



## HIGHLAND CITY

# HIGHLAND CITY COUNCIL AGENDA

May 16, 2017

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

### **7:00 P.M. REGULAR SESSION – CITY COUNCIL CHAMBERS**

Call to Order – Mayor Mark Thompson  
Invocation – Councilman Brian Braithwaite  
Pledge of Allegiance – Councilman Dennis LeBaron

### **APPEARANCES** (10 min.)

**Time has been set aside for the public to express their ideas, concerns, and comments.** (Please limit your comments to three minutes each.)

### **CONSENT** (5 min.)

1. **MOITON: Approval of Meeting Minutes for the City Council Regular Session – May 2, 2017**
2. **MOTION: Approval of an Interlocal Agreement with Alpine City – Widening of 4800 West at SR92 Project**

### **ACTION ITEMS** (60 min.)

3. **PUBLIC HEARING/ORDINANCE: Road Rehabilitation, Reconstruction and Maintenance Fee**

### **MAYOR/ CITY COUNCIL & STAFF** **DISCUSSION AND COMMUNICATION ITEMS** (30 min.)

### **ADJOURNMENT**

#### ELECTRONIC PARTICIPATION

Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.

#### CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that on this **11<sup>th</sup> day of May, 2017**, the above agenda was posted in three public places within Highland City limits. Agenda also posted on State (<http://pnn.utah.gov>) and City websites ([www.highlandcity.org](http://www.highlandcity.org)).

JOD'ANN BATES, City Recorder

- In accordance with the 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 3 days in advance to the meeting.
- The order of agenda items may change to accommodate the needs of the City Council, the staff and the public.

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

**MINUTES  
HIGHLAND CITY COUNCIL MEETING**

**Tuesday, May 2, 2017**

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

**PRESENT:** Mayor Mark S. Thompson, conducting  
Councilmember Brian Braithwaite  
Councilmember Dennis LeBaron  
Councilmember Ed Dennis  
Councilmember Rod Mann

**STAFF PRESENT:** Nathan Crane, City Administrator/Community Develop. Director  
Erin Wells, Assistant to the City Administrator  
Gary LeCheminant, Finance Director  
Todd Trane, City Engineer  
JoD’Ann Bates, City Recorder  
Justin Parduhn, Public Works O&M Director  
Tim Merrill, City Attorney

**EXCUSED:** Councilmember Tim Irwin

**OTHERS:** Robert Smith, Wayne Tanaka, Chris Cottle, Amy Cottle, Brittney Bills, Nathan Murdock, and Leah Higginbotham.

The meeting was called to order by Mayor Mark S. Thompson as a regular session at 7:01 p.m. 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 Councilman Rod Mann and those assembled were led in the Pledge of Allegiance by Councilman Brian Braithwaite.

**APPEARANCES:**

Leah Higginbotham, a resident, said that she had approached the Council in March regarding a request to lease or purchase City property in front of her home. She asked for an update on the issue.

Councilman Ed Dennis said that the Open Space Committee had encouraged the sale of the property in question, but it does not meet the normal criteria for disposal. The City Council would need to approve an exception to continue.

# DRAFT

1 Nathan Crane, City Administrator, added that the issue fell outside of the normal process, so the  
2 staff needs to work that out once the engineer has completed his analysis of the road.

3  
4 Ms. Higginbotham asked if the item would be put on the agenda any time soon. Councilman  
5 Brian Braithwaite suggested that the item come back before the City Council in July or August,  
6 as they have a lot of big decisions to make in the near future.

7  
8 Todd Trane, City Engineer, reported that there are no utilities in the subject parcel, but he was  
9 still trying to determine if any of that property would be needed if the road were widened in the  
10 future.

11  
12 Nathan Murdock explained that he was considering purchasing a home in Highland and had a  
13 question regarding zoning. The home he was looking into had an accessory dwelling on the  
14 property, and he asked whether the City would be more open to granting a variance or  
15 reclassifying the property as multi-family residential.

16  
17 Nathan Crane explained that the property would have to meet specific criteria to obtain a  
18 variance. Normally a variance is granted when there is some physical constraint on the property  
19 that prevents a requirement from being met. In regards to zoning, he said that Highland City  
20 does not have any multi-family districts. The current ordinance does not allow for accessory  
21 apartments, but a resident can request a zone change to allow them.

## 22 23 24 **PRESENTATION:**

### 25 26 **1. ALPINE SCHOOL DISTRICT – Rob Smith, Assistant Superintendent**

27  
28 Rob Smith gave the City Council and staff copies of the Stake Holder Report and other statistical  
29 information regarding the school district. He also presented them with an Excellence Pin and  
30 thanked the City for their support. He invited the City Council to share any input they may have  
31 in regards to improving the school district.

32  
33 Councilman Rod Mann commented on the population disparity between Ridgeline Elementary  
34 and Westfield Elementary. He asked if some of the students could be bussed a few minutes  
35 further to Westfield. Rob Smith said that they were currently doing a comprehensive boundary  
36 review for the entire school district in an attempt to balance class sizes. They would soon be  
37 breaking ground on a new school on Center Street in Lehi, and they were considering taking  
38 students from Traverse down to the new school rather than Ridgeline Elementary.

39  
40 Councilman Rod Mann asked at what point a school district becomes large enough to split. Rob  
41 Smith said that this was up to the residents and patrons of the school district.

42  
43 Councilman ~~Rod Mann~~ asked what he felt was the school district's greatest challenge. Rob  
44 Smith said that he considered recruiting and retaining high quality educators as their biggest

# DRAFT

1 issue. He explained that the lack of educators was solely caused by monetary reasons. In  
2 general, there had been negative discourse on the value and role of teachers and the education  
3 profession.

4  
5 There was a brief discussion regarding State and Federal regulations on education.  
6

7 Councilman Brian Braithwaite commented that keeping good principals at the school could help  
8 to maintain quality teachers and responsive students.  
9

10 Councilman Brian Braithwaite asked about his thoughts regarding the school fees. Rob Smith  
11 explained that they had groups from the Salt Lake valley wanting to use their field space, which  
12 was pushing community uses out. In an attempt to regulate those fields and maintain them, they  
13 implemented the fees. The outcome has been mostly positive, but there have still been some  
14 problems. Councilman Brian Braithwaite commented that this decision has affected the City and  
15 City fields. He said that the City set their fees based upon those set by the school district.  
16

17 Mayor Thompson stated that Item 6 would be heard prior to the Consent Items due to a  
18 scheduling conflict. The rest of the meeting would proceed as shown on the agenda.  
19  
20

## 21 **ACTION ITEMS:**

### 22 23 **6. PUBLIC HEARING / ORDINANCE: Amending the Highland City Fee Schedule –** 24 Cemetery Fees 25

26 ***BACKGROUND:** Right now the City Cemetery operates on the revenue it receives through*  
27 *burials and plot sales. In the future when all the plots are sold and burials have taken place,*  
28 *there would be no revenue source for the Cemetery and thus the General Fund would need to*  
29 *pay for the costs of the maintaining the Cemetery. Currently the Cemetery revenues are greater*  
30 *than the expenses. As such, the City has an opportunity now to create a Perpetual Care Fund so*  
31 *that we have a revenue source to support the Cemetery in the future. Due to changing economic*  
32 *circumstance such as interest rates, it is possible that the Perpetual Care Fund will not be able*  
33 *to fully support Cemetery maintenance; however, it will provide a source of revenue that will*  
34 *help ensure the General Fund does not have to fully support the Cemetery. This item was*  
35 *discussed in work sessions on December 6, 2016 and February 21, 2017. Council gave direction*  
36 *in those meetings that staff has incorporated into the proposed fees*  
37

38 Matt Millis, of Zions Bank, explained that this amendment would hopefully conclude several  
39 meetings worth of discussion regarding cemetery fees. He was trying to bring together a good  
40 plan for the cemetery and make sure that the City was charging the correct fees. He was also  
41 looking at a subsidy that had occurred when the General Fund paid for the land and constructed  
42 several improvements for the City cemetery, and these amounts should be repaid from the  
43 cemetery fund. His recommendation for the fee schedule was to do an annual increase of 3% on  
44 plot fees, which would keep in line with the cost of inflation and cover other expenses that need

# DRAFT

1 to be paid with cemetery fees. He also recommended that 10% of the cemetery fund should be  
2 paid for by General Fund contributions for maintenance costs, and 25% for capital expenses.

