

CITY COUNCIL REGULAR MEETING

Tuesday, November 16, 2021, at 7:00 PM Court Room/Council Chambers (2nd Floor) and Online

MEETINGS HELD IN PERSON & ONLINE

The public is invited to participate as outlined below:

- In Person Meetings are held on the 2nd floor in the Court Room/Council Chambers at City Hall
- YouTube Live Public meetings will be shown live on the Santaquin City YouTube Channel, which can be found at <u>https://bit.ly/2P7ICfQ</u> or by searching for Santaquin City Channel on YouTube.

PUBLIC COMMENT & PUBLIC HEARING PARTICIPATION

As with all City Council and Planning Commission Meetings, we continue to invite the public to provide "Public Comment" (30-minute duration, maximum of 5-minutes per comment) during public forum when it is placed on an agenda. We also continue to hold Public Hearings, as needed, and required on specific issues.

With the post-pandemic restoration of public gatherings, Santaquin City is pleased to restore prepandemic meeting protocols by inviting the public to participate in-person. For those interested in providing public comment, we invite you to sign up on the Public Forum Speaker Sheet.

For those who are unable to attend in person, we invite you to submit your comments by email to <u>PublicComment@Santaquin.org</u> wherein they will be distributed to the Mayor and City Council Members for review and consideration. However, they will not be read during the meeting.

To review the Santaquin City Council Meeting Protocols, please go to the following link: <u>https://www.santaquin.org/citycouncil/page/santaquin-city-council-protocols</u>.

ADA NOTICE

If you are planning to attend this Public Meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City Office ten or more hours in advance and we will, within reason, provide what assistance may be required.

AGENDA

ROLL CALL PLEDGE OF ALLEGIANCE INVOCATION / INSPIRATIONAL THOUGHT DECLARATION OF ANY CONFLICT OF INTEREST

CONSENT AGENDA (MINUTES, BILLS, ITEMS)

Minutes

1. 11-02-2021 Council Meeting Minutes

Bills

2. Invoice Register - 11-12-2021 - \$392,314.23

Items

- 3. Resolution 11-03-2021 A Resolution Declaring Surplus Property
- 4. Resolution 11-05-2021 OSA Annual Fraud Risk Assessment
- 5. Canvass Election Results 2021 Municipal General Election

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Public Forum

Recognitions

6. Payson-Santaquin Chamber of Commerce - Business of the Month

FORMAL PUBLIC HEARING

- 7. PUBLIC HEARING TO ALLOW PUBLIC INPUT REGARDING (A) THE ISSUANCE AND SALE OF NOT MORE THAN \$11,500,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2021, (THE "BONDS") AND (B) ANY POTENTIAL ECONOMIC IMPACT THAT THE PROJECT DESCRIBED HEREIN TO BE FINANCED WITH THE PROCEEDS OF THE BONDS ISSUED UNDER THE ACT MAY HAVE ON THE PRIVATE SECTOR; AND RELATED MATTERS
- 8. Public Hearing Foothill Village Vacating of 9 Parcels

BUILDING PERMIT & BUSINESS LICENSE REPORT

9. BP & BL Report - 11-12-2021

NEW BUSINESS

Ordinances

- 10. Ordinance 11-01-2021 OHV Requiring Licensed Drivers
- 11. Ordinance 11-02-2021 A Temporary Ordinance Requesting Review of the Interchange Commercial (C-1) Zone

Resolutions

- <u>12.</u> Resolution 11-02-2021 A Resolution of Support of the Preferred Alternative for the South Valley Transit Study
- <u>13.</u> Resolution 11-04-2021 A Resolution Approving the Summit Ridge Commercial Development Agreement

Discussion & Possible Action

14. D&PA - Foothill Village Blvd ROW Vacation - 9 homes

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager Benjamin Reeves

Assistant City Manager Norm Beagley

Community Development Director Jason Bond

REPORTS BY MAYOR AND COUNCIL MEMBERS

- Mayor Hunsaker
- **Council Member Miller**
- **Council Member Montoya**
- **Council Member Mecham**
- **Council Member Hathaway**

EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)

EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

ADJOURNMENT

CERTIFICATE OF MAILING/POSTING

The undersigned duly appointed City Recorder for the municipality of Santaquin City hereby certifies that a copy of the foregoing Notice and Agenda was e-mailed to the Payson Chronicle, Payson, UT, 84651, posted on www.santaguin.org, as well as posted on the State of Utah's Public Notice Website.

K. Aaron Shirley, City Recorder BY:



Court Room/Council Chambers (2nd Floor) and Online

Minutes

ROLL CALL

PRESENT

Mayor Kirk Hunsaker Council Member Nick Miller Council Member Betsy Montoya Council Member Lynn Mecham Council Member David Hathaway Council Member Jennifer Bowman

PLEDGE OF ALLEGIANCE

Led by Dave Hathaway.

INVOCATION / INSPIRATIONAL THOUGHT

Offered by a resident in attendance.

DECLARATION OF ANY CONFLICT OF INTEREST

Mayor Hunsaker declared that he is an employee only Vancon who has a contract with the city. He is an employee only and has no ownership interests.

CONSENT AGENDA (MINUTES, BILLS, ITEMS)

Minutes

- 1. 10-19-2021 Council Work Session Minutes
- 2. 10-19-2021 Council Meeting Minutes

Bills

3. Invoice Register - 10-29-2021 - \$410,494.03

Motion made by Council Member Miller to approve the consent agenda.

Seconded by Council Member Hathaway.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway, Council Member Bowman

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Public Forum

No public comments for public forum.

4. Volunteer of the Month - Paige Steele

The award was presented by Assistant City Manager Beagley, "Our November 2021 Volunteer of the Month is Paige Steele. Paige has volunteered for the past seventeen plus years with our

Orchard Days Rodeo, Rodeo Queen Contest and Little Buck-A-Roo Rodeo. She started as a ticket collector for the rodeo in her first year to now heading up the committee which plans and coordinates the two rodeos and queen contest. She has been at the head of these committees for the past six years. As many know, our Orchard Days Rodeo was awarded the prestigious RMPRA for eight years straight. It is through the dedicated hard work and leadership of Paige, with a lot of help from the Roping Club, that our rodeo is so spectacular and known throughout the region. Paige and her husband, Jeff, have lived in Santaquin for the past thirty-nine years and raised four children here. They now have ten grandchildren. She works full time as a Home Health and Hospice Nurse. In her free time, if there is any, she spends time watching her children's and grandchildren's sporting events, attends other rodeos, cares for their eight horses, enjoys boating, and frequents Disneyland. Thank you, Paige, for your outstanding and longstanding volunteerism on behalf of Santaquin City and Orchard Days. Your contribution has been phenomenal and very appreciated." A photo was taken with the Mayor.

FORMAL PUBLIC HEARING

5. 300 West - Two Way Traffic - Public Hearing

Motion made by Council Member Miller to enter into the public hearing.

Seconded by Council Member Mecham.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway, Council Member Bowman

Assistant City Manager Beagley gave some background with the issue.

Name: Andrew Goudy

Comment: Has seen a lot of mistakes on this road since the 1950's and 1960's and it's always been a narrow road. Doesn't believe that it was ever intended to be an artery road but it is and the city has to try and address it. Has to go one or two blocks before he can get out of his street. Would not like to see the street become a two-way again for safety of kids and for the parking issues. Everyone who has been in favor of returning 300 west has a concern about one day a week going in a roundabout way to get to church but no one who lives along 300 west has complained about going up a couple of blocks.

Name: Andrea Urban

Comment: Is a resident of 3rd West and has several concerns that she would like to address. Removing parking on the west side of the road would mean it would be very narrow and vehicles would be driving inches from the sidewalk where pedestrians walk. If a driver is distracted and drifts then they are on the sidewalk. The parking on the street shown in a photo in the most recent work meeting was taken during the day and does not show the full extent of the parking issues on both sides of the street during the night. Some clear signage, clear white lines, and a one-way painted arrow with flashing signs and some education of residents could help abate the problem of residents driving against going against one-way traffic. The statement of the needs of the many outweigh the needs of the few doesn't put into consideration the fact that the inconvenience of the many is minimal of keeping the street one-way when compared to the benefits of the few of keeping the street one-way.

Name: Tina Ward

Comment: Was told by the city that the street would be turned back into a two-way street and believes that statement should be honored and fulfilled. Sees people late at night going the wrong way all the time. The street should go back to two-way.

Name: Orin Ward

Comment: Noticed that all the vehicles on both sides of the streets made it very difficult to navigate and believes that it should be two-way again.

Name: Lyall Ward

Comment: Was told by the city that the street would be turned back into a two-way street and believes that statement should be honored and fulfilled. Does not appreciate going the long way around to get to his church on the corner. Would like to see the street go back to two-way.

Name: Terri Kirk

Comment: Took photos right before the Council meeting and there were cars on the sidewalk - converting the street to two-way would make it worse. The current set up helps get kids to school and back walking safely and making it two-way would endanger kids. Parking is a problem and we need to enforce the one-way as it is to stop people from breaking the law. Sees cars go the wrong way all the time but they don't make it to Main street they turn left on 100 to get to 200 west to get the light anyway.

Name: Jeff Siddoway

Comment: Drives 300 West frequently and knocks on the doors of the street of all 35 houses along the street and talked with 23 homes. 3 residents said that they didn't care with 1 saying that they didn't care because the city wouldn't do anything anyway. The other 18 said that they supported keeping it one-way.

Name: Alicia Mason

Comment: Has lived on 300 West for 12 years. Believes 300 West is the worst road in Santaquin. Took out the grass strip to put in cement strip which was expensive and took away from the road even more and she believes that was a bad decision. Has lived in 10 different states and in not one has it been okay to park on the sidewalk but here it is and you can't walk on the sidewalk.

Name: Keela Goudy

Comment: Lifetime resident of 65 years and agrees with so much of what has been said but wanted to emphasize that the twin homes put on 300 west were a mistake to not have been built with a two-car garage. Did not agree with taking out the greenspace strip because it narrowed the road even further and the city should've taken out the greenspace strip and the curb and gutter to widen the road. There are children that play in that road and keeping it oneway will make a safer environment.

Name: James Walker

Comment: Believes that the road is safer now as a one-way than what could possibly happen with a two-way. There is a law in Santaquin of cars not being allowed to park on the street during the winter time and if the road is made two-way then how will that work.

Name: Shauna Walker

Comment: Agrees with many comments that have been said. Wanted to comment on mailboxes and it's hard to park without affecting mailboxes and there isn't enough room to park if it's made two-way.

Name: Michael Evans

Comment: Has almost hit kids in the road and believes that there should be some additional asphalt, if possible, there is a lot things to fix on that road but changing it to two-way is not the right decision.

Name: Miriam Quisenberry

Comment: Lives in one of the twin homes along 300 west and has been there for 3 1/2 years and agrees with the comments for keeping it one-way. Feels sorry for those who have to go in a round about way to get to church but after living in other states it takes quite a bit longer to get

to church. It's difficult to navigate cars as is and kids play in driveways and making the street two-way would affect the safety of the kids.

Name: Kent Lowgess

Comment: Lives along 300 west and agrees with many of the comments said about keeping the street one-way but there hasn't been a comment about speeds and speed should be addressed.

Name: Alex Mansfield

Comment: Echoes many of the comments made tonight about how bad and unsafe the street would be if made two-way. There is no room for error currently in navigating 300 west and it would be even worse if made two-way.

Name: Ryan Lind

Comment: 300 west does not currently meet city code and international fire code and whichever way the city chooses to go with this issue they should meet this standard of having 28 feet of access for fire access.

Name: Zelma Nelson

Comment: Said she understands the concerns about making the street two-way but kids being in street should be the responsibility of parents and is currently issue in a one-way street. Maybe speeding on this street is because they know nobody is coming the other way but speeding is a concern that the police should address. Was told that 300 west would go back to two-way once Apple Valley Elementary was built and it's been 4 years.

Name: Keith Judd

Comment: Agrees that going back to a two-way on 300 west would be a huge mistake. The road width does not accommodate a two-way in any safe way. The minimum safe buffer between street and sidewalk is 5 feet. Parking on sides of the road tends to slow traffic which is a safety measure of the pedestrians. Plowing in the winter will bring snow onto the sidewalk which becomes an issue for the residents. Agrees that there are some simple measures and signage to show that it's a one-way street that could abate the occasional wrong-way traffic. The safety hazard of a two-way street far is far more serious than the convenience of making 300 west two-way.

Name: Glenn Groves

Comment: Walked along 300 west to check the parking. For everyone that lives on the west side of the street there was not one car from the west side of the street that belonged to the west side of the street and the parking issues come from the east side of the street.

Name: Cory Corevich

Comment: Agrees that the one-way should stay a one-way, lives along 300 west and would prefer to have the safety of the kids be a priority. Has lost parking in front of her home because of the parking on the sidewalk and it's no good. It's like a speed bump getting in and out of her home. Sidewalk is too wide and took away too much from the street.

All emails sent to the public comment email address and read by the City Recorder will be attached to the minutes.

Motion made by Council Member Miller to close out the public hearing.

Seconded by Council Member Bowman.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway, Council Member Bowman

NEW BUSINESS

Resolutions

6. Resolution 11-01-2021 - Amendment to the Payson-Santaquin Area Chamber of Commerce Agreement

Was discussed in the October 19th, 2021 City Council Work Session.

Motion made by Council Member Hathaway to approve Resolution 11-01-2021 - Amendment to the Payson-Santaquin Area Chamber of Commerce Agreement.

Seconded by Council Member Mecham.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway, Council Member Bowman

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager Benjamin Reeves

• Nothing to report.

Assistant City Manager Norm Beagley

- Pickleball courts will begin construction next week.
- Great work by Community Services staff for Spooky Night at the Museum with fantastic participation by residents.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor Hunsaker

- Business of the Year for the Payson-Santaquin Chamber of Commerce is up for voting and nominations and would accept any nominations.
- Thanked residents for the turn out for the trunk-or-treat event.

Council Member Miller

- Had interviews for administrative assistant in the police department and an offer was extended and she will start in two weeks.
- Would like to investigate the safety issues brought up by the residents.

Council Member Montoya

- Was very grateful for the participation in the public hearing tonight on 300 west and would like some additional studies on fire access not currently meeting code and international fire code whether it goes to two-way or stays one-way.
- The Spooky Night at the Museum had great success and the Youth Council had a great time volunteering.
- The Utah League of Cities and Towns is prepping for updates on the upcoming legislative session.

Council Member Mecham

- Thanks to everyone who works in the city.
- Appreciates all of the participation from the public in the public hearing for 300 west. Would like more study into the safety issues and meeting city and fire code even if we must delay the action for further down the road.

Council Member Hathaway

- Attended a S.U.M.W.A. meeting where there were some updates where Spanish Fork has already bought some shares of Central Utah Water. There are 24,000-acre feet of water that S.U.M.W.A. has right to from Central Utah Water but there are indications that other cities may not want it or may not want to pay the higher costs for it. Santaquin City currently has 900 plus or minus acre feet and are encouraged to take those shares those other cities don't want but Spanish Fork has stepped up to say that they will take 1,000 acre feet of that water. Down the road a few years it will be interesting to see if other cities do need more of these acre feet of water or don't need it but it would be in the best interest of the city to try and get more acre feet than what is currently allocated.
- Thanked the Community Services staff and Youth City Council for the trunk-or-treat.
- Has had the chance to work with Paige Steele and it was great that she was recognized as volunteer of the month and that Santaquin won rodeo of the year again.
- Appreciated all the feedback from the public from the public hearing on 300 west.

Council Member Bowman

Announced that effective tonight she will be resigning from the City Council. Since being elected she has been promoted in her career, travels once a month, and has six people she supervises and feels she cannot give her all in her position as City Councilmember. She ran for City Council after being the Orchard Hills PTA president and found that people complained but never did anything for the PTA and she complained about the city but realized she wasn't doing anything about it, so she ran for City Council. Since coming on Council she has realized how little she knew about how the city ran and how much effort goes into every decision. There was a comment in the public hearing of "darned if you do and darned if you don't" and that is darn true for every decision made by Councilmembers. She needs to give every extra second she has to her family and is willing to answer questions anyone may have. Mayor Hunsaker said he appreciated Councilmember Bowman and for what she's done and the efforts she's made in all her service. Assistant City Manager Beagley gave a thank you from staff for all that Councilmember Bowman has done and hopes all goes well for her and her family.

ADJOURNMENT

Motion made by Council Member Bowman to adjourn at 8:55 pm.

Seconded by Council Member Miller.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway, Council Member Bowman

rk Hunsaker, Mavor

ATTEST:

K. Aaron Shirley, City Recorder

From:	Greg Fowkes
То:	Public Comment
Subject:	3 west road
Date:	Monday, October 25, 2021 6:49:47 PM

I really have no skin in the game as it does not affect me yet. But it is hard to see on such a narrow street that has so many houses close together and some are renting out their basements to other families that you have enough parking going to a 2 way street. I walk my dog every day on that street and there are a lot of young children playing in the street (not their backyards) and I am concerned 2 lanes gives double the chance of them getting hurt.

If you make it two lanes then you need to widen the street to have the parking and the 2 lane traffic

greg

From:	Amber Brian
То:	Public Comment
Subject:	300 W needs to stay one way.
Date:	Tuesday, November 2, 2021 7:58:33 PM

We have very little parking, get tickets for parking in the street in the winter because there is not enough driveway space and tore up our easement just to waste money. LEAVE OUR STREET ALONE. It will not make anyone commute any faster and will just cause more people to go faster down our street making it unsafe for our kids to play.

Leave our street alone and focus on more important things like widen the freeway ramp to i15 so it doesnt take 20 minutes to get out of town at 7:30 a.m.

Or put sidewalks on streets that don't have them and add more street lights to make our city safer to walk in.

Thank you,

Amber and David Brian 236 N 300 W St, Santaquin, UT 84655

From:	<u>perfco</u>
То:	Public Comment
Subject:	300 west (from mainstreet to 400 n.
Date:	Tuesday, November 2, 2021 3:59:40 PM

Please put this road back to a 2 way street. This should never have been put a one way. We live down on 500 west and have go twice as far to get to church. WHAT AN INCONVENIENCE!

Sent from my T-Mobile 4G LTE Device

I have lived on this street for 16 years i have been here when it was 2 way and now one way . I believe that to change it back to a 2way would be a very poor Idea as the street is not wide enough for 2 way traffic and parking . I belive we need to have our polive department start issuing tickets for those that go the wrong way . I have told many they were going the wrong way only to be yelled at and told they know and they have kept going.

Terri Kirk

Dear Mayor and City Council,

Thank you for proposing to put 300 West back to a two-way street. Apple Valley Elementry has been built for over three years now and residents on 500 West and others to the North have been inconvenienced by not having access to Main Street via 300 West. As residents on 500 West, we have four drivers in our household. We fully support and urge you to restore the two-way access. We will not always use it, if we plan on going east on Main Street out of town, we will most likely still go to the light for easy access to Main. However, there are many times when it would be so useful to be able to go up the street. Each Sunday and Wednesday we attend the church at the top of the road and it is very inconvenient to go around. Also when going to Family Dollar, Main Street Pizza, and the City Offices we find we have to backtrack to do so.

As residents we have observed, the only time the sidewalks are used are on Sundays when people walk to and from church. The street is not heavily trafficked, but people go the wrong way on it all the time to avoid the inconvenience, which is dangerous. We can imagine the frustration for the residents living at the top of the street, who need only go a few feet to get Main Street, but cannot legally do so.

As stated in the notice, the purpose of the one-way street has been fulfilled and is no longer needed. We are also aware that some residents on the street are enjoying the privacy the street has afforded them the last few years, even though they see it misused frequently and understand the dangers of that misuse. We hope you would remind them that this is a public street, not a private, and should be useful and safe to all residents.

Thank you,

To whom it may concern,

As a resident who lives on N 300 W. It is my belief that the road is too narrow to return to a two way street.

It would increase the traffic on an already narrow street. Lanes would be very narrow with parking on the east side which would put traffic very close to the sidewalk on the west side. Locations for garbage cans would be very limited, as well as mail boxes.

I believe keeping the one way street is the best option. However, it does need to be more clearly marked as a one way street. The current markings are insufficient to clearly identify it as such.

Sincerely, Matt Parsons I would like to share my opinion on the 3rd West restoration.

I want to see two way traffic restored to 300 west. Currently with parking on both sides it is extremely dangerous!

You can hardly drive north now with all the parking making it much more dangerous for kids darting in the street!

I am very much for restoring it to a two way street. Parking on only one side will make it much better!

Thanks so much! Sheri Taylor 652 N. 330 W. Santaquin

From:	Pamela Johnson
То:	Public Comment
Subject:	300 West public hearing
Date:	Saturday, October 23, 2021 4:21:58 PM

I live one house away from the 300 West one way portion and am in favor of leaving it One Way. First, the street is much quieter and 2nd, I think it is unfair to residents on the west side to be denied street parking, especially for visitors. They all have short driveways that are enough for their vehicles but not much extra.

I don't know why anyone would want to use it as a feeder to Main Street from the North since the light at 200 is the best way to get onto Main. Since the Summit Ridge connector was opened the traffic on Main has increased making it quite a wait to exit at 300 (which some do who live in the new apts.) Let's not make it worse for the residents on 300 just so people up north might use it as a feeder to Main when 200 is perfectly able to handle it without impacting the residents parking.

People on the East side of the street, especially in the town homes will still park over the sidewalk no matter what happens, probably more if it returns to 2 way.

Pam Johnson

From:	Katie Blake
То:	Public Comment
Subject:	300 West
Date:	Monday, November 1, 2021 10:07:31 PM

My name is Katie Blake and I live on 500 West in Santaquin. I am writing to express my opinion that 300 West should be a two-way street again. As this was the original plan and most of the concerns which in the beginning caused the one-way decision have now been resolved, the street should return to its two-way function. The one-way street is extremely inconvenient for use of the church on 300 West. It's also very confusing as it is the only one-way street in town, and only part of the street is a one-way. I think the city should stick by it's original claim that this was a temporary solution and follow through to reinstate it as a two-way street.

Sincerely, Katie Blake

From:	Keith Evans
То:	Public Comment
Subject:	Fw: Santaquin City 300 West one way road
Date:	Monday, November 1, 2021 10:44:23 PM
Attachments:	Santaquin City 300 West one way raod.pdf residential street standards benjoseph Santaquin 2021.pdf

----- Forwarded Message -----

From: Keith Evans <keith@high-country-marketing.com> To: evans_ballooning@yahoo.com <evans_ballooning@yahoo.com> Sent: Monday, November 1, 2021, 10:38:23 PM MDT Subject: Santaquin City 300 West one way road

I want his attached to the minutes and would like it read aloud. I wish I was able to attend. To Whom This May Concern:

As I have looked at the problems with the One Way portion of 300 West;, the only conclusion is to leave it a one way street. Let me explain my position.

- First, the problems began when the Planning Commission, Mayor Degraffenried, city council and manager at that time, allowed the twin homes to be built without acquit parking.
- Second, the Santaquin Elementary PTA and city worked with the state to put a sidewalk on the West side of 300West. The sidewalk was intended to provide a safe walking route for the kids who would only attend school at Santaquin Elementary for one year due to a new school being built on the north side. At that time, the city made 300 West a one-way street for the safety of the children and to help get a traffic light on 200 West Main.
- Third, when parking became a problem due to inadequate parking for the twin homes the city decided the best solution was to fill in the green space with concrete to allow people to park on the sidewalk. Now we have an issue of double parking on the east side since people park on the entire width of the sidewalk and the asphalt plus cars also park on the west side. With three cars parking on the street it makes driving down the road very difficult and unsafe. With unsafe parking conditions the city can now be held liable if a pedestrian gets hit on the east side of the road. The green space should have been removed and the curb and gutter brought up to the sidewalk just like on the West side and then we would have enough parking and safe driving space for the one way street. The children living in the twin homes cannot play on the sidewalks due to the double parking which forces them to ride bikes in the road or run between parked cars onto the road and get hit.
- Forth, the current mayor, some members of the city council and Mr. Reeves believe the best solution is to return the road to a two way street. The street is no longer wide enough due to the sidewalks and inadequate parking to make this change. The proposed changes will create more safety issues for those living on 300 West.

I have attached a Study of Residential Street Standards & Neighborhood Traffic Control by Eran Ben-Joseph, Institute of Urban and Regional Planning, University of California at Berkeley. I have gone through and highlighted and made comments. Please take the time to read the attached PDF.

Now I want to give you my option on the subject.

When this first came to light several years ago; Ben Reeves our City Manager, told me and several of my neighbors that this would be moved back to a two-way street. However, this conversation took place prior to the West sidewalk and the "fixes" on the east side. Due to the narrowness of 300 West, parking and two-way traffic was always tight but did not create problems. When this was a two-way street, we had the room to park on the side of the road and edge of people's property. Now that the city has shrunk the roads with sidewalks, curb, and gutters the road is not wide enough and has created safety issues. Now the road is too short to have two-way traffic as stated in the attached study.

The meetings held before all the changes were made to 300 West are just like the meeting being held on November 2, 2021. The meeting is just a formality so the city can tell the state they did their due diligence and opened a discussion for public comment. As usual, the Mayor, some members of the city council and Mr. Reeves have already made the decision and our input will mean nothing which is why only some people living on 300 West and a select few living north west of the one way area were personally invited to this meeting. The ones which should have been invited are the ones impacted the most by any changes made meaning the property owners. I own property on

300 West but was not invited to this meeting. The property owners, living on 300 West, and those whom the city believes will be impacted received letters with full color pictures showing the city plans. Once again, Mr. Reeves is spending money to push his agenda. However, not everyone living or owning property on 300 West received this letter.

I have taken a width measurement of the border area found in the images below, for each block of 300 North included in the one-way street.

Main Street to 1ST North – measured from the edge of church parking lot on the west to the curb on the east.



1ST North to 2nd North – measured from the curb on the west side to the asphalt edge on the east side due to no sidewalk or curb and gutter on the east.



2nd North to 3rd North – measured 30'8" curb to curb and 36'8" west back of the curb to the back of the green space/concrete on the east.



3rd North to 4th north – back of curb to back of curb 28'4" and back of curb to green space/concrete is 34'4".



If you compare my measurements with the attached article, the changes and money this city has put into 4 blocks of 300 West, we still do not have a safe road for cars or people to travel on.

As the attached study shows and I have highlighted; we need a minimum of 36 feet of paved road allows for parking on both sides and 2-11 foot lanes for travel which we do not have without removing the sidewalks.

By the city allowing parking on the sidewalks has put our children at risk from multiple threats including oncoming traffic moving too fast, cars driving the wrong way, double parking, and drivers not stopping at stop signs.

The only way to keep our children safe, which is why we have the sidewalk and one way street, is to keep it this way but enforce the laws like double parking, going the wrong way, speeding, and not yielding to street signs.

I don't like the one way street either, but our city has put us in this situation and continually trying to fix it with bandage is just costing us way too much! Our police department needs to spend 1 or 2 days a month enforcing the laws on this road and maybe we will see some positive changes. The city also needs to fix the signage so people, especially those living between Main and 100 North will see it's a one way street. After tickets are handed out maybe they will start following the law.

