



HIGHLAND CITY COUNCIL AGENDA

TUESDAY, JUNE 4, 2024

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

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: council@highlandcity.org

6:00 PM WORK SESSION

FY 2025 Final Budget

Proposed Garbage and Recycling Rate Increases

City Staff Pay Plan

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Mayor Kurt Ostler

Pledge of Allegiance: Council Member Kim Rodela

1. UNSCHEDULED PUBLIC APPEARANCES

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

2. CONSENT ITEMS

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

- a. **Approval of Meeting Minutes** *General City Management*
Stephannie Cottle, City Recorder
May 7, 2024
- b. **Short Term Rental Owner Occupancy Code Municipal Code Update (Legislative)**
Rob Patterson, City Attorney/Planning & Zoning Administrator
The City Council will consider a proposed amendment to certain definitions to Municipal Code 5.24.020 related to short-term rentals and owner-occupancy thereof.
- c. **Personnel Policy FMLA Updates** *General City Management*
Rob Patterson, City Attorney/Planning & Zoning Administrator
The City Council will consider adopting proposed amendments to the City's personnel policies related to FMLA and similar federal laws.

3. ACTION ITEMS

- a. **ACTION: Reimbursement Agreement for Millhaven Development (Pressure Reducing Valve and Canterbury Trail Connection)** *General City Management*
Andy Spencer, City Engineer/Public Works Director
 The City Council will consider approving a contract with Millhaven Development LLC to reimburse them for the cost of installing a Pressure Reducing Valve (PRV) and the Canterbury trail connection.
- b. **ACTION: Award of Park Maintenance Building Construction** *General City Management*
Andy Spencer, City Engineer/Public Works Director
 The City Council will consider awarding Complete Contracting Company a contract for the construction of the Parks Maintenance Building and Mountain Ridge Park maintenance shed and trash enclosure.
- c. **ACTION: 6000 West Pump Station Award** *General City Management*
Andy Spencer, City Engineer/Public Works Director
 The City Council will consider awarding a construction contract with Nelson Brothers Construction Company for a new Pressurized Irrigation pump station to be built at 6000 West just south of the Murdock Trail crossing. This project also includes traffic-calming elements along 6000 West at the pedestrian crossing and the installation of a Pressure Reducing Valve on the culinary water system.
- d. **ACTION: Award of Design Services for Mitchell Hollow Trail** *General Plan Amendment (Legislative)*
Andy Spencer, City Engineer/Public Works Director
 The City Council will consider awarding design services for the Mitchell Hollow Trail to Consor.
- e. **RESOLUTION: Update to Firework Restrictions** *General City Management*
Jay Baughman, Assistant City Administrator/Community Development Director, Brian Patten, Fire Chief
 City Council will consider approving the recommended changes to the firework restricted areas and associated resolution.

4. DISCUSSION ITEMS

Items in this section are for discussion and direction to staff only. No final action will be taken.

- a. **DISCUSSION: Fraud Risk Assessment** *General City Management*
David Mortensen, Finance Director
 The City Council will hear about and discuss the Fiscal Year 2023-2024 Fraud Risk Assessment.
- b. **DISCUSSION: Campaign Finance Regulations** *Municipal Code Update (Legislative)*
Ron Campbell, Council Member, Rob Patterson, City Attorney/Planning & Zoning Administrator
 The Council will discuss the potential for additional regulations related to municipal candidate campaign financing.

5. COMMUNICATION ITEMS

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

- a. **Parks Capital Fund Status and Mountain Ridge Park Phase II Amenities** *Erin Wells, City Administrator*
- b. **Accessory Structures Restrictions and Ridgeview PD** *Scott Smith, Council Member, Rob Patterson, City Attorney*
- c. **Update on Traffic Calming Toolbox Implementation** *Andy Spencer, City Engineer/Public Works Director*
- d. **Right of Way Permit Regulations and Driveway Connections** *Rob Patterson, City Attorney/Planning & Zoning Administrator*

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

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 during this meeting.

CERTIFICATE OF POSTING

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

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

Posted and dated this agenda on the 30th day of May, 2024

Stephannie Cottle, CMC, City Recorder

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



HIGHLAND CITY COUNCIL MINUTES

Tuesday, May 7, 2024

[Waiting Formal Approval](#)

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

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Council Member Kim Rodela

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 Kim Rodela and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS: Brittney P. Bills - present
Ron Campbell - present
Doug Cortney - present
Kim Rodela - present
Scott L. Smith - present

CITY STAFF PRESENT: City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning & Zoning Administrator Rob Patterson, City Recorder Stephannie Cottle, City Engineer/Public Works Director Andy Spencer, Communications Specialist Brooklyn Wild, Police Chief Brian Gwilliam, Fire Chief Brian Patten

OTHERS PRESENT: Jon Hart, Cody Dingus, Jennie Dingus, Brad Weber, McKenzie Weber, Jennie Roos, Rick Roos, Chad Spencer, Russell Lewis, Melissa Dowdle, Amy Johns

1. UNSCHEDULED PUBLIC APPEARANCES

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

McKenzie Weber stated she lives near Mountain Ridge Park, and she asked that the City impose a curfew/closing hours for the park. She is very concerned about the plans to include a ninja course at the park. She has communicated her concerns via email to the Mayor and Council over the past several weeks and has received pleasant responses; she hopes the Mayor and Council understand she is a reasonable person who does not want to be contentious or negative. However, disruptions at the park have made her very upset. She is also a mom of teenagers, with children ranging from 12 to 18, and she knows that children like to go to a park without parental supervision in order to have freedom. But these children are now aware of how disruptive their screaming and yelling can be to those living in close proximity to the park. She has been discouraged by the interactions with

several Council Members who have said she knew she would be living near a park. She asked that her concerns not be disregarded on that basis. The park has been advertised online as the biggest all abilities park in Utah, reviewed as the ‘mother of all parks’, with statements like “you will lose your kids at this park, it is so big”. Some have said this is Highland’s premier park and it is fair to say that the residents living there did not know that they would be living next to that kind of park; they believed they would be living near a typical park that attracts normal traffic. She begged the Council to have an open mind and take into account how they would feel if they were in her shoes. She found out a few weeks ago that even more amenities will be put even closer to her home, and it is devastating to her. She explained what is like living next to the park; there is constant humming of people and children yelling. Teens arrive at the park in the evening hours and continue their activities late into the night, screaming and banging on park equipment. She hates to call the police on these children but has done so in order to preserve the beautiful new park. She asked for an enforced curfew and her suggestion is that the playground be closed at dusk or 10:00 p.m.; she offered to be a resource to the City in enforcing the curfew. She does not think that signage is enough, and she was pleased to hear that the City was looking into the option of ticketing teens who are violating the curfew; word of this type of enforcement would spread fast and would help to deter future violations.

Brad Weber stated he is Ms. Weber’s husband; he addressed agenda item 4c regarding the potential ninja course at the park. He has emailed the Mayor and Council about this issue and wished to voice his concerns on the record. He asked the Council take into account the impact that this amenity will have on neighboring property owners. A ninja course on the west side of the park was not advertised to the public until recently and this was brought to the attention of the City Council during their April 16 meeting. Even the packet materials for tonight’s meeting acknowledge that the advertised master plans for the park do not include the ninja course element. The residents appreciate the efforts of the City Council and staff in coming up with an alternative plan, but he is concerned that tonight there will be discussion of a third option that basically turns the footprint of the ninja course 45 degrees, but leaves it close to the location of the original design. This does not assuage concerns from his family and other neighbors of the park. He is opposed to a ninja course, but when given the option to fill out an online survey regarding the matter, he was not given the option to express that opposition. Rather, he was only given the option of voting for the original design or the alternative design. Certainly, the alternate design is better and if the Council is going to consider a ninja course option, option two is significantly better than the original option, or option three. He also discussed costs of the ninja course; it is fiscally irresponsible for the City to install a ninja course at the park because it is not needed and either option is frivolous. It will attract more people to the park and cause additional noise/disturbances. He also believes it is a significant source of liability for the City and the Council must consider this. Moving the ninja course for the alternative option could potentially cost an additional \$30,000, and the City is sensitive to this; however, if the ninja course was never advertised to the public, no one would have known where infrastructure was installed, and it is a small price to pay to assuage the concerns of the neighbors.

Cody Dingus stated he helped to organize his neighborhood when there was a proposal to locate 27 pickleball courts at the Mountain Ridge Park property. The residents made it very clear that they did not want something at the park that would bring hundreds and thousands of people to the park and disrupting the neighborhood. He stated that everyone can currently be very proud of the park that has been built and he loves to hear kids playing during the day. It has been a huge success and is much busier than he ever believed it would be and he seconded the recommendation of a curfew for the park. He asked the Mayor and Council to consider their own evening routines, including what time they go to bed. Every single night, especially on weekends, there are teenagers at the park past 12:30 a.m. He has called the police several times and they come and clear the park out, but another group will show up and be destructive and loud. They ring the bell that is located at the park, urinate on slides, and engage in other destructive behaviors. This must be addressed. He also echoed the concerns regarding the ninja course. It is necessary for the City to decide what they want the park to be; if it is meant to be a community gathering place, that has been accomplished. It is also something that showcases Highland and is a source of pride. He asked how the ninja park will add to that and the neighboring property owners do not support it. It will bring more people and a different kind of crowd that will make the current problems at the park worse. He would

accept a proposal to locate the ninja course in the middle of the park rather than directly adjacent to private properties, even though it will cost an additional \$30,000 to move the course to that location. He loves the park and wants to continue to love it, but the current challenges must be addressed before they are compounded.

Amy Jones stated that she believes all have a shared objective of making sure the Mountain Ridge Park is safe and clean; it is the City's premiere park, and the City should desire to 'put its best foot forward' in showing what Highland stands for. She previously taught third grade at a title one school in Rose Park and there was new vandalism on the school's playground almost every day. The Salt Lake City Police have a unit that specializes in graffiti removal, and they were at the school almost every day scrubbing graffiti off the playground. She loved the students and the school and was happy the graffiti was removed, but she also wondered why they spent so much time and effort cleaning it, knowing that it would be there again the next day. She learned that vandalism is rooted in control; the groups that do it feel they are in control of the area and can continue to get away with more. They continued to push boundaries and break rules. For the students who were not involved in the vandalism, the graffiti negatively impacted their ability to feel safe at school; it affected their overall well-being and their ability to focus in class. She feels these outcomes are similar in any case of vandalism. She wants everyone that comes to Mountain Ridge Park to feel safe. The City is already aware that some of the things happening in the park are unsafe or disruptive; this includes teens rolling large rocks down the slides, using profanity and yelling late into the night, and accessing the construction area and swinging rebar, throwing a bike that did not belong to them, and urinating on the slides. These issues do not paint the park as a safe place for young kids to play. As the park doubles in size with construction of phase two, the problems will only increase. It is easy to look at the park and want to add more amenities, like a ninja course and stage, as well as lighting for a baseball diamond. But she would suggest that the City be good stewards of what has already been built and seek to protect it before adding more. She advocated for the allocation of additional funds for signage advertising park hours, more security cameras that allow communication, lighting around the trail, a greater law enforcement presence, cleaning and painting over graffiti and vandalism, and enforcement of a curfew. She also suggested that money be set aside for future maintenance and addition of more security measures that are deemed necessary.

Jenny Roos stated she lives in the cul-de-sac in the Spring Creek Subdivision, and she is concerned about the six-foot fence along the trail; she is seeking a resolution to that matter.

Russell Lewis stated he lives near Mountain Ridge Park as well; he loves the park, and his children go there at least weekly. He has been concerned by the things he has heard from his neighbors about the things they have witnessed. These activities will only grow out of control if they are not addressed. He came to the meeting tonight to listen to the discussion, and he expressed support for a curfew for the park, though he is unsure of the appropriate curfew hour. Regarding the ninja course, he had not previously heard about that amenity before the Mayor and Council spoke with him in an attempt to gather his thoughts about the park. He first thought that it would be a cool amenity, but after listening to his neighbors and agreeing with their concerns, he would like to advocate for deeper thought and consideration of the matter before significant investments are made by the City. A ninja course will bring a different demographic to the park that he does not desire; it will also increase liability for the City. He also asked the Council to consider increased security measures for the park and noted those measures will need to be considered each time an additional element or amenity is added to the park.

2. PRESENTATIONS

a. Legislative Updates - Senator Mike Kennedy

Senator Mike Kennedy will provide a brief synopsis of legislation passed in the latest legislative session.

Senator Mike Kennedy thanked the Mayor and Council for their input throughout the 2024 Legislative Session;

over 591 bills were passed during the session and over 1,000 were proposed. He reported on specific items of legislation that are most concerning/important to him, including a ban on central bank currency; House Bill (HB) 396, which mandates that employers accommodate reasonable religious needs of employees; HB165, requests/encourages the Federal Government to notify the appropriate sheriff if illegal immigrants will be brought to the State; legislation resisting diversity, equity, and inclusion (DEI) conformance for State educational institutions; and legislation preserving women's privacy spaces, including women's bathrooms and locker rooms; legislation addressing constitutional sovereignty encouraging collaboration between the State and Federal government to define the matters that should be regulated by States versus the Federal government.

Mayor Ostler asked if the legislation regarding women's privacy spaces also addresses transgender bathroom facilities. Senator Kennedy answered yes; the media actually referred to the legislation as the transgender bathroom bill. Mayor Ostler stated that the City's facilities have not been built to include transgender bathrooms and he asked what the City should do. Senator Kennedy stated that the legislation was prospective, not retroactive; as new building are built, they should include transgender bathroom facilities, but entities will not be required to retrofit their facilities. He added that it is important to consider that any small room with a lockable door can be used for any number of dangerous activities, including drug use or sexual misconduct and the legislation indicates that any individual can use any bathroom they like, unless they are being lewd or inappropriate. Enhanced punishments will come into place when those behaviors are occurring.

Mayor Ostler inquired about the Legislature's position on local land use. Senator Kennedy stated the State of Utah continues to do to cities what the Federal Government has done to the State. Homelessness and the housing crisis are vital issues to the Federal and State Governments at this time and he has worked hard to fight against any mandates regarding these issues. The State can induce or encourage certain activity at the local level, but should not be mandating it. This could apply to issues such as public transit, housing credits or funding, or preserving certain lands for high density housing or housing for people with disabilities.

Council Member Smith thanked Senator Kennedy for his support of people with mental and physical disabilities; he is a member of the Board of the Utah State Development Center (USDC) and they have preserved land north of the current campus of the USDC to be used for people with disabilities. The Governing Board is working to update their General Plan, and this is a very important project in an effort to advocate for people who do not have a voice. Senator Kennedy stated that there is a strong development force in the State Legislature, which means that there is much legislation regarding land development and real estate and the idea of running over the General Plan of the USDC. He has fought to make sure the land referenced by Council Member Smith is always preserved for people with disabilities and those with special needs. Mayor Ostler stated that there is still a 35-acre parcel of land controlled by the USDC and he was also pleased that Senator Kennedy and Council Member Smith opposed the State of Utah in their plans to use that land for high density development. He stated that he is appreciative of Senator Kennedy for his willingness to fight for the Highland community. Senator Kennedy stated that local representation is so important; he is currently running for a Congressional seat and if he wins that race, his State Senate seat will open up and it is important to get someone in that position that knows, understands, and cares about the local communities. He encouraged the Mayor and Council to pay close attention to that matter.

3. CONSENT ITEMS

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

- a. Approval of Meeting Minutes *General City Management***
Stephannie Cottle, City Recorder
April 16, 2024

Council Member Doug Cortney *MOVED* that the City Council approve consent item 2a, the approval of meeting minutes from April 16, 2024.

Council Member Scott L. Smith *SECONDED* the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

4. ACTION ITEMS

a. PUBLIC HEARING/RESOLUTION: FY 2024-2025 Highland City Tentative Budget *General City Management*

David Mortensen, Finance Director

The City Council will consider adoption of the Highland City Fiscal Year 2024-2025 Tentative Budget.

Finance Director Mortensen explained that the City is required by State law to consider a tentative budget no later than the first regularly scheduled Council meeting in May ahead of adopting the final budget no later than June 30. Approval of the tentative budget does not preclude the Council from making changes to the budget prior to final adoption in June. Mr. Mortensen used the aid of a PowerPoint presentation to provide a high-level summary of the tentative budget document; he presented a spreadsheet that summarized all funds in the budget and identified the estimated ending fund balance for each fund if the proposed budget is adopted. He also discussed changes to the prior version of the budget, that was presented to Council on April 30:

- Use of General Fund Balance Increased – \$200,000
- Transfer General Fund to Parks Capital Improvement Fund Increased – \$300,000
- In Parks Capital Fund: Mountain Ridge Park Increased – \$300,000
 - Conduit for Field Lights - \$100,000
 - Maintenance Building - \$200,000

Potential changes still to come include:

- Sewer Fees as a Result of the Recent TSSD Increase
 - Staff has projected expected increases to revenue and expenditures
 - An update to the rate study is underway
- Garbage Collection Fees - \$50,000 Increase
- Certified Property Tax Rate
- Wage Study and Market Adjustments
 - 5% increase currently built into budget

Council Member Smith asked if the garbage collection fees will increase for every home or just for new growth. Assistant City Administrator/Community Development Director Baughman stated that the increased fee is based upon the contract the City has with Waste Management, which provides for fee increases based upon consumer price index (CPI) increases. Council Member Smith asked if that is based on the cost of fuel; he noted that tipping fees have not increased. Mr. Baughman stated that the rate increase is based solely on the costs paid by Waste Management; they have passed those increases on to the City and the City can choose whether to absorb the increase or pass it on to residents. City Administrator Wells noted that Administration was anticipating this

increase, but it is slightly more than expected. Mr. Mortensen stated that Administration needs to know if the Council wants to absorb the increase or pass it on to residents.

Mr. Mortensen then reviewed the budget calendar; a public hearing will be held tonight prior to adoption of the tentative budget; tomorrow will be the City open house with a community budget presentation scheduled for May 15. Final adoption of the budget is scheduled for June 18 and Administration is open to additional meetings between now and then if the Council needs more information.

Council Member Smith asked if the City has been informed of the proposed Timpanogos Special Service District (TSSD) rate increases. Ms. Wells stated that TSSD has passed on a 40 percent increase to the City. Residents currently pay a TSSD fee and the City sewer fee and the TSSD fee is much higher than the City’s sewer fee. The amount passed onto the City from TSSD will equate to an approximate \$8 per month that will be charged to residents. She will have exact figures for the Council in the coming weeks. Council Member Smith asked if that means there is the potential for a small increase for garbage, and a large fee increase for sewer. He asked if any other enterprise fund increases are anticipated, to which Ms. Wells answered no.

Mayor Kurt Ostler opened the public hearing at 7:54 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 7:54 p.m.

Council Member Kim Rodela MOVED that City Council approve the resolution adopting the Highland City Fiscal Year 2024-2025 Tentative Budget and schedule a public hearing for Tuesday, June 18, 2024, at 7:00 pm in the Highland City Council Chambers to consider the adoption of the final budget.

Council Member Ron Campbell SECONDED the motion.

Council Member Smith thanked Mr. Mortensen for his excellent presentation and the changes he has made to the format of the budget document; he has been reviewing City budgets for 10 years and this is the clearest budget he has seen.

The vote was recorded as follows:

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

The motion passed 5:0.

- b. ACTION: PUBLIC HEARING: Conditional Use Permit for the Church of Jesus Christ of Latter-day Saints Land Use (Administrative)**
Rob Patterson, City Attorney/Planning & Zoning Administrator
The City Council will conduct a public hearing to consider a request for a conditional use permit from the Church of Jesus Christ of Latter-day Saints to construct a pavilion on their property.

City Attorney/Planning & Zoning Administrator Patterson explained the applicant is seeking to build a pavilion on the church property located at 10494 North Janie Lane (Near Ole Bish Lane to the east of North County Boulevard). The property is zoned R-1-40, which allows as a conditional use "churches, church grounds, and

accessory buildings associated with the maintenance of those grounds, not including temporary facilities." Under State and City code, conditional use permits must be approved if reasonable conditions can be imposed to mitigate reasonably anticipated detrimental effects of the proposed use in accordance with objective, written standards. The Planning Commission makes recommendations to the City Council after holding a public hearing regarding a conditional use permit. The City Council is the final land use authority for a conditional use permit and makes a decision after holding a public hearing. Mr. Patterson expounded on zoning regulations for the R-1-40 zone, as well as the conditional use considerations for the Council; after reviewing these factors along with the Church's proposed use plans, staff believes that the pavilion will have a minimal impact to adjacent uses, safety, the environment, the general plan, and health and sanitation. Staff had some initial concerns with the drinking fountain that is shown on the plans, but the applicant confirmed that there will be no drinking fountain. Accordingly, staff believes there are no reasonably anticipated detrimental impacts from the construction of the pavilion that require special conditions on approval. Staff have not received any comments or objections regarding this application. The Planning Commission conducted a public hearing regarding this application on April 23, 2024. No public spoke during the meeting. The Planning Commission unanimously recommended approval of the conditional use permit.

This recommendation is based on staff's review and the finding that the proposed use complies with the General Plan and R-1-40 zoning standards.

Council Member Campbell asked why the Planning Commission did not have the approval authority for this application. Mr. Patterson stated that the conditional use process indicates that Planning Commission makes a recommendation, and the City Council is the approval authority. Council Member Campbell asked if that can be changed in order to streamline the process for this type of administrative application. Council Member Smith stated the Planning Commission is not an elected body and he feels the Council should retain responsibility for approving these types of applications. Council Member Campbell stated he agrees for legislative applications, but feels some administrative applications can be handled by the Planning Commission. Mr. Patterson stated that the City Council may want to consider conditions that could be imposed on certain applications and that may be why the Council should retain approval authority for this type of application.

Mayor Kurt Ostler opened the public hearing at 8:00 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 8:00 p.m.

Council Member Scott L. Smith MOVED that City Council accept the findings and APPROVE the conditional use permit subject to the following one (1) stipulation recommended by staff.

- 1. Approval is for conditional use permit only. Separate building permit is required, and actual construction to comply with all applicable building code requirements.*

Council Member Doug Cortney SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

c. ACTION: Mountain Ridge Park Ninja Course Location *General City Management*

Andy Spencer, City Engineer/Public Works Director

The Council will consider formally adding a fitness obstacle course, often called a Ninja Course, to the Mountain Ridge Park master plan; and select where the course should be located. The Council will also consider if the trail along the western border should be relocated to provide for additional trees outside the playfield area.

City Engineer/Public Works Director Spencer explained the City Council has discussed the inclusion of a possible Ninja Course since 2021 and actively planned for it in the option one location at Mountain Ridge Park since 2022; however, the advertised master plans have not depicted it. On April 30, 2024, the Council held a neighborhood meeting to receive input from the adjacent neighbors regarding the park planning specifically related to the location of the Ninja Course. On April 16, 2024, the Council authorized staff to move forward with contracts for the landscape, trail, and most elements of the baseball fields at Mountain Ridge Park for Phase II. Items that have been considered as highest priorities, but that could not be funded at that juncture were as follows:

- Conduits for future lighting
- Maintenance building
- Additional security cameras
- Ninja Course
- Futsal court fencing
- Concrete base for a future permanent stage
- Exterior fencing of the park

At that meeting, several of the adjacent neighbors along the western border, expressed concern regarding the impacts of the existing park elements and concern regarding the planned additions in phase 2 especially in relation to the Ninja Course. The Council opted to hold a neighborhood meeting to receive input from the neighbors regarding the park plan and Ninja Course location. Three options have been provided to the Council regarding the locations of both the Ninja Course and the western trail. The alternatives also include optional trees that can be donated by residents to increase the tree density and lessen the impact on neighbors. The Ninja Course options considered include two different types. The Gametime Ninja Course is the same one used in a popular Ninja Course in the St. George area. The cost of the Gametime option is \$178,000. The Xtreme Ninja Course 3 is being constructed in Eagle Mountain. The Cost of this option is \$355,000. All of the location options could support either Ninja Course type.

