7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)
Call to Order – Mayor Rod Mann
Invocation – Council Member Kurt Ostler
Pledge of Allegiance – Council Member Brian Braithwaite

1. UNSCHEDULED PUBLIC APPEARANCES
Time has been set aside for the public to express their ideas, concerns, and comments. (Please limit comments to three minutes per person. Please state your name and address.)

2. PRESENTATIONS
   a. HOUSING AFFORDABILITY – Bryn Mortensen
   b. FY 17/18 AUDIT PRESENTATION – Steve Rowley, Keddington & Christensen

3. CONSENT ITEMS
   Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.
   
   a. ACTION: Approval of Meeting Minutes
      Regular City Council Meeting December 4, 2018 and January 8, 2019
   
   b. ACTION/RESOLUTION: Adopt the amendment to the Interlocal Cooperation Agreement with the Utah County Major Crimes Task Force (UCMC)
      City Council will consider approving an amendment to the Interlocal Cooperation Agreement with Utah County Major Crimes Task Force (UCMC). The Council will take appropriate action.

4. ACTION/RESOLUTION: APPROVE A RESOLUTION TO CREATE A LIBRARY FUND
   City Council will consider approving a resolution to create a Library Fund in accordance with Utah Code Annotated 9-7-401. The Council will take appropriate action.

5. PUBLIC HEARING/ACTION: MID-YEAR BUDGET ADJUSTMENTS FOR FISCAL YEAR 2019
   City Council will consider approving mid-year budget adjustments as recommended by the Finance Director for fiscal year 2019. The Council will take appropriate action.

6. ACTION: APPROVE BEAUTIFICATION COMMITTEE REQUEST TO BEGIN A COMMUNITY GARDEN
City Council will consider approving the request from the Beautification Committee to begin a Community Garden and determine how the amount of funding to allocate to the project. The Council will take appropriate action.

7. **ACTION: APPROVE A REAL ESTATE PURCHASE CONTRACT WITH MILLHAVEN DEVELOPMENT LLC**
City Council will consider approving a real estate purchase contract with Millhaven Development, LLC for 12 acres of City owned property located at approximately 10029 N 6300 W. The Council will take appropriate action.

8. **ACTION/RESOLUTION: ADOPT A RESOLUTION FOR A MORATORIUM ON THE REMOVAL OF NEIGHBORHOOD OPTION TRAILS**
City Council will consider adopting a resolution for a moratorium on the removal of neighborhood option trails. The Council will take appropriate action.

9. **ACTION: ADOPT THE INTERLOCAL AGREEMENT TO PARTICIPATE IN THE ETHICS COMMISSION**
City Council will consider adopting an Interlocal agreement to participate in the Ethics Commission with nearby municipalities. The Council will take appropriate action.

10. **MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS**
   a. Open Space Encroachment

11. **FUTURE MEETINGS**
   a. Future Meetings
      - January 29, Planning Commission Meeting, 7:00 pm, City Hall
      - February 5, City Council Meeting, 7:00 pm, City Hall

**ADJOURNMENT**

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

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

**CERTIFICATE OF POSTING**
I Cindy Quick, the duly appointed City Recorder certify that the foregoing agenda was posted in three public places within Highland City limits. The agenda was also posted at the principal office of the public body, on the Utah State website (http://pmn.utah.gov) and on Highland City’s website (www.highlandcity.org).

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

*Posted and dated this 17th day of January, 2019*

Cindy Quick, CMC
City Recorder
What Rapidly Rising Prices Mean for Housing Affordability

By James Wood, Dejan Eble, and D.J. Bonney

ANALYSIS IN BRIEF

Recent years have been a story of employment and wage growth, but also of rising prices and rents that have left many households struggling to afford housing. The median home price in the United States has increased faster than wages, income, and inflation for the past decade, with many areas experiencing double-digit price gains. Rising property values have left many households with less equity and increased the burden of mortgage payments. The median rent in many cities has also increased, putting additional pressure on household budgets. The combination of rising prices and stagnant wages has made it more difficult for many households to afford housing, leading to increased housing affordability challenges.

Informed Decisions

Housing Gap Coalition

Housing affordability remains a critical issue in the United States. High housing prices and low wages have left many households struggling to affordBasic

1. Comparison of Housing Prices: States, Metropolitan Areas, and Countries

Rising housing prices have had a significant impact on affordability across the country. High housing prices in metropolitan areas and states have led to lower affordability indices. The highest housing prices are found in metropolitan areas with high-income households, such as San Francisco, New York, and Los Angeles. These areas have experienced rapid increases in housing prices, leading to lower affordability indices. Lower housing prices are found in states with low-income households, such as Mississippi, Kentucky, and West Virginia. These states have lower housing prices and higher affordability indices, as they have a higher proportion of households with incomes below the median.

2. What Rapidly Rising Prices Mean for Housing Affordability

The analysis in brief highlights that the median home price has increased faster than wages, income, and inflation for the past decade, with many areas experiencing double-digit price gains. Rising property values have left many households with less equity and increased the burden of mortgage payments. The median rent in many cities has also increased, putting additional pressure on household budgets. The combination of rising prices and stagnant wages has made it more difficult for many households to afford housing, leading to increased housing affordability challenges.

Informed Decisions

Housing Gap Coalition

3. Comparison of Housing Prices: States, Metropolitan Areas, and Countries

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Informed Decisions

Housing Gap Coalition

4. Analysis of Housing Market Trends

The analysis of housing market trends shows that the housing market has continued to recover from the recent financial crisis, with home prices rising at a faster rate than wages and income. The median home price in the United States has increased faster than wages, income, and inflation for the past decade, with many areas experiencing double-digit price gains. Rising property values have left many households with less equity and increased the burden of mortgage payments. The median rent in many cities has also increased, putting additional pressure on household budgets. The combination of rising prices and stagnant wages has made it more difficult for many households to afford housing, leading to increased housing affordability challenges.

Informed Decisions

Housing Gap Coalition

5. Comparison of Housing Prices: States, Metropolitan Areas, and Countries

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Informed Decisions

Housing Gap Coalition

6. Analysis of Housing Market Trends

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Informed Decisions

Housing Gap Coalition
UTAH HOUSING UNIT VS. UTAH HOUSEHOLD GROWTH

Source: U.S. Census Bureau and Ivory-Boyer Construction Database
Uncheck Housing Prices
By 2044, Utah Housing Prices could be Equivalent to Today’s Seattle Prices
WHAT’S DRIVING UP HOUSING COSTS?

• Housing shortage

• Construction & labor costs

• Local zoning ordinances & NIMBYism

• Land costs & topography of Wasatch Front Counties

• Demographic & economic growth
POSSIBLE SOLUTIONS

Transportation and Land Use Connection (TLC)

Photo: Dominic Valente, The Daily Herald
POSSIBLE SOLUTIONS

Keys to Success program for construction and labor
“Build to Success”
POSSIBLE SOLUTIONS

Awareness campaign

Photo: KSL.com
#1 most important issue in high growth areas

“I want my community to stay the way it was when I chose to live here.”

Transportation options, mixed-use, & clear planning help the medicine go down
MESSAGING

• Facilitates economic growth

• Addresses skyrocketing trends

• Supports different life stages

• Provides options for children & grandchildren
REFRAMING THE WAY PEOPLE FEEL ABOUT GROWTH

Paid Advertising
- Crossroads
  - Reframe growth

Public Relations
- Growing Together
  - Preserving communities

Social Media
- Self Interests
  - What’s in it for me?
CALL TO ACTION | What is Highland’s role?

• Break Down the Silos

• Update & Use General Plans
  • Moderate Income Plan

• Be Innovative in Redevelopment

• Provide a Variety of Housing Types & Options

• Sign Support Resolution
WORK TOGETHER & PLAN TOGETHER
FOR MORE INFORMATION OR TO BECOME INVOLVED

For more information or to read the full report, visit SLChamber.com/HousingGapCoalition

Follow us on Twitter @UtahHousingGap

For sponsorship or membership information, contact Brynn Mortensen bmortensen@slchamber.com 801-706-9853
PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS PRESENT: Brian Braithwaite, Kurt Ostler, Scott L. Smith – Ed Dennis and Tim Irwin participated electronically

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, Planner Tara Tannahill, City Attorney Tim Merrill, and City Recorder Cindy Quick

OTHERS: Natalie Ball, Devirl Barfuss, Corwin Harmon, Tyson England, Ginger Harris, Kyle Pettit, Kye Tanner, Karalee Pettit, Colby Gibson, Darin Mano, Scott Thompson, Layne Shelley, Rosalie Shelley, Becky Juchau, Dave Stone, Robert Rolapp, Helene Paskrus, Brady Mather, Braden Mather, Cameron Lackey, JJ Thurman, Michael Martin, Derric Rykert, Tricia Mendenhall, Heather Schow, Don Merrell, Michael McKendrick, Wade Hadlock, Boyd Timoth, Grant Chandler, Alisha Gray, Brent Wallace, Lori Blakesley, Lorna Reid, Bruce Tucker, Andrew Ford, William Roberlt, Katie Hatch, Chet Smith, Shonnie, Smith, Jennifer Nielson, Mike Jensen, Mark Hafen, Lucie Holman, Kristen Bradshaw, Regan Reichert, Evelyn Jankovich, Cori Ollerton, Mark Thompson

7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)
Call to Order – Mayor Rod Mann
Invocation – Council Member Kurt Ostler
Pledge of Allegiance – Council Member Brian Braithwaite

The meeting was called to order by Mayor Rod Mann as a regular session at 7:00 p.m. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting. The prayer was offered by Council Member Kurt Ostler and those assembled were led in the Pledge of Allegiance by Council Member Brian Braithwaite.

Mayor Mann requested that City Attorney Tim Merrill speak to the concerns raised about the potential conflict of interest of Council Member Ed Dennis. City Attorney Merrill had examined State Law and felt that there was no conflict of interest in this case. Council Member Ed Dennis lived in the neighborhood involved in the request, however, any personal benefit he would derive was equally offered to every resident of that neighborhood.

Mayor Mann supported his conclusion.
Council Member Brian Braithwaite disagreed and explained that he based his opinion on the size of the impact. An increase in taxes or fees affects everyone in the City but this was a specific application and affected a specific group of people. He felt that Council Member Dennis would benefit financially from the proposed change and that conflict should be disclosed.

Mayor Mann explained that Council Member Dennis had already disclosed the possible conflict.

Council Member Kurt Ostler agreed with Council Member Braithwaite. He read from the Ordinance regarding a conflict of interest, which stated that “officials may not use a position to influence a governmental decision to which they have a financial interest or to secure an economic benefit for themselves or another.”

Council Member Scott L. Smith disagreed. He noted that the concern raised was exactly why he had opposed the new ordinance that was passed regarding conflicts and felt it was now being used as a political weapon. He did not believe that Council Member Dennis would get any more benefit than others in his neighborhood and he may not see any financial gain until the distant future.

Mayor Mann felt that each Council Member made a fair point. He explained that a Council Member can declare a conflict of interest and still vote on an issue. There was no obligation for a Council Member to recuse themselves from voting.

1. UNSCHEDULED PUBLIC APPEARANCES
Time has been set aside for the public to express their ideas, concerns, and comments. (Please limit comments to three minutes per person. Please state your name and address.)

Natalie Ball provided an update on the recent open space conflict within her neighborhood. In May, the Council approved a sale of open space properties for the price of $1.40 per square foot. Some residents added nearly half an acre to their properties for around $30,000. The case that was presented to the Council was that the property in question was both an eyesore and a fire hazard and she felt the $20 monthly open space fee was not being used correctly. The Council made no stipulations for improvements to the property and gave no deadlines. The owners would be able to install fences. The owners would pay to move City pipes and they had a certain period of time to pay the City, depending on how much their final bill would be. Six months after the approval, not much had changed on the property and it was still an eyesore. What concerned her the most was that many of her neighbors refused to speak to or interact with her because of her opposition to the proposal. She felt it was tragic to see neighbors harbor such negative feelings towards each other and she did not want to see that happen in the Wimbleton subdivision. Ms. Ball said that two years ago she knocked doors for the R-1-40 referendum and found that many residents had negative feelings about the trails. She believed this was not simply a neighborhood issue. One thing she wanted to point out was that there were many different opinions about what a “well-maintained trail” should look like, ranging from natural dirt trail to paved and landscaped areas. She urged the Council and residents to respect the rules that were set forth for the open space neighborhoods and stop trying to change them halfway through the process. She alleged that open space “disposal” was basically City-subsidized and City-financed equity offered only to the lucky few. Ms. Ball also opined that Council Member Dennis should recuse himself from voting in the issue.

2. PRESENTATIONS
   a. YOUTH CITY COUNCIL – Youth Council Member
There were no Youth City Council Members present to give a report. Mayor Mann expressed appreciation for the Youth Council and all of their efforts over the past year.
b.  ROAD PROJECTS UPDATE - City Engineer Todd Trane
City Engineer Todd Trane provided an update of the road projects throughout the City. They were in the process of finalizing the 2018 projects and working on plans for the 2019 project. He presented the seven-year road plan and specifically addressed the 6000 West project. That project had unforeseen conditions with soft soils, so they had incurred some unanticipated costs. The entire project ended up costing over $1 million. He showed photographs of the finished road. All of the road projects for 2018 came to roughly $1.5 million. He then presented a list of roads they planned to work on in 2019 which they planned to send out for bid in January.

Council Member Scott L. Smith commented that he had heard nothing but positive feedback from the residents about 6000 West. He had not heard any complaints about the road fee. He asked if American Fork would be assisting Highland City when they worked on 9600 North. City Engineer Trane explained that staff was reaching out to American Fork to see if they would participate.

Mayor Mann asked for an update on the East-West connector, and City Engineer Todd Trane reported that the bid was awarded to Horrocks Engineers. The road could connect between SR74 and North County Boulevard below Lone Peak High School. There would be an open house sometime in February where Horrocks Engineers would present their design. The road could be under construction as early as next summer.

City Engineer Trane reported that the City had applied for funding for 6800 West which had been granted. Highland, Lehi, and Utah County would have to match 6% of the $2 million project.

3.  CONSENT ITEMS
Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a.  ACTION: Approval of Meeting Minutes
Regular City Council Meeting November 13, 2018

b.  ACTION: Approval of the Creation of a Library Page Position
City Council will consider approving the creation of a new page position for the Library. The Council will take appropriate action

c.  ACTION: Ratification of Water Advisory Board Member
City Council will consider ratifying the reappointment of Tavis Timothy to serve as a Water Advisory Board Member for a term of four years beginning on January 2019 – December 2023. The Council will take appropriate action.

Council Member Ed Dennis requested that the name of the person giving the invocation be corrected in the minutes from the November 13, 2018 meeting and noted that Ms. Pettit did not reside in the Wimbleton subdivision and should be corrected in the minutes.

Council Member Brian Braithwaite MOVED to approve consent items a., b. and c. as listed on the agenda. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite Yes
Council Member Ed Dennis Yes
4. PUBLIC HEARING/ACTION: CONDITIONAL USE PERMIT FOR A COMMUNITY PARK KNOWN AS MOUNTAIN RIDGE PARK – Continued

The item was continued.

5. DISCUSSION/ACTION: REGARDING THE PURCHASE PRICE FOR ORPHAN OPEN SPACE PROPERTY

Council Member Ed Dennis restated his conflict of interest regarding the purchase price for orphan open space property. He stated that he was a resident of the Wimbleton subdivision and lived adjacent to the neighborhood option trail. He also noted that he signed the petition attached to the disposal request. He believed the personal interest was incidental and did not present a conflict of interest or violate the Municipal Officers’ and Employees’ Ethics Act, which would allow him to vote on the petition based on the following facts: 1) the solution and method to remove and dispose of the Neighborhood Option Trail was approved by a previous City Council; 2) the purpose of the petition was to address a problem that goes back over 16 years; 3) the process for the removal and disposal of the Neighborhood Option Trail was identical for all eligible residents, including himself, which includes no special privileges for him; 4) the same process to remove and dispose of a Neighborhood Option Trail had previously been approved by the City Council in other neighborhoods; and 5) as an adjacent property owner and resident of the Wimbleton Subdivision, all adjacent property owners were entitled to the First Right of Refusal to purchase the adjacent property, which again includes no special privileges for me. He noted that he was unsure whether he would vote on the issue or not but would reserve that until after the discussion.

Council Member Kurt Ostler began the discussion by voicing his objections to the fair market value that had been established for orphan properties which was $1.40 per square foot. By law, the City must sell their property for fair market value. He felt they needed to make sure that they had an accurate way of determining that amount. When the $1.40 amount was established a few years ago, County Assessor Susan Dunbow had told the City that orphan parcels were valued at $1.00 per square foot. Council Member Ostler contacted Ms. Dunbow about the cost and she reported that the value was now at $3.00 per square foot. Most orphan parcels sell for anywhere between $1.60 and $2.80 per square foot. The value would be difficult to determine with so many different assessments out there. In his research, he found that many determined the value of an orphan parcel at 25-30% of the appraised value of a buildable lot. The County Assessor uses 10-15% below true market value. Council Member Kurt Ostler proposed that the City establish the value of orphan parcels at 25% of the County Assessors’ market value of the residential real estate. He further proposed that on November 1st of each year the City Council revisit the value and determine if it reflects current market value for orphan parcels.

Council Member Scott L. Smith appreciated the research presented; however, he was not comfortable using the County assessment because it fluctuates depending on the economy. The County Assessor also bases their appraisal on several things, including the structures on the property and the location. He thought that the County assessment could be a factor in determining fair market value but they should have a professional appraiser assess orphan properties in the City. There were 18 open space neighborhoods in Highland City and the City did not have enough revenue to maintain them. Council Member Smith
reported serving on the Open Space Committee for several years and noted it was always a concern. Many residents had chosen to maintain the City’s property at their own cost rather than let the properties be overcome by weeds. Additionally, they were charged a $20 monthly fee for the maintenance of open space but the open space was still not being maintained.

Council Member Ostler noted that there were two values on the County appraisal and one was the value of the property without the improvements. The reason he recommended 25% of the County assessment was that the County would look at different areas of Highland and work that into their assessment. It would not be cost effective for the City to have each orphan piece appraised. If they established the 25% rule and a resident felt the appraisal was unfair, they could go to the County and appeal it.

Council Member Dennis asked why Ms. Dunbow’s recommendation of fair market value had increased so much over a four-year period. Council Member Ostler said that he had asked her the same question and she explained how the changing economy had altered values over the past few years.

There was a brief discussion regarding the assessment of Council Member Dennis’s home and how it had changed 30% over the past few years. He wanted to speak with the County about the significant changes. He spoke of the trail deterioration in the Wimbleton subdivision and the easement surrounding the ditch owned by Lehi Irrigation Company. He felt that their situation was unique and that their properties could not be properly valued using the standard process. Council Member Dennis wanted to allow people the option to get their own appraisal.

Council Member Kurt Ostler noted that this decision would not just affect the Wimbleton subdivision, but it would apply to all orphan properties in the City. He was trying to present an option that would work overall.

Council Member Scott L. Smith said that the City sold some property to the Alpine School District for approximately $300,000. The cost per square foot would have been roughly $1.50. He asked if the property was appraised at that time. City Administrator Nathan Crane noted that it was appraised for more than $400,000. It was noted that the City and the School District came to an agreement to share parking for the school and the soccer fields there.

Council Member Ostler was concerned that the City had a pattern of selling property far below fair market value.

Council Member Smith wanted all properties to be appraised by a professional appraiser rather than just going with the County assessment. Council Member Ostler noted that the County was full of professional appraisers.

Council Member Dennis restated the unique points of his property and the Wimbleton subdivision and said that it would be appraised again.

Council Member Ostler was concerned that they would never be happy choosing an appraiser because someone would complain about whoever they chose. He believed he had suggested a solution that would fit most circumstances. Council Member Dennis wanted to ensure the there was an option for residents to seek another appraisal.

The Council continued to discuss independent appraisals vs. the County assessment. Council Member Brian Braithwaite reported that when they talked about the price originally, they decided on $1.40 because $1.00 felt too low. It was difficult to pinpoint a price because the appraisals all came in differently. Now,
they were trying to find a solution that would simplify the process. They never thought that $1.40 would be the best price forever. He felt that Council Member Ostler’s proposal could work but it may not fit every situation. It was important to have a standard but there would be exceptions.

Council Member Smith said that the next agenda item was based on a petition from the Wimbleton subdivision for the City to dispose of orphan parcels. When they submitted their petition, they believed there would be a specific price for the land. It would be unfair to the residents for the Council to change that price now. Council Member Ostler was fine moving forward with the Wimbleton application. He suggested that the 25% was something they should set for petitions moving forward.

Council Member Braithwaite said that the Council had an obligation to the rest of the residents to decide on a fair price for property. He did not think it was fair to vote on $1.40.

Council Member Smith felt that the problem with open space neighborhoods was the design and the fee charged to residents. When they moved into the open space subdivision, the residents were told that they would be charged an open space fee because their property taxes would be lower than other residents with larger lots. That simply was not true. The residents had been treated like second-class residents. He suggested that the Council consider charging a fee for parks to all residents in the City. He did not feel comfortable changing the price for the Wimbleton subdivision at the last minute.

Mayor Mann opened the floor for public comments.

Grant Chandler, a resident of the Wimbleton Subdivision, commented that there were many neighbors that signed the petition that did not want to purchase the City property but felt it was their only option after 17 years of struggling. Their desire was not to develop the property or make their lots larger and more valuable. They simply wanted the ability to maintain the property in a way that the City could not. The residents had already spent thousands of dollars trying to keep the weeds down with the harassment of the City. He did not think it was fair to change the price right before hearing the residents’ petition.

Council Member Braithwaite admitted that the City had not been good neighbors in their situation. They simply did not have the budget to maintain the trails at the level the residents expect. The problem extended beyond this one trail in Wimbleton. Even if they dispose of the property in this location, there were many other trails that were not being maintained.

Ginger Harris, a resident, said that the $1.40 per square foot was a ridiculously low price. She did not sign the petition because she did not want more land and did not want to pay $35,000 it. She did not feel that she would get that value back. When she spoke to an appraiser, they told her the value was determined by the home on the lot, not the property alone.

Don Merrell, a resident, said that he had suffered through the weeds on the City property for years. The truth was that the price of the land was what people were willing to pay for it. He questioned whether the City had a vested interest in selling the property. They would get revenue that the City needed and the properties sold would not have to be maintained by the City any longer. Mr. Merrell did not have a vested interest in buying the property but believed the property was not worth $3.00 per square foot. He felt that if the City raised the price they would no longer have any buyers. He again reiterated that he believed the value of the property was $1.40 per square foot.

Boyd Timothy, a resident, encouraged the Council not to have one fixed price for all orphan properties, because each subdivision was unique. Each situation should be valued individually.
Laren Harley, a resident, felt that the entire situation was crazy. He did not live near a trail and did not have to pay $20 a month like other residents had mentioned. He believed raising the price of the property now was another blow to the residents who had been struggling with the property for 17 years. He asked where the $1.40 per square foot amount came from.

Council Member Ostler responded that the number was established in 2014 when the issue was brought up previously by another subdivision. Residents of Wimbleton were under the impression that would be the price they would pay for the property when they submitted their application.

Mr. Harley said that the trail system was a joke and the City should not have trails if they could not afford to maintain them.

Andrew Ford, a resident, said that they needed to consider what the property was worth to the City or to another owner. These residents purchased their homes with no intent to buy the trail. The value of the property may drop because of selling/buying the property.

Kristen Bradshaw, a resident, asked if the Council would be discussing the Spring Creek property tonight. She had received a notice of the hearing but did not see it listed on the agenda.

City Administrator Nathan Crane said that there was an error in noticing and the Spring Creek application would be discussed in January. The Council apologized for the error.

Colby Gibson, a resident, was frustrated that the item was being discussed before the Wimbleton subdivision petition. He believed the order of the items should have been switched. He suggested that they table the discussion until after discussing the petition.

Council Member Smith agreed.

Council Member Kurt Ostler MOVED that any disposal of open space orphaned parcel be valued at 25% of the Utah County assessed market value on the residential real estate. Furthermore, on November 1st of each year, the 25% value is adjusted to reflect the County assessed value concerning orphaned parcels. Also, as proposals come in, if there was an exception for their open space subdivisions, they can submit that for further discussion.

Council Member Brian Braithwaite asked to modify the motion by allowing the City Council to consider any appraisal brought by the residents, or any other concerns they may bring forward as part of their petition.

Council Member Kurt Ostler accepted the modification.

Council Member Brian Braithwaite further stated that it was important to establish a base line and if a resident felt that there was something unique about their situation, the Council should listen to understand the issue and then make an educated decision.

Council Member Smith asked if he was suggesting that the neighborhood could bring in an independent professional appraisal for the Council to consider, as well as, considering the County assessed value. Council Member Braithwaite answered affirmatively.

Council Member Brian Braithwaite MOVED to amend the motion to include that a petitioner can bring in an independent appraisal as part of their petition or any other items they feel is important to them.
Council Member Kurt Ostler SECONDED the amended motion.

Council Member Scott L. Smith asked to further amend the motion to state that the change would not apply to the Wimbledon subdivision application but for all future applications. Council Member Dennis seconded his amendment.

Mayor Mann asked the Council to vote on Council Member Kurt Ostler’s motion with Council Member Brian Braithwaite’s amendment. Council Member Kurt Ostler reiterated the motion.

Council Member Kurt Ostler MOVED that any disposal of open space orphaned parcels be valued at 25% of Utah County’s assessed market value on residential real estate and further propose that on November 1st of each year the 25% value is adjusted to reflect the County Assessor’s value on orphaned parcels. In addition, if any petition that is submitted from a subdivision can supply an independent appraisal and any supporting evidence of items that would have an impact on that price.

Council Member Scott L. Smith SECONDED the motion.

There was a brief discussion regarding the process of making motions, amendments, and voting. City Attorney Tim Merrill clarified that Council Member Kurt Ostler effectively withdrew his original motion and replaced it with the modified motion. This would become the only motion.

Council Member Scott L. Smith MOVED to amend the motion that it would not go into effect until after the meeting.

Council Member Ed Dennis SECONDED the amendment.

Council Member Ed Dennis explained that he seconded the amendment because he felt that the fair market value would be a moot point for the next item. He wanted the residents to have an option for the Council to consider an independent appraisal or other issues. Council Member Braithwaite felt that they already had that option without the latest amendment. Council Member Smith asked if the original motion would allow the Council and residents to discuss the $1.40 option. Council Member Ostler confirmed that they could bring forward other options.

