7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)
Call to Order – Mayor Rod Mann
Invocation – Council Member Tim Irwin
Pledge of Allegiance – Council Member Ed Dennis

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. RECOGNITION OF MIKE KENNEDY – Mayor Rod Mann
   b. POINT OF THE MOUNTAIN CHAMBER – Mark Welcker
   c. EVENT UPDATE – Civic Events Manager Julie Tapusoa

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 April 2, 2019 and April 16, 2019

4. PUBLIC HEARING/RESOLUTION: DESIGNATION OF OPEN SPACE PROPERTY FOR DISPOSAL AND REMOVAL OF NEIGHBORHOOD OPTION TRAILS IN THE BEACON HILL THE HIGHLANDS SUBDIVISION
   City Council should conduct a public hearing and determine whether or not the property should be disposed and the neighborhood option trails removed. The Council will take appropriate action.

5. PUBLIC HEARING/RESOLUTION: DESIGNATION OF OPEN SPACE PROPERTY FOR DISPOSAL AND REMOVAL OF NEIGHBORHOOD OPTION TRAILS IN THE WINDSOR MEADOW SUBDIVISION
   City Council should conduct a public hearing and determine whether or not the property should be disposed and the neighborhood option trails removed. The Council will take appropriate action.
6. **ACTION/ORDINANCE: TIME, PLACE, AND MANNER REGULATIONS**
   City council will consider adopting an ordinance regulating time place and manner restrictions. The Council will take appropriate action.

7. **MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS**
   a. Length of Council Meetings
   b. Funding Increase

8. **CLOSED SESSION**
   The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss pending or reasonable imminent litigation, as provided by Utah Code Annotated §52-4-205

9. **FUTURE MEETINGS**
   a. Future Meetings
      - May 21, City Council Meeting, 7:00 pm, City Hall
      - May 28, Planning Commission 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 2nd day of May, 2019 Cindy Quick, MMC City Recorder

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**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.**
HIGHLAND CITY COUNCIL MINUTES  
Tuesday, April 2, 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, Planner & GIS Analyst Tara Tannahill, Joann, Reed Thompson, City Attorney Tim Merrill, and City Recorder Cindy Quick


7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS) 
Call to Order – Mayor Rod Mann 
Invocation – Council Member Scott L. Smith 
Pledge of Allegiance – Jaxson Ingus

The meeting was called to order by Mayor Rod Mann as a regular session at 7:02 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 Merrill Frost and those assembled were led in the Pledge of Allegiance by Jaxson Dingus.

1. UNSCHEDULED PUBLIC APPEARANCES
Mayor Mann presented a Recognition Award to Dr. Bill Parker and Rusty Parker for their service to the community. Dr. Parker had delivered over 7,800 babies over his 37 years of practice, and Mayor Mann was confident that he would continue to serve the community. The recipients were given certificates and a Highland Hero Pin.

Alan Rencher, a Highland resident, thanked the Council for meeting with him to discuss the plans for Mountain Ridge Park. He wanted the park to serve the diverse community of Highland, which means they would need a variety of playing fields and playgrounds. Mr. Rencher volunteered to help with the plans, public outreach, and fundraising for the park.

Michael Bronson, a Highland resident, said that Item 4 should not have been put on the agenda, even though it had been removed. He felt that the item was at odds with “who we are as a City.” Regarding the petition, he understood that many people had asked to have their names removed from the petition now that they
understood the potential impact. The petition was signed so long ago that some of those that had signed had moved away. He felt that if the City wanted to revisit the item, better notice should be given.

Lowell Nelson, a Highland resident, expressed his support for rank choice voting. He encouraged the Council to choose the vote by mail option with the County.

Adam Gerulat, a Highland resident, echoed the comments of Michael Bronson. Upon reviewing past agendas and hearing, it seemed to him that one City Council Member had a personal interest in the issue. He had also researched the City Council Rules of Procedures, and he was not impressed with those rules. He suggested that if a Council Member had a conflict of interest, they should recuse themselves from the discussion and the vote.