Mr. Spencer used the aid of a conceptual plan to orient the Council to each of the following three options:

- Option 1 - This is the current option that staff has been using in preparing construction to date. This option shows the Gametime Ninja Course and the trail closer to the western boundary. Concerns with this option are: Closest to neighbors and least tree buffering. Positives of this option are: lowest cost option and requires the least demolition of existing improvements.
- Option 2 - This option places the Ninja Course between the two smaller pavilions. It also moves the trail farther from the fencing on the west to allow for increased tree density. The Xtreme Ninja Course 3 is shown in this option. Concerns with this option are: Requires significant relocation of improvements, most impactful to future events layouts and sprinklers, and is the highest cost option. Costs are for additional trees, additional rock mulch, and significant relocation of existing improvements. The western soccer field is also impacted and cannot be a full-size playing field in this option. Positives with this option are: Ninja Course is the farthest from homes and allows for greatest tree density.

- Option 3 - This option places the Ninja Course between the western pavilion and the maintenance building; however, it orients the course in a way that allows for more tree density between the course and playground and the adjacent residents. This option also shows the Xtreme Ninja Course 3. The trail is moved farther from the western boundary to allow for increased tree density. Concerns with this option are: Requires demolition and relocation of improvements, impactful to sprinklers, and is the mid-cost option. Costs are for additional trees, additional rock mulch, and some relocation of existing improvements. Positives with this option are: Ninja Course is farther from homes and allows for greater tree density while leaving soccer fields intact.

Mr. Spencer concluded that the intent for this agenda item was to gather input/feedback from the Council regarding the preferred option in order for staff to proceed with planning and budgeting for this element of the project.

Council Member Rodela asked Mr. Spencer which option he recommends. Mr. Spencer stated that it is a personal preference; when he visited a similar project in Eagle Mountain, he felt that it would cater to another demographic. It targets children over the age of 12, up to adults and is more like exercise equipment than a playground. This type of course would ensure that there is something for everyone at the park regardless of age. Council Member Rodela stated that she also visited the Xtreme Ninja Course in Eagle Mountain with Mr. Spencer, and she recalled him saying that it was the 'missing element' for Mountain Ridge Park. She stated that she has a teenager and a seven-year-old and it is hard to find a park that has something for everyone, and she agrees that option three would expand the offerings of the park.

Mayor Ostler asked if the designs presented tonight include the footprint for the Xtreme Ninja Course equipment or the Gametime equipment. Mr. Spencer stated that options two and three include the Xtreme Ninja equipment footprint and option one shows the Gametime equipment; however, the Gametime equipment can fit in the same footprint as the Xtreme Ninja equipment. Mayor Ostler addressed Council Member Rodela's comments about the missing element of the park; he noted there are pickleball and basketball courts at the park that can be utilized by teens, and he asked if the ninja course will be more heavily utilized by teens than those courts are. Council Member Rodela answered yes; the ninja course will be attractive to teens that do not play sports; not all teens play sports and there are not many places for them to recreate outdoors if they do not play sports. One of the goals of this park was to address mental health issues in teenagers and to get them outside and disconnected from technology; yet, she has heard comments from the community that indicate that some do not want teenagers in the park. She wants teens to be healthy and outside in the community. Mayor Ostler asked if a ninja course is preferred over a skate park. Council Member Rodela stated she would love to have both; many teens are interested in skating as well. Mayor Ostler asked the Council if they think the City may be 'over-programming' the Mountain Ridge Park. Council Member Smith agreed with Council Member Rodela about the need for an element that is attractive to teens, but noted that he wants to be considerate of the neighbors and choose the location that will impact residents the least. This led to high level discussion and debate among the Council regarding their programming desires for the Park and the best option/location for the ninja course element. They sought input from Mr. Spencer about differences in costs for the three options and the loss of improvements that have already been completed at the Park based upon which option is chosen.

Council Member Campbell asked Chief Gwilliam if the City has an option to locate flock cameras or other security measures in the park. He also asked if there are proper ordinances or laws in place that would give the Police Department the authority to issue citations for the types of behaviors referenced earlier in tonight's meeting, such as throwing rocks down slides or urinating on the playground equipment. Chief Gwilliam stated that flock cameras cannot be used at the park, but there are other security cameras that can be used. Urinating in the park would be a misdemeanor offense that the Police can issue a citation for, regardless of the age of the individual participating in that behavior. A curfew violation is a bit more challenging; established curfews for those over the age of 16 are 1:00 a.m. on the weekends and 11:00 p.m. on weekdays. He stated that residents

have asked for a 10:00 p.m. curfew. Council Member Cortney asked if there is a difference between park operating hours and curfews. Chief Gwilliam stated that the City could adopt a City ordinance communicating the park operating hours and enforcement of that ordinance would be civil in nature. Mayor Ostler stated that the Police Department could be given the authority to issue a citation or civil penalty for violation of an ordinance regarding park operating hours. Chief Gwilliam agreed and stated that it will take regular enforcement of the ordinance in order for those violating the ordinance to understand that the park will be patrolled, and citations will be issued. Council Member Rodela stated she believed the City Council had adopted an ordinance that specified park hours for all parks in the City and she believed all parks close at 10:00 p.m. Mr. Patterson stated that the ordinance actually indicates parks are open from dawn to dusk, or 11:00 p.m. Administration can work with the Police Department to determine the best course of action in terms of enforcement. City Administrator Wells stated that it would be most helpful for the City to have uniform operating hours for all City parks. This led to broad discussion of the most effective enforcement practices and the City's use of footage gathered on City security cameras.

There was then discussion about the layout of other amenities at the park and any opportunities for adjusting the location of things like the stage, pickleball courts, and infrastructure. Council Member Cortney stated that he is concerned about adding another amenity or park element at this stage of the park development and his preference would be to set aside a location for the ninja course, but not build it for at least a year. He suspects that the currently high usage of the park will taper off after the 'newness wears off'. The Council discussed this idea, with a focus on the current usage levels of the park and whether that will change as other parks are built in other communities and/or sports programs are underway. Mr. Spencer added that construction of the ninja course would cause some destruction of surrounding areas and if the Council does decide to delay this element, he would suggest that grading and other construction prep at the ninja course site be completed at this time.

Mayor Ostler asked Mr. Patterson to address the concerns about liability associated with a ninja course. Mr. Patterson stated that as long as the ninja course is designed, installed, and maintained properly, the City will have very low liability. He stated this does not mean that people will not get injured on the ninja course or even that the City would never be named in any claim or lawsuit associated with the course, but liability will be low. He stated that the City can utilize signage to communicate proper usage of the course for parents and kids.

Council Member Rodela stated that she supports option one or three for the ninja course; she would also like a 10:00 p.m. curfew that is enforced by the Police Department and for security cameras to be installed.

Council Member Smith stated he wished to acknowledge the concerns of the neighbors; he stated that Canal Boulevard runs through the southern part of his neighborhood, and he fought against that improvement because he knew how it would impact his neighborhood. However, it was eventually built, and the City did what it could to reduce the impact on private property owners. He stated the Council must balance the common good with the needs of a smaller group of residents. He stated that the park has been planned for 17 years and he feels it has been planned for the common good; he supports a 10:00 p.m. curfew, security cameras, increased Police presence, and even a neighborhood watch program. He stated he also supports moving the trail further to the east and planning more trees as a buffer. He also likes the idea of a ninja course and prefers option three because it moves the amenity furthest away from the residential properties and does not impact the soccer field.

Council Member Kim Rodela MOVED that the City Council APPROVE Master Plan Option 3 with the Xtreme Ninja Course option and direct staff to implement this master plan in pending construction projects.

Council Member Scott L. Smith SECONDED the motion.

Council Member Cortney asked if the motion includes funding the course. Mayor Ostler stated that a separate action will need to be taken regarding funding of the ninja course. Mr. Patterson stated that is correct; this action

will give staff the ability to proceed with designing the ninja course and redesigning the rest of the park to include the amenity. Ms. Wells indicated that funding options will be presented to the Council in the future.

The vote was recorded as follows:

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

The motion passed 5:0.

Council Member Brittney P. Bills left the meeting at 9:00 pm.

d. ACTION: American Fork River Diversion Structure Reconstruction Prepayment to American Fork Irrigation Company *General City Management*

Andy Spencer, City Engineer/Public Works Director

The City Council will consider authorizing a prepayment of a portion of the City's annual water assessments to American Fork Irrigation Company to be used for the reconstruction of the diversion structure (weir) at the mouth of American Fork Canyon.

City Engineer/Public Works Director Spencer explained the weir at the mouth of American Fork Canyon was constructed by Dickerson Featherstone Contractors in 1920. This structure has served its purpose well for the last 104 years, especially considering the damage it receives each year during high runoff. At this time, the structure is in need of major repairs and upgrades. The three irrigation companies that are served by this structure are American Fork Irrigation Company (AFIC), Lehi Irrigation Company, and Pleasant Grove Irrigation Company. Highland City receives a substantial percentage of our irrigation water through shares owned in each of these three companies. The companies have contracted with Horrocks Engineering for the design of the new structure and have been working closely with them for the last few years to ensure the proper structure is designed and built to last another century. The project was placed out to bid earlier this year and two bids were received. The low bid on the project was FX Construction. The project cost including the contractor bid, design, and construction management, is \$12,176,097. The project is being primarily funded through a grant from the Natural Resources Conservation Service (NRCS). NRCS has to contract with a local agency, and they have authorized Pleasant Grove City to be the project sponsoring agency. NRCS has tentatively committed to a minimum of \$7.5M of the overall costs, and they may fund up to \$9.45M, which is 75 percent of the overall cost of the project. Currently, Pleasant Grove Irrigation Co. and Lehi Irrigation Co. have sufficient money to fund their portion of the project. American Fork Irrigation, however, is approx. \$1M short in funding as they represent 62 percent of the weir ownership. Each year, the shareholders, including Highland City, pay AFIC annual assessments to support the ongoing operational costs of the irrigation company. With the financial assistance of the majority shareholders, Highland City (+/- 25 percent) and American Fork City (+/- 75 percent) each agreeing to make prepayment of a portion of their annual AFIC assessments for the next 4 years, it will make up for the lack of funding that is needed to fund the project and allow the project to begin this year. To formalize this prepayment, an agreement is proposed between Highland City and American Fork Irrigation Company outlining the details of the prepayment and duration of the payment credits. The cost of this pre-payment is \$265,306. Funding for this expense was not included in the FY24 budget under GL53-40-74 Water share Assessments. As this expenditure was not included in the budget, it will need to be funded by PI Fund balance and will be included as part of the final budget

adjustments unless otherwise directed by the Council. At the end of FY23 this fund had \$4,391,362, and at the end of FY25 is anticipated to have \$3.4M remaining in fund balance.

Council Member Smith agreed that the weir must be rebuilt, and he supports this appropriation; however, it seems there is a significant variation relative to the amount that the Federal Government may fund. Mr. Spencer stated that the Federal Government has indicated they will fund \$7.5 million; they have also indicated they will fund 75 percent of the construction and 100 percent of the engineering costs. The maximum they anticipate funding is \$9 million and the minimum is \$7.5 million. The AFIC is simply awaiting notification from the NRCS. He then concluded by noting there will be a short-term impact on the nearby park during the construction of the project, but the construction timeline will be fairly short because the weir must be in operation during the irrigation season.

Council Member Ron Campbell MOVED that City Council approve the agreement with American Fork Irrigation Company for the pre-payment of \$265,306 which will be used for the reconstruction of the diversion structure at the mouth of American Fork Canyon and partially offset the City's annual assessments until the pre-payment credit is exhausted.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 4:0.

Mayor Kurt Ostler moved to agenda item 6b, noting there are residents present to hear the discussion of this item.

6. DISCUSSION

b. Potential Adjustments to Park Hours *General City Management*

Erin Wells, City Administrator

The Council will consider the City's current ordinances on park hours, sound regulations, and curfew hours, and give direction for any changes they would like to see.

City Administrator Wells explained recent discussions have taken place between residents, City Council, and staff regarding park hours specifically in relation to the new park by Mountain Ridge Jr. High. Staff is seeking Council direction on what, if anything, to change in the municipal code in relation to park hours. She reviewed the current ordinances regarding park hours, noise/light nuisances, and curfews for 16 years old and those over 18 years of age. She noted that rather than having different hours for parks across the City, staff would recommend reducing all park hours to 10:00 p.m. Staff also feels like while it makes sense to allow quiet activities such as walking trails in the parks at 5:00 a.m., it would be better to wait until 6:00 a.m. for potential louder activities such as team sports on a grass field or pickleball games. The Council briefly discussed the proposal and ultimately expressed support for the changes, with a clarification that the hours for Highland Glen Park will remain posted as ‘from dawn to dusk’. They also briefly discussed the manner in which the updated ordinances will be enforced, after which Ms. Wells stated Administration will bring an expedited action item to the Council in a future business meeting.

e. ACTION: Williams View Subdivision - 11200 North Reimbursement Agreement *General City Management*

Andy Spencer, City Engineer/Public Works Director

The City Council will consider a reimbursement agreement with the Williams View Development located at 11200 North and 6000 West for City improvements including placement of curb, gutter, sidewalk, asphalt widening, and associated irrigation ditch adjustments on the southern portion of 11200 North from 6000 West to 5909 West and on 6000 West along the first property frontage south of 11200 North.

City Engineer/Public Works Director Spencer explained the Williams View subdivision was approved for construction on September 14, 2023. At the time of approval, it was anticipated that minor impacts to 11200 North roadway would be needed to make the necessary utility connections. As the development has progressed and exact locations and alignments of utilities have been located, much more asphalt was required to be removed. With the majority of the asphalt requiring removal, it was decided by the developer to remove all the existing asphalt to provide a solid good section of asphalt across the frontage of this development. At that time, the City Staff reanalyzed the development and saw the opportunity to continue the curb, gutter, and sidewalk at this time as the contractor is on site making the improvements. This will improve the south edge of the road by providing a good concrete edge to pave against. Doing so will prolong the life of the road and provide a continuation of the curb, gutter and sidewalk on this portion of roadway. It is the staff's opinion that it may be many years in the future before this connection of sidewalk and curb/gutter would otherwise occur. This time appears to be the best and least expensive opportunity to complete these improvements. The cost of this project is \$159,980 including a 10 percent contingency. Funding for this expense was not included in the FY24 budget. As this expenditure was not included in the budget, it will be funded by the Road Capital Fund which currently has \$496,314 available in impact fees, without any other planned projects this fiscal year. Expenses will come from 41-40-70 Capital Road Projects, and will be included as part of the final budget adjustments unless otherwise directed by the Council. Staff recommends entering into a reimbursement agreement with Williams View Development to make roadway improvements to the south side of 11200 North between 6000 West to the east property line of 5909 West and extending southward on 6000 West for one property. These improvements will include the installation of a curb, gutter and sidewalk to the edge of roadway which will improve the longevity of the roadway pavement creating a better pavement lifespan. The improvements will also continue connectivity of sidewalk for pedestrians in this area.

Council Member Brittney P. Bills returned to the meeting at 9:18 p.m.

Council Member Smith asked how wide the road will be. Mr. Spencer stated it will match the existing road to the east; the asphalt section of that road is 34 feet wide.

Council Member Scott L. Smith MOVED that City Council APPROVE the Reimbursement Agreement with the Williams View Development for the roadway improvements along 11200 North and 6000 West up to an amount of \$159,980 and AUTHORIZE the Mayor to sign the agreement and any other associated documents.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

Council Member Scott L. Smith Yes

The motion passed 5:0.

f. ACTION: Jordan Valley/Central Utah Encroachment Agreement General City Management
Andy Spencer, City Engineer/Public Works Director

The City Council will consider entering into an encroachment agreement with the United States of America for roadway improvements on 6000 West at 10100 North. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained as a part of the completion of the frontage improvements for the 6000 West pump station, the City and County are planning improvements to 6000 West, 10100 North, and the Murdock Trail. This is a heavily used road and trail crossing that the City has wanted to make improvements on for some time. Staff feels it is appropriate to do so while the construction of the adjacent 6000 West pump station is underway. The improvements are currently out to bid and will be coming to Council shortly for contract approval. Attached to this report is a map of the planned work. These improvements will cross pipelines owned and managed by Jordan Valley Water Conservancy District and Central Utah Water Conservancy District. The easements for the corridor and management of these facilities fall under the jurisdiction of the United States Department of the Interior, Bureau of Reclamation. To be in compliance with the easements and regulations associated with these facilities, the City is required to enter into an encroachment agreement granting permission for the surface improvements to within the pipeline easement corridor. The expansion of the roadway does require relocation of a few minor facilities associated with the pipelines. This work is being included in the pending bid for the pump station. Funding for this expense is included in GL 53-40-60, Pressurized Irrigation Fund - Capital Expenses/Projects, within the FY2024 and tentative FY2025 budget. Mr. Spencer concluded staff recommends approval of the encroachment agreement.

Council Member Smith discussed historical trail projects and asked if there is any potential of tunneling or bridging this project. Mr. Spencer stated that tunneling or bridging is always going to be more expensive than a surface improvement; in this case, he feels the recommendation is appropriate and the most fiscally responsible option at this time. He added that he is hopeful the design of the project will incorporate traffic calming measures at the point where the trail crosses the road, as well as other elements that will help to slow the bicycle traffic on this section of the trail to reduce the danger at the road crossing.

Council Member Doug Cortney MOVED that City Council APPROVE the encroachment agreement and AUTHORIZE the Mayor to sign the agreement.

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

Mayor Kurt Ostler moved to agenda item 7d.

7. COMMUNICATION

d. Fence Ordinances: Trail Corridors and Collector Roads *Kim Rodela, Council Member, Rob Patterson, City Attorney*

Council Member Rodela used the aid of a PowerPoint presentation to summarize the City's current fencing ordinances for areas along trail corridors and collector roads:

- Open fencing always permitted
- Bottom four feet privacy, top two feet can be 55 percent open; required if:
 - The corridor/open space is less than 30 feet and not adjacent to a road
 - The corridor/open space is more than 30 feet but cannot be seen from two public places
- Six-foot privacy fencing permitted if the corridor/open space is wider than 30 feet and area can be seen from two public areas

She presented photos of several properties and areas along the trail for which the current fencing violates the current ordinance; she would like for the Council to consider if the current ordinances are reasonable and if there may be opportunities for allowing more exceptions or case-by-case imposition of the regulations based upon extenuating circumstances.

The Mayor and Council engaged in philosophical discussion and debate of the most appropriate fencing regulations for areas along a trail corridor; the Council indicated they would like to learn what ordinances other cities have in place for properties along a trail corridor. They expressed a willingness to provide more flexibility for properties that are shorter in length along a trail corridor, perhaps under 200 feet and where a trail corridor is of a certain width, perhaps 25 feet.

City Attorney/Planning & Zoning Administrator Patterson then discussed street-side fencing, summarizing the City's current regulations as follows:

- Side/rear lot fencing required to be 66 percent open if on property line (min six feet from curb)
- Side/rear lot fencing can be privacy fencing if 14 feet from curb along residential and collector streets (leaves hard-to-access lawn)
- General streets: four-foot park strip, five-foot sidewalk, five-foot private property
- State highways and arterial streets, fences are setback 29 foot with parkway detail or are required to be setback 30 foot from back of curb.

The Council indicated they do not have a strong desire to change the regulations regarding street-side fencing.

Mr. Patterson noted other issues that have arisen regarding fencing, include what can be defined as a retaining wall and what qualifies as 66 percent open for street-side fencing. He provided photographs of examples of properties that have caused confusion regarding whether a structure is a fence or a retaining wall. He asked the Council if they would like him to attempt to craft language that clearly defines a retaining wall versus a fence. The Council answered yes.

The Council also expressed support for adjusting fencing regulations for other public entities or utility companies, to allow chain link fencing on those properties.

Council Member Doug Cortney MOVED to extend the meeting to 10:30 pm. Council Member Ron Campbell SECONDED the motion. All voted in favor, except Council Members Kim Rodela and Brittney P. Bills. The motion passed.

5. EXPEDITED ITEMS

Items in this section are to be acted upon by City Council. These items have been brought before Council

previously. The report and presentation may be abbreviated.

a. PUBLIC HEARING/ORDINANCE: PUBLIC HEARING: Dandi Annexation Land Use (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will hold a public hearing to consider a request from Amanda Meyer, representing Christopher Anderson, to annex approximately 2.56 acres of property located at 6481 West 9600 North. The purpose of this item is for the Council to make a final decision whether to allow the annexation and to approve the conditions of annexation. The Council will take appropriate action.

City Attorney/Planning & Zoning Administrator Patterson explained on March 19, 2024, the Council considered whether to accept the applicant's annexation petition for further consideration. The Council approved the resolution accepting the petition and directed City staff to proceed with the public notice and protest period. The Council also directed staff to prepare an annexation agreement that would allow for the annexation subject to the property owner completing certain road improvements to 9600 North adjacent to the property, connecting the existing home to all City utilities, removing unused irrigation ditch facilities, and paying applicable impact fees for the property. The petition was certified by the City Recorder on March 28, 2024, and staff have provided notice of the certification, the method and timing for any person to file any protest, and of the public hearing scheduled tonight. No protests were filed, and no other comments have been received regarding the annexation. City staff have prepared an annexation agreement that requires the applicant to complete right-of-way improvements to 9600 North, connect the existing home to City utilities, remove unused irrigation ditch facilities, and pay impact fees for the property. Staff have proposed the timing of these obligations in connection with the annexation to be as follows:

1. Council adopts the ordinance approving the annexation conditioned on the applicant's payment of all required impact fees and the execution and recordation of the annexation agreement.
2. The applicant pays impact fees and records the executed annexation agreement.
3. Staff file the appropriate paperwork with the state and county to complete the annexation.
4. Prior to any further development or building on the annexed property, the applicant completes the road, ditch, and utility improvements. If the applicant does not build on the property, the applicant is required to complete those improvements within 4 years or to repay the City's costs of doing those improvements on applicant's behalf.

Staff have no reservations about approving the annexation. The draft ordinance approving the annexation specifies that the annexation cannot be completed (filed with the state and county) until the annexation agreement is signed and recorded and impact fees are paid. This ensures that the applicant complies with the terms of the annexation.

Mayor Kurt Ostler opened the public hearing at 9:59 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 9:59 p.m.

Council Member Kim Rodela MOVED that City Council APPROVE the annexation agreement and ADOPT the ordinance approving the Dandi annexation subject to the conditions set forth therein.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>

Council Member Doug Cortney Yes
Council Member Kim Rodela Yes
Council Member Scott L. Smith Yes

The motion passed 5:0.

b. ORDINANCE: Campaign Finance Regulations Municipal Code Update (Legislative)

Rob Patterson, City Attorney

The City Council will consider a proposed amendment to the municipal code related to candidates for election and campaign finances.

This item was moved to a future meeting.