I would also like to see how much of our tax dollars have been wasted on this street. If we had fixed it the right way, we would not be here on November 2, 2021.

I hope this helps with the discussion and sends some light on what the street should be.

With best intentions

Keith Evans

Residential Street Standards & Neighborhood Traffic Control:

A Survey of Cities' Practices and Public Officials' Attitudes

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Abstract

The failure of the local street system to provide livability and safety in the residential environment can be seen in the application of neighborhood traffic management programs by local authorities to mitigate traffic problems. In order to further identify the extent of the conflict associated with "livability" and geometrical design of residential street, the following issues are examined: (1) Existing and proposed residential streets standards and regulations as practiced by various cities and their evaluation by public and city officials. (2) Traffic problems associated with residential streets and their mitigation through traffic management and control programs. Data are collected from Public Works and Traffic Engineering Departments of 56 Californian cities and 19 cities nation-wide. The findings show that most cities are still adhering to published street standards as recommended by different professional and federal organizations. Although some city officials see the need to amend certain aspects of their regulations and create a more flexible framework for street design, most of them believe that the current practice is satisfactory. Yet, the extant of residents' complaints about traffic problems on their streets might indicate an inconsistency between professional practice, as manifested in street design, and its actual performance as experienced by the residents. This can also be seen in the application of traffic control devices used by local authorities to mitigate these problems of which the most common are the installation of speed humps and 4-way stop signs. According to the cities' reports these techniques, as well as traffic diverters have the most effective results.

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INTRODUCTION

The concept of the street as a physical and social part of the living environment, as a place simultaneously used for vehicular movement, social contacts and civic activities, has long been argued by many authors such as Kevin Lynch, Jane Jacobs and J.B. Jackson. Local residential streets in particular are central to the feeling of "community" and "belonging" within a neighborhood.

Appleyard (1981) hypothesized that when traffic volumes increase beyond what is considered normal by local residents, or vehicle speeds increase because of street design, social street activities are greatly reduced, and the feeling of well being in the affected neighborhood is threatened. In order to protect livability as well as to provide for efficient movement of motor vehicles streets are given functional classifications. As such The Institute of Transportation Engineers report entitled, *Recommended Guidelines for Subdivision Streets*, establishes the following criteria in the design of local street systems:

- Safety- for both vehicular and pedestrian traffic.
- Efficiency of Service- for all users.
- Livability or Amenities- especially as affected by traffic elements in the circulation system.
- Economy- of land use, construction, and maintenance

It further elaborates and provides the following principles:

- Adequate vehicular and pedestrian access should be provided to all parcels.
- Streets should be designed to minimize through traffic.
- Elements in the local circulation system should not have to rely on extensive traffic regulations in order to function efficiently and safely.
- Planning and construction of residential streets should clearly indicate their local function.
- The local street should be designed for a relatively uniform low volume of traffic.
- Local streets should be designed to discourage excessive speeds.
- Pedestrian-vehicular conflict points should be minimized.
- Minimum amount of space should be devoted to street use.
- There should be a minimum number of intersections. (ITE, 1984)

Although, ITE recommended criteria refer to issues of livability and safety on residential streets, many cities are finding themselves under pressure to further address these issues through the reduction of speed and volume of traffic on residential streets. While traffic volume is often the result of a poorly planned street system, safety and excessive speed are related to the street's geometrical design. The practice of constructing relatively wide cross sections in residential streets where there is little traffic (less than 1000 trips per day), permits and encourages high vehicle speeds. High speeds are also encouraged by pavement width, smoothness, flat curves and good sight distance called for in street standards¹ This relationship between design speed and sight distance, curve radius, and width have been established to provide motorized efficiency which is often incompatible with the essence of residential livability.

Published geometrical street standards do not always adhere to the stated principles for residential street systems. The failure of existing local street systems, and the street's physical design, to provide livability and safety associated with the residential environment, can be seen in the application of traffic management strategies and control devices used by local authorities to mitigate these problems. These management programs are generally assigned to the following sequential categories:

- 1. Establishing, revising, and enforcing laws and ordinances pertaining to traffic regulations such as: speed limits, intersection control and parking regulations.
- 2. Installing traffic control devices that comply with the Manual on Uniform Traffic Control Devices such as: regulatory and warning signs, markings, traffic signals and traffic islands.
- Installing physical design features that manage the movement and reduce the speed of vehicles: speed humps, pavement narrowing, shift in pavement, traffic circles and traffic diverters.

Study Objectives

Against this background of issues, a detailed study of existing and proposed regulations, showing their use and results as found in many cities, would be of particular value to those enacting legislation and procedures. It would serve as a compilation of what is being practiced in terms of street standards and traffic management at the neighborhood scale, and as an aid to those studying and drafting subdivision regulations. To further identify the extent of the conflict associated with "livability" and geometrical design of residential streets, the following study objectives are set:

¹ Farouki (1976) and Moore (1969) show that the mean free speed of cars in suburban roads increases linearly with the roadway width. This linear relationship is particularly apparent between the width of 17 to 37 feet.

Bjørneboe (1990) shows that when the road is narrowed down to 11 feet 55% of the traffic will drive slower than 18 mi/hour. He further shows that minimum road radius is related to the square of velocity. Thus by reducing the horizontal curvature to 50 feet, speed will be at about 13 miles/hour while maintaining access to all vehicles.

- To compile data on existing and proposed residential street standards and regulations as practiced by various cities.
- To inquire about the extent to which authorities have made adaptations to traditional residential streets, what form these adaptations have taken, and their resulting performance.
- To evaluate residential street performance as perceived by public and city officials.
- To inquire about traffic problems associated with residential streets, their causes, and resulting mitigation programs.
- To research current practices in neighborhood traffic management and control and to receive direct input on the success or failure of each traffic control measures.

Procedure

A. Methods:

Data were collected using the following methods:

- Review of Literature. (See References Section)
- Interviews with selected city officials.
- Questionnaire sent to city officials.

The survey focuses on public officials' evaluations and perceptions of suburban street performance. It seeks to find out the process by which residential street standards are initiated, adopted and applied. It also inquires about the extent to which authorities have made adaptations to traditional residential streets, and what form these adaptations have taken.

Main issues covered in the questionnaire are:

- Street standards used, their adequacy and origin.
- Perception of street safety and performance problems.
- Neighborhood traffic management schemes, reasons for implementation, and their initiation process.

B. Sampling Method:

The survey was conducted through a mail distribution of a written questionnaire (see Appendix A). The questionnaire, containing a stamped return envelope, was sent to the head of the Public Works Department (or Transportation Department) of 150 cities (100 in California and 50 nation-wide). From the distribution of questionnaires in the Spring and Summer of 1994, 75 were filled out and returned (56 from California and 19 from the other states). This return accounted for a 50 percent response of the possible sample. (For a list of participating cities and contact addresses see Appendix B).

SURVEY RESULTS

Residential Street Standards- their Use, Adequacy and Origin

The survey asked city officials to indicate the minimum standards for local (access) residential streets in their jurisdiction. In addition to indicating the minimum dimension on a diagrammatic cross section, (Figure 1), respondents were also asked to rate their overall satisfaction with specific standards and indicate their appropriateness.



Minimum Standards For Residential Streets

Right of Way WidthRight-of-way width is usually required to contain the elements of astreet. The Institute of Transportation Engineers Guidelines state that a ROW width must havesufficient width to contain the following elements:

- Pavement and/or curbing.
- Sidewalks where required.
- Street utilities customarily installed in border areas such as: streetlights, traffic signs, street trees, utility lines (overhead and underground).
- A moderate amount of cross-section grading, including shoulders where utilized.
- In extreme northern climates, additional area may be required for extensive retention of snow plowed from roadway. (ITE 1984, 5)

The survey results indicate that the prevalent right-of-way width for a residential subdivision street is 50 feet. While only 39 percent of the surveyed cities use 50 feet as their ROW, 77

percent of the cities are requiring ROW dimensions between 50 to 60 feet. This width (50 to 60 feet) is in accord with the specification set by the Institute of Transportation Engineers since 1967. (Figure 2.)



Figure 2. Minimum Standards for Residential Streets' Right- Of-Way

One city (Danville, CA) is using 38 feet as a ROW standard while six other cities (Fresno, CA ; Lakwood, CO ; Novato, CA ; Pleasanton, CA ; Tuscon, AZ ; Vallejo, CA) are using 40 feet as their required standard. These are the smallest ROW widths for residential streets recorded by the survey. (Figure 3)



Figure 3. Minimum Standards for Residential Streets' Right- Of-Way

Roadway Width (Curb to Curb) Roadway width for residential streets is currently the most debatable segment of street design requirements. ITE guidelines provide the following criteria for pavement width: "A minimum pavement width must allow safe passage of moving traffic in each direction, exclusive of other interferences, such as conventional curb parking. Curb parking will occur occasionally within all residential subdivisions. The rate of occurrence will be a function of density, off-street parking code requirements, and local ordinances. In very lowdensity developments, large lots with two-car garages and circular driveways are commonplace. However, vehicle breakdown and occasional overflow parking indicates that even in low-density areas, provisions should be made for the occasional standing vehicle. This can be done by means of a shoulder on one or both sides of the street. Such shoulder development requires that curbs either be omitted or be of the mountable or roll-type, when a narrow- such as 22 foot (7-m) - road is used. . . . An alternative approach for low density development is the provision of a 27-foot (8-m) curbed street. Parking could be prohibited on one side of the street under certain conditions. This is based upon the assumption that the community has required adequate offstreet parking at each dwelling unit." (ITE 1984, 5-6)

<u>Although the Institute guidelines mention the possibility of using a narrow pavement width</u> with limited on street parking, only 29 percent of the surveyed cities are using these <u>specifications</u>. The majority of the cities (55%) are using 36 to 40 foot pavement as their minimum standard. (Figure 4)









Figure 5. The Most Appropriate Width (curb to curb) for Residential Streets as Envisioned by Respondents

The survey indicates that a roadway width of 36 feet is most widely used, as well as deemed to be the most appropriate dimension. Most of the respondents explain this dimension as the best in allowing free traffic passage as well as on street parking. This width is indicated to be composed of two 10 foot traffic lanes and two 8 foot parking lanes.

General comments supporting a 36 foot width include:

- Two 10' wide driving lanes plus two 8' parking lanes. (Antioch, Claremont, Houston, San Clemente)
- 36' width allows for parking and two-11' lanes. (San-Francisco)
- With on-street parking in a typical subdivision, 36' is a reasonable minimum. (Livermore)
- A 36' width accommodates parking on both sides and one lane in each direction without conflict. (Los Angeles)
- Keeps speed down and allows for adequate on-street parking. (Pittsburg)
- (36' width allows safe travel for two-way traffic, even if cars are parked on each side of the street. (Riverside)

Other comments:

40 foot roadway

- Two 12' through lanes and two 8' parking/bike lanes. (Chico)
- Allows adequate room for parking on both sides of the street. (El Cajon)
- Two 8' parking spaces and 2- 12' through lanes. (Foster City, Irvine, Laguna Niguel, San Bernadino)

38 foot roadway

- Two 11' travel lanes, two -8' parking lanes. (Gilroy, Miami, FL))
- 34 foot roadway
 - Fire department thinks 34' is too narrow, we use 34' on cul-de-sacs and short

residential streets. (Lodi)	So What dose our fire department think? Could they get the big
32 foot roadway	engine through this section with cars parked on both sides?

- This width allows for sporadic parking and tends to reduce speeds. (Poway)
- Used for residential areas with 11-20 dwelling units (Walnut Creek)
- 30 foot roadway
 - Provides parking on both sides and requires traffic to "give and go". (Cupertino)
- 29 foot roadway
 - Used in Neo-Traditional Developments. (Modesto)

20 foot roadway

• 20' width with limited access and no parking restrictions, and very low ADTs. If higher ADTs, 20' with no parking. (Boulder, CO)

Others

- "As in anything, there are pros and cons to any street width. Planners, environmental types and builders try to minimize street width (all for their own reasons). As we try to increase densities to make more efficient use of land, (a generally negative impact on the degree of liability), we create an even denser street scene with narrower streets. It would seem that we could use a combination of wide street right-of-ways and narrow minor streets to maximize densities while providing some openness and an inviting area for both vehicles and pedestrians. Unfortunately, any proposal must be evaluated from an economic feasibility standpoint which tends to extremely limit any creativity." (Clayton)
- "The narrower the streets the better, but liability is an important issue." (Livermore)
- "Residential streets should be designed by keeping the following key criteria in mind:
 (1) Traffic volumes should be kept below 1000 ADT, (2) Speeds should be controlled at or near 25 mph." (Modesto)
- "The issue of street design in urban areas has become very site and community specific. Hence, Novato has adopted rural street standards. These provide a tool which staff uses in workshop meetings with a neighborhood in order to arrive at street improvement design for a particular street." (Novato)

Sidewalk Width & LocationOne of the prevalent notions is that suburban subdivisionstreets usually lack sidewalks.Guidelines usually allow for sidewalk requirements to be waivedwhen it is determined that a specific street will have minimal pedestrian traffic.ITE guidelines

further point out that "Sidewalks should ordinarily be provided along streets used for pedestrian access to schools, parks, shopping areas, and transit stops." It continues to state that "In the very low-density subdivisions, walking distance to regular elementary schools is often excessive. In communities where all such travel is by way of school buses, there will be less need for sidewalk constructions as a standard policy." (ITE 1984,7)

The assumption that most new subdivision regulations do not require sidewalks is not supported by the survey findings. Only one city (Bakersfield, CA) does not require sidewalks on its residential streets. (Figure 6) Fifty-three cities, (84%), require sidewalks in all cases, and only nine cities allow for special provisions. Furthermore, almost all the cities that require sidewalks (93%) require their construction both sides of the street. (Figure 7)









ITE guidelines call for sidewalks to be a minimum width of 5 feet. Indeed the majority of the surveyed cities (62%) are prescribing sidewalk widths between 5 and 7 feet (with 51% using the 5 foot dimension). (Figure 8)



Figure 8. Minimum Standards for Sidewalks on Residential Streets

Sidewalk Distance from Curb Face (Planting Strip) The use of a planting strip between roadway and sidewalk has been a common practice in suburban subdivisions. Introduced by Frederick Law Olmsted in 1868 in his design for Riverside, IL. as a visual and physical barrier between cars and pedestrians, it was commonly specified by governmental agencies until the 1960s (Southworth, Ben-Joseph, 1995). ITE guidelines still recommend the utilization of a minimum 5- foot area between the roadway edge and the sidewalks. The guidelines sites the following advantages of a border strip:

- Children walking and playing side-by-side have increased safety from street traffic.
- Conflicts between the pedestrian and garbage or trash cans awaiting pickup at the curb is eliminated by using a border area for such temporary storage.
- The warped area necessary for a proper driveway gradient is minimized by having a major portion of this gradient fall within the border area.
- Danger of collision by runoff vehicles is minimized by placement of the walk at a maximum practical distance from the curb, and with further separation by tree planting.
- Conflict with storage of snow plowed off the roadway is minimized.
- Pedestrians are less likely to be "splashed" by passing vehicles. (ITE 1984, 7)

Even though strong recommendations are made to incorporate a border area, the survey indicates that many cities are moving away from this practice. Thirty-six cities (54%) do not require a planting strip and allow for the sidewalk to be next to the curb. Within those cities that require a border area, a 4 to 5 foot width is the most common. (Figure 9)



Figure 9. Minimum Standards for Border (Planting Strip) Between Sidewalk & Roadway

Building Setbacks Building setbacks usually are not an integral part of street standards' manuals and guidelines. Yet they influence the appearance of the streets and impact the perception of its width. European studies suggest that a driver's perception of the appropriate driving speed is influenced by the relationship between the width of the street and the height of vertical elements. (Devon 1991) Therefor lower speeds are usually achieved when the height of vertical elements, (such as buildings or trees), along the street are greater than the width of the street. In typical suburban subdivisions, where building heights usually do not exceed 30 feet and the ROW width is typically 50 feet, setbacks increase optical width.

According to the survey, a 20-foot setback from ROW is the most commonly used standard. This dimension, which is derived from a typical length of car, allows for unobstructed parking on the resident's driveway. (Figure 10)



Figure 10. Minimum Standards for Building Setbacks

Corner Radii Corner radii at intersections are typically designed to facilitate easy vehicular turning. The use of a large corner radius does not only allow vehicles to turn the corner fast, but also reduces the pedestrian's right-of-way. Radius selection is often determined according to requirements set by service and emergency agencies, and is usually in excess of 20 feet. European practices show that a reduction in speed while of up to 50 percent can be achieved when a small corner radius is used. Furthermore, the small curb radius ensures a short crossing distance by pedestrians and reduces the danger of vehicles cutting across slower cyclists.

While European guidelines recommend a reduction of corner radii for local residential streets of up to a minimum of 10 feet, most of the surveyed U.S. cities mandate double that dimension. (Devon 1991, 46, Klau 1992, 52-53) Sixty-three percent of the surveyed U.S. cities use a 20 to 25 foot minimum corner radius, 10% use a 30 feet radius and only one city (Santa Barbara, CA) allows a 10 foot radius. (Figure 11)


Figure 11. Minimum Corner Radius at Residential Streets' Intersections

Street Trees The use of street trees for ecological and visual benefits are well understood and documented. Street trees also contribute to the reduction of physical and optical width of the street right-of-way. This visual reduction often results in lower driving speeds as noted in the "Building Setbacks" section.

The prevailing notion that most new subdivision streets are bare and lack street trees is not supported by the survey findings. Forty-three cities (60%) require street trees in all cases, in addition, fifteen other cities allow for special provisions. (Figure 12)



Figure 12. Requirement for Street Trees

The most common requirement for minimum street tree spacing, (88% of the cases), is one tree per lot. Considering typical subdivision lot width, this translates to a 35 to 45-foot spacing. (Figure 13)



Figure 13. Minimum Spacing Requirement for Street Trees

Maximum Cul-de-Sac Length Typically cul-de-sac length is a function of the number of dwelling units it serves. As the number of units exclusively served by a single roadway increases, the potential hazard for temporary blockage also increases. These potential blockages are viewed as critical due to their effect on emergency access. ITE recommends that the maximum length of a cul-de-sac should be 1000 feet, and serve a maximum of 20 dwellings.

The survey results indicate a lower figure. Most cities (83%) allow a maximum length of 500 to 600 feet. With a typical lot width of 45 feet, these cul-de-sac lengths allow for 12 to 14 dwelling units. (Figure 14)





Minimum Cul-de-Sac Radius Dimensions for right-of-way radii at the end of a cul-de-sac are influenced by the need to accommodate the movement of service trucks and fire equipment.

According to the survey most cities (52%) use a roadway radius between 35 to 40 feet. These dimensions are usually sufficient for the turning of a straight body truck and a small fire apparatus. It is interesting to note that unlike common assumptions, and contrary to the recommendations by ITE guidelines, a 50-foot radius is not commonly used. (Fifty foot radius is the minimum required for a large fire apparatus, such as hook and ladder, to make a practical turn.) (Figure 15)



Figure 15. Minimum Radius Required at a Circular End of a Cul-de-Sac



Alleys in Residential Area Often considered a waste of space and an additional maintenance burden in low density developments, alleys have been largely eliminated from subdivision design in the last fifty years. ITE guidelines specify that a properly designed alley should have a minimum width of 20 feet with 15 to 20-foot radii at street intersections. However, it continues to stress that "certain disadvantages, such as additional pavement to be constructed and maintained, the area removed from the tax rolls, the added mileage of police patrol, and street lighting needs, all suggest alternate solutions to current design problems." (ITE 1984,9)

Yet, alleys have gained some renewed popularity with advocates of Neo-traditional and Transit Oriented Development. Proponent's justification for the use of alleys state that: "In areas where walking is to be encouraged, streets lined with garages are undesirable. Alleys provide an opportunity to put the garage to the rear allowing the more 'social' aspect of the home to front the street. Streets lined with porches, entries and living spaces are safer because of natural surveillance." (San-Diego, City of, 1992, Guideline 8F) The survey findings indicate that alleys are still restricted as a design feature in most residential subdivisions. Among the 25 cities that

allow alley construction, seventy-three percent adhere to ITE's 20-foot minimum alley width. (Figure 16;17)



Figure 17. Minimum Requirements for Alley Width



Private Streets A private road or driveway, as defined by the Uniform Vehicle Code, is an "every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons." (1956, Sec. 1-148) In many contemporary subdivisions developers try to utilize the private street option in order to minimize the required geometric design standards and cut down on their costs. As the streets are maintained by the homeowners association the city is typically exculpated from full liability. As such, the city often permits their construction along less rigid standards that results in narrower roadways and smaller building setbacks.

Almost all of the cities surveyed (84%), allow for different street standard configurations in private developments. Among the cities that allow for a construction of a narrower roadway, sixty-four percent require a minimum width of 20 to 25 feet. This width is often stipulated with special parking requirements, but it still substantially less than the typical 36 foot roadway width of the public street. (Figure 18;19)



Figure 18. Exceptions for Street Standards in Private Developments

10 8 Number of Respondents 8 7 6 6 5 4 2 2 2 1 1 1 0 22' 32' 18' 20' 24' 25' 26' 27 28' 34' 36' Curb to Curb

Figure 19. Minimum Requirements for Private Streets Width

Other provisions for private streets allows for the introduction of different paving materials, changes in street configurations, and the employment of traffic calming devices. Some of these provisions are further described in the following survey comments:

General Comments

- No strict requirements, only fire department can require standards relating to safety issues. (Colorado Springs, CO)
- Minor deviations are allowed subject to negotiations with the fire department. (Los Angeles)
- Many complaints on sub-standard width and private roads. for example: no on street parking allowed, and lack of adequate walkways. (Pleasanton)
- According to specific conditions, standards can be somewhat deviated from. (Moraga)
- Minimum street standards apply with some exceptions. (Walnut Creek)

Different Widths and Parking Configurations

• 24' curb to curb, no parking and no sidewalks. One way loops at 20' curb to curb, no on street parking and no sidewalks. (Danville)

- 25' curb to curb, with no on street parking. Streets not built according to city standards are not permitted to be convert from private to public status. (Denver, CO)
- Rolled curbs are permitted. Sidewalks are not required. (Fresno)
- 26' curb to curb with no on street parking. (Gilroy)
- Minimum 28' without on street parking. (Livermore)
- Special paving allowed. (Mill Valley)
- Pinch points and planters are allowed. (Pittsburg)
- Limited to four dwelling units with no parking on both sides. (San Bernadino)
- 38' ROW, 28' curb to curb, no on street parking. (Vacaville)
- 25' curb to curb, sidewalks can be designed as a path within the development, parking can be handled off the street. Any proposal would be considered. (Watsonville)

Urban Form and Traffic-Suitability of Street Patterns to Residential Subdivisions

City officials were asked to rank the suitability of different road forms and urban forms for residential subdivisions. On a scale of 0 to 5, 'cul-de-sac street' received the highest average ranking (4), with 'short block length', 'T intersections', 'limited access street pattern', and 'curvilinear pattern' at a close second. (Figure 20) These attributes conform with the prevailing principles of subdivision street layout as set forth by most federal and professional agencies in the last sixty years. (Southworth, Ben-Joseph 1995)



Figure 20. Ranking of Suitability for Residential Subdivisions by Respondents

Some of the respondents provided the following comments:

Street Pattern

- "Most problems occur in subdivision layouts (post 1950) with curvilinear streets. The city
 has re-adopted grid system layout for all future subdivisions. The city uses an alternating
 stop sign pattern in the residential grid to avoid long uncontrolled segments with excellent
 success at controlling speeds. Having properly spaced collector streets and controlling
 non-residential land uses resolves many of the typical problems. We have very few
 traffic problems in the pure residential grid areas." (Denver, CO)
- "This goes back to initial design philosophy. Correcting the problems of the old grid pattern is what this is all about. It would be difficult to over -emphasize the importance of initial design and (fitting together) of adjacent subdivisions. "(Gilroy)
- "T-intersections are safer, but do not lend to a grid pattern. No developers in our area are currently developing grid neighborhoods. We are saturated with curvilinear design

and cul-de-sacs and virtually no through traffic. However, the primary access into these sub-divisions are where we get 75% of our complaints- speed, safety and children." (Greensboro, NC)

- "For the last 20 years we encouraged circuitous curvilinear street patterns with maximum length of street within a subdivision of 1,500'." (Fresno)
- "Irvine's curvilinear street design for residential streets has prevented many of the typical local street problems with cut-through traffic and high speed." (Irvine)
- "Limiting 4-way intersections improves safety but needs to be balanced with ease of direct access for transit and bicycles. We try to compromise between the true grid pattern and the limited access/curvilinear/ cul-de sac design." (Lodi)
- "Collector streets should border the subdivision and provide connection from neighborhood to neighborhood. Dead-end or cul-de-sac streets often place the connecting street as a through street, while grid patterns distribute traffic load fairly. Each situation must be looked at with all factors in mind. Limited access patterns can be very suitable depending upon adjacent street system." (Orlando, FL)

Accessibility

- "Auto access into and through a neighborhood should be limited. Bicycle access should be maximized." (Chico)
- "Public streets should be designed for the safe and efficient movement of vehicular traffic. Pedestrians should be kept separate on sidewalks, playgrounds and residential yards. Building planters and other obstructions in roadways may increase hazard and liability. Streets are safe enough to cross when necessary if children are taught and disciplined properly. American governments do not have enough authority to dictate overall land development design to provide that all streets are safe enough to play on." (Fresno)
- "Pedestrian pathways within residential subdivisions and commercial areas to encourage walking. Provide ample park and recreation facilities so that children will not have to play on streets. Building livable residential streets so that speed can be reduced through design." (San Diego)

Sources and Adequacy of the Cities' Street Standards

The survey indicates that the majority of the cities are developing their own street guidelines and standards. When asked to indicate the sources they have used, the option 'Developed by the city' was checked 45 times out of the 70 responses. Although this might attest to the cities' legislative sovereignty, in reality most of their indicated standards are not different from

previously published guidelines, such as those by ITE and the AASHTO. Furthermore only 30 percent of the respondents indicate the possibility of amending their existing city street standards, and only 18 percent proclaim dissatisfaction with them. (Figure 21)



Figure 21. Sources of the Cities' Residential Street Standards

Some of the 21 cities that are considering changes to their residential street standards indicate the following :

- Changing minimum roadway to 20 feet. (Boulder, CO)
- New general plan will incorporate Neo-traditional concepts. (Chico)
- Reviewed and adopted lesser standard of 32' for residential streets in one proposed Neotraditional neighborhood. Any actual construction using this standard is a few years off and limited to that development. (Chula Vista)
- Most developments are now PUDs which set their own standards- there is little need for formal standards. (Clayton)
- Desire to reestablish setback sidewalk standard with minimum 5' planting and narrow roadway to 32'. (Denver, CO)
- Might consider more narrower standards and eliminating on street parking. (Gilroy)
- Looking at village concept with narrower streets. (Livermore)
- Developing street standards for Neo-traditional neighborhoods with improvement in travel speeds (lower speeds) through residential streets. (Modesto)
- Adopted a new ordinance creating "rural street standards." The attempt of these additions to the Novato Municipal Code is to provide more flexibility in designing a street to meet the rural character of portions of our community. (Novato)
- Adding traffic calming devices. (Tacoma, West Palm Beach, FL)

