2) stipulations recommended by Staff.

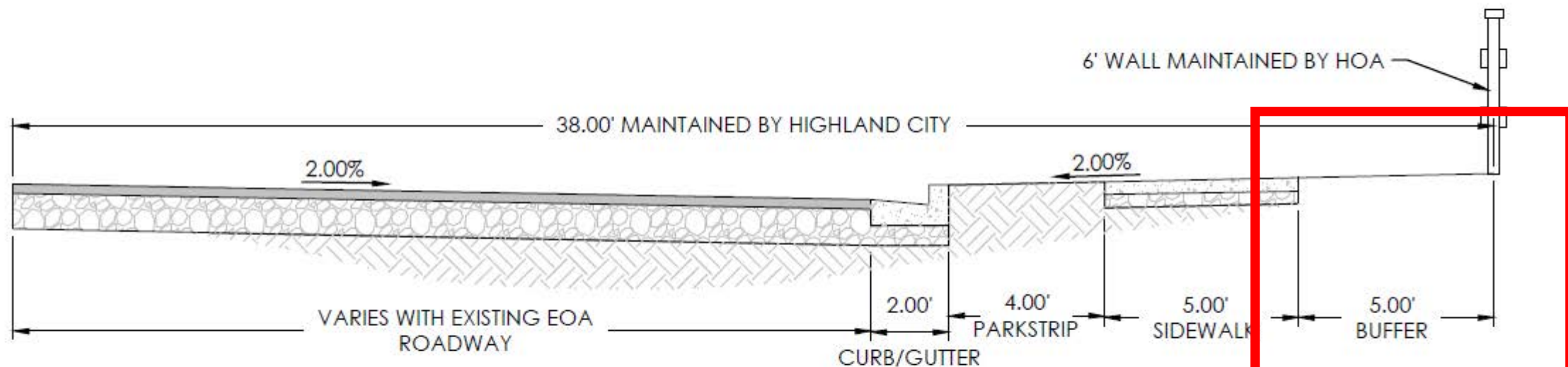
ATTACHMENTS:

1. Vicinity Map
2. 10100 N Cross-section
3. Proposed Ridgeview Plat G
4. Proposed Ridgeview Plat F
5. Proposed Ridgeview Plat J

ATTACHMENT #1:

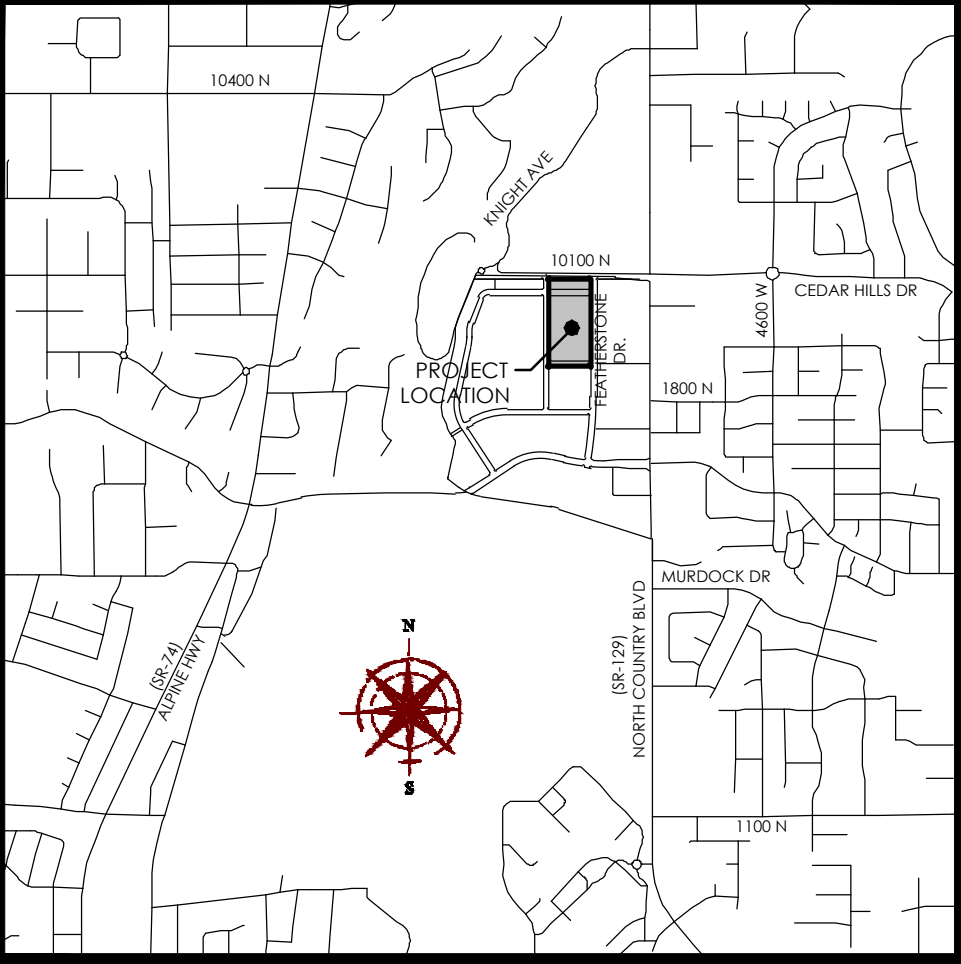


ATTACHMENT #2:



38' PUBLIC ROW - HALF WIDTH

(10100 NORTH)



VICINITY MAP

N.T.S

NOTES

1. ALL PUBLIC UTILITY EASEMENTS PLATTED HEREON ARE IN PERPETUITY FOR INSTALLATION, MAINTENANCE, REPAIR AND REPLACEMENT OF PUBLIC UTILITIES, SIDEWALKS AND APPURTENANT PARTS THEREOF AND THE RIGHT TO REASONABLE ACCESS TO GRANTOR'S PROPERTY FOR THE ABOVE DESCRIBED PURPOSES. THE EASEMENTS SHALL RUN WITH THE REAL PROPERTY AND SHALL BE BINDING UPON THE GRANTOR AND THE GRANTOR'S SUCCESSORS, HEIRS, AND ASSIGNS.
2. ALL COMMON AREAS AND PRIVATE STREETS OR DRIVES TO SERVE AS PUBLIC UTILITY EASEMENTS
3. ALL AREAS ARE COMMON AREAS AND FACILITIES EXCEPT AS OTHERWISE SPECIFICALLY DESIGNATED.
4. THE INSTALLATION OF IMPROVEMENTS SHALL CONFORM TO ALL CITY STANDARDS, RESOLUTIONS AND ORDINANCES.
5. THIS AREA IS SUBJECT TO THE NORMAL, EVERYDAY SOUNDS, ODORS, SIGHTS, EQUIPMENT, FACILITIES, AND ANY OTHER ASPECTS ASSOCIATED WITH AGRICULTURAL LIFESTYLES. FUTURE RESIDENTS SHOULD ALSO RECOGNIZE THE RISK INHERENT WITH LIVESTOCK.
6. PARCELS A, B, C, AND D ARE HEREBY DEDICATED TO AND MAINTAINED BY THE HOA.
7. #5 REBAR & CAP (FOCUS ENG) TO BE SET AT ALL REAR LOT CORNERS, NAILS OR PLUGS TO BE SET IN TOP BACK OF CURB AT EXTENSION OF SIDE LOT LINES, IN LIEU OF REBAR AND CAPS AT FRONT LOT CORNERS.
8. ALL RESIDENTIAL CONSTRUCTION WILL NEED TO MEET THE INTERNATIONAL FIRE CODE REQUIREMENTS.
9. PRIVATE ROADS WILL BE OWNED AND MAINTAINED BY THE RIDGEVIEW TOWNHOMES HOMEOWNERS ASSOCIATION, INC..
10. ALL BUILDING WALLS ARE PARALLEL WITH, PERPENDICULAR TO, OR AT 45° ANGLE TO REFERENCE BEARING SHOWN ON BUILDING

11. 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. Some of the Significant Ordinances and Conditions of Approval conveyed on this property by the legislative body of Highland City are as follows:

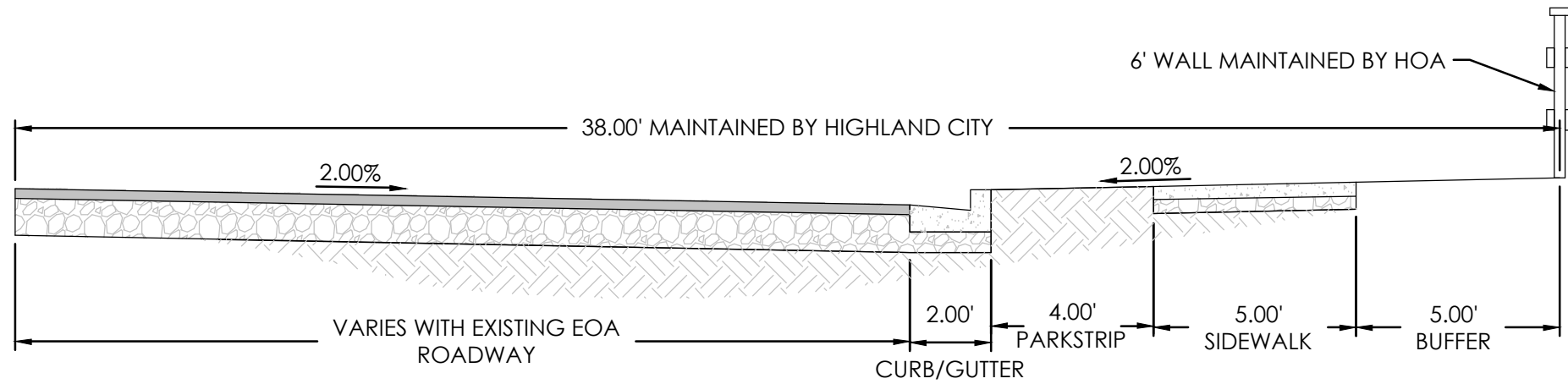
1. 70% of the front yard landscaping shall be installed by the homeowner within one year after receiving a certificate of occupancy.
2. Landscaping and construction materials of any type are not permitted upon or within the street, curb and gutter, or sidewalk (street right-of-way) with the exception of the park strip which requires 75% to be landscaped.
3. A fence that abuts open space or a trail has additional restrictions of size and opacity. Fences along open space or a trail must comply with Highland City Ordinances. All fences require a fence permit prior to installation. In addition, retaining walls are regulated by ordinance and require a retaining wall permit prior to construction.
4. Highland City Ordinances restrict height of foundation above curb. It is the responsibility of the buyer to contact the City prior to purchasing any lot. This restriction applies to all lots in this subdivision.

RIDGEVIEW PLAT F

PLANNED UNIT DEVELOPMENT
LOCATED IN THE NE1/4 AND SE1/4 OF SECTION 1, T5S, R1E,
DATUM: NAD83
SALT LAKE BASE & MERIDIAN
HIGHLAND CITY, UTAH COUNTY, UTAH

Lot number	Address	Street
611	4912 W	Willowbank Drive
610	4916 W	Willowbank Drive
609	4918 W	Willowbank Drive
608	4924 W	Willowbank Drive
607	4932	Willowbank Drive
606	4936	Willowbank Drive
605	4944	Willowbank Drive
604	4948	Willowbank Drive
603	4954	Willowbank Drive
602	4962	Willowbank Drive
601	4968	Willowbank Drive
612	4911	Willowbank Drive
613	4913	Willowbank Drive
614	4917	Willowbank Drive
615	4919	Willowbank Drive
616	4923	Willowbank Drive
617	4927	Willowbank Drive
618	4931	Willowbank Drive
619	4933	Willowbank Drive
620	4941	Willowbank Drive
621	4943	Willowbank Drive
622	4947	Willowbank Drive
623	4951	Willowbank Drive
624	4957	Willowbank Drive
625	4961	Willowbank Drive
626	4963	Willowbank Drive
627	4967	Willowbank Drive
659	4912	Gallatin Way
658	4914	Gallatin Way
657	4916	Gallatin Way
656	4918	Gallatin Way
655	4922	Gallatin Way
654	4926	Gallatin Way
653	4932	Gallatin Way
652	4936	Gallatin Way
651	4942	Gallatin Way
650	4946	Gallatin Way
649	4948	Gallatin Way
648	4952	Gallatin Way
647	4956	Gallatin Way
646	4962	Gallatin Way
645	4966	Gallatin Way
644	4968	Gallatin Way

Lot Number	Address	Street
675	10059 N	Featherstone Drive
674	10053 N	Featherstone Drive
673	10049	Featherstone Drive
672	10043	Featherstone Drive
671	10039	Featherstone Drive
670	10033	Featherstone Drive
669	10029	Featherstone Drive
668	10027	Featherstone Drive
667	10023	Featherstone Drive
666	10021	Featherstone Drive
665	10019	Featherstone Drive
664	10011	Featherstone Drive
663	10007	Featherstone Drive
662	10001	Featherstone Drive
661	9997	Featherstone Drive
660	9991	Featherstone Drive
676	10057	Basalt Drive
677	10051	Basalt Drive
678	10047	Basalt Drive
679	10041	Basalt Drive
680	10037	Basalt Drive
681	10031	Basalt Drive
682	10017	Basalt Drive
683	10013	Basalt Drive
684	10009	Basalt Drive
685	10003	Basalt Drive
686	9999	Basalt Drive
687	9993	Basalt Drive
699	10056	Limestone Way
698	10052	Limestone Way
697	10046	Limestone Way
696	10042	Limestone Way
695	10036	Limestone Way
694	10032	Limestone Way
693	10016	Limestone Way
692	10014	Limestone Way
691	10008	Limestone Way
690	10004	Limestone Way
689	9998	Limestone Way
688	9994	Limestone Way
628	10058	Dorado Way
629	10054	Dorado Way
630	10048	Dorado Way
631	10044	Dorado Way
632	10038	Dorado Way
633	10034	Dorado Way
634	10028	Dorado Way
635	10026	Dorado Way
636	10024	Dorado Way
637	10022	Dorado Way
638	10018	Dorado Way
639	10012	Dorado Way
640	10006	Dorado Way
641	10002	Dorado Way
642	9996	Dorado Way
643	9992	Dorado Way