6. DISCUSSION ITEMS

Items in this section are for discussion and direction to staff only. No final action will be taken.

a. Alpine Highway Fence Replacement Program General City Management

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Council will discuss options for a grant/reimbursement program for the Alpine Highway fence.

This item was moved to a future meeting.

c. Parks Maintenance Care Priorities - Trail Corridors and Natural Vegetation General City

Management

Andy Spencer, City Engineer/Public Works Director

The City Council will discuss maintenance of native plant areas along trails and naturally vegetated parks.

City Engineer/Public Works Director Spencer and other members of Public Works staff discussed maintenance priorities in City parks and along trail corridors; over the past several years, the City has worked diligently to care for the weeds along the trail corridors by mowing the edges of the trails and spraying for weeds. The parks team also mows the larger native grass areas a few times each year. Staff has recently learned that cutting of grasses in native areas actually promotes puncture weed growth. Staff is investigating more aesthetic seed that would allow for grasses to remain taller along the trail corridors, thereby reducing the puncture weed growth. At times, comments are provided by citizens that the native areas of the City need to be mowed to keep down the fire danger. In discussion with the fire department, if the cut grass is allowed to fall to the ground, the dry fuel for a fire still exists at the location and the fire danger is not dramatically reduced. The brush cutting mower the City uses does not pick up the clippings. Additionally, there is some risk of starting fires with the brush cutting mower during the hottest parts of the season. Further, some of the larger areas take a substantial amount of time to mow and while the edges of the properties are adjacent to homes, a majority of the area is not. Staff is requesting guidance from the Council regarding the frequency and degree that the Council would like to target for mowing in these areas.

Staff presented photos to illustrate the length of trails along which they perform maintenance and the native areas that are maintained by the City. They engaged in discussion with the Mayor and Council regarding their feelings about optional changes in procedure in terms of weed mitigation and landscape maintenance. The Council provided feedback regarding the areas they feel should be regularly mowed and maintained in order to avoid fire dangers or safety issues for individuals using the trails. They noted, however, that there are some areas where it will not be a problem to allow the grasses to grow taller.

7. COMMUNICATION ITEMS

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

a. Update on Traffic Calming Toolbox Implementation *Andy Spencer, City Engineer/Public Works Director*

This item was moved to a future meeting.

b. School District Boundary Reorganization Timeline *Rob Patterson, City Attorney*

City Attorney/Planning & Zoning Administrator Patterson reported that following last week's meeting regarding this matter, City Administration filed a request with the County Clerk regarding the City's intent to proceed with negotiation of an interlocal agreement with other municipalities regarding School District reorganization. He summarized the next steps in the process as defined by State Law and indicated that if all conditions in the law are satisfied, the Council must make a decision by August 7, 2024 regarding a ballot initiative to allow residents to vote on the reorganization. There will be several opportunities for public hearings or open houses regarding the matter.

Council Member Cortney stated that he would like to have at least three public hearings, with one of those specifically dedicated to current school district employees. Mayor Ostler asked why the school district employees could not simply attend one of the regular public hearings. Council Member Cortney stated they can, but dedicating a public hearing to them specifically will help to communicate that the City is concerned about how this matter will impact them uniquely and will help to alleviate any concerns as the matter proceeds to a public vote. Council Member Campbell stated that he is concerned about the perception that would create; he wants parents in the community to know that the City cares deeply about them as well. He does not want parents to feel the needs of school district employees are prioritized over theirs. Council Member Rodela agreed; she would like public employees to mingle with students and parents as part of a general public hearing. Council Member Cortney stated that his concern may be addressed if the City extends an invitation to school district employees to get involved. Council Member Campbell stated he can support that. Mayor Ostler agreed with Council Member Rodela and indicated that he and the Council are charged with representing all residents of the community, not just one group of people. Council Member Smith stated he supports getting teachers and other school district employees involved in the discussion because if they do not support the reorganization, the ballot measure will likely fail. Council Member Bills stated she does not think it would be problematic to invite teachers to one of the three public hearings; oftentimes teachers are not willing to talk about all their concerns in a larger group of people and they may feel safer sharing their feelings in a meeting dedicated to them. Mayor Ostler stated that may be better accomplished via an open house. Council Member Bills agreed.

c. Short Term Rental Owner Occupancy Code *Kim Rodela, Council Member, Rob Patterson, City Attorney*

This item was moved to a future meeting.

e. Accessory Structures Restrictions and Ridgeview PD *Scott Smith, Council Member, Rob Patterson, City Attorney*

This item was moved to a future meeting.

f. FY20204 Financial Report *David Mortensen, Finance Director*

This item was moved to a future meeting.

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

Administrator

This item was moved to a future meeting.

8. 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.

At 10:26 pm Council Member Doug Cortney MOVED that the City Council recess to convene in a closed session to discuss reasonably imminent litigation and the purchase, exchange, or lease of real property, 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 Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed unanimously.

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

The CLOSED SESSION adjourned at 10:48 pm.

ADJOURNMENT

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

The meeting adjourned at 10:50 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on May 7, 2024. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC
City Recorder



CITY COUNCIL AGENDA REPORT

ITEM #2b

DATE: June 4, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Short Term Rental Owner Occupancy Code
TYPE: Municipal Code Update (Legislative)

PURPOSE:

The City Council will consider a proposed amendment to certain definitions to Municipal Code 5.24.020 related to short-term rentals and owner-occupancy thereof.

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt and APPROVE the proposed amendments to Municipal Code 5.24.020.

PRIOR COUNCIL DIRECTION:

On May 21, 2024, the City Council discussed whether to amend the City's short-term rental regulations to address a "loophole" in the owner-occupancy requirement that allowed a property owner to have a short-term rental property be considered "owner occupied" even if the owner was physically absent from the property for multiple months. The Council directed staff to prepare an amendment to close this loophole and to bring the amendment back to the Council for approval on the Council's consent agenda.

BACKGROUND:

Highland Municipal Code 5.24 allows for the operation of short-term rentals so long as the short-term rental property is "owner occupied." As currently defined, "owner occupied" means the "full-time, primary residency of the home by the owner as shown on the Utah County Tax Assessment rolls." This current definition requires the owner of a property to designate the property as their primary residence, meaning they reside there at least 183 consecutive days in a year. This allows an owner to be absent from their home up to 182 days a year and still use their home as a short term rental during that absence (or any other time during the year). This does not appear to have been the Council's original intent in requiring short-term rental properties to be owner occupied.

The proposed amendments address this loophole and clarify other provision related to ownership of a short-term rental property:

- Requires the owner to physically occupy and reside in the home while its being used as a short-term rental.
- Expands the definition of "owner" to include the owner of a business (like an LLC) that resides in a home owned by the LLC
- Clarifies that designation of a property manager does not exempt the owner from their responsibility to comply with City short-term rental regulations

FISCAL IMPACT:

No anticipated fiscal impact.

MOTION:

I move that the City Council adopt and APPROVE the proposed amendments to Municipal Code 5.24.020.

ATTACHMENTS:

1. Ordinance Amending HMC 5.24.020

ORDINANCE NO. 2024-_____

**AN ORDINANCE AMENDING HIGHLAND CITY MUNICIPAL CODE 5.24.020
RELATED TO DEFINITIONS FOR SHORT-TERM RENTAL REGULATIONS**

WHEREAS, Highland City is authorized to adopt rules and regulations regarding the use of properties for short-term rental purposes;

WHEREAS, Highland City has previously adopted such regulations and has required that short-term rentals be “owner-occupied,” meaning occupied by the owner of record as their primary residence according to county records;

WHEREAS, the Highland City Council desires to amend its short-term rental regulations to clarify who may be considered an owner and the owner’s responsibility for the short-term rental and to require that owners occupy and reside in a home at all times the home is used for short-term rental purposes;

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

SECTION 1. Section 5.24.020 of the Highland Municipal Code is amended as follows:

5.24.020 DEFINITIONS

"Bedroom" means a room designated and used primarily for sleeping and rest.

"Owner" means the record owner of the short-term rental property, including ~~or the a~~ trustor or trustee of the trust, as shown by the trust documents, that is the record owner of the short-term rental property or an owner of a business entity, as shown by business records, that is the record owner of the short-term rental property.

"Owner Occupied" means full-time, primary residency of the ~~home~~ property by the owner as shown on the Utah County Tax Assessment rolls, with such owner physically occupying and residing in the property at all times the property is used for short term rental purposes.

"Short-term rental" means the rental, letting of rooms or subleasing/renting of any structure, dwelling, or portion thereof for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty consecutive days.

"Short-term rental operator" or "operator" means the owner or a responsible party designated by the owner of a short-term rental

property to act for and in behalf of the owner in managing the property. If the operator is not the owner, the actions, undertakings and certifications of the operator shall be deemed binding on the owner. Designation of an operator does not relieve the owner from complying with all requirements set forth herein.

"Short-term rental property" means any real property used, or to be used, for short term rentals purposes.

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

SECTION 3. This ordinance shall take effect immediately upon its adoption and publication, in accordance with law.

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

Mayor

ATTESTED:

City Recorder

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



CITY COUNCIL AGENDA REPORT

ITEM #2c

DATE: June 4, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Personnel Policy FMLA Updates
TYPE: General City Management

PURPOSE:

The City Council will consider adopting proposed amendments to the City's personnel policies related to FMLA and similar federal laws.

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt and APPROVE the resolution amending the City's personnel policies.

PRIOR COUNCIL DIRECTION:

On May 21, 2024, the City Council considered the proposed amendments to the City's personnel policies. The Council supported the amendments and directed staff to prepare the amendments for adoption on the Council's consent agenda.

BACKGROUND:

The Family Medical Leave Act (FMLA) generally requires covered employers to provide up to twelve weeks of unpaid FMLA leave to eligible employees when the employee or close family members of the employee experience certain situations. FMLA leave for medical/military reasons (for the employee or employee's family member) can be used either in a 12-week block or on an intermittent basis, depending on the needs of the employee. However, FMLA leave for birth/placement of a child, where there is no medical necessity, does not need to be offered by an employer on an intermittent basis.

The City currently allows two options for the use of FMLA leave with the birth or placement of a child: a single, 12-week block of leave or an 8-week block of leave followed by an 8-week part-time leave. The Council discussed allowing greater flexibility with the use of FMLA leave, compliance with other federal regulations, and flexibility in the use of accrued leave with FMLA leave. The proposed amendments to the policies discussed by the Council and proposed to be adopted are summarized as follows:

- Adds a specific statement regarding the City's compliance with all state and federal employment and anti-discrimination regulations
- Reduces the amount of accrued leave that is required to be used for FMLA leave; all admin and comp leave must be used, and all vacation and sick leave beyond 40 hours each must be used, though employees may choose to use that time
- Clarifies maternity is paternal leave, as it applies to all parents

- Allows FMLA leave for parental leave to be used in any of the following methods:
 - As a continuous block of time (up to 12 weeks)
 - On any schedule as required by the medical needs of the parent/child
 - Where not medically required, on a part-time/intermittent basis on a schedule that is submitted by the employee and reviewed and approved by the employee's supervisor, the human resource generalist, and city administrator. This may include work-from-home options. Not all requested schedules may be accommodated, but are based on the employees' responsibilities and needs of the City and the employee's department.

Staff believes that these changes will provide for a more family friendly work environment for employees which will help the City attract and retain quality employees while still balancing the needs of the organization.

FISCAL IMPACT:

No anticipated fiscal impact.

MOTION:

I move that the City Council adopt and APPROVE the resolution amending the City's personnel policies.

ATTACHMENTS:

1. Resolution - Personnel Policies Amendment (FMLA) 2024

Highland City, Utah

RESOLUTION NO. 2024-_____

A RESOLUTION AMENDING THE HIGHLAND CITY PERSONNEL POLICES AND PROCEDURES MANUAL

WHEREAS, pursuant to Utah Code § 10-3-717 and Utah Code § 10-3-1103, Highland City is authorized to adopt personnel policies and to maintain and provide health and other benefits to city personnel;

WHEREAS, Highland City has previously adopted personnel policies related to providing parental leave and complying with federal regulations;

WHEREAS, the Highland City Council desires to amend the City's personnel policies to ensure compliance with governing law and allow greater flexibility and clarity in the use and availability of parental/FMLA leave;

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

1. The City Council approves of and adopts the amendments to the Personnel Policies and Procedures Manual for Highland City attached hereto as Exhibit A.
2. The City Council authorizes the City Administrator and City Staff, as necessary, to implement the personnel policies, as amended, according to the terms set forth therein.
3. All previous versions of the City's personnel policies or portions thereof in conflict with the amendments approved herein are hereby repealed, superseded, and replaced by the personnel policies as approved and amended by this resolution as of the effective date of this resolution.
4. This resolution shall take effect immediately upon adoption.

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

Mayor

ATTESTED:

City Recorder

COUNCILMEMBER

YES

NO

Brittney P. Bills

Ron Campbell

Doug Cortney

Kim Rodela

Scott L. Smith

EXHIBIT A

Approved Amendments to Personnel Policies and Procedures Manual for Highland City

SECTION 5: UNLAWFUL DISCRIMINATION, HARASSMENT (INCLUDING SEXUAL HARASSMENT) AND RETALIATION

7. FEDERAL REGULATIONS

Highland City will follow and comply with all state and federal employment and anti-discrimination regulations, including those related to the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), and the Pregnant Workers' Fairness Act (PWFA). Employees may request reasonable accommodations or additional information regarding their rights by communicating with their supervisor or the human resource generalist.

SECTION 18: FAMILY AND MEDICAL LEAVE ACT (FMLA)

3. LEAVE OPTIONS.

A. Employees on FMLA leave must use ~~any-all~~ accrued administrative and compensatory vacation and sick leave and all vacation and sick leave accrued beyond 40 hours of each type for the FMLA leave. Employees ~~and~~ will be paid for that portion of the FMLA leave covered by the hours of paid leave being used.

B. Employees on FMLA leave may choose to use remaining vacation or sick leave not required to be used in order to be paid for additional portions of their FMLA leave.

C. All FMLA leave taken when there is no accrued ~~vacation and sick~~ leave used will be unpaid leave.

SECTION 19: LEAVES OF ABSENCE

5. MATERNITY-PARENTAL LEAVE.

A. Employees who have given birth, ~~or employees~~ whose spouse has given birth, ~~and employees who have children placed with them for adoption or foster care~~ may use maternity-parental leave in accordance with the Family and Medical Leave Act (FMLA) and the City's related FMLA policies in Section 18 and this section.

B. Employees must provide ~~through one of the following options (unless otherwise required by medical necessity)~~ by providing at least thirty (30) days advance notice of the need for FMLA Leave, where possible, to their supervisor and the City's human resource generalist. If advance notice cannot be given due to an emergency, the employee should notify their supervisor and the City's human resource generalist as soon as practicable.

C. FLMA Leave and Modified Schedule. The use of FMLA leave for parental leave counts against the twelve (12) week total allotment of FMLA leave. Parental leave must be used within twelve (12) months of date of the child's birth or placement. Parental leave may be used according to the following schedules:

(1) Standard FMLA Leave. An eligible employee may use available FMLA leave for parental leave as a single, continuous block of leave, up to twelve (12) work weeks, after which the employee shall return to their usual work schedule. The terms and conditions of this leave are governed by Section 18.

(2) Adjusted Work Schedules and Intermittent Leave Usage.

(a) An eligible employee may use their FMLA leave for parental leave over the twelve (12) month period from the birth or placement of the child according to any schedule required by the medical needs of the parent or child. No special permission is required to use FMLA leave on an intermittent basis due to medical necessity, but the employee must notify and communicate with their supervisor and the City's human resource generalist to coordinate leave usage and work schedules.

(b) An eligible employee may request to use FMLA leave for parental leave on an intermittent, reduced, or part-time leave basis. The employee must inform the City's human resource generalist of their request and proposed schedule of leave usage and work. The City will attempt to accommodate requested schedules, but the availability of adjusted leave and work schedules depends on the needs of the City and the employee's department, and therefore not all proposed schedules will be able to be approved. The city administrator, or designee, will determine the availability of adjusted leave and work schedules, in consultation with the employee, the employee's supervisor, and the City's human resource generalist.

~~(2) Modified FMLA Leave. Instead of using all FMLA leave as a single, continuous block, an eligible employee who has at least eight (8) weeks of FMLA leave available may use their FMLA leave as follows:~~

~~(a) The employee shall initially use eight (8) weeks of FMLA leave from the birth as a single, continuous block of leave. The terms and conditions of this leave are governed by Section 18.~~

~~(b) After the initial eight week leave period, the employee shall return to work on a reduced time work schedule for up to eight (8) weeks, during which the employee shall use their remaining FMLA leave however, an employee must work a minimum of 20 hours on premise. The reduced-time schedule for maternity leave must be approved by the employee's Department Head and the City Administrator. The difference between the employee's usual work schedule and the employee's reduced time~~

~~schedule must be made up 94 by the employee's remaining FMLA leave, and any employee absence during scheduled hours shall be counted as FMLA leave.~~

~~(c) The reduced time schedule shall end and the employee shall return to their usual work schedule after either~~

~~(i) sixteen weeks from the birth or~~

~~(ii) depletion of the employee's remaining FMLA leave under the reduced time schedule, whichever occurs first.~~

~~(d) The employee must use any accrued vacation time for FMLA leave used as part of a reduced time schedule and will be paid for that portion of the leave. Sick leave may not be used as part of a reduced time schedule.~~

~~(e) During a reduced time schedule, Highland City shall maintain benefits for the employee as though the employee were working their usual work schedule. The employee will typically be restored to their original or equivalent positions and other employment terms, as set forth in Section 18, upon returning to their usual work schedule.~~

~~(3) An employee shall inform the City Human Resource Generalist of which option they choose within thirty (30) days of taking maternity leave.~~



CITY COUNCIL AGENDA REPORT

ITEM #3a

DATE: June 4, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, City Engineer/Public Works Director
SUBJECT: Reimbursement Agreement for Millhaven Development (Pressure Reducing Valve and Canterbury Trail Connection)
TYPE: General City Management

PURPOSE:

The City Council will consider approving a contract with Millhaven Development LLC to reimburse them for the cost of installing a Pressure Reducing Valve (PRV) and the Canterbury trail connection.

STAFF RECOMMENDATION:

Staff recommends that the City Council APPROVE the reimbursement contract with Millhaven Development LLC.

PRIOR COUNCIL DIRECTION:

On April 11, 2024, the City's Development Administration Board approved the final plat for Foxwood Estates as a 20-lot subdivision. On April 16, 2024, the City Council approved a plat amendment for the Foxwood Estates subdivision reconfiguring and combining three lots (17, 18, and 19) into two lots. The Council has not previously considered this contract.

BACKGROUND:

As part of the Foxwood Estates Subdivision being developed by Millhaven, City staff asked the developer to install two public improvements that are not required for the development specifically, but benefit the City systems as a whole and are directly adjacent to the development so installation with the development is prudent. The two improvements are a (1) a pressure-reducing valve ("PRV") for the City's culinary water system and (2) a trail connection on City property that will connect the Murdock Canal Trail through Foxwood Estates to the City Center Trail.

The City's culinary water system master plan has anticipated a PRV being installed in the general Canterbury area for several years. With the Foxwood Estates Subdivision being developed, it made sense to complete the PRV project now, rather than later, in order to obtain cost savings (avoiding future road cuts and utility work) and expedite the completion of the needed PRV project. Millhaven has agreed to install the PRV as part of their utility work within Avery Avenue, subject to reimbursement by the City. The PRV is not required to serve or as a result of the Foxwood Estates Subdivision, but rather is a system-level improvement that will benefit Highland residents. Accordingly, the City cannot require Millhaven to pay for or install the PRV. The cost of the PRV is \$61,144.21.

The City's trail master plan has planned for an off-street trail connection along the "Workman hollow" connecting the City Center Trail through Canterbury to the Murdock Canal Trail. When Canterbury was

developed, the City acquired and preserved a trail corridor to facilitate this future connection. Millhaven is constructing trail facilities within the Foxwood Estates Subdivision as part of their development, which will extend the City Center Trail to dead-end at the Canterbury trail corridor. Staff asked Millhaven to continue the trail improvement through the Canterbury trail corridor, even though that connection would not be required for the subdivision, in order for the City to obtain cost savings and allow for a full trail connection as soon as possible. The cost of the Canterbury trail connection is \$35,531.85.

The reimbursement agreement provides that the City will reimburse Millhaven the costs of the PRV and Canterbury trail connection upon completion and acceptance of the improvements, in a total reimbursement amount of \$96,676.06.

FISCAL IMPACT:

The combined cost of these projects is \$106,343 with a 10% contingency. Funding for this expense is included within the tentative FY2025 budget as follows:

- \$67,258 in 55-40-78 Grants Capital Outlay from the Culinary Water Fund
- \$39,084 in 40-40-76 Trails from the Parks Capital fund

MOTION:

I move that City Council APPROVE the reimbursement contract with Millhaven Development LLC in an amount up to a total cost of \$106,343 and AUTHORIZE the Mayor to sign the agreement.

ATTACHMENTS:

1. Reimbursement Agreement - Foxwood 05.29.24.2
2. Culinary Master Plan
3. Trail Master Plan

DEVELOPMENT REIMBURSEMENT AGREEMENT

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

RECITALS

- A. Developer seeks to develop certain property within Highland City located approximately at 10630 N 6400 WEST, HIGHLAND, UT, consisting of the property shown and contained within the FOXWOOD ESTATES, PLAT A Subdivision, as recorded in the office of the Utah County Recorder, containing +/- 24.77 acres ("Property").
- B. The Property is located within the City's R1-40 zone and is part of a development known as the “**Foxwood Estates Subdivision.**”
- C. Highland City has requested that, in connection with the development of the Foxwood Estates Subdivision, Developer also complete and install a pressure-reducing valve and related facilities (“**PRV**”) and construct and improve a trail connection and related improvements (“**Trail**”) for the benefit of Highland City and its residents, collectively referred to hereinafter as the “**City Improvements.**” The planned City Improvements costs, with related appurtenances and facilities, are shown in Exhibit A, attached hereto.
- D. The Parties wish to set forth the terms and conditions by which the City Improvements may be completed through the collective effort of the Parties.

AGREEMENT

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

Construction of Improvements

- A. The Developer shall design and construct the City Improvements. All construction shall conform to Highland City standards and specifications and the approved plans for the City Improvements and the approved subdivision improvement plans for the Foxwood Estates Subdivision.
- B. The City shall coordinate and provide reimbursement to the Developer for the cost of design and construction of the City Improvements (“**Reimbursement Cost**”). The Reimbursement Cost is \$96,676.06 (\$61,144.21 for the PRV and \$35,531.85 for the Trail).
- C. Reimbursement Calculation. The Reimbursement Cost owed to the Developer by City has been determined by a bidding process, pursuant to which the Developer has secured bids pursuant to which the applicable contractor provided bids to construct the City Improvements. The bids have been reviewed and approved by the Highland City Engineer and Developer. The Reimbursement Cost has been itemized costs directly pertaining to the City Improvements as well as agreed upon engineering costs.

Reimbursement

- A. **Reimbursement Timeline:** The Developer will begin construction of the City Improvements within three (3) months following the final subdivision approval and approval to proceed with construction by Highland City. The Developer shall complete the City Improvements within one year following commencement of the project construction.
- B. **Reimbursement Process:** The Developer will be responsible for managing and controlling the construction of the City Improvements. The City will coordinate the payment of the Reimbursement Cost to the Developer no later than 30 days after the latter of the City's acceptance of the final and completed City Improvements, the City's receipt of project as-builts, approval of invoices for the City Improvements, and proof of payment for all expenses and lien releases, as applicable, by Developer related to the City Improvements.