Others express their desire for change in the following comments:

Flexibility

- Create more flexible standards based on use/design criteria. (Boulder, CO, Fresno, Moraga)
- All private streets should meet some city imposed standards. (Colorado Springs, CO)

Street Width

- "We generally require too much width- resulting in excessive speed problems. Reduction of width and perhaps restricting parking to make street more livable is desirable." (Bakersfield)
- Eliminate standards with parking on one side only (difficult to enforce). Provide sidewalks in residential areas on both sides of the street. (Danville)
- Would like to require wider ROW for landscaping purposes. (Houston, TX)
- Tighter horizontal curvature, narrow width. (Lakewood, CO)
- Narrower local streets to 36 feet and reduced width on cul-de-sacs. (Livermore)
- Reduce residential street width. (Poway)
- Where large lots are planned and parking could be accommodated on one side of the street the width could be reduced to 32'. (Riverside)
- Completely eliminate reduced width street standard from our city standards. Cannot properly enforce no parking which is required for these types of streets to operate efficiently and safely. (Vacaville)

Street -Form

- Less grid network and more discontinuous design, less inviting for cut-through and speeding. (Austin, TX)
- Instead of narrowing roadway width, increase ROW width to 60' to provide desired planting and setback sidewalk. Original standard until 1940 was 80' ROW with setback sidewalk and 36' to 40' streets. These are the most aesthetically pleasing neighborhoods. (Denver, CO)
- Not to allow residential street to intersect with arterial or major collectors. (Garden Grove)
- Eliminate alternative standards that allow monolithic sidewalks or none at all. Increase planter strip width to provide for adequate shade tree planting and separate sidewalk from roadway for more pleasant streetscape. (Fresno)
- Wider parkway area to provide for meandering sidewalks for a more interesting pedestrian experience. (Los Angeles)

Traffic Calming

- The city is very interested in pursuing residential traffic control programs, but it has been very difficult to achieve community consensus and to deal with the significant liability exposure. (Del-Mar)
- Considering European concepts if installed by developers. (Pleasant Hill)
- Considering some traffic control measures to discourage non-residential traffic. (Watsonville)

Residential Street Safety & Traffic Performance

Problems Associated With Residential Streets

Seventy-one percent of the surveyed cities report some form of a major problem on their residential streets. Twenty-nine percent of the cities report only minor problems, while no city reports the total absence of problems on their residential streets. The most common major problem is speed of traffic, (reported by 50 cities), with safety at intersections and children playing on streets seen as the second most serious problem. (Figure 22;23)



Figure 22. Number of Cities Reporting Problems on Residential Streets and their Type



Figure 23. Major Problems on Residential Streets

According to city officials, residents of residential neighborhoods are the most aware of traffic problems on their streets. The survey indicates that in the majority of cases (75%) it is the local residents who perceived and complained about traffic related problems. The extent of residents' dissatisfaction might indicate an inconsistency between professional practice, as manifested in street design, and its actual performance as experienced by the residents. (Figure 24) Some of the survey comments reflect these issues:

- "City has started a neighborhood safety program; this is a three phase program. Phase one- "Garden Grove Slow". This phase lets residents call in vehicle license plates and description for speeders. Letter is sent requiring driver to slow down. Phase two - after phase one, neighborhood meetings are held and signs, striping, and markers may be installed. Phase three- if phase one and two are not effective then phase three looks at installing diverters, street closures, islands, etc." (Garden Grove)
- "In residential areas speeding is perceived to be the number one traffic related safety problem by residents." (Los Angeles)
- "Speeding is often a neighborhood issue and is dealt with increased education and police enforcement." (Novato)
- "One of the most frequent complaints to the Street Transportation Department is speeding on residential streets. The Neighborhood Speed Watch Program has been established to address this issue. Neighborhood Speed Watch is a public awareness program to record vehicle speeds on neighborhood streets and notify the registered owners of those vehicles observed speeding. It is a program in which

concerned citizens can play an active role in helping solve speeding problems in their neighborhood." (Phoenix, AZ)



Figure 24. Those Who Percive Problems on Residential Streets Within the Cities

Neighborhood Traffic Management Schemes

Protection & Control A conflict arises when motorists choose to exit major streets and use local streets for passage through an area. When traffic volumes and speed increase beyond what is considered normal by local residents, the well being and livability in the affected neighborhood is threatened. These neighborhood traffic problems take various forms, and are generally characterized by the following concerns:

- Traffic Safety—The occurrence or expectation that accidents might occur and pedestrians, children in particular, would get hurt.
- Traffic Speed—Excessive speed. The negative reaction to speed is often a translation of concern over safety and high noise levels. Vehicles driven at high speeds are seen as a threat to the peace, safety and quality of life within the neighborhood.
- Traffic Volumes— Excessive amounts of traffic are often a reflection of safety and speed issues. In most cases, "through" traffic is the source of excessive traffic volumes but it can also be generated by certain land uses.
- Traffic Composition—Certain types of vehicles, especially trucks, buses and motorcycles, are a causes of annoyance, and are perceived as more hazardous than automobiles.

- Reduction of the Pedestrians and Social Activities—when traffic volumes increase beyond what is considered normal by local residents, or vehicle speeds increase because of street design, social street activities are greatly reduced, and the feeling of well being in the affected neighborhood is threatened.
- Impacts on and Identity—Excessive traffic problems might lead to increased resident turnover and neighborhood instability. It might also reduce residents' incentive to maintain their properties and invest in their outdoor areas.

The concept of protecting neighborhoods by ensuring that local streets serve their residential function is often supported by local ordinances. For example, the city of Tucson's Ordinance Number 6593 states in part: "All actions with regard to implementation of any feature of the Regional Transportation Plan or land use change proposal adjacent to any feature shall consider as a primary goal, the protection of existing neighborhood environments, cohesion, and integrity". (Tucson, City of 1991, 2)

The failure of existing local street systems, and physical design to provide the social qualities associated with the residential street, can be seen in the extensive application of traffic control devices by local authorities. Seventy-two percent of the 75 surveyed cities have indicated an initiation of some form of traffic control on their residential streets. Furthermore, in almost all the cases (83%), traffic control devices were initiated because of residents' demand due to safety (speeding) and through traffic. (Figure 25;26)



Figure 25. Reasons for Implementing Traffic Calming Techniques



The most common technique utilized by the cities is the installation of speed humps and 4-way stop signs. (Figure 27) According to the cities' reports these techniques, as well as diverters and pavement narrowing have the most effective results. These selected techniques were considered to be effective in controlling at least one of the two major problem associated with neighborhood traffic:

- Reduction of speeds in excess of the posted speed limit.
- Reduction of unwanted traffic volumes (cut-through traffic).

The techniques were also considered to have the potential to enhance the neighborhood environmental quality through the reduction of noise, adverse air quality, beautification (landscaping), and providing a potential deterrent to crime.





Public Involvement The key to successful implementation of a traffic management program is its acceptance by the local community. This is best achieved through the involvement of the local community in both the design and implementation stages. Most cities require both an initiation stage and a participation stage by the local residents. The city of Omaha, for example, requires that at least 75% of the property owners living at the segment of the street to be mitigated sign a petition agreeing to the traffic control device installation. Other cities establish similar procedures, these are exemplified by the city of Phoenix's requirements for the installation of speed humps:

- 1. Homeowners contact the Street Transportation Department to identify the streets involved and to name a representative willing to serve as the neighborhood contact.
- 2. Staff checks the street to determine if humps might be beneficial. The evaluation process includes receiving assurances from the Police and Fire Departments that humps will not create problems for emergency vehicles. If favorable conditions exist, the location and number of humps are determined by the city Traffic Investigator. This information is used to calculate cost estimates and to identify the immediate area of impact. Final hump locations identify where resident signatures, showing approval, are required.
- 3. To insure those residents most affected want humps installed, and to insure those affected in a broader sense are alerted that humps are being considered, two petitions are needed. One petition must show at least 75% approval from residents in the area that the hump is needed. All residents who live within 50 feet of the hump must approve. The other petition is used to insure that notice is given to other nearby residents who may be affected, that humps are being considered.
- 4. If the neighborhood collectively wants the humps and the streets meet the criteria, residents need to submit the two completed petitions along with a check to cover the initial and maintenance costs of signing and striping the humps.
- 5. Should conditions change and the neighborhood no longer wants the humps, a petition requesting the removal (with at least 51% approval) must be submitted. If approved, the neighborhood would be responsible for removal costs.

Almost all cities surveyed adhere to participatory procedures. Forty-two cities (88%) out of the forty-eight which implemented traffic management plans or controlling devices have consulted with the local residents. (Figure 28)



Figure 28. Participation Procedures with Residents as Part of Traffic Managment Program

Percent of Cities

Selected Techniques

The following are the most common physical devices used by the cities to control traffic. These devices and their application were of interest in the analysis of this study for the following reasons:

- Their installation changes the character and physical form of the original street.
- With the exception of road humps and traffic diverters, most of the techniques are widely and successfully used in Europe but not in the United States.
- Most of the devices are not covered in the Manual on Uniform Traffic Control Devices (MUTCD), do not have established standards, but are generally accepted by the Institute of Transportation Engineers and U.S. Department of Transportation.

1. Speed Humps



Figure 29. Speed Humps

Typical Application

Used as speed and volume reduction technique. *Description*

A road hump is a raised section of pavement approximately 12 feet long which gradually rises to a maximum height of 4 inches. It is usually built from curb to curb, or tapered to retain drainage and bicycle passage. The recommended installment of a 12 foot long hump, slows passing vehicles while reducing any potential vehicle damage or extreme driver discomfort that may have been encountered with the older speed bump design. Speed humps are generally not recommended for use on local streets with a high volume of bicycle traffic. Even though they can be designed to taper down to street level, near the curb for bicycle traffic, such a design may encourage automobile drivers to place one set of wheels in the bicycle area to reduce some of the effects of the hump. The same can be said for designs that allow drainage runoff to pass through a lowered section of the hump.

The majority of the cities surveyed, (58%), are not using speed humps citing liability and the lack of uniform standards as their major concerns. Forty-two percent of the cities are using or plan on using speed humps on their streets. (Figure 30)



Figure 30. Application of Speed Humps

The effects or impacts of using this device as noted by the literature and the surveyed cities are: *Speed and Volume Reduction* It is generally accepted that when installed in a series, road humps will reduce the operating speeds and volumes of passing traffic. A single hump can reduce the 85 th percentile speed between 14 to 20 mph at the device itself. A series of humps with maximum spacing of 100 feet reportedly have an increased effect on speed reduction. *Survey Comments*-

- Effective in reducing traffic speed. (Boulder, CO)
- Road bumps when 85% of traffic reaches 35 mph (Cupertino)
- Speed reductions documented, neighbors like them. (Colorado Springs, CO)
- Very effective, reduces 85% from 35 mph to 25 mph. Increases percentile in traffic pace from 85% to 100%. (Cupertino)

Safety There has been a great deal of debate as to the impact of speed humps on vehicle safety. While felt by some to be a hazard and promote erratic driving behavior, a study by a subcommittee of the California Traffic Control Devices Committee found that with between 150 and 200 million crossings of the state's hundreds of humps, very few claims for damages have been filed due to the undulations, and less than \$20 has been awarded for damages. Fire trucks and other large vehicles report significant jolts when passing over the undulations. (JHK 1991, 23)

Survey Comments-

- Still apprehensive as to their safety. Two reported accidents in 3 years. (Poway)
- Not considered safe or effective. (Riverside)
- Installation on experimental basis in mid-1980s, practice has since been discontinued.
 Found to be a safety hazard to emergency vehicles. (Tampa, FL)

• Too many problems, operational and safety, associated with these. (Vacaville)

Standards and Guidelines Not covered in the Manual on Uniform Traffic Control Devices (MUTCD) but accepted by the Institute of Transportation Engineers through its publication: *Guidelines for the Design and Application of Speed Humps* (1993)

Survey Comments-

- Not approved traffic control device makes city liable for dangerous conditions. (Antioch)
- Concern about liability. (Greensboro, NC)
- Not approved traffic control device- Designed for discomfort. (Irvine)
- Attempting to establish acceptable dimensions for 25 mph before installing. (Pinole)
- Concern about liability. (San Bernadino)
- Tested on one street, awaiting state standards. (San Jose)

Community Reaction Mixed reaction has been noted. They are generally disliked by drivers but liked by local residents.

Survey Comments-

- Speed reductions documented, neighbors like them. (Colorado Springs, CO)
- Very affective in addressing residents' concerns about speeding. (Dallas, TX)
- As pilot project we integrated 10 humps. Got a positive response. Next phase 18 more would be installed. (Modesto)

Survey General Comments-

Positive-

- Initiating pilot programs starting September 1994. (Bakersfield)
- Good but have limited effect. (Clayton)
- Used in townhouse development, private property only (Hercules)
- Has implemented successfully a pilot program and is about to implement on a larger scale. (Los Angeles)
- Not used on public streets, but are used on some private streets. (Moraga)
- Used extensively in residential areas, parks and schools and by-pass. (Sacramento)
- Successfully used. (San Diego)
- Speed Bumps discontinued 8 years ago. Speed Humps now under consideration. (San Francisco)
- Successfully installed. (Tucson, AZ)

Negative-

- City made a comprehensive review and elected not to use. (Claremont)
- Would preclude snow removal. (Denver, CO)
- No longer used as a matter of policy. (Orlando, FL)
- Limited use , not effective. (Petaluma)

• The city has a policy of not installing speed bumps or humps. (Pittsburg)

Others It has been suggested that road humps can be noisy if the distance between them is not correct. This is due to braking before the hump and speeding up between them which increases noise and air pollution.

2. Pinch Points in Pavement



Typical Application

Effective in limiting the ability of cars to pass one another through narrow pavement, and thus reduce speeds.

Description

Constrictions are built in a form of extended planters or sidewalks at intervals along one side or both sides of the street. Width is influenced by various factors such as: traffic volume, provision for large vehicles and one or two-way traffic. Pinch points are usually most effective when combined with other controlling measures such as speed humps. Provisions for cyclists and drainage may be necessary in some cases.

This European technique for controlling traffic is not widely used in the United States. Seven of the surveyed cities indicate actual use of the technique, and ten others show an interest and possible application in future development. The majority of the cities (52) have not used the technique. (Figure 32)



Figure 32. Application of Pinch Points

The effects or impacts of using this device as noted by the cities are:

Speed and Volume Reduction Pinch points are mostly used to reduce traffic volumes by causing delays, but they are less effective as a speed reducing device. In order to maintain a low speed over a longer stretch, pinch points are usually placed at no less than 100 feet apart. Survey Comments-

- Ineffective at reducing speeds (Colorado Springs, CO; Cupertino)
- Used at two locations with good results. (Garden Grove)
- Installed in parking lanes. Minimal improvement. (Pinole)

Safety Pinch points pose some maintenance problems in street sweeping and obstruction of drainage. Need sufficient lighting to be seen well in advance.

Standards and Guidelines Not covered in the Manual on Uniform Traffic Control Devices. Survey General Comments-

- Planned in Neo-Traditional neighborhoods. (Modesto)
- Recently implemented in some new developments. (Petaluma)
- May be considered to control speed. (Vacaville)

3. Shift in Pavement



This European method of controlling traffic speed is still unpopular in the United States. Only

three of the surveyed cites have used this device on their streets. Five cities indicate an interest and possible application in the future. (Figure 34)



Figure 34. Application of Shift in Pavment

The effects or impacts of using this device as noted by literature and the surveyed cities are:Speed and Volume ReductionEuropean Studies show substantial decreases in speed atthe shift. Results are compatible with those of speed humps.

Survey Comments-

- Ineffective at reducing speeds (Cupertino)
- This method reduced speeds and traffic volumes. (Garden Grove)

Safety The design alters the linear character of the street and therefore requires proper signs and a high standard of street lighting. Planting is desirable to lessen the impact of the extended islands. The extended non-vehicular space allows for interesting street design and increased pedestrian utilization of the street.

Standards and GuidelinesNot covered in the Manual on Uniform Traffic Control Devices(MUTCD)

Survey General Comments-

- Have been considered- funding has been a problem as well as public acceptance. (Danville)
- May be considered. (Sacramento)
- Not used on public streets, but is used on some private streets. (Moraga)
- Would consider. (Livermore)

4. Pavement Narrowing (Chokers)



Figure 35. Pavement Narrowing

Typical Application

Speed reduction through extended narrow driving lane at mid-block.

Description

Extended concrete planters are constructed along both sides of the street at the parking lane. In contrast to pinch points, pavement narrowing is carried out over a longer stretch of the road. Some application of pavement narrowing can also be achieved through striping and road marking. Such application have the advantage of a narrow driving lane with an overrun lane for emergency use. This type of application has a limited effect on speed reduction if used by itself. European practices also apply pavement narrowing in the form of an extended middle island, reducing the street to narrow traffic lanes on both sides, (usually at a maximum width of 13 ft (4 m) for each lane. (Devon 1991, 50, Klau 1992, 38-39)

As with the application of Pinch Points, and Shift in Pavement, this method is not widely utilized in American cities. Fourteen of the surveyed cities use this device on their streets, while eight cities indicate future plans for implementation. Most of the applications are limited to private developments, with authorities reporting satisfactory results. In two of the cases, pavement narrowing was achieved through striping only. (Figure 36)



Figure 36. Application of Pavment Narrowing (Chokers)

The effects or impacts of using this device as noted by the cities are:

Speed and Volume Reduction

Survey Comments-

- This has reduced speeds and reduced traffic volumes. (Garden Grove)
- Does show some positive results. (Colorado Springs)

Standards and Guidelines Not covered in the Manual on Uniform Traffic Control Devices (MUTCD)

Survey General Comments-

- Limited to new developments. Partially for aesthetic reasons. (Petaluma)
- Limited to private streets and PUD. (San Jose)

5. Changes in Pavement Material



The use of paving material other than asphalt is usually confined to limited areas within a development. In all of the 15 cities that use this technique it is applied either in private or Planned Unit Developments or at special points to accentuate cross-walks. Most cities cite the cost as the major impedance of further implementation. (Figure 38)



Figure 38. Application of Changes in Pavement Material

The effects or impacts of using this device as noted by the cities are:

Speed and Volume Reduction Minor reduction of speed due to the rough surface. Better results can be achieved if accompanied by other measures.

Standards and Guidelines Not covered in the Manual on Uniform Traffic Control Devices (MUTCD) but generally accepted if applied according to uniform paving codes and standards. Survey General Comments-

Positive-

- Used at entrences to new subdivision. (Antioch ; Livermore)
- Not used on public streets, but is used on some private streets. (Moraga)
- Use for crosswalk details. (Colorado Springs, CO)
- Good solution but expensive (Pleasant Hill)
- Used at the entrance of private streets. (San Clemente)
- Limited to private streets and PUD. (San Jose)
- Generally used at intersection/entries points to PUDs. (San Bernadino)
- Used to enhanced crosswalk area. (Tucson, AZ)

Negative-

- Limited use in intersections- Becomes a maintenance problem. (Irvine)
- Expensive alternative. (Modesto)

6. Traffic Diverters/ Barriers



This device is frequently utilized by cities that have residential grid neighborhoods. Twenty-eight percent of the cities surveyed indicate the use of diverters or are planning to use them. Application of the device is usually in response to the elimination of through traffic requested by local residents. Recently it has also been use to deter criminal action such as drive-by shootings and drug related activities in inner city residential neighborhoods, (Oakland, CA, and Miami, FL). (Figure 40)



Figure 40. Application of Traffic Diverters/Barriers

The effects or impacts of using this device as noted by the cities are:

Speed and Volume Reduction Studies have shown that traffic volumes can be reduced from 20 to 70 percent when used in conjunction with other diverter systems. Speed reduction is achieved only at the immediate vicinity of the diverter. However, general reductions in speed may be noticed if the diverters cause a breakup of typical higher speeds associated with linear through routes.

Safety Before and after studies of accident rates on streets with diverters show a substantial reduction in accidents after the installation of diverters. System wide accident experiences, however, reportedly remain the same. Some concerns have been expressed over emergency vehicle access and the aesthetic appearance of the diverters.

Survey Comments-

- Results have been mixed, police and fire have problems with access. (Garden Grove)
- Problem for emergency vehicles (Hercules)

Standards and Guidelines Not listed in the MUTCD. However, diverters may be considered as a channeling island, if constructed and marked as such.

Community Reaction While residents of areas where diverter systems are used are generally in favor of them, residents in other areas are generally opposed. This is exemplified by a vote in Berkeley, California where areas of the city that had no diverters voted for the removal of them in other parts of the city, while voters in areas with diverters voted to retain them.

Survey Comments-

 Successful at some locations, not at others. Usually installed due to neighborhood demand. (Perception of crime reduction). (Miami, FL)

Survey General Comments-

Positive-

• Creates a curvilinear street design over grid pattern. Creates natural diversion and eliminates cut-through trips. (Irvine)

- Used as necessary to prohibit left turns onto a major street. (Riverside)
- Effective if properly placed. Good subdivision design and planning avoids this problem. (Gilroy)
- One installation successfully completed. (Tucson, AZ)

Negative-

- Trial installation in inner Richmond district was not successful. (San Francisco)
- Limited areas, requires major traffic study. (San Jose)

Shared Streets (Woonerf)





Figure 41. Shared Streets (Woonerf)

Description

The shared street concept (Woonerf) is the prevalent technique for residential neighborhood traffic control in Europe. Its fundamental concept is an antithesis to the notion of segregating pedestrians and vehicles. It is defined by the elimination of the traditional division between roadway and sidewalks. One road surface is created and the maximum vehicle speed is restricted to a walking pace. Thus pedestrians, children at play, bicyclists, parked cars and moving cars all share the same surface. Though it seems these uses conflict with each other, the physical design is such that the pedestrian has primary rights while the driver is the intruder. Various studies and surveys conducted in the last twenty years indicate a considerable reduction in traffic speed and accidents. They also show an increase of street's social interaction, play, and a high degree of satisfaction by the residents.

None of the surveyed cities have implemented such a concept, and only half (49%) were aware of its existence. Yet sixteen of the cities indicated interest and would consider possible application in the future.

Most of the cities voiced the following concerns in applying the concept to the American setting:

- Lack of approved guidelines and standards.
- Fear of liability.
- Problems with service and emergency access/approval.
- Cost and Maintenance

Survey Comments

Negative-

- Appears to give no consideration to traffic volume or safety, nor pedestrian safety. Ridiculous idea for a public street. (Antioch)
- Cleaning could be expensive if done by local agency. (Bakersfield)
- America uses larger trucks for local trips. Compounds danger of worst drivers. (Chico)
- Liability risk (Claremont)
- While residents are concerned about speed (Especially from vehicles outside the neighborhood), the inconvenience of this type of proposal would bother them more. (Clayton)
- The concept is appealing, but the liability concerns are very significant. (Del Mar)
- Appears that it would significantly increase maintenance cost. (Gilroy)
- Could be a problem for emergency vehicles. (Hercules)
- Looks disjointed with numerous conflict points. (Irvine)
- Liability and financing concerns would have to be resolved for this concept to be viable. (Los Angeles)
- Too many potential liability issues. Insufficient ROW width on most of our residential streets. (Miami, FL)
- Hinders maintenance and cleaning. Could cause liability problems if accidents occur. (Pittsburg)
- Mixed pedestrian and auto areas creates safety problems. (Pleasanton)
- Not appropriate. (Riverside)
- Too expensive (initial cost and maintenance) liability concern over some elements. Significant resident opposition to extreme measures. (San Jose)
- Expensive, eliminates certain number of parking spaces abutting residences. (San Francisco)
- Difficult to implement due to emergency service needs. (Tuscon, AZ)
- Can work in situations with 1,000 or less ADT. Not well received by the citizens. (Orlando, AZ)
- Not appropriate for our city. (Walnut Creek)

Positive-

- For higher density, 10+ units per acre, this type of street seems appropriate. The City of Boulder is going to try this concept on a limited basis. (Boulder)
- Appropriate for dense urban areas. (Cupertino)
- We would like to try this concept in several neighborhoods when the opportunity to do so presents itself. (Danville)
- This concept may be appropriate to some streets but we have no plans for installation. (Foster City)
- Could be used on private streets, cluster homes, PUDs, etc. (Greensboro, NC)
- We are considering a new program that will establish criteria to implement some of these ideas to determine benefits and appropriateness. (Sacramento)
- We would like to try this concept but the city is unable to fund it. (Lakewood, CO)
- Interested in pursuing this concept. (Littleton, CO)
- We would consider for very low volume streets. We are concern about liability issues. (Livermore)
- This would be acceptable in PUD with private streets. (Moraga)
- Appropriate for low volume residential street with less than 500 ADT. (San Clemente)
- Difficult to retrofit, loss of on-street parking. (San Diego)
- May be possible to implement for short streets. (Santa Barbara)
- This concept may be used in our mixed-use areas but probably not in residential areas. We may use some of these elements in our new residential streets. (Tacoma, WA)
- Because of high maintenance we would only consider it for private streets. (Watsonville)

Summary of Devices Use

The following charts summarize the survey and literature findings about traffic control techniques.

	Devices	onaracici	131103 4114		- Oumma	i y			
Device	Traffic Reduction	Speed Reduction	Noise & Pollution	Safety	Access Restrictions	Emergency Access	Maintenanc e Problems	Level of Violation	Cost
Speed Humps	Possible	Limited	Increase	Improved	None	Minor Problems	None	Low	Low
Pinch Points	Possible	Limited	No Change	Improved	None	No Problems	Vandalism	None	Moderate
Shift in Pavement	Possible	Likely	No Change	Improved	None	Minor Problems	None	None	Moderate
Pavement narrowing	Possible	Likely	No Change	Improved	None	Minor Problems	None	None	Moderate
Pavement material	No	Minor	No Change	Unclear	None	No Problems	None	None	Moderate
Shared Space (Woonerf)	Yes	Likely	Decrease	Improved	Some	Minor Problems	Vandalism	Low	High
Other Devices Mentioned									
Rumbling Strips	Unlikely	Limited	Increase	Unclear	None	Minor Problems	None	Low	Low
Stop Signs	Unlikely	None	Increase	Improved	None	No Problems	None	Potentially High	Low
Street Closure	Yes	Yes	Decrease	Improved	Yes	Some Constraints	None	Low	Moderate
Traffic Circle	Possible	Likely	No Change	Unclear	None	No Problems	None	Low	Moderate
Traffic diverters- barriers	Yes	Likely	Decrease	Improved	Yes	Minor Problems	Vandalism	Low	Moderate
Entrance Treatment	Possible	Limited	No Change	Improved	Some	Minor Problems	Vandalism	None	Moderate
Force Turn	Yes	Possible	Decrease	Improved	some	Minor Problems	None	Potentially High	Low

Table 2. Devices Characteristics and Potential- Summary

CONCLUSIONS & PROSPECTS

As a result of the study findings, the following general conclusions can be drawn:

- Most cities are still adhering to published street standards as recommended by different professional organizations.
- Even though most of the cities develop and inscribe their own sets of guidelines and standards, these are often no different than those published by professional and government institutions.
- Although many city officials acknowledge the need to amend certain aspects of their regulations and create a more flexible framework for street design, most hold that the current practice is satisfactory.
- The prevalent minimum street standards set by cities are:
 - ROW- 50 feet
 - Roadway width (curb to curb)- 36 feet (two- 10 foot driving lanes, two -8 foot parking lanes). This dimension is also deemed to be the most appropriate roadway width by the majority of the respondents.
 - Sidewalks- 5 feet (Required by 84% of the cities).
 - Planting Strip (between curb and sidewalk), not required.
 - Building Setback- 20 feet
 - Street Trees- 1 per lot
- The desire to accommodate a "worst case design scenario" such as: cars parked on both sides of the street, an emergency vehicle with its outriggers, and one open travel lane on a residential street, often leads to an excessive width, higher travel speeds and probably fewer pedestrians.
- One of the prevalent reasons for not implementing different street configurations and standards is due to liability concerns. The fact that public street standards are rigid and less bound to be changed can be seen when compared to private street configurations. When the burden of liability is transferred from the city to the homeowners association, typical street guidelines and standards are categorically changed. The majority of cities (84%) allow for such changes, with most permitting different widths and parking configurations.
- With regard to the street system, cul-de-sacs are seen by the respondents as the most appropriate form of street for residential neighborhoods, while grid patterns and through streets are considered less suitable.
- A discrepancy exists between the officials' satisfaction with their cities' street standards and the share of traffic problems associated with the streets.