38' PUBLIC ROW - HALF WIDTH
(10100 NORTH)

RIDGEVIEW PLAT F

PLANNED UNIT DEVELOPMENT
LOCATED IN THE NE1/4 AND SE1/4 OF SECTION 1, T5S, R1E,
DATUM: NAD83
SALT LAKE BASE & MERIDIAN
HIGHLAND CITY, UTAH COUNTY, UTAH

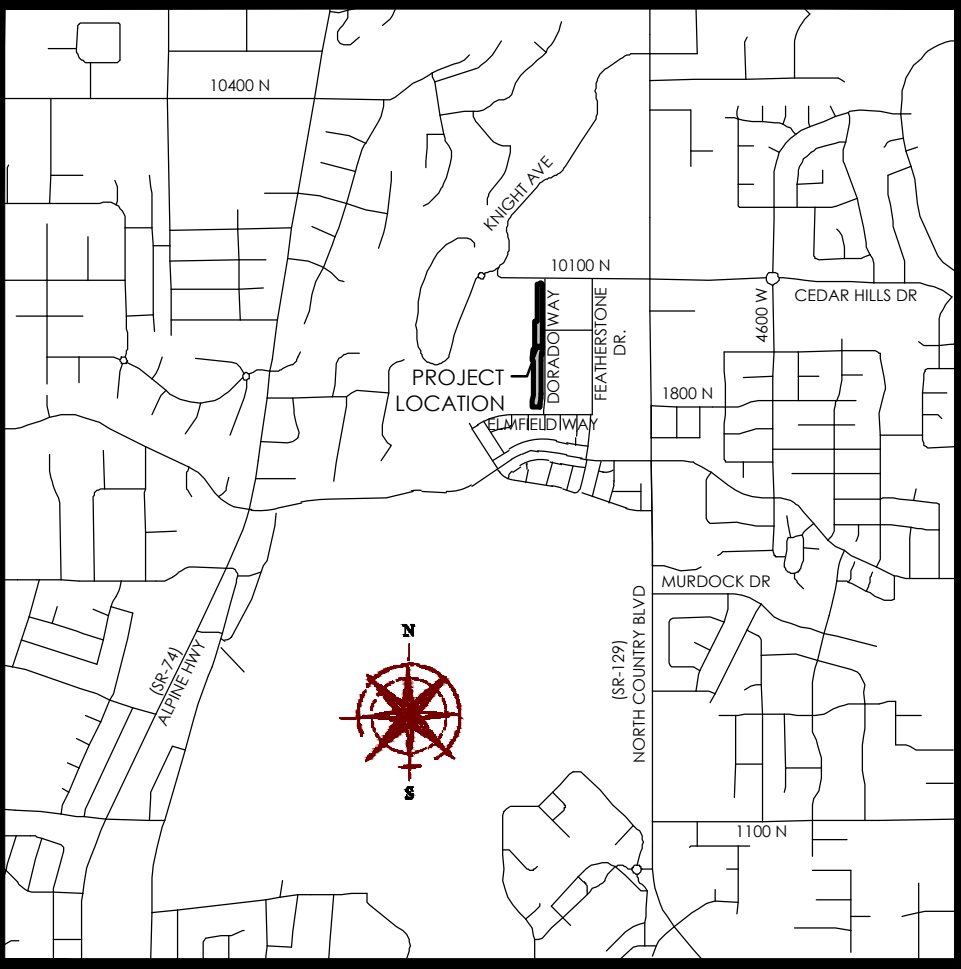
SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	HIGHLAND CITY ENGINEER SEAL	HIGHLAND CITY RECORDER SEAL	UTAH COUNTY RECORDER STAMP
For Review				