Council Member Braithwaite said that it might be fair, to both sides, to continue the item. He was struggling with the $1.40 price and the proposal from the subdivision suggests further discounts. Council Member Smith asked if he was suggesting continuing the item or the Wimbledon subdivision application. Council Member Braithwaite responded that he wanted to continue the Wimbledon subdivision application because he wanted more information.

Council Member Scott L. Smith MOVED to amend the motion that it will not go into effect until after the meeting.

Council Member Ed Dennis SECONDED the amendment.

The vote was recorded as follows:
Council Member Brian Braithwaite   No
Council Member Ed Dennis           Yes
Council Member Tim Irwin            No
Council Member Kurt Ostler          No
Council Member Scott L. Smith       Yes

The amended motion failed.
After continued discussion, Mayor Mann asked the Council to vote on the original motion made by Council Member Kurt Ostler.

Council Member Kurt Ostler MOVED that any disposal of open space orphaned parcels be valued at 25% of Utah County’s assessed market value on residential real estate and further propose that on November 1st of each year the 25% value is adjusted to reflect the County Assessor’s value on orphaned parcels. In addition, if any petition that is submitted from a subdivision can supply an independent appraisal and any supporting evidence of items that would have an impact on that price.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

- Council Member Brian Braithwaite  Yes
- Council Member Ed Dennis  Yes
- Council Member Tim Irwin  Yes
- Council Member Kurt Ostler  Yes
- Council Member Scott L. Smith  No

The motion passed.

6. PUBLIC HEARING/RESOLUTION: DESIGNATION OF OPEN SPACE PROPERTY FOR DISPOSAL AND REMOVAL OF NEIGHBORHOOD OPTION TRAILS IN WIMBLETON SUBDIVISION

Planner Tara Tannahill oriented the Council with the proposal to designate open space property for disposal and removal of neighborhood options trails in the Wimbleton subdivision. She presented a map outlining the subdivision and identified the trails, ditch basin, sewer easements, and manholes. She noted that Lehi Irrigation Company owned and maintained the ditch and the easement around it. In the application, the residents were proposing a price of $1.30 per square foot because of the trail and other constraints. They would also like to fence the area.

Council Member Dennis noted that there was a stipulation in the proposal that would prohibit fencing property that was identified as City property, including easements. Planner Tannahill confirmed and added that they would only be allowed to put grass on those properties.

Planner Tannahill reported that 74% of the property owners of the Wimbleton subdivision signed the petition and 100% of property owners adjacent to the trails or other proposed properties signed the petition. Staff had received nine public comments via email, with six in opposition, two in support, and one with inquires. Some of the outstanding issues included the purchase price reduction, the potential alterations to essential detention basins, the loss of City sewer easements, and the suggestion of City financing. Lehi Irrigation Company also had concern about accessing the ditch if the properties were sold. If the properties were sold, they suggested piping the ditch.

Council Member Dennis asked for clarification on the sewer easements. City Administrator Nathan Crane explained that there was 435 feet of sewer lines between the Westwood subdivision and the Wimbleton subdivision. He noted three manholes along for access. He identified these locations on a map. Staff’s concern was the ability to access and clean the sewer lines if the property was sold. When the sewer has a backup, they would need to access the problem in a timely manner.
Council Member Dennis was concerned that the City would create islands by maintaining easements. Every residential property had easements for utilities and an anticipated inconvenience. He said that there was a 15-foot easement around the ditch which should allow for vehicular access for maintenance.

Mayor Mann opened the public hearing at 9:29 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

Mark Haffen, a resident, read a written statement expressing his support of the proposal. He did not feel that the City was asking for fair market value. He was willing to purchase the property but only if the price was more reasonable.

Scott Thompson, a resident, urged the Council to deny the application. The petition was submitted with 74% of the neighbors’ signatures but he assured the Council that the neighborhood was not united. There were several ways that they could handle the situation and the neighborhood could not agree on just one. He commented that some of the individuals that signed the petition only did so because they felt pressured or because they could not see any other option. Mr. Thompson said that they needed more information before making a decision on the proposal. Selling the trails could detract greatly from the neighborhood. He would rather find a way to maintain the trails and open space.

Mayor Mann read a statement from Johnny Walters, a resident, expressing his opposition to the proposal.

NOTE: Police Chief Brian Gwilliams left the meeting at 9:42 PM.

Rosalie Shelley, a resident, said that she had emailed the City Council when she found out about the proposal and hoped that they took her words into consideration. She appreciated the open trails and knew that many other people felt the same way. She thought it would be a travesty to close them off.

Jason Hawkins, a resident, said that the property was a huge mess. He tried to maintain the property behind his home but gave up and let the weeds grow. He would like the City to maintain the property but understood that people had different ideas of what it meant to be well-maintained. He felt the issue had continually been kicked down the road hoping someone else would fix the problem and everyone was frustrated.

Alisha Gray, a resident, agreed with the comments that had been made and said that the City should be maintaining the property. The money open space fee they had been paying was not doing anything for the subdivision. She recently learned that the park behind her home was a public park but there were no bathrooms and no facilities. She suggested that the situation was unacceptable.

Corwin Harmon, a resident, did not feel that the Council should vote on the issue at the meeting. They needed to have a better understanding of the value of the property. He noted that he purchased his property but did not build on it for seven or eight years. During that time, he received several notices from the City to clean up the weeds on his property. However, the City did not do anything about the weeds on its own property. Mr. Harmon was against the property being sold and fences going up. He wanted the open space to remain.

Mayor Mann spoke about the City’s lack of revenue and the recent process to enact a road fee to maintain City roads. It was possible to do a fee for parks and recreation as well. Alternatively, they could increase property tax to pay for parks maintenance.
Colby Gibson, a resident, spoke about the garbage that he had to remove from the property behind his home. He understood the funding issue but had been trying to resolve the issue for 17 years and it was time to try something new. Mr. Gibson commented on the honest character of Council Member Ed Dennis.

Craig Pavich, a resident, said that raising taxes to pay for maintenance seemed like double taxation for those paying the park fee. He liked parks but hated being a neighbor to the City. He was motivated to purchase the property simply to get rid of the City as a neighbor.

Nicole Westcott, a resident, was ashamed of the City for making the residents deal with this problem for so long. She preferred the open space but she hated that the City was not taking care of it. She wanted to resolve the issue.

Kyle Pettit, a resident, was opposed to the proposal and said that he would prefer another solution be found. He urged the Council to deny the request and asked the Council to place a six-month moratorium on petitions such as this one. He noted that the trails in Wimbleton were used by students going to school.

Brent Wallace, a resident, agreed that this was a viable route for children to get to school. He also agreed that the City should be maintaining the property so that it did not become a fire hazard. Trails were a public safety issue.

Julia Nielson, a resident, said that she and her kids used the trails every day. She did not feel like the area was as bad as some people were making it out to be. She felt that many people who signed the petition had done so out of sheer exhaustion and peer pressure. Ms. Nielson suggested putting together a neighborhood committee to clean up the area, or recruit volunteers.

Grant Chandler, a resident, did not want to wait around for a solution that may never come. He felt the best solution was to allow the residents to take care of the property. He also noted that State Law outlines safe travel guidelines for students and the path was not on the list. He did not feel that it was necessary to maintain the trail because it was not used that often.

Malina Parkriss, a resident, spoke about her experience on the committee to get a cemetery and a lot of that was done with volunteers. She suggested doing the same thing with the problem being discussed. They could put together a committee and have volunteers help maintain the property. She suggested that they all quit bellyaching and get to work.

Kye Tanner, a resident, said that everyone agrees that there was a problem, even if they did not agree on the solution. He liked the idea of keeping the trails but was unsure if it was plausible. He supported selling the property.

Mike Jepson, a resident, expressed his frustration about the entire meeting. The residents had spent thousands of dollars to fix what the City had done. He appreciated the comments from the neighbors and their efforts to make a change.

Mayor Mann closed the public hearing at 10:27 PM

Council Member Scott L. Smith appreciated the residents’ comments. He felt that the only way to maintain the trails in the way the residents want would be to find the funding. The proposal may not be the best option but it was an option to resolve the long-standing problem. He noted that staff was hardworking and
did everything they could with the budget they had. He did not blame staff for the maintenance issues. He supported the proposed resolution.

Council Member Scott L. Smith MOVED that the residents of Wimbleton subdivision have met all the requirements required by the Highland City Municipal Code 12.30 and 12.32. Move to approve Resolution R-2018-27 a resolution of Highland City Utah designating open space property for disposal in the Wimbleton subdivision with the following stipulations.

1. The cost should be determined by a qualified real-estate appraiser and approved by the City Administrator and the residents of Wimbleton subdivision.

2. The property owner adjacent to the sewer line easement shall be allowed to purchase the property within the sewer line easements subject to all limitations and restrictions as associated with the easement including the right for the City to inspect the easement when requested.

3. Leave all detention basins intact with ownership retained by Highland City but allow the adjacent property owner to purchase and fence the surrounding property around the detention basin with a monument installed, flush with the ground, adjacent to the inlet pipe through the detention basin with the following quotation: “This detention basin is owned by Highland City and cannot be modified or removed.”

4. Property owners adjacent to the detention basin also agree to maintain the detention basins with grass and will not be allowed to put in structures or obstructions within the detention basin.

5. All property owners adjacent to the Lehi Water Company ditch accept the easement with all its limitations and restrictions.

6. The property owners agree to discontinue using and cap all City water lines associated with the property disposed.

7. The property owners adjacent to the trails disposed of in the Lehi Water Company ditch assume all costs associated with improvements associated with the ditch and removing the trails disposed.

8. The City agrees to finance the purchase for a period of two to four years depending on the purchase price and consider a hardship financing option.

9. The Wimbleton subdivision shall be allowed to use the purchase proceeds to improve the City parks and trails in that subdivision.

10. The purchase price shall include the first right of refusal from all adjacent property owners within the subdivision.

11. All selling costs shall be shared equally between the City and property owners.

12. The City shall repair a sink hole directly south of Lot 9 prior to the purchase.

Council Member Ed Dennis SECONDED the motion.

Council Member Brian Braithwaite said that he had been on the Council the longest and he carried the biggest blame for not resolving the issue before. He apologized for the way the residents had been treated. As a Council Member, he had tried to address what was most important to the City, and this had made its way to the bottom of the financial priorities list. He agreed that staff was doing the best they could with the funding they had. Most of the residents in Highland were conservative and they did not like bonding or increasing taxes. Council Member Braithwaite expressed his concerns with the proposal, most importantly the suggestions of City financing. He was concerned that the City did not have proper recourse for those that did not pay.
City Attorney Tim Merrill said that the City did not legally enforce any default. When someone defaults on a loan, the City could take them to court and collect a judgement, but it was possible that the City would not get any money from them if they were not collectable. He suggested that they secure the financing with real property as collateral.

Council Member Kurt Ostler suggested setting up an escrow account. Instead of transferring the title at the time of purchase, they would put it in escrow for 24-36 months. Council Member Braithwaite did not feel that would solve the issue. He would rather tie the financing to the property owner. City Attorney Tim Merrill said that the only way to secure payment would be to do so through the primary residence, such as a lien.

Council Member Braithwaite addressed his concerns regarding the sewer access. The City would get a lot of pushback from residents when the City accesses their property for emergency situations. They need to have that access. City Engineer Todd Trane said that staff would prefer that the City retain ownership of all utility easement.

There was a discussion regarding the detention areas in the neighborhood, which were in place to retain water in the case of a 50- or 100-year flood. Council Member Scott L. Smith said that there was nothing in the neighborhood’s request that suggested the detention areas would be altered or removed. Staff was concerned about residents installing fencing in these areas, because it would inhibit the City’s ability to access the detention areas.

City Engineer Todd Trane said that he would like to see the property sold to the residents, if it made sense to the residents and the City, but there were issues with the property on the east side of the ditch. From an engineering standpoint, he did not see how they could sell that part of the property. Council Member Ed Dennis said that the residents were prohibited from fencing the property within the easement around the ditch. City Engineer Todd Trane noted that the City was working toward the abandonment of the ditch, and all ditches in the City.

Council Member Braithwaite reiterated that he was not in favor of City financing and the sewer line access needs to be there. He also was concerned with the proposed price for the property. He asked if the Council was ready to move forward with the proposed price.

Council Member Ed Dennis said that the neighborhood had spent years trying to get this resolution to the City Council and postponing it would be an unwanted delay. Part of the approval of the resolution would be for the subdivision to present factual documentation to support a different price. He would prefer to make a motion contingent upon the Council accepting whatever appraisal information the neighborhood could provide. He wanted an appraiser to physically come to the property for an appropriate assessment of the value.

Council Member Scott L. Smith asked if Council Member Ed Dennis wanted to make that an amendment to the motion, and he answered affirmatively. Council Member Smith seconded the amendment.

City Administrator Nathan Crane briefly addressed the sink hole and said that it may be very costly for the City to adequately repair it.

Council Member Kurt Ostler was fine with allowing another appraiser to assess the property, but the cost should be agreed upon by the City and the neighborhood. They discussed whether that would have to come back before the Council during an open or closed session. The sewer access issue was a concern, and the residents should not be allowed to fence the detention area. He was also not comfortable with City
financing. He also felt that the open space feel of the community was desirable, and the trails should remain if they were being used.

City Administrator Nathan Crane reported that Council Member Tim Irwin had to disconnect to address an emergency. There was a discussion regarding whether to continue the item.

Council Member Scott L. Smith Moved the Question.

Council Member Scott L. Smith MOVED that the residents of Wimbleton subdivision have met all the requirements required by the Highland City Municipal Code 12.30 and 12.32. Move to approve Resolution R-2018-27 a resolution of Highland City Utah designating open space property for disposal in the Wimbleton subdivision with the following stipulations.

1. The cost should be determined by a qualified real estate appraiser and approved by the City Administrator and the residents of Wimbleton subdivision.

2. The property owner adjacent to the sewer line easement shall be allowed to purchase the property within the sewer line easements subject to all limitations and restrictions as associated with the easement including the right for the City to inspect the easement when requested.

3. Leave all detention basins intact with ownership retained by Highland City but allow the adjacent property owner to purchase and fence the surrounding property around the detention basin with a monument installed flush with the ground adjacent to the inlet pipe with the following quotation: “This detention basin is owned by Highland City and cannot be modified or removed.”

4. Property owners adjacent to the detention basin also agree to maintain the detention basins with grass and will not be allowed to put in structures or obstructions within the detention basin.

5. All property owners adjacent to the Lehi Water Company ditch accept the easement with all its limitations and restrictions.

6. The property owners agree to discontinue using and cap all City water lines associated with the property disposed.

7. The property owners adjacent to the trails disposed of in the Lehi Water Company ditch assume all costs associated with improvements associated with the ditch and removing the trails disposed.

8. The City agrees to finance the purchase for a period of two to four years depending on the purchase price and consider a hardship financing option.

9. The Wimbleton subdivision shall be allowed to use the purchase proceeds to improve the City parks and trails in that subdivision.

10. The purchase price shall include the first right of refusal from all adjacent property owners within the subdivision.

11. All selling costs shall be shared equally between the City and property owners.

12. The City shall repair a sink hole directly south of lot 9 prior to the purchase.

13. The price shall be contingent upon an appraisal that is acceptable to residents and City Council

Council Member Ed Dennis SECONDED the motion.

The vote was recorded as follows:

- Council Member Brian Braithwaite No
- Council Member Ed Dennis Yes
- Council Member Tim Irwin absent
- Council Member Kurt Ostler No
The motion failed.

NOTE: Council Member Ed Dennis was excused at 11:33 PM.

The Council took a brief recess at 11:34 PM and reconvened at 11:47 PM. Mayor Mann noted that there was now only three Council Members present, so votes needed to be unanimous for any motions to pass. He requested that Item 8 and the Closed Session be continued. Council agreed.

7. PUBLIC HEARING/ACTION: REZONE FROM R-1-40 TO PROFESSIONAL OFFICE (P.O.) ZONE

Planner Tara Tannahill presented the staff report regarding a request from Eternal Springs to rezone property from R-1-20 to PO. The applicant had requested similar changes to the property in 2013 and 2016, but both of those requests were denied. The current proposal was for an 8,400 square foot building that meets all setbacks of the PO Zone. The maximum height of the zone was 35 feet, which was the same as a two-story residential home. The Planning Commission requested setbacks of 80 feet from the east side on the lower floor, and 100 feet for the second story. She presented the four stipulations suggested by the Planning Commission. There was a neighborhood meeting and the residents expressed their concerns with property values, dumpster locations, and the use.

Mayor Mann didn’t like the term “as far as possible” because it wasn’t specific enough. Council Member Brian Braithwaite agreed. There was a discussion regarding the potential location of the dumpster, and it was noted that this would be better addressed during the site plan process.

Mayor Mann opened the public hearing at 11:58 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

Wade Hadlock, a resident, liked the commercial use that was proposed now better than the previous applications, and he was not opposed to the rezone request. He was concerned about the effect this would have on residential home values. Mr. Hadlock said that there was a City trail behind this lot, and he wanted to ensure that this was left open. It was used quite frequently by students getting to the high school. He was concerned that the trail and open space would be fenced off.

There was some discussion and it was determined that the development would not negatively impact the trail.

Mayor Mann closed the public hearing at 12:02 AM

Greg Neild, the applicant, said that he had pushed the development to the north and put parking to the south, and they pushed the second story as far west as they could. He noted that this was just a concept plan and it hadn’t been engineered yet.

The general consensus among the Council was in favor of the building design.
Council Member Brian Braithwaite MOVED that the City Council approve that the property be rezoned from R-1-40 to Professional Office (P.O.) zone with the stipulations and recommendations from the Planning Commission and modify stipulation number three to read that the dumpster will be no closer than half way between the east and west property lines.
Council Member Scott L. Smith SECONDED the motion.

Stipulations:
1. The building shall not exceed a total of 8,400 square feet.
2. The building setback is at least 80 feet from the rear property line and no second story shall be closer than 100 feet from the rear property line.
3. The dumpster will be no closer than half way between the east and west property line.
4. The number of parking stalls for the assisted living and the office space be reviewed as part of the site plan and conditional use permit review.

The vote was recorded as follows:
Council Member Brian Braithwaite  Yes
Council Member Ed Dennis  absent
Council Member Tim Irwin  absent
Council Member Kurt Ostler  Yes
Council Member Scott L. Smith  Yes

The motion passed.

8. ACTION: ETHICS COMMISSION INTERLOCAL AGREEMENT

The item was continued.

9. ACTION: ACCEPTANCE OF A PROPERTY DONATION FROM CLINT MARTIN

City Administrator Nathan Crane explained that Clint Martin wanted to donate approximately 13.33 acres of land adjacent to the Cedar Hills Golf Course. The property did not have frontage on a road, which means access was problematic.

Clint Martin, the applicant, said that this would be a conservation contribution. The purpose of donating the land was so that the City could keep it as open space. The property would be donated in its entirety with all taxes paid and current through the end of 2018.

The Council thanked Mr. Martin for the donation.

Council Member Brian Braithwaite MOVED that the Council accept the generous donation from Clint Martin to the City for the property identified for 13.33 acres.
Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite  Yes
Council Member Ed Dennis  absent
Council Member Tim Irwin  absent
Council Member Kurt Ostler  Yes
Council Member Scott L. Smith  Yes
The motion passed.

10. FUTURE MEETINGS
   a. Future Meetings
      - December 11, Planning Commission Meeting, 7:00 pm, City Hall
      - January 8, City Council Meeting, 7:00 pm, City Hall

11. CLOSED SESSION - CONTINUED
    The closed session was continued.

ADJOURNMENT

Council Member Brian Braithwaite MOVED to adjourn the regular meeting and Council Member Kurt Ostler SECONDED the motion. All voted yes and the motion passed unanimously.

The meeting adjourned at 12:16 AM.

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on December 4, 2018. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick, CMC
City Recorder
HIGHLAND CITY COUNCIL MINUTES
Tuesday, January 8, 2019
Waiting Formal Approval

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

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS PRESENT: Brian Braithwaite, Ed Dennis, Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: City Administrator / Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, City Attorney Tim Merrill, and City Recorder Cindy Quick, Police Chief Brian Gwilliams, Fire Chief Reed Thompson

OTHERS: Robert Williams, Wayne Tanaka, Doug Cortney, Brian Trampleasure, Lindsay Trampleasure, Kim Carroll, Dorian Carroll, Sheraka Kellen, Robert Strong, Audrey Wright, Alisson Malcuf, Cory Wilkinson, Richard Carter, Jean Carter, Doug Turner, Kendall Thurman, Tim Ball

6:30 PM WORK SESSION (PUBLIC WORKS BUILDING)
City Council met at the Public Works Building and took a tour to look at possible sites for a Public Works Building.

7:30 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)
Call to Order – Mayor Rod Mann
Invocation – Council Member Scott L. Smith
Pledge of Allegiance – Mayor Rod Mann

The meeting was called to order by Mayor Rod Mann as a regular session at 7:30 p.m. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting. The prayer was offered by Lily Trampleasure and those assembled were led in the Pledge of Allegiance by Tate Godwin.

Mayor Mann requested that the Swearing-in Ceremony for the Youth Council take place before the Unscheduled Public Appearances. The Council agreed.

2. PRESENTATIONS
   a. YOUTH CITY COUNCIL SWEARING IN – Civic Events Coordinator Julie Tapusoa

Civic Events Coordinator Julie Tapusoa briefly explained that the Youth Council had been reconstructed so that anyone who was willing to commit to serve would be able to join the Council. The Youth Council Members for 2019 were as follows: Nathanael Ball, Ella Spencer, Kaylin Favero, Jaxon Jones, Kate Rowberry, Mina Brunson, Shelby Mugleston, Sarah Ostler, Elizabeth Hamblin, Sam Clark, Lucy Evans and Collin Ross. Other members include Lily Trampleasure, Mayor; Tayton Godwin, Deputy Mayor; Brinley Openshaw,
City Recorder Cindy Quick administered the Oath.

1. UNSCHEDULED PUBLIC APPEARANCES
   Time has been set aside for the public to express their ideas, concerns, and comments. (Please limit comments to three minutes per person. Please state your name and address.)

   John Brusard, a resident, believed that Highland City was not a destination community, so having 27 pickleball courts would not be supported. He suggested having six to eight courts instead.

   Brandon Backman, a resident, informed the Council that he had been promoting Beacon Hills Park for the past ten years. He noted that the Mountain Ridge Park would partially be paid for by the sale of excess property but he preferred to see that money be spent to finish existing parks in Highland instead.

   Doug Turner, a resident, echoed Mr. Backman’s comments. When he moved to Highland, he was excited at the prospect of having a park behind his home but he realized that it had remained unfinished for ten years. He urged the City to use the funds to finish the park, rather than start a new one.

   Sara Hamblin, a resident, said that she loved living in the Beacon Hills community and she would like to see the park finished as well. She reported that there was a porta-potty located near her home and noted that it has been blown over frequently. Her kid’s friends would often come to her home to use their bathroom when that happens.

   Jean Carter, a resident of Beacon Hills, said that they had been waiting for the park to be finished for ten years. She had faithfully paid the $20 monthly fee for green space which totaled $2,400 and the park was still only three-quarters of the way finished. She requested that the City finish the park before they spend money on a new park.

   Thomas Richey, a resident, said that his father was the Mayor when the Beacon Hill subdivision was put in. The intention was to finish the park as funding came in. Concerning pickleball, Mr. Richey was unsure that 27 pickleball courts would be self-sustaining.

3. CONSENT ITEMS
   Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Councilmembers may pull items from consent if they would like them considered separately.

   a. ACTION: Approval of Meeting Minutes
      Special City Council Work Session November 20, 2018
      Regular City Council Meeting December 4, 2018
      Special City Council Session December 17, 2018

   b. ACTION: Preliminary and Final Plat Approval for Petra Place Subdivision
      Council will consider a request from Clyn & Nianne Young for final plat approval of a 3-lot single family subdivision located at 11144 N 5500 W. The Council will take appropriate action.
Council Member Ed Dennis requested continuing the approval of the minutes from the December 4, 2018, because he had not had a chance to fully review them yet.

Council Member Ed Dennis MOVED to approve the minutes from November 20, 2018, and December 17, 2018 (as amended), as well as the Preliminary and Final Plat Approval for Petra Place Subdivision. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:
- Council Member Brian Braithwaite: Yes
- Council Member Ed Dennis: Yes
- Council Member Tim Irwin: Yes
- Council Member Kurt Ostler: Yes
- Council Member Scott L. Smith: Yes

The motion passed.

Council Member Ed Dennis MOVED to continue the minutes from December 4, 2018, until the next Council Meeting. Council Member Tim Irwin SECONDED the motion.

The vote was recorded as follows:
- Council Member Brian Braithwaite: Yes
- Council Member Ed Dennis: Yes
- Council Member Tim Irwin: Yes
- Council Member Kurt Ostler: Yes
- Council Member Scott L. Smith: Yes

The motion passed.

4. PUBLIC HEARING/RESOLUTION: UPDATING THE FEE SCHEDULE FOR PRESSURIZED IRRIGATION AND STORM DRAIN RATES FOR NON-RESIDENTIAL USERS

Assistant City Administrator Erin Wells oriented the Council regarding a proposal to update the fee schedule for pressurized irrigation (PI) and storm water rates for non-residential users. She explained that an audit was conducted on the rates and some discrepancies were found. Non-residential users were defined as businesses, churches and schools. Currently, the PI rate was a base rate of $20 and a square footage rate based on the entire lot. The storm drain rate was a square footage rate of the parking lot. With this system, the City was essentially charging users double for parking lots. Staff was proposing a PI base rate of $20.12 for every lot and a square footage rate based on permeable surfaces. They were also proposing a storm drain rate based on the square footage of all non-permeable surfaces. There were 58 non-residential customers in the City, and 24 of those were churches or schools. Some of their bills would go up and some would go down, but overall there would be a net decrease. With the proposed changes, the PI fund would decrease $27,000 annually, which was only a 1% decrease in revenue. Staff was not concerned about the long-term effects for the PI fund. The next utility rate increase would take place in 2021, and the Council would review the rates at that time to ensure that they were still adequate. Storm drain would see a decrease of $18,000 annually.

Council Member Brian Braithwaite wanted to be sure that every fund was paying for itself. He asked if the City could still meet the obligations they had with the 1% annual decrease. He also wondered if they should raise the rate now instead of waiting until 2021.
City Administrator Nathan Crane reminded the Council that they recently had a discussion about the PI master plan. Once that was completed, the City would start looking at the utility rate study for PI and determine whether the rate needed to be changed. They could address this utility earlier than 2021.