- This discrepancy can also be seen in the application of traffic control devices used by local authorities to mitigate these problems.
- Residents of residential neighborhoods are the most aware of traffic problems on their streets. In the majority of cases (75%), it is the local residents who perceive and complain about traffic related problems. The extent of the residents' complaints might indicate an inconsistency between professional views, as manifested in street design, and the street actual traffic performance as experienced by the residents.
- Speed of traffic is the most common problem associated with residential streets.
- The most common technique utilized by the cities to control speed is the installation of speed humps and 4-way stop signs. According to the cities' reports these techniques, as well as diverters and pavement narrowing, have the most effective results.

Prospects

The independence of local agencies, and their ability to perform away from the government's yardstick is key to changing regulations and standards. In many parts of the United States such trends are beginning to emerge. As more communities are wrestling with quality-of-life problems due to uncontrolled growth, environmental pollution and failure of existing infrastructure, they begin to take a stronger interest in their local power. The importance of local decision making and its self-empowerment has also been acknowledged by the federal government. An example of such can be seen in the federal Inter Model Surface Transportation Efficiency act of 1991. ISTAE, for the first time, re-authorized the federal-aid highway and transit funds to be distributed at the discretion of state and local agencies. This act opens the possibility for local communities to establish their own initiatives, and be supported legally and financially by favorable agencies.

It is important for city officials to realize that courts have usually ruled in favor of local jurisdictions that approved lower design standards for local roads, as long as the standards were set in writing. (Mercier 1987) In California, as well as in other states, under statutory immunities titled "design immunity", a public entity is generally not liable for injuries caused by a dangerous condition of public property if the following three essential elements are satisfied:

- (1) a causal relationship between the plan or design and the accident.
- (2) discretionary approval of the plan or design prior to construction or improvement.
- (3) substantial evidence supporting the reasonableness of the plan or design.

As stated by the courts in several cases, this type of immunity reflects a legislative intent to insulate discretionary planning and design decisions by responsible public officials from review in tort litigation. (Freiser 1992, 367-372) These acts are particularly important as liability and legal issues are cited by cities' transportation and public works departments as the most critical issue associated with the implementation of different street configurations and reduced standards.
It seems that in the near future the most probable venue for implementing change in residential street standards and regulations will be in the private domain. As seen in this study, most cities allow for a different, more flexible, set of standards to be implemented on private streets. A successful example of this approach can be seen at Seaside, Florida. In this private development the residential streets are composed of one paved surface shared by pedestrians and cars. There are no raised sidewalks or curbs, and automobile speed is controlled by the narrow driveway and the short street block. Yet, the private street should only serve as an interim solution leading to changes of standards for public streets. City officials should realize that the current practice of allowing a different set of standards on private streets, acknowledges the inadequacy of their public street standards, and validates the assumption that liability issues guide change rather than actual performance.

Finally, it is crucial that public and professional agencies and associations such as the Institute of Traffic Engineers, the American Association of State Highway and Transportation Officials, and the National Committee on Uniform Traffic Laws and Ordinances, will periodically review, revise and make their guidelines versatile. The publications of such official documents provides the local jurisdictions with the necessary support to justify decision contrary to conventional practice.

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Appendix A.- Survey Sample Appendix B.- Participating Cities

City	Department	Telephone
Albany, CA	Public Works	(510) 528-5759
Antioch, CA	Public Works	(510) 779-7050
Austin, TX	Transportation Division	(512) 499-7010
Bakersfield, CA	Public Works	(805) 326-3724
Boulder, CO	Public Works	(303) 441-3240
Brentwood, CA	Public Works	(510) 634-6920
Burlingame, CA	Public Works	(415) 696-7236
Chico, CA	General Services	(916) 895-4989
Chula Vista, CA	Public Works	(619) 691-5116
Claremont, CA	Public Works	(909) 399-5474
Clayton, CA	Engineering	(510) 672-9700
Col. Springs, CO	Transportation	(719) 578-6663
Cupertino, CA	Public Works	(408) 777-3240
Dallas, TX	Transportation	(214) 670-5035
Danville, CA	Development Services	(510) 820-1080
Del Mar, CA	Public Works	(619) 755-3294
Denver, CO	Public Works	(303) 640-3958
Dublin, CA	Public Works	(510) 833-6630
El Cajon, CA	Public Works	(619) 441-1651
Foster City, CA	Public Works	(415) 349-1200
Fresno, CA	Public Works	(209) 498-1461
Garden Grove, CA	Development Services	(714) 741-5190
Gilroy, CA	Public Works	(408) 848-0450
Greensboro, NC	Transportation	(910) 373-2229
Hercules, CA	Public Works	(510) 799-8242
Houston, TX	Public Works	(913) 658-4334
Irvine, CA	Public Works	(714) 724-6425

La Mesa, CA	Public Works	(619) 463-6611
City	Department	Telephone
Laguna Niguel, CA	Public Works	(714) 362-4377
Lakewood, CO	Traffic Engineering	(303) 987-7984
Littleton, CO	Public Services	(303) 795-3863
Livermore, CA	Public Works	(510) 373-5263
Lodi, CA	Public Works	(209) 333-6706
Los Altos, CA	Public Works	(415) 948-1491
Los Angeles, CA	Transportation	(213) 485-6193
Martinez, CA	Community Development	(510) 372-3562
Miami, FL	Public Works	N/A
Mill Valley, CA	Public Works	(415) 383-6020
Modesto, CA	Public Works	(209) 577-5430
Moraga, CA	Town Engineer	(510) 546-7111
Morgan Hill, CA	Public Works	(408) 776-7337
Novato, CA	City Engineer	(415) 897-4354
Omaha, NB	Public Works	(402) 444-5251
Orlando, FL	Public Works	(407) 246-3262
Pasadena, CA	Public Works	(818) 405-4266
Pasadena, TX	Public Works	(713) 475-7836
Petaluma, CA	Public Works	(707) 778-4345
Phoenix, AZ	Street Transportation	(602) 262-6136
Pinole, CA	Public Works	(510) 724-9010
Pittsburg, CA	Engineering	(510) 439-4930
Pleasant Hill, CA	Public Works	(510) 671-5252
Pleasanton, CA	Traffic Engineering	(510) 484-8313
Poway, CA	Engineering Services	(619) 679-4353
Riverside, CA	Public Works	(909) 782-5327
Sacramento, CA	Public Works	(916) 264-7508
San Bernadino, CA	Public Works	(909) 384-5213

City	Department	Telephone
San Diego, CA	Traffic Engineering	(619) 533-3181
San Francisco, CA	Parking and Traffic	(415) 554-2307
San Jose, CA	Public Works	(408) 277-4304
San Mateo, CA	Public Works	(415) 377-3323
Santa Barbara, CA	Transportation and Parking	(805) 564-5385
Simi Valley, CA	Public Works	(805) 583-6808
St. Petersburg, FL	Traffic Engineering	(813) 893-7421
Stockton, CA	Public Works	(209) 937-8428
Tacoma, WA	Public Works	(206) 591-5269
Tampa, FL	Public Works	(813) 274-8338
Tracy, CA	Public Works	(209) 836-4420
Tucson, AZ	Transportation	(602) 791-4259
Union City, CA	Public Works	(510) 471-3232
Vacaville, CA	Public Works	(707) 449-5170
Vallejo, CA	Public Works	(707) 648-4315
W. Palm Beach, FL	Public Works	N/A
Walnut Creek, CA	Development	(510) 256-3529
Watsonville, CA	Public Works	(408) 728-6095

(714) 498-2533

San Clemente, CA Public Works

From:	Brian Blake
То:	Public Comment
Subject:	Two-way traffic along 300 west street
Date:	Monday, November 1, 2021 10:35:06 PM

300 West should be placed back to a two-way street. Accommodations have been made to reverse the decision of making 300 west a one-way. I attended the meetings to change 300 west into a one-way street and the good points to make 300 west a one-way street such as no parking (taken care of with paving the planter spaces), and Safe school walking zone (taken care of by creating main street as a school boundary so students don't cross main street or walk south from school to their home).

The one concern not fixed is the uphill restricting view of cars entering Main street. The city was very open to the citizens of 300 west at those early meetings asking them; "Would burying the power lines make the parking better and make the street safer?" The citizens said, "That is no guarantee we would feel the street is safer."

In the past meeting the 300 west citizens argued that the street is too narrow to be two-way. This problem has been addressed with the additional parking created on the East side of the street and allowing parking the gravel or unfinished areas on the West side of the street. Once again, the issues have been resolved on 300 west and it should be back to a 2-way street.

--

Mr. Brian Blake

Invoice No. 11062021	Vendor ADT SECURITY SERVICES INC	<u>Check No.</u> 85155	Ledger <u>Date</u> 11/12/2021	Due <u>Date</u> 11/12/2021	<u>Amount</u> \$178 92	Account No.	Account Name.	Description
11002021		00100	11/12/2021	11/12/2021	178.92	1051300	BUILDINGS & GROUND MAIN	Alarm at museum
1544-402135	ADVANCE AUTO PARTS	85156	11/12/2021	11/12/2021	\$115.07 115.07	1068250	EQUIPMENT MAINT	Battery for Randy's Truck
1544-402203	ADVANCE AUTO PARTS	85076	11/5/2021	11/5/2021	\$81.16 81.16	5140250	EQUIPMENT MAINTENANCE	Denny's truck 2003 ford
1544-402209	ADVANCE AUTO PARTS	85076	11/5/2021	11/5/2021	\$7.00 7.00	5140250	EQUIPMENT MAINTENANCE	Denny's truck
1544-402629	ADVANCE AUTO PARTS	85076	11/5/2021	11/5/2021	\$237.98 237.98	1043250	EQUIPMENT MAINTENANCE	2011 ford exploder (new struts)
					9441.21			
2615	ALL STAR ELITE SPORTS	85157	11/12/2021	11/12/2021	\$731.10 731.10	6140650	WRESTLING	wrestling shirts
170351	APPLICANTPRO	85158	11/12/2021	11/12/2021	\$209.00 209.00	4340500	SOFTWARE EXPENSE	Hiring Software
14558	ARCHIVESOCIAL, INC.	85057	11/1/2021	11/1/2021	\$3,112.20 3,112.20	4340114	SOCIAL MEDIA ARCHIVE SER	Social Media Archive Subscription
207348	ASPHALT MATERIALS INC	85058	11/1/2021	10/23/2021	\$111.00 111.00	1060240	SUPPLIES	Tak Oil for patching
Nov 2021	AUTHORIZE.NET	9999	11/2/2021	11/2/2021	\$25.00 25.00	6740650	CREDIT CARD FEES	Gateway Fee for REC1 Credit Card Transactions - Nov 2021
REIMBURSE - 1	BAHR, DAMON & KIM	85077	11/5/2021	11/5/2021	\$50.00 50.00	6340240	SUPPLIES	Spooky Night Cookies
NOV21216	BLOMQUIST HALE CONSULTING	85078	11/5/2021	11/5/2021	\$472.60 472.60	1022506	EAP	Employee Assistance Program - November 21
OCT21217	BLOMQUIST HALE CONSULTING	85078	11/5/2021	11/5/2021	\$472.60 472.60	1022506	EAP	October 2021
	Vendor Total:				\$945.20			
UT202102825	BLUE STAKES	85079	11/5/2021	11/5/2021	\$234.00 78.00 78.00 78.00	5140241 5240241 5440241	UTILITY BILLING PROCESSIN UTILITY BILLING PROCESSIN UTILITY BILLING PROCESSIN	Bluestake fees Bluestake fees Bluestake fees
56401	BLUELINE BACKGROUND SCREEN	85080	11/5/2021	11/5/2021	\$213.00 213.00	1043310	PROFESSIONAL & TECHNICA	Drug Testing - New Employee + Randoms
1649423	BONNEVILLE INDUSTRIAL SUPPLY C	85159	11/12/2021	11/12/2021	\$594.59 594.59	1060240	SUPPLIES	Tool Box for new f-150
123121SAN	CENTRAL UTAH RECREATION & PAR	85059	11/1/2021	11/1/2021	\$175.00 175.00	6740210	BOOKS, SUBSCRIPTIONS, &	curpa membership
1128279	CHALLENGER TEAMWEAR	85081	11/5/2021	11/5/2021	\$3,076.45 3,076.45	6140610	SOCCER EXPENSE	Fall Soccer Uniforms
21J1037	CHEMTECH-FORD, INC	85060	11/1/2021	10/27/2021	\$80.00 80.00	5240310	PROFESSIONAL & TECHNICA	Effluent testing

			Ledger	Due				
Invoice No.	<u>Vendor</u>	<u>Check No.</u>	Date	<u>Date</u>	<u>Amount</u>	Account No.	Account Name.	Description
21J1439	CHEMTECH-FORD, INC	85160	11/12/2021	11/12/2021	\$123.00 123.00	5240310	PROFESSIONAL & TECHNICA	Effluent testing
21K0180	CHEMTECH-FORD INC	85160	11/12/2021	11/12/2021	\$100.00			C C
	Vendor Total:				100.00 \$303.00	5140310	PROFESSIONAL & TECHNICA	Water quality testing
DD110621 7171			11/12/2021	11/12/2021	\$140.31			
11(110021-7171			11/12/2021	11/12/2021	140.31	1022420	GARNISHMENTS	Garnishment - Child Support
7327083 001616		85061	11/1/2021	0/16/2021	\$253.16			
1321003-031010		00001	11/1/2021	3/10/2021	253.16	1022505	SUPPLEMENTAL	Sup Life Insurance Premium - September
73270831016293	COLONIAL LIFE &	85082	11/5/2021	11/5/2021	\$253.16			
					253.16	1022505	SUPPLEMENTAL	Sup Life Insurance - Oct 21
73270831116224	COLONIAL LIFE &	85082	11/5/2021	11/5/2021	\$253.16			
					253.16	1022505	SUPPLEMENTAL	Sup Life Insurances
	Vendor Total:				\$759.48			
REIMBURSE - 11	CUMMINGS AMBER	85161	11/12/2021	11/12/2021	\$50.00			
	Committee, Amberr	00101	11/12/2021	11/12/2021	50.00	7657235	EMS - EDUCATION, TRAINING	EMS Recertification
0111		95092	11/5/2021	11/5/2021	\$211.00			
0441	CUSTOM SIGNWORKS, LLC	00000	11/5/2021	11/3/2021	φ211.00 211.00	6140700	FUTURE PROGRAMS	Disc Golf Shirts
0440		95093	11/5/2021	11/5/2021	¢250.00	0110100		
0442	CUSTOM SIGNWORKS, LLC	00000	11/5/2021	11/5/2021	\$350.00 350.00	6240483	SPONSORS	Orchard Day Banners
0440		05000	44/5/0004	44/5/0004	¢040.00	0240400		Sichard Bay Baimers
8443	CUSTOM SIGNWORKS, LLC	85083	11/5/2021	11/5/2021	\$813.00 813.00	6240483	SPONSORS	Sponsor Banners Rodeo
	Vendor Total				\$1 374 00	0240403		oponsor Banners Rodeo
					• • • • • • •			
OCT 2021	CYBER SERVE	9999	11/2/2021	11/2/2021	\$161.91 161.91	6740650	CREDIT CARD FEES	Credit Card Admin Fees Oct
		0.500 /						2021
2270000210	DEPT OF ENVIRONMENTAL QUALITY/	85084	11/5/2021	11/5/2021	\$1,100.00	5240540		
		0.5.4.0.0			1,100.00	5240540	WRF - PERIVITS	UPDES
F2204000915	DEPT OF GOVERNMENT OPERATION	85162	11/12/2021	11/12/2021	\$12,063.57	4040000		OCTORER
					290.01	1043200	FUEL	OCTOBER
					5 543 15	1040200	FUEL	OCTOBER
					583.83	1060260	FUE	OCTOBER
					583.83	1062260	FUE	OCTOBER
					281.80	1068260	FUE	OCTOBER
					583.83	1070260	FUFI	OCTOBER
					583.83	1077260	FUFI	OCTOBER
					583.83	5140260	FUEL	OCTOBER
					583.83	5240260	FUEL	OCTOBER
					118.99	6740260	FUEL	OCTOBER
					1,560.08	7657260	FUEL	OCTOBER
					590.70	7657260	FUEL	OCTOBER
BP-REPORT-202	DIVISION OF OCCUPATIONAL & PRO	85163	11/12/2021	11/12/2021	\$3,165.00			
					3,165.00	1068320	BUILDING PERMIT STATE FEE	Building Permit Fee Surcharge
4609	DONE RITE LINES. LLC	85085	11/5/2021	11/5/2021	\$8.800.00			
	,				8,800.00	1070740	CAPITAL-VEHICLES & EQUIP	Swing Set

11/12/2021	1	1	/1	2	/2	02	1
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Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name.	Description
COMM38752021	EDUCATORS HEALTH PLANS LIFE, A	9999	11/5/2021	11/5/2021	\$66,053.33			<u></u>
					60,981.63	1022500	HEALTH INSURANCE	Health Insurance Premium - Nov 21
					4,524.20	1022501	DENTAL	Dental Insurance Premium - Nov 21
					547.50	1022508	VISION	Vision Insurance Premium - Nov 21
PR110621-383	EFTPS		11/12/2021	11/12/2021	\$40,820.07 23,062.34 5,393.72 12,364.01	1022210 1022210 1022220	FICA PAYABLE FICA PAYABLE FEDERAL WITHHOLDING PAY	Social Security Tax Medicare Tax Federal Income Tax
922983938	ELECTRICAL WHOLESALE SUPPLY (85087	11/5/2021	11/5/2021	\$25.12 25.12	5140240	SUPPLIES	Butt connectors For water meters
287	EMERALD TURF FARM	85088	11/5/2021	11/5/2021	\$552.00 552.00	1077300	CEMETERY GROUNDS MAINT	Sod for graves
110521	FINE CONCEPT DEVELOPMENT, LLC	85075	11/5/2021	11/5/2021	\$2,000.00 2,000.00	7657242	EMS - SUPPLIES	KN95 Mask 6000 Pieces
21-322	FORENSIC NURSING SERVICES, INC	85089	11/5/2021	11/5/2021	\$100.00			
					100.00	1043310	PROFESSIONAL & TECHNICA	Post Accident Drug Test - Shad Eva
RI105095800	FP MAILING SOLUTIONS	85090	11/5/2021	11/5/2021	\$86.85 86.85	1043310	PROFESSIONAL & TECHNICA	Meter Machine Lease
41577	FREEDOM MAILING SERVICES, INC	85063	11/1/2021	11/1/2021	\$2,352.46 784.16	5140241	UTILITY BILLING PROCESSIN	UTILITY BILL PROCESSING &
					784.15	5240241	UTILITY BILLING PROCESSIN	UTILITY BILL PROCESSING &
					784.15	5440241	UTILITY BILLING PROCESSIN	UTILITY BILL PROCESSING & NEWSLETTERS
Non 1 2021	GREG'S DISTINCTIVE DECORATING	85091	11/5/2021	11/5/2021	\$4,559.52 4,559.52	1051480	CHRISTMAS LIGHTS	Christmas lights
3yy2ur8	HEALTH EQUITY INC,	9999	11/5/2021	11/5/2021	\$6,276.75 6,276.75	1022503	HSA	October HSA Employer/Employee Contributions
gsac8bm	HEALTH EQUITY INC,	9999	11/5/2021	11/5/2021	\$61.70 61.70	1043310	PROFESSIONAL & TECHNICA	Admin Fees - HSA/FSA October
	Vendor Total:				\$6,338.45			2021
REIMBURSE - 11	HOLT, ERIC	85092	11/5/2021	11/5/2021	\$1,750.00 1,750.00	6740230	EDUCATION, TRAINING, & TR	Education Reimbursement-Eric Holt
Refund: 1201001	HOPES, JUSTIN	85093	11/1/2021	11/1/2021	\$148.77 148.77	5113110	ACCOUNTS RECEIVABLE	Refund: 1201001 - HOPES, JUSTIN
RT21100862	HUMPHRIES INC	85164	11/12/2021	11/12/2021	\$11.47 11.47	7657242	EMS - SUPPLIES	Oxygen supplies

Inveise Ne	Vandar	Cheek Ne	Ledger	Due	A	A second No.	A convert Norma	Description
Invoice No. SE 171810		Check No. 85164	<u>Date</u>	<u>Date</u>	<u>Amount</u> \$76.55	Account No.	Account Name.	Description
51 171019		05104	11/12/2021	11/12/2021	76.55	7657242	EMS - SUPPLIES	oxygen
	Vendor Total:				\$88.02			
20072575-00	INDUSTRIAL SUPPLY	85064	11/1/2021	10/27/2021	\$143.91	5140040		Claves
					47.97	5140240 5240240	SUPPLIES	Gloves
					47.97	5440240	SUPPLIES	Gloves
1016216850	INTERMOUNTAIN FARMERS, INC.	85094	11/5/2021	11/5/2021	\$2,239.86			
					2,239.86	1060240	SUPPLIES	Sterilant for storm retention
1016223448	INTERMOLINITAIN FARMERS INC	85094	11/5/2021	11/5/2021	\$310.08			Dasilis
1010223440		00004	11/0/2021	11/3/2021	319.98	1060240	SUPPLIES	Summit ridge retention basins
	Vendor Total:				\$2,559.84			-
102121	INTERNATIONAL CITY/COUNTY MAN	85065	11/1/2021	11/1/2021	\$1,024.82			
					1,024.82	1043210	BOOKS,SUBSCRIPTIONS,ME	Ben Reeves - ICMA Membership
1860		85165	11/12/2021	11/12/2021	\$132.00			Renewal
1000	INTERWEST SALETT SUFFEI	05105	11/12/2021	11/12/2021	132.00	1060240	SUPPLIES	sign posts
559	JACK'S TIRE & OIL	85166	11/12/2021	11/12/2021	\$544.50			
					544.50	7657700	WILDLAND FIRE RES EXPEN	Tire for Tender 141
192635	JAY MECHAM'S COUNTRY GARBAGE	85095	11/5/2021	11/5/2021	\$264.00	1000010		
102207		85005	11/5/2021	11/5/2021	204.00 \$202.40	1062610	LANDFILL CLEAN-OP	Fail clean-up
193307	JAT MECHAM S COUNTRY GARBAGE	85095	11/5/2021	11/5/2021	\$302.40 302.40	1062610	LANDFILL CLEAN-UP	Fall clean up
193361	JAY MECHAM'S COUNTRY GARBAGE	85095	11/5/2021	11/5/2021	\$320.40			·
					320.40	1062610	LANDFILL CLEAN-UP	Fall clean-up
193362	JAY MECHAM'S COUNTRY GARBAGE	85095	11/5/2021	11/5/2021	\$278.40	1000010		-
					278.40	1062610	LANDFILL CLEAN-UP	Fall clean-up
193363	JAY MECHAM'S COUNTRY GARBAGE	85095	11/5/2021	11/5/2021	\$308.40 308.40	1062610	LANDFILL CLEAN-UP	Fall clean-up
193387	JAY MECHAM'S COUNTRY GARBAGE	85095	11/5/2021	11/5/2021	\$170.00	1002010		
					170.00	1062610	LANDFILL CLEAN-UP	Fall clean-up
193388	JAY MECHAM'S COUNTRY GARBAGE	85095	11/5/2021	11/5/2021	(\$367.50)			
	Vondor Total:				-367.50	1062610	LANDFILL CLEAN-UP	Fall Clean up
04070		05000	11/5/0001	44/5/0004	\$1,270.10			
21673	JCM CONSULTING, INC	85096	11/5/2021	11/5/2021	\$75.00 75.00	1043310	PROFESSIONAL & TECHNICA	PEP Scoring Units
78056	JMART PRINTING	85167	11/12/2021	11/12/2021	\$40.00			· _ · · · · · · · · · · · · · · · · · ·
					40.00	1068240	SUPPLIES	Business Cards for Randy
110121	K. SHAWN PATTEN, ATT. AT LAW	85097	11/5/2021	11/5/2021	\$3,475.00			
					3,475.00	1042332	LEGAL - PUBLIC DEFENDER	Public Defender Services
110121	KIRK HUFFAKER PRESERVATION ST	85098	11/5/2021	11/5/2021	\$1,000.00	6740641		Reconnaissance Survey
					1,000.00			payment 1
17-180	LARA, PEGGIE	85099	11/5/2021	11/5/2021	\$37.50			
					37.50	1042310	PROFESSIONAL & TECHNICA	Interpreter Services