PREPARED BY

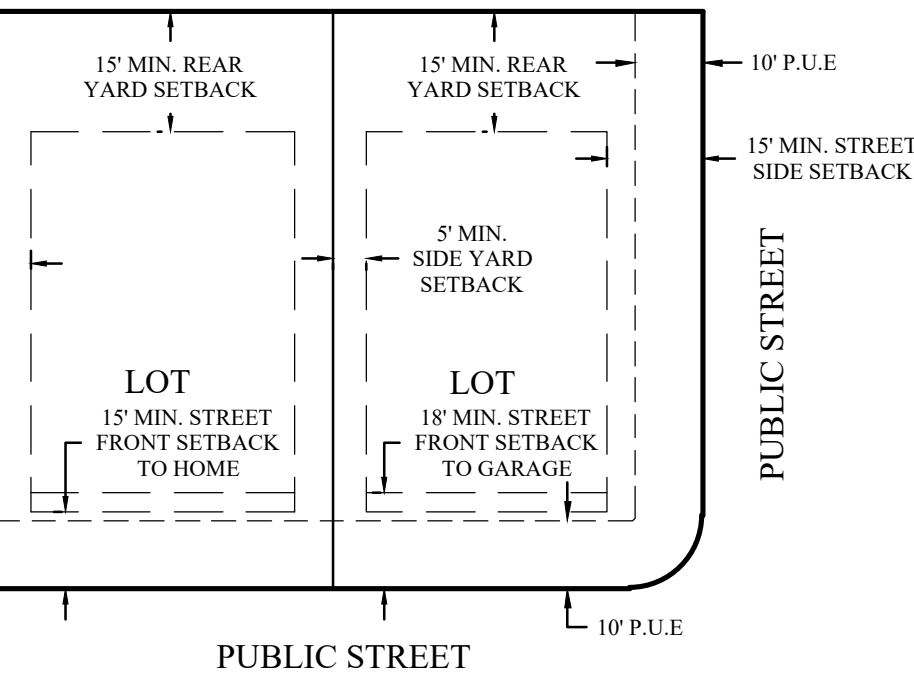
FOCUS
ENGINEERING AND SURVEYING, LLC
6949 S. HIGH TECH DRIVE, #200
MIDVALE, UTAH 84047 P/E: (801) 352-0075
www.focusutah.com

PREPARED FOR

LENNAR
111 E SEGO LILY DRIVE SUITE 150
SANDY, UTAH 84070
(801)-508-5506
CONTACT: BJ RYAN



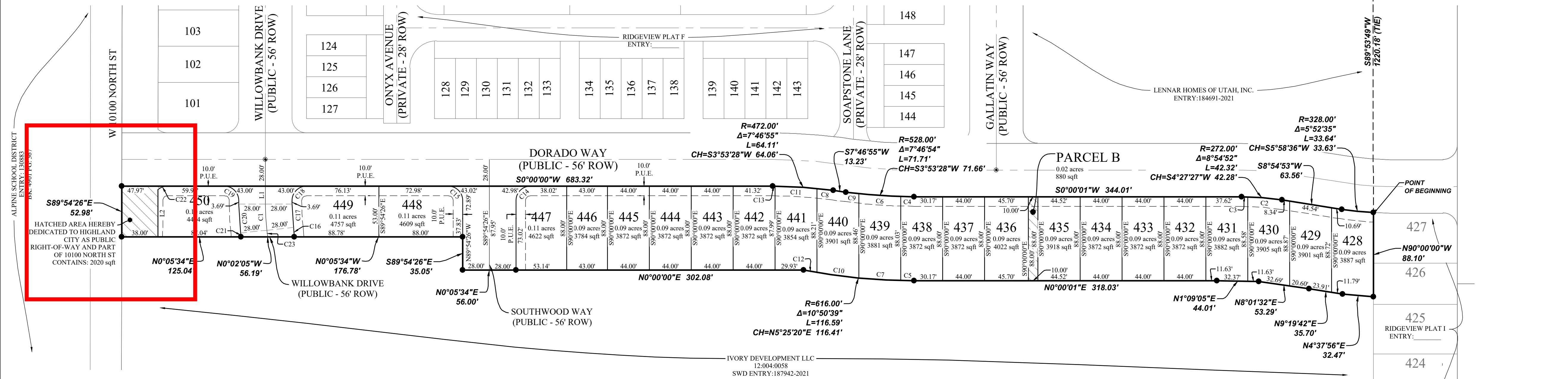
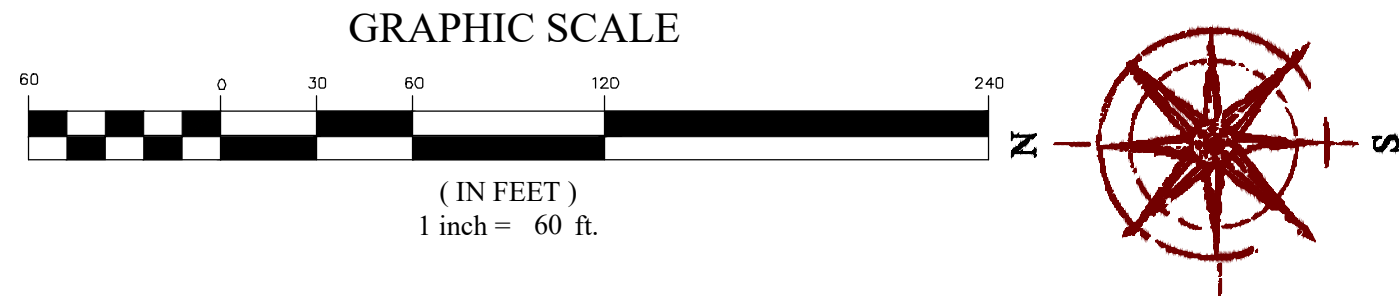
VICINITY MAP
N.T.S.