3  
4 Councilman Rod Mann asked if the monies should be put in the State fund or if they can look  
5 into other options with a better interest rate. Matt Millis said that this was outside of the scope of  
6 his work with the City, so he had not researched that. The City must meet the requirements of  
7 the Money Management Act. He said that complete repayment to the General Fund for land  
8 acquisition should occur somewhere around 2026, and at that time the City will have to consider  
9 where to invest their funds.

10  
11 Matt Millis presented a table of fees and potential increases. He explained that they were not  
12 proposing any changes to burial fees because there were producing the correct amount of  
13 revenue, but this should be revisited every three to five years to see if those fees need to be  
14 increased. The City Council briefly discussed increasing burial rates and what those funds  
15 would be used for.

16  
17 Mayor Thompson opened the public hearing at 7:56 p.m. Hearing no comments, Mayor  
18 Thompson closed the public hearing and brought the discussion back to the City Council.

19  
20 **MOTION: Councilman Ed Dennis moved the City Council approve and Ordinance**  
21 **amending the Highland City Fee Schedule in relation to the Cemetery Fees increasing**  
22 **burial plots by 3% effective July 1, 2017 and direct staff to build the 3% increase into**  
23 **future budgets.**

24  
25 **Councilman Dennis LeBaron seconded the motion.**

26  
27 **Those voting aye: Brian Braithwaite, Dennis LeBaron, Ed Dennis and Rod Mann.**

28 **Those voting nay: None**

29 **Motion carried.**

30  
31  
32 **CONSENT ITEMS:**

33  
34 **2. MOTION: Approval of Meeting Minutes for the City Council Special Session and**  
35 **Work Session – April 11, 2017**

36  
37 **3. MOITON: Approval of Meeting Minutes for the City Council Regular Session –**  
38 **April 18, 2017**

39  
40 **MOTION: Councilman Rod Mann moved the City Council approve the consent items on**  
41 **the agenda as amended.**

42  
43 **Councilman Brian Braithwaite seconded the motion.**

44 **Unanimous vote, motion carried.**

# DRAFT

1 **4. PUBLIC HEARING / MOTION: Approval of an Open Space Maintenance**  
2 **Agreement for the property located adjacent to the Chamberry Fields Subdivision –**  
3 **Chris and Amy Cottle**  
4

5 **BACKGROUND:** *The City Council recently addressed the issue of allowing residents to enter*  
6 *into maintenance agreements when City owned property was not eligible to be disposed of or*  
7 *sold. The City Council asked that a maintenance plan be presented for their approval by the*  
8 *petitioning property owners. It is the desire of the City Council to assure that City utilities and*  
9 *infrastructure shall remain accessible and that access not be impeded by landscape, hardscape*  
10 *or other improvements. The property owner of lot #115 (Chris and Amy Cottle) indicated that*  
11 *the area to be maintained by them represents 30' x 100' of City owned property in which a*  
12 *culinary water line is located. The proposed plan would allow for landscape including grass,*  
13 *sprinklers, and (1) raised planter box.*  
14

15 Nathan Crane presented the background information above and said that the intent of the  
16 ordinance is to allow maintenance agreements to be handled administratively; however, the  
17 ordinance language is not entire clear on that subject. The City Attorney would be making some  
18 adjustments to the language and bringing the matter back to the City Council as an amendment.  
19 Staff felt that this item should not be delayed because of the amendment, which is why it was  
20 before the City Council.  
21

22 The City Council and staff discussed the potential amendment to the code, which would allow  
23 the Council to approve the entire block of City property. After that, individual property owners  
24 would have to request maintenance agreements.  
25

26 Nathan Crane presented a list of allowed improvements to City properties under maintenance  
27 agreements. The applicants have proposed to install garden boxes, which are not included on the  
28 list. He asked for the City Council's input on this use. Councilman Brian Braithwaite felt that  
29 garden boxes were no different than regular gardens.  
30

31 Tim Merrill, City Attorney, said that there was a potential for these properties to have a use that  
32 is co-mutual. The City has already indicated that the agreement is non-exclusive, but two parties  
33 could enter into an agreement over the same parcel. Councilman Brian Braithwaite said that this  
34 would be fine as long as there was clarity on who was responsible for upkeep. Tim Merrill said  
35 that if the City Council approves the agreement tonight, they would be setting the precedent of  
36 "first come, first serve". He wanted to be sure that was what the City Council intended.  
37

38 Councilman Ed Dennis thought that an open space subdivision should be allowed to improve the  
39 open space property to the level that they would like.  
40

41 Nathan Crane explained that the subdivision essentially has first right of refusal in these cases. If  
42 they did not want to improve the space, then it would be open to other individuals outside of the  
43 subdivision. If the City Council wanted to implement a different process, they could. He just  
44 did not want staff to be involved in a dispute between two land owners.

# DRAFT

1 There was a discussion regarding the “first come, first serve” precedent and whether that should  
2 be changed.

3  
4 Mayor Thompson opened the public hearing at 8:19 p.m.

5  
6 Chris Cottle, the applicant, explained that their intention was to improve the neighborhood by  
7 removing the weeds in that property and replacing them with something more pleasing. He  
8 clarified that they would not be putting in garden boxes; rather, the property would just be  
9 grassed.

10  
11 Hearing no further comments Mayor Thompson closed the public hearing and brought the  
12 discussion back to the City Council.

13  
14 **MOTION: Councilman Ed Dennis moved the City Council approve an Open Space  
15 Maintenance Agreement for the property located adjacent to the Chamberry Fields  
16 Subdivision for Chris and Amy Cottle as proposed with the exception of the garden box.**

17  
18 **Councilman Brian Braithwaite seconded the motion.**  
19 **Unanimous vote, motion carried.**

20  
21  
22 **5. PUBLIC HEARING / RESOLUTION: Approval of the Tentative Budget for 2017-  
23 2018 Fiscal Year**

24  
25 ***BACKGROUND:** A working budget for Fiscal Year 2017-2018 was presented and discussed  
26 with each City Council Member separately and the Mayor separately, between March 20 and  
27 April 6. A budget work session was held on April 11 where discussion and input regarding the  
28 budget was received during that meeting. Under State Law the jurisdiction is to present to the  
29 Council a “Tentative Budget” to be adopted in May. The City Council is required to hold a  
30 public hearing on the proposed Tentative Budget and adoption of this Tentative Budget is simply  
31 a part of the process concluding with the Council adopting the Final Budget, which is scheduled  
32 on June 6, 2017. City Council members may continue to make proposals to alter the tentative  
33 budget. The proposed Tentative Budget has General Fund Revenues at \$8,765,664, and General  
34 Fund Expenses at \$8,673,205. That means revenues exceed expenditures by \$92,459. The  
35 General Fund budget has a carryover amount from the previous year of \$90,000 for building a  
36 salt shed.*

37  
38 Gary LeCheminant, Finance Director, presented the information above and said that very little  
39 had changed from the tentative budget presented on April 11<sup>th</sup>. He presented the budget  
40 numbers. See attached presentation for details.

41  
42 Councilman Ed Dennis asked if any progress had been made regarding internet sales tax  
43 collection, given that Highland and American Fork shared a zip code. Gary LeCheminant  
44 reported that he had attended a conference a few weeks ago in St. George, and he was told that

# DRAFT

1 they would be doing the zip code plus four, so the sales tax would be assigned by house.  
2 Councilman Brian Braithwaite argued that at the last meeting with Utah League of Cities and  
3 Towns they said that internet companies were not currently requiring the zip plus five, so they  
4 would not have the ability to break down the nine digits at this point in time. Highland City  
5 would have to go back to the State and work something out. Gary LeCheminant said that he  
6 would continue to work on that issue.

7  
8 Councilman Ed Dennis noted that the delinquent property tax was not broken out between City  
9 and library property taxes. He asked how the library would be receiving their portion of the  
10 delinquent taxes. Gary LeCheminant explained that he does break down those amounts, but they  
11 do not have a separate account for those funds.

12  
13 Councilman Ed Dennis said that the library has spent their entire reserve and the City was  
14 continuing to cross charges, which increases the budget expenditures. It looked as if only a  
15 portion of those are offset by indirect charge revenue. He suggested that they pull those cross  
16 charges out of the budget since there is no longer a reserve.

17  
18 Councilman Rod Mann felt that the cross charges should be left in the budget. This forces the  
19 library to make a budget and come to the City for approval.

20  
21 Councilman Brian Braithwaite asked for clarification on the cost of putting water from the PI  
22 system on City park property, and Gary LeCheminant explained that the General Fund is charged  
23 \$100,000 for that. Councilman Brian Braithwaite said that the City needs to be more transparent  
24 about this expense.