Finance Director Gary LeCheminant was not concerned with the decrease.

Mayor Mann opened the public hearing at 8:02 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:
There were none.

Mayor Mann closed the public hearing at 8:02 PM.

Council Member Ed Dennis MOVED that City Council approve Resolution R-2019-01 updating the fee schedule for Pressurized Irrigation and Storm Drain rates for non-residential users. Council Member Brian Braithwaite SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite  Yes
Council Member Ed Dennis  Yes
Council Member Tim Irwin  Yes
Council Member Kurt Ostler  Yes
Council Member Scott L. Smith  Yes

The motion passed.

5. ACTION/ORDINANCE: APPROVAL OF AN ORDINANCE TO REGULATE SMALL CELL INSTALLATION AND MAINTENANCE

City Attorney Tim Merrill oriented the Council regarding an ordinance to regulate Small Cell installation and maintenance. He explained Small Cells could be attached to poles or buildings to enhance WiFi connectivity. State Law requires that the City allow these small cell devices but the City could regulate where they could be installed and how many.

Council Member Ed Dennis commented that this was a very lengthy ordinance for such a small item. Attorney Tim Merrill explained that some cities were implementing most of these terms through a franchise agreement. He was concerned that something like that could become a negotiation, so he proposed an ordinance that would establish all of those terms.

Council Member Brian Braithwaite commented that the League of Cities and Towns had been studying this for two years and he commended staff for being ahead of the game. It would be a great benefit to the residents but it was good to establish the rules now before companies came in asking to install them.

Jim Russard, a resident, said that there was virtually no signal in his neighborhood and he felt the technology would definitely be helpful to the residents.

Council Member Tim Irwin MOVED that City Council adopt the ordinance regulating small cell facilities within Highland City.
Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite  Yes
Council Member Ed Dennis  Yes
Council Member Tim Irwin  Yes
Council Member Kurt Ostler  Yes
Council Member Scott L. Smith  Yes

The motion passed.

6. ACTION: APPROVAL OF THE FINAL MASTER PLAN FOR MOUNTAIN RIDGE PARK

City Administrator Nathan Crane first stated that staff’s role was to present information to the Council regarding the issue. It was the Council’s role to decide what would be best for the residents of Highland. The City had received a number of comments from the community, both negative and positive. He noted that they were under a compressed timeframe and were already at least a month behind. Staff wanted direction from the Council before holding a community open house and beginning the conditional use process. He gave a brief background of the project and said that the City purchased the property in 2008 prior to the construction of the subdivision that surrounded it. The City used funds from the park bond to purchase it and the land was designated as a major park with sports complexes. An open house was held in November and many public comments were made. Staff took those comments into consideration and created the proposed master plan. The plan included 27 pickleball courts, a central food court, two multi-use playing fields, an all-accessible playground, a large pavilion, a restroom building, a Parks maintenance building, and 180 parking spaces. He then addressed funding and emphasized that the numbers were estimates. Parking and road improvements would be roughly $981,000; the pickleball courts with lighting and restrooms would be $3 million; the east field would be $670,000; the west field would be $742,000; and the playground would be $811,000. It was noted that the City Council had no desire to go into future debt to complete the park, so they would be using existing funds. Staff estimated $1.1 million to $1.6 million in existing revenue to put toward the park, with a portion of that coming from the sale of property at Spring Creek Park. Because the property was purchased with the park bond, the funds were restricted and could only be used for capital park projects. Staff estimated operations and maintenance to be $50,000 to $55,000 annually. Additionally, there would be an increase cost of $30,000 to $60,000 for Recreation staff.

Council Member Tim Irwin asked if the Recreation staff would be in charge of scheduling all parks and City Administrator Nathan Crane answered affirmatively. If this park were added to the City, Recreation would need another staff member to handle scheduling for all parks and fields. Assistant City Administrator Erin Wells added that the scheduling was done online but still took a lot of time for staff to create the schedule and resolve conflicts as they arise.

Council Member Scott L. Smith asked about the soccer fields, and Assistant City Administrator Erin Wells said that there were nine in the City. City Administrator Nathan Crane said that they could have three rotating fields at Mountain Ridge Park. They could also look at doing baseball fields which was the original intention for the park.

Council Member Scott Smith asked if there had been any report from the advocates raising money for the all-accessible playgrounds and City Administrator Crane responded that he had not had contact with them recently.
Council Member Smith asked about a small strip of land on the master plan and staff explained that the area could be used for bocce ball or another amenity. It was not included in the overall budget.

Council Member Smith asked if the pickleball courts could be restriped for tennis and a resident said that they could not. There was some discussion regarding the reasons why the courts could not be used for both. If the courts were converted into tennis courts, it would be a permanent change.

Chris Thackery, the pickleball ambassador for the Alpine tournament, explained that playing pickleball on tennis courts was not ideal because there was not adequate fencing.

Kendal Zimmerman, a resident, was concerned about the impact the park would have on the houses to the south and west of the park. There would be traffic congestion, noise, and light pollution.

Robert Williams, a resident, was concerned that the proposed location for the all-accessible playground was not close enough to the parking lot. He understood that they did not want a playground close to the street but children with disabilities should still be able to access the all-accessible playground. He also was not in favor of putting the Parks maintenance building as part of the park property. He emphasized the importance of the Council being transparent in this endeavor and wanted to be sure that they truly were looking at all the options.

Robert Strong, a resident, felt happy to see they planned for a bocce ball area, because there was a decent amount of interest in that at the neighborhood meeting.

Jim Russard, a resident, commented that only three pickleball courts could fit within a full tennis court.

Thomas Richey, a resident, asked what the City intended as far as phasing. He was worried about starting another park that the City could not complete.

Mayor Mann said that 60% of the money from the sale of the park property would be put toward this project, with the other 40% being used on other parks in the City.

Brad Pace, a resident, believed that pickleball tournaments would have a lot of participation. He felt that they may see between 500 and 600 people. In terms of congestion, that would be about the size of a normal LDS Stake Conference. He did not believe that tournaments would cause a traffic concern. Light pollution should not be an issue, because there had been a lot of advances in lighting technology to minimize those concerns.

Tim Alders, a resident, commented that he wondered when the government would stop funding entertainment for other people. He felt that a small percentage of the population played pickleball and it did not feel it was right to make the citizenship pay for the entertainment of a few people. He was concerned about how the City would fund the maintenance of the park. He asked if the pickleball courts would be self-sustaining because he did not want his taxes raised to pay for it.

Cory Wilkinson, a resident, did not think that the proposed park was for the benefit of the community as a whole but for a small collection of people. The City should not be funding a park that they only hoped would sustain itself.

Mary Waters, a resident, was excited about the prospect of having a park near her home but was concerned about the proposal. She previously worked at a basketball facility near the point of the mountain that was supposed to host tournaments. However, tournaments and sponsorships did not come. Now, that building was a warehouse. She also noted that Highland did not have amenities to accommodate tournaments, such
as hotel and restaurants and would not benefit from the potential increase for those services. She asked if the park would still happen if the sponsorship did not come in.

Council Member Brian Braithwaite explained that if sponsorships did not happen, the park would move forward with significantly fewer courts. He noted that donations would only cover the pickleball facility, not the entire park. Leagues and tournaments would help pay for the maintenance. He commented that any park would have costs associated with it, even if it were just soccer fields.

Council Member Scott L. Smith added that pickleball tournaments would not take place every week. The courts would be open the rest of the year to be used by citizens.

Ms. Waters felt that the process was very quick and she would like to see the Council take more time in making the decision.

Lorna Reed, a resident, said that she had lived in the area for 22 years and all that time they anticipated a park for the property. She never had a green space for her children to play in while they were growing up, however, she paid her park fee for as long as there had been a park bond. She divulged that she was the one who initiated the discussion about pickleball at this location and she had worked hard to make it happen. At first, they thought about doing eight courts but that would not be self-sustaining. It was her understanding that the magic number for a self-sustaining pickleball area was 27 courts. She also reported that no taxes would be raised to create the courts. She and her associates were working diligently to find sponsorships and donations. She had attended every City Council meeting where the proposal for pickleball was discussed, and she put in a lot of hours seeking donors. She commented that if residents wanted to make changes in their community, they just needed to put the time and effort into getting it done.

Brad Pace, a resident, explained that there were three activities that could generate revenue on the courts: reservation fees from everyday use, fees from leagues and clinics, and local regional tournaments. He encouraged everyone to look at tournaments.com to see what kind of revenue could be generated by different types of tournaments. The City could use their discretion on how the courts were rented out and what those fees would be.

Mayor Mann asked the Council for their thoughts on the proposal.

Council Member Tim Irwin was very supportive of pickleball and emphasized that the City would not be spending more money than it had in the creation of the park. The park would be funded by the sale of property and donations. Other users had come to light during the process, including baseball, bocce ball, tennis, and even a skate park. If the Council voted to approve the master plan, it did not guarantee that this park would be built; it would only be built if the funds were available.

Council Member Scott L. Smith stated that the City had set in motion a way to pay off the existing park bonds. Once those bonds were paid off, the money that had previously been going to the bond could go directly to parks. It was the Council’s understanding that the people of Highland wanted to be debt free.

Council Member Irwin said that the Council was adamant about not spending more than it had.

Council Member Brian Braithwaite said that transparency was essential. The Council was going down the path with pickleball courts because they thought it was a good idea. He thanked the residents for their input and questions. He took time to address some concerns. The Mountain Ridge Park was originally designed as a baseball park but he felt that was no longer the most useful design for the City. Pickleball was an up-and-coming sport and was family-oriented. There was always the option to repurpose the courts if the sport were to dwindle out in 20 years. Pickleball would be noisy but so would any other use they put in the park.
The reason the City was under the gun to get the courts build was because of funding opportunities. He was confident that the pickleball courts, soccer fields, and other amenities would be used by Highland residents. The Council and staff had spent many hours researching and considering the option. There would be another open house where residents could ask questions and give feedback on the design of the park.

Alan Rencher, a resident, supported the building of parks and he was excited to use this one. He encouraged the Council to rely on facts and statistical data. He requested that a legitimate traffic study be conducted so the City had a better understanding of what this use could generate. He also felt concerned that secret meetings were happening behind closed doors. He said the first time he heard about the proposed park was in December. Although he supported the park and pickleball, he felt that 27 courts were too many.

Vanessa Moody, a resident, said she was an avid athlete and also enjoyed pickleball. However, she also thought that 27 courts were excessive. She was concerned about the impact of traffic on the local subdivision, school, and churches, and she asked that a traffic study be done. She also hoped that the City could find a better location for the courts.

Council Member Brian Braithwaite said that 27 courts would bring in tournaments and much needed donations. Anything less would not be able to pay for itself. The City could pay to maintain eight courts, or they could have 27 courts that generate enough money to pay for maintenance. The Council had considered other areas in the City but this was the only place that was feasible.

Sheraka Kellen, a resident, suggested that the Council look at the pickleball courts in St. George because they spread their courts out. She asked what the plan would be for the area if the courts were not built.

Council Member Braithwaite explained that the park would be built differently if they did not get the money for the pickleball courts. They would not build 27 courts unless they received funding. The park would be redesigned at that point.

Council Member Tim Irwin understood the residents’ concerns about unfinished parks but all of those unfinished parks were being used and enjoyed by Highland residents. The previous and current City Councils had been adamant about paying for the parks as funding comes in.

Chris Thackery, a resident, explained that St. George had 24 courts and their City Council was currently considering putting in an additional 12. Orem had built several courts which were always busy and difficult to schedule. If Highland were to do a small number of courts to accommodate the locals, it would not generate donations.

Council Member Kurt Ostler asked for an update on their fundraising efforts, and Mr. Thackery reported that a GoFundMe account had been started and they had received $2,500 from individuals. It had been more difficult to get donations from corporations because they did not have a master plan to present to them. Lorna Reed stated that they had between $40,000 and $50,000 in pledges. Once they had a master plan, she was sure that more solid donations would be generated.

There was a discussion about the timeline for donations and tournaments. If they were not able to break ground in January, their opportunity for a fall tournament would roll over to the next year. Council Member Ed Dennis commented that one tournament had decided to stay in Brigham City but there was still the possibility of getting another tournament to Highland within the year. City Administrator Nathan Crane explained that if the Council wanted to move forward, the City would start the process and spend $100,000 in drawings and engineering.
Council Member Kurt Ostler asked how much they anticipated raising and Ms. Reed said their goal was at least $750,000, but she anticipated raising more than that.

Council Member Ed Dennis said they had been very open in public meetings about the timeline. The funding window closed on December 31st. Companies may not be willing to donate until the fourth quarter of 2019. He was in favor of the proposed master plan but wondered about how quickly they should be moving. There was a discussion regarding corporate funding, and Ms. Reed again emphasized how important it was for a master plan to be in place.

Council Member Ed Dennis reiterated that they needed to have a master plan approved so that Ms. Reed could have something substantial to show potential donors and fundraising targets needed to be reached by a certain time for it to be feasible. He thought it was premature to move forward with a formal design, but they needed to approve the master plan.

Council Member Brian Braithwaite said that the date of March 1st was already established as the day the funding needed to be in place to move forward with the courts and they should stick to that commitment.

City Administrator Nathan Crane said that they would need to start construction in March if they wanted to have a facility open in September and were already a month behind in meeting that deadline. They needed to do construction drawings now if they wanted to meet the goal.

Council Member Brian Braithwaite MOVED to approve the proposed Final Master Plan as presented for Mountain Ridge Park.
Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite  Yes
Council Member Ed Dennis  Yes
Council Member Tim Irwin  Yes
Council Member Kurt Ostler  No
Council Member Scott L. Smith  Yes

The motion passed 4:1.

The consensus of the Council was to begin construction drawings.

NOTE: The Council took a five-minute break and reconvened at 10:16 p.m.

7. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS
   a. Cemetery Policy – City Recorder Cindy Quick

City Recorder Cindy Quick presented some statistics regarding the cemetery. Recently, there had been some complaints regarding the cleanup policy and it had been suggested that a small change to the policy may help. Under the current policy, Highland City does a full clean up four times a year. They also do weekly maintenance of perishable items. During that maintenance the cemetery is mowed and any item that interferes with the mower would be removed, however, employees often put them back. Every time the City completes a major cleanup, they receive complaints; however, they do not receive complaints about the weekly cleanup. It was difficult for staff to determine what should remain on a headstone and what be cleaned off, which is why the City opted to do a complete cleanup. Staff compared the policy to the policies of surrounding communities and found that American Fork and Pleasant Grove do a complete cleanup twice a year. Orem does a complete cleanup once per year. All cemeteries do weekly maintenance.
She asked the Council if they wanted to change the policy to reduce the number of cleanings and if staff should retain items that are removed from headstones for families to claim.

Tim Alders, a resident, spoke passionately about his daughter’s burial place. He had decorated her headstone with plastic flowers, Christmas lights, and other non-perishable items. However, after a major cleanup, he found those items carelessly tossed next to the garbage can. Mr. Alders felt that he owns the property and it was a criminal act for the City to remove anything from it. He felt if the City must remove items, they should store them inside somewhere, so that families could get the items back.

Mayor Mann agreed that items should be retained and stored in a safe area. He suggested that staff could provide certain hours for families to come and pick up their items and have a staff member available to help. Unfortunately, there would be no way to prove whether or not the items belonged to that person.

Council Member Brian Braithwaite asked how much space they would need to retain items after a major cleanup. Josh Castleberry responded that there were at least two pickup trucks full of items after Memorial Day and that did not include perishable flowers. He also noted that the cleanup dates were posted at all three entrances to the cemetery. Staff was concerned about reducing the number of major cleanup days because the wind blows items around. They would spend more hours during the weekly cleaning if they went down to two or three major cleanups a year. It was noted that the current policy was put in place roughly eight years ago because they had received complaints when they were only doing one annual cleanup.

After some discussion, the Council decided to keep the number of major cleanup days but wanted to find a better place to store items taken from headstones during those cleanups. City Engineer Todd Trane suggested having a Conex storage unit on site to store the items. Eventually, staff wanted to have a permanent storage facility on site but felt a storage unit could suffice for now. They would post hours when staff would be available to help families retrieve their items. It was also suggested to alter the signage to make it clear that the four cleanup days would be a complete cleanup.

**b. Recycling Contract** – Assistant City Administrator Erin Wells
Assistant City Administrator Erin Wells explained that the City was charged three different ways for garbage. They pay Republic Services to haul garbage from residents’ homes to various locations, North Pointe charges tipping fees to take the garbage, and there were costs for employee salaries. The recycling from the City was taken to Rocky Mountain Recycling and Republic Services pays those tipping fees. The average cost for recycling tipping fees had increased from $4 per ton to $50 per ton. Therefore, Republic Services was asking for a contract amendment so that the City could help cover those tipping fees. The current contract goes through June 2020. If the Council wanted to amend the contract, staff recommended that they first enter into a contract with Rocky Mountain Recycling to pay the fees with them because it would be less risk to the City. They also recommended that the Council adjust all rates now to a level where they were meeting the cost of providing services through the end of the contract. Currently, the revenue from garbage was more than they needed and they were putting $23,000 per year into the General Fund in subsidy.

The Council expressed concerns about garbage subsidizing recycling. They asked if they could renegotiate the contract to extend beyond 2020. Assistant City Administrator Erin Wells said that Republic Services may consider a longer term if the City took on some recycling costs. City Administrator Nathan Crane noted that the City received criticism when they extended the contract last time without going out for bid.
Council Member Brian Braithwaite suggested splitting the fees in half rather than taking on the entire fee. It would help the City maintain a good relationship with Republic Services and they may come back with a better deal for Highland in the future.

The Council requested more data regarding the number of cans in the City and how tipping fees were calculated, etc., before making a decision on the contract.

c. Funding Needs FY 19/20 - City Administrator Nathan Crane

City Administrator Nathan Crane oriented the Council regarding the funding requests for Fiscal Year 19/20. There had been a lot of discussion about the significant increase to public safety but Highland simply did not have the funding to accommodate it. He asked the Council if they were interested in implementing a Public Safety Fee. A decision on this needed to be made by May 2\textsuperscript{nd} in order to go through the required process.

Mayor Mann reported that he had started a discussion about this with residents and they seemed to be more favorable to a fee rather than increased taxes. Council Member Brian Braithwaite commented that residents were generally more interested in paying costs for public safety than anything else.

Council Member Ed Dennis suggested making the change in the next fiscal year to give the City more time to educate the public and conduct surveys. He wanted to postpone the fee until the Council had a better feel of the situation.

There was a discussion about the pros and cons of proposing the fee during an election year. Council Member Ed Dennis suggested that they put more effort into getting their own zip code which may generate additional revenue from online sales. Council Member Scott L. Smith agreed.

Police Chief Brian Gwilliams said that the public safety issues were based around personnel. They were running against a deadline and if the City chose to wait they will lose out. He was willing to put the legwork in to get it going. He felt the City had already kicked the “can” down the road for six years and were well behind the curve.

Council Member Dennis understood that it was a major concern for public safety but the City would not be able to fund it. They needed to look into doing some serious cuts.

Fire Chief Reed Thompson responded that they had already cut everything they could and their request was for just the essentials. He would like to have the opportunity to speak with the Council about their needs.

Council Member Smith was fine with a public safety fee but he thought that they should address increases after the economic study had been completed. Council Member Ed Dennis agreed. The economic study would provide a lot of good data to help residents understand why fees needed to increase.

d. Annual Survey - Assistant City Administrator Erin Wells

Assistant City Administrator Erin Wells outlined the plan for the 2019 resident survey and passed out the most recent version. In the past, residents had been able to fill out a paper survey or complete the survey online but there was a concern that people could take the online survey over and over again. Upon research, she found some tools that would prevent this from happening and it would cost roughly $300. There was no way to guarantee that the surveys were taken by Highland residents, however. They could ask for addresses on the survey but then staff would have to go through each of those addresses to ensure that they
were in Highland. It was possible but it would take a lot of staff time. She asked if the Council would be interested in doing paper surveys only.

Council Member Scott L. Smith asked why they were asking for gender on the survey. Assistant City Administrator Erin Wells explained that they use the information as a census. She could more confidently generate the survey results if the demographics matched up with the general population. They could also use the information to cross tabs with library-specific questions. The Council consensus was for both paper and online surveys to be made available.

8. FUTURE MEETINGS
   a. Future Meetings
      • January 15, Joint Planning Commission & City Council Work Session, 7:00 pm, City Hall
      • January 22, City Council Meeting, 7:00 pm, City Hall
      • January 29, Planning Commission Meeting, 7:00 pm, City Hall

9. CLOSED SESSION
   The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

At 11:36 PM Council Member Scott L. Smith MOVED that the City Council recess to convene in a closed session to discuss the purchase, exchange, or lease of real property as provided by Utah Code Annotated §52-4-205.

Council Member Tim Irwin SECONDED the motion.

The vote was recorded as follows:
   Council Member Brian Braithwaite   Yes
   Council Member Ed Dennis            Yes
   Council Member Tim Irwin             Yes
   Council Member Kurt Ostler           Yes
   Council Member Scott L. Smith        Yes

The motion passed unanimously.

ADJOURNMENT
Council Member Ed Dennis MOVED to adjourn the CLOSED SESSION and Council Member Kurt Ostler SECONDED the motion. All voted yes and the motion passed unanimously.

The CLOSED SESSION adjourned at 12:26 PM.

Council Member Ed Dennis MOVED to adjourn the regular meeting and Council Member Brian Braithwaite SECONDED the motion. All voted yes and the motion passed unanimously.

The meeting adjourned at 12:27 PM.

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 8, 2019. This document constitutes the official minutes for the Highland
City Council Meeting.

Cindy Quick, CMC
City Recorder
STAFF RECOMMENDATION:
Accept the changes to Section 2 of the Interlocal Cooperation Agreement with the Utah County Major Crimes Task Force, allowing the Mayor to sign the agreement along with the City Recorder, and City Attorney. This agreement needs to be passed by resolution.

BACKGROUND:
This agreement has been previously signed and is being amended to address any claim or lawsuit arising out of Task Force investigations.

The Utah County Major Crimes (UCMC) Task Force was created in the mid 1990’s to initially address drug and gang problems throughout the county. The task force is a combined effort of all law enforcement agencies throughout the county to continue to address criminal and unlawful activity throughout its cities. This is accomplished by agencies contributing funds and/or personnel to meet its goals. Although we do not have officer(s) assigned specifically to the task force we do contribute monetarily and is budgeted for each fiscal year. In our current fiscal year 2018-19 our assessment to UCMC was $9,140. This assessment is calculated by using population numbers throughout the county.

FISCAL IMPACT:
This action will not have a financial impact on this fiscal year budget expenditures.

PROPOSED MOTION:
I move that the City Council approve Resolution No. R-2019-02 accepting changes to Section 2 of the Interlocal Cooperation Agreement with the Utah County Major Crimes Task Force.

ATTACHMENTS:
1. Interlocal Agreement
2. Proposed Changes to Section 2
INTERLOCAL COOPERATION AGREEMENT

by and between

UTAH COUNTY, UTAH

PROVO CITY

CITY OF OREM

PLEASANT GROVE CITY

AMERICAN FORK CITY

ALPINE CITY

SPANISH FORK CITY

SANTAQUIN CITY

LEHI CITY

SPRINGVILLE CITY

PAYSON CITY

MAPLETON CITY

SALEM CITY

SARATOGA SPRINGS CITY

LINDON CITY

LONE PEAK PUBLIC SAFETY DISTRICT

CITY OF CEDAR HILLS

and

HIGHLAND CITY

Relating to the establishment of an intergovernmental program known as the

Utah County Major Crimes Task Force
INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT, made and entered into by and between UTAH COUNTY, UTAH, a body corporate and politic of the State of Utah, PROVO CITY, CITY OF OREM, PLEASANT GROVE CITY, AMERICAN FORK CITY, ALPINE CITY, SPANISH FORK CITY, SANTAQUIN CITY, LEHI CITY, SPRINGVILLE CITY, PAYSON CITY, MAPLETON CITY, SALEM CITY, SARATOGA SPRINGS CITY, LINDON CITY, CITY OF CEDAR HILLS, and HIGHLAND CITY, all municipal corporations and LONE PEAK PUBLIC SAFETY DISTRICT.

WITNESSETH:

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953, as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action to provide police protection; and WHEREAS, all of the parties to this Agreement are public agencies as defined in the Interlocal Cooperation Act; and

WHEREAS, all of the parties to this Agreement share common problems related to illegal production, manufacture, sale, and use of controlled substances, illegal gang-related activities, and serious property crimes, within their jurisdictions, in violation of Federal and State laws; and

WHEREAS, effective investigation and prosecution of violations of the Controlled Substances Acts, gang-related activities, and serious property crimes requires specialized personnel and regional cooperation;
NOW, THEREFORE, the parties do mutually agree, pursuant to the terms and provisions of the Interlocal Cooperation Act, as follows:

Section 1. Effective Date; Duration.

This Interlocal Cooperation Agreement shall become effective and shall enter into force, within the meaning of the Interlocal Cooperation Act as to any signing party, upon the submission of this Interlocal Cooperation Agreement to, and the approval and execution hereof by the executive power or legislative body of at least two of the public agencies which are parties to this Agreement. The term of this Interlocal Cooperation Agreement shall be from the effective dates hereof until December 31, 2026. This Interlocal Cooperation Agreement shall not become effective until it has been reviewed for form and compatibility with the laws of the State of Utah by the attorney for each of the parties to this Agreement. Prior to becoming effective, this Interlocal Cooperation Agreement shall be filed with the person who keeps the records of each of the parties hereto. All parties hereto agree that the execution of this Agreement shall operate to terminate any prior Agreements.

Section 2. Administration of Agreement.

The parties to this Agreement do not contemplate nor intend to establish a separate legal entity under the terms of this Interlocal Cooperation Agreement. The parties to this Agreement do agree, pursuant to Section 11-13-207, Utah Code Annotated, 1953, as amended, to establish a joint administrative board responsible for administering the joint undertaking to be known as the Utah County Major Crimes Task Force, hereinafter referred to as the Task Force. The Administrative Board shall consist of one representative from each party to this Agreement and the Utah County Attorney. The appointed representatives shall serve at the pleasure of the elected governing body of the respective parties to this Agreement. Each member of the Administrative Board shall be
allowed one vote and all matters shall be determined, after appropriate discussion, by majority
vote. The Administrative Board shall adopt such rules and procedures regarding the orderly
conduct of its meetings and discussions, including the frequency and location of meetings, as it
shall deem necessary and appropriate.