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Invoice No	Vendor	Check No	Ledger Date	Due Date	Amount	Account No	Account Name	Description
Refund: 151705	LEGG, NICHOLAS *	85100	11/5/2021	11/5/2021	\$38.27 38.27	5113110	ACCOUNTS RECEIVABLE	Refund: 151705 - LEGG,
17-264	LOWE, DEPUTY ROGER	85101	11/5/2021	11/5/2021	\$18.50			NICHOLAS *
					18.50	1042310	PROFESSIONAL & TECHNICA	Witness Fee
01-324125	MACEYS - SANTAQUIN	85168	11/12/2021	11/12/2021	\$91.23 91.23	7540480	FOOD	Senior Food
01-324902	MACEYS - SANTAQUIN	85168	11/12/2021	11/12/2021	\$15.17 15.17	7540480	FOOD	Seniors Food
101	MACEYS - SANTAQUIN	85168	11/12/2021	11/12/2021	\$540.00 270.00	6140450	YOUTH VOLLEYBALL	Participation Prize
	Vendor Total:				\$646.40	6140630	FLAG FOUTBALL EXPENSE	Participation Phze
Refund: 816407	MOON, DANIEL *	85102	11/2/2021	11/2/2021	\$60.15 60.15	5113110	ACCOUNTS RECEIVABLE	Refund: 816407 - MOON, DANIEL *
S104358781.003	MOUNTAINLAND SUPPLY	85103	11/5/2021	11/5/2021	\$29.44 29.44	5140250	EQUIPMENT MAINTENANCE	Impeller for trash pump
S104384014.001	MOUNTAINLAND SUPPLY	85169	11/12/2021	11/12/2021	\$79.10 79.10	5140242	METERS & MXU'S	Meter gaskets
S104386806.001	MOUNTAINLAND SUPPLY	85169	11/12/2021	11/12/2021	\$1,321.52 440.51 440.51 440.50	5140242 5240242 5440242	METERS & MXU'S METERS & MXU'S METERS & MXU'S	Parts for meters Parts for meters Parts for meters
S104388624.001	MOUNTAINLAND SUPPLY	85169	11/12/2021	11/12/2021	\$1,416.99 1,416.99	5440240	SUPPLIES	Curb stops for PI
S104394417.001	MOUNTAINLAND SUPPLY	85169	11/12/2021	11/12/2021	\$119.72 119.72 \$2.966.77	5140242	METERS & MXU'S	plugs for meter lids
IN1633900	MUNICIPAL EMERGENCY SERVICES	85104	11/5/2021	11/5/2021	\$343.10			
IN1624071		95104	11/5/2021	11/5/2021	343.10	7657244	UNIFORMS	1/4 zips for crews
111034971	Vendor Total:	03104	11/5/2021	11/3/2021	109.98 \$453.08	7657244	UNIFORMS	Kade Morrison Pants
00366430	MUNICODE	85170	11/12/2021	11/12/2021	\$2,220.00 2,220.00	4340115	MUNICODE - MEETINGS MAN	Annual Software License
102821	MURDOCK FORD	85066	11/1/2021	10/14/2021	\$42,230.00 42 230 00	4241058	VEHICLE PURCHASES	Utility truck
42530	MURDOCK FORD	85171	11/12/2021	11/12/2021	\$96.03 48.02 48.01	1070250		Bryans truck
	Vendor Total:				\$42,326.03			2. julio ruon
PR110621-13093	NEBO LODGE #45		11/12/2021	11/12/2021	\$18.00 18.00	1022425	FOP DUES	FOP Dues (Nebo Lodge #45)
592	OLD PIONEER PRESS	85172	11/12/2021	11/12/2021	\$8,216.00 8,216.00	1041615	SANTAQUIN CALENDAR	2022 Calendars

11/12/2021

Invoice No.	Vendor	Check No.	Ledger Date	Due <u>Date</u>	Amount	Account No.	Account Name.	Description
WD - 23790	OLSON'S GARDEN SHOPPE-PATSON	00175	11/12/2021	11/12/2021	\$200.67 200.67	5440240	SUPPLIES	Replacement trees around PI Tank
0054090	OSAGE AMBULANCES	85174	11/12/2021	11/12/2021	\$60.64 60.64	7657242	EMS - SUPPLIES	Light Timer Ambulance
15519	OUT BACK GRAPHICS, LLC	85105	11/5/2021	11/5/2021	\$230.00 78.00 152.00	1041614 1068240	YOUTH CITY COUNCIL SUPPLIES	Youth Council Tees 16 Inspector Tee- Shirts
15522	OUT BACK GRAPHICS, LLC	85105	11/5/2021	11/5/2021	\$7.50 7.50	1043480	EMPLOYEE RECOGNITIONS	Emb on Ben Jacket
15581	OUT BACK GRAPHICS, LLC	85067	11/1/2021	10/25/2021	\$45.00 45.00	5140240	SUPPLIES	Santaquin emblem placed on coats
15588	OUT BACK GRAPHICS, LLC	85067	11/1/2021	10/26/2021	\$845.50 211.38 211.37 211.38 211.37	1060240 5140240 5240240 5440240	SUPPLIES SUPPLIES SUPPLIES SUPPLIES	Hoodies for crew Hoodies for crew Hoodies for crew Hoodies for crew
15603	OUT BACK GRAPHICS, LLC	85105	11/5/2021	11/5/2021	\$98.50 98.50	4540304	HIGHLAND DR CANYON ROA	Signs
15606	OUT BACK GRAPHICS, LLC	85175	11/12/2021	11/12/2021	\$450.00 75.00 75.00 75.00 75.00 75.00 75.00	1060240 1070300 1077300 5140240 5240240 5440240	SUPPLIES PARKS GROUNDS MAINTENA CEMETERY GROUNDS MAINT SUPPLIES SUPPLIES SUPPLIES	Decals for vehicles Decals for vehicles Decals for vehicles Decals for vehicles Decals for vehicles Decals for vehicles
15652	OUT BACK GRAPHICS, LLC	85175	11/12/2021	11/12/2021	\$2,875.00 2,875.00	1060240	SUPPLIES	sign posts
15676	OUT BACK GRAPHICS, LLC Vendor Total:	85175	11/12/2021	11/12/2021	\$188.00 188.00 \$4,739.50	1043240	SUPPLIES	Shirts for Admin Staff
Oct2021A	PAYMENT TECH	9999	11/3/2021	11/3/2021	\$1,263.83 421.28	5140241	UTILITY BILLING PROCESSIN	CREDIT CARD TRANSACTION FEES - UTILITY PAYMENTS
					421.28	5240241	UTILITY BILLING PROCESSIN	CREDIT CARD TRANSACTION FEES - UTILITY PAYMENTS
					421.27	5440241	UTILITY BILLING PROCESSIN	CREDIT CARD TRANSACTION FEES - UTILITY PAYMENTS
Oct2021B	PAYMENT TECH	9999	11/3/2021	11/3/2021	\$268.32 89.44	5140241	UTILITY BILLING PROCESSIN	CREDIT CARD TRANSACTION FEES - NON-UTILITY
					89.44	5240241	UTILITY BILLING PROCESSIN	CREDIT CARD TRANSACTION FEES - NON-UTILITY
					89.44	5440241	UTILITY BILLING PROCESSIN	CREDIT CARD TRANSACTION FEES - NON-UTILITY
	Vendor Total:				\$1,532.15			
2337	PAYSON CHRONICLE	85106	11/5/2021	11/5/2021	\$112.60 112.60	1043220	NOTICES, ORDINANCES, PUBL	PI Bond Public Hearing Notice

		.	Ledger	Due				
Invoice No.	Vendor	<u>Check No.</u>	<u>Date</u>	Date	<u>Amount</u>	Account No.	<u>Account Name.</u>	Description
4648	PAYSON CITY SOLID WASTE	85176	11/12/2021	11/12/2021	\$4,892.00	5040520		Calida dianasal
					4,892.00	5240530	WRF - SOLID WASTE DISPOS	Solids disposal
91	PEN & WEB COMMUNICATIONS c/o P	85107	11/5/2021	11/5/2021	\$2,100.00 472.50	1041612	PUBLIC MEETING BROADCAS	Public Meeting Video Broadcasting
					1,627.50	4340113	WEBSITE CONTENT MGT - PE	Website & Calendar Work
REIMBURSE - 1	PRESTON, COREY	85068	11/1/2021	10/29/2021	\$1,232.00 1,232.00	7657740	FIRE - CAPITAL-VEHICLES &	Electrical Wiring for new SCBA Compressor
30406002	PURCELL TIRE & SERVICE CENTER	85108	11/5/2021	11/5/2021	\$698.33 698.33	1060250	EQUIPMENT MAINTENANCE	New o-rings for loader tires
30406174	PURCELL TIRE & SERVICE CENTER	85108	11/5/2021	11/5/2021	\$566.01 566.01 \$1.264.34	7657250	FIRE - EQUIPMENT MAINTEN	Tire Repairs/Swaps on Militay
40740		05400	11/5/2021	44/5/2024	¢07.40			
40716	RED RHINO INDUSTRIAL	85109	11/5/2021	11/5/2021	97.12 97.12	1060240	SUPPLIES	nuts and bolts for street signs and safety supplies
006589	REDMOND MINERALS, INC	85069	11/1/2021	11/1/2021	\$1,689.16 1,689.16	1060240	SUPPLIES	Road Salt
0864-001651368	REPUBLIC SERVICES LLC	85110	11/5/2021	11/5/2021	\$565.00 565.00	1062311	WASTE PICKUP CHARGES	Dumpster Services - City Facilites
0864-001652183	REPUBLIC SERVICES LLC	85110	11/5/2021	11/5/2021	\$50,883.01 15,586.89 24,785.20 349.20 10,004.58 157.14	1062311 1062311 1062311 1062312 1062312	WASTE PICKUP CHARGES WASTE PICKUP CHARGES WASTE PICKUP CHARGES RECYCLING PICKUP CHARGE RECYCLING PICKUP CHARGE	Disposal of Waste Garbage Pickup Services - Fuel Recovery Fee Recycle Pickup Services Fuel Recovery Fee
	Vendor Total:				\$51,448.01			
617674	REVCO	85111	11/5/2021	11/5/2021	\$515.38 515.38	4340300	COPIER CONTRACT	Copier Contract
617675	REVCO	85111	11/5/2021	11/5/2021	\$170.05 170.05	4340300	COPIER CONTRACT	Copier Contract - CD
	Vendor Total:				\$685.43			
3971	ROCK MOUNTAIN TECHNOLOGY	85112	11/5/2021	11/5/2021	\$8,781.32 2,850.00 890.52 43.56 250.00	4340100 4340210 4340230 4340500	COMPUTER SUPPORT CONT LAPTOP ROTATION EXPENSE MISC EQUIPMENT EXPENSE SOFTWARE EXPENSE	Monthly Service Agreement #1623 - Ben Reeves Jon Lundell - Adapters Rack Space
					110.00	4340500	SOFTWARE EXPENSE	Splashtop Premium (11 users)
					310.75	4340500		Splashtop (113 users)
					2,156.40 359.69	4340500 4340503	NEW EMPLOYEE TECHNOLO	# 1624 - New Judge Docking Station
					458.15	4340507	MICROSOFT OFFICE 365 LICE	Microsoft Exchange Online (119)
					1,346.40	4340507	MICROSOFT OFFICE 365 LICE	Microsoft Business Premium (68)
					5.85	4340507	MICROSOFT OFFICE 365 LICE	Microsoft Azure Directory

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			Ledger	Due				
Invoice No.	<u>Vendor</u>	<u>Check No.</u>	Date	<u>Date</u>	<u>Amount</u>	Account No.	Account Name.	Description
RMP-111021	ROCKY MOUNTAIN POWER	85177	11/12/2021	11/12/2021	\$119.50 119.50	1060270	UTILITIES - STREET LIGHTS	509 FIRESTONE DRIVE
W08801	ROCKY MOUNTAIN TURF - RMT EQUI	85113	11/5/2021	11/5/2021	\$1,570.35 1,570.35	1070250	EQUIPMENT MAINTENANCE	Grasshopper mower
9649	RURAL WATER ASSOCIATION OF UT	85178	11/12/2021	11/12/2021	\$1,411.00 1,411.00	5140210	BOOKS, SUBSCRIPTIONS & M	Rural water dues
SAMS-111021	SAM'S CLUB	85179	11/12/2021	11/12/2021	\$1,585.40 303.26 161.04 159.68 499.49 243.47 218.46	1043240 1043610 1043610 7540480 7540480 7540480	SUPPLIES OTHER SERVICES OTHER SERVICES FOOD FOOD FOOD	MEDICINE/SODA/CANDY COLUMBUS DAY FOOD COLUMBUS DAY FOOD SENIOR FOOD SENIOR FOOD SENIOR FOOD
111021	SANTAQUIN CITY UTILITIES	85180	11/12/2021	11/12/2021	\$120.00 120.00	5221600	SEWER FUND DONATIONS	Utility Assistance Program
PR110621-266	SANTAQUIN CITY UTILITIES		11/12/2021	11/12/2021	\$797.00 745.00 52.00 \$917.00	1022350 1022350	UTILITIES PAYABLE UTILITIES PAYABLE	Utilities Cemetery
000230/1	SANTAQUIN MARKET ACE	85114	11/1/2021	10/27/2021	\$179.95 179.95	1070300	PARKS GROUNDS MAINTENA	Leaf blower
000233/1	SANTAQUIN MARKET ACE		11/12/2021	11/12/2021	\$51.98 51.98	1068240	SUPPLIES	specialized screwdrivers for building inspection
	Vendor Total:				\$231.93			5 1
38402800	SIDDONS MARTIN EMERGENCY GRO	85181	11/12/2021	11/12/2021	\$1,470.00 1,470.00	7657700	WILDLAND FIRE RES EXPEN	New Valve Tender 141
21265	SKM INC	85182	11/12/2021	11/12/2021	\$705.00 237.50 467.50	5240310 5440250	PROFESSIONAL & TECHNICA EQUIPMENT MAINTENANCE	WRF SCADA programing 4th North Well programing
21998	SKM INC Vendor Total:	85182	11/12/2021	11/12/2021	\$5,713.75 2,856.88 2,856.87 \$6,418.75	5140750 5440750	CAPITAL PROJECTS CAPITAL PROJECTS	PLC PLC
31672	SOUTH UTAH VALLEY SOLID WASTE	85115	11/5/2021	11/5/2021	\$3,133.35 3,133.35	1062312	RECYCLING PICKUP CHARGE	Recycle Disposal
8064122729	STAPLES	85116	11/5/2021	11/5/2021	\$58.13 34.31 6.03 17.79	1043240 6140335 7540240	SUPPLIES MISC SUPPLIES SUPPLIES	Office Supplies White Card Stock Magenta Epson Cartridge
8064165651	STAPLES Vendor Total:	85183	11/12/2021	11/12/2021	\$42.90 42.90 \$101.03	6140335	MISC SUPPLIES	Colored Paper
211782	STEVENS & GAILEY	85117	11/5/2021	11/5/2021	\$18.00 18.00	1042332	LEGAL - PUBLIC DEFENDER	Public Defender Services 10/25/21

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Invoice No	Vondor	Chock No	Ledger	Due	Amount	Account No	Account Namo	Description
<u>111VOICE NO.</u>		05117	11/5/2021	11/5/2021	<u>Amount</u>	ACCOUNT NO.	Account Name.	Description
211703	STEVENS & GAILET	00117	11/5/2021	11/5/2021	30.00	1042332	LEGAL - PUBLIC DEFENDER	Public Defender Services 10/7/21
211784	STEVENS & GAILEY	85117	11/5/2021	11/5/2021	\$58.00 58.00	1042332	LEGAL - PUBLIC DEFENDER	Public Defender Services Edwin Garcia
211785	STEVENS & GAILEY	85117	11/5/2021	11/5/2021	\$100.00 100.00	1042332	LEGAL - PUBLIC DEFENDER	Public Defender Services - 10/21/21
211786	STEVENS & GAILEY	85117	11/5/2021	11/5/2021	\$30.00 30.00	1042332	LEGAL - PUBLIC DEFENDER	Public Defender Services
211787	STEVENS & GAILEY	85117	11/5/2021	11/5/2021	\$80.00 80.00	1042332	LEGAL - PUBLIC DEFENDER	Public Defender Services
211788	STEVENS & GAILEY	85117	11/5/2021	11/5/2021	\$57.00 57.00	1042331	LEGAL - PROSECUTION	Public Defender Services
211789	STEVENS & GAILEY	85117	11/5/2021	11/5/2021	\$104.00 104.00	1042332	LEGAL - PUBLIC DEFENDER	Public Defender Services
211790	STEVENS & GAILEY	85117	11/5/2021	11/5/2021	\$40.00 40.00	1042332	LEGAL - PUBLIC DEFENDER	Public Defender Services
211791	STEVENS & GAILEY	85117	11/5/2021	11/5/2021	\$70.00 70.00	1042331	LEGAL - PROSECUTION	Public Defender Services
	Vendor Total:				\$587.00			
110121	STRINGHAM'S HARDWARE	85118	11/5/2021	11/5/2021	\$1,964.23 117.17 303.15 15.98 516.96 35.71 382.01 415.87 15.99	1043610 1051300 1060240 1070300 1077300 5140240 5240240 5240520 6340340	OTHER SERVICES BUILDINGS & GROUND MAIN SUPPLIES PARKS GROUNDS MAINTENA CEMETERY GROUNDS MAINT SUPPLIES SUPPLIES WRF - SUPPLIES SUPPLIES	OCTOBER OCTOBER OCTOBER OCTOBER OCTOBER OCTOBER OCTOBER
					145.91	7657250	FIRE - EQUIPMENT MAINTEN	OCTOBER
41065404	SUNROC BUILDING MATERIALS, INC	85184	11/12/2021	11/12/2021	\$617.82 617.82	1051300	BUILDINGS & GROUND MAIN	Summit Ridge Parkway improvements
41066922	SUNROC BUILDING MATERIALS, INC	85184	11/12/2021	11/12/2021	\$461.60 461.60	1051300	BUILDINGS & GROUND MAIN	Landscape rock for parkway
	Vendor Total:				\$1,079.42			project
180	THATCHER COMPANY	85185	11/12/2021	11/12/2021	\$6,556.18 6,556.18	5140240	SUPPLIES	Chlorine for water system
056278044027	THE HARTFORD	9999	11/1/2021	11/1/2021	\$3,345.72 3,345.72	1022504	LIFE/ADD	Life, LTD, ADD, Sup Life - Oct 2021
17-131	TOWN OF GENOLA	85119	11/5/2021	11/5/2021	\$2,321.02 2,321.02	1022430	COURT FINES AND FORFEITU	Genola Portion Fines Collected - October 21

11/12/2021	1	1/	1:	2/	20)2	1
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Invoice No. Vendor Check No. Date Date Amount Account No. Account Name. Description 17-124 TOWN OF GOSHEN 85120 11/5/2021 11/5/2021 \$236.20 236.20 COURT FINES AND FORFEITU Goshen Portion - October 202 PR110621-7076 UTAH COUNTY LODGE #31 11/12/2021 11/12/2021 \$162.00	on Fines Collected 1
17-124 TOWN OF GOSHEN 85120 11/5/2021 11/5/2021 \$236.20 COURT FINES AND FORFEITU Goshen Portion PR110621-7076 UTAH COUNTY LODGE #31 11/12/2021 11/12/2021 \$162.00 \$162.00	on Fines Collected 1
PR110621-7076 UTAH COUNTY LODGE #31 11/12/2021 11/12/2021 \$162.00 COURT FINES AND FORFEITU Goshen Portion - October 202	on Fines Collected 1
- October 202 PR110621-7076 UTAH COUNTY LODGE #31 11/12/2021 11/12/2021 \$162.00	1
PR110621-7076 UTAH COUNTY LODGE #31 11/12/2021 11/12/2021 \$162.00	
162.00 1022425 FOP DUES FOP Dues (U* #31)	County Lodge
RE 226 * 052 UTAH DEPARTMENT OF TRANSPORT 85186 11/12/2021 \$1,031.13 ACTIVE TRANSPORTATION P Active Transp	ortation Plan
PR110621-382 UTAH STATE RETIREMENT 11/12/2021 11/12/2021 \$31,552.25	
1.98 1022300 RETIREMENT PAYABLE Post Retireme	ent (After 7/2010)
4,219.86 1022300 RETIREMENT PAYABLE 401K	
23,716.94 1022300 RETIREMENT PAYABLE Retirement	
691.69 1022300 RETIREMENT PAYABLE 401K - Tier 1	Parity
886.50 1022300 RETIREMENT PAYABLE Roth IRA	
682.38 1022300 RETIREMENT PAYABLE 457	
1,352.90 1022325 RETIREMENT LOAN PAYMEN Retirement Lo	an Payment
PR110621-361 UTAH STATE TAX COMMISSION 11/12/2021 11/12/2021 \$7,580.85 7,580.85 STATE WITHHOLDING PAYAB State Income	Тах
17-131 UTAH STATE TREASURER 85121 11/5/2021 \$5,294.90 5,294.90 STATE RESTITUTION Surcharge Fe	es to State
9891488933 VERIZON WIRELESS 85187 11/12/2021 11/12/2021 \$110.32	
36.77 1048280 TELEPHONE GPS DATA CO	DLLECTOR
36.77 5140280 TELEPHONE WATER/P.I. M SYSTEM	ONITORING
36.78 5440280 TELEPHONE WATER/P.I. M SYSTEM	ONITORING
80268028 WAXIE'S SANITARY SUPPLY 85072 11/1/2021 9/23/2021 \$197.23	
197.23 1054300 BUILDINGS & GROUNDS MAI cleaning supp	lies
60144 XPRESS BILL PAY 9999 11/5/2021 11/5/2021 \$1,659.74	
553.25 5140241 UTILITY BILLING PROCESSIN CREDIT CAR	D TRANSACTION
553.25 5240241 UTILITY BILLING PROCESSIN CREDIT CAR FEES	D TRANSACTION
553.24 5440241 UTILITY BILLING PROCESSIN CREDIT CAR FEES	D TRANSACTION
901231513 ZENON ENVIRONMENTAL CORPORA 85188 11/12/2021 11/12/2021 \$2,520.00	
2,520.00 4340614 PUBLIC WORKS SOFTWARE Suez support	
110121-AGENT ZIONS FIRST NATIONAL BANK 85074 11/1/2021 11/1/2021 \$162.39	
162.39 1089820 DEBT SERVICE INTEREST - 2 Interest - 2020 Revenue Bon) Sales Tax ds
Total: \$392,314.23	
GL Account Summary	
28,456.06 1022210 FICA PAYABLE	
12,364.01 1022220 FEDERAL WITHHOLDING PAY	
7,580.85 1022230 STATE WITHHOLDING PAYAB	
30,199.35 1022300 RETIREMENT PAYABLE	
1,352.90 1022325 RETIREMENT LOAN PAYMEN	
140.34 102420 CADIMUNES PAYABLE	
140.31 1022420 GARNISHMENTS	
2 557 22 1022425 FOP DUES 2 557 22 1022430 COURT FINES AND FOREFITU	

Invoice No.

<u>Vendor</u>

	Ledger	Due				
<u>Check No.</u>	Date	<u>Date</u>	Amount	Account No.	Account Name.	<u>Description</u>
			60,981.63	1022500	HEALTH INSURANCE	
			4,524.20	1022501	DENTAL	
			6,276.75	1022503	HSA	
			3,345.72	1022504	LIFE/ADD	
			759.48	1022505	SUPPLEMENIAL	
			945.20	1022506	EAP	
			547.50	1022508	VISION	
			472.50	1041612	PUBLIC MEETING BROADCAS	
			78.00	1041614		
			8,216.00	1041615		
			107.00	1042310	PROFESSIONAL & TECHNICA	
			127.00	1042331		
			5,955.00	1042332	STATE DESTITUTION	
			5,294.90	1042010		
			1,024.02	1043210		
			525.57	1043220	SI IDDI IES	
			227.08	1043240		
			201.90	1043260		
			536 55	1043200	PROFESSIONAL & TECHNICA	
			7 50	1043480	EMPLOYEE RECOGNITIONS	
			437.89	1043610	OTHER SERVICES	
			175.26	1048260	FUEL	
			36 77	1048280	TELEPHONE	
			1 561 49	1051300	BUILDINGS & GROUND MAIN	
			4.559.52	1051480	CHRISTMAS LIGHTS	
			5.543.15	1054260	FUEL	
			197.23	1054300	BUILDINGS & GROUNDS MAI	
			8.361.07	1060240	SUPPLIES	
			698.33	1060250	EQUIPMENT MAINTENANCE	
			583.83	1060260	FUEL	
			119.50	1060270	UTILITIES - STREET LIGHTS	
			583.83	1062260	FUEL	
			41,286.29	1062311	WASTE PICKUP CHARGES	
			13,295.07	1062312	RECYCLING PICKUP CHARGE	
			1,276.10	1062610	LANDFILL CLEAN-UP	
			243.98	1068240	SUPPLIES	
			115.07	1068250	EQUIPMENT MAINT	
			281.80	1068260	FUEL	
			3,165.00	1068320	BUILDING PERMIT STATE FEE	
			1,618.37	1070250		
			583.83	10/0260		
			//1.91	1070300	PARKS GROUNDS MAIN FENA	
			8,800.00	10/0/40	CAPITAL-VEHICLES & EQUIP	
			48.01	1077250		
			283.83	1077200		
			002.71	1077300		
			1,031.13	1070330		
			278 706 57	1009020	Total	
			210,100.51		iotai	
			42,230.00	4241058	VEHICLE PURCHASES	
			2 850 00	4340100	COMPLITER SUPPORT CONT	
			1 627 50	4340113	WEBSITE CONTENT MGT - PE	
			3,112 20	4340114	SOCIAL MEDIA ARCHIVE SER	
			2.220.00	4340115	MUNICODE - MEETINGS MAN	· · · · · · · · · · · · · · · · · · ·
			_,0.00			

1	1	/1	2	/2	02	1

			Ledger	Due				
Invoice No.	<u>Vendor</u>	Check No.	Date	<u>Date</u>	<u>Amount</u>	Account No.	Account Name.	Description
					890.52	4340210	LAPTOP ROTATION EXPENSE	
					43.56	4340230	MISC EQUIPMENT EXPENSE	
					685.43	4340300	COPIER CONTRACT	
					3,036.15	4340500	SOFTWARE EXPENSE	
					359.69	4340503	NEW EMPLOYEE TECHNOLO	
					1,810.40	4340507	MICROSOFT OFFICE 365 LICE	
					2,520.00	4340614	PUBLIC WORKS SOFTWARE	
					19,155.45		Total	
					98.50	4540304	HIGHLAND DR CANYON ROA	
					247.19	5113110	ACCOUNTS RECEIVABLE	
					1,411.00	5140210	BOOKS, SUBSCRIPTIONS & M	
					7,342.65	5140240	SUPPLIES	
					1,926.13	5140241	UTILITY BILLING PROCESSIN	
					639.33	5140242	METERS & MXU'S	
					117.60	5140250	EQUIPMENT MAINTENANCE	
					583.83	5140260	FUEL	
					36.77	5140280	TELEPHONE	
					100.00	5140310	PROFESSIONAL & TECHNICA	
					2.856.88	5140750	CAPITAL PROJECTS	
					15,261.38		Total	
					120.00	5221600		
					750.00	5221000		
					1 0 26 1 2	5240240		
					1,920.12	5240241		
					440.51	5240242		
					003.03	5240260		
					440.50	5240310	PROFESSIONAL & TECHNICA	
					15.99	5240520		
					4,892.00	5240530	WRF - SOLID WASTE DISPOS	
					1,100.00	5240540		
					10,269.17		lotai	
					1,952.00	5440240	SUPPLIES	
					1,926.10	5440241	UTILITY BILLING PROCESSIN	
					440.50	5440242	METERS & MXU'S	
					467.50	5440250	EQUIPMENT MAINTENANCE	
					36.78	5440280	TELEPHONE	
					2,856.87	5440750	CAPITAL PROJECTS	
					7,679.75		Total	
					48 03	6140335	MISC SUPPLIES	
					270.00	6140450	YOUTH VOLLEYBALL	
					3 076 45	6140610	SOCCER EXPENSE	
					270.00	6140630		
					731 10	6140650	WRESTLING	
					211 00	6140700		
					A 607 49			
					4,007.40		iotal	
					1,163.00	6240483	SPONSORS	
					65.48	6340240	SUPPLIES	
					175.00	6740210	BOOKS, SUBSCRIPTIONS &	
					1.750.00	6740230	EDUCATION, TRAINING & TR	
					118 99	6740260	FUEL	
							·	

Invoice No.	<u>Vendor</u>	<u>Check No.</u>	Ledger <u>Date</u>	Due <u>Date</u>	<u>Amount</u> 1,000.00 186.91 3,230.90	<u>Account No.</u> 6740641 6740650	Account Name. HISTORIC PRESERVATION G CREDIT CARD FEES Total	<u>Description</u>
					17.79 1,067.82 1,085.61	7540240 7540480	SUPPLIES FOOD Total	
					50.00 2,148.66 453.08 711.92 2,150.78 2,014.50 1,232.00 8,760.94	7657235 7657242 7657244 7657250 7657260 7657700 7657740	EMS - EDUCATION, TRAINING EMS - SUPPLIES UNIFORMS FIRE - EQUIPMENT MAINTEN FUEL WILDLAND FIRE RES EXPEN FIRE - CAPITAL-VEHICLES & Total	
				\$39	92,314.23		GL Account Summary Total	

Santaquin City Resolution 11-03-2021

A RESOLUTION DECLARING SURPLUS PROPERTY

WHEREAS, the City of Santaquin acquired Real Property (160 South Center Street) to support the construction of the new Santaquin City Hall; and

WHEREAS, the City's need for the property is for the land and the house thereon has needs to be relocated or demolished in order to support said construction; and

WHEREAS, the house may have salvage value,

NOW, THEREFORE, BE IT RESOLVED BY THE SANTAQUIN CITY COUNCIL, that the house at 160 South Center Street shall be advertised for bid for its possible sale and relocation in compliance with Utah State and Santaquin City's laws and ordinances. If no bids are received, or the costs of disposition are greater than the costs of demolition, the Santaquin City Council authorizes the demolition of said house.