TYPICAL BUILDING SETBACKS
(COTTAGE LOTS - 3,500 S.F. MIN)

RIDGEVIEW PLAT J

PLANNED UNIT DEVELOPMENT
LOCATED IN THE SE1/4 OF SECTION 1, T5S, R1E,
DATUM: NAD83
SALT LAKE BASE & MERIDIAN
HIGHLAND CITY, UTAH COUNTY, UTAH



Curve Table				
CURVE	RADIUS	DELTA	LENGTH	CHORD LENGTH
C1	250.00	6°17'21"	27.44	N86°51'20"E 27.43
C2	272.00	7°34'10"	35.93	S05°07'48"W 35.91
C3	272.00	1°20'42"	6.39	S00°40'22"W 6.39
C4	528.00	1°30'02"	13.83	S00°45'02"W 13.83
C5	616.00	1°17'10"	13.83	N00°38'36"E 13.83
C6	528.00	4°47'14"	44.11	S03°53'40"W 44.10
C7	616.00	4°06'01"	44.08	N03°20'12"E 44.07
C8	472.00	2°06'22"	17.35	S06°43'44"W 17.35
C9	528.00	1°29'38"	13.77	S07°02'06"W 13.77
C10	616.00	4°07'42"	44.38	N07°27'03"E 44.37
C11	472.00	5°21'01"	44.08	S03°00'02"W 44.06
C12	616.00	1°19'45"	14.29	N10°10'47"E 14.29
C13	472.00	0°19'31"	2.68	S00°09'46"W 2.68
C14	15.00	89°54'26"	23.54	S44°57'13"E 21.20
C15	15.00	90°05'34"	23.59	S45°02'47"W 21.23
C16	278.00	2°05'55"	10.18	N84°45'37"E 10.18
C17	222.00	6°17'21"	24.37	N86°51'20"E 24.36
C18	15.00	90°00'00"	23.56	S45°01'00"E 21.21
C19	15.00	90°00'00"	23.56	S45°00'00"W 21.21
C20	278.00	6°17'21"	30.51	S86°51'20"W 30.50
C21	222.00	1°02'51"	4.06	S84°14'05"W 4.06
C22	15.00	41°43'03"	10.92	S20°51'31"E 10.68
C23	250.00	1°37'55"	7.12	N84°31'37"E 7.12

Line Table		
LINE	DIRECTION	LENGTH
L1	N90°00'00"E	18.69
L2	S89°54'26"E	49.23

Point Table		
Point #	North	Easting
1	10000.000	10000.000
2	12664.157	9995.208
3	15329.368	9993.059

DOMINION ENERGY UTAH

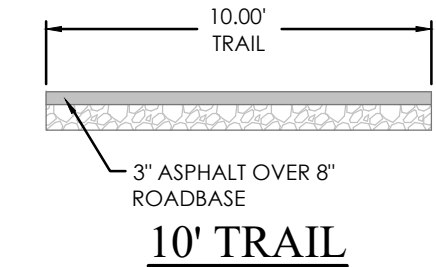
QUESTAR GAS COMPANY dba DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY UTAH MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES INCLUDING PRESCRIPTIVE RIGHTS AND OTHER RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION OR THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY UTAH'S RIGHT-OF-WAY DEPARTMENT AT 800-366-8532.

QUESTAR GAS COMPANY
dba DOMINION ENERGY UTAH

APPROVED THIS ____ DAY OF ____ A.D. 20__

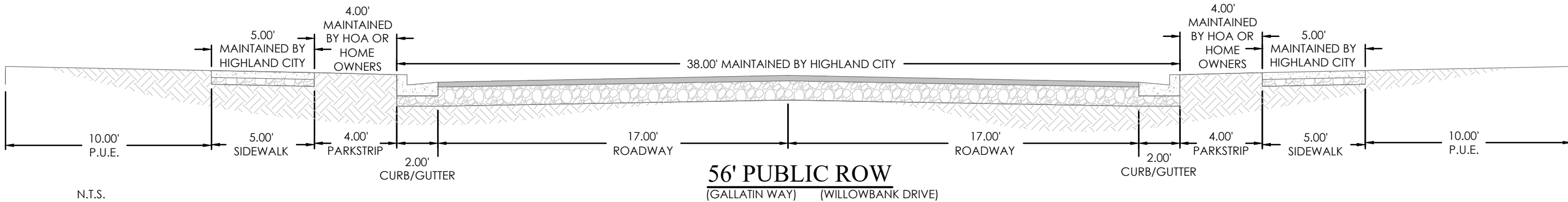
BY _____

TITLE _____



PREPARED BY
FOCUS
ENGINEERING AND SURVEYING, LLC
6949 S. HIGH TECH DRIVE, #200
MIDVALE, UTAH 84047 P.E. (801) 352-0075
www.focususurvey.com