Compliance with Land Use Regulations and Approvals

Developer acknowledges that the execution of this Agreement, on its own, does not constitute final plat approval, approval of building permits, or other land use approvals, and that any such approvals shall be granted only upon Developer's compliance with all applicable governing laws, ordinances, standards, and conditions of land use approval, including completion of all required improvements. Developer further acknowledges that the execution of this Agreement does not waive, modify, or limit any obligation or condition of approval related to the development of the Property pursuant to any land use regulation or land use approval related to the Property, the R1-40 zone, or the Foxwood Estates Subdivision.

Assignment

Neither this Agreement nor any rights or obligations hereunder may be assigned either voluntarily or involuntarily, by operation of law or otherwise, by either Party without the prior written consent of the other Party, which shall not be unreasonably withheld.

No Third Parties

The rights, duties, and obligations of this Agreement are for the sole benefit of the Parties, and no third party, other than authorized assignees, transferees, and other successors in interest, has any rights hereunder to enforce the terms of this Agreement.

Amendments

This Agreement may not be altered, amended, modified, or otherwise changed in any respect except in a writing executed by all Parties.

Counterparts

This Agreement may be executed in counterparts, each of which will be deemed an original and together constitute the same contract whether each Party executes a separate counterpart.

Authority to Execute

The person executing this Agreement on behalf of each Party hereby represents that he or she has full authority to execute the Agreement and to bind each Party to the terms of this Agreement and that all necessary actions for him or her to enter into this Agreement have heretofore been completed.

Governing Law and Venue

This Agreement shall be governed and construed in accordance with the laws of the State of Utah. Any dispute arising out of this Agreement shall be brought and maintained in Utah State district court, Utah County.

Limitation of Liability

Neither Party shall be liable to the other Party in any action or claim for loss of profits or revenues, whether direct or indirect, or any indirect, special, consequential, or punitive damages or losses.

Enforcement of Fees

In any action or proceeding arising out of or related to this Agreement, the prevailing Party shall be entitled to its reasonable attorneys' fees and related costs, including fees and costs incurred before formal initiation of an action or proceeding and fees and costs incurred for collecting or attempting to collect any judgment or award.

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

DATED this _____ day of _____, 2024.

On Behalf of **Highland City**, Utah

ATTESTED:

Kurt Ostler, Highland City Mayor

Stephannie Cottle, City Recorder

DATED this _____ day of _____, 2024.

On Behalf of **Millhaven Development LLC**

Signature

Name of signer

Title

EXHIBIT A

Cost Breakdown of City Improvements

Skip Dunn & Sons Excavating

230 North Geneva Road
Orem, UT 84058

Phone: (801)226-0359
Fax: (801)224-8832

To:	Highland City	Contact:	
Address:	5378 West 10400 North Highland, UT 84003	Phone:	(801)756-5751
		Fax:	(801)756-6903
Project Name:	Highland City Asphalt Path	Bid Number:	
Project Location:		Bid Date:	

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
	1	Clear And Gurb	1.00	LS	\$2,693.57	\$2,693.57
	2	Road Base	4,500.00	SF	\$2.95	\$13,275.00
	3	3" Asphalt Trail	4,500.00	SF	\$2.69	\$12,105.00
	4	ADA Ramp	2.00	EACH	\$1,868.09	\$3,736.18
	5	Remove And Replace Curb And Gutter	1.00	LS	\$3,722.10	\$3,722.10

Total Bid Price: \$35,531.85

Notes:

- Does Not Include any Compaction Testing.
- Prices Do Not Include Any Permits,Fee,Layout or Engineering.
- Landscape & Grass replacement is not included in this estimate.
- Prices are for estimating purposes only actual billing will be off of measured quantities.

Payment Terms:

Payment due within 30 days of date of invoice, regardless of when payment is made by Owner. A 2% monthly finance charge will be assessed on all past due amounts.

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: Skip Dunn & Sons Excavating Authorized Signature: _____ Estimator: _____
---	--

Skip Dunn & Sons Excavating

230 North Geneva Road
Orem, UT 84058

Phone: (801)226-0359
Fax: (801)224-8832

To: Millhaven Development Address: Provo, UT	Contact: Phone: Fax:
Project Name: Foxwood PRV Vault Project Location:	Bid Number: Bid Date:

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
	1	PRV Vault	1.00	LS	\$61,144.21	\$61,144.21

Total Bid Price: **\$61,144.21**

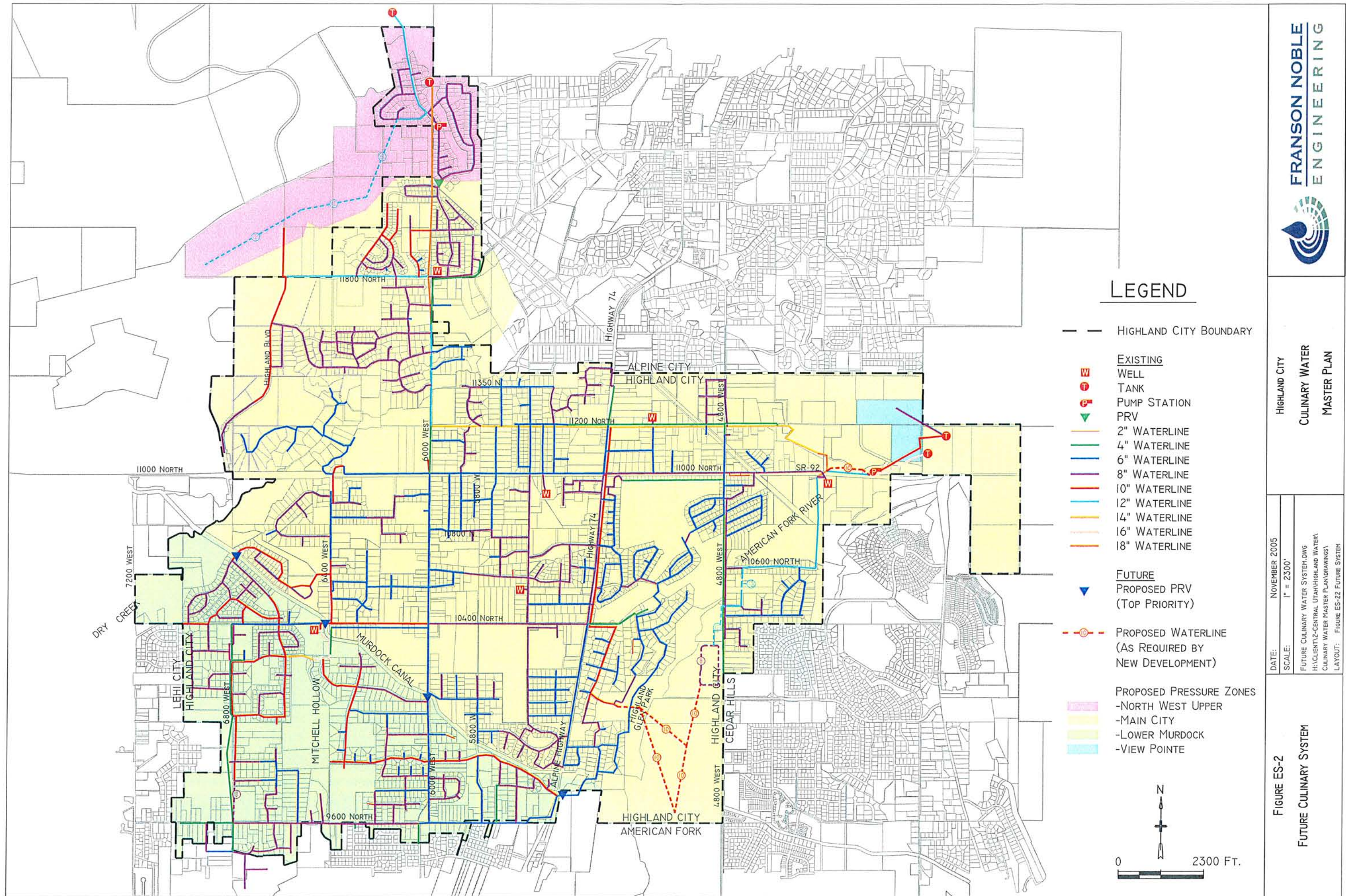
Notes:

- Does Not Include any Compaction Testing.
- Prices Do Not Include Any Permits, Fee, Layout or Engineering.
- Landscape & Grass replacement is not included in this estimate.
- Prices are for estimating purposes only actual billing will be off of measured quantities.

Payment Terms:

Payment due within 30 days of date of invoice, regardless of when payment is made by Owner. A 2% monthly finance charge will be assessed on all past due amounts.

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: Skip Dunn & Sons Excavating Authorized Signature: _____ Estimator: _____
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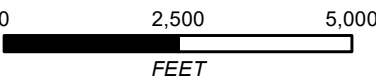
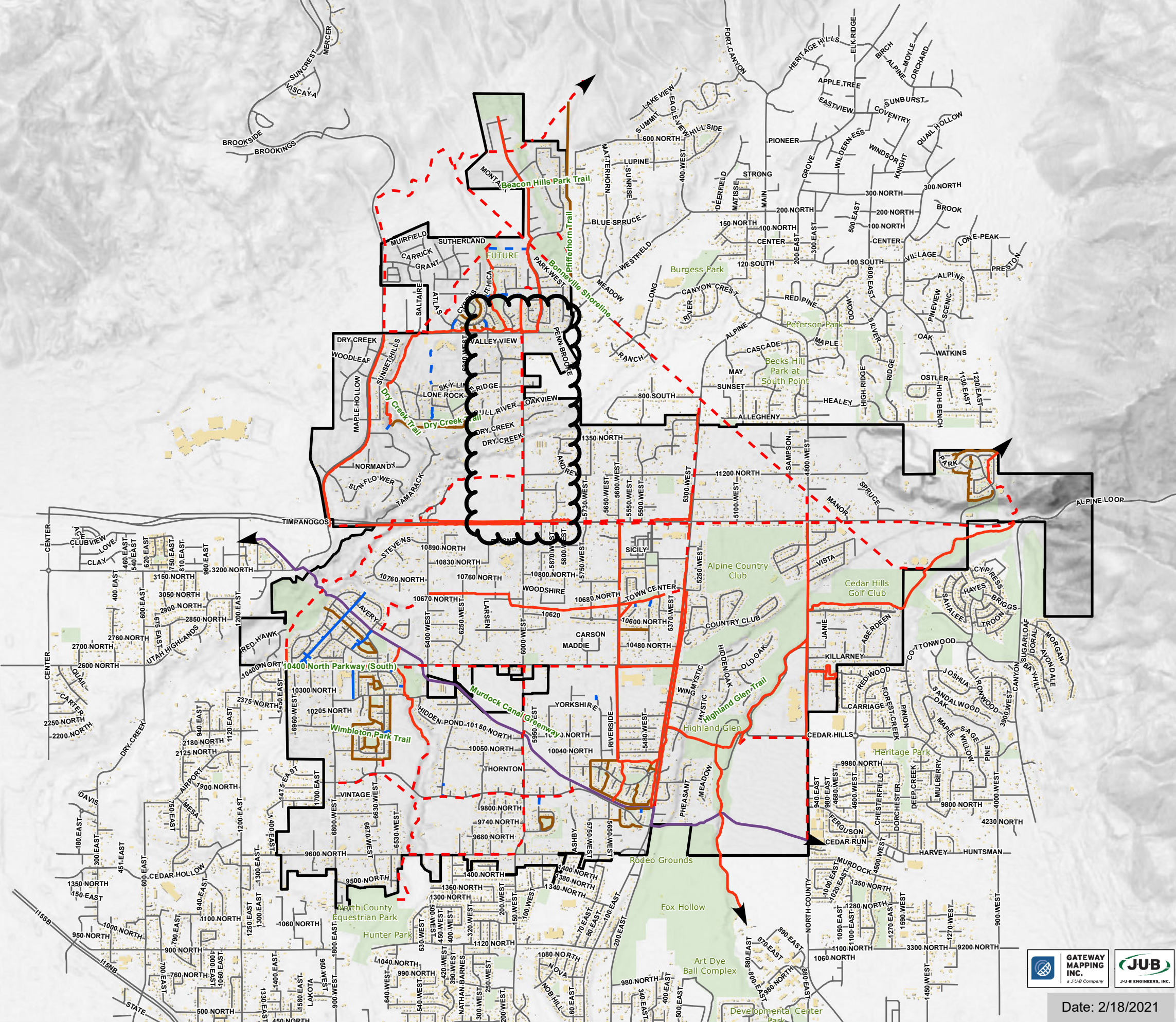


CITY OF HIGHLAND

Trails

TRAILS NETWORK

-  Main City Trail
-  Proposed Main City Trail
-  Connector Trail
-  Proposed Connector Trail
-  Neighborhood Trail
-  Murdock Connector Trail





CITY COUNCIL AGENDA REPORT

ITEM #3b

DATE: June 4, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, City Engineer/Public Works Director
SUBJECT: Award of Park Maintenance Building Construction
TYPE: General City Management

PURPOSE:

The City Council will consider awarding Complete Contracting Company a contract for the construction of the Parks Maintenance Building and Mountain Ridge Park maintenance shed and trash enclosure.

STAFF RECOMMENDATION:

Staff recommends that the council approve a contract to Complete Contracting Company for the construction the Parks Maintenance Building and Mountain Ridge Park maintenance shed and trash enclosure.

PRIOR COUNCIL DIRECTION:

On March 7, 2023 the Council approved the architectural contract for the Parks Division Operations Building to Pontis Architectural Group. Two concepts were presented. Subsequently, the Council chose the architectural styling of the building that is being presented for approval.

BACKGROUND:

With the continued growth of Highland City, the current Public Works shop is insufficient for the needs of the Department. The City currently rents several storage units to accommodate Parks Division storage needs. Parks need additional storage facilities to house mowing equipment, dry fertilizer, spray equipment, snow removal, and other miscellaneous equipment. In prior years, the City had additional storage facilities, including the Highland Water (HW) building, which is now the new commercial area north of Meier's Meats and Fine Foods. The Parks Division also used the Jensen and Walkenhorst home garages, which were in Pheasant Hollow prior to the Canal Boulevard construction. With the elimination of these storage facilities, the City rents storage units at Highland Hideaway Storage. This is challenging when certain equipment is needed for use. During winter months, it is necessary to store the snowplow trucks inside the Public Works building, which leaves little room for parks equipment. Because of the lack of space and challenges with temporary storage, the City Council has previously determined that constructing additional facilities to accommodate the Parks Division is the preferred course of action. Over the years, there has been discussion of various locations, building types, and sizes. Currently, the selected and planned location is at the Community Center to build a new +/- 6,500 sq. ft. facility. This construction will include a the new parks building, a downstairs entry connecting to the kitchen of the Community Center for convenient access between the buildings, the parking lot will be completed and will extend near to the northerly property boundary, a precast concrete fencing will be added on the east and northern sides of the enclosed yard, and a field fence on the west side of the parking lot will be added.

Potential bid alternates to the main building award staff recommends include a fuel building where two above-ground fuel tanks will be stored for daily filling of equipment, a trash enclosure, and replacement of the pavement in the existing parking lot. There is an additional bid alternate to add a western mezzanine which would allow for greater use of the building. However, this is felt to be the least necessary of all the additive alternates and is a project that staff could internally complete during non-busy seasons.

In an effort to maximize efficiencies, two similar construction projects at the new park next to Mountain Ridge Junior High were also included as bid alternates to this bid: a 24' X 30' park maintenance building and a trash enclosure.

The lowest bidder, New Harmony Construction, did not comply with the City's bid submittal instructions in that they did not fill out a proper bid sheet, they did not provide proper bonding, and they did not acknowledge the inclusion of addendums to their bid. Out of fairness to the bidders that did comply, the City staff is recommending that the New Harmony bid not be awarded and that the second lowest bidder be awarded.

FISCAL IMPACT:

The cost of this project for just the base bid of the building is \$2,401,316.50, which includes a 10% contingency. Funding for this expense is included in GL 42-40-67 New Parks Maintenance Bldg. in the Building Capital Fund. \$430,000 remains from the FY2024 budget and \$1,720,000 is budgeted in the Tentative FY2025 budget. The contingency will need to come out of the General Fund in Fiscal Year 2025. This can be programmed into the FY2025 Budget.

The cost of the staff recommended additive alternates for existing pavement replacement, fuel shed, and a trash enclosure is \$84,398.60 including 10% contingency. Funding for this could be paid for with General Fund fund balance and the City would remain at an estimated 35% fund balance reserve based on the current FY25 proposed budget. This includes using General Fund fund balance to cover the 10% contingency on the base bid mentioned above.

The western mezzanine would add another \$102,744.40 to the project including 10% contingency which can also be funded from General Fund fund balance at this time and would reduce the need for future improvements to the building. If funded, the estimated fund balance based on the current FY25 proposed budget would be reduced to 34%.

The bid alternates for the items at the new park are \$153,082.60 which includes a 10% contingency. Funding for this expense will be included in GL 40-40-78 for Mountain Ridge Park within the FY2025 budget.

MOTION:

Option 1 (Motion EXCLUDING the mezzanine)

I move that City Council APPROVE the contract to Complete Contracting for the building of the Park Maintenance Building, the Park Maintenance building alternatives excluding the western mezzanine, and the alternatives for Mountain Ridge Park in the amount of up to \$2,638,797.70 and AUTHORIZE the City Administrator to sign the contract documents.

Option 2 (Motion INCLUDING the mezzanine)

I move that City Council APPROVE the contract to Complete Contracting for the building of the Park Maintenance Building including all the alternatives, and the alternatives for Mountain Ridge Park in the

amount of up to \$2,741,542.10 and AUTHORIZE the City Administrator to sign the contract documents.

ATTACHMENTS:

1. Bid Tabulation
2. 2023-08-09_Brick - View 1
3. 2023-08-09_Brick - View 2
4. 2023-08-09_Brick - View 3
5. 2023-08-09_Brick - View 5
6. 2023-08-09_Brick - View 6
7. 2023-08-09_Brick Aerial
8. Site Plan
9. Floor Plan

Highland City - Parks Maintenance Building
Bid Tabulation
Printed: 5/29/2024

UNIT PRICE SCHEDULE - BASE BID						Maddox Construction		Complete Contracting		PRT Builders LLC		Eckman Construction		New Element Construction		KDK Construction	
Item #	Description	Unit	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
	SCHEDULE A Bid						\$ 2,447,660.00		2183015		3008930		2424338.63		1924113.1		2491429
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	SCHEDULE A TOTAL						\$ 2,447,660.00		\$ 2,183,015.00		\$ 3,008,930.00		\$ 2,424,338.63		\$ 1,924,113.10		\$ 2,491,429.00
	SCHEDULE B Alternates																
	EXISTING PARKING LOT PAVEMENT REPLACEMENT AT THE COMMUNITY CENTER						\$ 28,000.00		\$ 21,000.00		\$ 28,653.00		\$ 17,325.09		\$28,000.00		\$34,119.00
	WESTERLY MEZZANINE AND STAIRS (INCLUDING ALL ELEMENTS: FRAMING, STEEL, STEEL RAILING, STAIRS, ELECTRICAL ETC)						\$ 60,000.00		\$ 93,404.00		\$ 36,422.00		\$ 43,225.00		\$44,000.00		\$27,000.00
	PARKS MAINTENANCE BUILDING 24'X30' AT PARK (INCLUDES ALL ELEMENTS: MASSONRY STEEL DOORS, CONCRETE PAD, ELECTRICAL ETC)						\$ 72,000.00		\$ 117,200.00		\$ 156,600.00		\$ 188,056.50		\$57,000.00		\$180,500.00
	FUEL SHED - ONSITE (INCLUDES ALL ELEMENTS: MASONRY, STEEL DOORS, CONCRETE PAD, ETC						\$ 39,000.00		\$ 33,760.00		\$ 32,521.00		\$ 19,670.00		\$52,000.00		\$20,500.00
	TRASH ENCLOSURE ON-SITE (INCLUDES ALL ELEMENTS: MASONRY, STEEL DOORS, CONCRETE PAD, ETC)						\$ 20,000.00		\$ 21,966.00		\$ 21,940.00		\$ 33,822.00		\$21,000.00		\$20,500.00
	Trash ENCLOSURE AT THE PARK (INCLUDES ALL ELEMENTS: MASONRY, STEEL DOORS, CONCRETE PAD, ETC)						\$ 20,000.00		\$ 21,966.00		\$ 23,046.00		\$ 33,822.00		\$23,000.00		
							\$ -		\$ -		\$ -		\$ -				
							\$ -		\$ -		\$ -		\$ -				
	SCHEDULE B TOTAL						\$ 239,000.00	\$ -	\$ 309,296.00	\$ -	\$ 299,182.00	\$ -	\$ 335,920.59	\$ -	\$225,000.00		\$282,619.00
	TOTAL SCHEDULE A AND B						\$ 2,686,660.00		\$ 2,492,311.00		\$ 3,308,112.00		\$ 2,760,259.22		\$2,149,113.10		\$2,774,048.00





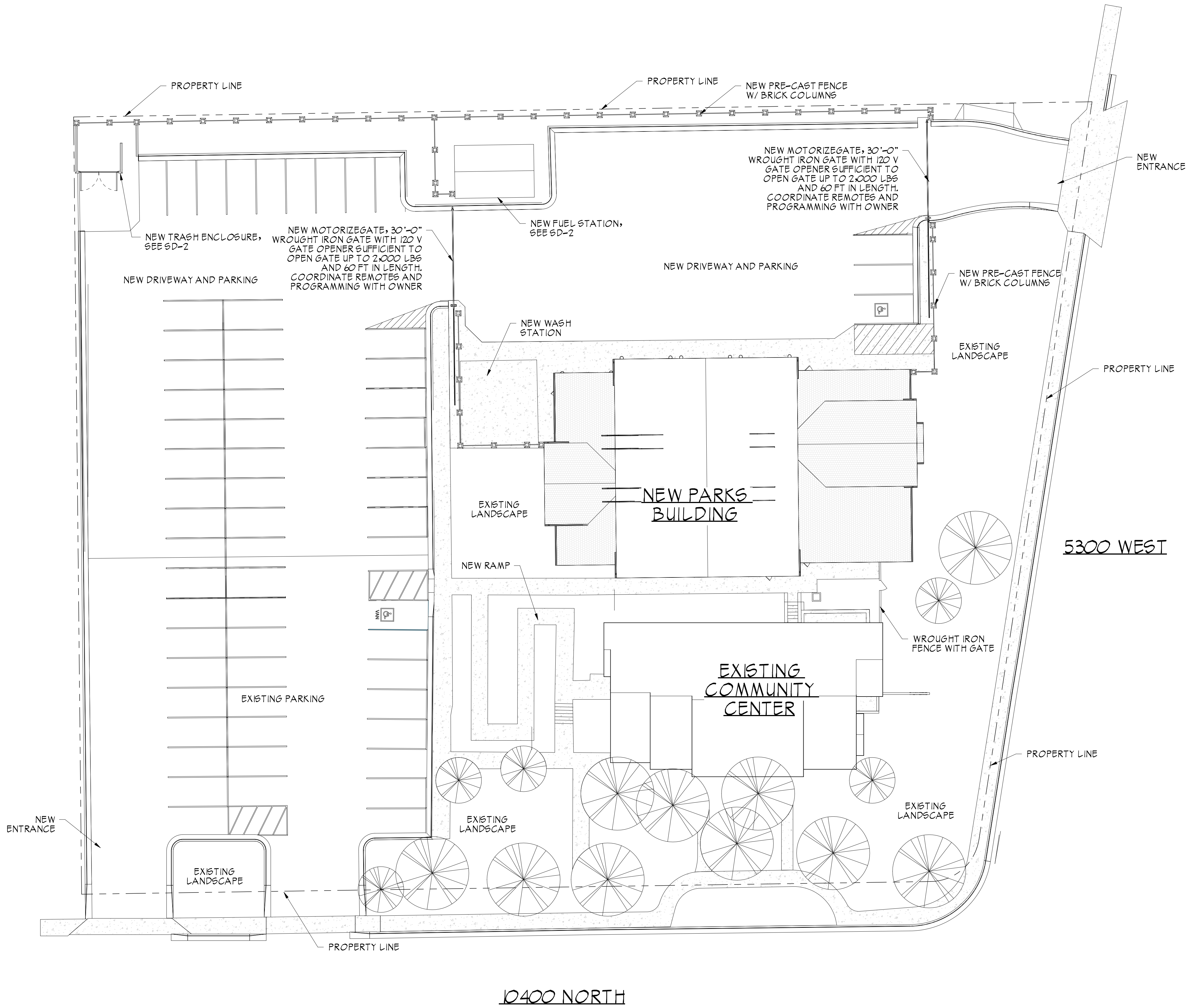
HIGHLAND
CITY











REVISION	DATE

CONSULTANT:

CONTRACTOR:

PROJECT NAME:
**HIGHLAND CITY
RECREATION BUILDING**

**5378 W 10400 N ST,
HIGHLAND, UT 84003**

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SEAL:

DRAWING NAME:
SITE PLAN

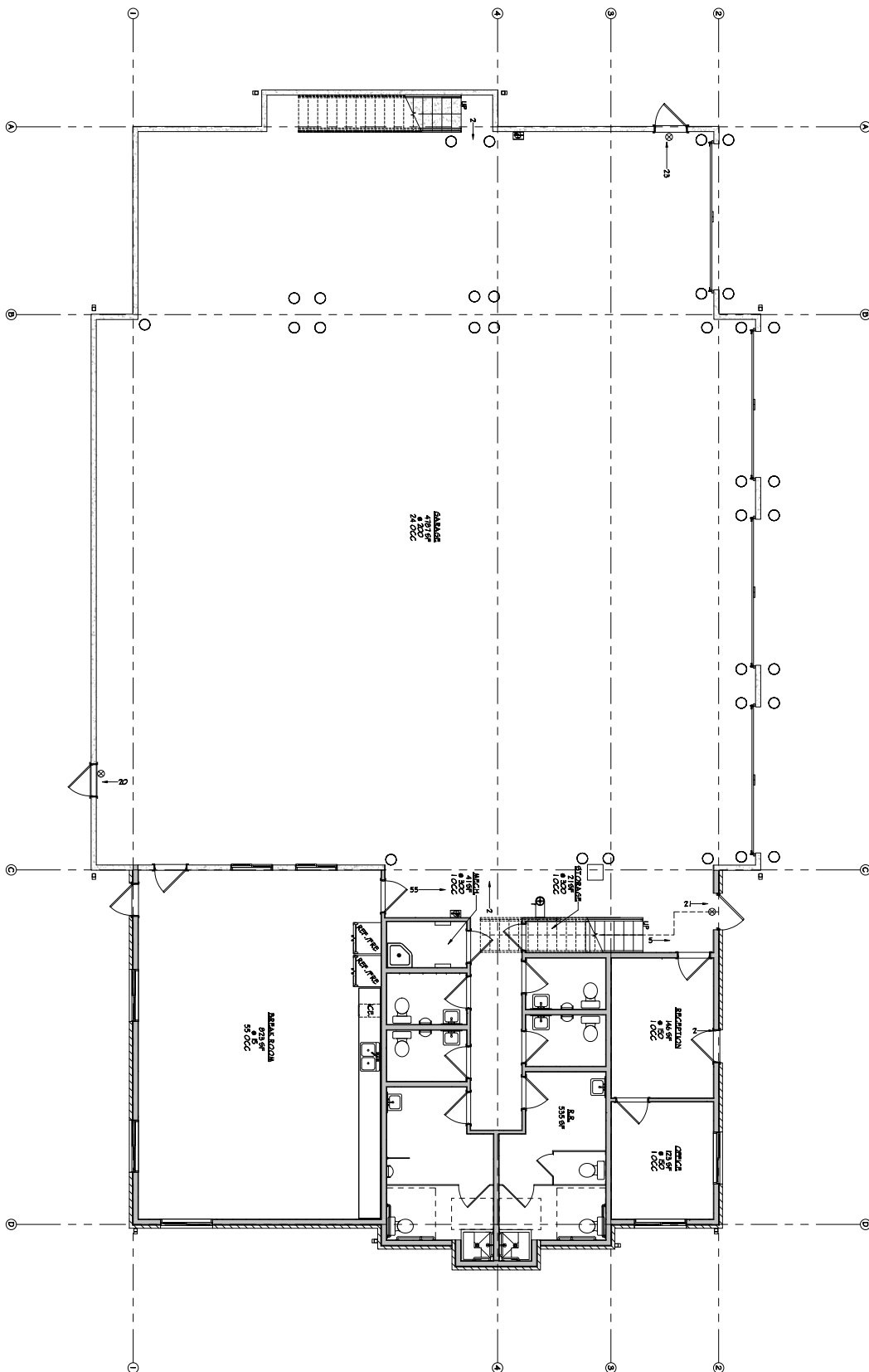
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CHECKED BY: AS

DATE: AUGUST 2023

PROJECT #: 2307

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5378 W 10400 N ST,
HIGHLAND, UT 84003

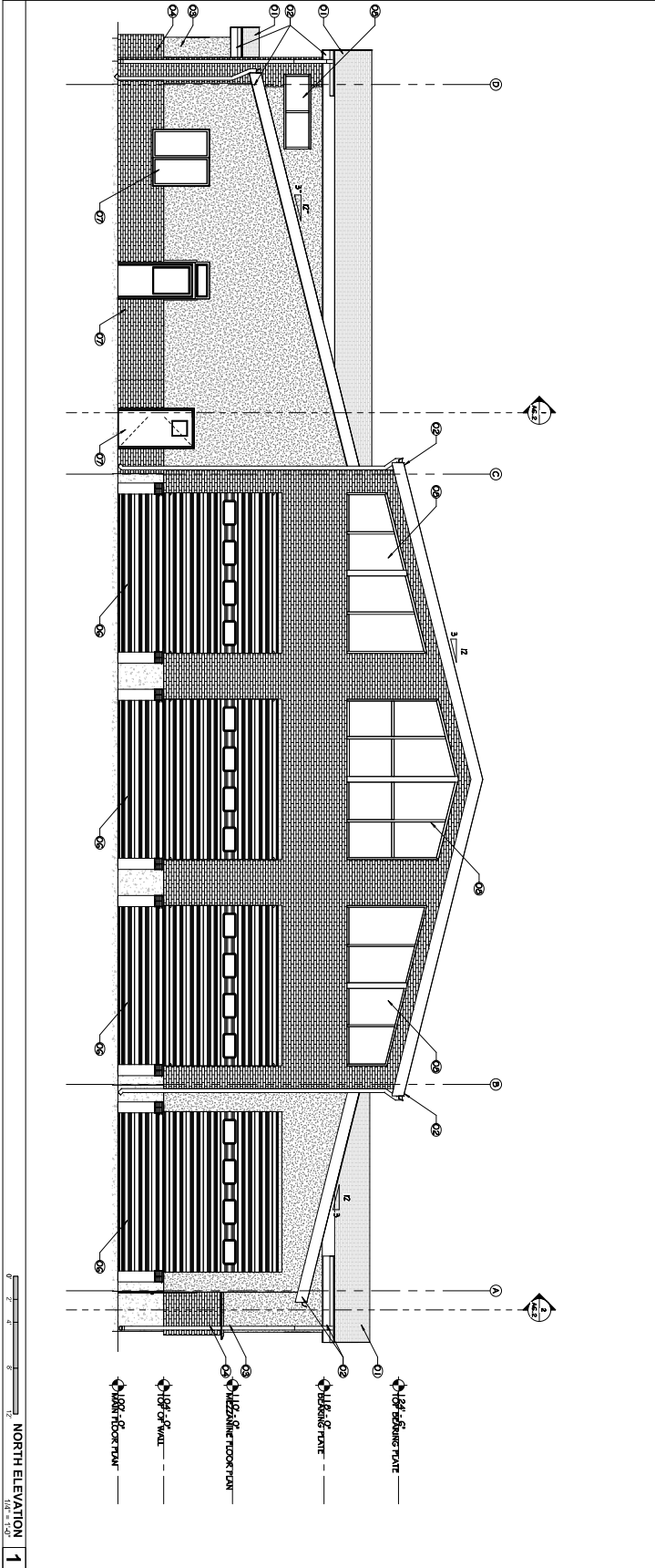
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**MAIN FLOOR
OCCUPANCY
AND EGRESS
PLAN**

DRAWN BY:	AW
CHECKED BY:	AS
DATE:	NOVEMBER 2023
PROJECT #:	2307

AE0.1





- GENERAL NOTES**
- GENERAL CONTRACTOR TO VERIFY ALL CONDITIONS AND MATERIALS TO BE USED IN CONSTRUCTION ARE IN ACCORDANCE WITH THE CITY OF SALT LAKE CITY SPECIFICATIONS AND STANDARDS.
 - ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY ENGINEER.
 - ALL MATERIALS SHALL BE DELIVERED TO THE PROJECT SITE AND STORED PROPERLY.
 - ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY SPECIFICATIONS AND STANDARDS.
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PROJECT NAME:
HIGHLAND CITY RECREATION BUILDING

**5378 W 10400 N ST,
HIGHLAND, UT 84003**

CONTRACTOR:

CONSULTANT:

PONTIS ARCHITECTURAL GROUP

248 SOUTH MAIN STREET, SPRINGVILLE, UT 84603
(801) 704-9551 WWW.PONTISARCHITECT.COM

DRAWING NAME:
EXTERIOR ELEVATIONS

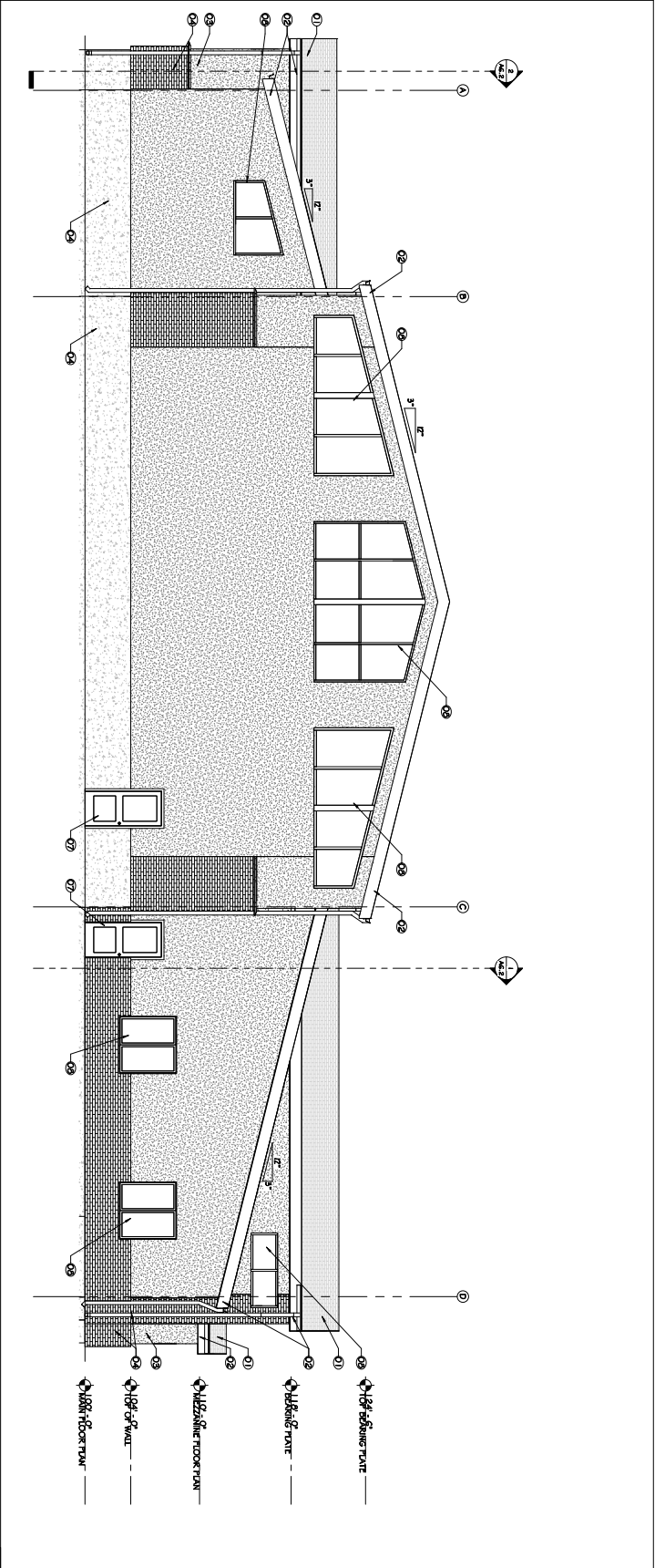
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DATE: NOVEMBER 2023

PROJECT #: 2301

A5.1



- GENERAL NOTES**
- GENERAL CONTRACTOR TO VERIFY ALL CONDITIONS AND MATERIALS TO BE USED IN CONSTRUCTION ARE IN ACCORDANCE WITH THE CITY OF SALT LAKE CITY SPECIFICATIONS AND STANDARDS.
 - ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY ENGINEER.
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PROJECT NAME:
HIGHLAND CITY RECREATION BUILDING

**5378 W 10400 N ST,
HIGHLAND, UT 84003**

CONTRACTOR:

CONSULTANT:

PONTIS ARCHITECTURAL GROUP

248 SOUTH MAIN STREET, SPRINGVILLE, UT 84603
(801) 704-9551 WWW.PONTISARCHITECT.COM

DRAWING NAME:
EXTERIOR ELEVATIONS

DRAWN BY: AV

CHECKED BY: AS

DATE: NOVEMBER 2023

PROJECT #: 2301

A5.1



WEST ELEVATION $1/4" = 1'-0"$ 1



EAST ELEVATION 1/4" = 1'-0"	2
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- ## GENERAL NOTES
- A. GENERAL CONTRACTOR TO VERIFY ALL MATERIALS, MANUFACTURERS, SPECIFICATIONS, FINISHES, AND INSTALLATION METHODS WITH ARCHITECT AND SUBS PRIOR TO ORDERING MATERIALS TO THE PROJECT.
 - B. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 - C. SEE TYPICAL CLADDING NOTES.
 - D. MATERIALS SHALL BE SUPPLIED BY THE MANUFACTURER AND SHIPPED TO THE PROJECT BY FREIGHT AND WATER SHIP OR AIR FREIGHT.
 - E. MATERIALS SHALL BE DELIVERED TO THE PROJECT AND INSTALLED BY THE MANUFACTURER.
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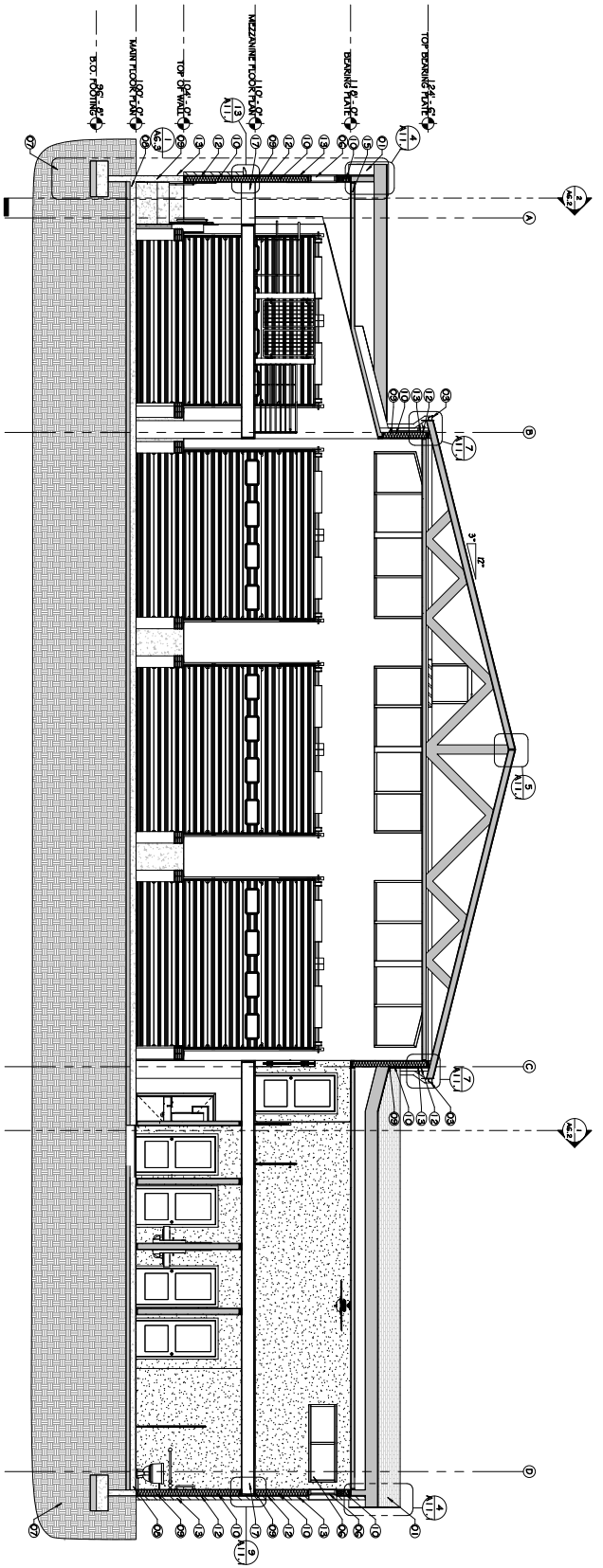
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**HIGHLAND CITY
RECREATION BUILDING**

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HIGHLAND, UT 84003

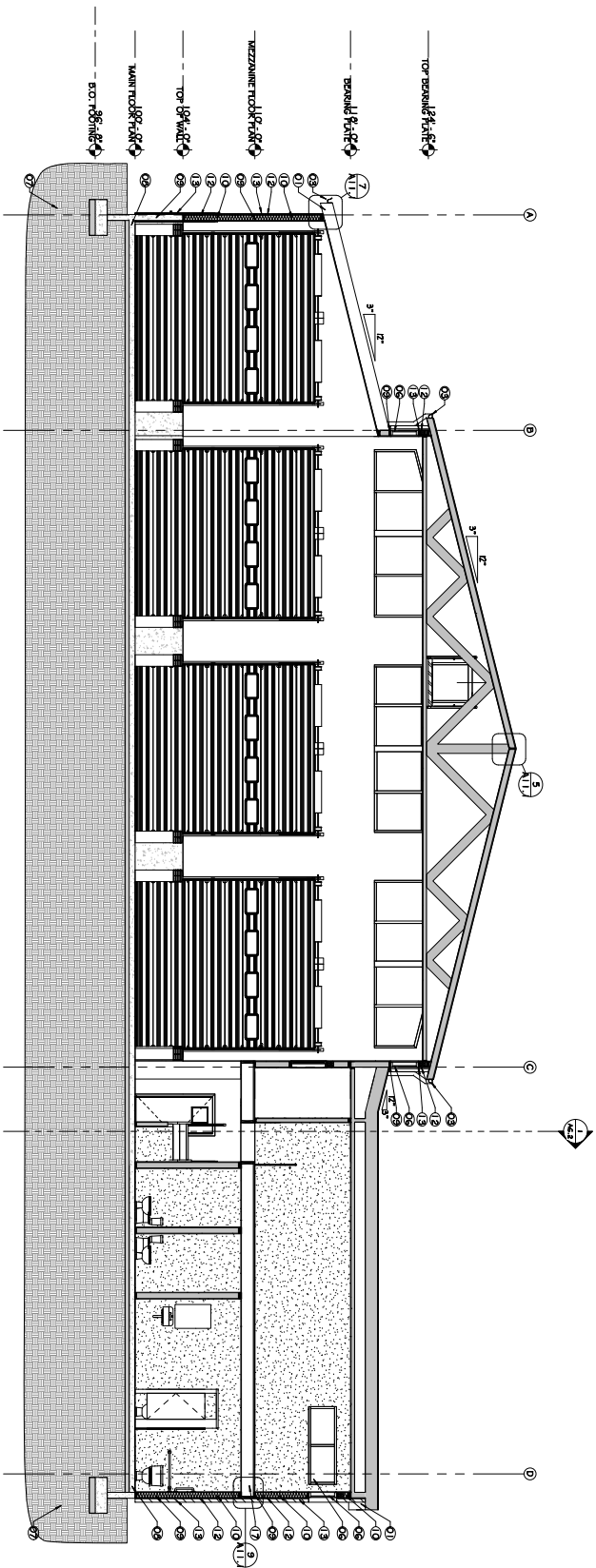
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CHECKED BY:	A
DATE:	NOVEMBER 2022
PROJECT #:	230

A5.2



BUILDING SECTION 2
1/4" = 1'-0"



BUILDING SECTION 1
1/4" = 1'-0"

- GENERAL NOTES**
- GENERAL CONTRACTOR TO VERIFY ALL CONDITIONS AND MATERIALS FOR CONSTRUCTION AND TO BE RESPONSIBLE FOR ANY CHANGES TO THE ARCHITECT'S DESIGN.
 - ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
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PONTIS
ARCHITECTURAL GROUP

248 SOUTH MAIN STREET, SPRINGVILLE, UT 84603
(801) 704-9551 WWW.PONTISARCH.COM

PROJECT NAME:
HIGHLAND CITY RECREATION BUILDING

5378 W 10400 N ST,
HIGHLAND, UT 84003

CONTRACTOR:

CONSULTANT:

DRAWING NAME:
BUILDING SECTIONS

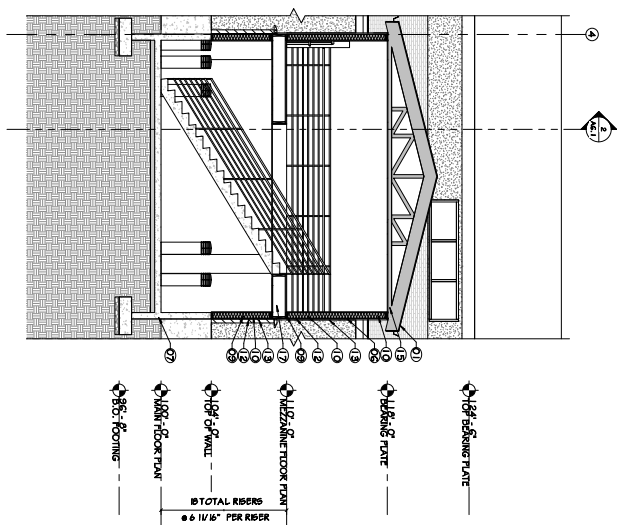
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CHECKED BY: AS

DATE: NOVEMBER 2023

PROJECT #: 2007

A6.1



GENERAL NOTES	
A.	GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. REPORT DISCREPANCIES TO THE ARCHITECT IMMEDIATELY TO THE FIELD.
B.	ALL DIMENSIONS ARE TO FACE UNLESS NOTED.
GENERAL NOTES	
1.	SO TYP. 14-48S - 6" PERHUB SINGLE END, 18" PERHUB DOUBLE END, 24" PERHUB TRIPLE END, AND WATERSHIELD 5'.
2.	PREPARED ALUMINUM FINISHES TO MATCH.
3.	PRE-FINISHED GUTTER WITH 1/2" DRAINAGE SLOPE.
4.	2 1/2" x 3 1/2" DOWNSPOUTS ON ROOF.
5.	GLASSER DOOR, SEE DOOR SCHEDULE.
6.	DOOR, SEE DOOR SCHEDULE.
7.	WINDOW, SEE WINDOW SCHEDULE.
8.	FUNCTIONAL DOORS AND WINDOWS TO BE STRUCTURAL.
9.	CONCRETE FLOOR OVER 4" THICK, SEE FLOOR SCHEDULE FOR FINISHES AND REINFORCING.
10.	2" TYP. FINISHES, SEE WALL SCHEDULE.
11.	EXTERIOR R-20 INSULATION.
12.	INTERIOR R-20 INSULATION.
13.	6" x 8" SIPS STAR SECTION.
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CONTRACTOR:	CONSULTANT:
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PROJECT NAME:
**HIGHLAND CITY
RECREATION BUILDING**

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HIGHLAND, UT 84003

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SEAL

DRAWING NAME:
**BUILDING
SECTIONS**

DRAWN BY:	AV
CHECKED BY:	AS
DATE:	NOVEMBER 2023
PROJECT #:	2307

A6.2



CITY COUNCIL AGENDA REPORT

ITEM #3c

DATE: June 4, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, City Engineer/Public Works Director
SUBJECT: 6000 West Pump Station Award
TYPE: General City Management

PURPOSE:

The City Council will consider awarding a construction contract with Nelson Brothers Construction Company for a new Pressurized Irrigation pump station to be built at 6000 West just south of the Murdock Trail crossing. This project also includes traffic-calming elements along 6000 West at the pedestrian crossing and the installation of a Pressure Reducing Valve on the culinary water system.