25  
26 Councilman Ed Dennis argued that the library cross charges were different because there is no  
27 funding set aside for the library, and their reserve is gone. He said that including the cross  
28 charges misrepresented the budget.

29  
30 Councilman Brian Braithwaite argued that they have a different idea of what transparency is for  
31 the residents. There was a lengthy discussion regarding transparency and the library  
32 expenditures. Councilman Ed Dennis explained that the money does not actually move  
33 anywhere because it's all the same account. Essentially, it's a non-cash transaction. He worried  
34 that they were inflating the budget with non-cash transactions.

35  
36 Mayor Thompson asked Councilman Ed Dennis to sit down with Gary LeCheminant outside of  
37 the meeting to discuss the issue.

38  
39 Mayor Thompson opened the public hearing at 8:55 p.m. Hearing no comments, Mayor  
40 Thompson closed the public hearing and brought the discussion back to the City Council.

41  
42 **MOTION: Councilman Brian Braithwaite moved the City Council approve a Resolution**  
43 **accepting the Tentative Budget for the 2017-2018 Fiscal Year as proposed.**

# DRAFT

1 Councilman Dennis LeBaron seconded the motion.

2  
3 **AMENDED MOTION:** Councilman Ed Dennis moved the city Council amend the  
4 tentative to include a transfer from the General Fund to cover cross charges.

5  
6 Councilman Brian Braithwaite seconded the motion.

7  
8 **VOTE ON AMENDED MOTION:**

9 Those voting aye: Ed Dennis

10 Those voting nay: Rod Mann, Dennis LeBaron and Brian Braithwaite.

11 Motion failed.

12  
13 **VOTE ON MAIN MOTION:**

14 Those voting aye: Rod Mann, Dennis LeBaron and Brian Braithwaite.

15 Those voting nay: Ed Dennis.

16 Motion passed.

17  
18 Councilman Brian Braithwaite instructed staff to work with Councilman Ed Dennis to find a way  
19 to make the budget as transparent as possible for the residents.

20  
21  
22 **7. PUBLIC HEARING / ORDINANCE: Amendment to the Highland City**  
23 **Development Code – Political Signs**

24  
25 *BACKGROUND: A development code amendment is a legislative process.*

26  
27 Nathan Crane said that this change was meant to address early voting by allowing candidates to  
28 put up political signs 30 to 45 days prior to the date of the election. The Planning Commission  
29 recommended approval of this amendment.

30  
31 JoD'Ann Bates, City Recorder, explained that this was really in relation to absentee voting or  
32 vote-by-mail rather than early voting. Absentee ballots are sent out 21 days before the election,  
33 and this amendment would give candidates a little more time to get their signs out before the  
34 ballots are sent.

35  
36 Mayor Thompson opened the public hearing at 9:06 pm

37  
38 Wayne Tanaka, a resident, said that this was a good decision.

39  
40 Hearing no further comments, Mayor Thompson closed the public hearing and brought the  
41 discussion back to the City Council.

42  
43 **MOTION: Councilman Brian Braithwaite moved the City Council approve an Ordinance**  
44 **amending the Highland City Development Code Section 3-712.6.c for Political Signs.**

# DRAFT

1 **Councilman Rod Mann seconded the motion.**

2  
3 **Those voting aye: Brian Braithwaite, Rod Mann and Mayor Thompson**

4 **Those voting nay: Ed Dennis and Dennis LeBaron**

5 **Motion carried.**

6  
7  
8 **8. MOTION: Approval of an Agreement for Janitorial Services for Highland City**  
9 **Hall and Library, Highland Community Center and 7 Park Restrooms.**

10  
11 ***BACKGROUND:** Highland City signed a janitorial service agreement with Stratus Building*  
12 *Solutions on June 23, 2014. Over the past year, the janitorial services with the City has failed to*  
13 *comply with the agreement in regards to effectively cleaning and maintaining the City*  
14 *Hall/Library, Community Center and seven City park restrooms. The City has on numerous*  
15 *occasions spent extra time with the representative discussing the concerns and issues. The*  
16 *current company has failed to address those issues and concerns. A 30-day written notice has*  
17 *been provided to Stratus Building Solutions with a termination date of midnight on Wednesday,*  
18 *May 31, 2017. New services will start June 1, 2017. A Request for Quote (RFQ) was sent out to*  
19 *11 different local companies, was advertised in the newspaper, and posted on the City website.*  
20 *Three companies responded with quotes.*

21  
22 JoD'Ann Bates, City Recorder, presented the background information above and a list  
23 comparing the bid amounts. Staff needs the City Council's approval before moving forward in  
24 retaining a new cleaning company.

25  
26 The City Council discussed how much research each company had done before giving a quote.  
27 JoD'Ann Bates said that normally an increase in cost comes from the City adding expenses  
28 rather than the cleaning company increasing their fees.

29  
30 **MOTION: Councilman Ed Dennis moved the Highland City Council approve of an**  
31 **agreement with for janitorial services on the recommendation of staff for Vanguard**  
32 **Cleaning Services for the Highland City Hall and Library, Highland Community Center**  
33 **and seven City Park Restrooms.**

34  
35 **Councilman Dennis LeBaron seconded the motion.**

36 **Unanimous vote, motion carried.**

37  
38  
39 **MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS**

40 *(These items are for information purposes only and do not require action or discussion by the City Council)*

- 41  
42 • **Construction of the East West Corridor, Highland City-4800 So./S.R. 74 East-West**  
43 **Connector Road - Mayor Mark Thompson**

# DRAFT

1 Mayor Thompson said that the Road Study update indicates that the East West Corridor would  
2 be more of a local provider than a multi-city connection. He was concerned that if they don't  
3 move ahead with the project in a timely manner, they would be forced to build the bridge in the  
4 middle of winter. He asked for the Council's input on the project.  
5

6 Councilman Brian Braithwaite reported that Representative Kennedy has had conversations with  
7 the residents of Pheasant Hollow regarding the issue, and he had suggested that the residents sit  
8 down and have a discussion with the City and State Representatives about getting this project  
9 moving. If the City presented the State Legislature with a proposal that comes from the residents  
10 as well as the City, the State would respond more positively. He suggested that two City Council  
11 Members be selected to represent the City and that Todd Trane also attend the meetings.  
12

13 Councilman Ed Dennis thought that the residents of Pheasant Hollow had presented a list of  
14 items they wanted addressed. Todd Trane explained that that list was created from the original  
15 negotiations in 2008. The City would start negotiations again either now or when the project  
16 kicks off.  
17

18 Steve Hale, a resident of Pheasant Hollow, explained that Pheasant Hollow had put together a  
19 board to handle these negotiations. The residents also have some questions about some  
20 additional development they want to do in the park.  
21

22 Councilmen Dennis LeBaron and Brian Braithwaite volunteered to act as representatives. Todd  
23 Trane also agreed to attend the negotiations.  
24

25 • **One Time Revenue Projects** – Nathan Crane, City Administrator  
26

27 Nathan Crane explained that the City has roughly \$300,000 in one-time revenue funds and staff  
28 had put together a list of possible projects for the City Council to consider. The money did not  
29 have to be assigned today, but he wanted to get the discussion going. He explained that the  
30 projects are ranked with a priority of A, B, or C.  
31

32 Mayor Thompson asked why the cemetery fence was ranked with an A rating. Nathan Crane  
33 explained that it was primarily an aesthetic issue, but there were some portions that were  
34 completely rotted through and falling apart. Councilman Brian Braithwaite said that this project  
35 would rank somewhere between an A and B in his opinion. The cemetery was located in the  
36 gateway of the City, and they should be concerned about aesthetics. Mayor Thompson said that  
37 they could just take down the fencing if it's harmful to the surrounding neighbors. It would cost  
38 a lot of money to replace, and he wasn't sure that the issue was that important.  
39

40 Councilman Dennis LeBaron commented that the City needed to put money toward the items  
41 that they needed the most.  
42

# DRAFT

1 Councilman Rod Mann asked about the salt storage, and Nathan Crane explained that it was  
2 required as part of the storm water audit that was done. Staff was putting together a plan to  
3 determine a good timeframe for that project.

4  
5 Councilman Dennis LeBaron asked what staff considered the City's greatest need. Nathan Crane  
6 said that the salt storage and then snow plow replacement ranked very high.