The Administrative Board shall appoint one peace officer to act as the Task Force Director
and one peace officer to act as Field Supervisor for Task Force operations. The Administrative
Board shall also appoint six members to act as the Executive Board in addition to the Utah County
Attorney who shall be a permanent member of the Executive Board. The duties of the Executive
Board shall be to execute and carry out policies established by the Administrative Board and to
establish policies and procedures for the day to day operations of the Task Force. The Executive
Board shall report to the Administrative Board at least monthly. Appointed members of the
Executive Board may be removed at any time by a majority vote of the Administrative Board.

The CITY OF OREM is appointed by the parties to this Agreement as the financial
department for the Task Force. The CITY OF OREM shall oversee the accountability of the Task
Force, including the budget. Monies paid to the Task Force shall be deposited with and accounted
for by the CITY OF OREM. Funds shall be audited in accordance with standard financial
procedures and regularly established laws relating to audit and management of public funds. The
CITY OF OREM shall facilitate and make available checking accounts and procurement
procedures.

In addition to the above administration, the Utah County Attorney's Office is designated as
the entity which will provide legal advice on civil matters related to Task Force operations. Since
a separate entity is not created pursuant to this Agreement, in the event a member law enforcement
officer or their employing agency becomes the subject of a claim or lawsuit arising out of Task
Force investigations and or operations, the individual law enforcement officer or his employing agency will be required to defend itself. If 2 or more member law enforcement officers or their employing agencies become the subject of the same claim or lawsuit arising out of Task Force operations and or investigations (hereinafter Defendant(s)), no Defendant will enter into a settlement of all or a portion of the claim or lawsuit without first promptly, and at least two weeks prior to entering into the settlement of all or a portion of the claim or lawsuit, notify all other Defendant(s) (including their employing law enforcement agencies if the agency is not a named party) of the terms and conditions of the proposed settlement. All notified Defendant(s) (including their employing law enforcement agencies if the agency is not a named party) shall keep the proposed settlement confidential and will not disclose the terms and conditions thereof except to the notified Defendant(s)’s attorneys, insurers and officials necessary to evaluate the proposed settlement.

The parties hereto agree that the secretary assigned to do work for the Task Force will be a full-time employee of the CITY OF OREM. Orem employee(s) assigned to the Task Force shall exercise control and supervision over the secretary and shall be responsible for conducting his or her employee evaluations. The Task Force secretary shall be subject to the personnel policies and procedures of the CITY OF OREM. The Task Force secretary shall be classified as a “Secretary” under Orem’s personnel classification system and shall receive all compensation and benefits normally associated with that classification.

The parties hereto agree to reimburse the CITY OF OREM for all costs associated with the employment of the Task Force secretary, including salary, benefits, workers’ compensation and unemployment compensation. The CITY OF OREM shall participate in its pro rata share of the costs. The parties hereto also agree to indemnify and hold the CITY OF OREM harmless from and
against any claim, action or damages arising out of the employment of the Task Force secretary. The intent of this paragraph is to make the CITY OF OREM completely whole so that it is not required to pay more than its normal pro rata share of all costs associated with the employment of the Task Force secretary, whether those costs be the routine costs of employment, or costs incurred due to claims or actions brought by, against, because of, or related to the Task Force secretary. The CITY OF OREM shall not have any obligation to retain the secretary or provide other employment for the secretary in the event that the Task Force dissolves, the position is eliminated, or the person is terminated from that position.

The parties hereto agree that when officers are acting under the direction of the Administrative Board, Executive Board, Task Force Director, or Field Supervisor, they are functioning in a “Task Force operation.”

If a member jurisdiction wishes to request that the Task Force take over an investigation, the member’s chief of police shall submit a request in writing to the Task Force Director of the Task Force. The request shall include: [1] the date of the request; [2] an explanation concerning how the proposed investigation fits within the purposes of the Task Force; and [3] the person(s) and/or crime(s) to be investigated. If the Task Force Director determines that the Task Force should take over the proffered investigation, he shall sign the acceptance portion of the request and affix the date and time of his signature. The investigation shall become a “Task Force operation” upon the Task Force Director’s execution of the acceptance.

Any assistance provided by Task Force officers to a member jurisdiction outside the scope of a written request shall not be governed by this Agreement.

The parties hereto agree that when officers are functioning in a Task Force operation not within the officers’ home jurisdiction, but within the jurisdiction of a member city, the officers are
not required to notify the member city of their presence. Prior to entering a non-member city, 
officers shall notify the non-member city of their intentions to enter that non-member city.

Section 3. Purposes.

The Utah County Major Crimes Task Force is created for the purpose of enforcing, 
investigating, and prosecuting violations of narcotics and controlled substances laws of the State 
of Utah and the United States of America at all levels and to coordinate the efforts of the member 
entities to combat gang-related activities and serious property crimes.

Section 4. Manner of Financing.

The operation of the Utah County Major Crimes Task Force shall be financed by any and 
all available State and Federal monies offered for such purposes and by direct contributions of 
money, personnel, and equipment from parties to this Agreement. The Executive Board shall 
review budget and expenses on a yearly basis together with a proposed budget for the coming year 
as prepared by the Field Supervisor. The Executive Board shall then establish a yearly budget. 
Unless otherwise provided by action of the Administrative Board, the Task Force shall operate on 
a fiscal year basis. Upon submission of the yearly budget to the Administrative Board, the Board 
shall assess each member its proportionate share based upon population figures of the Governor’s 
Office of Planning and Budget. Any such assessments shall include assessments necessary for any 
matching of State or Federal grants. Each party agrees to pay its required assessment within thirty 
days of formal notification of the assessment by the Administrative Board unless said party 
withdraws from participation. In the event a party to this Agreement fails to pay its required 
assessment within thirty days of formal notification of the assessment, that party shall be deemed 
to have withdrawn from participation in this Agreement and that party's rights shall be determined 
as set forth in Section 8.
Section 5. Participation.

Each party to this Agreement shall provide manpower, equipment and funds each year as determined by the Administrative Board. In the event a party to this Agreement fails to provide its required manpower, equipment, or funds within thirty days of formal notification of the requirement, that party shall be deemed to have withdrawn from participation in this Agreement and that party’s rights shall be determined as set forth in Section 8. Officers supplied shall be Category I Peace Officers of the State of Utah. Personnel assigned to Task Force operations shall comply with policies and procedures as established by the Administrative and Executive Boards. Personnel shall act under the command of the Task Force Director and the Field Supervisor. In the event of a conflict between department policy of a member party and Task Force policy, as established pursuant to this Agreement, Task Force officers shall abide by Task Force policy.

Section 6. Seizures and Forfeitures.

Both Federal and State law provide for forfeiture and seizure of property used for, or otherwise connected with, violations of the various controlled substances laws and gang-related activities. Some of the forfeiture provisions may allow for direct transfer of property or money to the Task Force. Other seizure or forfeiture statutes require transfer of seized or forfeited property only to the Sheriff’s Office or to the Police Department of a party to this Agreement. Parties to this Agreement hereby agree that any property, money, or equipment seized or forfeited as a result of Task Force operations shall immediately be dedicated to Task Force operations. Funds derived from such forfeitures and seizures shall not reduce participants' obligations to provide money, manpower, or equipment as established by the Administrative Board.

Notwithstanding the foregoing, forfeitures and seizures resulting from operations of police departments or the Utah County Sheriff’s Office not related to Task Force operations shall be
conducted separately and independently from Task Force operations. Property, cash, or equipment obtained by forfeiture or seizure through such non-Task Force operations shall become and remain the property of the involved agency as provided by law.

In the event Task Force personnel and non-Task Force personnel are jointly involved in an operation, forfeiture or seizure of any available property will be aggressively pursued. The matter will be submitted to the Administrative Board who shall determine, by majority vote, the appropriate distribution of recovered property or proceeds. It is recognized and understood by all parties to this Agreement that joint operations shall include those operations in which both Task Force and non-Task Force personnel are involved in the planning and investigation. Other enforcement actions may involve Task Force or non-Task Force personnel in a backup or supportive role which shall not require proportionate distribution of seized or forfeited property or proceeds.

**Section 7. Addition of Other Members.**

Other public agencies or other persons may become parties to this Interlocal Cooperation Agreement upon approval by the Administrative Board by executing an Addendum to this Agreement. In order for a public agency to be added to this Agreement by Addendum, the Addendum must be approved by the executive power or legislative body of the public agency to be added and the Addendum must be reviewed and Reviewed for form and compatibility with the laws of the State of Utah by the attorney for the public agency to be added. Prior to becoming effective, this Interlocal Cooperation Agreement and the Addendum shall be filed with the person who keeps the records of the public agency being added to this Agreement.
Section 8. Termination.

This Interlocal Cooperation Agreement may be completely terminated at any time by a majority vote of the Administrative Board. Any party to this Agreement may, at the sole option of the party, pursuant to resolution and formal action of the governing body of the member, withdraw from participation in this Agreement at any time without liability for unpaid present or future assessment. Upon the unilateral withdrawal of a member from participation under this Agreement, the Agreement shall not automatically terminate with regard to the remaining members, but shall continue in force and effect as to the remaining members. Withdrawing parties shall immediately lose any rights to participation in the administration or conduct of this Agreement or the Major Crimes Task Force. Officers of the withdrawing member, upon withdrawal, shall immediately cease participation in any Task Force operations. Property contributed to Task Force operations by the withdrawing member shall be returned to the withdrawing member as soon as reasonably practical, provided that in no event shall the security of ongoing operations or the health and safety of officers continuing to participate in Task Force operations be jeopardized by the immediate withdrawal of equipment or personnel. The withdrawing member shall not be entitled to any share of property or equipment seized or forfeited to the Task Force until complete termination of this Agreement and pursuant to the provisions for disposition of property as hereinafter provided.

Upon the complete termination of this Agreement, Task Force operations shall cease as quickly as practically possible, provided that in no case shall the security of ongoing investigations be jeopardized or the safety or welfare of officers acting pursuant to Task Force operations be jeopardized. Ongoing investigations shall be transferred to appropriate police departments as determined by the Task Force Director. Evidence, information, and data, including copies of all relevant police reports, shall be transferred and made available to appropriate agencies which will
continue the investigations as they deem appropriate. Any evidence not clearly associated with ongoing investigations shall remain in the evidence room in which it is located and shall be made available by the custodial member as needed for continuing prosecution or law enforcement purposes until ordered released or disposed of by the Utah County Attorney's Office in accordance with State law. Files or other investigative reports not directly involved in ongoing investigations shall be transferred to the Utah County Attorney's Office which shall keep and maintain such files in accordance with State law relating to management of public documents. Property held by the CITY OF OREM which has been derived from Task Force operations, other than property from direct contribution pursuant to assessment from members to this Agreement, shall be distributed back to members in shares proportionate to population and length of participation in Task Force operations. Length of participation shall be determined as commencing from execution of the initial Interlocal Cooperation Agreement to formal termination of participation as herein above provided.

**Section 9. Manner of Holding, Acquiring, or Disposing of Property.**

Title to property or equipment contributed by a member to this Agreement shall remain in the contributing member's name. Property or equipment obtained directly from Task Force operations or forfeited to the Task Force as a result of Task Force operations shall be titled in the name of the CITY OF OREM until dissolution or distribution as herein above provided.

**Section 10. Indemnification.**

All parties to this Agreement are agencies or political subdivisions of the State of Utah. Each of these parties agrees to indemnify and save harmless the others for damages, claims, suits, and actions arising out of negligent errors or omissions by its own officers or agents in connection with this agreement or the operation of the Utah County Major Crimes Task Force.
Section 11. Amendments.

This Interlocal Cooperation Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be (a) approved by the executive power or legislative body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and Reviewed by the Utah County Attorney, and the attorney for each public agency which is a party to this Agreement as required by Section 11-13-202.5, Utah Code Annotated, 1953, as amended, and (d) filed in the official records of each party.

Section 12. Severability.

If any term or provision of the Interlocal Cooperation Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Interlocal Cooperation Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Interlocal Cooperation Agreement unenforceable.


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

Section 14. Counterparts.

This Interlocal Cooperation Agreement shall be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Each entity shall return a signed copy of its signature page and Resolution authorizing execution of the signature page to the Utah County Clerk/Auditor to be attached to Utah County’s original
Agreement. As each entity’s signature page is attached to Utah County’s original Agreement, Utah County will cause a copy of the signature page to be distributed to all entities.

**Section 15. Agreement Review and Updates**

The Task Force Director shall review and sign this Agreement annually and submit the Agreement to the parties for updating if necessary. The Task force Director is authorized to annually sign the agreement and execute certificates, acknowledgments or other evidences of proof of review and or updating as required by applicable laws, rules or regulations.

IN WITNESS WHEREOF, the parties have signed and executed this Interlocal Cooperation Agreement, after resolutions duly and lawfully passed, on the dates listed below:
HIGHLAND CITY

Authorized by Resolution No. __________, authorized and passed on the __________ day of _______________, 2019.

____________________________________
MAYOR

ATTEST:       Reviewed as to form and compatibility with the laws of the State of Utah

___________________________________   __________________________________
CITY RECORDER     CITY ATTORNEY
Section 2. Administration of Agreement.

The parties to this Agreement do not contemplate nor intend to establish a separate legal entity under the terms of this Interlocal Cooperation Agreement. The parties to this Agreement do agree, pursuant to Section 11-13-207, Utah Code Annotated, 1953, as amended, to establish a joint administrative board responsible for administering the joint undertaking to be known as the Utah County Major Crimes Task Force, hereinafter referred to as the Task Force. The Administrative Board shall consist of one representative from each party to this Agreement and the Utah County Attorney. The appointed representatives shall serve at the pleasure of the elected governing body of the respective parties to this Agreement. Each member of the Administrative Board shall be allowed one vote and all matters shall be determined, after appropriate discussion, by majority vote. The Administrative Board shall adopt such rules and procedures regarding the orderly conduct of its meetings and discussions, including the frequency and location of meetings, as it shall deem necessary and appropriate.

The Administrative Board shall appoint one peace officer to act as the Task Force Director and one peace officer to act as Field Supervisor for Task Force operations. The Administrative Board shall also appoint six members to act as the Executive Board in addition to the Utah County Attorney who shall be a permanent member of the Executive Board. The duties of the Executive Board shall be to execute and carry out policies established by the Administrative Board and to establish policies and procedures for the day to day operations of the Task Force. The Executive Board shall report to the Administrative Board at least monthly. Appointed members of the Executive Board may be removed at any time by a majority vote of the Administrative Board.

The CITY OF OREM is appointed by the parties to this Agreement as the financial department for the Task Force. The CITY OF OREM shall oversee the accountability of the Task Force, including the budget. Monies paid to the Task Force shall be deposited with and accounted for by the CITY OF OREM. Funds shall be audited in accordance with standard financial procedures and regularly established laws relating to audit and management of public funds. The CITY OF OREM shall facilitate and make available checking accounts and procurement procedures.

In addition to the above administration, the Utah County Attorney's Office is designated as the entity which will provide legal advice on civil matters related to Task Force operations. Since a separate entity is not created pursuant to this Agreement, in the event a member law enforcement officer or their employing agency becomes the subject of a claim or lawsuit arising out of Task Force investigations and or operations, the individual law enforcement officer or his employing agency will be required to defend itself. If 2 or more member law enforcement officers or their employing agencies become the subject of the same claim or lawsuit arising out of Task Force operations and or investigations (hereinafter Defendant(s)), no Defendant will enter into a settlement of all or a portion of the claim or lawsuit without first promptly, and at least two weeks prior to entering into the settlement of all or a portion of the claim or lawsuit, notify all other Defendant(s) (including their employing law enforcement agencies if the agency is not a named party) of the terms and conditions of the proposed settlement. All notified Defendant(s) (including their employing law enforcement agencies if the agency is not a named party) shall keep the proposed settlement confidential and will not disclose the terms and conditions thereof except to the notified Defendant(s)’s attorneys, insurers and officials necessary to evaluate the proposed settlement.
The parties hereto agree that the secretary assigned to do work for the Task Force will be a full-time employee of the CITY OF OREM. Orem employee(s) assigned to the Task Force shall exercise control and supervision over the secretary and shall be responsible for conducting his or her employee evaluations. The Task Force secretary shall be subject to the personnel policies and procedures of the CITY OF OREM. The Task Force secretary shall be classified as a “Secretary” under Orem’s personnel classification system and shall receive all compensation and benefits normally associated with that classification.

The parties hereto agree to reimburse the CITY OF OREM for all costs associated with the employment of the Task Force secretary, including salary, benefits, workers’ compensation and unemployment compensation. The CITY OF OREM shall participate in its pro rata share of the costs. The parties hereto also agree to indemnify and hold the CITY OF OREM harmless from and against any claim, action or damages arising out of the employment of the Task Force secretary. The intent of this paragraph is to make the CITY OF OREM completely whole so that it is not required to pay more than its normal pro rata share of all costs associated with the employment of the Task Force secretary, whether those costs be the routine costs of employment, or costs incurred due to claims or actions brought by, against, because of, or related to the Task Force secretary. The CITY OF OREM shall not have any obligation to retain the secretary or provide other employment for the secretary in the event that the Task Force dissolves, the position is eliminated, or the person is terminated from that position.

The parties hereto agree that when officers are acting under the direction of the Administrative Board, Executive Board, Task Force Director, or Field Supervisor, they are functioning in a “Task Force operation.”

If a member jurisdiction wishes to request that the Task Force take over an investigation, the member’s chief of police shall submit a request in writing to the Task Force Director of the Task Force. The request shall include: [1] the date of the request; [2] an explanation concerning how the proposed investigation fits within the purposes of the Task Force; and [3] the person(s) and/or crime(s) to be investigated. If the Task Force Director determines that the Task Force should take over the proposed investigation, he shall sign the acceptance portion of the request and affix the date and time of his signature. The investigation shall become a “Task Force operation” upon the Task Force Director’s execution of the acceptance.

Any assistance provided by Task Force officers to a member jurisdiction outside the scope of a written request shall not be governed by this Agreement.

The parties hereto agree that when officers are functioning in a Task Force operation not within the officers’ home jurisdiction, but within the jurisdiction of a member city, the officers are not required to notify the member city of their presence. Prior to entering a non-member city, officers shall notify the non-member city of their intentions to enter that non-member city.
The City Council approve the resolution to create a Library Fund in accordance to Utah Code Annotated 9-7-401.

The Highland City Library is supported through a dedicated property tax. State code 9-7-401 requires a separate Library fund be created by the City to house Library funds. Once the fund is created, the Library revenues and expenses will no longer be part of the General Fund but will be housed in the Library Fund.

After analyzing the original budget amounts and expenditures, I am recommending some adjustments to the Library Budget for 2018-2019. These adjustments were approved by the Library Board on January 16. The major adjustments are:

- An increase of $11,300 in the Equipment item line to enable the purchase of a new copier and a laptop cart with 9 laptops to be used for the new children’s coding class and potential teen coding classes.
- An increase of $2,000 in the Books/Materials item line to purchase access to more e-books for Highland patrons through Overdrive.
- An increase of $5,000 in the Programs line. 70% of that budget is already spent. The extra would enable the continuation of our regular story times, our new after school STEM programs, plans for an improved summer reading program, and would support a large family program planned for March called the Fairytale Ball and Tournament.
- A decrease of $2,000 in Phone Reimbursement because more was budgeted than was needed.
- An increase of $900 in the Uniforms and Employee Misc. line because it was overdrawn to cover the cost of flying candidates to Utah for interviews for the director position last fall.
- A decrease of $3,700 in the **Continuing Education** line because I will attend only one national conference.
- An increase of $1,000 in the **Office Supplies** line. The Library spent more than expected in this category because of the cost of processing the extra books purchased to meet the NUCLC requirement.
- An increase of $1,200 in the **Capital Outlay** line to cover the cost of wooden ends for the new shelf configuration that were installed over Christmas.

**FISCAL IMPACT:**
The new budget will have an increase of $15,750 in expenditures for a total of $327,813. This does not exceed the projected revenue in the original budget of $327,873, but instead brings the Library budget more in line with projected revenue.

**PROPOSED MOTION:**
I move that City Council approve the resolution for the creation of the Library Fund and the adjustments as recommended by the Library Director and Board.

**ALTERNATIVE MOTION:**
None

**ATTACHMENTS:**
1. Resolution
2. Proposed Budget Adjustments
WHEREAS, the Highland City Council finds that it is in the best interest of Highland City to create a Library Fund (“Fund”) for the Library, and

WHEREAS, the Fund will provide for the day-to-day operations of the library, and

WHEREAS, there is a need to adopt regulations associated with the Fund.

NOW THEREFORE BE IT RESOLVED by the Council that the Library Fund is hereby created as follows:

SECTION 1. The Library Fund Regulations are as follows:

1) Revenues for the Library Fund shall be constituted as follows:
   i. All tax money received or collected for the Library
   ii. A portion of the statewide uniform fees outlined in 9-7-401 of the Utah State Code Tax establishment and maintenance of public library – City Library Fund.
   iii. All other fines or fees collected by the Library
   iv. All other grant monies or other revenue collected by the Library.
2) All funds deposited shall not be used for any purpose except that of the Library.
3) Total expenditures shall not exceed total revenues.

SECTION 2. This Resolution shall take effect on January 23rd, 2019.

ADOPTED by the City Council of Highland City, Utah, this 22nd day of January, 2019.

HIGHLAND CITY, UTAH

ATTEST:  Rod Mann, Mayor

__________________________________________
COUNCILMEMBER YES NO

Cindy Quick, City Recorder

Brian Braithwaite □ □
Ed Dennis □ □
Tim Irwin □ □
Kurt Ostler □ □
Scott Smith □ □
The City Council approve the mid-year budget adjustments as recommended by the Finance Director.

BACKGROUND:
Each fiscal year after the budget has been approved in June, it is sometimes necessary to make adjustments to various expense and revenue accounts because of unplanned or unforeseen needs or because forecasts/estimates of revenues or expenses have turned out different from the original budget numbers. Mid-year budget adjustments allow the City to review the budget status halfway through the budget year.

All of the proposed adjustments are shown on Attachment 1. The following is a discussion of the most significant adjustments:

**Building Permit Reduction**
The original budget included an estimate of 85 permits for new homes. To date there have been 32 permits issued for new homes. As a result, the yearly estimate is being revised to 65 new home permits. This will reduce the revenue as follows:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Account Title</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-32-21</td>
<td>Building Permits</td>
<td>$50,000</td>
</tr>
<tr>
<td>40-34-71</td>
<td>Park Impact Fees</td>
<td>$87,530</td>
</tr>
<tr>
<td>41-34-72</td>
<td>Road Impact Fee</td>
<td>$56,855</td>
</tr>
<tr>
<td>42-36-12</td>
<td>PSD Impact Fee</td>
<td>$22,332</td>
</tr>
<tr>
<td>52-37-20</td>
<td>Sewer Impact Fees</td>
<td>$42,500</td>
</tr>
<tr>
<td>53-37-20</td>
<td>PI Impact Fee</td>
<td>$114,840</td>
</tr>
<tr>
<td>54-37-70</td>
<td>Storm Sewer Permit Fee for New Construction</td>
<td>$15,000</td>
</tr>
<tr>
<td>55-37-20</td>
<td>Culinary Water Connection Fee</td>
<td>$10,760</td>
</tr>
</tbody>
</table>
The decrease in building permit revenue will also require a transfer expense of $11,166 from the General Fund to cover the payment of the Building Bond and $43,765 to cover the payment of the Park Bond. The total net impact to the General Fund is -$104,931.

**Library Fund**

In the original approved budget, and for the past 10 years, the library was part of the General Fund. Since July 1, 2018, the library is now its own fund (Fund 22). This change is required by state law and has made the comparison of revenues versus expenses transparent. As its own separate fund the Library’s fund balance cannot go negative meaning total expenses cannot exceed total revenue. Including the cross charges, the library’s expenses exceed revenues by $77,257. The cross charges total $77,317. Therefore, to cover the negative budgeted fund balance, the Finance Director is recommending a transfer of $77,317 to the library fund that brings net revenue over expenses to $60.

When the library was in the General Fund, the cross charges were offset by a total library indirect revenue account so that the net effect of the cross charges was zero in the General Fund. With library now as a separate fund, the transfer to the library to cover the cross charges has a true negative affect on the General Fund because there is no indirect revenue back into the General Fund. It should be noted that included in library revenue now is its portion of the motor vehicle tax that is collected every month.

**Sale of Property**

In August 2018, the City received $358,055 from the sale of City owned property near Highland Hideaway Storage. As previously discussed by the Council, this money has been transferred from the General Fund to the Capital Park Fund Account 10-40-78 for the construction of Mountain Ridge Park. These funds are currently being used to cover the design costs for the park.

**Council Approved Expenditures**

Since the adoption of the budget, the Council has approved the following expenditures:

- $75,000 for an Update to the General Plan
- $32,500 for the Economic Development Plan/Market Analysis
- $105,000 for the design of Mountain Ridge Park (see above discussion)

**Miscellaneous Changes**

- An increase of $18,000 in the Building Maintenance expenses 10-43-34 for the repair of panic buttons, the building access system, etc.
- An increase of $10,000 in Legal Fees expenses 10-49-31 is also proposed. The original budget was $40,000. Of this amount $25,075 or 62.7% allocated has been spent.
- A decrease in Civil Review Fee revenue 10-34-21 of $10,000 due to the lack of development applications.
- A decrease in miscellaneous revenue 10-38-91 of $15,000

**Previous Years Revenue**

Due to all of the revenue decreases and expense increases discussed above, an additional $261,000 of previous years’ revenue is needed.
Conclusion

General Fund
The General Fund revenue budget will be increasing from $9.00 Million to $9.23 Million, an increase of $226,000.

The General Fund Expenditures increase from $8.98 Million to $9.23 Million, an increase of approximately $250,000.

The amended budget shows revenue exceeding expenses by $37 rather than the $19,000 in the approved budget.

Enterprise Funds

Other than the adjustments related to the decrease in fees collected related to the decrease in building permits, the major adjustments are as follows:

- Revenue in the PI fund has been increase by $395,000 due to money received by the assignment of enclosed pressurized irrigation water shares to various developments.
- The costs of billing for each utility were underestimated in the original budget and have therefore been increased by $3,000 in each account.
- The salary and benefits budget in the Sewer Fund were decreased by $33,000 and $16,000 respectively with an increase by those same amounts in the PI Fund salary and benefits accounts. The actual costs going into those accounts were correct but the budgeted amounts were incorrect.