STAFF RECOMMENDATION:

Staff recommends the approval of a construction contract with Nelson Brothers Construction Company for the construction of a Pressurized Irrigation pump station on 6000 West which includes roadway improvements, county trail pedestrian crossing adjustments, and a Pressure Reducing Valve vault to be installed on the culinary water system.

PRIOR COUNCIL DIRECTION:

On October 17, 2023, Council approved a contract with COP for the connection to the Provo River Aqueduct to allow for a pump station to be constructed at a future date. This connection was completed in March 2024. The approved FY2024 and tentative FY2025 budgets include funding for the construction of the 6000 West pump station.

The Council also recently approved agreements for roadway changes to be placed over pipelines owned and managed by Jordan Valley Water Conservancy District and Central Utah Water Conservancy District. The easements for the corridor and management of these facilities fall under the jurisdiction of the United States Department of the Interior, Bureau of Reclamation. To be in compliance with the easements and regulations associated with these facilities, the City council has approved to enter into an encroachment agreement granting permission for the surface improvements to within the pipeline easement corridor. The expansion of the roadway does require relocation of a few minor facilities associated with the pipelines. This work has been included in the bid for the pump station.

BACKGROUND:

As Highland City continues to grow, so does the demand to provide pressurized irrigation (PI) water to our residents. Although we have had above average winter runoff to supply a substantial amount of water to the system from American Fork Canyon over the last couple of seasons, we still rely heavily on the stored water in Deer Creek Reservoir that we receive through the Provo River Water Users aqueduct. In order to be able to process the full amount of our stored water into the City PI system, this additional connection is a necessary improvement. This new pump station will allow the City to pump an

additional twelve (12) cubic feet per second of water into the PI system. At peak in the summer, the PI system requires approximately thirty-five (35) cubic feet per second of water supplied to meet the citizen demand on the system.

As part of our culinary water system improvements, we included in the bid contract for the contractor to install a pressure reducing valve PRV on the culinary water main line at the same time that there will be other improvements impacting the 600 West roadway.

As a part of the completion of the frontage improvements for the 6000 West pump station, the City has also planning improvements to 6000 West, 10100 North, and the Murdock Trail crossing. This is a heavily used road and trail crossing. The City has observed the need for improvements to the crossing to improve safety for Murdock Trail pedestrians and bikers crossing 6000 West. The staff recommends constructing these improvements while the construction of the adjacent 6000 West pump station is underway as there will be substantial trenching and impacts to 6000 West from the various piping improvements.

Utah County has approved the changes to the trail configuration. There have been preliminary discussions with Utah County regarding participation in costs associated with the trail relocation. It is not yet known if the County will participate financially. If the County were to participate, it would be in an amount between \$18,000 ~ \$60,000. As such, the majority of the roadway reconstruction expenses would be paid by the City.

FISCAL IMPACT:

The overall cost of this project, Schedule A+B, is \$3,820,983, which includes a 10% contingency. Funding for these expenses will be divided as follows:

Schedule A is in the amount of \$3,127,380, which includes a 10% contingency. Funding for Schedule A is included in GL 53-40-60, Capital Expenses/Projects, within the FY24 and tentative FY25 budget. The bids did come in higher than expected, and work will not commence as soon as expected; as such, very little funds will be expended in FY2024 toward the project. A mid-year budget adjustment in FY2025 is anticipated to adjust budgeted funds to the final contracted values. There are sufficient funds available in the PI fund balance for the project.

Schedule B is in the amount of \$693,602, which includes a 10% contingency. Funding for this will be split between three departments; Streets, PI, and Culinary. The funding will be divided as follows:

- Streets- \$496,071 in 41-40-71 Major Road Maintenance. This expense will span the FY25-FY26 budget years, impacting the major road projects for those years.
- Culinary- \$127,914 in 55-40-78 Grants Capital Outlay. This expense will span the FY25-FY26 budget years.
- PI- \$69,617 in 53-40-60 Capital Expense/Projects This expense will span the FY25-FY26 budget years.

MOTION:

I move that City Council APPROVE the bid from Nelson Brothers Construction Company in an amount up to \$3,820,983 and AUTHORIZE the City Administrator to sign the necessary contracts.

ATTACHMENTS:

1. Bid Tabulation - 6000 PS 5-14-24
2. 6000 West - Road and Trail Exhibit
3. 6000 West Pump Station - Work Scope
4. Proposed Contractor's Construction Schedule

Highland City - 6000 W PI Pump Station
Bid Tabulation
Bid Date: May 14, 2024

UNIT PRICE SCHEDULE - BASE BID				Nelson Brothers Construction Co.		VanCon, Inc.		COP Construction		S&L Inc.	
Item #	Description	Unit	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
	SCHEDULE A - Pump Station & Site Improvements										
A1	Mobilization	L.S.	1	\$202,590.00	\$202,590.00	\$176,998.73	\$ 176,998.73	\$399,000.00	\$ 399,000.00	\$200,000.00	\$ 200,000.00
A2	Materials Testing	L.S.	1	\$23,100.00	\$23,100.00	\$18,000.00	\$ 18,000.00	\$25,000.00	\$ 25,000.00	\$25,000.00	\$ 25,000.00
A3	Construction Surveying	L.S.	1	\$8,017.00	\$8,017.00	\$27,000.00	\$ 27,000.00	\$14,000.00	\$ 14,000.00	\$20,000.00	\$ 20,000.00
A4	Traffic Control	L.S.	1	\$38,463.00	\$38,463.00	\$15,000.00	\$ 15,000.00	\$60,000.00	\$ 60,000.00	\$25,000.00	\$ 25,000.00
A5	6' High Temporary Chain Link Construction Fencing	L.F.	410	\$22.00	\$9,020.00	\$85.00	\$ 34,850.00	\$32.00	\$ 13,120.00	\$15.00	\$ 6,150.00
A6	4' High Temporary Field Fencing Along South Boundary	L.F.	104	\$16.50	\$1,716.00	\$20.00	\$ 2,080.00	\$16.00	\$ 1,664.00	\$25.00	\$ 2,600.00
A7	Meter Vault and Associated Piping	L.S.	1	\$152,950.00	\$152,950.00	\$245,000.00	\$ 245,000.00	\$208,000.00	\$ 208,000.00	\$225,000.00	\$ 225,000.00
A8	Pump Station Building	L.S.	1	\$585,716.00	\$585,716.00	\$625,000.00	\$ 625,000.00	\$737,000.00	\$ 737,000.00	\$450,000.00	\$ 450,000.00
A9	Pump Station Internal Piping and Pumps (Minus Piping Schedule B for Amiad Filters)	L.S.	1	\$537,388.00	\$537,388.00	\$600,000.00	\$ 600,000.00	\$712,000.00	\$ 712,000.00	\$625,000.00	\$ 625,000.00
A10	Internal Piping and Electrical for Amiad Filters (Piping Schedule B on Sheet M4)	L.S.	1	\$247,324.00	\$247,324.00	\$190,000.00	\$ 190,000.00	\$143,000.00	\$ 143,000.00	\$260,000.00	\$ 260,000.00
A11	Electrical and HVAC Systems for Meter Vault	L.S.	1	\$109,199.00	\$109,199.00	\$120,000.00	\$ 120,000.00	\$444,000.00	\$ 444,000.00	\$200,000.00	\$ 200,000.00
A12	Electrical and HVAC Systems for Pump Station	L.S.	1	\$531,987.00	\$531,987.00	\$500,000.00	\$ 500,000.00	\$177,000.00	\$ 177,000.00	\$400,000.00	\$ 400,000.00
A13	SCADA Programming and Integration by ICTech	L.S.	1	\$28,586.27	\$28,586.27	\$28,586.27	\$ 28,586.27	\$28,586.27	\$ 28,586.27	\$28,586.27	\$ 28,586.27
A14	Connection to 20" BFV with 20" x 18" DIP Reducer at PRWUA Aqueduct	L.S.	1	\$5,662.00	\$5,662.00	\$10,000.00	\$ 10,000.00	\$27,000.00	\$ 27,000.00	\$30,000.00	\$ 30,000.00
A15	Connection to 20" PI Main in 6000 West	L.S.	1	\$23,955.00	\$23,955.00	\$40,000.00	\$ 40,000.00	\$27,000.00	\$ 27,000.00	\$40,000.00	\$ 40,000.00
A16	18" MJ Butterfly Valve	Each	1	\$7,024.00	\$7,024.00	\$9,500.00	\$ 9,500.00	\$9,800.00	\$ 9,800.00	\$12,000.00	\$ 12,000.00
A17	18" DIP Water Line and Fittings	L.F.	95	\$647.00	\$61,465.00	\$550.00	\$ 52,250.00	\$570.00	\$ 54,150.00	\$400.00	\$ 38,000.00
A18	6" PVC Blowoff Line and Fittings	L.F.	57	\$115.00	\$6,555.00	\$170.00	\$ 9,690.00	\$260.00	\$ 14,820.00	\$150.00	\$ 8,550.00
A19	Remove Existing Fencing, Piping and Structures Shown on Plans	L.S.	1	\$2,840.00	\$2,840.00	\$25,000.00	\$ 25,000.00	\$11,000.00	\$ 11,000.00	\$25,000.00	\$ 25,000.00
A20	24" RCP Drainage Pipe	L.F.	15	\$438.00	\$6,570.00	\$600.00	\$ 9,000.00	\$440.00	\$ 6,600.00	\$300.00	\$ 4,500.00
A21	18" RCP Drainage Pipe	L.F.	235	\$172.00	\$40,420.00	\$300.00	\$ 70,500.00	\$180.00	\$ 42,300.00	\$150.00	\$ 35,250.00
A22	18" Concrete Flared End Section and Grate	Each	1	\$3,209.00	\$3,209.00	\$2,500.00	\$ 2,500.00	\$7,400.00	\$ 7,400.00	\$3,500.00	\$ 3,500.00
A23	15" RCP Drainage Pipe	L.F.	70	\$163.00	\$11,410.00	\$225.00	\$ 15,750.00	\$110.00	\$ 7,700.00	\$200.00	\$ 14,000.00
A24	2' X 2' Inlet Box	Each	1	\$1,676.00	\$1,676.00	\$6,000.00	\$ 6,000.00	\$4,100.00	\$ 4,100.00	\$2,500.00	\$ 2,500.00
A25	3' X 3' Junction Box	Each	4	\$3,102.00	\$12,408.00	\$9,000.00	\$ 36,000.00	\$5,300.00	\$ 21,200.00	\$4,000.00	\$ 16,000.00
A26	Install Owner Furnished 18" Canal Gate	Each	2	\$646.00	\$1,292.00	\$2,000.00	\$ 4,000.00	\$3,000.00	\$ 6,000.00	\$2,000.00	\$ 4,000.00
A27	3' X 3' Inlet Box and Sump	Each	1	\$21,474.00	\$21,474.00	\$35,000.00	\$ 35,000.00	\$11,000.00	\$ 11,000.00	\$25,000.00	\$ 25,000.00
A28	5' Wide Sidewalk Around Pump Station	S.F.	814	\$17.50	\$14,245.00	\$18.00	\$ 14,652.00	\$22.00	\$ 17,908.00	\$12.00	\$ 9,768.00
A29	16' Wide Concrete Drive Approach	L.S.	2		\$11,467.00	\$10,000.00	\$ 20,000.00	\$5,200.00	\$ 10,400.00	\$4,000.00	\$ 8,000.00
A30	6' Tall Black Vinyl Chain Link Fence and Concrete Mow Strip	L.F.	446	\$105.00	\$46,830.00	\$100.00	\$ 44,600.00	\$140.00	\$ 62,440.00	\$105.00	\$ 46,830.00
A31	16' Wide Black Vinyl Double Swing Gate	L.S.	2		\$4,000.00	\$2,750.00	\$ 5,500.00	\$4,400.00	\$ 8,800.00	\$3,500.00	\$ 7,000.00
A32	3' Wide Black Vinyl Gate	L.S.	1	\$928.00	\$928.00	\$1,100.00	\$ 1,100.00	\$870.00	\$ 870.00	\$2,000.00	\$ 2,000.00
A33	1" PI Service Line and Meter Box	L.S.	1	\$2,936.00	\$2,936.00	\$7,000.00	\$ 7,000.00	\$6,900.00	\$ 6,900.00	\$4,000.00	\$ 4,000.00
A34	1" DW Service Line and Meter Box	L.S.	1	\$10,614.00	\$10,614.00	\$10,000.00	\$ 10,000.00	\$6,700.00	\$ 6,700.00	\$4,500.00	\$ 4,500.00
A35	Keystone Retaining Wall Along South End	L.F.	100	\$228.00	\$22,800.00	\$375.00	\$ 37,500.00	\$150.00	\$ 15,000.00	\$100.00	\$ 10,000.00
A36	Extend 6" Concrete Mow Strip to New TBC at South Boundary	L.F.	15	\$65.00	\$975.00	\$20.00	\$ 300.00	\$58.00	\$ 870.00	\$30.00	\$ 450.00
A37	New Asphalt Parking Area	Tons	182	\$241.00	\$43,862.00	\$350.00	\$ 63,700.00	\$370.00	\$ 67,340.00	\$200.00	\$ 36,400.00
A38	Parking Bollard	Each	2	\$1,200.00	\$2,400.00	\$1,500.00	\$ 3,000.00	\$1,300.00	\$ 2,600.00	\$2,000.00	\$ 4,000.00
	SCHEDULE A TOTAL				\$2,843,073.27		\$ 3,115,057.00		\$ 3,412,268.27		\$ 2,858,584.27

	Schedule B - Roadway Improvements										
Item #	Description	Unit	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
B1	Mobilization	L.S.	1	\$21,185.00	\$21,185.00	\$76,500.00	\$ 76,500.00	\$117,000.00	\$117,000.00	\$60,000.00	\$60,000.00
B2	Materials Testing	L.S.	1	\$10,428.00	\$10,428.00	\$10,000.00	\$ 10,000.00	\$7,800.00	\$7,800.00	\$15,000.00	\$15,000.00
B3	Construction Surveying	L.S.	1	\$6,675.00	\$6,675.00	\$15,000.00	\$ 15,000.00	\$5,400.00	\$5,400.00	\$10,000.00	\$10,000.00
B4	Traffic Control	L.S.	1	\$30,107.00	\$30,107.00	\$55,000.00	\$ 55,000.00	\$46,000.00	\$46,000.00	\$60,000.00	\$60,000.00
B5	Drinking Water PRV Vault	L.S.	1	\$116,286.00	\$116,286.00	\$135,000.00	\$ 135,000.00	\$150,000.00	\$150,000.00	\$150,000.00	\$150,000.00
B6	Storm Drain Combo Box and Sump	Each	2	\$24,761.00	\$49,522.00	\$40,000.00	\$ 80,000.00	\$9,900.00	\$19,800.00	\$30,000.00	\$60,000.00
B7	Concrete Sidewalk	S.F.	3,287	\$18.00	\$59,166.00	\$13.00	\$ 42,731.00	\$29.00	\$95,323.00	\$12.00	\$39,444.00
B8	Curb and Gutter	L.F.	572	\$94.00	\$53,768.00	\$68.00	\$ 38,896.00	\$86.00	\$49,192.00	\$50.00	\$28,600.00
B9	Park Strip Landscaping	L.S.	1	\$30,358.00	\$30,358.00	\$52,000.00	\$ 52,000.00	\$136,000.00	\$136,000.00	\$38,000.00	\$38,000.00
B10	New Asphalt Roadway Shoulder	Tons	274	\$189.50	\$51,923.00	\$300.00	\$ 82,200.00	\$99.00	\$27,126.00	\$250.00	\$68,500.00
B11	Mill Existing Roadway Asphalt	S.Y.	1,838	\$7.50	\$13,785.00	\$7.00	\$ 12,866.00	\$6.50	\$11,947.00	\$12.00	\$22,056.00
B12	Replace Existing Roadway Asphalt	Tons	424	\$99.00	\$41,976.00	\$150.00	\$ 63,600.00	\$100.00	\$42,400.00	\$150.00	\$63,600.00
B13	New Murdock Trail Asphalt	Tons	46	\$406.00	\$18,676.00	\$600.00	\$ 27,600.00	\$210.00	\$9,660.00	\$400.00	\$18,400.00
B14	Double-Head Street Light	Each	1	\$11,572.00	\$11,572.00	\$10,000.00	\$ 10,000.00	\$8,700.00	\$8,700.00	\$15,000.00	\$15,000.00
B15	Single-Head Street Light	Each	1	\$11,572.00	\$11,572.00	\$9,500.00	\$ 9,500.00	\$8,700.00	\$8,700.00	\$10,000.00	\$10,000.00
B16	Adjust Valve/Manhole to Grade and Install Concrete Collar	Each	15	\$894.00	\$13,410.00	\$1,250.00	\$ 18,750.00	\$2,900.00	\$43,500.00	\$1,000.00	\$15,000.00
B17	Relocate Existing Sign at Trail Crossing	Each	9	\$753.00	\$6,777.00	\$900.00	\$ 8,100.00	\$630.00	\$5,670.00	\$300.00	\$2,700.00
B18	Relocate Existing Cathodic Protection Test Station	Each	3	\$2,565.00	\$7,695.00	\$6,750.00	\$ 20,250.00	\$5,700.00	\$17,100.00	\$5,000.00	\$15,000.00
B19	Relocate Existing Trail Closure Gate	Each	2	\$940.00	\$1,880.00	\$1,300.00	\$ 2,600.00	\$3,000.00	\$6,000.00	\$2,500.00	\$5,000.00
B20	9' Wide ADA Ramp	Each	2	\$5,673.00	\$11,346.00	\$5,300.00	\$ 10,600.00	\$4,300.00	\$8,600.00	\$2,800.00	\$5,600.00
B21	6' Wide ADA Ramp	Each	2	\$4,808.00	\$9,616.00	\$4,000.00	\$ 8,000.00	\$3,800.00	\$7,600.00	\$2,500.00	\$5,000.00
B22	Remove Existing Asphalt Trail and Re-Seed	S.F.	1,200	\$5.20	\$6,240.00	\$5.00	\$ 6,000.00	\$25.00	\$30,000.00	\$2.50	\$3,000.00
B23	Install New 4' Tall Chain Link Fence	L.F.	180	\$38.30	\$6,894.00	\$40.00	\$ 7,200.00	\$36.00	\$6,480.00	\$100.00	\$18,000.00
B24	12" RCP Culvert Extension	L.F.	20	\$163.00	\$3,260.00	\$275.00	\$ 5,500.00	\$32.00	\$640.00	\$200.00	\$4,000.00
B25	Install 'End of Sidewalk' Sign	Each	2	\$1,329.00	\$2,658.00	\$900.00	\$ 1,800.00	\$220.00	\$440.00	\$400.00	\$800.00
B26	Raised Concrete Center Median	S.F.	615	\$46.00	\$28,290.00	\$40.00	\$ 24,600.00	\$79.00	\$48,585.00	\$50.00	\$30,750.00
B27	Roadway Striping	L.S.	1	\$5,483.00	\$5,483.00	\$3,000.00	\$ 3,000.00	\$13,000.00	\$13,000.00	\$5,000.00	\$5,000.00
	SCHEDULE B TOTAL				\$630,548.00		\$ 827,293.00		\$922,663.00		\$768,450.00
	TOTAL WITH SCHEDULE A + B				\$3,473,621.27		\$ 3,942,350.00		\$4,334,931.27		\$ 3,627,034.27

FILE NAME: \\USERS\BRADY\PROJECTS\HIGHLAND CITY\6000 WEST PI PS\CAD\C3 - ROAD WORK SITE PLAN - SOUTH.DWG
FILE DATE: 4/9/2024 08:27:51 (JEB)

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SCALE IN FEET

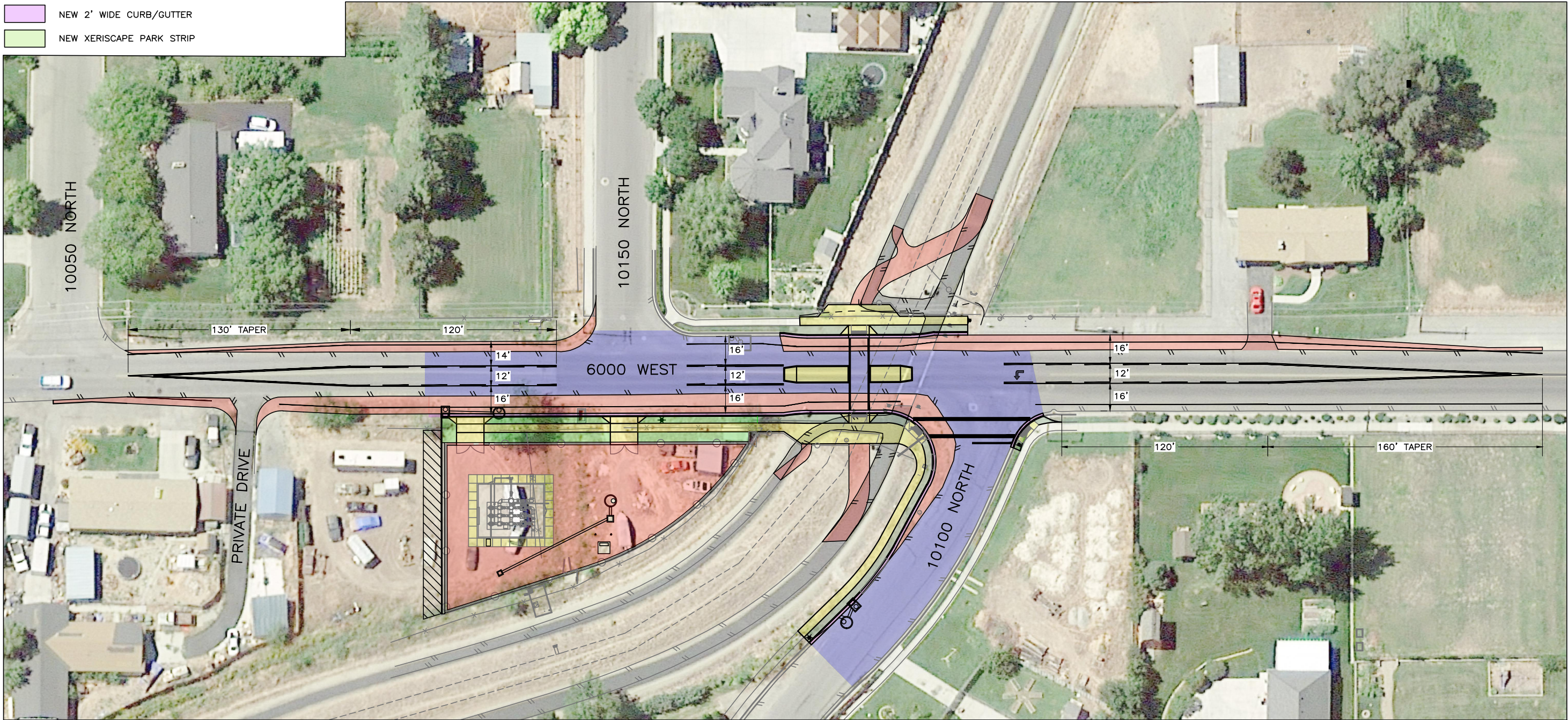
NEW ASPHALT

REPLACE EXISTING ASPHALT

NEW CONCRETE SIDEWALK

NEW 2' WIDE CURB/GUTTER

NEW XERISCAPE PARK STRIP



BT ENGINEERING

FOR:
HIGHLAND CITY
5400 W CIVIC CENTER DR
HIGHLAND, UT 84003

CONTACT:
ANDY SPENCER
801-772-4508

HIGHLAND CITY

6000 WEST IRRIGATION PUMP STATION

ROAD WORK SITE PLAN

PROGRESS
PRINT
4.9.2024
DATE

Not to be used
for construction.