7  
8 Justin Parduhn, O&M Director, explained that the City was able to handle the snow loads this  
9 year, but the City continues to grow every year. If a snow plow is down, it's hard to keep the  
10 entire City plowed in a timely manner. Eventually, the plows will need to be replaced and they  
11 should think about getting an additional plow.

12  
13 In response to a question from Councilman Ed Dennis, Nathan Crane explained that it would be  
14 best to use the one-time revenue for capital projects like these rather than putting it toward the  
15 road fund. They're doing their best to provide for road maintenance through other means, and he  
16 doesn't see the general fund being able to purchase a new snow plow any time soon.

17  
18 Councilman Dennis LeBaron brought up the issue of the park maintenance building and asked if  
19 they really needed it. The City had been functioning for several years without it. Nathan Crane  
20 said that the issue would need to be addressed eventually, because the equipment was currently  
21 being stored in the homes in Pheasant Hollow. Mayor Thompson said that they would find  
22 resistance no matter where they decided to put the maintenance building.

23  
24 • **Transportation Fee Format** – Nathan Crane, City Administrator

25  
26 Nathan Crane presented a document showing the fee amounts based on four different methods:  
27 monthly property tax increase, a road fee ERU, a road fee per utility connection, and a road fee  
28 based on trip generation. He asked the City Council for their input.

29  
30 Councilman Rod Mann and Councilman Dennis LeBaron worried that these fees, as presented,  
31 would discourage commercial development in the City.

32  
33 Councilman Ed Dennis asked how they would calculate trip generation and Nathan Crane  
34 explained that they would be using an industry-wide standard that has already been set. It's the  
35 same standard the City engineer used to generate trips for the dental and medical office a few  
36 weeks ago. Councilman Ed Dennis was not in favor of this method.

37  
38 Councilman Rod Mann said that he liked the ERU model, but it would be simpler to calculate  
39 based on connections.

40  
41 Councilman Brian Braithwaite said that the property tax would be more transparent for the  
42 residents, but he wanted to be sure that they chose a method that would good for future City  
43 Councils as well.

# DRAFT

1 Mayor Thompson argued that the residents would ultimately be paying the bill for this, so their  
2 preference should direct the Council's decision. Councilman Rod Mann said that the latest poll  
3 showed 60% of the residents in favor of a fee, and 40% in favor of a tax increase. He was  
4 comfortable with those results.

5  
6 There was a brief discussion about the small turnout to the neighborhood meetings, and it was  
7 confirmed that only 90 surveys had been turned in to the City.

8  
9 • **Ongoing Items – Staff**

10  
11 Councilman Rod Mann said that he received an email from a resident of Lehi that was starting a  
12 group called Dry Creek Reservoir Citizen Advisory Committee, and the City Council was invited  
13 to their first meeting this Thursday. Since the City Council would be attending a Road Fee  
14 meeting, he suggested that a member of staff be sent to the meeting to represent Highland City.

15  
16 There was some discussion on the purpose of the Committee and which of the City Council  
17 Members should be assigned to meet with them. Councilman Dennis LeBaron was chosen to  
18 represent the City, and Justin Parduhn would go to the meeting on Thursday.

19  
20 Mayor Thompson reported that Jill Gore had asked to use some City property to store some mill  
21 tailings that would be relevant to the reconstruction of the Draper portion of Suncrest Road. He  
22 had told Ms. Gore that they could lease the property to them or look into finding another  
23 property that was closer to their construction site.

24  
25 Mayor Thompson said that the other issue he wanted to discuss was the increased complaints  
26 surrounding the dance studio. The City had received complaints about excessive noise, parking  
27 issues, and illegal turns onto the major highway. He said that the City needed to determine what  
28 they wanted to enforce in this situation.

29  
30 Councilman Brian Braithwaite said that the studio had been looking for additional property for  
31 their business but had chosen not to pursue that. If the City starts enforcing parking and noise  
32 regulations, it would motivate them to look for additional space.

33  
34 Councilman Rod Mann asked what the City could legally enforce. Tim Merrill said that they  
35 could regulate parking, decibel levels, or pass a noise ordinance. He suggested that the City have  
36 a meeting with the business owners first, as that would be the quickest way to start taking care of  
37 the problems.

38  
39 Before adjourning the meeting, Councilman Ed Dennis thanked Nathan Crane for his work on  
40 the RFP for the Economic Study.

41  
42  
43 **ADJOURNMENT**

# DRAFT

1 **MOTION: Councilman Brain Braithwaite moved to adjourn.**

2

3 **Councilman Dennis LeBaron seconded the motion.**

4 **Unanimous vote. Motion carried.**

5

6 **Meeting adjourned at 10:24 p.m.**

7

8

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JoD'Ann Bates, City Recorder

9

10

11 Date Approved: May 16, 2017

12



# CITY COUNCIL AGENDA REPORT ITEM #2

---

**DATE:** Tuesday, May 16, 2017  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Todd Trane, PE  
City Engineer  
**SUBJECT: MOTION:** Approval of an Interlocal Agreement with Alpine City for the 4800 West Project.

---

## **STAFF RECOMMENDATION:**

The City Council approve an interlocal agreement with Alpine City for the 4800 West Project.

## **BACKGROUND:**

Staff has been working with MAG (Mountainland Association of Governments) for some time on a project to widen 4800 West at SR-92. The plan is to create a right turn lane for southbound traffic coming into the intersection. Total project cost is estimated at \$328,000. The project was planned for some time in 2019-2020. Staff has worked with MAG to receive the funds sooner and has been successful in securing the funds for project construction this summer. MAG has provided \$305,794 of county funds for this project. The additional \$22,206 to reach the total project funds is a required local match. Highland and Alpine will split this cost and provide \$11,103 each for the project.

As a part of receiving the county funds, Utah County has asked us to enter into an interlocal agreement with Alpine to secure their financial contribution for the project. We have drafted an agreement and shared it with Alpine. Alpine City Council approved the agreement on May 9, 2017 and is ready to sign the agreement and provide a check for \$11,103 once Highland City has approved it.

## **FISCAL IMPACT:**

This action will provide a contribute of \$11,103 as Highland City's portion of the local match for the 4800 West project.

GL 41-40-71: Major Road Maintenance

## **ATTACHMENTS:**

1. Interlocal Agreement
2. MAG TIP Project Spreadsheet

**INTERLOCAL COOPERATION AGREEMENT**  
**between**  
**HIGHLAND CITY AND ALPINE CITY**

This Interlocal Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2017, by **Highland City**, a political subdivision of the State of Utah (hereinafter referred to as the (“Highland”)), and **Alpine City**, a municipal corporation and political subdivision of the State of Utah (hereinafter referred to as the (“Alpine”)).

RECITALS

WHEREAS, the Utah Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated (1953), as amended, permits local governmental units including cities, counties and political subdivisions of the State of Utah to make the most efficient use of their powers by enabling them to cooperate with other public entities on the basis of mutual advantage and to exercise joint cooperative action for the benefit of their respective citizens; and

WHEREAS, Highland and Alpine desire to facilitate the construction of a road widening project known as 4800 West in Highland, Utah; and

WHEREAS, the road widening project will facilitate a right-hand turn lane at the intersection of 4800 West and SR-92 for south bound traffic; and

WHEREAS, Highland has already commenced preliminary design work and right-of-way acquisition and has expended funds for the project; and

WHEREAS, the Mountainland Metropolitan Planning Organization (MPO) Regional Planning Committee determined that this project should receive funds not to exceed \$328,000 for direct costs; and

WHEREAS, both Cities held duly noticed public meetings wherein this Agreement was considered and an Authorizing Resolution was presented for approval by the respective legislative bodies.

NOW THEREFORE, in consideration of the covenants and agreements contained herein, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Highland and Alpine Cities agree as follows:

1. **PURPOSES.** This Agreement has been established and entered into between Highland and Alpine for the purpose of outlining the respective rights and responsibilities of both Cities in the construction of the 4800 West project.

2. **EFFECTIVE DATE; DURATION.** This Agreement shall become effective and shall enter into force within the meaning of the Interlocal Cooperation Act, upon the submission of the Agreement to, and the approval and execution hereof by the governing bodies of the Highland and Alpine. The term of this Agreement shall be from the date of execution hereof until

the terms and obligations identified herein are completed, but in no event longer than 3 years from the execution date.

At the time that construction bids are obtained by Highland and opened, then either Highland or Alpine may terminate this Agreement if either party determines that there are not enough resources available for the construction of the project by providing written notice to the other party within 15 days of the opening of the bids. The work completed at the time of an early termination will be deducted from the \$328,000 set aside for the project.