FISCAL IMPACT:
An additional $261,000 of previous years’ revenue is needed to cover the costs associated with the General Plan, Economic Development Plan/Market Analysis, Building Maintenance Increases, and losses in Building Permit Revenues.

PROPOSED MOTION:
I move that City Council Approve the proposed mid-year budget adjustments for fiscal year 2019.

ALTERNATIVE MOTION:
None.

ATTACHMENTS:
1. FY2019_BudAdjPs_1stHalf_Approved_by_CityCouncil
### Highland City Financials---Mid Year FY 2019 Budget Adjustments

#### FY 2019 Actuals are for July to December 2018

#### FY 2019 Budget is for July 2018 to June 2019

All Prior Year Actuals are for July to June of the following year

<table>
<thead>
<tr>
<th>Account Number</th>
<th>General Fund</th>
<th>REVENUE-TRANSFERS Account Title</th>
<th>Dept.</th>
<th>Actual</th>
<th>Actual</th>
<th>Prior year 2</th>
<th>Prior year 2 Budget</th>
<th>Actual</th>
<th>Actual</th>
<th>Adjusted</th>
<th>Percent of Budget Needed</th>
<th>Adjustment</th>
<th>Adjustment</th>
<th>Reason For Budget Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-30-32</td>
<td>Building Permits</td>
<td>Gen. Fund Revenue</td>
<td>485,156</td>
<td>466,911</td>
<td>155,677</td>
<td>350,000</td>
<td>(50,000)</td>
<td>300,000</td>
<td>Building permits lower than estimated</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10-32-33</td>
<td>General Fund Surplus</td>
<td>Gen. Fund Revenue</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>195,000</td>
<td>263,000</td>
<td>458,100</td>
<td>458,100</td>
<td>increase use of prior fund balance to balance the Gen. Fund budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10-33-34</td>
<td>State Liquor Fund Allotment</td>
<td>Gen. Fund Revenue</td>
<td>11,396</td>
<td>10,725</td>
<td>11,467</td>
<td>10,500</td>
<td>109.2%</td>
<td>967</td>
<td>11,467</td>
<td>Adjust to match actual amount received</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>10-34-21</td>
<td>Civil Review Fee</td>
<td>Gen. Fund Revenue</td>
<td>38,325</td>
<td>28,188</td>
<td>4,374</td>
<td>20,000</td>
<td>(10,000)</td>
<td>10,000</td>
<td>Lowering estimated budget amount</td>
<td></td>
<td></td>
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<tr>
<td>10-38-40</td>
<td>Sale of Fixed Assets</td>
<td>Gen. Fund Revenue</td>
<td>299,750</td>
<td>0</td>
<td>358,055</td>
<td>0</td>
<td>358,055</td>
<td>358,055</td>
<td>One time sale, Patterson, not in budget</td>
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<tr>
<td>10-38-91</td>
<td>Miscellaneous Revenue</td>
<td>Gen. Fund Revenue</td>
<td>39,819</td>
<td>38,714</td>
<td>100</td>
<td>30,000</td>
<td>(15,000)</td>
<td>15,000</td>
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<tr>
<td>10-41-63</td>
<td>Forecast Development</td>
<td>Council</td>
<td>0</td>
<td>18,598</td>
<td>4,983</td>
<td>0</td>
<td>32,500</td>
<td>32,500</td>
<td>Market study and Gen. Fund Study</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>10-43-11</td>
<td>Salaries/Wages</td>
<td>Admin</td>
<td>86,536</td>
<td>96,673</td>
<td>38,922</td>
<td>94,484</td>
<td>(7,247)</td>
<td>87,237</td>
<td>Lowering estimated budget amount</td>
<td></td>
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<td>10-43-13</td>
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<td>Admin</td>
<td>44,388</td>
<td>45,323</td>
<td>16,892</td>
<td>43,238</td>
<td>(4,787)</td>
<td>38,451</td>
<td>Lowering estimated budget amount</td>
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<td></td>
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<td>10-43-28</td>
<td>Telephone</td>
<td>Admin</td>
<td>11,280</td>
<td>11,988</td>
<td>8,396</td>
<td>11,252</td>
<td>74.6%</td>
<td>4,748</td>
<td>16,000</td>
<td>Increasing estimated budget amount</td>
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<tr>
<td>10-43-32</td>
<td>Postage</td>
<td>Admin</td>
<td>4,113</td>
<td>5,000</td>
<td>3,036</td>
<td>4,000</td>
<td>75.9%</td>
<td>2,000</td>
<td>6,000</td>
<td>Postage going to one account</td>
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<td>10-43-34</td>
<td>Building Maintenance</td>
<td>Admin</td>
<td>62,120</td>
<td>82,484</td>
<td>21,859</td>
<td>36,000</td>
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<td>18,000</td>
<td>54,000</td>
<td>Tig City Alarm expenses of $18,000</td>
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<td></td>
<td></td>
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<tr>
<td>10-46-28</td>
<td>Phone Reimbursement</td>
<td>Finance</td>
<td>1,080</td>
<td>1,080</td>
<td>650</td>
<td>1,080</td>
<td>60.2%</td>
<td>600</td>
<td>1,860</td>
<td>Candice’s reimbursement is in this account</td>
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<tr>
<td>10-49-31</td>
<td>Professional &amp; Technical Ser</td>
<td>Attorney</td>
<td>49,225</td>
<td>42,275</td>
<td>25,075</td>
<td>40,000</td>
<td>62.7%</td>
<td>10,000</td>
<td>50,000</td>
<td>Expect and increase in legal fees</td>
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<td>Special Projects</td>
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<td>75,000</td>
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<td>10-60-61</td>
<td>Drug Testing</td>
<td>Streets</td>
<td>0</td>
<td>1,260</td>
<td>362</td>
<td>250</td>
<td>144.8%</td>
<td>200</td>
<td>450</td>
<td>Increase in drug testing costs</td>
<td></td>
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<tr>
<td>10-70-47</td>
<td>Charging for PI</td>
<td>Parks</td>
<td>100,000</td>
<td>100,000</td>
<td>54,000</td>
<td>100,000</td>
<td>54.0%</td>
<td>8,000</td>
<td>108,000</td>
<td>Slight increase in parking acreage</td>
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<td></td>
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<tr>
<td>10-72-11</td>
<td>Salaries/Wages</td>
<td>Comm. Events</td>
<td>28,219</td>
<td>35,055</td>
<td>14,965</td>
<td>29,072</td>
<td>4,000</td>
<td>33,072</td>
<td>Assistant to Julie T. for the Fling</td>
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<tr>
<td>10-72-55</td>
<td>Highland Filing Expense</td>
<td>Comm. Events</td>
<td>40,733</td>
<td>60,325</td>
<td>50,287</td>
<td>58,000</td>
<td>86.7%</td>
<td>(6,000)</td>
<td>52,000</td>
<td>Adjust Expense downward</td>
<td></td>
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<tr>
<td>10-73-26</td>
<td>Utility Billing</td>
<td>Garbage</td>
<td>7,410</td>
<td>6,491</td>
<td>3,965</td>
<td>6,400</td>
<td>62.0%</td>
<td>1,600</td>
<td>8,000</td>
<td>Utility billing underestimated in original budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>10-90-90</td>
<td>Transfer to Capital Imp Fund</td>
<td>Transfers</td>
<td>631,050</td>
<td>717,000</td>
<td>0</td>
<td>656,797</td>
<td>358,055</td>
<td>1,014,851</td>
<td>Move Patterson property sale to Cap. Parks</td>
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<td></td>
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<tr>
<td>10-90-91</td>
<td>Transfer to Debt Service Fund</td>
<td>Transfers</td>
<td>616,574</td>
<td>587,000</td>
<td>656,431</td>
<td>601,500</td>
<td>109.1%</td>
<td>54,931</td>
<td>656,431</td>
<td>Lower impact fee collections causes a larger transfer from the general fund</td>
<td></td>
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<tr>
<td>10-90-93</td>
<td>Transfer to Library Fund</td>
<td>Transfers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>61,000</td>
<td>16,317</td>
<td>77,317</td>
<td>Transfer full amount of cross charges</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>20-43-36</td>
<td>Utility Billing</td>
<td>Open Space</td>
<td>6,865</td>
<td>6,491</td>
<td>3,965</td>
<td>5,000</td>
<td>79.3%</td>
<td>3,000</td>
<td>8,000</td>
<td>Utility billing underestimated in original budget</td>
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<tr>
<td>20-32-90</td>
<td>Transfer from General Fund</td>
<td>Library</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>61,000</td>
<td>16,317</td>
<td>77,317</td>
<td>Transfer to library full amount of cross charges</td>
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<td>22-32-10</td>
<td>Fees &amp; Fines</td>
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<td>0</td>
<td>7,563</td>
<td>24,000</td>
<td>(14,200)</td>
<td>9,800</td>
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<td>Non-Resident Cards</td>
<td>Library</td>
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<td>0</td>
<td>8,780</td>
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<td>22-32-12</td>
<td>Proctoring Services</td>
<td>Library</td>
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<td>160</td>
<td>0</td>
<td>500</td>
<td>500</td>
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<td>22-32-13</td>
<td>Printing</td>
<td>Library</td>
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<td>203</td>
<td>0</td>
<td>500</td>
<td>500</td>
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<tr>
<td>22-34-11</td>
<td>Salaries/Wages</td>
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<td>0</td>
<td>0</td>
<td>25,008</td>
<td>74,027</td>
<td>(4,521)</td>
<td>72,500</td>
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<td></td>
<td></td>
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<tr>
<td>22-42-13</td>
<td>Employee Benefits</td>
<td>Library</td>
<td>0</td>
<td>0</td>
<td>17,462</td>
<td>49,366</td>
<td>1,514</td>
<td>50,000</td>
<td>library budget revised and true-up</td>
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<tr>
<td>22-43-14</td>
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<td>53,242</td>
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<td>119,215</td>
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<tr>
<td>22-43-21</td>
<td>Equipment</td>
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<td>0</td>
<td>4,025</td>
<td>5,000</td>
<td>80.5%</td>
<td>11,300</td>
<td>16,300</td>
<td>library budget revised and true-up</td>
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<td>22-43-22</td>
<td>Friends of Lib./Found. Exp.</td>
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<td>0</td>
<td>0</td>
<td>23</td>
<td>0</td>
<td>50</td>
<td>50</td>
<td>library budget revised and true-up</td>
<td></td>
<td></td>
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<tr>
<td>22-43-23</td>
<td>Books &amp; Materials</td>
<td>Library</td>
<td>0</td>
<td>0</td>
<td>7,511</td>
<td>21,298</td>
<td>2,000</td>
<td>23,298</td>
<td>library budget revised and true-up</td>
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<td></td>
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<tr>
<td>22-43-30</td>
<td>Programming</td>
<td>Library</td>
<td>0</td>
<td>0</td>
<td>2,282</td>
<td>3,500</td>
<td>65.4%</td>
<td>1,000</td>
<td>8,500</td>
<td>library budget revised and true-up</td>
<td></td>
<td></td>
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<td>22-43-31</td>
<td>Phone Reimbursement</td>
<td>Library</td>
<td>0</td>
<td>0</td>
<td>90</td>
<td>2,280</td>
<td>(1,280)</td>
<td>1,000</td>
<td>library budget revised and true-up</td>
<td></td>
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</tbody>
</table>
## Highland City Financials---Mid Year FY 2019 Budget Adjustments

**FY 2019 Actuals are for July to December 2018**

**FY 2019 Budget is for July to June 2019**

### All Prior Year Actuals are for July to June of the following year

<table>
<thead>
<tr>
<th>Account Number</th>
<th>General Fund</th>
<th>Percent of</th>
<th>Budget</th>
<th>Balance After</th>
<th>Reason For Budget Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>21-43-11</td>
<td>Uniforms Emp/Misc.</td>
<td>Library</td>
<td>0</td>
<td>10,760</td>
<td>395,000</td>
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<tr>
<td>21-43-32</td>
<td>Library</td>
<td>0</td>
<td>2,500</td>
<td>2,500</td>
<td>library budget revised and true-up</td>
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<tr>
<td>21-43-33</td>
<td>Cross Charge Bldg. Maint.</td>
<td>Library</td>
<td>0</td>
<td>(16,000)</td>
<td>(16,000)</td>
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<tr>
<td>21-43-35</td>
<td>Cross Charge Bldg. Utilities</td>
<td>Library</td>
<td>0</td>
<td>(42,500)</td>
<td>(42,500)</td>
</tr>
<tr>
<td>21-43-63</td>
<td>Cross Charge Insurance</td>
<td>Library</td>
<td>0</td>
<td>(22,332)</td>
<td>(22,332)</td>
</tr>
<tr>
<td>21-43-70</td>
<td>Capital Outlay</td>
<td>Library</td>
<td>0</td>
<td>(56,855)</td>
<td>(56,855)</td>
</tr>
<tr>
<td>30-30-90</td>
<td>Transfer from Capital Proj Bld</td>
<td>Debt Service</td>
<td>60,712</td>
<td>395,000</td>
<td>395,000</td>
</tr>
<tr>
<td>30-30-91</td>
<td>Transfer from General Fund</td>
<td>Debt Service</td>
<td>616,574</td>
<td>395,000</td>
<td>395,000</td>
</tr>
<tr>
<td>30-30-92</td>
<td>Transfer from Cap Proj Park</td>
<td>Debt Service</td>
<td>195,297</td>
<td>395,000</td>
<td>395,000</td>
</tr>
<tr>
<td>30-40-90</td>
<td>Transfer from General Fund</td>
<td>Capital Parks</td>
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<td>358,055</td>
<td>358,055</td>
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<td>30-40-91</td>
<td>Park Impact Fees</td>
<td>Capital Parks</td>
<td>409,198</td>
<td>358,055</td>
<td>358,055</td>
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<tr>
<td>30-40-78</td>
<td>Mountain Ridge Park</td>
<td>Capital Parks</td>
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<td>287,876</td>
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<tr>
<td>30-40-90</td>
<td>Transfer to Debt Service Fund</td>
<td>Capital Parks</td>
<td>195,297</td>
<td>287,876</td>
<td>287,876</td>
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<tr>
<td>31-40-74</td>
<td>Impact Fees</td>
<td>Capital Roads</td>
<td>308,490</td>
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<td>287,876</td>
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<td>32-42-12</td>
<td>PISD Impact Fee</td>
<td>Capital Bldg.</td>
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<td>42-90-00</td>
<td>Transfer To Debt Service</td>
<td>Capital Bldg.</td>
<td>60,712</td>
<td>287,876</td>
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<tr>
<td>52-37-20</td>
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<td>Sewer</td>
<td>269,272</td>
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<td>52-40-11</td>
<td>Salaries/Wages</td>
<td>Sewer</td>
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<td>Employee Benefits</td>
<td>Sewer</td>
<td>75,078</td>
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<td>52-40-18</td>
<td>Mobile Telephones</td>
<td>Sewer</td>
<td>2,058</td>
<td>287,876</td>
<td>287,876</td>
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<tr>
<td>52-40-36</td>
<td>Utility Billing</td>
<td>Sewer</td>
<td>15,109</td>
<td>287,876</td>
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<tr>
<td>53-37-10</td>
<td>Service Charges</td>
<td>PI</td>
<td>2,116,759</td>
<td>287,876</td>
<td>287,876</td>
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<tr>
<td>53-37-11</td>
<td>Special Service Charges</td>
<td>PI</td>
<td>9,030</td>
<td>287,876</td>
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<td>Impact Fees</td>
<td>PI</td>
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<td>53-40-11</td>
<td>Salaries/Wages</td>
<td>PI</td>
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<td>287,876</td>
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<td>53-40-13</td>
<td>Employee Benefits</td>
<td>PI</td>
<td>59,110</td>
<td>287,876</td>
<td>287,876</td>
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<td>53-40-36</td>
<td>Utility Billing</td>
<td>PI</td>
<td>7,385</td>
<td>287,876</td>
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<tr>
<td>54-37-30</td>
<td>Storm Sewer Collection Fees</td>
<td>Storm Sewer</td>
<td>442,462</td>
<td>287,876</td>
<td>287,876</td>
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<td>54-37-30</td>
<td>Fuel and Sewer New Construction</td>
<td>Storm Sewer</td>
<td>87,750</td>
<td>287,876</td>
<td>287,876</td>
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<tr>
<td>54-37-30</td>
<td>Utility Billing</td>
<td>Storm Sewer</td>
<td>7,385</td>
<td>287,876</td>
<td>287,876</td>
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<tr>
<td>55-37-20</td>
<td>Connection Fees</td>
<td>Culinary</td>
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<td>287,876</td>
<td>287,876</td>
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<td>55-40-28</td>
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<td>Culinary</td>
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<td>287,876</td>
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<td>Utility Billing</td>
<td>Utility Road</td>
<td>238</td>
<td>287,876</td>
<td>287,876</td>
</tr>
</tbody>
</table>

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N:\Budget\Budget_18_19\FY2019_FS_JultoDec_2018_BudgetAdjustments
Council decide whether to allow the Beautification Committee to start a Community Garden and if so how much if any funding to allocate to the project.

BACKGROUND:
Ashlee Udall, Beautification Committee Chair is petitioning City Council to begin a Community Garden project. The garden would be made up of 12 growing boxes and located in the gravel area between Tuscano and the Fire Station. This property is owned by the City. Once the garden is built, the Beautification Committee would work with residents in the surrounding multi-family communities to rent out the boxes and the renters would be responsible for weeding and watering during the growing season.

Ashlee believes she could raise donations to offset the costs of the garden boxes. She requested the donations be able to be done through a 501(c)3 organization so donors could obtain a tax benefit. We believe the Highland Foundation would be a good potential option for that.

In speaking with Parks Superintendent, Josh Castleberry, he would be fine with the location, however he wasn’t sure what options are available to provide water to the property. That information will be shared Tuesday night.

In speaking with the Lone Peak Fire Chief, Reed Thompson, he did not have any issue with the garden. He just asked that if possible people avoid parking in the Fire station parking lot to allow the ladder truck more negotiation room. As renters of the grow boxes would likely be Tuscano or Coventry residents, we don’t feel like they will need to drive to the garden area so that shouldn’t be an issue.
FISCAL IMPACT:
According to Ashlee’s research, the upfront costs will be $7,000 for the creation of the community garden. This includes soil, fencing with gates, 12 raised beds, water spouts, and a picnic table.

Ashlee is proposing a rental fee of $40 per bed per growing season to help offset the costs of creating the boxes and watering. If all 12 beds were rented, the total revenue would be $480 per year.

PROPOSED MOTION:
I move that City Council approve the creation of a Community Garden by the Beautification Committee and provide $________ in funding for the project.

ALTERNATIVE MOTION:
I move that City Council deny the creation of a Community Garden by the Beautification Committee.

ATTACHMENTS:
1. Ashlee Udall, Beautification Committee Chair’s Report
Community Garden
Under the direction of
The Highland City Beautification Committee

**Purpose:**
1. To provide access to fresh, local produce for residents
2. Meet neighbors and create a sense of community
3. Beautify an overlooked part of Highland City

Many families are located in this area and would benefit, not only from the garden and produce, but more importantly from the friends they will meet and the community the garden will create. We want to make this area a beautiful location where friends and neighbors can gather and support one another.

**Organizer:** A member of the Beautification Committee will elect an individual to care for and maintain the garden. The Committee will report to the City Council. We would like a 3-year contract with the City which may be renewed thereafter.

**When:** Spring season this year, 2019.

**Where:** We’re hoping for the vacant lot between the Fire Station and Toscana community. This lot is currently an eyesore; covered in weeds, rocks, and trash. At times it is considered a fire hazard. I’ve received inquiries asking to clean this lot up. If this lot isn’t available, any lot close to the high-density housing would be appreciated. The closer it is, the greater the success.

**Cost:** We are averaging costs to be around $7,000, depending on lot size.

Approximate costs:
- Soil ~$150/garden bed
- Fencing w/gates ~ depending on lot size and style of fencing
- Raised bed ~$100 each
- Water spouts ~ depending on location of water pipes

**Funding:** There are many grants offered by local companies to promote community gardens. Local businesses and private donations also are welcome. We want to allow donations to be a 501(c)3 under the Beautification Committee to allow tax deductions. We already have one such business pledging a donation.

**The garden will include:**
1. Up to 12 boxes - 1 per family/adult. 4X6 feet. Waiting list if needed.
2. $40 fee/growing season for water expenses.
3. Access to water; faucet sufficient for first year; future drip system.
4. Fencing to prevent dogs. No chain link.
5. A couple boxes for sharing high-yielding produce and herbs.
6. Sitting area (e.g. picnic table)
The City Council approve the real estate purchase contract with Millhaven Development LLC.

BACKGROUND:
On November 13, 2018, the City Council approved a resolution authorizing the disposal of 12 acres of city owned property located at approximately 10029 North 6300 West. The property was purchased in 2007 from the Alpine School District.

The intended purpose of the purchase was for a City Athletic Complex. The purchase of the property was funded by the park bond. Unfortunately, due to budget constraints, there have not been sufficient funds to allow for its development.

The proceeds from the selling of this property would be used for the development of the Mountain Ridge Park property. The Mountain Ridge Park property is located on 10400 North, west of the Junior High and is approximately 17 acres in size. The proposed future development of Spring Creek park would include a 2.34-acre park and up to 12 single-family building lots.

An Open House was held on November 1, 2018 with the adjacent property owners to discuss the disposal of the property. A conceptual subdivision and park plan was presented at this meeting.

In November, the City hired an appraiser to appraise the property. The appraised value was $2,460,000 for all 12 acres or $1,980,300 for 9.66 acres of developable land.
In November 2018, the City solicited a request for proposal from potential purchasers. In December, the City received two bids for the property as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Purchase Price</th>
<th>Park Size (Acres)</th>
<th>Number of Lots</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Gifford</td>
<td>$1,350,000</td>
<td>1.89 acres</td>
<td>12</td>
<td>Includes the cost of the park. Subdivision to include 12 lots with the park in the center of the subdivision.</td>
</tr>
<tr>
<td>Millhaven Homes</td>
<td>$1,915,000</td>
<td>2.34 acres</td>
<td>11</td>
<td>Excludes the cost of the park. Subdivision to be consistent with the City prepared concept plan.</td>
</tr>
</tbody>
</table>

The proposed purchase contract includes the following terms:

- The subdivision will be consistent with the concept plan presented to the Council and residents. The subdivision will comply with the R-1-40 District standard.
- Closing within 30 days of having a plat approved for recordation.
- The cost of the park will be removed from the purchase price if the developer constructs the park.
- The park will be constructed with the initial phase of development.
- Earnest money deposit is $10,000.
- Culinary and pressurized irrigation water shares will be provided by the City.

**FISCAL IMPACT:**

Sixty percent of the net proceeds will be placed in account Park Capital Fund 40-40-78 Mountain Ridge Park and the remaining forty percent will be placed in account Park Capital Fund 40-40-71 Major Park Construction/Repair.

**ATTACHMENTS:**

1. Draft REPC
2. Millhaven Proposal
3. Gifford Proposal
4. Appraisal
5. Spring Creek Development Concept Plan
SPRING CREEK PURCHASE CONTRACT

This Agreement is entered into by and between HIGHLAND CITY ("City" or "Seller"), and MILLHAVEN DEVELOPMENT, LLC ("Millhaven" or "Buyer").

WHEREAS, the City owns property commonly referred to as Spring Creek, referred to herein as "Property" and more particularly described in Exhibit "A", Legal Description;

WHEREAS, Millhaven desires to purchase Property from City pursuant to the terms outlined herein;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

TERMS

1.0 PROPERTY. The Property known as Spring Creek is more particularly described as:

See LEGAL DESCRIPTION, attached hereto as Exhibit "A" to this Agreement.

2.0 AGREEMENT TO SELL; PURCHASE PRICE. Buyer agrees to buy and Seller agrees to sell Property identified in paragraph 1.0. The parties agree the Purchase Price for the Property shall be One Million Nine Hundred Fifteen Thousand Dollars ($1,915,000.00) minus the construction cost of the park if the Buyer constructs the park.

2.1 EARNEST MONEY. Buyer agrees to pay City the sum of Ten Thousand Dollars ($10,000.00) as Earnest Money within ten (10) days of signing this Agreement, to secure and apply towards the purchase of Property. Earnest money shall be refunded to the Buyer in the event that the Seller is unable to perform under the terms of this contract.

2.2 METHOD OF PAYMENT. At Settlement, the entire Purchase Price shall be paid in full to City and the Earnest Money shall be applied toward the Purchase Price.

2.3 FINANCING CONDITION. Buyer's obligation to purchase the Property IS NOT conditioned upon Buyer qualifying for an applicable loan.

2.4 SURVEY OR APPRAISAL. If a survey or appraisal is required, it shall be performed by a mutually agreed party and the cost thereof shall be paid by Buyer.

3.0 REPRESENTATIONS AND DUE DILIGENCE. To the best of Seller's knowledge, the Property contains no hazardous material or pollution of any kind. Prior to February 15, 2019 Buyer may conduct inspections as part of Buyer's due diligence to determine the condition of property. Buyer understands that the Property is sold “as is.” Buyer shall
have the right to enter upon the Property for any needs related to Buyer’s due diligence, including but not limited to engineering studies, soils test, etc. Buyer shall be responsible to return land to the condition it was in before the testing was done.

3.1 **RISK OF LOSS.** All risk of loss and destruction of Property and expenses of insurance, if any, shall be borne by the Seller until date of Possession, at which time property taxes, rents, insurance, interest, and other expenses of the Property shall be prorated.

3.2 **POSSESSION.** Seller shall deliver physical possession to Buyer upon Closing.

3.3 **TITLE INSURANCE.** Seller shall provide Buyer with Owner’s policy of title insurance.

3.4 **SELLER WARRANTIES.** Seller makes no warranties or representations other than it has fee title to the Property and will convey good and marketable title to Buyer.

4.0 **SETTLEMENT AND CLOSING.** Settlement shall take place within thirty (30) days of Buyer receiving a recordable plat which has been approved, engineered, bond requirements met as well as a signed mylar for the Spring Creek subdivision from Highland City, or on a date upon which Buyer and Seller agree in writing. “Settlement” shall occur only when all of the following have been completed: (a) Buyer and Seller have signed and delivered to each other or to the escrow/closing office all documents required by this Contract, by the Lender, by written escrow instructions or by applicable law; (b) any monies required to be paid by Buyer under these documents have been delivered by Buyer to Seller or to the escrow/closing office in the form of collected or cleared funds; and (c) any monies required to be paid by Seller under these documents have been delivered by Seller to Buyer or to the escrow/closing office in the form of collected or cleared funds.