NO.	DATE	REVISION	BY

PROJECT NO.:

001.23.001

DATE:

APRIL 2024

DRAWN BY:

JB

CHECKED BY:

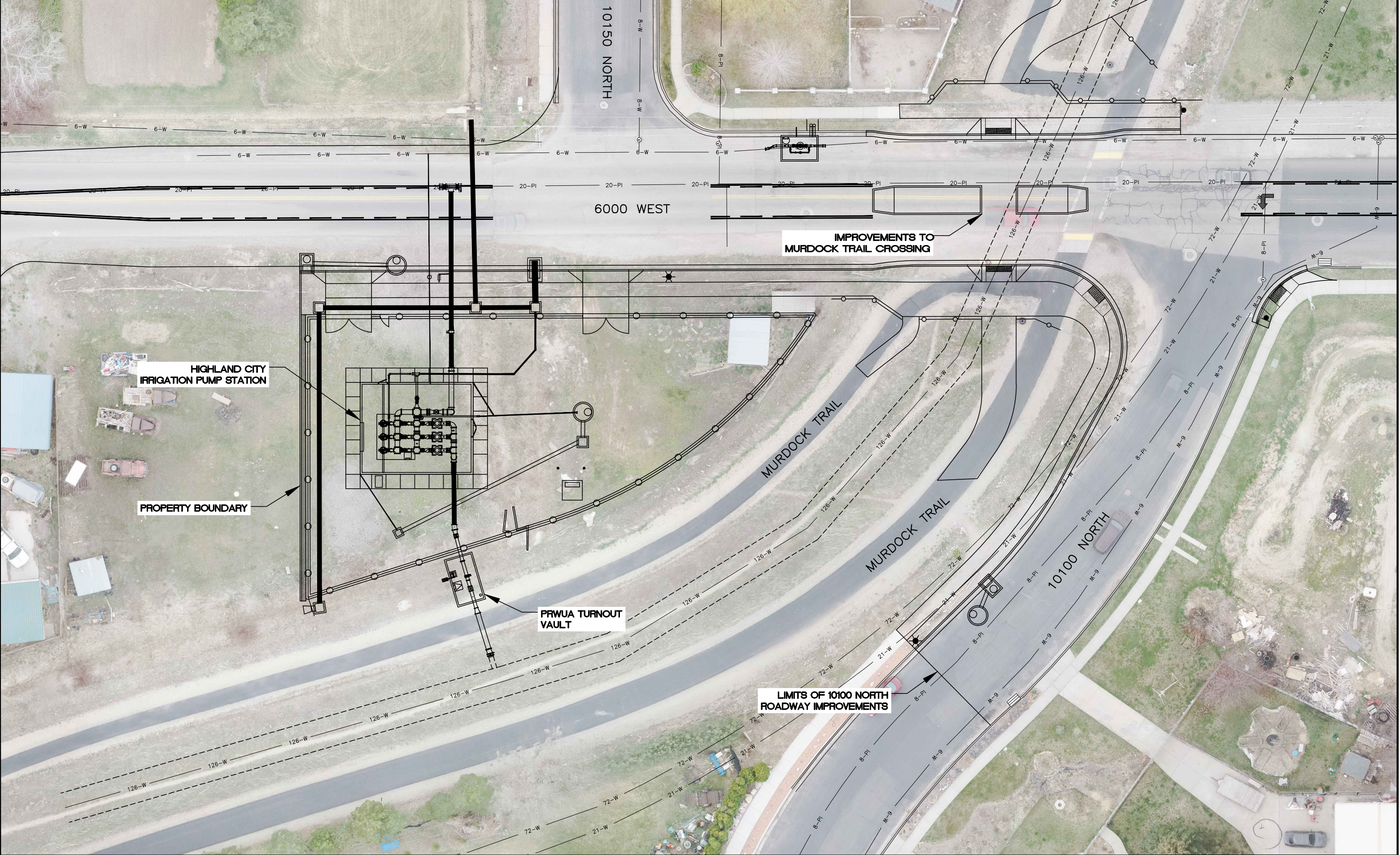
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PROJECT MANAGER:

T. TIMOTHY

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6000 West Irrigation Pump Station and Roadway Improvements - Proposed Construction Schedule

	June 4, 2024	July/Aug 2024	Sept 2024	Nov/Dec 2024	Dec 2024	April 2025	April/May 2025	May/June 2025	June 2025	June/July 2025	July 2025	July/Aug 2025
Notice of Award												
Mobilization												
Begin Pump Station Structure												
Irrigation Ditches Piped												
PRWUA Vault Completion												
Amiad Filters												
Pump Station Piping												
Pump Placement												
PRWUA Fiber Optic												
Electrical for Pump Station												
Pump Station Complete												
PRV Installation												
Full Week Road Closure												
Murdock Trail Improvements												
Roadway Improvements												
3-Day Closure for Paving												



CITY COUNCIL AGENDA REPORT

ITEM #3d

DATE: June 4, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, City Engineer/Public Works Director
SUBJECT: Award of Design Services for Mitchell Hollow Trail
TYPE: General Plan Amendment (Legislative)

PURPOSE:

The City Council will consider awarding design services for the Mitchell Hollow Trail to Consor.

STAFF RECOMMENDATION:

Staff recommends award of the design services contract for the Mitchell Hollow Trail to Consor.

PRIOR COUNCIL DIRECTION:

The approved tentative budget for FY2025 includes funding for the trail design.

BACKGROUND:

The City has been awarded through Mountainland Association of Governments (MAG) \$2,527,050 to construct the Mitchell Hollow Trail. The funds for construction are available in calendar year 2025. If the City would like to construct the trail next year, the design needs to commence in 2024 to have the trail ready for construction in 2025. A contract will be signed later this year with Utah County to provide for reimbursement of expenses associated with the trail, minus the City portion of 6.77%. Utah County staff have approved the City proceeding with the design ahead of this contract and have confirmed these expenses will be reimbursable.

FISCAL IMPACT:

The cost of this project is \$139,895, with a 10% contingency, the total amount is \$153,885. Funding for this expense is included in 40-40-76 Trails within the Parks Capital Fund for the Tentative FY2025 Budget.

MOTION:

I move that City Council APPROVE a contract with Consor for the Mitchell Hollow Trail in an amount up to \$153,885 and AUTHORIZE the City Administrator to sign the contract documents.

ATTACHMENTS:

1. Consor - Highland City- Mitchell Hollow Trail Design Proposal
2. Mitchell Hollow Trail Map

May 28, 2024

Andy Spencer
City Engineer
Highland City Municipal Corporation
5400 W. Civic Center Drive
Highland City, UT 84003

PROJECT: DESIGN SERVICES FOR MITCHELL TRAIL SEGMENTS 1-3

Dear Mr Spencer:

Conсор North America Inc. (Conсор) is pleased to submit this scope of work and fee for the design and preparation of advertising documents for the Mitchell Hollow Trail. The project will complete the trail network beginning at the 1120 N and 6800 W intersection and ending at the existing northern trail connection around 10090 N. The trail identified runs through properties already owned by local municipalities or where easements have already been acquired except at the Peck property. Per our discussion, the trail is approximately 1.7 miles in length to follow the path outlined in the discussion. The following assumptions are included in our definition of the scope of work.

PROJECT ASSUMPTIONS

1. This project will be designed in a single phase for the entire trail.
2. The new trail will include incorporation of existing design for portions of the trail provided by Highland City from past projects. Each previous portion will be imported, checked, and modified as appropriate to complete a single complete trail design package.
3. Design will meet Highland City Standards.
4. Project advertising documents will be limited to bid tabulation, measurement and payment, and any required special provisions as per UDOT/MAG format.
5. Plans will be maintained and developed using AutoCAD.
6. One review of the plans and documents is included in the scope of work at 90%. Trail layout will be reviewed as a team at 10% and 30%.
7. Wetland delineation with permitting action and alternatives analysis are required.
8. Portions of the project will require boardwalks. It is assumed a manufactured boardwalk product consisting of precast concrete will be utilized.
9. Structures on the project are limited to:
 - a. Boardwalks layouts (two locations). Boardwalks will be manufacturer designed.
 - b. Modification of culvert headwall to support trail (added slab over wingwalls). Culvert is owned by Highland City and no hydraulic analysis of culvert or structural inspection will be required.
 - c. Retaining wall design and sheets are excluded.
 - d. Geotechnical exploration is excluded. Geotechnical requirements and recommendations will be the responsibility of the structure manufacturer.
10. Landscaping and aesthetics plans will not be developed or provided.
11. Any required permit costs will be paid for by Highland City.
12. Utility exploration and relocation is limited to a single Lehi Fire Hydrant at the southern end of the project.

13. Right of way design is limited to work at the Peck property and legal descriptions at Utah County and American Fork parcels. Acquisition services are not included.
14. Easements are already established for the majority of private properties and require no additional work.
15. Existing right-of-way information will be based on the GIS linework obtained from county records and not survey quality.
16. The project will not include trail head or parking lot designs.
17. Improvements to the Canal Blvd pedestrian crossing and design of the 9600 N pedestrian crossing are included. No other crossings are included.
18. No signals will be required. Crossings will be unsignalized.
19. No trail tie-ins will not be required.
20. No Sewer/Water utility design will be required.
21. No drainage report will be required for any water crossing.
22. No drainage design for trail runoff will be required.
23. No irrigation relocation will be required.
24. No lighting design will be required.
25. Wetland mitigation is not included.

Additional assumptions are included in the individual tasks below.

CONTRACT TIME

This work will be performed between June 2024 and February 2024.

SCOPE OF WORK

TASK 100 PROJECT MANAGEMENT

Consor will prepare an agenda and work with the Highland City to schedule a Kickoff meeting, Design Review/Coordination meetings, and General Coordination meetings based on availability of key project personnel. Preparation for the Kickoff meeting will include a visit to the project site to identify design and/or constructability concerns. Future meetings will include site visits or travel as coordinated with Highland City. Meetings will be held bi-weekly or monthly as determined necessary by the project manager. Unless determined beforehand, meetings will be held virtually via Microsoft Teams.

Meeting Objectives:

- Introduction of team members
- Confirm project scope, schedule, and budget.
- Discuss project goal, risks, and critical path activities.

Activities:

- 101 - Kickoff Meeting
- 102 - Design Review/Coordination Meetings
- 103 - General Coordination Meetings
- 104 - Project Management

Deliverables:

- Meeting notes with action items and follow up.

TASK 200 PRE -DESIGN PLANNING

Conсор will gather all previously completed design information and combine the trail design into a single design file, confirm the design by others and modify design to meet standards. We will define a horizontal alignment for the trail, trail connections, and public road crossings.

Deliverables:

- 201 – Crossing layouts
- 202 – Preliminary trail design, GIS parcel map
- 203 - Preliminary Engineer's Estimate of Probable Construction Costs
- 299 - Quality Control (QC) / Quality Assurance (QA)

Goals:

- Finalize Crossing alternatives and horizontal geometry.
- Consider location of facilities including drainage facilities and outfalls, sidewalks, pedestrian bridges, and street crossings.

TASK 300 RIGHT OF WAY, SURVEY & BASE MAPPING

Conсор will perform a limited survey of the project area. The survey will include establishing survey control, locating existing survey monuments, begin and end of trail, and roadway crossing locations. State Lidar or Near Maps survey information will be implemented for the entire corridor except in locations identified at roadway and trail connections. Developing base map of project area by adjustment of lidar information to closely match surveyed items identified above. The survey may be limited to 10-20 feet each side of the defined horizontal alignment identified in Task 100. Limits will be defined based on site features.

The survey of additional hard features such as roadway centerlines, edge of pavements, and visible utilities in roadway and proposed trail alignment will be limited to items within 20 ft of the trail alignment on an as needed basis. If deemed necessary, utility inverts will be obtained by removal of manhole and valve lids. This information will be compiled into a CAD drawing to be used during project design.

Right of way is limited to Peck property easement, legal description and exhibit. Conсор will compose draft agreements or exhibits for the American Fork and Utah County parcels. The execution of agreements will be completed by Highland City.

Deliverables:

- 301 - CAD files in AutoCAD format including survey data.
- 302 - Topographical Survey and project base map.
- 303 - ROW Easement, legal description, and exhibit for Peck property.

TASK 400 – DEVELOP 30% DESIGN

Conсор will perform the activities to design Mitchell Hollow Trail to a 30% completion level. These activities include finalizing horizontal alignment of trails, public road crossings, and limited investigation of existing utilities and potential conflicts. Collection of existing data including existing utility data from third-party utilities and topographic mapping is not included.

Activities:

1. Identification of wetland areas.

2. Development of 30% design drawings (final horizontal alignment, preliminary vertical profile to identify potential grading issues).

Deliverables:

- 401 – Integration of Existing Data and Survey
- 402 - 30% design
- 403 – Preliminary wetland limits near horizontal alignment
- 404 - 30% Engineer's Estimate of Probable Construction Costs
- 499 - Quality Control (QC) / Quality Assurance (QA)

Goals:

- Finalize horizontal geometry.

TASK 500 – ENVIRONMENTAL

The Consor Team will provide wetland delineation, alternatives analysis and conflicts and assumptions. Mitigation design is not included. With the current boardwalk concept it is possible no mitigation will be required.

Activities:

1. Alternative alignments and screening process.
2. Cultural Resources that may be impacted by trail alignment(s).
3. Water Resources and Water Quality impacted by the project.
4. Wildlife, Threatened and Endangered Species, and Special Status Species.

Deliverables:

- 501 - Wetland delineation, Potential Wetland Mitigation alternatives and permitting action
- 503 - Quality Control (QC) / Quality Assurance (QA)

TASK 600 – DEVELOP 90%, AND FINAL DESIGN

Consor will perform the activities to design Mitchell Hollow Trail to a 90% and 100% completion level. These Activities include:

- Final horizontal alignment and vertical profile for trails and road crossings.
- Existing culvert crossings modification plans, details and design.
- Boardwalk layouts and details (Boardwalk Design will be by manufacturer)
- Identifying any demolition of existing features, investigation of existing potential conflicts, and limited drainage and utility design.
- Specific site civil details for trail amenities are excluded.

Deliverables:

- 601 - 90% Design Drawings and Specifications
- 602 - 90% Engineer's Estimate of Probable Construction Costs
- 603 - 90% Design Review/Coordination Meetings
- 604 - 100% plans revised for 90% review comments
- 605 - Final Design Signed and Sealed Drawings and Specifications
- 699 - Quality Control (QC) / Quality Assurance (QA)

Construction Cost Estimate (Engineer's OPCC) at 90% and 100% Final Design submittals.

Electronic files in their native format including AutoCAD files, documents, spreadsheets, etc.

Goals:

- Finalize vertical geometry.
- Finalize grading adjacent to trail
- Finalize construction scope.
- Advertisement for construction.

TASK 700 – CONSTRUCTION ADVERTISEMENT

Conсор will provide bid assistance by answering contractor questions and, if necessary, providing addenda, attending the pre-bid meeting, and the bid opening. Conсор will evaluate the bids and make a recommendation for an award to Highland City. Construction Management is not included in this cost proposal.

Activities:

1. Attend and assist with pre-bid meeting.
2. Respond to questions during bidding.
3. Prepare addenda as appropriate. Fee assumes one addendum.
4. Bid evaluation.

Deliverables:

- Responses to questions during bidding.
- Addendum: scope of services and associated fee assumes one addendum.
- Bid evaluation and recommendation of award.

Conсор will resolve any outstanding comments on the construction plans and deliver final advertising package. We will support MAG during the construction advertisement by responding to requests for information from bidders and attending pre-bid and pre-construction meetings.

Deliverables:

- 701 – Review bids/proposals
- 702 – Per-bid meeting
- 703 – Award recommendation

CONTRACT FEE TYPE

Conсор will execute the scope as described above for the following fee:

SUMMARY OF FEES		
Task	Description	Fee
100	Project Management/Meetings/Kickoff	\$ 19,375.00
200	Pre-design Planning	\$ 16,865.00
300	Survey & Base Mapping	\$ 10,340.00
400	Develop 30% Design	\$ 19,440.00
500	Environmental	\$ 9,430.00
600	Develop 90% and Final Design	\$ 54,645.00
700	Construction Advertisement	\$ 3,800.00
Misc.	Other Services/Cultural Survey	\$ 6,000.00
TOTAL		\$ 139,895.00

The combined project budget for the scope as outlined above is on a time and materials basis using the rates established in the attached rate schedule and is not to exceed **\$139,895.00**. If additional meetings, analysis, or work outside this scope become necessary, including further negotiations and any other work elements not explicitly outlined within this scope, as requested by Highland City, will require written approval in the form of a contract modification. Consor looks forward to getting started on this project. I've included a breakdown of the cost estimate to understand the project costs better. Please give me a call if you have any questions or comments.

Respectfully,
Consor North America, Inc.

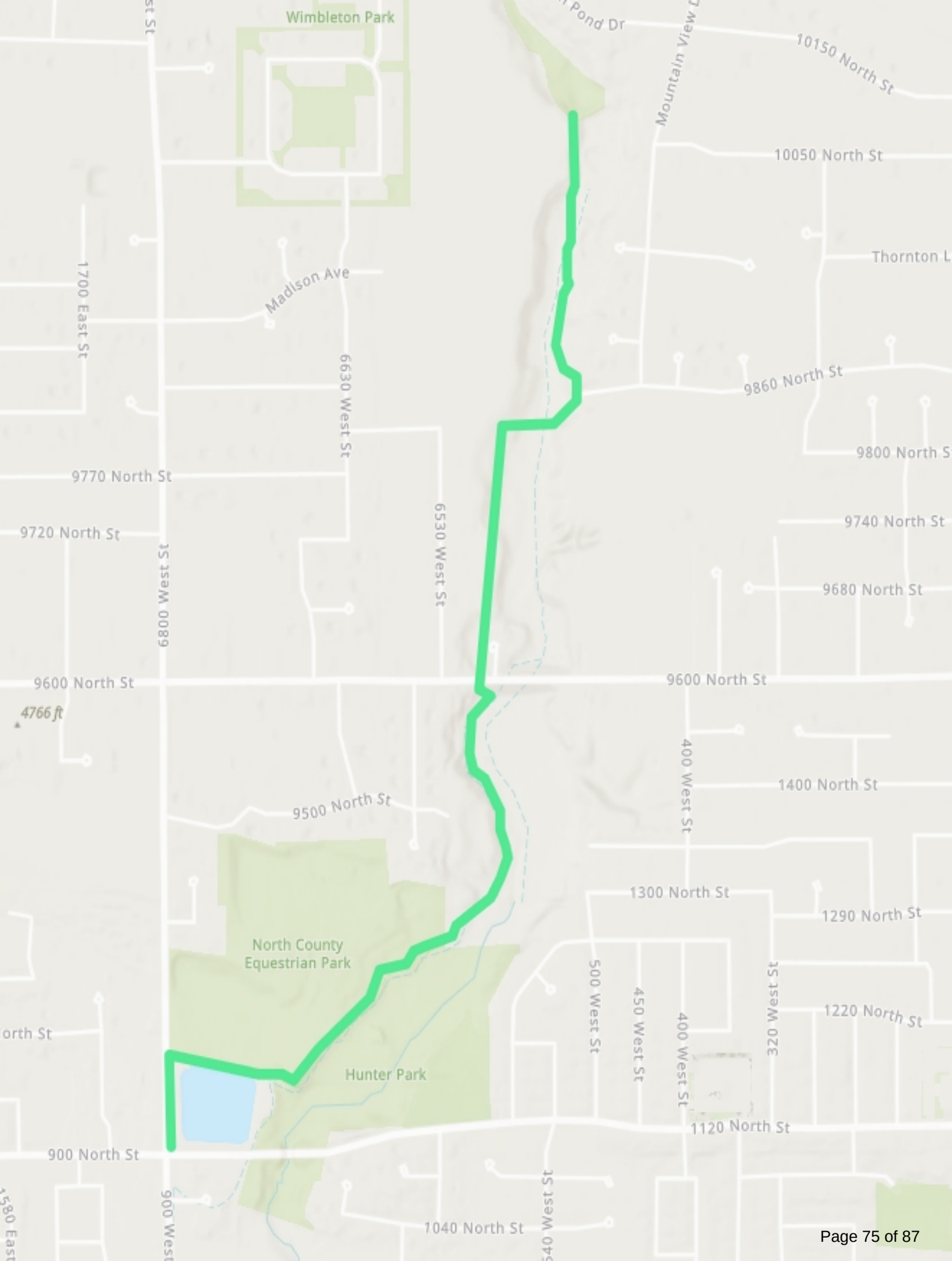


Robert S. Haslam, SE
Senior Project Manager - Transportation Planning and Design

Mittchell Hollow Trail Highland City - Andy Spencer Design													
	PROJECT MANAGER	QC/QA (DESIGN MANAGER)	SENIOR ENGINEER	DESIGN ENGINEER	DESIGN EIT	STRUCTURAL ENGINEER	STRUCTURAL EIT	ENVIRONMENTAL ENGINEER	SURVEY CREW (2-MAN)	SURVEY/ROW	DRAINAGE ENGINEER	DRAINAGE EIT	
RATE	\$ 250.00	\$ 225.00	\$ 225.00	\$ 190.00	\$ 135.00	\$ 250.00	\$ 135.00	\$ 120.00	\$ 190.00	\$ 200.00	\$ 200.00	\$ 135.00	HOURS
COST PER TASK													
TASK DESCRIPTION:													
LABOR HOURS:													
Task 100	Project Management												
101	Kick-Off Meeting		2	2		2							8
102	Design Review/Coordination Meetings		6	6	3	2				2	1		28
103	General Coordination Meetings	4	4	4	2	2	2		2	2	2		30
104	Project Management												22
Task 100 Subtotal		4	12	12	5	6	2	0	2	4	3	2	88
Task 200	Pre-Design Planning												
201	Crossing layouts		2	4	6								14
202	Preliminary trail design		4	4	32								42
203	Preliminary Engineer's Estimate		2	4	2								9
299	Quality Control (QC) / Quality Assurance (QA)	3	4	24									31
Task 200 Subtotal		3	12	36	40	0	0	0	0	0	0	0	96
Task 300	Right of Way, Survey & Base Mapping												
301-303	Topographical Survey, ROW	2	2	2	2				24	20			52
Task 300 Subtotal		2	2	2	2	0	0	0	24	20	0	0	52
Task 400	30% Design												
401	Integration of Existing Data and Survey		2	4	4					4			15
402	30% design		6	20	32								64
403	Preliminary wetland limits near horizontal alignment		4	2									8
404	30% Engineer's Estimate		2	4	8								15
499	Quality Control (QC) / Quality Assurance (QA)		6										6
Task 400 Subtotal			6	14	30	44	0	0	0	4	0	0	108
Task 500	Environmental												
501	Wetland Delineation		2	2				60					66
599	Quality Control (QC) / Quality Assurance (QA)		4										4
Task 500 Subtotal			4	2	2	0	0	60	0	0	0	0	70
Task 600	60%, 90%, and Final Design												
601	90% Design Documents		16	42	100	20	36			8	16	16	266
602	90% Engineer's Estimate		3	4		1	1						13
603	90% Design Review		4	2	2	2							12
604	100% Plans												8
605	Final Signed and Sealed Documents		4										4
699	Quality Control (QC) / Quality Assurance (QA)		6										6
Task 600 Subtotal			6	22	48	102	23	37	0	8	16	16	309
Task 700	Construction Advertisement												
701	Review bids/proposals		4										8
702	Per-bid meeting		2										4
703	Award recommendation		2										4
Task 700 Subtotal			0	8	0	0	0	0	0	0	0	0	16
TOTAL LABOR HOURS		94	25	72	130	191	29	39	60	26	36	19	739
LABOR COSTS		\$ 23,500.00	\$ 5,625.00	\$ 16,200.00	\$ 24,700.00	\$ 25,785.00	\$ 7,250.00	\$ 5,265.00	\$ 7,200.00	\$ 4,940.00	\$ 7,200.00	\$ 3,800.00	\$ 2,430.00
													\$ 133,895.00