3. **NO SEPERATE LEGAL ENTITY.** Highland and Alpine do not contemplate nor intend to establish a separate legal or administrative entity under the terms of this Agreement.

4. **TERMS.**

1. **Project Costs:** The Mountainland MPO has provided \$305,794 of county funds for this project. The additional \$22,206 to reach the total project funds is a required local match. Highland and Alpine will split this cost and provide \$11,103 each for the project. With the already completed work by Highland's consultant, it is estimated that it will take \$21,376 to survey, finalize the design, and bid the project.
2. **Right-of-way Acquisition:** Highland has already been in contact with 2 of the 3 property owners and started discussing the need for property acquisition for the project. Both parties agree that property acquisition will be completed by Highland staff.
3. **Utilities:** Any changes needed for utilities due to the road widening project will be paid for through project funds.
4. **Ownership and Maintenance of 4800 West:** Highland City shall own and be responsible for maintenance and repair of 4800 West.
5. **Recitals:** The recitals portion of this Agreement constitutes a part of this Agreement.

5. **FILING OF INTERLOCAL COOPERATION AGREEMENT.** Executed copies of this Agreement shall be placed on file with the official keeper of records of Highland and Alpine, and shall remain on file for public inspection during the term of this Agreement.

6. **AMENDMENTS.** This Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be: (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, and (c) filed in the official records of each party.

7. **SEVERABILITY.** If any term or provision of this Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted

by law. To the extent permitted by applicable law, the parties hereby waive any provision of law, which would render any of the terms of this Agreement unenforceable.

8. **GOVERNING LAW.** All questions with respect to the construction of this Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

9. **INDEMNIFICATION.** Highland and Alpine are both agencies or subdivisions of the State of Utah. Each of the parties agrees to indemnify and save harmless the other for damages, claims, suits, and actions arising out of its negligent error or omission in connection with this Agreement. Both Highland and Alpine agree that the terms of this Agreement are subject to, and not a waiver of the protections, immunities and liability limits of the Governmental Immunity Act, U.C.A 63G-1-101, et. Seq.

IN WITNESS WHEREOF, the parties have signed and executed this Interlocal Cooperative Agreement, after resolutions duly and lawfully passed, on the dates listed below:  
DATED this \_\_\_\_ day of \_\_\_\_\_, 2017.

City of Highland

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, City Recorder

Reviewed as to proper form and  
compliance with applicable law:

\_\_\_\_\_  
\_\_\_\_\_, City Attorney

SIGNED and ENTERED INTO this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Alpine City

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, City Recorder

Reviewed as to proper form and  
Compliance with applicable law:

\_\_\_\_\_  
\_\_\_\_\_, City Attorney

Mountainland MPO TIP Projects - Sorted by Sponsor - 09/09/2017

PIN	Sponsor	Map#   Project Information	Action	Funding Source	Total Funds	Fiscal Years (total funds)					Funding Responsibility			
						<Prior	FFY17	FFY18	FFY19	FFY20	MPO/Co.	Federal	State	Local
13074	American Fork	AF 200 S Multimodal Improvements	New trail construction	CM/AQ	3,178,000		200,000		2,978,000			2,962,849		215,151
13074	American Fork	AF 200 S Multimodal Improvements	New trail construction	TAP-MAG	1,639,000				1,639,000			1,528,040		110,960
13074	American Fork	AF 200 S Multimodal Improvements	New trail construction	TAP-MAGSU	60,000				60,000			55,938		4,062
14995	American Fork	American Fork-700 N Connection	New 3 Lane RD	CO-Future	1,100,000				1,100,000		1,025,530			74,470
8581	Eagle Mountain	Pony Express PKWY - Silver Ranch RD to Redwood RD	Add Turn Lanes, Trail	STP-Provo/Orem	3,948,000	3,948,000						3,680,720		267,280
13069	EM/SS	SS/EM Pony Express PKWY; Redwood RD to Porters Crossing	Widen to 5 lanes	ST-TIFEX-MAG	9,822,600	364,000	728,343	8,730,257			9,157,610			664,990
NA	Eagle Mountain	HWY 73 Eagle Mountain	Corridor Preservation	CO1222-VRF	1,200,000	1,200,000					1,200,000			
14991	Highland	Highland-4800 W/Timp HWY Intersection	SB Right Turn Lane	CO-Future	328,000			328,000				305,794		22,206
14996	Highland	Highland-6800 W; AF 1120 N to 9600 N	Shoulders/Turn Lanes	CO-Future	2,300,000					2,300,000	2,144,290			155,710
8571	Lehi	Histroic Utah Southern Rail Trail - Via UPRR, Central Lehi	New Trail	CM/AQ	1,100,275	1,100,275						1,025,786		74,489
8571	Lehi	Histroic Utah Southern Rail Trail - Via UPRR, Central Lehi	New Trail	CM/AQ-PM2.5	160,000	160,000						149,168		10,832
8571	Lehi	Histroic Utah Southern Rail Trail - Via UPRR, Central Lehi	New Trail	STP-Provo/Orem	500,000	500,000						466,150		33,850
13076	Lehi	Lehi 700 South Cycle Track	New construction	ST-TIFEX-MAG	3,283,550					3,283,550	3,061,254			222,296
14994	Lehi	Lehi-1200 W: 2100 N to Timpanogos HWY	Widen to 5 Lanes	CO-Future	5,400,000			5,400,000			5,034,420			365,580
11625	Lindon	Lindon Heritage Trail - Pioneer LN to Utah Lake	New Trail	STP-Provo/Orem	332,699	180,000	152,699					310,176		22,524
8573	Mapleton	Mapleton Lateral Canal Parkway Trail	New Trail	CM/AQ	1,629,000	1,629,000						1,518,717		110,283
8573	Mapleton	Mapleton Lateral Canal Parkway Trail	New Trail	STP-Provo/Orem	1,224,523	1,224,523						1,141,623		82,900
8573	Mapleton	Mapleton Lateral Canal Parkway Trail	New Trail	STP-Small Urban MAG	175,000	175,000						163,153		11,848
10954	Mapleton	Mapleton Lateral Canal PKWY Trail-Phase 2	New Trail	CM/AQ	881,477	125,000	756,477					821,801		59,676
13898	Mountainland	15-16 Mountainland MPO UPWP	Planning Program	STP-Provo/Orem	1,015,943	958,677	57,266					947,164		68,779
14968	Mountainland	16-17 Mountainland MPO UPWP	Planning Program	STP-Provo/Orem	712,002	664,013	47,989					663,799		48,203
MAG	Mountainland	Future Mountainland UPWP	Planning Program	ST-TIFEX-MAG	3,003,900		697,000	731,850	768,400	806,650	2,800,536			203,364
10084	Orem	Orem ITS Upgrade TTI Phase 1	ITS Work	STP-Provo/Orem	1,394,167	1,389,183	4,984					1,299,782		94,385
10955	Orem	Orem 1600 North - State ST to 275 W	Widen to 4 lanes	STP-Provo/Orem	1,470,314	1,470,314						1,370,774		99,540
10956	Orem	Orem Center ST - Geneva RD to I-15	Widen to 4 lanes	STP-Provo/Orem	1,514,000	151,400		1,362,600				1,411,502		102,498
13062	Orem	UDOT Orem 800 N-1100 E Intersection	New turning lane	STP-Provo/Orem	1,293,000	10,000	1,283,000					1,205,464	87,536	
13067	Orem	Orem 800 North Trail 600 W-900 W	New construction/reconstruction	ST-TIFEX-MAG	84,150			84,150			78,453		5,697	
13070	Orem	Orem Lakeview Parkway	PE / Environmental work	ST-TIFEX-MAG	340,000		340,000				316,982			23,018
13073	Orem	Orem 1600 North	PE / Environmental work	ST-TIFEX-MAG	839,800		839,800				782,946			56,854
13078	Orem	Orem ITS Phase II	Upgrade ITS Infrastructure	CM/AQ	1,500,000		150,000	1,350,000				1,398,450		101,550
14463	Orem	Orem-State ST Medians	Raised Medians	ST-TIFEX-MAG	1,275,000				1,275,000		1,188,683			86,318
14990	Orem	Orem-1600 N; State ST to I-15	Right of Way	ST-TIFEX-MAG	4,250,000				1,000,000	3,250,000	3,962,275			287,725
14993	Orem	Orem-Murdock Canal Trail Improvements	Crosswalks and signals	CO-Future	55,000		55,000				51,277			3,724
14997	Orem	Orem-1200 S/400 W Roundabout Improvements	Roundabout Improvements	CO-Future	2,300,000			230,000	2,070,000		2,144,290			155,710
13065	Payson	Payson SR198 Sidewalk	New sidewalk construction	TAP-MAG	178,054	111,000	67,054					166,000	12,054	
13087	Payson	Payson 600 East	Shoulders/Turn Lanes	CO2218-3QREGBond	161,100	161,100					161,100			
13087	Payson	Payson 600 East	Shoulders/Turn Lanes	CO-Future	64,900		64,900				64,900			
11882	Provo	Provo Westside Connector	New 3 and 5 lane road	CO2218-3Q	411,148	411,148					411,148			
11882	Provo	Provo Westside Connector	New 3 and 5 lane road	CO2218-3QPRESBond	15,709	15,709					15,709			