Approved and adopted by the Santaquin City Council this the 16th day of November 2021.

Attest:

Kirk F. Hunsaker, Mayor

K. Aaron Shirley, City Recorder





RESOLUTION 11-05-2021

A RESOLUTION APPROVING THE REQUIRED ANNUAL FRAUD RISK ASSESSMENT

WHEREAS, on April 3, 2020, the Office of the State Auditor (OSA) issued Audit Alert 2020-01 requiring that each local governmental entity completes an annual Fraud Risk Assessment before the end of each fiscal year starting with the current fiscal year; and

WHEREAS, the Santaquin City Manager, Santaquin City Recorder/Finance Director and Santaquin City Treasurer/Administrative Services Director completed said audit (See attached) which is now available for review, consideration and possible approval by the Santaquin City Council; and

WHEREAS, many of the best practices outlined by the OSA were already in place while others recommendations are in the process of being implemented;

NOW THEREFORE, be it resolved by the Santaquin City Council to accept and approve the attached annual Fraud Risk Assessment for Santaquin City for FY2021.

ADOPTED AND PASSED by the City Council of the City of Santaquin, Utah this 14th day of December, 2021.

CITY OF SANTAQUIN

Kirk F. Hunsaker, Mayor

Attest:

K. Aaron Shirley, City Recorder

Fraud Risk Assessment

Continued

Total Points Earned: 325/395 *Risk Level: Very Low Low Moderate High > 355 316-355 276-315 200-275	Very	Very High < 200	
	Yes	Pts	
 Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire? 		200	
2. Does the entity have governing body adopted written policies in the following areas:			
a. Conflict of interest?		5	
b. Procurement?		5	
c. Ethical behavior?			
d. Reporting fraud and abuse?			
e. Travel?			
f. Credit/Purchasing cards (where applicable)?	5	5	
g. Personal use of entity assets?	5	5	
h. IT and computer security?		5	
i. Cash receipting and deposits?	5	5	
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?		20	
a. Do any members of the management team have at least a bachelor's degree in accounting?	10	10	
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?	10	20	
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training (<u>training.auditor.utah.gov</u>) within four years of term appointment/election date?	20	20	
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	20	20	
7. Does the entity have or promote a fraud hotline?	0	20	
8. Does the entity have a formal internal audit function?	20	20	
9. Does the entity have a formal audit committee? (To Formal)	0	20	

*Entity Name: <u>Santaquin City</u> *Completed for Fiscal Year Ending: <u>Olo/30/2021</u> *Completion Date: <u>11/12/2021</u> *CAO Name: <u>Benjamin Reeves</u> *CFO Name: <u>K. Aaron Shirley</u> *CAO Signature: <u>K. Qaron Shirley</u>

*Required

Basic Separation of Duties

See the following page for instructions and definitions.

	Yes	No	MC*	N/A
 Does the entity have a board chair, clerk, and treasurer who are three separate people? 	>			
2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries?		\searrow	\checkmark	
 Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A". 		\checkmark	\checkmark	
4. Are all the people who have access to blank checks different from those who are authorized signers?		\checkmark	\checkmark	
5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements?	\checkmark			
6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts?	\checkmark			
7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A".	\checkmark			
8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A".	1			
9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A".	1			
10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services?	1			
11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	\checkmark			
12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".		1	1	

* MC = Mitigating Control



OFFICE OF THE STATE AUDITOR

Revised December 2020

Basic Separation of Duties

Continued

Instructions: Answer questions 1-12 on the Basic Separation of Duties Questionnaire using the definitions provided below.

If all of the questions were answered "Yes" or "No" with mitigating controls ("MC") in place, or "N/A," the entity has achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will be answered "Yes." 200 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

[©] If any of the questions were answered "No," and mitigating controls are not in place, the entity has not achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will remain blank. 0 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

Definitions:

Board Chair is the elected or appointed chairperson of an entity's governing body, e.g. Mayor, Commissioner, Councilmember or Trustee. The official title will vary depending on the entity type and form of government.

Clerk is the bookkeeper for the entity, e.g. Controller, Accountant, Auditor or Finance Director. Though the title for this position may vary, they validate payment requests, ensure compliance with policy and budgetary restrictions, prepare checks, and record all financial transactions.

Chief Administrative Officer (CAO) is the person who directs the day-to-day operations of the entity. The CAO of most cities and towns is the mayor, except where the city has a city manager. The CAO of most local and special districts is the board chair, except where the district has an appointed director. In school districts, the CAO is the superintendent. In counties, the CAO is the commission or council chair, except where there is an elected or appointed manager or executive.

General Ledger is a general term for accounting books. A general ledger contains all financial transactions of an organization and may include sub-ledgers that are more detailed. A general ledger may be electronic or paper based. Financial records such as invoices, purchase orders, or depreciation schedules are not part of the general ledger, but rather support the transaction in the general ledger.

Mitigating Controls are systems or procedures that effectively mitigate a risk in lieu of separation of duties.

Original Bank Statement means a document that has been received directly from the bank. Direct receipt of the document could mean having the statement 1) mailed to an address or PO Box separate from the entity's place of business, 2) remain in an unopened envelope at the entity offices, or 3) electronically downloaded from the bank website by the intended recipient. The key risk is that a treasurer or clerk who is intending to conceal an unauthorized transaction may be able to physically or electronically alter the statement before the independent reviewer sees it.

Treasurer is the custodian of all cash accounts and is responsible for overseeing the receipt of all payments made to the entity. A treasurer is always an authorized signer of all entity checks and is responsible for ensuring cash balances are adequate to cover all payments issued by the entity.



OFFICE OF THE STATE AUDITOR

Revised December 2020

Fraud Risk Assessment

INSTRUCTIONS:

- Reference the Fraud Risk Assessment Implementation Guide to determine which of the following recommended measures have been implemented.
- Indicate successful implementation by marking "Yes" on each of the questions in the table. Partial points may not be earned on any individual question.
- Total the points of the questions marked "Yes" and enter the total on the "Total Points Earned" line.
- Based on the points earned, circle/highlight the risk level on the "Risk Level" line.
- Enter on the lines indicated the entity name, fiscal year for which the Fraud Risk Assessment was completed, and date the Fraud Risk Assessment was completed.
- Print CAO and CFO names on the lines indicated, then have the CAO and CFO provide required signatures on the lines indicated.



Oracess

OFFICE OF THE STATE AUDITOR

Revised February 2021

Fraud Risk Assessment

Refer to the Implementation Guide for more detailed explanations of concepts and criteria. See resources.auditor.utah.gov/s/article/Fraud-Risk-Assessment-Implementation-Guide

To complete the assessment, identify or obtain the following:

- Name of the Board/Council Chair
- Name of the Clerk/Finance Officer K. Aaron Shirley, Finance Director/City Recorder
- 8. Name of the Treasurer Shannon Hoffman, reasures
- Copies of credit/purchasing card statements, payments and supporting documentation.
- Copies of bank reconciliations for all bank accounts and related bank statements.
- 6. Copies of the following policies if they existed during the assessment period:
 - a. Conflict of Interest
 - b. Procurement
 - c. Ethical Behavior
 - d. Reporting fraud and abuse
 - e. Travel
 - f. Credit/Purchasing Cards
 - g. Personal use of entity assets
 - h. IT and computer security
 - i. Cash receipting and deposits
- 1/1 7. Copy of the CPA's license, if there is a CPA who is a member of the staff. Provide the contract for a contract accountant who is a CPA. Do not provide the independent auditor's CPA license. The independent auditor is not management.
 - \checkmark 8. Copy of the diploma if a member of the staff has a bachelor's degree in accounting (not required if documentation was provided for number 7 above).
 - 9. Copies of the commitment to ethical behavior by the officials/officers of the entity.
 - 10. Copies of the training certificate for the Office of the State Auditor board member training completed during the last 4 years.
 - 11. Documentation (certificates, agendas, etc.) demonstrating that a member of the management team had at least 40 hours of financial training during the last year.
- N/A 12. Copy of the internal audit plan for the assessment period.
 - 13. Name of the internal auditor and a list of duties. If contractually performed, provide K. Aaron Shirley a copy of the contract.
 - 14. Copies of any internal audit reports issued during the assessment period or last year, whichever is longer.

15. Copy of the audit committee charter.

- 16. A list of audit committee members during the assessment period.
- 17. Minutes or agendas for audit committee meetings. If meetings are confidential, a list of action items from those meetings will suffice.



OFFICE OF THE STATE AUDITOR

Revised December 2020

Fraud Risk Assessment

Background

The Office of the State Auditor (Office) regularly receives complaints of fraud or abuse by local government officials. The Office is also aware of internal investigations performed by local governments of their own officials and employees. Some of these situations receive significant media coverage, while others are resolved with less publicity. In either case, the level of concern by the public and local and state officials is significant. Many have asked the Office for more direction on how to prevent such occurrences in the future. The program outlined in this guide is designed to help measure and reduce the risk of undetected fraud, abuse, and noncompliance in local governments of all types and sizes. This assessment is a starting point, it is the hope of the Office that local governments will add to and adapt this form to improve how they manage their internal controls and the risk of fraud, waste and abuse.

Internal Controls as a Discipline

Professional literature, as well as our own experience, indicates that the solution to the reduction of fraud risk lies in effective internal controls. Internal controls are the policies, practices, and processes that ensure the operations of an organization are performed effectively and efficiently. Internal Controls are also intended to deter or prevent the misuse of public funds. Since internal controls require time and resources, entities should seek to reduce risk to an acceptable level, not eliminate risk altogether. In other words, a lock should never cost more than the item it is intended to protect.

The Committee of Sponsoring Organizations of the Treadway Commission (COSO) is a group of organizations dedicated to providing frameworks and guidance on risk management, internal control, and fraud deterrence. COSO publishes a document "Internal Control – Integrated Framework" (the COSO Framework). The COSO Framework is noted as the gold standard for designing and implementing an entity-wide internal control program for all organizations including governments. The Government Accountability Office (GAO) publishes its own guidance for proper internal controls in government entities known as the Green Book. The Green Book follows the COSO Framework, but adds some specific context that is unique to the government environment. We used both of these publications as resources for this project.

The COSO Framework includes five principles:

- Tone at the Top
- Risk Assessment
- Control Activities
- Communication

• Monitoring

Incorporating these five principles into an organization is a recommended but complex endeavor. Most accountants and auditors have been trained on these principles, but full implementation requires additional training and a commitment throughout the organization to be effective. We recommend every organization with the resources use COSO, GAO, GFOA, or any other reputable source as an aid to implementing a comprehensive internal control program.

Due to the expense, most local governments in Utah lack the resources necessary to completely implement the COSO Framework. Our goal is to take the concepts of the COSO Framework and boil them down to specific measures that every local government can incorporate at minimal cost. If properly implemented, we believe these measures will reduce the risk of undetected fraud, abuse, and noncompliance. We have also developed a risk assessment model that provides a basic evaluation of an entity's fraud risk, based upon required separation of duties and our recommended measures.

Recommended Measures

1. Separate Duties over Cash Accounts (Crucial)

Widely recognized as a crucial internal control, separation of duties includes separating the powers of the treasurer and clerk (the person who performs the accounting function, regardless of title), as required by state law. If the roles and responsibilities of treasurer and clerk are *not* 1) separate, 2) independent, and 3) monitored by the governing board, the risk of financial fraud and abuse increases.

In general, the treasurer is responsible for the collection and custody of funds while the clerk validates payment requests, ensures compliance with policy and budgetary restrictions, prepares checks, and records all financial transactions. In situations where proper separation of duties are not maintained, mitigating controls must be implemented. Because of the extreme importance of this control, we have developed a separate questionnaire (see attached) to help determine if basic separation of duties or mitigating controls are in place.

2. Require a Commitment of Ethical Behavior

Purpose

A critical, fundamental, and far-reaching problem facing government today is the lack of public trust and confidence. Government officials are expected to perform their government duties without using their position for personal benefit. A written statement on ethical behavior will provide clarity and serve as a physical reminder of the aspirations of the organization.

Overview

Maintaining an ethical environment requires setting an example and communicating proper expectations at every level of the organization. Training and re-enforcement of

ethical standards must be continuous and applicable. Expectations must point to the highest standards and not excuse bad behavior by anyone for any reason.

Implementation

We recommend the entity set clear expectations and exercise consistent enforcement. We recommend instilling a culture rewarding high ethical standards, rather than rewarding cutting corners or engaging in questionable or self-serving behavior. We recommend that every entity have a written policy and strong practices that address a standard of ethical behavior, including prohibited activities, required disclosures, and clear directions on how and to whom disclosures should be submitted and reviewed. We also recommend that the entity require elected or appointed officials and employees to annually commit in writing to abide by the entity's standards of ethical behavior. This practice will provide an opportunity to review the policy and identify any potential or actual conflicts of interest. Requiring periodic confirmation will deter individuals from acting unethically and identify issues before they become problematic.

3. Adopt and Put Into Practice Written Policies

Overview

The governing body should evaluate policies to make sure they establish proper oversight and direct the organization toward the desired outcomes. The following are key policies along with certain elements that we have identified that are either required by law or best practices to improve the internal control system. As a matter of practical implementation, template policies that contain these elements are available on the Office's website at resources.auditor.utah.gov.

a. Conflict of Interest

- 1. Specifies who is required to declare conflicts.
- 2. States that if a new conflict arises during course of business it must be reported.
- 3. Requires each public official/employee to complete a disclosure form on an at least an annual basis.
- 4. Identifies the individual/position responsible to gather disclosure forms.
- 5. Disclosure forms provide the user a way to disclose conflicts or indicate that they have no conflicts.
- 6. Disclosure forms must list the name and position of the public official/employee.
- 7. Disclosure forms must list the name of the business entity and ownership interest or position for a business regulated by the entity for which there is a conflict.
- 8. Disclosure forms must list the name of the business entity and ownership interest or position for businesses doing business with the entity.
- 9. Disclosure forms must list any investments that may create a conflict with the entity.
- 10. The disclosure shall be made in a sworn statement filed with the entity's governing body.

b. Procurement

Seek the best value for the entity and promote a competitive purchasing process.

- 1. Specifies a small item threshold allowing employee or department discretion.
- 2. Specifies documentation required for each level of purchasing (e.g. small purchases, medium purchases and purchases requiring competitive bid).
- 3. Specifies purchasing procedures (e.g. advertising methods and time frames, rejection of bids, appeals) for items requiring competitive bid.
- 4. Lists exemptions and documentation needed for not following regular bidding requirements (e.g. sole source provider, emergency purchases etc.).
- 5. Addresses improper or illegal conduct:
 - a) Prohibits dividing a procurement to avoid following policy (Utah Code 63G-6a-2404.3)
 - b) Prohibits kickbacks (Utah Code 63G-6a-2404)
 - c) Requires disclosure of conflicts of interest (Utah Code 63G-6a-2406)
 - d) Prohibits cost-plus-a-percentage-of-cost contracts (Utah Code 63G-6a-1205)
 - e) Lists other specific activities that are not allowed (Utah Code 67-16 applies to the state and all political subdivisions)
- 6. Designates a purchasing agent, specify who may sign contracts including requirement for contracts that must go before the governing body.
- 7. Has an ethics provision and/or reference Utah Code 67-16.
- 8. Documents consequences of violating the policy (e.g. formal reprimand, suspension, termination or criminal prosecution).
- c. Ethical Behavior
 - 1. Prohibits participation in decisions or actions in which the employee or official has real or reasonably perceived conflict (see conflict of interest policy).
 - 2. Prohibits use of authority for personal gain or that of close friends, family, or business associates.
 - 3. Prohibits receiving gifts, loans or bribes.
 - 4. Requires confidentiality regarding any information not subject to GRAMA.
 - 5. Prohibits violation of nepotism laws (Utah Code 52-3).
 - 6. Prohibits misuse of public resources or property (Utah Code 76-8-4).
 - 7. References the Utah Public Officer and Employee Ethics Act (Utah Code 67-16).
 - 8. Establishes individual accountability, including consequences for noncompliance (e.g. suspension, termination).
- d. Reporting Fraud and Abuse
 - 1. Requires the reporting of inappropriate actions or behavior.
 - 2. Provides reporting structure, including alternatives if the employee's normal supervisor is involved.
 - 3. Provides guidance on the type of actions and behaviors which must be reported.
 - 4. Provides guidance on the information to be provided (e.g. names, dates, times, descriptions, effects) when reporting fraud or abuse.
 - 5. Provides whistleblower protection or referrers to Utah Code 67-21-3.
 - 6. Provides for the evaluation, investigation and possible consequences of the alleged action or behavior.

- 7. Provides for feedback to the employee reporting the action and the governing body.
- e. <u>Travel</u>
 - 1. Establishes a process to authorize travel expenditures (i.e. preauthorization).
 - 2. Defines what constitutes allowable and unallowable travel and clearly establishes reasonable limits.
 - 3. Establishes a reporting structure with senior management reporting to the governing body.
 - 4. Establishes individual accountability, including consequences for noncompliance (e.g. suspension, termination, recovery of funds, inability to travel).
 - 5. Requires adequate record keeping (documentation of time, place, business purpose, and authorization).
 - 6. Communicates the public nature of purchase records.
 - 7. Ensures enough information is gathered and communicated to maintain accountability and measure performance.
 - 8. Has a provision to comply with external reporting requirements (e.g. IRS, Utah Public Finance Website reporting).
- f. Credit/Purchasing Cards
 - 1. Credit/purchase card issuance should be approved by governing body.
 - 2. Establishes procedures for independent review and reconciliation of each card.
 - 3. Establishes card holder accountability including consequences for noncompliance (e.g. suspension, termination, recovery of funds, or loss of card privileges).
 - 4. Establishes required practices to ensure the security of the card (e.g. signing, storing, and who can use the card).
 - 5. Establishes procedures for card use (e.g. documentation required, timelines, reconciliations, restrictions).
- g. Personal Use of Entity Assets
 - 1. Establishes allowable uses, or disallows use, of entity assets and rates if applicable (e.g. making photocopies, use of heavy equipment).
 - 2. Establishes individual accountability, including consequences for noncompliance (e.g. suspension, termination, recovery of funds or loss of privileges).
- h. IT & Computer Security
 - 1. Establishes allowable uses of information systems, computer equipment, and the internet.
 - 2. Discloses to the user that the entity has the right to monitor and limit the activities on entity IT systems.
 - 3. Establishes individual accountability, including consequences for noncompliance (e.g. suspension, termination, recovery of funds, or loss of privileges).
- i. Cash Receipting and Deposit
 - 1. Establishes a timeline for entering receipts into the accounting system.
 - 2. Establishes a timeline for depositing funds in the bank that complies with the Utah Money Management Act (3 days).

- 3. Establishes security measures for holding funds before deposit (e.g. safe, vault).
- 4. Establishes a receipting process for giving the customer documentation of the transaction and also provide sufficient information to understand the purpose of the transaction for management review or audit.
- 5. Establishes a procedure for entering credit card and ACH transactions into the accounting system.
- 6. Establishes a separation of duties between the person receiving payments and the person making deposits (smaller entities may require dual sign-off on deposits).
- 7. Establishes required documentation for voiding or altering a cash receipt, including that it be reviewed by someone that didn't make the correction.
- 8. Requires system-generated or sequentially-numbered receipts to allow for a review of completeness.
- 9. Requires cash deposits and receipts to be reconciled and/or reviewed by someone not receiving cash.

4. Hire and Train Qualified Staff

Purpose

In order to ensure the effective and efficient delivery of government services, each entity should identify the knowledge, skills, and abilities (KSA) needed by its management and employees. In technical areas, KSA often align with formal credentials, such as a degree or license. Accounting is an area where degrees and professional designations usually indicate a level of proficiency.

Overview

A licensed Certified Public Accountant (CPA) is the most common designation of a person who possesses the KSA needed to oversee the day-to-day financial operations of an entity. There are several other designations that may indicate similar KSA, such as Certified Government Financial Manager (CGFM), Certified Management Accountant (CMA), Certified Internal Auditor (CIA), Certified Fraud Examiner (CFE), Certified Government Auditing Professional (CGAP), and Certified Public Finance Officer (CPFO). At a minimum, we recommend that every entity have someone with a bachelor's degree in accounting as part of its staff.

Implementation

While not every local government entity needs a full-time CPA, every entity should utilize a qualified accountant to ensure that its finances are protected and accurately reported. Most accounting firms and professional bookkeeping services provide a variety of services on an as-needed basis. We recommend every local government evaluate the level of KSA possessed by its accounting staff and consider contracting with an accounting professional. The accounting professional could perform some or all of the accounting and ensure that the entity has effectively implemented internal controls and meets reporting requirements. To aid local government entities in identifying and procuring the services of qualified accounting professionals, the Office maintains a qualified vendor list included on the Office's website at <u>resources.auditor.utah.gov</u>. The firms on this list have met the requirements set forth by the Office to provide bookkeeping, compliance reporting, or financial statement preparation for local governments.

5. Provide Effective Training

Overview

Training is vital to any organization, especially governments, where services are essential to economic prosperity and basic human needs. Public officials and key employees need to possess at least a basic understanding of the legal requirements of their entity. We encourage entities to consider the KSA needed to support the services provided by their entity, then determine the appropriate level of training that is needed to maintain those KSA. The entity should provide resources to attend sufficient and appropriate training on an ongoing basis.

Implementation

The Office provides comprehensive but basic training on financial topics for local government board members and finance officers. However, this training serves only as an introduction for those who are new or previously untrained in local government financial matters. We recommend board members and finance officers identify and participate in organizations that provide more advanced training. These organizations may be specific to the government type (e.g. counties, charter schools), a specific type of operation (e.g. sewer, water), or a specific job within the organization (e.g. treasurer, finance officer).

At a minimum, board members should view our online basic but comprehensive training every four years (see <u>training.auditor.utah.gov</u>). Also, at least one member of the finance team, preferably the chief finance officer, should have 40 hours of financial training each year. Financial training includes: auditing, accounting, budgeting, reporting, internal controls, fraud prevention and detection, software, and any other topic that is related to the management of finances.

6. Implement a Hotline

Definition

A hotline is a means by which the public and employees can anonymously report concerns about improper behavior of an entity's officers or employees or concerning practices of the entity.

Overview

Fraud losses are 50% smaller at organizations with hotlines than those without hotlines. According to the Association of Certified Fraud Examiners, 40% of reported instances of fraud are discovered through a tip. More than half of these tips were provided by an employee of the organization and 46% of fraud cases detected by tip were reported through a hotline.

Implementation

An effective hotline can be implemented at virtually no cost and can be as simple as providing an email address or phone number. Hotline submissions should be sent directly to a person who has the resources and objectivity to evaluate the concern and investigate if warranted. All complaints and the results of investigations should be presented to the audit committee of the entity in a timely fashion.

Hotlines should be promoted and easy to access (most entities put a link to their hotline on the main page of their website). Every entity should have a written policy that includes the following:

- 1. Methods for receiving complaints (e.g. email, phone number).
- 2. A provision for anonymous complaints.
- 3. Sufficient direction to ensure complaints are given adequate treatment as follows:
 - a. An initial screening of complaints to be performed by an office not involved in the complaint (this could be accomplished by having it performed by more than one office if an independent internal audit function does not exist or it could be sent directly to the audit committee).
 - b. Audit committee:
 - i. Reviews available evidence.
 - ii. Determines if further investigation is merited. If so;
 - Sets the scope of audit
 - Sets a budget
 - Sets a timeline
 - Provides resources
 - c. Audit results are reported to the audit committee.
 - d. Audit committee approves findings and recommendations.
 - e. Audit committee ensures that findings and recommendations are addressed by the appropriate officers or employees.
 - f. Feedback provided to the complainant, if requested.

7. Implement an Internal Audit Function

Definition

An internal audit function is an organizational initiative to monitor and analyze the entity's own operations in order to determine how well it conforms to a set of specific criteria, such as laws, policies, or best practices. Internal auditors are independent of the work they audit, but are very familiar with it so as to allow them to determine compliance with the requirements for that work.
Overview

An internal audit may focus on financial operations, systems, processes, or compliance. As part of the internal audit plan, auditors try to find discrepancies between operational design and operational reality. Internal audits also help uncover evidence of fraud, waste, or abuse. If internal auditors find discrepancies or inappropriate activities, they document and report them to entity leadership who can prioritize and direct corrective action.

The frequency of internal audits will depend on the department or process being examined. Some types of operations may require daily audits for quality control, others may require only an annual audit of records.

Internal audit plans act as a pre-emptive step in maintaining operational efficiency and financial reliability, as well as safeguarding assets.

Implementation

An internal audit function should be formalized by the adoption of an Internal Audit Charter which identifies who is responsible to oversee the internal audit function and who will perform the internal audits.

Those responsible for internal audits should adopt an audit plan which identifies what will be audited and when it will be audited. The audit plan should be reviewed regularly, usually once per year.

Adaptation for small entities

Only the largest of our local governments can justify a full-time internal auditor. Most local governments can execute an effective internal audit program by contracting with an audit professional to work a few days a year. To eliminate added costs entirely, some entities may coordinate with peer entities and utilize each other's financial staff to act as internal auditors. Keep in mind, internal auditors need a solid understanding of audit principles and should use work programs that are designed to effectively identify violations of the laws or policies they are auditing.

8. Use an Audit Committee

Purpose

An audit committee assists the governing body in its financial oversight responsibilities.

Membership

We recommend that members of the audit committee are a subset of the governing body. An audit committee should have a financial expert who is not a member of management. This can be achieved by having a governing body member who is a financial expert, or acquiring the assistance of a volunteer or paid professional financial expert. Finance officers from other local governments should be considered when looking for a financial expert, as they are independent and have a working knowledge of government accounting issues.