PREPARED FOR
IVORY DEVELOPMENT LLC
3340 NORTH, CENTER STREET
LEHI, UTAH 84043
(801) 407-6841
CONTACT: BRAD MACKAY



NOTES

- #5x24 REBAR & CAP (FOCUS ENG) TO BE SET AT ALL REAR LOT CORNERS, NAILS OR PLUGS TO BE SET IN TOP BACK OF CURB AT EXTENSION OF SIDE LOT LINES, IN LIEU OF REBAR AND CAPS AT FRONT LOT CORNERS.
- ALL PUBLIC UTILITY EASEMENTS PLATTED HEREON ARE IN PERPETUITY FOR INSTALLATION, MAINTENANCE, REPAIR AND REPLACEMENT OF PUBLIC UTILITIES, SIDEWALKS AND APPURTENANT PARTS THEREOF AND THE RIGHT TO REASONABLE ACCESS TO GRANTOR'S PROPERTY FOR THE ABOVE DESCRIBED PURPOSES. THE EASEMENTS SHALL RUN WITH THE REAL PROPERTY AND SHALL BE BINDING UPON THE GRANTOR AND THE GRANTOR'S SUCCESSORS, HEIRS, AND ASSIGNS.
- NO VEHICULAR ACCESS TO DORADO WAY IS ALLOWED ALONG LOT 120, LOT 121, LOT 122, AND LOT 123
- ALL RESIDENTIAL CONSTRUCTION WILL NEED TO MEET THE INTERNATIONAL BUILDING CODE REQUIREMENTS AS ADOPTED BY HIGHLAND CITY.
- PARCEL A AND PARCEL B ARE COMMON AREA HEREBY CONVEYED TO AND MAINTAINED BY THE HOA.
- HOMEOWNERS ASSOCIATION: THE RIDGEVIEW MASTER ASSOCIATION, A UTAH NONPROFIT CORPORATION, WITH A REGISTERED ADDRESS OF 101 S. 200 E., Suite 200, SALT LAKE CITY, UT. 84111.
- ALL RESIDENTIAL CONSTRUCTION WILL NEED TO MEET THE INTERNATIONAL FIRE CODE REQUIREMENTS AS ADOPTED BY HIGHLAND CITY.
- ALL COMMON AREAS AND PUBLIC RIGHT-OF-WAY TO SERVE AS MUNICIPAL UTILITY EASEMENTS IN FAVOR OF HIGHLAND CITY.
- THE INSTALLATION OF IMPROVEMENTS SHALL CONFORM TO ALL CITY STANDARDS, RESOLUTIONS AND ORDINANCES.
- THIS AREA IS SUBJECT TO THE NORMAL, EVERYDAY SOUNDS, ODORS, SIGHTS, EQUIPMENT, FACILITIES, AND ANY OTHER ASPECTS ASSOCIATED WITH AGRICULTURAL LIFESTYLES. FUTURE RESIDENTS SHOULD ALSO RECOGNIZE THE RISK INHERENT WITH LIVESTOCK.
- 70% OF THE FRONT YARD LANDSCAPING SHALL BE INSTALLED BY THE HOMEOWNER WITHIN ONE YEAR AFTER RECEIVING A CERTIFICATE OF OCCUPANCY.

UTILITIES APPROVAL

"UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE PUE AT THE LOT OWNERS EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES FACILITIES IN THE PUE."

ROCKY MOUNTAIN POWER DATE

LEGEND

---	BOUNDARY
---	SECTION LINE
---	EASEMENT
---	CENTERLINE
---	RIGHT-OF-WAY LINE
---	EXISTING PROPERTY LINE
●	SECTION MONUMENT (FOUND)
●	BOUNDARY MARKERS
●	EXISTING STREET MONUMENT
●	MONUMENT POINT
■	10100 NORTH ST R.O.W. DEDICATED
■	LIMITED COMMON
■	PRIVATE OWNERSHIP

For Review

ATTACHMENT #5:

I, Evan J. Wood, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 183395 in accordance with Title 58, Chapter 22 of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into a lots, streets, parcels, together with easements, to be hereafter known as RIDGEVIEW PLAT J, and the same has, or will be correctly surveyed and monumented on the ground as shown on this Plat, and that this Plat is true and correct.