PIN	Sponsor	Map#   Project Information	Action	Funding Source	Total Funds	Fiscal Years (total funds)					Funding Responsibility			
						<Prior	FFY17	FFY18	FFY19	FFY20	MPO/Co.	Federal	State	Local
11882	Provo	Provo Westside Connector	New 3 and 5 lane road	CO2218-3QREG	7,115,305	7,115,305					7,115,305			
11882	Provo	Provo Westside Connector	New 3 and 5 lane road	CO2218-3QREGBond	4,604,665	4,604,665					4,604,665			
11882	Provo	Provo Westside Connector	New 3 and 5 lane road	CO-Future	3,803,173		3,803,173				3,803,173			
11882	Provo	Provo Westside Connector	I-15 to Provo Airport	STP-Provo/Orem	2,500,000	2,500,000						2,330,750		169,250
13077	Provo	Provo River PKWY Trail	Trail reconstruction	ST-TIFEX-MAG	3,095,700			3,095,700			3,095,700			
13084	Provo	Provo Lakeview PKWY Phase 2	Widen and new 3 land road	CO2218-3QPRESBond	49,933	49,933					49,933			
13084	Provo	Provo Lakeview PKWY Phase 2	Widen and new 3 land road	CO2218-3QREGBond	1,625	1,625					1,625			
13084	Provo	Provo Lakeview PKWY Phase 2	Widen and new 3 land road	CO-Future	6,565,442		6,565,442				6,565,442			
14109	Provo	Provo-Bulldog BLVD; Canyon RD to Provo River	Safety Improvements	ST-TIFEX-MAG	2,550,000		2,550,000				2,377,365			172,635
NEW	Provo	Provo Lakeview PKWY Phase 3	New 3 lane road	CO-Future	1,600,000		1,600,000				1,491,680			108,320
13079	Santaquin	Santaquin Main ST Phase 2	Intersection Improvements	CO2218-3QREGBond	387,829	387,829					387,829			
13079	Santaquin	Santaquin Main ST Phase 2	Intersection Improvements	CO-Future	160,171		160,171				160,171			
14986	Santaquin	Santaquin-US6/Summit Ridge PKWY	Intersection Improvements	ST-TIFEX-MAG	751,400		0	751,400			700,530			50,870
10959	Saratoga Springs	Saratoga Springs Utah Lakeshore Trail	New Trail	CM/AQ	618,000	618,000						576,161		41,839
13082	SS/Lehi	SS Crossroads BLVD/Lehi Main ST	Widen to 5 Lanes	CO-Future	12,397,000		1,000,000	11,397,000			12,397,000			
14987	Saratoga Springs	Saratoga Springs-Utah Lakeshore Trail; Hot Pots & Amanda LN	New Trail	TAP-MAG	996,000			996,000				928,571		67,429
NA	Saratoga Springs	Pony Express PKWY	New 3 lane road	CO2218-3QPRESBond	1,600,000	1,600,000					1,600,000			
NA	Saratoga Springs	Pony Express PKWY	New 3 lane road	CO2218-3QREGBond	1,657,739	1,657,739					1,657,739			
NA	Saratoga Springs	Pony Express PKWY	New 3 lane road	CO-Future	242,261		242,261				242,261			
10960	Spanish Fork	Spanish Fork Canyon RD/2550 E Intersection	Realign Intersection	STP-Provo/Orem	802,000	802,000						747,705		54,295
10961	Spanish Fork	Spanish Fork Center ST/US 6 Intersection	Widen to 4 lanes	STP-Provo/Orem	2,303,000	2,303,000						2,147,087		155,913
10961	Spanish Fork	Spanish Fork Center ST/US 6 Intersection	Widen to 4 lanes	STP-Small Urban MAG	900,000	798,953	101,047					839,070		60,930
10962	Spanish Fork	Spanish Fork River Trail	New Trail	STP-Provo/Orem	1,540,197	1,530,871	9,326					1,435,926		104,271
13063	Spanish Fork	SF 400 N Ped Improvements	New sidewalk construction	TAP-MAG	263,864	263,864						246,000	17,864	
13072	Spanish Fork	SF Spanish Fork River Trail Phase 2	New trail construction	ST-TIFEX-MAG	2,941,850		2,941,850				2,742,687			199,163
14992	Spanish Fork	Spanish Fork-Center ST; US6 to 900 E	Widen to 5 Lanes	CO-Future	4,100,000			4,100,000			3,822,430			277,570
NA	Spanish Fork	I-15/Springville 1600 South Interchange	Corridor Preservation	CO1222-VRF	2,900,000	3,029,498	-129,498				2,900,000			
New	Spanish Fork	SF 1100 East Trailhead	Parking facility	ST-TIFEX-MAG	465,760				465,760		434,228			31,532
13081	Springville	Springville 400 S/800 E Intersection	Intersection realignment	CO2218-3Q	359,556	359,556	0				359,556			
13081	Springville	Springville 400 S/800 E Intersection	Intersection realignment	CO2218-3QPRES	198,586	198,586					198,586			
13081	Springville	Springville 400 S/800 E Intersection	Intersection realignment	CO-Future	31,858		31,858				31,858			
13083	Springville	Springville Community Park Trail	Trail bridge	CO2218-3Q	157,000	165,818	-8,818				157,000			
14985	Springville	Springville-1200 W; 400 S to 1300 S	New 3 Lane RD	ST-TIFEX-MAG	2,319,013			1,000,000	1,319,013		2,162,015			156,997
14988	Springville	Springville-Sharp/Tintic RR Connection	Future Commuter Rail Connector	CM/AQ	4,753,000		260,000		4,493,000		4,431,222			321,778
6690	UDOT	HWY 92 - I-15 Lehi to Canyon RD, Highland	Widen	STP-Provo/Orem	862,432	862,432						804,045	58,387	
8061	UDOT	Geneva RD - University PKWY to Orem 1600 N	Widen to 4 lanes	STP-Flex MAG	252,670	252,670						235,565	17,106	
8061	UDOT	Geneva RD - University PKWY to Orem 1600 N	Widen to 4 lanes	STP-Provo/Orem	3,907,814	3,907,814						3,643,255	264,559	
8061	UDOT	Geneva RD - University PKWY to Orem 1600 N	Widen to 4 lanes	STP-Small Urban MAG	900,000	900,000						839,070	60,930	
10263	UDOT	SR198 Study, Payson	Study	STP-Provo/Orem	150,000	150,000						139,845	10,155	
10689	UDOT	SS Redwood Rd Trail	New trail construction	ST-TIFEX-MAG	293,250		293,250				273,397		19,853	
13009	UDOT	Springville 400 S - Main ST to 400 E	Widen to 5 lanes	STP-Provo/Orem	770,000	187,752	582,248					717,871	52,129	