Functions

An audit committee must ensure the following:

- Management develops and enforces systems that ensure the entity accomplishes its mission effectively and efficiently while complying with laws and regulations.
- 2. The internal audit function objectively assesses the effectiveness of management's internal control program.
- 3. Financial statement audits are performed by a qualified, independent accounting firm and issues identified during those audits are reviewed and resolved as appropriate.
- 4. Hotline complaints are investigated and findings are addressed by the governing body.

Risk Score

We have developed a five-level assessment score that is intended to communicate the entity's risk of undetected fraud, abuse, or noncompliance. The levels are based upon points assigned to each of the recommended measures. Since some measures are more effective than others, the most effective measures are assigned the most points. As more measures are adopted the score improves. The higher the score, the lower the risk.

The scale and corresponding levels are as follows:

- Very Low
- Low
- Moderate
- High
- Very High

See the *Fraud Risk Assessment Questionnaire* (attached) for specific points assigned to each measure and how point totals correspond to the risk scale.



MEMORANDUM

To:Mayor & CouncilFrom:K. Aaron Shirley, City RecorderDate:November 16, 2021Subject:Canvass Election Results - 2021 Municipal Election

Mayor & Council,

In accordance with Utah State Code Ann. \$20A-4-301(2) and \$20A-4-304-(1)(c) the City Council must act within its powers as the board of municipal canvassers for Santaquin City and "certify the vote totals for persons... within ... the board's jurisdiction"

Before you is the canvass report, received November 16th, 2021, submitted by Utah County Clerk/ Auditor's Election's Department containing the final results of the 2021 Municipal Election for Santaquin City and are before you for your certification.

<u>Motion</u> – Motion to certify the canvass report of vote totals for the 2021 Municipal Election of Santaquin City.

OFFICIAL RESULTS

Utah County, Utah

STATISTICS

	TOTAL
Registered Voters - Total	6,863
Ballots Cast - Total	2,570
Voter Turnout - Total	37.45%

Santaquin Mayor

Vote For 1

	TOTAL	VOTE %
DANIEL M OLSON	1,958	76.42%
JODY REID	604	23.58%
Total Votes Cast	2,562	100.00%

Santaquin City Council

Vote For 2

	TOTAL	VOTE	%
ARTHUR (ART) ADCOCK	1,325	27.79	9%
JEFF SIDDOWAY	1,258	26.38	3%
BETSY MONTOYA	1,139	23.89	9%
MICHEALWEIGHT	1,046	21.94	1%
Total Votes Cast	4,768	100.00)%

SQ01

STATISTICS

	TOTAL
Registered Voters - Total	1,906
Ballots Cast - Total	624
Voter Turnout - Total	32.74%

Santaquin Mayor

Vote For 1

	TOTAL	VOTE %
DANIEL M OLSON	513	82.74%
JODY REID	107	17.26%
Total Votes Cast	620	100.00%

Santaquin City Council

Vote For 2

	TOTAL	VOTE %
ARTHUR (ART) ADCOCK	391	33.53%
BETSY MONTOYA	299	25.64%
JEFF SIDDOWAY	258	22.13%
MICHEALWEIGHT	218	18.70%
Total Votes Cast	1,166	100.00%

SQ02

STATISTICS

	TOTAL
Registered Voters - Total	2,780
Ballots Cast - Total	1,072
Voter Turnout - Total	38.56%

Santaquin Mayor

Vote For 1

	TOTAL	VOTE %	
DANIEL M OLSON	849	79.42%	
JODY REID	220	20.58%	
Total Votes Cast	1,069	100.00%	

Santaquin City Council

Vote For 2

	TOTAL	VOTE %
JEFF SIDDOWAY	545	27.59%
MICHEALWEIGHT	505	25.57%
ARTHUR (ART) ADCOCK	503	25.47%
BETSY MONTOYA	422	21.37%
Total Votes Cast	1,975	100.00%

SQ03

STATISTICS

	TOTAL
Registered Voters - Total	1,353
Ballots Cast - Total	591
Voter Turnout - Total	43.68%

Santaquin Mayor

Vote For 1

	TOTAL	VOTE %
DANIEL M OLSON	395	66.84%
JODY REID	196	33.16%
Total Votes Cast	591	100.00%

Santaquin City Council

Vote For 2

	TOTAL	VOTE %
JEFF SIDDOWAY	316	28.83%
ARTHUR (ART) ADCOCK	291	26.55%
BETSY MONTOYA	285	26.00%
MICHEALWEIGHT	204	18.61%
Total Votes Cast	1,096	100.00%

SQ04

STATISTICS

	TOTAL	
Registered Voters - Total	824	
Ballots Cast - Total	283	
Voter Turnout - Total	34.34%	

Santaquin Mayor

Vote For 1

	TOTAL	VOTE %
DANIEL M OLSON	201	71.28%
JODY REID	81	28.72%
Total Votes Cast	282	100.00%

Santaquin City Council

Vote For 2

	TOTAL	VOTE %
ARTHUR (ART) ADCOCK	140	26.37%
JEFF SIDDOWAY	139	26.18%
BETSY MONTOYA	133	25.05%
MICHEALWEIGHT	119	22.41%
Total Votes Cast	531	100.00%

PRECINCT NAME	REGISTERED VOTERS TOTAL	BALLOTS CAST TOTAL	Santaquin Mayor	Santaquin Mayor	Santaquin City Council	Santaquin City Council	Santaquin City Council	Santaquin City Council
	VOTERS	BALLOTS CAST	DANIEL M OLSON	JODY REID	MICHEALWEIGHT	ARTHUR (ART) ADCOCK	JEFF SIDDOWAY	BETSY MONTOYA
SQ01	1,906	624	513	107	218	391	258	299
SQ02	2,780	1,072	849	220	505	503	545	422
SQ03	1,353	591	395	196	204	291	316	285
SQ04	824	283	201	81	119	140	139	133

2021 General Election Statistics

Santaquin

Eligible Registered Voters	6863	
Ballots Counted	2570	37.45%
By Mail Ballots NOT Accepted (not counted)	26	
Returned Unsigned	2	
Signatures Did Not Match the Voter Record	8	
Ballots Returned From Past Election	1	
Empty Envelopes	0	
Ballot only - no envelope or affidavit	1	
Postmark Invalid	14	
Voted in Person (Early Voting and Election Day)	5	
Emergency Ballots	0	
Emergency Absentee Ballots issued	0	
Emergency Absentee Ballots counted	0	
Provisional/Challenged Ballots Issued	0	
Provisional/Challenged Ballots Counted	0	
Same Day Registration (No Prior Registration)	0	
Provisional Ballots Not Accepted	0	0.00%
Voted an Absentee Ballot or Voted Early	0	
Incomplete Information on Form	0	
No Proof of Residency	0	
UOCAVA Ballots Mailed	11	
By Mail	0	
Email	0	
Electronic Delivery	11	
UOCAVA Ballots Counted	1	
By Mail	0	
Email	0	
Electronic Delivery	1	
Ballots duplicated because they were damaged	0	0.00%
Ballots Counted on or Before Election Day	2079	
Valid Ballots Processed and Counted After Election Day	491	



New Business Licenses

Name	Owner	Address	Description	BL#
Beauty by Kars	Karsyn Biggs	774 E. 400 S.	Eyelash extensions	BL-4544
Geist Dynamics	Nicholas S. Mower	368 N. Center St	Firearms manufacturing	BL-4545

SANTAQUIN CITY ORDINANCE 11-01-2021

AN ORDINANCE AMENDING CITY REGULATIONS OF OFF-HIGHWAY VEHICLES (OHVs), PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS the City of Santaquin is a fourth-class city of the State of Utah; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, there has been an increase in traffic accidents and injuries within the city which involve Off-Highway Vehicles being operated by youth; and

WHEREAS, the City Council has determined that it is in the best interest of public safety, health and welfare that amendments be made to the city's OHV regulations.

NOW THEREFORE, be it ordained by the Council of Santaquin City, in the State of Utah, as follows:

SECTION I. Title 6, Chapter 8, Off Highway Vehicles Amendments

1. Section 6.08.010 Definitions – Off Highway Vehicles, is amended to reflect current Utah Code regulations of Off-Highway Vehicles by including the following terms and definition changes as follows: (underlined text is added, stricken text is deleted)

ALL-TERRAIN TYPE III VEHICLE: any motor vehicle, not otherwise included as an All-Terrain type I or Type II vehicle and which is designed for or capable of travel over unimproved terrain. All-Terrain Type III vehicle does not include golf carts, nor any vehicle designed to carry a person with a disability, or not specifically designed for recreational use, or farm tractors as defined under Section Utah State Code Section 41-1a-102.

OFF HIGHWAY IMPLEMENT OF HUSBANDRY: Every all-terrain type I vehicle, <u>all-terrain type II vehicle</u>, <u>all-terrain type III vehicle</u>, motorcycle, or snowmobile that is used by the owner or his agent primarily for agricultural operations.

OFF HIGHWAY VEHICLE: Any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, <u>all-terrain</u> type III vehicle, or motorcycle.

<u>Street-legal all-terrain vehicle or Street-legal ATV: an all-terrain type I vehicle, all-terrain type II vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509. an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or all-terrain type III vehicle, that is modified to meet the</u>

requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

- 2. Section <u>6.08.020 OPERATION OF OFF HIGHWAY VEHICLES ON PUBLIC STREETS</u>, is amended as follows: (underlined text is added, stricken text is deleted)
 - 1. Use On Public Streets: Off highway vehicle use is authorized on public streets excluding all state and federal highways under the following standards.
 - Causing An Annoyance Prohibited: An off highway vehicle operator may not ride an off highway vehicle in a continuous manner along public streets causing <u>unreasonable</u> annoyance to any citizen.
 - 2. Permission From Landowner: No person shall operate or accompany a person operating an off highway vehicle upon privately owned land of any other person, firm, or corporation without permission from the owner or representative. Operation of off-highway vehicles on public streets may only be performed by persons who have a valid motor vehicle operator's license.
 - 3. All off highway vehicles shall be operated at all times in accordance with all applicable state, county, and city regulations.
 - 4. Non-Street legal ATVs shall not exceed fifteen (15) miles per hour while being operated on Streets. Street legal ATVs may operate within posted speed limits.
 - 5. Wherever possible, the off-highway vehicle will be ridden on the outside edge of the asphalt so as not to impede regular traffic.
- 3. Section 6.08.030 Speed on Public Streets, is retitled, "Permission from Landowners" and is amended to read as follows: (underlined text is added, stricken text is deleted) All off highway vehicles using the aforementioned streets shall be operated at all times in accordance with all applicable state, county, and city regulations and will not exceed fifteen (15) miles per hour. No person shall operate or allow another person to operate an off-highway vehicle upon privately owned land of any other person, firm, or corporation without permission from the landowner or designated representative.

4. Section <u>6.08.050 VEHICLE REGISTRATION</u> is amended as follows: (underlined text is added, stricken text is deleted)

No person shall operate an off highway vehicle on any public land <u>or street</u> without first meeting the registration requirements set forth in Utah Code § 41-22-3.

5. Section <u>6.08.060 LICENSE OR SAFETY CERTIFICATE</u> is amended as follows: (underlined text is added, stricken text is deleted)

- A. Any person operating an off highway vehicle is subject to the provisions of Utah Code 41-6a and Utah Code 41-22. Any person operating an off highway vehicle is subject to the following provisions:
 - No person may operate an off-highway vehicle on any public land, or trail, street or highway designated as open to off highway vehicle use or in a manner prescribed by Utah Code unless the person possesses:
 - 1. A valid motor vehicle operator's license, or

- 2. The appropriate safety certificate issued by the state of Utah pursuant to Utah Code § 41-22-30.
- 2. Persons age eight (8) through fifteen (15) years of age shall not operate an off highway vehicle on any public street land or trail designated as open to off highway vehicle use unless the person is under direct supervision with oversight at a distance of not more than one hundred feet (100'), within which visual contact is maintained; and advice and assistance can be given and maintained by an adult of at least eighteen (18) years of age.
- 3. No person under the age of eight (8) years old may operate an off highway vehicle on a public street.

6. Section 6.08.080 Safety Equipment is amended as follows: (underlined text is added, stricken text is deleted)

No person under the age of eighteen (18) may operate <u>or ride upon</u> an off highway vehicle on public land unless the person is wearing a properly fitted and fastened U.S. department of transportation safety rated protective headgear designed for motorized vehicle use pursuant to Utah Code § 41-22-10.8.

- 1. The owner of an off highway vehicle may not give permission to a person under the age of eighteen (18) years to operate or ride on an off highway vehicle in violation of this section.
- 2. An <u>operator of an</u> off highway vehicle of husbandry with a valid vehicle registration shall be exempt from the provisions of this section <u>when their vehicle is being used pursuant to off-highway husbandry vehicle standards in Utah State code, Section 41-22-5.5.</u>
- 7. Section 6.08.090 Riding Area is deleted in its entirety and remaining sections under this chapter are renumbered accordingly.
- 8. Renumbered Section 6.08.090 Riding After Dark Prohibited is amended as follows: (underlined text is added, stricken text is deleted)

Non-street legal off highway vehicles may not be operated within city limits between the hours of thirty (30) minutes before official sunrise and thirty (30) minutes after official sunset official sunset and sunrise times.

SECTION II. Contrary Provisions Repealed.

All provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

SECTION III. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

SECTION IV. Severability.

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

SECTION V. Effective Date.

This ordinance shall become effective at 5:00 p.m. on Thursday, ______, 2021. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this _____th day of ______, 2021.

Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted
Councilmember Elizabeth Montoya	Voted
Councilmember Lynn Mecham	Voted
Councilmember David Hathaway	Voted

ATTEST:

K. Aaron Shirley, City Recorder



ORDINANCE 11-02-2021

A TEMPORARY ORDINANCE REQUESTING REVIEW OF THE INTERCHANGE COMMERCIAL (C-1) ZONE

WHEREAS, Santaquin City desires to promote and create economically viable commercial areas, and where abutting agricultural areas, desires to ensure cohesive and compatible commercial uses which support the agricultural nature of Santaquin; and

WHEREAS, Santaquin City has adopted zoning and development standards within the designated Interchange Commercial (C-1) Zone area as found in Santaquin City Code (S.C.C) \$10.20.120, which has been updated from time to time to address items pertaining to allowed commercial uses, etc.; and

WHEREAS, increased development interest in commercial properties abutting agricultural lands have been met by concerns that the currently adopted standards for development in the Interchange Commercial (C-1) Zone areas do not sufficiently address the intended development patterns and possible impacts of new developments on Santaquin's agricultural industry; and

WHEREAS, UTAH CODE ANNOTATED § 10-9a-504 authorizes the City Council to adopt, without prior consideration of or input from the Planning Commission, an ordinance establishing temporary regulations, for any part or all of the area within the City to be effective for a period not to exceed six (6) months, which temporary regulations may prohibit, restrict, or regulate development as defined and used herein; and

WHEREAS, the Santaquin City Council finds that enactment of a temporary ordinance prohibiting approval of land use applications for development of any property as Truck Stop ("Truck Stop" means an establishment primarily engaged in the fueling, servicing, repair or parking of tractor trucks, semi-trailers or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles.) within an Interchange Commercial (*C*-1) Zone for a period of time to review and amend Santaquin City Code Section 10.20.120, constitutes a compelling, countervailing, public interest; and

WHEREAS, the Santaquin City Council now desires to enact a temporary land use ordinance to allow the City Council and Planning Commission a period of time to consider appropriate legislative amendments to protect the public health, safety, and welfare from potential negative impacts or conditions associated with the City's zoning and development regulations within the Interchange Commercial (C-1) Zone.

NOW, THEREFORE, be it ordained by the City Council of Santaquin City, Utah:

1. Notwithstanding the provisions of Santaquin City Code Section 10.20.120, Interchange Commercial (C-1) Zone, the following provisions shall apply so long as this temporary ordinance remains in effect.

a. No Truck Stop development proposed after the adoption of this ordinance may receive final approval within the Interchange Commercial (C-1) Zone.

2. Prior to 5:00 p.m. on November 17, 2021, the City Recorder shall cause this Temporary Ordinance to be posted in the City Offices and at such locations in the City as agendas for regularly scheduled meetings of the City Council are posted.

3. This ordinance shall become effective immediately upon passage.

4. Unless repealed earlier by the City Council, this ordinance shall expire on May 16, 2022, or upon the adoption an ordinance amending the zoning and development regulations found in Section 10.20.120 of the Santaquin City Codes.

PASSED and ADOPTED this 16th day of November 2021.

Kirk F. Hunsaker, Mayor

Councilmember Nick MillerVoted____Councilmember Betsy MontoyaVoted____Councilmember Lynn MechamVoted____Councilmember David HathawayVoted____Vacant Council SeatVoted N/A

ATTEST:

K. Aaron Shirley



RESOLUTION NO. 11-02-2021

A RESOLUTION OF THE CITY OF SANTAQUIN DECLARING SUPPORT FOR THE LOCALLY PREFERRED ALTERNATIVE FOR THE SOUTH VALLEY TRANSIT PROJECT

WHEREAS, the Utah Transit Authority, the Cities of Provo, Springville, Spanish Fork, Payson, and Santaquin, Mountainland Association of Governments, and Utah Department of Transportation have jointly prepared the South Valley Transit Study which identifies a future Commuter Rail alignment from Provo to Payson, and Express Bus service from Payson to Santaquin.

WHEREAS, long-term population and employment growth in south Utah County is forecasted to be substantial, and as a result, will require additional and robust transit options to meet the forecasted travel demand and provide direct connections to regional destinations.

WHEREAS, the City and partners have considered various alternatives as part of the South Transit Study and hereby recommends the Locally Preferred Alternative for the South Valley Transit Study to be implemented as described below:

The Locally Preferred Alternative Commuter Rail segment from Provo to Payson would begin at the FrontRunner Provo Station and travel south adjacent to the Sharp Industrial Lead. In Springville, the alignment would leave the Sharp Industrial Lead and join the Tintic Industrial Lead. The alignment would continue south along the Tintic Industrial Lead and terminate just north of the Main Street Interchange in Payson. Stations to be served by Commuter Rail as part of the Locally Preferred Alternative include:

- FrontRunner Provo (existing station)
- Springville (future station)
- Spanish Fork (future station)
- Payson Main Street (future station)

The Locally Preferred Alternative Express Bus segment from Payson to Santaquin would begin at the future Payson Main Street Commuter Rail station and utilize I-15 in mixed flow traffic to travel south to Santaquin. Future station locations would be identified along this Express Bus segment in collaboration with Payson, Santaquin, and UTA.

These segments – Provo to Payson and Payson to Santaquin – may be advanced separately.

NOW, THEREFORE, BE IT RESOLVED by the Santaquin City Council that the City supports the Locally Preferred Alternative for the South Valley Transit Study which includes Commuter Rail alignment from Provo to Payson, and Express Bus service from Payson to Santaquin, as described and shown in the attached figure.

The resolution shall take effect upon passage and approval.

Approved and Adopted by the City Council of Santaquin City this 16th day of November.

SANTAQUIN CITY

Mayor Kirk F. Hunsaker

ATTEST:

K. Aaron Shirley, City Recorder





RESOLUTION 11-04-2021 A RESOLUTION APPROVING THE SUMMIT RIDGE COMMERCIAL DEVELOPMENT (PHASE 1) MASTER DEVELOPMENT AGREEMENT

BE IT HEREBY RESOLVED:

SECTION 1: The attached documents represent the Summit Ridge Commercial Development (Phase 1) Master Development Agreement

SECTION 2: This Resolution shall become effective upon passage.

Approved on this 16th day of November, 2021.

City of Santaquin,

Kirk F. Hunsaker, Mayor

Attest:

K. Aaron Shirley, City Recorder

MASTER DEVELOPMENT AGREEMENT FOR SUMMIT RIDGE COMMERCIAL DEVELOPMENT (PHASE I)

November ___, 2021

Page **1** of **32**

4892-2934-6304.v4

WHEN RECORDED, RETURN TO:

242 Partners, LLC Attn: Chad Liljenquist 6998 Union Park Center, Ste 400 Midvale, UT 84047

MASTER DEVELOPMENT AGREEMENT FOR SUMMIT RIDGE COMMERCIAL DEVELOPMENT (PHASE I)

THIS MASTER DEVELOPMENT AGREEMENT is made and entered into as of the _____ day of November, 2021, by and between Santaquin City, a Utah municipality 242 Partners, LLC a Utah limited liability company.

RECITALS

A. The capitalized terms used in this MDA and in these Recitals are defined in Section 1.2, below.

B. Master Developer owns and is developing the Property.

C. Master Developer and the City desire that the Property be developed to preserve the value, cohesiveness, and integrity of the Property and the surrounding properties.

D. The Parties acknowledge that development of the Property pursuant to this MDA may result in significant planning benefits to the City and its residents by, among other things requiring orderly development of the Property known as the Summit Ridge Commercial Development (Phase I) and increasing property tax and other revenues to the City based on improvements to be constructed on the Property.

E. The Parties desire to enter into this MDA to specify the rights and responsibilities of the Master Developer and Subdevelopers to develop the Property as expressed in this MDA and

> Page **2** of **32** 4892-2934-6304.v4

the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this MDA.

F. The Parties understand and intend that this MDA is a "development agreement" within the meaning of, and entered into pursuant to the terms of Utah Code Ann. §10-9a-101 (2018) *et seq.*

G. The Property is currently zoned Planned Community Zone (PC) as shown on the City's Zoning Map of September 2021. Pursuant to the City's Vested Laws, except as provided in an approved development agreement, portions of the Property that are designated as commercial in the development plan shall become subject to land use regulations contained within the Interchange Commercial (C-1) zone.

H. This MDA conforms with the intent of the City's General Plan and the Zoning.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Master Developer hereby agree to the following:

TERMS

1. Incorporation of Recitals and Exhibits/ Definitions.

1.1. **Incorporation.** The foregoing Recitals and Exhibits "A" - " B" are hereby incorporated into this MDA.

1.2. **Definitions.** As used in this MDA, the words and phrases specified below shall have the following meanings:

1.2.1. Act means the Municipal Land Use, Development, and Management Act, Utah Code Ann. § 10-9a-101 (2018), *et seq.*

1.2.2. Administrative Modifications means those modifications to certain limited Page 3 of 32 4892-2934-6304.v4 aspects of the MDA that may be made by the Administrator pursuant to Section 11, below.

1.2.3. Administrator means the person designated by the City as the Administrator of this MDA.

1.2.4. Applicant means a person or entity submitting a Development Application.

1.2.5. **Buildout** means the completion of all of the development on the entire Project in accordance with the approved plans.

1.2.6. City means Santaquin City, a Utah municipality.

1.2.7. **City Consultants** means those outside consultants employed by the City in various specialized disciplines such as traffic, hydrology or drainage for reviewing certain aspects of the development of the Project.

1.2.8. **City's Future Laws** means the ordinances, policies, standards, and procedures which may be in effect as of a particular time in the future when a Development Application is submitted for a part of the Project, which contradict or change the City's Vested Laws, and which may or may not be applicable to the Development Application depending upon the provisions of this MDA.

1.2.9. **City's Vested Laws** means the substantive ordinances, policies, standards and procedures of the City, related to land use regulations affecting the Project (i.e., Santaquin City Code, Titles 10 and 11), in effect as of the date of this MDA, a digital copy of which is attached as Exhibit "B".

1.2.10. **Commercial Uses** means those commercial, retail, office and other described uses as set forth in the City's Vested Laws and those additional uses specifically identified within this Development Agreement.

Page **4** of **32** 4892-2934-6304.v4 1.2.11. **Council** means the elected City Council of the City.

1.2.12. Default means a material breach of this MDA as specified herein.

1.2.13. **Denied** means a formal denial issued by the final decision-making body of the City for a particular type of Development Application but does not include review comments or "redlines" by City staff.

1.2.14. **Development** means the development of a portion of the Property pursuant to an approved Development Application.

1.2.15. **Development Application** means an application to the City for development of a portion of the Project including a Subdivision or any other permit or other authorization from the City required for development of the Project.

1.2.16. **Final Plat** means the recordable map or other graphical representation of land that complies with Utah Code Ann. § 10-9a-603 (November 2021), or any successor provision, and the City's Vested Laws, and is approved by the City, effectuating a Subdivision of any portion of the Project.

1.2.17. Impact Fees means fees imposed by the City on Users of Public

Infrastructure as a condition of Development as provided in the Impact Fees Act.

Utah Code Ann. § 11-36a-101 et seq.

1.2.18. **Master Developer** means 242 Partners, LLC, and its assignees or transferees as permitted by this MDA.

1.2.19. **MDA** or this Agreement means this Master Development Agreement and any amendments thereto, including all its Exhibits.

1.2.20. **Notice** means any notice to or from any Party to this MDA that is either required or permitted to be given to another Party.

Page **5** of **32** 4892-2934-6304.v4 1.2.21. **Outsourc[e][ing]** means the process of the City contracting with City Consultants or paying overtime to City employees to provide technical support in the review and approval of the various aspects of a Development Application as is more fully set out in this MDA.

1.2.22. **Parcel** means all or a portion of the Property that is created by the Master Developer to be sold to a Subdeveloper as a Subdivision.

1.2.23. **Party/Parties** means, in the singular, Master Developer or the City; in the plural Master Developer and the City.

1.2.24. Planning Commission means the City's Planning Commission.

1.2.25. **Project** means the total development to be constructed on the Property pursuant to this MDA with the associated public and private facilities.

1.2.26. **Property** means the real property proposed for development by Master Developer more fully described in Exhibit "A".

1.2.27. **Public Infrastructure** means those elements of infrastructure that are planned, agreed, or required to be dedicated to the City as a condition of the approval of a Development Application.

1.2.28. Subdeveloper means a person or an entity not "related" (as defined bySection 165 of the Internal Revenue Code) to Master Developer which purchases aParcel for development.

1.2.29. **Subdivision** means the division of any portion of the Project into developable lots pursuant to State Law and/or the Zoning Ordinance.

1.2.30. **Subdivision Application** means the application to create a Subdivision.

1.2.31. User means those Subdevelopers, individuals, or entities developing adjacent Page 6 of 32 4892-2934-6304.v4 to and connecting to Public Infrastructure.

1.2.32. **Zoning** means the zoning for the Property in effect or as approved at the time of approval of this MDA.

1.2.33. **Zoning Ordinance** means the City's Land Use and Development Ordinance adopted pursuant to the Act that was in effect as of the date of this MDA as a part of the City's Vested Laws.

2. Development of the Project.

2.1. **Compliance with this MDA.** Development of the Project shall be in accordance with the City's Vested Laws, the City's Future Laws (to the extent that these are applicable as otherwise specified in this MDA), and this MDA. Any site plans or concept plans for the development of the Project or any portion of the Property must be approved by the Master Developer (i) prior to submission of the Development Application to the City, and (ii) again following any substantive changes made to the Development Application in response to comments or requirements imposed by the City.

2.2. Limitation and No Guarantee. Master Developer acknowledges that the development of the Project requires that each Development Application comply with the City's Vested Laws including, without limitation, the City's geologic hazards requirements. Notwithstanding any contrary provision of this Agreement, the City's entry into this MDA does not guarantee that the Master Developer will be able to construct the Project until and unless all the applicable requirements of the City's Vested Laws are complied with.