4.1 **CLOSING COSTS.** Buyer and Seller shall each pay their own respective closing costs charged by the escrow/closing office for its services in the settlement/closing process. Taxes and assessments for the current year, rents, and interest on assumed obligations shall be prorated at Settlement.

5.0 **ZONING.** Buyer understands that Property is zoned R-1-40 and agrees to develop land in conformance to City ordinances governing the R-1-40 zone.

5.1 **CULINARY/PRESSURIZED IRRIGATION WATER.** City agrees to provide to all necessary culinary water shares or rights as required under the City Code for the proper development and subdivision of the property and adjacent park.

5.2 **PARK.** Within thirty (30) days of contract acceptance, the Buyer will present to City the cost and final plan for the public park at Spring Creek. At such time, the City will determine if Buyer or another party will construct park. In the event that the City
decides to have Buyer construct the park, Buyer agrees to build the park to design standards, as specified in Exhibit “B”, PARK PLAN and City agrees to reduce the sales price of the property by the amount necessary for Buyer to complete the park. Buyer will begin construction of the park in conjunction with the development of the residential lots.

6.0. COMPLETE CONTRACT. This Contract together with its addenda, any attached exhibits, constitutes the entire Contract between the parties and supersedes and replaces any and all prior negotiations, representations, warranties, understandings or contracts between the parties. This Contract cannot be changed except by written agreement of the parties.

6.1 NO ASSIGNMENT. This Agreement and the rights and obligations of Buyer hereunder, are personal to Buyer. This Agreement may not be assigned by Buyer without the prior written consent of Seller. Provided, however, the transfer of Buyer’s interest in the Agreement to any business entity in which Buyer holds a legal interest shall not be treated as an assignment by Buyer that requires Seller’s prior written consent.

6.2 ELECTRONIC TRANSMISSION AND COUNTERPARTS. Electronic transmission (including email and fax) of a signed copy of this Agreement, or any addenda, shall be the same as delivery of an original.

6.3 ATTORNEY FEES AND COSTS. In the event of litigation to enforce any provision of this Contract, or in case of default, the prevailing party shall be entitled to costs and reasonable attorney fees.

6.4 COUNTERPARTS. This Contract and any addenda and counteroffers may be executed in counterparts.

6.5 SEVERABILITY. The unenforceability or invalidity of any one or more provisions hereof shall not render any other provisions herein contained unenforceable or invalid and each term, covenant and condition hereof shall be enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day, month and year set forth below:

DATE: __________________________

HIGHLAND CITY

Attest:
ROD MANN  
MAYOR

CINDY QUICK  
CITY RECORDER

DATE: __________________________

MILLHAVEN DEVELOPMENT, LLC

BY:
TITLE:
EXHIBIT A

LEGAL DESCRIPTION

COM 10.40 FT S AND 482.74 FT E OF W 1/4 COR OF S2 T5S R1E, SLBM; N 89 DEG 43'52" E 356.78 FT; N 89 DEG 30' E 348.27 FT; S 0 DEG 07'50" E 309.12 FT; N 89 DEG 30' E 72.20 FT; S 0 DEG 07'50" E 339.58 FT; S 89 DEG 30' W 833.82 FT; N 4 DEG 50'20" E 652.96 FT TO BEG. ALSO: COM E 1187.77 FT & S 5.68 FT FR W 1/4 COR SEC 2, T5S, R1E, SLM; N 89 DEG 30'E 43.5 FT; S 75 DEG 49'50'E 29.62 FT; S 07'50"E 301.62 FT; S 89 DEG 30'W 72.2 FT; N 07'50"W 309.12 FT TO BEG. AREA .51 ACRE TOTAL 12 ACRES
Spring Creek Bid
Millhaven Development

December 2018
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  Project Description
  Management
Development Process ............................................................... 3
  Development Plan
  Time-Lines
Marketing .................................................................................. 3
  Market Analysis
Appendix ..................................................................................... 4
  Proposed 2 Acre Park
Appendix ..................................................................................... 5
Executive Summary

Project Description
Spring Creek will consist of 11 lots conforming to the R-1-40 zoning for Highland city. There will be an additional 2 acre park with the proposed design attached as Exhibit A. Millhaven Development proposes an initial purchase price of $1,850,000 million dollars USD, minus the cost of the park which is estimated at $748,240 dollars and attached below as Exhibit B.

It is the intention of Millhaven development to develop and build homes on this project in a manner that will be pleasing to both the city of Highland and the surrounding neighborhood. Millhaven has established itself as the premier builder of high quality homes throughout Utah valley and we are excited to help enhance the rich history of high quality sub-divisions and homes that Highland has become known for.

Management
Management of Millhaven development is being handled by:

Jeremy Ackley; Jeremy is the current owner of Millhaven homes, the premier custom homebuilder in Utah and Millhaven Development. Under his direction Millhaven has grown from a start-up in 2008, at the height of the Real estate downturn, to the number one custom home builder across the Wasatch front. With award winning homes in the previous, 6 parade of homes shows, multiple home builder of the year and performance awards, Millhaven has become the “go-to” builder for any homeowner desiring a high quality home. With his outstanding business acumen and over 20 years of construction experience, Jeremy has established Millhaven for unprecedented growth.

Tyrell Gray; Tyrell has been involved in the Real Estate industry for two decades. With experience involving, home loans, title work, custom home building and Land Development, Tyrell brings a unique perspective to the development arena. Tyrell has been an independent Land Developer and joined forces with Jeremy to expand Millhaven Development as the premier land developer in a strategic manner, lowering overall risk with thorough due diligence and a conservative approach. Each Millhaven Development project has created significant returns due the companies philosophy of organized and strategic processes.
Development Process

Development Plan

The Spring Creek project is an infill project located in the highly desirable city of Highland. The current zoning is R-1-40 and it is the intention of Millhaven development to conform to this zoning. Building 11-12 lots inside the subdivision that will enhance the surrounding neighborhoods. Millhaven will handle all development and entitlement processes with the full intention of using these lots to build custom homes through the Millhaven Construction arm.

Time-Lines

Millhaven Development estimates that they will receive the city approvals as early as April of 2019. As soon as City approvals are completed, Millhaven will begin construction on the sub-division and adjoining 2 acre park (said park will be the sole ownership of the cities upon completion).

Marketing

Millhaven Construction (a sister company of Millhaven development), will begin marketing the project as soon as Millhaven Development has received plat approvals from Highland city. Because of Millhaven extensive marketing reach it is expected that we will be able to sell and build on each of the 11-12 lots within the proceeding 12-24 months. Millhaven development will be primarily responsible for all initial marketing of the project. This will include the use of the state “MLS” (Multiple Listing Service) utilized by Real Estate agents, social media and print ads. The property will also have priority listing from Millhaven homes on their website and by their sells staff. Additional the project will have several physical marketing items placed on the property including signage and individual sales sheets.

Market Analysis

The Highland area has become the premier bedroom community for Utah and Salt Lake Counties. Due to the limited amount of available properties the area has continued to experience exponential growth. Demand as a high-end bedroom community has created a desirable area in need of high quality products, like those provided by Millhaven Development/Homes. There is currently a high demand for the lots in this area and Millhaven expects this homes will start in the low $900k range. These are typically 20,000-30,000 sq foot lots with 3 car garages.
Appendix

Proposed 2 Acre Park
# Appendix

## Park Expense Estimate

### Landscape Components:

<table>
<thead>
<tr>
<th>Description</th>
<th>QTY</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tractor Work: grading and shaping and clearing</td>
<td>1</td>
<td>9250</td>
<td>9250</td>
</tr>
<tr>
<td>Commercial Grade Irrigation System: Includes drip for all bed areas</td>
<td>1</td>
<td>68500</td>
<td>68500</td>
</tr>
<tr>
<td>Screened Topsoil Yards: for 500 Area (400 sqft) and Berms for Areas 19000 sqft</td>
<td>750</td>
<td>25</td>
<td>18750</td>
</tr>
<tr>
<td>Premium 64x7.5 Box Installation and Final Turf/Grass</td>
<td>4000</td>
<td>0.55</td>
<td>2200</td>
</tr>
<tr>
<td>Finish Grade Leveling and Shaping and Hand Labor</td>
<td>1</td>
<td>7200</td>
<td>7200</td>
</tr>
<tr>
<td>Onsite Project Management</td>
<td>1</td>
<td>6175</td>
<td>6175</td>
</tr>
<tr>
<td>2-4&quot; Cobblestone Blend, w/4&quot; BEEF HOLLOW CURVED ROCK ACCENTS In beds incl. fabric</td>
<td>19000</td>
<td>3</td>
<td>57000</td>
</tr>
<tr>
<td>Mixed Variety of large caliper trees: 2-3&quot; Deciduous, and 6-7&quot; Evergreen</td>
<td>56</td>
<td>35</td>
<td>2210</td>
</tr>
<tr>
<td>Mixed Variety of Plants/Shrubs 1 Gal</td>
<td>300</td>
<td>42.5</td>
<td>12750</td>
</tr>
<tr>
<td>Mixed Variety of Plants/Shrubs 1 Gal</td>
<td>150</td>
<td>21</td>
<td>3150</td>
</tr>
<tr>
<td>Drainage and Sump Areas: Budget</td>
<td>1</td>
<td>2150</td>
<td>2150</td>
</tr>
<tr>
<td>Soil Treatment and Root Bolster mix ($25.00/tree)</td>
<td>56</td>
<td>15</td>
<td>840</td>
</tr>
<tr>
<td>Soil Treatment and Root Bolster mix ($30.00/shrub)</td>
<td>450</td>
<td>3</td>
<td>1350</td>
</tr>
<tr>
<td>Haul Off (Truck load) $110/hr trucking $125/hr loading</td>
<td>20</td>
<td>350</td>
<td>7000</td>
</tr>
<tr>
<td>Mobilization and Job Site Logistics:</td>
<td>1</td>
<td>2150</td>
<td>2150</td>
</tr>
<tr>
<td>Excavation and Compaction clearing existing surface Budget [24hrs]</td>
<td>1</td>
<td>2500</td>
<td>2500</td>
</tr>
<tr>
<td>Mobilization and Job Site Logistics: Including Onsite To Let</td>
<td>1</td>
<td>3250</td>
<td>3250</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$ 356,675.00</strong></td>
</tr>
</tbody>
</table>

### Hardscape Components:

<table>
<thead>
<tr>
<th>Description</th>
<th>QTY</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Play Area seating wall 150 LF @ 20&quot; tall splash pad seating wall @ 24&quot; height</td>
<td>650</td>
<td>35</td>
<td>22750</td>
</tr>
<tr>
<td>Asphalt: 8&quot; wide pathway surrounding lawn area- 945 LF - cut, shape, compact prep, and pour</td>
<td>7550</td>
<td>7</td>
<td>52520</td>
</tr>
<tr>
<td>Paver Walkways: from pavilion areas to accessory areas &amp; wide haigard driveway 400 LF</td>
<td>1230</td>
<td>15.5</td>
<td>16000</td>
</tr>
<tr>
<td>Pavilion Concrete Picnic Areas: (2 @ 1900 sqft) saw cut with rebar</td>
<td>3800</td>
<td>7.25</td>
<td>27550</td>
</tr>
<tr>
<td>Splash Pad Concrete Surface Area: saw cut with rebar</td>
<td>2800</td>
<td>7.25</td>
<td>20000</td>
</tr>
<tr>
<td>Sports Court Concrete Surface: saw cut expansion joints with rebar</td>
<td>4000</td>
<td>7.25</td>
<td>29000</td>
</tr>
<tr>
<td>Sports Court Basket Ball Court Lines and Painted Key with Grip Right Surface Additive</td>
<td>2</td>
<td>2150</td>
<td>4300</td>
</tr>
<tr>
<td>Dual Pickleball court: saw cut expansion joints with rebar 60 x 60</td>
<td>3500</td>
<td>7.25</td>
<td>25000</td>
</tr>
<tr>
<td>Pickleball Court Painted Surface and Grip Right Additive</td>
<td>1</td>
<td>11170</td>
<td>11170</td>
</tr>
<tr>
<td>Pickleball Court Netting Systems (Budget 53200)</td>
<td>1</td>
<td>3200</td>
<td>32000</td>
</tr>
<tr>
<td>72&quot; Glass Dominator Adjustable Hoops and Installation</td>
<td>2</td>
<td>8300</td>
<td>16600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$ 220,490.00</strong></td>
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</table>

### Accessories and Optional Items:

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<tr>
<th>Description</th>
<th>QTY</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low voltage LED Lighting: Uplights for Trees, Path Lights and Bench Lights</td>
<td>75</td>
<td>18000</td>
<td>18000</td>
</tr>
<tr>
<td>6&quot; Steel Park Benches with concrete footings</td>
<td>7</td>
<td>3850</td>
<td>5600</td>
</tr>
<tr>
<td>20x20 Timber Pavilions with Roof System and Facia: Budget 18-30k</td>
<td>2</td>
<td>25000</td>
<td>50000</td>
</tr>
<tr>
<td>Picnic Tables 4 outside of Pavilion (Steel with Concrete Footings)</td>
<td>4</td>
<td>1050</td>
<td>4200</td>
</tr>
<tr>
<td>Court Lighting: dual halogen commercial lighting with auto off set for curfew</td>
<td>4</td>
<td>4650</td>
<td>18600</td>
</tr>
<tr>
<td>Playground Equipment: Budget only options range from 50k - 150k</td>
<td>1</td>
<td>75000</td>
<td>75000</td>
</tr>
<tr>
<td>Splash Pad Set Up: Gripp Surface, Nozzles, Tank System and Pumps (2-12’ and 2 24’</td>
<td>1</td>
<td>46500</td>
<td>46500</td>
</tr>
<tr>
<td>Olympus Precast Concrete Fence: 6&quot; Tall 465 LF</td>
<td>4650</td>
<td>80</td>
<td>37200</td>
</tr>
<tr>
<td>6 Wood Look Vinyl Fencing 515 LF</td>
<td>355</td>
<td>35</td>
<td>18025</td>
</tr>
<tr>
<td>Playground Soft Fall: Wood Chips $7500 Rubber Mulch $21,500.00</td>
<td>1</td>
<td>75000</td>
<td>75000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
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<td><strong>$ 280,679.00</strong></td>
</tr>
</tbody>
</table>

**Total Project**  $ 748,240.00
Example Homes
Proposal
Spring Creek, Highland

David Gifford

Introduction -
This document provides the format for initializing a contract on the Spring Creek, Highland project. The intent of this proposal is to identify the purchase price of the land and to clarify the responsibilities and timing of the development. Also to have an understanding with the city on a design for the project, including number of lots, size and location of the park and amenities in the park. Further work will need to be done for survey and engineering to get the site to a biddable and buildable design. The purpose of this proposal is to give shape to the development, park, purchase price and timing of closing and development improvements.

Background -
I have built and developed over 2,000 lots and homes in Utah County. I have developed and built in nearly every city in Utah County. I have relationships with engineers, surveyors, excavators and SWPPP to be able to get this project done on a schedule, to keep it clean and built according to specs agreed to. I have the banking contacts and financial ability to close on the project. I look forward to working with Todd Trane and Highland inspectors in getting this project completed.

Purchase -
Purchase Price to be $1,350,000. One Million Three Hundred Fifty Thousand. Buyer to build out a 1.85 acre park in the middle of the development. Included in the park is Grass - $60,000, Trees - $19,000, Pavilion, Tables w/ Benches, BBQs -$60,000 K-12 Play Ground area and equipment $50,000. Fencing along lots 1, 11 and 12 - $32,500. Totaling $221,500 in project improvement for the betterment of Highland. Park maintained by city upon completion. Irrigation Water included by the city in the purchase. Culinary Water included by the city in the purchase. Included is a bank letter from Central Bank stating my ability to close on the project.
Closing and Timing -

Upon City Council approval of this proposal we will convert the proposal into a contract. I often use the Utah State REPC, but would be willing to work with the City Attorney on a purchase contract for the property.

Upon City Council design approval, Engineering final design and Highland Engineering Approval I will get an appraisal on the property according to the approvals. Once appraised I will work with the bank to secure permanent financing to build out the development including the park and its amenities. Rough timing on closing would be within 45 to 90 days of acceptance of this proposal or signed written contract. Development work on the project would start immediately upon closing and Park Construction would start once we have Curb and Gutters completed in the development. There would be no phasing and my desire would be to have the entire development and park completed 7 months after closing.

Earnest Money - $50,000 that would be non-refundable after City Council approval.

Title Company - GT Title in Lehi, Utah.

Contingencies -

Purchase Price agreed upon and the city approves my 12 lot design for the development, location of park and budgets for park. City agrees to my purchase section of this proposal including Irrigation and Culinary Water. Should the city want more amenities in the park the city would need to pay for such additions. Or reallocate budgeted funds from one line item to another. Exact design of the park is still to be determined but budgets would be set forth as per the Purchase section of this Proposal. I am confident that the budgets are in line for a beautiful park that the city can be proud of and that residents will use.

Appraisal and bank approval for a loan. This shouldn’t be a problem but I will be getting a loan to build this development out, thus it becomes a contingency. Verify engineering for the development as per design.
APPRAISAL REPORT

VACANT LAND

Located at
10029 N. 6300 W.
Highland, Utah County, Utah

Appraisal No. 18-264

FOR

Highland City

BY

LARRY A. RIGBY, MAI

&

JEFFREY H. RIGBY
November 16, 2018

Ms. JoAnn Scott
Highland City
5400 W. Civic Center Dr.
Highland, UT  84003

RE:  Appraisal of vacant land located at 10029 N. 6300 W., Highland, Utah County, Utah.

Dear Ms. Scott:

Pursuant to your request, and for the purpose of estimating the market value, we have inspected the above referenced property. The subject site contains 12.00 acres of vacant residential land.

The following appraisal report is in full conformity with USPAP and FIRREA regulations. This appraisal is for the exclusive use of the Highland City.

Based on information available in the marketplace, it is our opinion that the market value of the subject as November 13, 2018, is:

TWO MILLION FOUR HUNDRED SIXTY THOUSAND DOLLARS
($2,460,000)

Should you have any questions, please do not hesitate to contact our office.

Respectfully submitted,

Larry A. Rigby, MAI
Utah State-Certified General Appraiser
Certificate 5476009-CG Expires 6-30-19

Jeffrey H. Rigby
Utah State-Licensed Appraiser
Certificate 5485623-LA00 Expires 9-30-19
CERTIFICATION

The undersigned does hereby certify that:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report, and we have no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- Jeffrey H. Rigby made a personal inspection of the property that is the subject of this report.
- Our firm has not performed prior appraisal services on the property in the previous three-year period.
- No one provided significant real property appraisal assistance to the persons signing this certification.
- As of the date of this report, Larry A. Rigby, MAI has completed the continuing education program of the Appraisal Institute.

November 16, 2018
Date

Larry A. Rigby, MAI
Utah State-Certified General Appraiser
Certificate 5476009-CG Expires 6-30-19

Jeffrey H. Rigby
Utah State-Licensed Appraiser
Certificate 5485623-LA00 Expires 9-30-19
### SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

<table>
<thead>
<tr>
<th>Identification of the Property:</th>
<th>Vacant residential land located at 10029 N. 6300 W., Highland, Utah County, Utah</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel No.:</td>
<td>12:005:0022</td>
</tr>
<tr>
<td>Property Rights Appraised:</td>
<td>Fee simple estate</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>November 13, 2018</td>
</tr>
<tr>
<td>Date of appraisal:</td>
<td>November 16, 2018</td>
</tr>
<tr>
<td>Purpose of the Appraisal:</td>
<td>The purpose of this appraisal is to estimate the market value of the property for internal management decisions.</td>
</tr>
<tr>
<td>Intended User:</td>
<td>Highland City</td>
</tr>
<tr>
<td>Regional Information:</td>
<td>Stable economy</td>
</tr>
<tr>
<td>Neighborhood Information:</td>
<td>Residential and agricultural</td>
</tr>
<tr>
<td>Zoning of Property:</td>
<td>R-1-40; Highland City</td>
</tr>
<tr>
<td>Land Size:</td>
<td>12.00 acres</td>
</tr>
<tr>
<td>Highest and Best Use:</td>
<td>Future residential development</td>
</tr>
<tr>
<td><strong>Final estimate of value</strong></td>
<td><strong>$2,460,000</strong></td>
</tr>
</tbody>
</table>
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<th>Page</th>
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<td>Back of Report</td>
</tr>
</tbody>
</table>
LIMITING CONDITIONS AND ASSUMPTIONS

This appraisal report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description provided or for matters pertaining to the legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.

2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.

3. Responsible ownership and competent property management are assumed.

4. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.

5. All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.

6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.

7. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.

8. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a nonconformity has been identified, described, and considered in the appraisal report.

9. It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

10. It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
11. Unless otherwise stated in this report, the existence of hazardous materials, which may or may not be present on the property, was not observed by the appraisers. The appraisers have no knowledge of the existence of such material on or in the property. The appraisers, however, are not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde form insulation, and other potentially hazardous materials may affect the value of the property. The value estimated is predicated on the assumption that there is no such material on or in the property that would cause a loss of value. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

This appraisal report has been made with the following general limiting conditions:

1. Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate value allocated to the land and buildings must not be used in conjunction with any other appraisal and in invalid if so used.

2. Possession of this report, or a copy thereof, does not carry with it the right of publication.

3. The appraisers, by reason of this appraisal, are not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless arrangements have been previously made.

4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers, or the firm with which the appraisers are connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without prior written consent and approval of the appraisers.

The following limiting conditions are specific to the property under appraisement:

1. Utah is a non-disclosure state and no information is required on sales or lease information to be made public. Therefore, many sales and leases in the marketing area could have occurred and were not made known by the purchasers or sellers of the property. Inasmuch as Utah is a non-disclosure state, the best effort was made by the appraiser, to derive accurate information for sales within the marketplace; however, the sales are not all inclusive and the sales that were made known to the appraiser are included in this analysis.

2. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.
INTRODUCTION

Property Identification

The property is located at 10029 N. 6300 W., Highland, Utah County, Utah. The subject contains a total of 12.00 acres of vacant residential land.

The subject has been assigned Utah County Parcel No. 12:005:0022.

Legal Description

The legal description for the subject is located in the Addendum of this report.

Purpose and Effective Date of Appraisal

The purpose of this appraisal is to estimate the market value of the property. The intended use of this appraisal is for internal management decisions.

The date of last inspection is November 13, 2018. This represents the effective date of appraisal for the as is market value of the subject.

This appraisal is intended for the exclusive use of Highland City.

The following definition of market value is used in this report.

“The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price in not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

(1) buyer and seller are typically motivated;

(2) both parties are well informed or well advised, and acting in what they consider their own best interest;

(3) a reasonable time is allowed for exposure in the open market;

(4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and

(5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.”
Property Rights Appraised

The property rights appraised in this report is the fee simple estate.

Subject Ownership and History

The subject is under the ownership of Highland City and has been for the previous several years. The subject has historically and is currently used for agricultural purposes. The subject is not currently listed for sale or lease.

Statement of Standards Compliance

It is our intent that the appraisal service be performed in such a manner than the results of the analysis, opinion, and conclusions be that of a disinterested third party. All appropriate data pertinent to the solution of the appraisal problem is collected, confirmed, and reported in conformance with the Code of Professional Ethics by the Appraisal Institute and meets or exceeds the requirements as forth by the Uniform Standards of Professional Appraisal Practice. This report is also compliant with Title XI of the Federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

Scope of work

The local and regional markets were analyzed as to their affects on the property under consideration.

Jeff Rigby thoroughly inspected the subject neighborhood and subject site. Both personal inspection and local government agencies were used in analyzing the area, neighborhood, and site analyses.

Comparable land sales from the immediate market area were analyzed and compared to the subject to calculate the value of the subject land.

Several owners, brokers, government officials, and property managers were interviewed as part of this appraisal process. The result of these interviews and information taken from these real estate professionals is noted in the body of this report.

Hypothetical conditions and extraordinary assumptions

There are no hypothetical conditions or extraordinary assumptions associated with this report.
Exposure Time

Exposure time is the time that the property would have been placed on the open market before the hypothetical date of consummation. This hypothetical consummation date is the effective date of appraisal. We have assigned an exposure time of less than six months.

Non-Influence

It should be noted at this point that this appraisal is performed without any pressure from anyone who desires a specific value or loan amount.
Area Analysis

The area analysis consists of two individual separate components. The first is the area analysis of the larger area or region and the second analysis is the delineation of the market area which is used in the study in this analysis.

In analyzing the area or region the factors that influence value are given primary consideration and weight in this report. These include:

- Social influences
- Economic influences
- Governmental influences
- Environmental influences

Area location

The area or region considered in this analysis is Utah County or commonly referred to as the Utah Valley. This area is shown in the area map located in this section of the report.

Utah County is home to Brigham Young University as well as Utah Valley University.

Social influences

Social influences considered in this analysis include the analysis of population, education, and household size as well as employment levels and major employers in the area. Please refer to the following paragraphs for further clarification.

Population

The following graphs show information relating to population and in overall Utah County.

<table>
<thead>
<tr>
<th>Summary</th>
<th>Census 2010</th>
<th>2017</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>516,564</td>
<td>620,610</td>
<td>668,789</td>
</tr>
<tr>
<td>Households</td>
<td>140,602</td>
<td>165,034</td>
<td>180,529</td>
</tr>
<tr>
<td>Families</td>
<td>114,350</td>
<td>131,746</td>
<td>145,443</td>
</tr>
<tr>
<td>Average Household Size</td>
<td>3.57</td>
<td>3.61</td>
<td>3.63</td>
</tr>
<tr>
<td>Owner Occupied Housing Units</td>
<td>96,053</td>
<td>108,667</td>
<td>120,796</td>
</tr>
<tr>
<td>Renter Occupied Housing Units</td>
<td>44,549</td>
<td>54,367</td>
<td>59,733</td>
</tr>
<tr>
<td>Median Age</td>
<td>24.5</td>
<td>25.5</td>
<td>25.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trends: 2017 - 2022 Annual Rate</th>
<th>Area</th>
<th>State</th>
<th>National</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>2.11%</td>
<td>1.61%</td>
<td>0.83%</td>
</tr>
<tr>
<td>Households</td>
<td>2.06%</td>
<td>1.53%</td>
<td>0.79%</td>
</tr>
<tr>
<td>Families</td>
<td>2.00%</td>
<td>1.48%</td>
<td>0.71%</td>
</tr>
<tr>
<td>Owner HHS</td>
<td>2.14%</td>
<td>1.57%</td>
<td>0.72%</td>
</tr>
<tr>
<td>Median Household Income</td>
<td>2.56%</td>
<td>2.55%</td>
<td>2.12%</td>
</tr>
</tbody>
</table>
Education

The following tables show education attainment by persons 25 and older in Utah County. Utah County also houses the largest private held university in the state of Utah, Brigham Young University as well as Utah Valley University both of which are major influences in education in the market.