PIN	Sponsor	Map#   Project Information	Action	Funding Source	Total Funds	Fiscal Years (total funds)					Funding Responsibility			
						<Prior	FFY17	FFY18	FFY19	FFY20	MPO/Co.	Federal	State	Local
13061	UDOT	UDOT State ST-AF 200 E-AF Main ST Intersection	Realign intersection	CM/AQ	425,000		425,000					396,228	28,773	
13061	UDOT	UDOT State ST-AF 200 E-AF Main ST Intersection	Realign intersection	CM/AQ-PM2.5	1,632,148		1,632,148					1,521,652	110,496	
13061	UDOT	UDOT State ST-AF 200 E-AF Main ST Intersection	Realign intersection	STP-Flex MAG	101,852		101,852					94,957	6,895	
13061	UDOT	UDOT State ST-AF 200 E-AF Main ST Intersection	Realign intersection	STP-Provo/Orem	250,000	250,000						233,075	16,925	
13064	UDOT	Springville 1600 S-SR-51 Turn Lanes	New turning lanes	STP-Provo/Orem	516,000	139,823	376,177					481,067	34,933	
13064	UDOT	Springville 1600 S-SR-51 Turn Lanes	New turning lanes	STP-Small Urban MAG	260,000		260,000					242,398	17,602	
13894	UDOT	UDOT TravelWise	Travel management program	CM/AQ	48,000		48,000					44,750	3,250	
13894	UDOT	UDOT TravelWise	Travel management program	CM/AQ-PM2.5	75,000		75,000					69,923	5,078	
14191	UDOT	SS Foothill BLVD Study	Corridor Alternatives Study	ST-TIFEX-MAG	100,000		100,000				93,230		6,770	
14983	UDOT	UDOT-Utah CO-FutureArterial Continuous Count Stations	ITS-Traffic Counters	ST-TIFEX-MAG	408,000		408,000				380,378		27,622	
14984	UDOT	UDOT-Utah CO-FutureI-15 Continuous Count Stations	ITS-Traffic Counters	ST-TIFEX-MAG	234,600		234,600				218,718		15,882	
13243	UDOT TOC	UDOT TOC I-15 NB Variable Message Sign - Springville to Provo Area	New construction	CM/AQ	319,000	319,000						297,404	21,596	
13243	UDOT TOC	UDOT TOC I-15 NB Variable Message Sign - Springville to Provo Area	New construction	CM/AQ-PM2.5	181,000	109,619	71,381					168,746	12,254	
13244	UDOT TOC	UDOT TOC Utah CO-FutureSignal Interconnect	Signal interconnect	CM/AQ	406,000	406,000						378,514	27,486	
14149	UDOT TOC	UDOT TOC I-15 Fiber - Payson to Santaquin	Fiber and CCTV installation	CM/AQ	349,800	60,000	289,800					326,119	23,681	
UTA	UTA	UTA Orem Center ST Passenger Amenities	New benches/shelters	CM/AQ-PM2.5										
UTA	UTA	UTA Rideshare Program 2016	Travel demand program	CM/AQ	203,000		203,000					189,257		13,743
UTA	UTA	UTA Rideshare Program 2017	Travel demand program	CM/AQ-PM2.5	193,000		193,000					179,934		13,066
UTA	UTA	UTA Rideshare Program 2018	Travel demand program	CM/AQ-PM2.5	194,000			194,000				180,866		13,134
14989	UTA	UTA Rideshare Program 2019	Mobility Management	CM/AQ-PM2.5	202,000			202,000				188,325		13,675
14989	UTA	UTA Rideshare Program 2020	Mobility Management	CM/AQ-PM2.5	203,000				203,000			189,257		13,743
UTA	UTA	UTA Vanpool Program 2018	Purchase 5 expansion vans	CM/AQ-PM2.5	135,000			135,000				125,861		9,140
UTA	UTA	UTA Vanpool Program 2019	Purchase 5 expansion vans	CM/AQ-PM2.5	135,000				135,000			125,861		9,140
UTA	UTA	UTA Vanpool Program 2020	Purchase 5 expansion vans	CM/AQ-PM2.5	135,000				135,000			125,861		9,140
UTA	UTA	Provo / Orem Bus Rapid Transit	PE and Bond Payment	CO2218-3QREG	2,800,000	2,800,000					2,800,000			
8567	Utah County	Jordan River/Murdock Canal Trail Connection	New Trail	CM/AQ-PM2.5	1,318,000	920,000	398,000					1,228,771		89,229
8567	Utah County	Jordan River/Murdock Canal Trail Connection	New Trail	STP-Flex MAG	325,000	325,000						302,998		22,003
8567	Utah County	Jordan River/Murdock Canal Trail Connection	New Trail	STP-Provo/Orem	320,000	15,819	304,181					298,336		21,664
8567	Utah County	Jordan River/Murdock Canal Trail Connection	New Trail	STP-Small Urban MAG	936,000	936,000	0					872,632		63,367
10952	Utah County	Histroic Utah Southern Rail Trail - Via UPRR, North Lehi	New Trail	STP-Provo/Orem	950,000		950,000					885,685		64,315
13068	Utah County	Canyon RD / PG 100 East	Widen to 3 lanes	CO-Future	6,059,000		2,423,600	3,635,400			6,059,000			
13085	Utah County	UC Highline Canal Bridges	Reconstruct bridges	CO2218-3Q	731,000	731,000					731,000			
13086	Utah County	UC Lakeshore Trail-Spring Creek Area	New trail	CO-Future	1,100,000				1,100,000		1,100,000			
14087	Utah County	Elk Ridge DR; HWY198 to 8000 S	New 3 lane road	CO2216-2Q	169,019	169,019					169,019			
14087	Utah County	Elk Ridge DR; HWY198 to 8000 S	New 3 lane road	CO2218-3Q	59,035	59,035					59,035			
14087	Utah County	Elk Ridge DR; HWY198 to 8000 S	New 3 lane road	CO2218-3QREGBond	27,044	27,044					27,044			
14087	Utah County	Elk Ridge DR; HWY198 to 8000 S	New 3 lane road	CO-Future	12,030,512		2,816,303	9,214,209			12,030,512			
14698	Utah County	UC-Provo Canyon Trail; Vivian Park to Deer Creek	New Trail	CO-Future	1,500,000		1,500,000				1,398,450			101,550
NEW	Utah County	UC Elk Ridge DR; HYW 198 to Elk Ridge	Shoulders/Turn Lanes	CO-Future	4,708,440				4,708,440		4,389,679			318,761
	Utah County	Murdock Connector RD	New 3 lane road	CO2216-2Q	452,761	452,761					452,761			
	Utah County	Murdock Connector RD	New 3 lane road	CO2218-3QREGBond	216,120	216,120					216,120			

PIN	Sponsor	Map#   Project Information	Action	Funding Source	Total Funds	Fiscal Years (total funds)					Funding Responsibility			
						<Prior	FFY17	FFY18	FFY19	FFY20	MPO/Co.	Federal	State	Local
	Utah County	Murdock Connector RD	New 3 lane road	CO-Future	3,501,119		3,501,119				3,501,119			
<b>Totals</b>					<b>185,917,853</b>	<b>58,132,493</b>	<b>42,085,981</b>	<b>44,215,866</b>	<b>20,738,113</b>	<b>20,745,400</b>	<b>126,865,436</b>	<b>51,497,670</b>	<b>965,513</b>	<b>6,589,235</b>



# CITY COUNCIL AGENDA REPORT

## ITEM #3

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**DATE:** Tuesday, May 16, 2017

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Nathan Crane, AICP  
City Administrator/Community Development Director

**SUBJECT:** PUBLIC HEARING AND ORDINANCE – Adoption of an Ordinance creating a road maintenance and rehabilitation fee.

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### **STAFF RECOMMENDATION:**

City Council determine whether or not to adopt a road fee.

### **BACKGROUND:**

With the Road Reconstruction Master Plan (RRMP) complete, the City Council began discussing options to increase revenue for road maintenance and reconstruction at the January 17, 2017 Council meeting. Based on the RRMP, it is estimated that an additional one million dollars annually is needed for road maintenance and reconstruction. According to the 2017 Citizen Survey, 67% of the respondents stated they would support the city raising fees or taxes for road maintenance and rehabilitation.

Staff has prepared two ordinances for Council consideration. The difference in the ordinances is the implementation of a flat fee or a fee based on utility accounts. The highlights of the ordinance are as follows:

- Establishes a Utility Transportation Fund
- Dedicates the use of the funds only to be used for the maintenance or rehabilitation of roads
- Requires an annual report as part of the budget process.
- Requires the City Council to re-evaluate the fee if new additional revenue is obtained from a new tax by the State or County.
- Creates a process for in which a party can appeal the fee.
- The fee would become effective July 1, 2017.
- There are two options being considered for the fee:
  - The first option is a flat fee of \$18.50.
  - The second is a fee of \$18.50 per equivalent residential unit (ERU). Each residential unit would be charged \$18.50. Non-residential buildings would be charged \$18.50 for each 10,000 square feet of floor area.

**FISCAL IMPACT:**

This action will raise an additional one million dollars for road maintenance and rehabilitation beginning next fiscal year.