3. Vested Rights.

Page **7** of **32** 4892-2934-6304.v4 3.1. Vested Rights Granted by Approval of this MDA. To the maximum extent permissible under the laws of Utah and the United States and at equity, the Parties intend that this MDA grants Master Developer all rights to develop the Project in fulfillment of this MDA, the City's Vested Laws, and the Zoning, except as specifically provided herein. The Parties specifically intend that this MDA grant to Master Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann. § 10-9a-509 (2021).

3.2. **Exceptions.** The restrictions on the applicability of the City's Future Laws to the Project as specified in Section 3.1 are subject to only the following exceptions:

3.2.1. <u>Master Developer Agreement.</u> City's Future Laws that Master Developer agrees in writing to the application thereof to the Project;

3.2.2. <u>State and Federal Compliance.</u> City's Future Laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

3.2.3. <u>Codes.</u> Any City's Future Laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, fire, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare;

3.2.4. <u>Taxes</u>. Taxes, or modifications thereto, so long as such taxes are lawfully Page **8** of **32** 4892-2934-6304.v4 imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated;

3.2.5. <u>Fees.</u> Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law;

3.2.6. <u>Impact Fees</u>. Impact Fees or modifications thereto which are lawfully adopted, and imposed by the City and which meet all requirements of the U. S. Constitution, Utah Constitution, law and applicable statutes, including but not limited to Utah Code Ann. Section 11-36a-101 (2021) *et seq.*;

3.2.7. <u>Planning and Zoning Modification</u>. Changes by the City to its planning principles and design standards such as architectural or design requirements, setbacks, or similar items so long as such changes, are generally applicable across the entire City and do not materially and unreasonably increase the costs of any Development; or

3.2.8. <u>Compelling, Countervailing Interest.</u> Laws, rules or regulations that the City's land use authority finds, on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i) (2018).

3.3. **Reservation of Legislative Authority**. Notwithstanding anything to the contrary in this Agreement, nothing in this Agreement shall limit the City Council's authority in the future to (a) enact a land use regulation; or (b) take any action allowed under Utah Code Ann. § 10-8-84 as amended.

Page **9** of **32** 4892-2934-6304.v4 4. Term of Agreement. This MDA shall expire on November 30, 2031. If Master

Developer has not been declared to be currently in Default as of November 30, 2031 (and if any such Default is not being cured) then this MDA shall be automatically extended for a period of ten (10) years, unless otherwise terminated pursuant to this Agreement.

5. Zoning.

5.1. **Applicability of Current Zoning.** The Project shall be developed in accordance with the City's Zoning Ordinance and the City's Vested Laws.

5.2. **Process.** When and as a Development Application is filed for the Property or a Parcel, that Development Application shall specify any restrictions or limitations on the Zoning such as limiting the types of Commercial Uses that may be allowed. So long as the Development Application does not add to the types of allowable Commercial Uses permitted under this MDA and in the City's Interchange Commercial C-1 zone, the Development Application may be approved administratively. If the Development Application seeks a use that is not allowable in the City's Interchange Commercial C-1 zone, then application must proceed through the standard City zoning approval processes.

6. Processing of Development Applications.

6.1. Processing of Development Applications. Processing of Development

Applications will be governed by City Code.

6.2. Acceptance of Certifications Required for Development Applications. Any Development Application requiring the signature, endorsement, or certification and/or stamping by a person holding a license or professional certification required by the State of Utah in a particular discipline shall be so signed, endorsed, certified or stamped signifying that the contents of the Development Application comply with the applicable Page 10 of 32

4892-2934-6304.v4

regulatory standards of the City.

6.3. **Independent Technical Analyses for Development Applications.** If the City needs technical expertise beyond the City's internal resources to determine impacts of a Development Application such as for structures, bridges, water tanks, and other similar matters which are not required by the City's Vested Laws to be certified by such experts as part of a Development Application, the City may engage such experts as City Consultants with the actual and reasonable costs being the responsibility of Applicant.

6.4. City Denial of a Development Application. If the City denies a Development

Application the City shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons the City believes that the Development Application is not consistent with this MDA, the Zoning and/or the City's Vested Laws (or, if applicable, the City's Future Laws). The City may amend such written determination as necessary.

6.5. City Denials of Development Applications Based on Denials from Non-City

Agencies. If the City's denial of a Development Application is based on the denial of the Development Application by a Non-City Agency, Applicant shall appeal any such denial through the appropriate procedures for such a decision and not through the processes specified below. Applicant's failure to successfully appeal any such denial shall preclude any action by Applicant against City for City's denial.

6.6. Mediation of Development Application Denials.

6.6.1. <u>Issues Subject to Mediation.</u> Issues resulting from the City's Denial of a Development Application that the parties are not able to resolve shall be mediated.
6.6.2. <u>Mediation Process.</u> If the City and Applicant are unable to resolve a

Page **11** of **32** 4892-2934-6304.v4 disagreement subject to mediation, the parties shall attempt within thirty (30) calendar days to appoint a mutually acceptable mediator with knowledge of the legal issue in dispute. If the City and Applicant are unable to agree on a single acceptable mediator, they shall each, within fifteen (15) calendar days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant and the City shall split the fees of the chosen mediator, each Party paying 50% of the fees. The chosen mediator shall within thirty (30) calendar days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the parties.

6.7. **Parcel Sales.** The City acknowledges that the precise location and details of the public improvements, lot layout and design, and any other similar item regarding the development of a particular Parcel may not be known at the time of the creation of or sale of a Parcel. Master Developer may obtain approval of a Subdivision as is provided in <u>Utah Code Ann..</u> Section 10-9a-103(65)(c)(v) (2021) that does not create any individually developable lots in the Parcel without being subject to any requirement in the City's Vested Laws to complete or provide security for any Public Infrastructure at the time of such subdivision. The responsibility for completing and providing security for completion of any Public Infrastructure in the Parcel shall be that of the Master Developer or a Subdeveloper upon a subsequent re-Subdivision of the Parcel that creates individually developable lots. However, construction of improvements shall not be Parce 12 of 32

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4892-2934-6304.v4

allowed until the Master Developer or Subdeveloper complies with the City's Vested Laws and the City's security requirements in effect at the time of a completed Development Application.

7. Public Infrastructure.

7.1. **Construction by Master Developer.** Master Developer shall have the right and the obligation to construct or cause to be constructed and installed all Public Infrastructure reasonably and lawfully required as a condition of approval of the Development Application pursuant to the City's Vested Laws.

7.2. **Bonding.** Unless otherwise provided by Chapter 10-9a of the Utah Code as amended, Applicant shall provide security for any Public or private Infrastructure required by the City, in a form acceptable to the City, as specified in the City's ordinances in effect at the time of application. Partial releases of any such required security shall be allowed as work progresses based on the City's laws then in effect.

7.3. **Reimbursement for Development Improvements.** "Development Improvements" for the purposes of this section shall include those portions of Public Infrastructure and certain approved site improvements, including, but not limited to, signage, landscaping, and other site improvements, as approved by the City Council and described in an amendment or addendum that complies with Section 11 of this MDA. Upon approval of any Development Application by the City for the Property or any portion thereof, the City shall provide for the reimbursement of those actual construction costs incurred for the Development Improvements as provided in this section 7.3.

7.3.1. <u>Reimbursable Parties</u>. The City shall reimburse Master Developer and Subdeveloper(s) proportionally for the approved costs of the Development

Page **13** of **32** 4892-2934-6304.v4
Improvements actually incurred by the Master Developer and Subdeveloper(s). When receiving reimbursement from the City, no party shall receive priority unless separately agreed in writing by Master Developer and such Subdeveloper(s). 7.3.2. Development Improvements Reimbursement. If Murdock Ford, Inc. or Murdock Ford Land and Building Company, LLC, or any of its affiliates, subsidiaries, owners, members, or principals, become a Subdeveloper, the City shall reimburse the Reimbursable Parties fifty percent (50%) of the sales taxes received by the City from the sales generated by such entities within any Project or portion thereof on the Property that are in excess of the historic sales taxes received by Santaquin City from Tischner Ford for the calendar year 2020 ("Development Improvements Reimbursements"). The City and Master Developer acknowledge that the current anticipated costs for the Public Infrastructure to be incurred by Master Developer for the Project is Three Hundred Fifty Thousand Dollars (\$350,000.00) (the "Public Infrastructure Estimate"). The Parties agree that the actual costs of installing the Public Infrastructure up to the Public Infrastructure Estimate shall be reimbursable to Master Developer pursuant to this Section 7.3. All other reimbursable costs will be considered for approval by the City Council and Reimbursable Parties through an amendment or addendum to this Development Agreement.

7.3.3. <u>Duration of Reimbursements</u>. Development Improvements Reimbursements shall be paid annually until the earlier of: a) termination or expiration of this Development Agreement, b) such time as the approved reimbursable costs of the Development Improvements have been paid, or c) twenty (20) years from the effective date of this Agreement.

> Page **14** of **32** 4892-2934-6304.v4

7.3.4. <u>Reimbursement Limits</u>. The Parties agree that the sole source of Development Improvements Reimbursements shall be the 50% of the sales taxes the City receives annually from sales on the Property that are in excess of the amount of sales tax received from sales from Tischner Ford in the year 2020, and that the City shall have no other responsibility for such reimbursements. For example: if the amount of sales tax the City received from Tischner Ford sales in the calendar year 2020 was \$100,000, and in the calendar year 2024, the City receives \$250,000 from Murdock Ford sales, the amount available for reimbursement for Development Improvements would be \$75,000; and if the City then receives \$300,000 in the calendar year 2025, the amount available for reimbursement for Development Swould be \$100,000. Notwithstanding the foregoing, if additional Subdevelopers develop a portion of the Property or Project, then City and Master Developer may agree to additional sources of reimbursement through additional tax incentives that would be established by addenda to this MDA.

8. Upsizing/Reimbursements to Master Developer.

8.1. "Upsizing". All Public Infrastructure shall be of sufficient capacity to service the entire Project at Buildout. The City shall not require Master Developer to "upsize" any future Public Infrastructure (i.e., to construct the infrastructure to a size larger than required to service the Project) unless financial arrangements reasonably acceptable to Master Developer are made to compensate Master Developer for the incremental or additive costs of such upsizing. For example, if an upsizing to a water pipe size increases costs by 10% but adds 50% more capacity, the City shall only be responsible to compensate Master Developer for the 10% cost increase. An acceptable financial Page 15 of 32

arrangement for upsizing of improvements means reimbursement agreements, payback agreements, and impact fee credits and reimbursements. Providing Public Infrastructure with sufficient capacity to serve the entire Project at Buildout is not considered upsizing for purposes of this MDA, and all associated costs thereof are the sole responsibility of the Master Developer, and not the responsibility of the City.

9. Default.

9.1. **Notice.** If Master Developer or a Subdeveloper or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the Party believing that a Default has occurred shall provide Notice to the other Party. If the City believes that the Default has been committed by a Subdeveloper then the City shall also provide a courtesy copy of the Notice to Master Developer.

9.2. Contents of the Notice of Default. The Notice of Default shall:

9.2.1. Specific Claim. Specify the claimed event of Default;

9.2.2. <u>Applicable Provisions.</u> Identify with particularity the provisions of any applicable law, rule, regulation or provision of this MDA that is claimed to be in Default;

9.2.3. <u>Materiality.</u> Identify why the Default is claimed to be material; and

9.2.4. <u>Optional Cure.</u> If the City chooses, in its discretion, it may propose a method and time for curing the Default which shall be of no less than thirty (30) calendar days duration.

9.3. **Remedies.** If the parties are not able to resolve the Default by "Mediation", the parties may have the following remedies.

9.3.1. <u>Law and Equity.</u> Except as otherwise provided herein, all rights and remedies Page 16 of 32 4892-2934-6304.v4 available at law and in equity, including, but not limited to, injunctive relief and/or specific performance.

9.3.2. <u>Security</u>. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

9.3.3. <u>Future Approvals.</u> The right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Master Developer, or in the case of a default by a Subdeveloper, development of those Parcels owned by the Subdeveloper until the Default has been cured.

9.4. Emergency Defaults. Anything in this MDA notwithstanding, if the City Council finds on the record that a default materially impairs a compelling, countervailing interest of the City and that any delays in imposing such a default would also impair a compelling, countervailing interest of the City then the City may impose the remedies of Section 10.3 without the requirements of Section 10.2. The City shall give Notice to Master Developer and/or any applicable Subdeveloper of any public meeting at which an emergency default is to be considered.

9.5. **Extended Cure Period.** If any Default cannot be reasonably cured within thirty (30) calendar days, then such cure period shall be extended so long as the defaulting party is pursuing a cure with reasonable diligence.

9.6. **Default of Assignee.** A default of any obligations assumed by an assignee shall not be deemed a default of Master Developer.

9.7. Limitation on Recovery for Default – No Damages. Anything in this MDA notwithstanding, no Party shall be entitled to any claim for any monetary damages as a Page 17 of 32

result of any breach of this MDA and each Party waives any claims thereto. The sole remedy available to Master Developer or any Subdeveloper shall be that of specific performance.

9.8. **City Inspections.** Nothing in this Section 10 shall be construed to limit the ability or authority of City's inspectors to assure compliance with construction standards and practices through the procedures applied generally to construction projects in the City.

10. Modifications and Amendments.

10.1. Allowable Administrative Modifications. The following modifications to this MDA may be considered and approved by the Administrator and Master Developer:

10.1.1. <u>Infrastructure</u>. Modification of the location and/or sizing of the infrastructure for the Project that does not materially change the functionality or cost of the infrastructure.

10.1.2. <u>General</u>. Any other modifications deemed to be minor modifications by the Administrator.

11. <u>Notices.</u> All notices required or permitted under this MDA shall, in addition to any other means of transmission, be given in writing by certified mail and regular mail to the following address:

To the Master Developer:

242 Partners, LLCAttn: Chad Liljenquist6998 Union Park Center, Ste 400Midvale, UT 84047

With a Copy to:

Kirton McConkie Attn: Loyal Hulme

Page **18** of **32**

50 E. South Temple, Suite 400 Salt Lake City, UT 84111

To the City:

Santaquin City Attn: City Manager Benjamin Reeves 275 West Main Street Santaquin, UT 84655 breeves@santaquin.org (801) 754-3200

With a Copy to:

Santaquin City Attn: City Attorney Brett B. Rich Nielsen & Senior, P.C. 1140 South 800 East, Suite 110 Orem, UT 84097 bbr@ns-law.com (801) 701-7074

11.1. **Effectiveness of Notice.** Except as otherwise provided in this MDA, each Notice shall be effective and shall be deemed delivered on the earlier of:

11.1.1. <u>Hand Delivery.</u> Its actual receipt, if delivered personally, by courier service, or by facsimile provided that a copy of the facsimile Notice is mailed or personally delivered as set forth herein on the same day and the sending party has confirmation of transmission receipt of the Notice. If the copy is not sent on the same day, then notice shall be deemed effective the date that the mailing or personal delivery occurs. 11.1.2. <u>Electronic Delivery.</u> Its actual receipt if delivered electronically by email provided that a copy of the email is printed out in physical form and mailed or personally delivered as set forth herein on the same day and the sending party has an electronic receipt of the delivery of the Notice. If the copy is not sent on the same

Page **19** of **32**

day, then notice shall be deemed effective the date that the mailing or personal delivery occurs.

11.1.3. <u>Mailing.</u> On the day the Notice is postmarked for mailing, postage prepaid, by First Class or Certified United States Mail and actually deposited in or delivered to the United States Mail. Any party may change its address for Notice under this MDA by giving written Notice to the other party in accordance with the provisions of this Section.

12. <u>Headings</u>. The captions used in this MDA are for convenience only and are not intended to be substantive provisions or evidences of intent.

13. <u>No Third-Party Rights/No Joint Venture</u>. This MDA does not create a joint venture relationship, partnership or agency relationship between the City or Master Developer. Further, the parties do not intend this MDA to create any third-party beneficiary rights. The Parties acknowledge that this MDA refers to a private development and that the City has no interest in, responsibility for, or duty to any third parties concerning any improvements to the Property or unless the City has accepted the dedication of such improvements at which time all rights and responsibilities—except for warranty bond requirements under City's Vested Laws and as allowed by state law—for the dedicated public improvement shall be the City's.

14. <u>Assignability</u>. The rights and responsibilities of Master Developer under this MDA may be assigned in whole or in part, respectively, by Master Developer with the consent of the City as provided herein.

14.1. Sale of Lots. Master Developer's selling or conveying lots in any approved
 Subdivision or Parcels to builders, users, or Subdevelopers, shall not be deemed to be an
 "assignment" subject to the above-referenced approval by the City unless specifically

designated as such an assignment by Master Developer.

14.2. **Related Entity.** Master Developer's transfer of all or any part of the Property to any entity "related" to Master Developer (as defined by regulations of the Internal Revenue Service in Section 165), Master Developer's entry into a joint venture for the development of the Project or Master Developer's pledging of part or all of the Project as security for financing shall also not be deemed to be an "assignment" subject to the above-referenced approval by the City unless specifically designated as such an assignment by the Master Developer. Master Developer shall give the City Notice of any event specified in this sub-section within fifteen (15) calendar days after the event has occurred. Such Notice shall include providing the City with all necessary contact information for the newly responsible party.

14.3. **Notice.** Master Developer shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee.

14.4. **Time for Objection.** Unless the City objects in writing within thirty (30) calendar days of notice, the City shall be deemed to have approved of and consented to the assignment.

14.5. **Partial Assignment.** If any proposed assignment is for less than all of Master Developer's rights and responsibilities, then the assignee shall be responsible for the performance of each of the obligations contained in this MDA to which the assignee succeeds. Upon any such approved partial assignment Master Developer shall not be Page 21 of 32

released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations herein.

14.6. **Denial.** The City may only withhold its consent if the City is not reasonably satisfied of the assignee's financial ability to perform the obligations of Master Developer proposed to be assigned or there is an existing breach of a development obligation owed to the City by the assignee or related entity that has not either been cured or in the process of being cured in a manner acceptable to the City. Any refusal of the City to accept an assignment shall be subject to the "Mediation" process specified in Section 6.6.

14.7. **Assignees Bound by MDA.** Any assignee shall consent in writing to be bound by the assigned terms and conditions of this MDA as a condition precedent to the effectiveness of the assignment. That consent shall specifically acknowledge the provisions of Section 2.

15. <u>Insurance and Indemnification</u>. Master Developer shall defend and hold the City and its officers, employees, and consultants harmless for any and all claims, liability and damages arising from a possible rezoning of the Property, construction on the Property, or operation performed under this Agreement by (a) Master Developer or any of its contractors, subcontractors, agents or employees, or (b) any one or more persons directly or indirectly employed by, or acting as agent for Master Developer or any of its contractors or subcontractors. Nothing in this Agreement shall be construed to mean the Master Developers shall defend, indemnify, or hold the City or its elected and appointed representatives, officers agents and employees harmless from any claims of personal injury, death or property damage or other liabilities arising from (i) the willful misconduct or negligent acts or omissions of the City, or its boards, officers, agents, or employees; and/or (ii) the negligent maintenance or repair by the City Page 22 of 32

of improvements that have been dedicated to and accepted by the City.

15.1. **Referendum**. If sponsors of a referendum timely challenge this Agreement and/or any land use regulation enacted specifically in relation to this Agreement in accordance with Utah law, and Master Developer does not rescind the same pursuant to Utah law, Master Developer shall indemnify the City for all costs and attorneys' fees incurred by the City arising from the referendum and associated proceedings.

15.2. Hazardous, Toxic and/or Contaminating Materials. Master Developer further agrees to defend and hold the City and its elected and/or appointed boards, officers, agents, employees, and consultants, harmless from any and all claims, liability, costs fines, penalties, charges and/or claims of any kind whatsoever relating to the existence and removal of hazardous, toxic and/or contaminating materials on the Property, except where such claims, liability, costs, fines, penalties, charges and/or claims are due to the negligence or willful misconduct of the City.

15.3. **Bodily Injury and Property Damage Insurance**. Master Developer agrees to and shall indemnify and hold the City and its elected and appointed boards, officers, agents, employees, and consultants harmless from and against all liability, loss, damage, costs or expense (including reasonable attorneys' fees and court costs) arising from or as a result of the death of any person or any accident, injury, loss, or damage whatsoever caused to any person or to the property of any person, directly or indirectly caused by any acts done on or with respect to the Property by Master Developer or its agents, servants, employees, or contractors, except for willful misconduct or negligent acts or omissions of the City or its elected and appointed boards, officers, agents, employees, and consultants.

15.4. Insurance Certificates. Prior to any construction of the Property, Master

Page **23** of **32** 4892-2934-6304.v4 Developer shall furnish or cause to be furnished to the City appropriate certificates of insurance naming the City as an additional insured, in amounts corresponding to the limits of liability specified in the Utah Governmental Immunity Act

16. **<u>Binding Effect</u>**. If Master Developer sells or conveys Parcels of lands to Subdevelopers or related parties, the lands so sold and conveyed shall bear the same rights, privileges, and configurations, and be subject to the same limitations and rights of the City when owned by or Master Developer and as set forth in this MDA without any required approval, review, or consent by the City except as otherwise provided herein.

17. <u>No Waiver</u>. Failure of any Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

18. <u>Severability</u>. If any provision of this MDA is held by a court of competent jurisdiction to be invalid for any reason, the Parties consider and intend that this MDA shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this MDA shall remain in full force and affect.

19. <u>Survival</u>. If this MDA is terminated for any reason the provisions of Sections 9.1, 10.7,
14, 24, 25 and 26 shall survive the termination.

20. **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the Party obligated to perform hereunder shall excuse performance of the obligation by that Party for a

Page **24** of **32**

period equal to the duration of that prevention, delay or stoppage.

21. <u>**Time is of the Essence.</u>** Time is of the essence to this MDA and every right or responsibility shall be performed within the times specified.</u>

22. <u>Appointment of Representatives</u>. To further the commitment of the Parties to cooperate in the implementation of this MDA, the City and Master Developer each shall designate and appoint a representative to act as a liaison between the City and its various departments and the Master Developer. The initial representative for the City shall be the City Manager or his designee. The initial representative for Master Developer shall be Chad Liljenquist. The Parties may change their designated representatives by Notice. The representatives shall be available at all reasonable times to discuss and review the performance of the Parties to this MDA and the development of the Project.

23. <u>Estoppel Certificate</u>. Upon twenty (20) days prior written request by Master Developer or a Subdeveloper, the City will execute an estoppel certificate to any third party certifying that Master Developer or a Subdeveloper, as the case may be at that time, has not been declared to be in default of the terms of this Agreement, and that the City is not aware of any circumstances that would constitute such a default.

24. <u>Applicable Law</u>. This MDA is entered into in Utah County in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.

25. <u>Venue</u>. Any action to enforce this MDA shall be brought only in the Fourth District Court for the State of Utah, Provo Division.

26. <u>Entire Agreement</u>. This MDA, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a

Page **25** of **32** 4892-2934-6304.v4 subsequent written amendment signed by all Parties.

27. <u>Mutual Drafting.</u> Each Party has participated in negotiating and drafting this MDA and therefore no provision of this MDA shall be construed for or against any Party based on which Party drafted any particular portion of this MDA.

28. <u>Recordation and Running with the Land</u>. This MDA shall be recorded in the chain of title for the Project. This MDA shall be deemed to run with the land. The data disk of the City's Vested Laws, Exhibit "B", shall not be recorded in the chain of title. A secure copy of Exhibit "B" shall be filed with the City Recorder and each party shall also have an identical copy.

29. <u>Authority</u>. The Parties to this MDA each warrant that they have all of the necessary authority to execute this MDA. Specifically, on behalf of the City, the signature of the Mayor is affixed to this MDA lawfully binding the City pursuant to Resolution No. _____ adopted by the City on November ___, 2021.

[Signatures and Acknowledgments Follow]

Page **26** of **32**

IN WITNESS WHEREOF, the parties hereto have executed this MDA by and through their

respective, duly authorized representatives as of the day and year first herein above written.

CITY Santaquin City

By: Kirk F. Hunsaker, Its: Mayor Date: _____

Attest:

City Recorder

CITY ACKNOWLEDGMENT

STATE OF UTAH) :ss. COUNTY OF UTAH)

On the _____ day of November, 2021 personally appeared before me ______ who being by me duly sworn, did say that he is the Mayor of Santaquin City, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the City by authority of its City Council and said Mayor acknowledged to me that the City executed the same.

NOTARY PUBLIC

My Commission Expires: _____

Residing at: _____

Page **27** of **32**

MASTER DEVELOPER 242 Partners, LLC, a Utah limited liability company

Bu		
Dy		-
Its:		
Date:		
Date:		

MASTER DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH)
	:ss.
COUNTY OF UTAH)

On the _____ day of November, 2021 personally appeared before me ______, who being by me duly sworn, did say that he is the ______ of 242 Partners, LLC, a Utah limited liability company and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

NOTARY PUBLIC

My Commission Expires: _____

Residing at: _____

Page **28** of **32**

TABLE OF EXHIBITS

Exhibit "A" Exhibit "B" Legal Description of Property City's Vested Laws

Page **29** of **32**

Exhibit "A" Legal Description of Property





Page **30** of **32**

16 Acre Parcel:

A portion of the Northeast Quarter of Section 15, Township 10 South, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows: Beginning at a point on the Southerly right-of-way line of Summit Ridge Parkway and the Westerly right of-way line of Interstate 15, located South 1°04'18" East along the Section line 602.76 feet and West 100.41 feet from the Northeast corner of Section 15, Township 10 South, Range 1 East, Salt Lake Base and Meridian; thence along said I-15 right-of-way the following 4 (four) courses: Southwesterly along the arc of an 897.72 foot radius non-tangent curve to the left (radius bears: South 63°19'27" East) 453.92 feet through a central angle of 28°58'15" (chord: South 12°11'26" West 449.10 feet); thence South 2°17'42" East 234.82 feet; thence along the arc of an 874.16 foot radius curve to the right 503.48 feet through a central angle of 33°00'00" (chord: South 14°12'18" West 496.55 feet); thence South 30°42'18" West 535.25 feet to the Easterly right-of-way line of South Ridge Farms Road; thence along said roadway the following 5 (five) courses: Northwesterly along the arc of an 840.00 foot radius non-tangent curve to the left (radius bears:South 89°42'09" West) 209.93 feet through a central angle of 14°19'09" (chord: North 7°27'26" West 209.38 feet); thence North 14°37'00" West 373.78 feet; thence along the arc of a 1,160.00 foot radius curve to the right 513.57 feet through a central angle of 25°22'00" (chord: North 1°56'00" West 509.38 feet);thence North 10°45'00" East 651.01 feet; thence along the arc a 25.00 foot radius curve to the right 37.84 feet through a central angle of 86°42'38" (chord: North 54°06'19" East 34.33 feet) to a point of compound curvature at the Southerly right-of-way line of Summit Ridge Parkway; thence along the arc of a 1,940.00 foot radius curve to the right 487.12 feet through a central angle of 14°23'11" (chord: South 75°20'46" East 485.84 feet) to the point of Beginning.

Page 31 of 32

Exhibit "B" City's Vested Laws

Page **32** of **32**