Direct Costs			
Sub Consultant	Quantity	Unit	Total Cost
Task 501 Cultural Resources	1		\$ 5,000.00
			\$ -
			\$ -
			\$ -
Total Sub Consultant			\$ 5,000.00
Direct Expenses			
Travel	1		\$ 1,000.00
			\$ -
Total Direct Expenses			\$ 1,000.00
Total Direct Costs			\$ 6,000.00

Task Costs	\$ 133,895.00
Direct Costs	\$ 6,000.00
GRAND TOTAL	\$ 139,895.00





CITY COUNCIL AGENDA REPORT

ITEM #3e

DATE: June 4, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Jay Baughman, Assistant City Administrator/Community Development Director, Brian Patten, Fire Chief
SUBJECT: Update to Firework Restrictions
TYPE: General City Management

PURPOSE:

City Council will consider approving the recommended changes to the firework restricted areas and associated resolution.

STAFF RECOMMENDATION:

Staff recommends that the Council approve the amended Firework Restriction Map and restore the section to the resolution that bans open fires as listed.

PRIOR COUNCIL DIRECTION:

The last time the firework restriction map and resolution were updated was in 2020.

BACKGROUND:

According to Utah Code Section 53-7-225, the following table summarizes the state code related to the sale and discharge of fireworks.

Holiday	Sale Dates	Discharge Dates/ Times
Independence Day	June 24 – July 25	July 2 – 5 from 11:00AM-11:00PM (extended to midnight on July 4)
Pioneer Day	June 24 – July 25	July 22 – 25 from 11:00AM-11:00PM (extended to midnight on July 24)
New Year's Eve	December 29 – 31	December 31 from 11:00AM – January 1 at 1:00AM
Chinese New Year	February 10 – 12	February 10 from 11:00AM – February 13 at 1:00AM

This same section of state law allows cities to ban fireworks or other ignition sources in areas due to existing or historical hazardous environmental conditions in mountainous or dry grass, within 200 feet of waterways, and the wildland interface area.

The following areas were banned by City Council in 2018:

Beacon Hills Subdivision; Bull River Subdivision, drainage areas, and surrounding property;
Chamerry Fields Subdivision; Country French Subdivision; Dry Creek

Highland Subdivision and drainage areas; Hidden Oaks Subdivision, Highland Glen Park; Highland Hills Subdivision; Highland Hollow Subdivision and drainage areas; Highland Oaks Subdivision; Hunter Ridge Subdivision; Lone Peak High School; Mercer Hollow Subdivision; Mitchell Hollow Park and drainage areas; Mouth of American Fork Canyon; Skye Estates Subdivision; State owned property south of Lone Peak High School, Sterling Pointe Subdivision; Sunset Mountain Properties; Town Center Splash Pad; View Point Subdivision; west side of 10150 North; and Westfield Cove Subdivision.

In addition to the areas listed above, the following areas be added to the banned areas in 2020:

City owned homes on Pheasant Drive, homes abutting Highland Hollow and drainage area in the Highland Hollow and Canterbury North subdivision, Meadow Lane, Mountain Ridge Park, Oak Ridge subdivision, open field south of Mitchell Hollow Park, and the Pheasant Hollow Park.

Staff are recommending continuing to maintain the same banned areas for 2024 with the following change: with the development of Ridgeview, fireworks can now be allowed in the area north of the Canal Trail and south of the Ridgeview HOA park.

Staff will work with Chief Patten to distribute a map of the final restrictions to the State Fire Marshall for publication and distribution. State law requires firework retailers to display a sign at their register with the allowed dates and a map. Staff plans on publishing the map on our communication tools such as social media, website, the newsletter, etc. and sending the information to the firework retailers in our City.

Additionally, the last time the firework ban resolution was updated in 2020, the section of the resolution that banned open fires was inadvertently left out:

Section 2: Open fire, campfires, and the igniting and burning in fire pits are prohibited except in landscaped yards in private residence with a hose or fire extinguisher nearby or in designated campfire pits in designated City Campgrounds. Small portable screened fire enclosures and gas barbecues are permitted at private residences;

FISCAL IMPACT:

This item has no fiscal impact to the City.

MOTION:

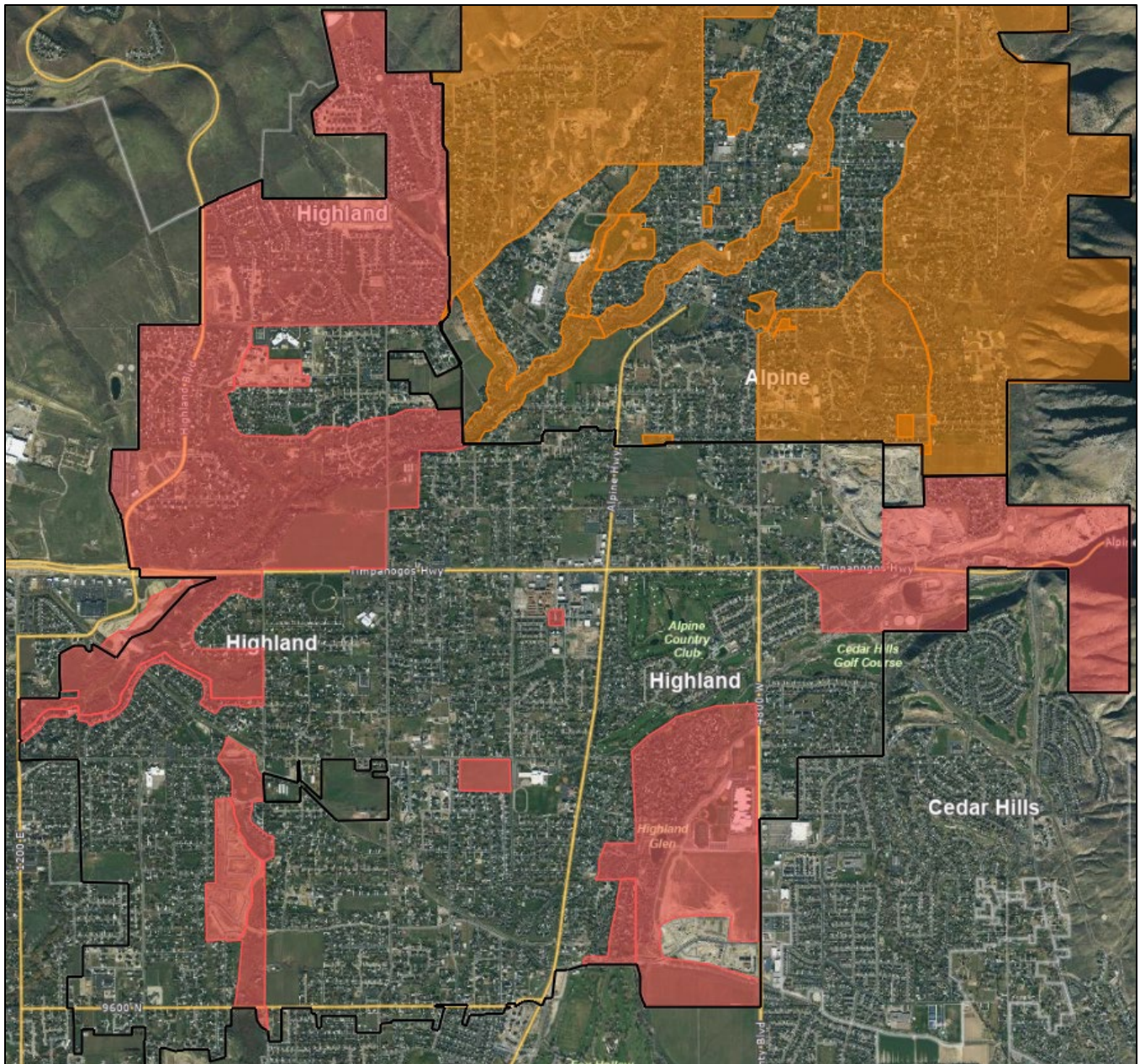
I move that the City Council Approve Resolution R-2024-XX Highland City Firework Restriction Map.

ATTACHMENTS:

1. Proposed Restriction Map
2. Firework Resolution

Proposed Restriction Map for Highland City

Red areas represent areas where fireworks are prohibited in Highland City.



RESOLUTION NO. 2024-**

A RESOLUTION OF THE HIGHLAND CITY COUNCIL, HIGHLAND CITY, UTAH RESTRICTING FIREWORKS IN HIGHLAND CITY

WHEREAS, the City Council finds that it is in the public interest to address fireworks due to environmental issues (weather conditions and dry fuel loads), topographical considerations (mountainous terrain, wildland interface, brush covered areas throughout the city), public safety concerns (people, structures, waterways, washes, and property), etc. in Highland City, Highland Utah; and

WHEREAS, This order is enforceable by law and a violation of which carries penalties and provisions as outlined in the Utah State Law and Highland City Municipal Code.

NOW, THEREFORE by Resolution of the Highland City Council, the ignition and discharge of ALL fireworks is prohibited within the City of Highland in the following areas: (see attached map)

Section 1: Beacon Hills Subdivision; Bull River Subdivision, drainage areas, and surrounding property; Chamberry Fields Subdivision; City owned homes on Pheasant Drive; Country French Subdivision; Dry Creek Highland Subdivision and drainage areas; Hidden Oaks Subdivision; Highland Glen Park; Highland Hills Subdivision; Highland Hollow Subdivision and drainage areas; Highland Oaks Subdivision; homes abutting Highland Hollow and drainage area in the Highland Hollow and Canterbury North subdivision; Hunter Ridge Subdivision; Lone Peak High School; Meadow Lane; Mercer Hollow Subdivision; Mitchell Hollow Park and drainage areas; Mountain Ridge Park; Mouth of American Fork Canyon; Oak Ridge subdivision; open field south of Mitchell Hollow Park; Pheasant Hollow Park; Skye Estates Subdivision; State owned property south of Lone Peak High School; Sterling Pointe Subdivision; Sunset Mountain Properties; Town Center Splash Pad; View Point Subdivision; west side of 10150 North; and Westfield Cove Subdivision.

Section 2: Open fire, campfires, and the igniting and burning in fire pits are prohibited except in landscaped yards in private residence with a hose or fire extinguisher nearby or in designated campfire pits in designated City Campgrounds. Small portable screened fire enclosures and gas barbecues are permitted at private residences; and

This order supersedes all orders relating to fireworks and shall take effect on June 4, 2024

PASSED by Highland City Council this 4 day of June 2024.

HIGHLAND CITY, UTAH

Stephannie Cottle, Highland City Recorder

COUNCILMEMBER	YES	NO
Doug Cortney	☐	☐
Brittney Bills	☐	☐
Ron Campbell	☐	☐
Kim Rodela	☐	☐
Scott Smith	☐	☐



CITY COUNCIL AGENDA REPORT

ITEM #4a

DATE: June 4, 2024
TO: Honorable Mayor and Members of the City Council
FROM: David Mortensen, Finance Director
SUBJECT: Fraud Risk Assessment
TYPE: General City Management

PURPOSE:

The City Council will hear about and discuss the Fiscal Year 2023-2024 Fraud Risk Assessment.

STAFF RECOMMENDATION:

Not applicable. Item for discussion purposes only.

PRIOR COUNCIL DIRECTION:

The Council was last presented the annual Fraud Risk Assessment in 2023.

BACKGROUND:

The Utah State Auditor's Office requires that each public entity in the state perform an annual fraud risk assessment and present the results to the governing body of the entity. The assessment is self-performed and includes a series of questions that test the entity's level of internal controls and best practices. Areas tested include separation of duties, adopted written policies, qualifications and education of staff, statements of ethical behavior, required training and continuing education of elected officials and staff, fraud reporting mechanisms, and internal audit structure and procedures. Each question answered favorably adds points to the entity's total fraud risk score. The score is meant to be an indicator of the likelihood that any fraud being committed would go undetected. There are 395 points possible and five levels of risk including, from worst to best, Very High (fewer than 200 points), High (200-275 points), Moderate (276-315 points), Low (316-355 points), and Very Low (greater than 355 points).

For fiscal year 2022-2023 Highland City reported a score of 305, landing us in the "Moderate" risk level. Some of the items that were missing that brought the score down were a lack of two written policies, including reporting fraud and abuse and IT and computer security (10 points total), not having a licensed or certified expert as part of the management team (20 points), not having all governing body members complete entity specific online training (20 points), not having a formal internal audit function (20 points), and not having a formal audit committee (20 points).

For fiscal year 2023-2024, some of those missing items that decreased the score have been remedied. While there still isn't a separate written policy regarding reporting fraud and abuse, there is a section of the personnel policy that discusses whistleblower protection and instructions on who to talk to when fraud or abuse is observed. A more detailed policy specific to reporting fraud and abuse would likely be more robust, but I believe this section of the personnel policy qualifies as having a written policy in place. Highland also now has a certified expert as part of the team. The current Finance

Director holds the CGFM certification (Certified Government Financial Manager). This is one of the seven certifications that the State Auditor's Office identified as meeting this requirement for the fraud risk assessment. The others are CPA (Certified Public Accountant), CMA (Certified Management Accountant), CIA (Certified Internal Auditor), CFE (Certified Fraud Examiner), CGAP (Certified Government Auditing Professional), and CPFO (Certified Public Finance Officer). In fiscal year 2024, all elected officials have completed required online training on the State Auditor's website. With those points added in, Highland's score for the current year is **350 out of 395**, moving us out of the "Moderate" risk level into the **"Low" risk level**. Items that can be worked on for future improvement and a higher score that would take the City into the "Very Low" risk level include developing a written policy regarding IT and computer security, implementing an internal audit function, and organizing a formal audit committee. The IT policy and audit committee would likely not require additional funding, just elected official and staff time, while the internal audit function would likely require a new PT or FT employee or a contract with a third party accounting firm to act as internal auditor for the City.

FISCAL IMPACT:

Not applicable.

MOTION:

Not applicable. Item for discussion purposes only.

ATTACHMENTS:



CITY COUNCIL AGENDA REPORT

ITEM #4b

DATE: June 4, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Ron Campbell, Council Member, Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Campaign Finance Regulations
TYPE: Municipal Code Update (Legislative)

PURPOSE:

The Council will discuss the potential for additional regulations related to municipal candidate campaign financing.

STAFF RECOMMENDATION:

Staff recommends that the City Council discuss the options related to campaign finance donation restrictions and disclosure requirements and direct staff on what regulations, if any, the Council would like to consider for adoption.

PRIOR COUNCIL DIRECTION:

On February 20, 2024, the City Council discussed options for additional regulations of campaign finances. After discussing different options and methods of potential regulations, the Council directed staff to prepare regulations that were focused on campaign contributions from persons or entities with active projects and pending applications with the City.

On May 21, 2024, the City Council discussed a draft amendment to the City's municipal code that would restrict campaign donations from certain entities and individuals with current or recent land use applications before the City. After discussing the draft amendment and related issues, the Council voted to table the item for further discussion and to consider additional options.

BACKGROUND:

Utah State law specifically authorizes cities to adopt regulations related to campaign finance disclosures and conflicts of interest. [Utah State law 10-3-208](#) specifically authorizes municipalities to adopt ordinances that restrict anonymous contributions beyond that required by state law, require greater disclosures of campaign contributions or expenditures (such as additional reporting and filing of campaign finance statements), and that impose additional penalties on candidates for failure to comply with City ordinances related to campaign finance and disclosure requirements.

Utah State law also generally allows municipalities to adopt regulations that promote and protect the general welfare, and the Utah Supreme Court has upheld the right of municipalities to impose campaign finance regulations beyond those specifically authorized by state law. Ordinances that enhance campaign and election transparency and protect against conflicts of interest are regulations within the City's authority to adopt. Several Utah cities have adopted requirements related to increased financial

disclosures or have imposed maximum contribution limits for anonymous contributions, cash donations, and non-cash donations, though staff did not find any Utah cities with limits on donations specific to ongoing developments and similar activities. There are examples from other states of such limits and restrictions, however. The Utah State Legislature also has laws prohibiting donations to legislators while they are convened in session.

Based on early council discussion, staff prepared proposed amendments to address campaign donations from persons and entities who have or had a recent land use application pending before the City. Staff is looking for direction on what changes or additions the Council would like to see related to those proposed amendments or whether the Council is still interested in any campaign finance regulations beyond those required by the state.

FISCAL IMPACT:

No anticipated fiscal impact.

MOTION:

No propose motion - item is presented for discussion only.

ATTACHMENTS:

1. May 21, 2024 Ordinance - Campaign Finance Regulations

ORDINANCE NO. 2024-_____

**AN ORDINANCE AMENDING HIGHLAND CITY MUNICIPAL CODE
REGULATING MUNICIPAL ELECTION CANDIDATES' STANDARDS OF
CONDUCT AND CAMPAIGN FINANCES**

WHEREAS, Highland City is authorized to adopt rules and regulations regarding campaign finances, candidate conflict of interest standards, and other measures related to municipal elections and candidates;

WHEREAS, the Highland City Council finds that there is a compelling government interest in ensuring that all candidates seeking election to municipal office adhere to the standards of conduct expected of elected officers, including all conflict of interest requirements and the avoidance of gifts and payments that may improperly influence the candidate to depart from the faithful and impartial discharge of public duties or that may reward or induce official action;

WHEREAS, the Highland City Council finds that requiring candidates to comply with elected officials' standards of conduct and to avoid receiving in-kind or monetary donations from persons who have recently sought or are actively seeking City approval for private activity or development is narrowly tailored to accomplishing the government interests set forth above;

WHEREAS, the Highland City Council finds that it will protect the public welfare and enhance the quality and integrity of municipal elections adopt the regulations set forth herein.

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

SECTION 1. Title 2, Chapter 12 of the Highland Municipal Code is amended as follows:

Chapter 2.12.250 Candidates for Mayoral and Council Office

A. Definitions: "Candidate," "contribution," "in-kind contribution," and related terms shall have the meanings set forth in Title 10, Chapter 3, Section 208 and Section 209 of the Utah Code, as amended.

B. Conflicts of Interest.

1. Except as provided herein, all candidates shall adhere to the standards of conduct set forth in Section 2.04.070 upon the filing of their declaration of candidacy until they withdraw their candidacy, are disqualified, are eliminated during a primary or general municipal election, or take office after being elected.
2. Candidates may but are not required to file disclosures related to conflicts of interest. Such disclosures may be filed in conjunction with campaign finance statements.

C. Certain Contributions Prohibited.

1. Candidates shall not accept contributions or in-kind contributions from any person or entity who has filed or is otherwise seeking approval of an application with Highland City for a subdivision, conditional use permit, municipal or development code amendment, rezone or zoning map amendment, planned development, or annexation, if such application was filed or was pending approval in the same calendar year as the deadline for declaration of candidacy.
2. Within 10 business days after being notified that a contribution or in-kind contribution violates this section, candidates and officeholders shall correct the violation through the following methods:
 - a. Return the contribution to the donor or reimburse the donor the value of the in-kind contribution; or
 - b. Disburse the contribution or an amount equal to the value of the in-kind contribution to Highland City.
3. Contributions in violation of this section that are received and corrected shall be reported in the candidate's or officeholder's campaign finance statements as required by governing law.

D. Enforcement and Penalty

1. The city's election official shall notify each candidate at the time the candidate files a declaration of candidacy and at other times required by governing law of the restrictions, requirements, and penalties of this section.
2. Upon discovery of a contribution that violates this section, the city's election official or the city attorney shall notify the candidate of the violation, the methods of correcting the violation, and the deadline for correction.
3. Additional time to correct a contribution violation may be approved by the city's election official if the candidate requests additional time and demonstrates good cause for why the candidate cannot correct the violation within the normal time period.
4. If the candidate fails to correct a contribution violation as required herein, the candidate shall be guilty of an infraction, shall pay a fine equal to \$750 or 50% of the amount of the contribution, whichever is less, and shall be required to return, reimburse, or disburse the contribution as set forth in this section.
5. If a candidate is convicted of two violations of this section within one calendar year, the candidate shall be disqualified as a candidate for election in addition to other penalties.

SECTION 2. This ordinance shall take effect immediately upon its adoption and publication, as required by law.

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

Mayor

ATTESTED:

City Recorder

COUNCILMEMBER

YES

NO

Brittney P. Bills

Ron Campbell

Doug Cortney

Kim Rodela

Scott L. Smith