**ATTACHMENTS:**

1. Ordinance Adopting a Flat Fee
2. Ordinance Adopting a Fee Based on Equivalent Residential Unit

**ATTACHMENT 1 – TUF – FLAT FEE**

ORDINANCE NO. 2017-\_\_\_\_\_

**ORDINANCE ESTABLISHING A TRANSPORTATION UTILITY FUND;  
PROVIDING FOR ITS OPERATIONS AND ENFORCEMENT; PROVIDING FOR  
APPEAL, ACCOUNTING AND SEVERABILITY OF THE SAME**

WHEREAS, Title 10 Chapter 3 of the Utah Code Annotated authorizes the City Council with authority to enact ordinances that promote the health, safety, morals, convenience, order, prosperity and general welfare of Highland City; and

WHEREAS, the Highland City Council has spent several years studying the quality and character of the City's roads and rights-of-way, including the repair, maintenance, rehabilitation, and reconstruction of the same; and

WHEREAS, the maintenance and rehabilitation of Highland's roadways necessitate substantial funding to maintain and improve so as to protect the citizenry's health, safety and welfare; and

WHEREAS, after careful study, consideration, deliberation and review of comments made by citizens at public meetings and community neighborhood meetings regarding road funding, the City Council has determined that it is in the best interests of the health, safety and welfare of the inhabitants of Highland City that a Transportation Utility Fund be established for the dedication of funds to City streets.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
HIGHLAND CITY, THAT THIS TRANSPORTATION UTILITY FUND  
ORDINANCE BE ENACTED IN THE HIGHLAND MUNICIPAL CODE AS  
FOLLOWS:**

SECTION 1. That the Highland City Municipal Code is hereby amended by creating Section 3.46 Transportation Utility Fund as follows:

**SECTION 3.46 TRANSPORTATION UTILITY FUND**

**SECTION 3.46.010 INTENT IN CREATING A TRANSPORTATION UTILITY**

The City Council hereby finds, determines, and declares that the public necessity of providing maintenance, upkeep, improvement, rehabilitation, and repair of the City's streets and related facilities within the right-of-way requires the establishment of a comprehensive transportation utility with the purpose and

power of undertaking such maintenance and improvement of City streets and related facilities as may be necessary and proper, with such mandate to include, without limitation, the following activities: patching, crack sealing, seal coating, over-laying, reconstruction, and other activities as are necessary in order that local streets may be properly maintained to safeguard the health, safety and welfare of the City and its inhabitants.

As part of the establishment of this utility, a Utility Transportation Fund ("Fund") is hereby created for the purpose of providing funds for the maintenance and rehabilitation of Highland City streets. Insofar as possible to do so with funds available, and in accordance with policies adopted by the City Council, the City intends to maintain and rehabilitate only Highland public streets and rights-of-way and shall not use funds for the maintenance or rehabilitation of private streets, rights-of-way, or easements.

### **SECTION 3.46.020 DEFINITIONS**

A. "Commercial" means a nonpublic use, nonresidential land use including, but not limited to, industrial, office, retail, for-profit education, for-profit medical facilities, or professional services establishments.

B. "Public use" means a land use for a tax-exempt property, including, but not limited to, government property, school district property, education or religious property, or tax-exempt medical facilities.

C. "Residential" means a one-family detached, semi-detached (twin home), or attached (City home) (side by side under separate ownership), apartment dwelling unit, or condominium arranged, designed for, and occupied by not more than one (1) family, and which has a kitchen and a bathroom.

D. "Street" means any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement shoulders, gutter, parking areas, and other areas within the right-of-way. For the purposes of this section, sidewalks are not considered as part of streets.

E. "Utility Account" means a City utility account, whether held by a residential or non-residential user.

### **SECTION 3.46.030 ESTABLISHMENT OF UTILITY TRANSPORTATION FUND**

There is hereby created a Utility Transportation Fund, to be reported as an enterprise fund, to be funded by a fee ("Fee") to be paid by the users of Highland City utilities within the corporate limits of Highland City. Each Utility Account holder shall be assessed a Fee of \$18.50. Fee may be modified by resolution of the City Council in such amounts as deemed necessary to provide funds to properly maintain and rehabilitate City streets.

#### **SECTION 3.46.040 BILLING AND COLLECTION**

The Fee shall be billed and collected with and as part of the monthly consolidated utility bill. If Utility Account is deficient funds, any payment shall first be applied to the Transportation Utility Fee owing before other utilities. The person(s) responsible for payment of the Fee shall be the same person(s) responsible for payment of other City utilities. All such bills shall be rendered monthly by the City and shall become due and payable in accordance with the rules and regulations adopted by the City pertaining to the collection of utility fees, and the City's finance officers shall place all such fees so collected into the fund to be deposited and separately kept to be used only for the transportation utility purposes provided herein.

#### **SECTION 3.46.050 ENFORCEMENT**

Any charge due hereunder which is not paid when due may be recovered in an action at law or equity by the City. In addition to any other remedies or penalties provided by this Chapter or any other ordinance of the City, failure of any person responsible for the payment of City utilities to timely pay the charges when due shall subject such person to discontinuance of utility services provided by the City, consistent with City policies regarding termination of utility services.

#### **SECTION 3.46.060 DEDICATION OF FUNDS**

All funds collected by the City from this fee shall annually be paid into the utility transportation fund, which is hereby created as an established fund in the City budget. Such revenues shall be used for the purposes of the operation, improvement, maintenance and rehabilitation of Highland City streets. It shall not be required that the operations, improvement, rehabilitation, and maintenance expenditures from the fund specifically relate to any particular property from which the fees were collected.

#### **SECTION 3.46.070 ANNUAL REPORT AND GAS TAX REVENUES**

A. Each year during the annual budget process, the City Council shall receive an annual report detailing the income and expenditures of the Fund.

B. In the event that any State or County legislation is enacted that either changes the rate of a tax or enacts a new tax, the purpose of which tax is to provide funds for the operation, improvement, or maintenance of City streets, and that results in the City receiving increased revenues dedicated to that purpose, the City Council shall also hold a public hearing not more than twelve (12) months following the effective date of such legislation, to allow sufficient time to gather necessary and relevant data, to specifically consider the question of whether the fee should be reduced to offset, either entirely or partially, those increased revenues. Such hearing may be held as a part of the public hearing held on the City budget, so long as this question is specifically addressed.

### **SECTION 3.46.080 APPEALS**

A. Any person who disputes the amount of the fee, or disputes any determination made by or on behalf of the City pursuant to and by the authority of this Chapter, may petition the City Council, or its designee, for a hearing on a revision or modification of such fee or determination. Such petitions may be filed only once in connection with any fee or determination, except upon a showing of changed circumstances sufficient to justify the filing of such additional petition.

B. Such petitions shall be in writing, filed with the City Recorder within thirty (30) days of the date of the utility bill containing the disputed charge or the date of the challenged determination. The petitioner shall have the burden to prove that the amount of the fee is in error.

C. Within sixty (60) days of filing the petition, the City Council, or its designee, shall make findings of fact based on all relevant information, shall make a determination based upon such findings and, if appropriate, modify such fee or determination accordingly. Such determination by the Council or its designee, shall be considered a final order.

### **SECTION 3.46.090 CONTRIBUTION**

The Fee shall not be charged to any person or entity that in lieu of paying the fee makes an advance voluntary contribution to the utility transportation fund in an amount equal to or greater than the amount of the fee imposed by this Chapter.

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and

take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall take effect July 1, 2017.

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

PASSED AND ADOPTED by the Highland City Council, May 16, 2017.

HIGHLAND CITY, UTAH

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Mark Thompson, Mayor

ATTEST:

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Jo'DAnn Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>

**ATTACHMENT 1 – TUF – ERU FEE**

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power of undertaking such maintenance and improvement of City streets and related facilities as may be necessary and proper, with such mandate to include, without limitation, the following activities: patching, crack sealing, seal coating, over-laying, reconstruction, and other activities as are necessary in order that local streets may be properly maintained to safeguard the health, safety and welfare of the City and its inhabitants.

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There is hereby created a Utility Transportation Fund, to be funded by a fee ("Fee") to be paid by the users of Highland City utilities within the corporate limits of Highland City.

The fee shall be:

- A. \$18.50 per Residential Unit
- B. \$18.50 for the first 10,000 square feet for Commercial or Public Use Facilities, and \$18.50 pro rata for each 10,000 square feet thereafter. This calculation is based on Equivalent Residential Unit (ERU) figures.

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PASSED AND ADOPTED by the Highland City Council, May 16, 2017.

HIGHLAND CITY, UTAH

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Mark Thompson, Mayor

ATTEST:

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Jo'DAnn Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>