<table>
<thead>
<tr>
<th>2017 Population 25+ by Educational Attainment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Less than 9th Grade</td>
</tr>
<tr>
<td>9th - 12th Grade, No Diploma</td>
</tr>
<tr>
<td>High School Graduate</td>
</tr>
<tr>
<td>GED/Alternative Credential</td>
</tr>
<tr>
<td>Some College, No Degree</td>
</tr>
<tr>
<td>Associate Degree</td>
</tr>
<tr>
<td>Bachelor’s Degree</td>
</tr>
<tr>
<td>Graduate/Professional Degree</td>
</tr>
</tbody>
</table>

Source: ESRI forecasts for 2010 and 2015.

Household information

The following table shows summary information regarding several demographic categories including household data.

<table>
<thead>
<tr>
<th>Summary</th>
<th>2000</th>
<th>2010</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>360,638</td>
<td>547,272</td>
<td>669,323</td>
</tr>
<tr>
<td>Households</td>
<td>98,517</td>
<td>146,908</td>
<td>150,290</td>
</tr>
<tr>
<td>Families</td>
<td>50,730</td>
<td>116,006</td>
<td>141,132</td>
</tr>
<tr>
<td>Average Household Size</td>
<td>3.59</td>
<td>3.65</td>
<td>3.65</td>
</tr>
<tr>
<td>Owner Occupied Housing Units</td>
<td>66,786</td>
<td>90,969</td>
<td>122,451</td>
</tr>
<tr>
<td>Renter Occupied Housing Units</td>
<td>33,151</td>
<td>47,939</td>
<td>57,047</td>
</tr>
<tr>
<td>Median Age</td>
<td>23.3</td>
<td>24.5</td>
<td>24.5</td>
</tr>
</tbody>
</table>

Trends: 2010 - 2015 Annual Rate

<table>
<thead>
<tr>
<th>Area</th>
<th>State</th>
<th>National</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>4.11%</td>
<td>2.41%</td>
</tr>
<tr>
<td>Households</td>
<td>4.18%</td>
<td>2.39%</td>
</tr>
<tr>
<td>Families</td>
<td>4.00%</td>
<td>2.22%</td>
</tr>
<tr>
<td>Owner Hrs</td>
<td>4.35%</td>
<td>2.47%</td>
</tr>
<tr>
<td>Median Household Income</td>
<td>2.97%</td>
<td>2.91%</td>
</tr>
</tbody>
</table>


Employment

The following table is taken from the Utah State Workforce Services shows employment and unemployment rates in Utah as compared to the United States.
### UTAH COUNTY EMPLOYERS

<table>
<thead>
<tr>
<th>Company</th>
<th>Detailed Industry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brigham Young University</td>
<td>Higher Education</td>
</tr>
<tr>
<td>Alpine School District</td>
<td>Public Education</td>
</tr>
<tr>
<td>Utah Valley State University</td>
<td>Higher Education</td>
</tr>
<tr>
<td>Utah Valley Regional Medical Center</td>
<td>Health Care</td>
</tr>
<tr>
<td>Nebo School District</td>
<td>Public Education</td>
</tr>
<tr>
<td>State of Utah</td>
<td>State Government</td>
</tr>
<tr>
<td>Vivint</td>
<td>Electrical Contractors</td>
</tr>
<tr>
<td>Wal-Mart</td>
<td>Warehouse Clubs &amp; Supercenters</td>
</tr>
<tr>
<td>Bluefin Office Group</td>
<td>Office Supplies</td>
</tr>
<tr>
<td>Provo School District</td>
<td>Public Education</td>
</tr>
<tr>
<td>IM Flash Technologies</td>
<td>Electronic Product Manufacturing</td>
</tr>
<tr>
<td>ESG</td>
<td>Human Resources Management Services</td>
</tr>
<tr>
<td>Nexeo Staffing</td>
<td>Employment Services</td>
</tr>
<tr>
<td>Pyne Floor Coverings</td>
<td>Construction Flooring Contractors</td>
</tr>
<tr>
<td>Provo City</td>
<td>Local Government</td>
</tr>
<tr>
<td>Nestle USA</td>
<td>Food Manufacturing</td>
</tr>
<tr>
<td>Payday Resources</td>
<td>Human Resources Management Services</td>
</tr>
<tr>
<td>Central Utah Medical Clinic</td>
<td>Health Care</td>
</tr>
<tr>
<td>Nu Skin</td>
<td>Wholesale Skin Care Products</td>
</tr>
<tr>
<td>Utah</td>
<td>Local Government</td>
</tr>
<tr>
<td>Adobe Systems</td>
<td>Software Publisher</td>
</tr>
<tr>
<td>Myfamily.com</td>
<td>Internet &amp; Web Services</td>
</tr>
<tr>
<td>US Synthetic Corp</td>
<td>Nonmetallic Mineral Product Mfg</td>
</tr>
<tr>
<td>Macey's</td>
<td>Grocery Store</td>
</tr>
<tr>
<td>Doterra International</td>
<td>Direct Selling Retailer</td>
</tr>
<tr>
<td>SOS Staffing Services</td>
<td>Temporary Help Services</td>
</tr>
</tbody>
</table>
Economic influences

The following paragraphs specify various economic influences within Utah County. Please refer to the following paragraphs for further clarification.

Income levels

The following graphs and tables show the income levels in Utah County.

<table>
<thead>
<tr>
<th>Household by Income</th>
<th>2017</th>
<th>Percent</th>
<th>2022</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;$15,000</td>
<td>11,653</td>
<td>7.1%</td>
<td>12,463</td>
<td>6.9%</td>
</tr>
<tr>
<td>$15,000 - $24,999</td>
<td>10,519</td>
<td>6.5%</td>
<td>10,713</td>
<td>5.9%</td>
</tr>
<tr>
<td>$25,000 - $34,999</td>
<td>13,975</td>
<td>8.6%</td>
<td>13,645</td>
<td>7.6%</td>
</tr>
<tr>
<td>$35,000 - $49,999</td>
<td>21,832</td>
<td>13.4%</td>
<td>21,339</td>
<td>11.8%</td>
</tr>
<tr>
<td>$50,000 - $74,999</td>
<td>34,849</td>
<td>21.4%</td>
<td>33,817</td>
<td>18.7%</td>
</tr>
<tr>
<td>$75,000 - $99,999</td>
<td>25,471</td>
<td>15.6%</td>
<td>30,358</td>
<td>16.8%</td>
</tr>
<tr>
<td>$100,000 - $149,999</td>
<td>26,855</td>
<td>16.5%</td>
<td>34,767</td>
<td>19.3%</td>
</tr>
<tr>
<td>$150,000 - $199,999</td>
<td>9,740</td>
<td>6.0%</td>
<td>12,594</td>
<td>7.0%</td>
</tr>
<tr>
<td>$200,000+</td>
<td>8,128</td>
<td>5.0%</td>
<td>10,781</td>
<td>6.0%</td>
</tr>
</tbody>
</table>

Median Household Income $64,531 $73,214
Average Household Income $83,511 $94,529
Per Capita Income $22,951 $25,839


Owner occupancy

The following information shows owner and renter tenure in Utah County.

| 2017 Total Housing Units       | 171,058 |
| 2017 Owner Occupied Housing Units | 108,667 |
| 2017 Renter Occupied Housing Units | 54,367 |
| 2017 Vacant Housing Units      | 8,024   |

Governmental influences

Governmental influences in Utah County would include property taxes, any special assessments, zoning, and quality of public services.

Public services in the area include county services throughout the county area including County Sheriff department as well as individual city police, fire, and public service departments. The unincorporated area also jointly services the cities particularly with regard to emergency and police protection.

The public services in the area are adequate for existing and potential future growth.

Zoning is individually administered by each respective city with unincorporated areas managed by Utah County. Typically, cities within Utah County are pro business and growth while maintaining integrity of the construction quality and standards.
Public transportation is primarily provided by way of UTA busing throughout the entire county. Both Brigham Young University and Utah Valley University provide shuttle services to the university from various housing developments throughout the county.

The I-15 freeway system is the major traffic artery through the county with State Street being the secondary traffic thoroughfare. Road systems are adequate for existing development throughout the county.

**Environmental influences**

Utah County is bordered on the east by the Wasatch mountain range, on the west by the Utah Lake with the Jordan River running from Utah Lake north into the Great Salt Lake.

Fertile agricultural land is located in the area with many rural agricultural areas particularly at the south and west section of the county. Some of these agricultural areas are giving way to new growth in residential development.

Another environmental and economic influence is the Salt Lake International Airport located approximately 50 minutes north of the subject in Salt Lake County.

**Summary**

The Utah Valley is a major economic, social, and cultural center for the state of Utah. This area has an adequate transportation system in place; along with infrastructure to support the existing development and proposed expansion.

No influences exist in the area that would prohibit development or occupancy of the property to their highest and best use.
NEIGHBORHOOD ANALYSIS

Jurisdiction

The subject is located within the incorporated boundaries of Highland City.

Proximity and Neighborhood Boundaries

The subject is located approximately 10 miles north of the central business district of Provo City.

Boundaries within the neighborhood include the Murdock Canal to the north and east, 9600 N. to the south, and 6300 W. to the west.

Neighborhood Land Use

Land use within the area is predominantly residential and agricultural in nature. A fair amount of vacant land is available for development in the immediate neighborhood. Please refer to the Aerial Map showing vacant land sections within the immediate neighborhood.

Architecture/Construction

The majority of the residential developments are of Class D, wood frame construction.

Age-Life Trend

The residential developments within the area are a mixture of ages. Some of the older residential developments are near 50 years of age with the newer developments being under five years of age.

Accessibility

Primary access to the neighborhood is by way of 6000 W. and Mountain View Dr. (6300 W.). The Timpanogos Highway (Hwy 92) is located approximately one mile north of the subject. This thoroughfare connects to the I-15 freeway system to the west.

The I-15 freeway system is a major north-south traffic artery within the State of Utah providing access with Davis County on the north and Utah County on the south.

Please refer to the neighborhood map located within this section of the report for further clarification to the neighborhood streets and layout.
Public Utilities

All necessary public utilities are available in the neighborhood and include sanitary sewer, culinary water, natural gas, electricity, and telephone. These utilities are adequate for existing development in the area.

Influences

The subject is located within an established agricultural and residential area of Highland City. No negative influences were noted upon inspection of the subject or neighborhood.

Summary

The neighborhood is located within the northeastern quadrant of Utah County, within an established agricultural and residential area of Highland City.
SITE ANALYSIS

<table>
<thead>
<tr>
<th>Street orientation:</th>
<th>The subject is located on the east side of 6300 W. at 10029 N., Highland City, Utah County, Utah.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel No.:</td>
<td>12:005:0022</td>
</tr>
<tr>
<td>Frontage and access:</td>
<td>The subject has ample frontage and access along 6300 W. (Mountain View Dr.).</td>
</tr>
<tr>
<td>Shape:</td>
<td>Rectangular</td>
</tr>
<tr>
<td>Land size:</td>
<td>12.00 acres</td>
</tr>
<tr>
<td>Topography:</td>
<td>Topography in the area is basically level with the natural drainage toward the west.</td>
</tr>
<tr>
<td>Flood plain:</td>
<td>According to Map No. 49051C0252E, dated March 15, 2012, the subject is located outside of a flood zone area.</td>
</tr>
<tr>
<td>Soil:</td>
<td>No soil reports were provided to the appraisers. The existing buildings in this area suggest that the soil bearing capacity of the subject is sufficient for development of the property to its highest and best use.</td>
</tr>
<tr>
<td>Wetlands:</td>
<td>It is assumed that no wetlands are present on the property.</td>
</tr>
<tr>
<td>Utilities:</td>
<td>Available to the site are culinary water, sanitary sewer, natural gas, electricity, and telephone.</td>
</tr>
<tr>
<td>Street improvements:</td>
<td>6300 W. is an asphalt paved two-lane thoroughfare.</td>
</tr>
<tr>
<td>Easements:</td>
<td>A title report was not provided to the appraisers. Upon reference to the plat map and inspection of the property, it does not appear that any easements or encroachments that would have a negative impact on the property are located on the site. It is an extra ordinary assumption of this analysis that the site is free of any unusual easements or encroachments that would have an adverse effect on the value of the property.</td>
</tr>
<tr>
<td>Environmental studies:</td>
<td>No environmental studies were provided to the appraisers. This area has been historically used for agricultural uses.</td>
</tr>
</tbody>
</table>
Upon inspection of the site and neighboring properties, no environmentally hazardous materials were noted. The appraisers are not qualified to form a binding environmental opinion as to the environmental condition of the property.

Zoning: The property is zoned R-1-40 by Highland City. This zoning classification allows for single family residential uses.

Summary: The site contains 12.00 acres. The subject has ample frontage and full access allowing for full development along 6300 W. The property is zoned R-1-40 by Highland City and is well suited for single-family residential developments.

No government influences prohibit development on the site. No physical features such as topography, flood plain, or soil conditions prohibit development of the site.
FLOOD PLAIN MAP

RiskMeter

The closest match to 10029 N. 6300 W. Highland, Utah is 10029 N 6300 W HIGHLAND, UT 84003
10029 N 6300 W HIGHLAND, UT 84003
LOCATION ACCURACY: Excellent

Flood Zone Determination Report

Flood Zone Determination: OUT

PANEL DATE: July 17, 2002
MAP NUMBER: 490490110B

[Map Image with color legend: X500 or B Zone, A Zone, V Zone, D Zone, Floodway, CBRA]
SUBJECT PHOTOGRAPHS

Looking north along 6300 W. The subject is at right of photo.

Looking northeasterly across subject’s western property line
Looking northeasterly across subject

Looking easterly across subject along south property line
Looking south along subject’s western property line

Looking southwesterly across subject
Looking southeasterly across subject

Looking south along 6300 W. The subject is at left of photo.
HIGHEST AND BEST USE

The highest and best use of the site as vacant and ready for development is analyzed below.

According to the definition of highest and best use, there are essentially four stages of analysis:

- Legally permissible
- Physically possible
- Financially feasible
- Maximally productive

Highest and Best Use As Vacant

The subject property is located at 10029 N. 6300 W., Highland City, Utah County, Utah and contains 12.00 acres. It does not appear that it is physically inhibited in any way to prohibit construction to its highest and best use. The subject property contains ample frontage and access along 6300 W. allowing for full development. The lot is basically level and 100% buildable.

Permissible uses for the property would include residential development. This is consistent with the surrounding land uses and it is unlikely that the R-1-40 zoning classification will change in the near future.

The financially feasible use for the property considers the type of use that would maximize the value of the land. Therefore, the financially feasible use for the property is for future residential development.

The maximally productive use of the property would be for future residential development.
VALUATION

The purpose of this appraisal is to estimate the as is market value of the subject for internal management decisions.

The sales comparison approach is used to calculate the market value for the property.

*Sales comparison approach*

The sales comparison approach is employed in this analysis to determine an appropriate market value for the subject. The subject is analyzed by the price per acre unit of comparison.
LAND VALUATION

The value of the site is based on the highest and best use as previously determined. To estimate the market value of the subject, land sales of similar residential/agricultural parcels are extracted from the market and applied to the subject. Adjustments are applied to each of the comparables to determine an appropriate market value of the subject property. The price per acre unit of comparison is used in this analysis.

Please refer to the following pages for data relating to sales of similar parcels of land.
COMPARABLE LAND SALES

Sale #1

PROPERTY IDENTIFICATION
  Location: 4697 West 11200 North
  City: Highland, Utah
  County: Utah
  Tax ID: 11-055-0395
  Property Rights: Fee Simple

SITE INFORMATION
  Size: 3.96 acres
  Utilities: All available
  Zoning Classification: R-1-40

SALES DATA
  Date: September 2018
  Verification: MLS# 1516041 and county records
  Price: $925,000
  Price/AC: $233,586
Sale #2

PROPERTY IDENTIFICATION
Location: 11300 North 4800 West
City: Highland, Utah
County: Utah
Tax ID #: 11-054-0370
Property Rights: Fee Simple

SITE INFORMATION
Size: 10.09 acres
Utilities: All available
Zoning Classification: R-1-40

SALES DATA
Date: August 2016
Verification: MLS # 1383310 and county records
Price: $2,000,000
Price/AC: $198,216
Sale #3

PROPERTY IDENTIFICATION
Location: 10215 Alpine Highway
City: Highland, Utah
County: Utah
Tax ID #: 12-002-0006
Property Rights: Fee Simple

SITE INFORMATION
Size: 3.08 acres
Utilities: Available
Zoning Classification: R-1-40

SALES DATA
Date: April 2016
Verification: MLS# 1350319 and county records
Price: $645,000
Price/AC: $209,416
Sale #4

PROPERTY IDENTIFICATION
Location: 3000 North 900 West
City: Pleasant Grove, Utah
County: Utah
Tax ID #: 14-007-0038
Property Rights: Fee Simple

SITE INFORMATION
Size: 11.02 acres
Utilities: All available
Zoning Classification: R-R

SALES DATA
Buyer: D.R. Horton, Inc,
Seller: Board of Education Alpine School District
Date: December 2016
Verification: CoStar and county records
Price: $2,034,000
Price/AC: $184,595.28
Sale #5

PROPERTY IDENTIFICATION
Location: North 900 West/north of West 2800 North
City: Pleasant Grove, Utah
County: Utah
Tax ID #: 14-007-0109
Property Rights: Fee Simple

SITE INFORMATION
Size: 12.32 acres
Utilities: All available
Zoning Classification: R-R

SALES DATA
Buyer: Ivory Development
Seller: Board of Education Alpine School District
Date: January 2017
Verification: CoStar and county records
Price: $2,274,000
Price/AC: $184,577.92
Sale #6

PROPERTY IDENTIFICATION
Location: Approximately 12200 N. 6300 W.
City: Highland, Utah
County: Utah
Tax ID #: 11-017-0008; 0140
Property Rights: Fee Simple

SITE INFORMATION
Size: 33.86 acres
Utilities: All available
Water: Culinary and irrigation water will be required by the city to develop and are available for purchase for about $800,000.

Zoning Classification: Agricultural
According to the listing agent, Highland City is willing to annex the property into the city and re-zone it from agricultural to residential.

SALES DATA
Buyer: N/A
Seller: GCII
Date: Under contract
Verification: CoStar and county records
Price: $8,000,000
Price/AC: $236,267
## LAND SALES SUMMARY

<table>
<thead>
<tr>
<th>Comparable</th>
<th>Subject</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>10029 N.</td>
<td>4697 W.</td>
<td>11300 N.</td>
<td>10215 Alpine Hwy</td>
<td>3000 N.</td>
<td>N 900 W, N of 4800 W.</td>
<td>Approx. 12200 N. 6300 W.</td>
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<tr>
<td></td>
<td>6300 W.</td>
<td>11200 N.</td>
<td>4800 W.</td>
<td>Highland</td>
<td>Pleasant Grove</td>
<td>Pleasant Grove</td>
<td>Highland</td>
</tr>
<tr>
<td>City</td>
<td>Highland</td>
<td>Highland</td>
<td>Highland</td>
<td>Highland</td>
<td>Pleasant Grove</td>
<td>Pleasant Grove</td>
<td>Highland</td>
</tr>
<tr>
<td>Date</td>
<td>Sep-18</td>
<td>Aug-16</td>
<td>Apr-16</td>
<td>Dec-16</td>
<td>Jan-17</td>
<td>UC</td>
<td></td>
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<tr>
<td>Size (AC)</td>
<td>12.00</td>
<td>3.96</td>
<td>10.09</td>
<td>3.08</td>
<td>11.02</td>
<td>12.32</td>
<td>33.86</td>
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<td>Zoning</td>
<td>R-1-40</td>
<td>R-1-40</td>
<td>R-1-40</td>
<td>R-1-40</td>
<td>R-R</td>
<td>R-R</td>
<td>A</td>
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<tr>
<td>Price</td>
<td>$925,000</td>
<td>$2,000,000</td>
<td>$645,000</td>
<td>$2,034,000</td>
<td>$2,274,000</td>
<td>$8,000,000</td>
<td></td>
</tr>
<tr>
<td>Price Per AC</td>
<td>$233,586</td>
<td>$198,216</td>
<td>$209,416</td>
<td>$184,595</td>
<td>$184,577</td>
<td>$236,267</td>
<td></td>
</tr>
</tbody>
</table>

### Analysis and Lot Value Estimate

The comparable land used are considered the most similar to the subject available in the marketplace. Some differences exist between the subject and the comparables; therefore, the comparables are adjusted to bring them into similarity with the subject. The comparables are first adjusted for property rights conveyed, financing, conditions of sale, and market conditions after which the physical characteristics of the comparables are considered.

Please refer to the following paragraphs for the adjustments applied to the comparables.

**Property Rights Conveyed**

Each sale was sold in fee simple estate, with no adjustments necessary for property rights conveyed.

**Financing**

None of the comparables used in this analysis received advantageous financing. No adjustment is necessary for this category.

**Conditions of Sale**

Comparables 1, 2, 3, and 4 were arms length transactions with no undue duress evident and do not require an adjustment for this category. Comparable 5 is currently under contract. The exact sales price is unknown. It is assumed that it will not sell for full asking price; therefore, we have assigned a downward 5% adjustment to this comparable for this category.

**Expenditures Immediately After Sale**

None of the buyers reported any unusual expenditures immediately after purchase of the various parcels. Therefore, no adjustment is necessary for this category.
**Market Conditions**

Comparables 1 and 6 do not warrant an adjustment for this category. We have assigned an upward 5% adjustment for Comparables 2, 3, 4, and 5 for market conditions.

**Physical Characteristics**

The physical characteristics of the comparables are considered in this analysis. These characteristics include location, size, and developmental potential. Please refer to the following paragraphs for a detailed description of the adjustments made.

- **Location**

  Comparable 6 has superior valley views and is considered superior to the subject in this category. We have assigned this comparable a downward 15% adjustment. The remaining comparables do not warrant adjustments for location.

- **Size**

  Comparables 2, 4, and 5 are similar to the subject in size and do not require an adjustment. Comparables 1 and 3 are smaller than the subject and according to the principle of economies of scale warrant downward adjustments. We have assigned these comparables a downward 10% adjustment and an upward 5% adjustment to Comparable 6 for this category.

- **Zoning**

  Comparables 1, 2, and 3 are exactly similar to the subject in zoning and do not warrant an adjustment for this category. Comparables 4, 5, and 6 having inferior zoning classifications and are assigned an upward 2% adjustment for this category.

- **Developmental Potential**

  Comparables 1, 2, 3, 4, and 5 are similar to the subject in this category. Comparable 6 is inferior due to its lack of immediate access (although future access with parcels to the east is likely). We have assigned this comparable an upward 5% adjustment for this category.
### ADJUSTMENT TABLE

<table>
<thead>
<tr>
<th>Comparable No.</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price per acre</td>
<td>$233,586</td>
<td>$198,216</td>
<td>$209,416</td>
<td>$184,595</td>
<td>$184,577</td>
<td>$236,267</td>
</tr>
<tr>
<td>Property Rights Adjusted Price</td>
<td>$233,586</td>
<td>$198,216</td>
<td>$209,416</td>
<td>$184,595</td>
<td>$184,577</td>
<td>$236,267</td>
</tr>
<tr>
<td>Terms Adjusted Price</td>
<td>$233,586</td>
<td>$198,216</td>
<td>$209,416</td>
<td>$184,595</td>
<td>$184,577</td>
<td>$236,267</td>
</tr>
<tr>
<td>Conditions Adjusted Price</td>
<td>$233,586</td>
<td>$198,216</td>
<td>$209,416</td>
<td>$184,595</td>
<td>$184,577</td>
<td>$224,454</td>
</tr>
<tr>
<td>Expenditures Adjusted Price</td>
<td>$233,586</td>
<td>$198,216</td>
<td>$209,416</td>
<td>$184,595</td>
<td>$184,577</td>
<td>$224,454</td>
</tr>
<tr>
<td>Market Conditions Adjusted Price</td>
<td>$233,586</td>
<td>$208,127</td>
<td>$219,887</td>
<td>$193,825</td>
<td>$193,806</td>
<td>$224,454</td>
</tr>
<tr>
<td>Location Adjusted Price</td>
<td>$233,586</td>
<td>$208,127</td>
<td>$219,887</td>
<td>$193,825</td>
<td>$193,806</td>
<td>$224,454</td>
</tr>
<tr>
<td>Size Adjusted Price</td>
<td>$233,586</td>
<td>$208,127</td>
<td>$219,887</td>
<td>$193,825</td>
<td>$193,806</td>
<td>$224,454</td>
</tr>
<tr>
<td>Zoning Adjusted Price</td>
<td>$233,586</td>
<td>$208,127</td>
<td>$219,887</td>
<td>$193,825</td>
<td>$193,806</td>
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<tr>
<td>Develop. Potential Adjusted Price</td>
<td>$233,586</td>
<td>$208,127</td>
<td>$219,887</td>
<td>$193,825</td>
<td>$193,806</td>
<td>$224,454</td>
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<tr>
<td>Total Adjustments</td>
<td>-10%</td>
<td>0%</td>
<td>-10%</td>
<td>2%</td>
<td>2%</td>
<td>-3%</td>
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<tr>
<td>Adjusted Value</td>
<td>$210,227</td>
<td>$208,898</td>
<td>$197,898</td>
<td>$197,702</td>
<td>$197,682</td>
<td>$217,720</td>
</tr>
</tbody>
</table>

**Summary**

As can be seen from the table above, the comparables form a range on an adjusted price per acre basis from $197,682 to $217,720. Taking into consideration the above comparables used in this analysis, we have assigned a market value per acre of $205,000 to the subject in this analysis. Please refer to the following calculation showing the market value estimate for the subject land.

\[
\text{12.00 AC} \times \text{205,000} = \text{2,460,000}
\]
ADDENDUM
QUALIFICATIONS OF LARRY A. RIGBY, MAI

Education

College: Four years of college education majoring in Business Management, Utah State University and Weber State College

Advanced Study: American Institute of Real Estate Appraisers:

Real Estate Appraisal Course I A,
Basic Appraisal Principles, Method and Techniques
University of San Francisco, 1973

Real Estate Appraisal Course I B,
Capitalization Theory and Techniques
UCLA, 1974

Real Estate Appraisal Course II
AIREA, Chicago, 1975

Real Estate Appraisal Course VI
Investment Analysis
University of Maryland, 1976

Real Estate Case Studies Course
University of San Diego, 1984

Various Conferences and Seminars
Pertaining to various real estate
Appraisal topics

Professional: Member of the Appraisal Institute
(MAI #7034) Awarded December 1984

Currently certified through 2017 in accordance with Appraisal Institute Recertification Program

Certified General Appraiser – State of Utah
License Number 5476009-CG00

General Certified Appraiser – State of Wyoming
Permit No. 656 No. 00160

Certified General Appraiser – State of Idaho
License Number CGA – 1055
**Experience**

1971-1973  Real Estate Agent for Badger Realty Co.