FOR REVIEW ONLY

EVAN J. WOOD
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 183395

DATE

BOUNDARY DESCRIPTION

located in the Southeast Quarter and the Northeast Quarter of Section 1, Township 5 South, Range 1 East, Salt Lake Base & Meridian, being located in that Special Warranty Deed recorded November 5, 2021 as Entry 187942:2021 in the Utah County Recorder's Office, more particularly described as follows:

Beginning at a point S0°06'11"E 648.45 feet along the Section line and S89°53'49"W 1220.18 feet from the East 1/4 Corner of Section 1, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence West 88.10 feet; thence N04°37'56"E 32.47 feet; thence N09°19'42"E 35.70 feet; thence N08°01'32"E 53.29 feet; thence N01°09'05"E 44.01 feet; thence N00°00'01"E 318.03 feet; thence along the arc of a curve to the right with a radius of 616.00 feet a distance of 116.59 feet through a central angle of 10°50'39" Chord: N05°25'20"E 116.41 feet; thence North 302.08 feet; thence N00°05'34"E 56.00 feet; thence S89°54'26"E 35.05 feet; thence N00°05'34"W 176.78 feet; thence N00°02'05"W 56.19 feet; thence N00°05'34"E 125.04 feet to the southerly line of a Corrected Special Warranty Deed as Recorded at Entry No. 79132:1998 in the Utah County Recorder's Office; thence along said Special Warranty Deed S89°54'26"E 52.98 feet; thence South 683.32 feet; thence along the arc of a curve to the right with a radius of 472.00 feet a distance of 64.11 feet through a central angle of 07°46'55" Chord: S03°53'28"W 64.06 feet; thence S07°46'55"W 13.23 feet; thence along the arc of a curve to the left with a radius of 528.00 feet a distance of 71.71 feet through a central angle of 07°46'54" Chord: S03°53'28"W 71.66 feet; thence S00°00'01"W 344.01 feet; thence along the arc of a curve to the right with a radius of 272.00 feet a distance of 42.32 feet through a central angle of 08°54'52" Chord: S04°27'27"W 42.28 feet; thence S08°54'53"W 63.56 feet; thence along the arc of a curve to the left with a radius of 328.00 feet a distance of 33.64 feet through a central angle of 05°52'35" Chord: S05°58'36"W 33.63 feet to the point of beginning.

Contains: 2.37 acres+/-

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENT THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREOF AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PARCELS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE ANY PUBLIC STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC. PURSUANT TO UTAH CODE 10-9A-604(1)(D) THE OWNER HEREBY CONVEYS THE COMMON AREA/PRIVATE OPEN SPACE, PRIVATE DRIVEWAYS AND ROADS AS INDICATED HEREON, TO THE RIDGEVIEW MASTER ASSOCIATION, A UTAH NONPROFIT CORPORATION, WITH A REGISTERED ADDRESS OF 101 S. 200 E., Suite 200, SALT LAKE CITY, UT. 84111.

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

BY: _____
(PRINTED NAME)

ITS: _____

LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF _____

ON THE ____ DAY OF ____ A.D. 20__ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AN FOR THE COUNTY OF SALT LAKE, IN SAID STATE OF UTAH, CHRISTOPHER P. GAMVROULAS, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC, A UTAH LLC AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____

A NOTARY PUBLIC COMMISSIONED IN
UTAH RESIDING IN _____ COUNTY

MY COMMISSION No. _____

PRINTED FULL NAME OF NOTARY _____

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF HIGHLAND CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS ____ DAY OF ____ A.D. 20__.

APPROVED BY MAYOR _____

APPROVED BY ENGINEER
(SEE SEAL BELOW)

ATTEST

CLERK-RECORDER
(SEE SEAL BELOW)

HIGHLAND CITY ATTORNEY

APPROVED AS TO FORM THIS ____ DAY OF ____ A.D. 20__.

HIGHLAND CITY ATTORNEY _____

PLANNING COMMISSION APPROVAL

APPROVED THIS ____ DAY OF ____ A.D. 20__ BY THE HIGHLAND CITY PLANNING COMMISSION.

DIRECTOR, COMMUNITY DEVELOPMENT _____

CHAIRMAN, PLANNING COMMISSION _____

RIDGEVIEW PLAT J

PLANNED UNIT DEVELOPMENT
LOCATED IN THE SE1/4 OF SECTION 1, T5S, R1E,
DATUM: NAD83
SALT LAKE BASE & MERIDIAN
HIGHLAND CITY, UTAH COUNTY, UTAH

HIGHLAND CITY ENGINEER SEAL

HIGHLAND CITY RECORDER SEAL

UTAH COUNTY RECORDER STAMP