1973-1976  Appraisal Sales and Development  
Zions Securities Corporation  
Salt Lake City, Utah


1976-1977  Manager of purchases, sales and development, Beneficial Development Company, Salt Lake City, Utah

1977-Present  Self-employed; Real Estate Appraiser and Consultant; qualified as an expert witness, District and Federal Courts, State of Utah.

**Types of Real Estate Appraised**

- Medical/hospital facilities
- Single Family Residences
- Mobile Home Parks
- Shopping Centers
- Apartment Projects
- Condominium Developments
- Service Stations
- Industrial Buildings
- Commercial Buildings
- Various Types of Undeveloped Land
- Subdivisions
- Hotels, Motels, and Restaurants
- Special Purpose Properties

**Clientele (Partial List)**

Financial Institutions and Mortgage Companies:

- Western Mortgage  
- Bank One  
- Wells Fargo Bank  
- Key Bank National Association  
- Zions First National Bank  
- First Security Bank  
- Moore Financial  
- New York Life  
- Equitable Life  
- Norwest  
- Provident Mutual  
- Bank of Arizona  
- Bell Atlantic  
- Richards Woodbury  
- Surety Life  
- Bonneville Mortgage  
- Rainier Financial  
- North American Mortgage  
- Empire of America  
- GMAC
Private Industry:

REIT's
National Investment Companies and Individual Trusts
Franz C. Stangl Construction
John Price Associates
Collier Heinz & Associates
Pentalon Corporation
Upland Industries
Zions Securities Corp.
American Motors
Ivory & Company
Walt Gasser & Associates

Government Agencies:

Resolution Trust Corp. (RTC)
Utah Transit Authority
Various School Districts
Various Cities
General Services Administration
Federal Deposit Insurance Corp. (FDIC)
Small Business Administration (SBA)
Housing & Urban Development (HUD)
Utah Dept. of Transportation

Other:

Various Attorneys, Accountants & Individuals throughout Utah and the Intermountain West

**Personal:**

Age 70 years (1/3/46); married with 6 children
Residence: 3141 North River Drive
            Eden, Utah 84310
            Business Phone: (801) 451-9888
            Fax: (801) 451-0443
            E Mail: larryrigbymai@gmail.com
            Business Address: 1466 North Highway 89 #220
                             Farmington, UT 84025
QUALIFICATIONS OF JEFFREY H. RIGBY

Education

College: Graduated from the University of Utah, December 2001. Majored in Communications

Advanced Study: O'Brien Schools Preferred:

Real Estate Appraisal Course
Fundamental Appraisal - 101
Salt Lake City, UT 1998

Real Estate Appraisal Course
Appraising Residences – 102
Salt Lake City, UT 1998

Standards of Professional Practice (USPAP)
Salt Lake City, UT 1998

Appraisal Institute Course 310,
Basic Income Capitalization
Denver, CO, 2007

Appraisal Institute Course
General Market Analysis & Highest and Best Use
Pleasanton, CA, 2007

Appraisal Institute Course
General Site Valuation & Cost Approach
Online, 2015

Appraisal Institute Course
General Sales Comparison Approach
Online, 2015

Appraisal Institute Course
General Income Approach Part I
Online, 2016

Appraisal Institute Course
General Income Approach Part II
Online, 2016

Appraisal Institute Course
General Report Writing and Case Studies
Online, 2017
Professional: Licensed Appraiser - State of Utah
Licensed Number 5485623 – LA00

**Experience**

1998-2006  Research Assistant for Rigby & Company
2006-2009  Appraiser Trainee employed by Rigby & Company
2009-present  Licensed Appraiser employed by Rigby & Company

**Types of Real Estate Appraised**

Retail Centers
Condominium Developments
Industrial Buildings
Commercial Buildings
Numerous Types of Undeveloped Land
Residential, Commercial, and Industrial Subdivisions
Automotive Dealerships
Medical Buildings
Automotive Repair Shops
Retail Buildings
Storage Facilities

**Personal**

Age 40 years (7/16/77); married with 5 children
Residence: [Redacted]
Business Phone: (801) 451-9888
FAX: (801) 451-0443
E-Mail: [Redacted]
Business Address: 1466 North Highway 89 #220
Farmington, UT 84025
PROPERTY INFORMATION

Serial Number: 12:005:0022  Serial Life: 1979...

Property Address: 10029 N 6300 WEST - HIGHLAND
Mailing Address: 5400 W CIVIC CENTER DR HIGHLAND, UT 84003
Acreage: 12
Last Document: 154749-2007

Legal Description: COM 10.40 FT S AND 482.74 FT E OF W 1/4 COR OF S2 TSS R1E, SLBM; N 89 DEG 43'52" E 356.78 FT; N 89 DEG 30' E 348.27 FT; S 0 DEG 07'50" E 309.12 FT; N 89 DEG 30' E 72.20 FT; S 0 DEG 07'50" E 339.58 FT; S 89 DEG 30' W 833.82 FT; N 4 DEG 50'20" E 652.96 FT TO BEG. ALSO: COM E 1187.77 FT & S 5.68 FT FR W 1/4 COR SEC 2, TSS, R1E, SLBM; N 89 DEG 30' E 43.5 FT; S 75 DEG 49'50"E 29.62 FT; S 07'50"E 301.62 FT; S 89 DEG 30' W 72.2 FT; N 07'50"W 309.12 FT TO BEG.
AREA .51 ACRE TOTAL 12 ACRES

<table>
<thead>
<tr>
<th>Owner Names</th>
<th>Value History</th>
<th>Tax History</th>
<th>Location</th>
<th>Photos</th>
<th>Documents</th>
</tr>
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<tbody>
<tr>
<td>2008...</td>
<td>HIGHLAND CITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2008NV</td>
<td>HIGHLAND CITY</td>
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<tr>
<td>1992-2007</td>
<td>BOARD OF EDUCATION OF ALPINE SCHOOL DISTRICT</td>
<td></td>
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<tr>
<td>1989-1991</td>
<td>BOARD OF EDUCATION OF ALPINE SCHOOL DISTRICT</td>
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<tr>
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<td>BOARD OF EDUCATION OF ALPINE SCHOOL DISTRICT</td>
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</tr>
</tbody>
</table>

Main Menu

Comments or Concerns on Value/Appraisal - Assessor’s Office
Documents/Owner/Parcel Information - Recorder’s Office
Address Change for Tax Notice

This page was created on 11/9/2018 3:22:36 PM
PROPERTY INFORMATION

Parcel: 120050022  Tax Year: 2019
Address: 10029 N 6300 WEST
          HIGHLAND
Owner: HIGHLAND CITY
Account Type: EXEMPT
Primary Use: EXEMPT
Land Size: 12
Land Size Sq Ft: 522,720

Photo Not Available

If you would like to comment on an appraisal issue or call an item to our attention, you may click here and do so.

Main Menu

Comments or Concerns on Value/Appraisal Assessor’s Office
Documents/Owner/Parcel info Recorder’s Office
Address Change for Tax Notice

This page was created on 11/9/2018 3:23:06 PM
The City Council should ADOPT the proposed resolution.

BACKGROUND:
In the early 2000’s Highland offered an Open Space overlay as an option for developers in the R-1-40 zone. It would provide open space, trails, and parks which would be paid for and created by the developer. It was a new concept, and by 2007, there were obvious problems with the concept and adjustments were made. Over the next several years, more changes were made and the overlay option was eventually removed from the Highland City code. After months of deliberation, changes, and input from the Planning Commission and residents, the City Council implemented an ordinance on February 3, 2013 that created a process and conditions for City property within an Open Space subdivision to be sold.

This moratorium request is to provide time for the Planning Commission and City Council, with input from the community, to review the current Open Space ordinance. Specifically, the areas relating to Neighborhood Optional Trails that have been paved and determine if the current ordinance meets current and future needs and desires of the residents, or if it should be modified.

This request is being made by Mayor Mann and Councilmembers Braithwaite and Ostler.

FISCAL IMPACT:
This action will not have an impact on this year’s fiscal expenditures.

ATTACHMENTS:
1. Proposed Resolution
Resolution NO. R-2019-04

AN RESOLUTION OF HIGHLAND CITY, UTAH
ESTABLISHING A SIX-MONTH MORATORIUM FOR NEW APPLICATIONS REQUESTING THE DISPOSAL OF NEIGHBORHOOD OPTION TRAILS UNDER SECTION 12.30 OF THE HIGHLAND CITY MUNICIPAL CODE

WHEREAS, the City Council of Highland has adopted Section 12.30 Removal of Neighborhood Option Trails of the Highland City Municipal Code; and

WHEREAS, in order to further the purpose of these regulations, the City Council finds that some aspects of the regulations may need to be addressed; and

WHEREAS, the City Council finds that there is a compelling public interest relating to the sale of city owned property and the removal of neighborhood option trails; and

WHEREAS, pursuant to 10-3-717 UCA, the City Council of Highland finds that a temporary moratorium on applications to Section 12.30 Removal of Neighborhood Option Trails of the Highland City Municipal Code is in the best public interest.

NOW, THEREFORE, be it ordained by the City Council of the City of Highland that a six-month moratorium on applications for the removal of neighborhood option trails is established effective January 23, 2019.

PASSED AND ADOPTED by the Highland City Council, August 22, 2019.

HIGHLAND CITY, UTAH

______________________________
Rodney W. Mann, Mayor

ATTEST:

______________________________
Cindy Quick, City Recorder

COUNCILMEMBER YES NO

Brian Braithwaite □ □
Ed Dennis □ □
Tim Irwin □ □
Kurt Ostler □ □
Scott Smith □ □
Adopt the Interlocal Agreement to participate in the Ethics Commission with nearby municipalities.

In October 2018 the City Council adopted an ethics ordinance, which stated, "Allegations against an Official for violating this ordinance may be submitted in writing to an independent Ethics Commission ("Commission") as provided in §10-3-1311 of the Utah State Code."

In 2014, an Ethics Commission was formed by Interlocal Agreement between the cities of Payson, Pleasant Grove, Spanish Fork, Salem, and Orem. The Interlocal Agreement details the process and procedures to be followed when a complaint is filed:

- a. A rotating 3-member commission is formed whenever a written complaint is filed.
- b. A complaint requires at least two individuals.
- c. Complaints are kept private, except for involved parties or witnesses.
- d. The commission members conduct an administrative investigation.
- e. The commission presents written findings and recommendations to the governing body.

In adopting the Interlocal Agreement, Highland would be able to participate in the Ethics Commission with the other cities.

FISCAL IMPACT:
None.

PROPOSED MOTION:
I move that the City Council approve the Interlocal Agreement forming an Ethics Commission.

ATTACHMENTS:
1. Proposed Interlocal Agreement
INTERLOCAL AGREEMENT BETWEEN PAYSON CITY, PLEASANT GROVE CITY, SPANISH FORK CITY, SALEM CITY, HIGHLAND CITY AND THE CITY OF OREM FOR THE CREATION OF AN ETHICS COMMISSION AS PROVIDED FOR BY STATE LAW.

WHEREAS, Payson City, Pleasant Grove City, Spanish Fork City, Salem City, Highland City and the City of Orem (Participating Cities) are all public agencies within the State of Utah and may enter into interlocal cooperation agreements pursuant to the Interlocal Cooperation Act, Title 11, Chapter 13 of the Utah Code; and

WHEREAS, the Participating Cities desire to jointly exercise their authority in a manner that is mutually beneficial and economical for each entity and its citizenry; and

WHEREAS, State law provides for the creation of a local ethics commission to review any complaints regarding the actions of a local entity's elected officials and any appointed executive officer; and

WHEREAS, the creation of this commission will provide for independent and knowledgeable individuals with an understanding of the Municipal Officers' and Employees' Ethics Act, the laws regarding conflict of interest, and the applicable administrative processes; and

WHEREAS, this agreement provides for the creation of the local ethics commission, its processes, and provides for a term of the agreement as well as the termination of this agreement; and

WHEREAS, this agreement is to be approved by the governing body of the Participating Cities and their legal counsel; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the City.

WITNESSETH, that the Participating Cities as authorized, enter into this interlocal agreement and agree as follows:

I. LOCAL ETHICS COMMISSION

1. Authority to create. Pursuant to § 11-13-101 et seq., these cities are authorized to enter into this agreement and to establish this commission.

2. Membership. The commission is made of a city attorney from each of the Participating Cities.
3. **Membership of commission when convened.** When the commission has been convened upon receiving a complaint, the membership will consist of three city attorneys who will be selected as follows:

   (A) A commission member may not be from the city where the complaint originated;

   (B) The city recorder who receives the complaint, will randomly select three of the remaining cities to serve on the commission. The attorneys from the three cities selected will serve on the commission until the adjudication of the complaint is complete;

   (C) After a city attorney has served on a commission, that city will be excluded from any subsequent commission selection process until a city attorney from each of the remaining cities has served on a commission;

   (D) The commission is responsible for tracking the service of each of city attorneys so that the city recorders can accurately select the commission; and

   (E) The term of the commission appointment ends when the adjudication of the complaint is complete.

4. **No remuneration for service and Governance.** Each member of the commission will serve without additional remuneration, and each city agrees not to seek reimbursement against the others for the service of its representative and any necessary staff support. As a result, there is no need for additional financing or budgeting. For the purposes of Utah Code § 11-13-207, this joint undertaking will be administered jointly by the Participating Cities and it is not anticipated that any real or personal property will be acquired during this undertaking.

5. **Meetings.** The commission will meet for the purpose of reviewing ethics complaints. At the beginning of each investigation, the commission will elect a chairperson. It will be the responsibility of the chairperson to lead the investigation, provide necessary staff support, provide a written conclusion of any investigation, and maintain the file for that investigation.

6. **Powers and procedures.** The commission's processes and authority are as follows:

   (A) **Filing of ethics complaints with commission.**

      (1) A complaint may only be filed with the commission under the following conditions:

      (a) The complaint must be against an elected or appointed official who is currently serving in that position and allege a violation of the Municipal Officers' and Employees' Ethics Act, Utah Code § 10-3-1301 *et seq.* or other applicable local ordinance.

      (b) The complaint must be filed with the city recorder of the respective city on behalf of the commission;
(c) The complaint must be made by either:

(i) two or more registered voters who reside within the boundaries of the respective city; or

(ii) two or more registered voters who pay a fee or tax to the respective city; or

(iii) one or more registered voters who reside within the boundaries of the respective city plus one or more registered voters who pay a fee or tax to the respective city;

(d) The complaint must be based upon direct evidence or sworn statements by one or more people with actual knowledge of the facts and circumstances supporting the alleged ethics violation;

(e) The complaint may not be filed during the sixty (60) calendar days immediately before a municipal primary election, if the accused elected official is a candidate in the primary election;

(f) The complaint may not be filed during the sixty (60) calendar days immediately before a municipal general election in which the accused elected official is a candidate, unless the accused elected official is unopposed in the election;

(g) The complaint must be in writing and contain:

(i) the name and position of the elected or appointed official alleged to be in violation;

(ii) the name, address, and telephone number of each individual who is filing the complaint;

(iii) a description of each alleged violation of the Municipal Officers' and Employees' Ethics Act, including a reference to the section of the Act alleged to have been violated;
(iv) with reasonable specificity, evidence supporting each allegation, which shall be provided by copies of official records, documentary evidence, or affidavits that include the required information;

(v) a list of witnesses that a complainant wishes to have called or interviewed, including for each witness: the name, address, and, if available, one or more telephone numbers of the witness; a brief summary of the testimony to be provided by the witness; a specific description of any documents or evidence a complainant desires the witness to produce;

(vi) a statement that each complainant:

(A) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;

(B) believes that the complaint is submitted in good faith and not for any improper purpose such as harassing the named elected or appointed official, causing unwarranted harm to the accused elected or appointed official's reputation, or causing unnecessary expenditure of public funds; and

(C) believes the allegations contained in the complaint to be true and accurate.

(vii) a statement with the signature of each complainant.

(2) Upon receipt of any ethics complaint, the city recorder shall select the commission using the procedures set forth in this Agreement, inform the city attorneys from the selected cities of their selection, then immediately refer the complaint to the commission. The city recorder shall not notify or inform any other person of the filing of the complaint.

(3) A person filing a complaint under this process is not entitled to reimbursement for attorney fees or costs incurred, regardless of the outcome of the proceedings.

(4) An administrative fee of $50 must be filed with the complaint. The $50 filing fee must be paid to the city where the complaint is filed. After the selected commission elects a chairperson, the $50 administrative fee will be paid to the chairperson's city to defray the costs of administering the complaint.
(B) Privacy.

(1) Once an ethics complaint has been filed with the city recorder, neither the city recorder, the commission, nor any of the city's employees may disclose the existence of the complaint, any response to the complaint, or any information concerning the alleged ethics violation that is the subject of the complaint, unless otherwise provided by law.

(2) Nothing in the restrictions above may be construed to hinder or prevent a person from disclosing the facts or allegations about potential criminal violations to a law enforcement authority.

(3) Nothing in this section may be construed to hinder or prevent the named elected or appointed official from preparing a defense to a complaint, including contacting witnesses or taking other actions in preparation for review by the commission.

(4) Nothing in this section may be construed to hinder or prevent any person from disclosing public records.

(5) If any employee or official of the cities publicly discloses any private information, appropriate disciplinary action may be taken against such individual.

(6) If a complainant publicly discloses any private records or information obtained from private records, the commission may summarily dismiss the complaint without prejudice.

(7) All records received by or generated by or for the commission are private and not subject to disclosure or release, except for the commission's summary findings and recommendation for the governing body or any document that is classified as public in accordance with Utah Code § 63G-2-301.

(C) Initial review of complaint.

(1) Within ten (10) business days after receipt of an ethics complaint, the commission shall examine the complaint to determine if it is in compliance with the filing requirements of paragraph 6.(A).
(2) If the commission determines that the complaint does not comply with the filing requirements, the commission shall return the complaint to the first complainant named on the complaint with a statement detailing the reason(s) for non-compliance. At the same time, the commission shall notify the mayor, city manager, and the city attorney that a complaint filed against an unidentified elected or appointed official has been returned for noncompliance and the fact that a complaint was filed and returned shall be kept confidential from all others until the commission submits its annual summary report to the respective governing bodies and to the city managers. If a complaint is returned by the commission, the complainants may file another complaint if the new complaint independently meets the filing requirements.

(3) If the commission determines that the complaint complies with the filing requirements, the commission shall:

(a) Accept the complaint;

(b) Promptly forward the complaint to the elected or appointed official who is named in the complaint, together with directions for providing a response to the commission; and

(c) Notify the complainants, the named elected or appointed official, the city recorder, and any support staff of the commission of the privacy requirements.

(4) At its discretion, the commission may determine whether the subject of the complaint should be investigated by a law enforcement agency.

(5) If the commission learns that the subject of the complaint is under criminal investigation, the commission may suspend its review of the complaint pending the resolution of the criminal investigation.

(6) The named elected or appointed official shall have the right to present an answer to the complaint. The answer may contain statements, arguments, and evidence. The answer must be filed within ten (10) business days from the date the complaint was forwarded to the elected or appointed official.

(7) The commission shall dismiss an ethics complaint if:
(a) The named elected or appointed official resigns or is removed from office;

(b) The named elected or appointed official is charged with a criminal violation of the Municipal Officers' and Employees' Ethics Act where the facts and allegations presented in the ethics complaint assert substantially similar facts and allegations as those asserted in the criminal charges; or

(c) The allegations in the complaint, if assumed to be true, do not state a violation of the Municipal Officer's and Employees' Ethics Act.

(D) Consideration of complaint after acceptance.

(1) After acceptance of a complaint, the commission has the discretion to:

(a) Conduct a confidential, independent administrative investigation of the complaint;

(b) Refer the matter to an independent non-criminal investigator for fact finding and investigation and consider the confidential report of the investigator;

(c) Conduct a hearing in accordance with Subsection (2) of this Section; or

(d) Any combination of the above.

(2) If the commission uses a hearing to review the complaint, the commission shall:

(a) Assure that the hearing includes opening arguments, presentation of evidence, witnesses and rebuttal, consideration of motions, and closing arguments;

(b) Close the hearing to the public;

(c) Allow the complainants and the named elected or appointed official to retain legal representation, at their discretion; and
(d) Provide administrative subpoenas pursuant to its subpoena powers.

(3) For any hearing the commission must provide a notice to the first named complainant and the named elected or appointed official at least five (5) business days prior to the hearing.

(4) The commission shall determine whether the subject matter of the complaint was previously the subject of a filing, public disclosure, or a city attorney ethics advisory opinion. The commission shall take into consideration efforts by the named elected or appointed official to seek legal direction regarding the subject matter of the complaint and any good faith efforts by the named elected or appointed official in response to legal advice received.

(5) The commission shall ensure that a record of any commission meeting or hearing is made, which shall include:

(a) Audio recordings, if any;

(b) Official summaries or minutes taken during the meeting or hearing;

(c) Copies of all documents or other items admitted into evidence or considered by the commission;

(d) Copies of a document or written order or ruling issued by the commission; and

(e) Any other information the commission deems relevant to the findings and recommendation.

(E) Contempt powers.

(1) The commission may hold a person in contempt if the person:

(a) Refuses to answer a question, without legal justification, after being directed by the commission to answer; or

(b) Fails to comply with a subpoena issued by the commission.
(2) Upon finding a person in contempt, the commission shall report the person to the Fourth District Court and request a warrant of attachment or order to show cause, as provided in Utah Code § 78B-6-313.

(F) Request by elected or appointed official for legal representation.

(1) The named elected or appointed official may request that their city provide a legal defense if the complaint arises from an act or omission during the performance of official duties, within the scope of employment, or under the color of authority.

(2) The respective city may arrange for such legal defense, where appropriate.

(G) Determination by commission.

(1) After review of the complaint, the commission shall determine whether there is clear and convincing evidence supporting a violation of the Municipal Officers' and Employees' Act or applicable local ordinance by the named elected or appointed official. If there are multiple alleged violations, the commission shall separately determine whether clear and convincing evidence supports each violation.

(2) If the commission determines that no allegations in the complaint were proved, the commission shall:

   (a) Issue an order that the complaint is dismissed because no allegations in the complaint were found to have been proven;

   (b) Provide notice of the determination of an unidentified subject of a complaint (elected or appointed official) at a regular public meeting of the respective city's council; and

   (c) Provide written notice of the determination to the named elected or appointed official and the first named complainant on the complaint.

(3) If the commission determines that one or more of the allegations in the complaint were proved, the commission shall:
(a) Prepare written summary findings and a recommendation for the respective city's council:

(i) Listing the name of each complainant and the name of the subject elected or appointed official;

(ii) For each allegation that was proven:

(A) Provide the reference to the Municipal Officers' and Employees' Act or applicable local ordinance;

(B) Summarize the evidence supporting a violation by clear and convincing evidence;

(C) Make factual findings; and

(D) Recommend appropriate action to the respective city's council.

(b) Notify the named elected or appointed official and the first complainant on the complaint of the written summary findings and recommendation for the respective city's council; and

(c) Orally report the summary findings and recommendation to the respective city's council in a regular meeting of the city council.

(4) If the commission finds a violation of the Municipal Officers' and Employees' Ethics Act or applicable local ordinance, the commission may recommend to the respective city's council any appropriate action or remedy, including but not limited to censure, reprimand, additional ethics training, or removal from office. The commission's recommendation may depend on the severity of the violation, the elected or appointed official's intent, any history or pattern of abuse by the named elected or appointed official, and any economic or other benefit received by the named elected or appointed official.

(H) Annual commission report.

(1) The commission shall prepare, on an annual basis, a summary report that contains:
(a) A general description of the activities of the commission during the past year;

(b) The number of ethics complaints filed with the commission;

(c) The number of ethics complaints dismissed; and

(d) An executive summary of each complaint where the commission found a violation of the Municipal Officers' and Employees' Ethics Act or applicable local ordinance.

(2) The annual report of the commission shall be filed with the governing bodies and with the city managers and shall be a public record.

II. NO NEW ENTITY

This agreement is not intended to create a new or separate entity, as contemplated by the Interlocal Agreement Act.

III. TERMINATION AND ADDITION OF CITIES

1. Termination. This agreement shall terminate fifty (50) years from the date the last party enters into the agreement. Any party may withdraw from this agreement upon thirty (30) days' written notice, with or without cause.

2. Addition of Cities. A city that is not a party to this agreement, may become a Participating City if: (1) the city agrees to be bound by the terms of this agreement; and (2) a majority of the Participating Cities that are bound by this agreement at the time of the request approve of the new city's participation.
This Agreement becomes effective as to each Participating City upon the date each Participating City executes the Agreement.

PAYSON CITY

Date: ________________

______________________________
Mayor

ATTEST: 

APPROVED AS TO FORM:

______________________________
City Attorney

PLEASANT GROVE CITY

Date: ________________

______________________________
Mayor

ATTEST:

APPROVED AS TO FORM:

______________________________
City Attorney
SPANISH FORK CITY

Date: __________________ ________  ________________
Mayor

ATTEST: 

APPROVED AS TO FORM:

__________________________
City Attorney

SALEM CITY

Date: __________________ ________  ________________
Mayor

ATTEST: 

APPROVED AS TO FORM:

__________________________
City Attorney
OREM CITY

Date: ________________

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Mayor

ATTEST:

APPROVED AS TO FORM:

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City Attorney

HIGHLAND CITY

Date: ________________

________________________
Mayor

ATTEST:

APPROVED AS TO FORM:

________________________
City Attorney