Mayor Mann assured Mr. Gerulat that anything that needed to be disclosed, had been done so. Council Member Brian Braithwaite added that the State requires that a conflict of interest be disclosed, but there was no restriction on the Council Member’s ability to vote.

Brent Wallace, a Highland resident, said they recently found out that Item 4 was on the agenda, and when they arrived at the meeting, they discovered that the Item had been removed. That made him very uncomfortable. He also felt that the petition process was flawed, including the fact that the petition did not have a reasonable expiration date. The petition should have written text describing the petition, and dates signed. The intent to remove the entire trail should have been reflected in the petition. Mr. Wallace questioned the effectiveness of the Open Space Committee and suggested that they consider dissolving it. He also asked that the Council consider the damage that the process has brought to Highland neighborhoods.

Sherry Kramer, a Highland resident, requested that the City continue with the noise and traffic studies for the development of Mountain Ridge Park. Mrs. Kramer said that she would be happy to help with fundraising for the park. She commented that having a few pickleball courts would be good for the park, but no matter what fields were put in the park, there would need to be noise abatement. She was also concerned that there would be a lack of parking.

Merrill Frost, a Highland resident, said that it was premature to put Item 4 on the agenda. He encouraged the Council to make everything as transparent as possible, to vet every option, and to allow the community to be part of the process and give their input. He thanked Council Member Kurt Ostler for listening to his concerns via telephone earlier.

Vanessa Moody, a Highland resident, said that she was a member of the Friends of Mountain Ridge Park Coalition. In working with many residents, she found an overwhelming response that 27 pickleball courts were too many. She had obtained over 700 signatures of residents against the tournament-sized facility. She encouraged the Council to heed the results of the citizens’ survey that was recently taken.

Carley Tall, a Highland resident, was excited about the results of the survey because she believed it showed a united community. Everyone was excited about the potential for an all-abilities park, and she was willing to help with that. Ms. Tall briefly expressed her opposition to rank choice voting and stated that it would be difficult to do on a City level.

Natalie Ball, a Highland resident, was disappointed that the trail issue was coming back before them and said that the process was awful. They were creating divided neighborhoods all over the City. She encouraged the Council to reconsider having an Open Space Committee and to consider charging an open space fee to all residents of Highland.
Doug Corney, a Highland resident, said that the problems of Highland come from the residents. The residents of Highland enjoy a low property tax and many amenities, but the government spends more than it collects. The residents were now paying for road maintenance and there was a burnout of debt on public works staff. The residents had expected too much from too little resources; they have felt entitled. If the residents wanted things to happen in their community, they needed to donate and volunteer. He was sure that the residents, City officials, and staff could pull together to make Highland a great City.

Wayne Tanaka, a Highland resident, liked the idea of increased volunteerism and recommended that Highland look to Provo as an example of how to better promote it. If Highland did even a fraction of what Provo had done, they could do a lot for parks and trails. Volunteerism is a huge resource for any community.

Council Member Ed Dennis briefly spoke about the history and purpose of the Open Space Committee. They had spent thousands of hours looking into the issue of neighborhood trails, and in 2013 the City Council unanimously passed an ordinance allowing for the disposal of neighborhood option trails. One of the biggest concerns for everyone is that the City did not have enough funds to maintain all of the trails. The ordinance regarding the disposal of neighborhood option trails required a significant percentage of the neighborhood for the removal of a trail to be considered. He had a personal interest in the issue because he wanted to fix a problem that was difficult to live next to. He had requested the item be on the agenda only so the Council could discuss whether or not they would reconsider the issue. There would have been additional notices had the Council chosen to reconsider the issue.

2. 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 March 5, 2019

b. ACTION/ORDINANCE: ADOPTION OF HIGHLAND CITY MUNICIPAL CODE SECTION 2.04.130 APPLICANT BACKGROUND CHECKS
   Council will consider approving the adoption of a new section in the Highland City Municipal Code for new employee and volunteer Applicant Background Checks. The Council will take appropriate action.

c. ACTION: REAPPOINTMENT AND CONSULTANT CONTRACT FOR VAUGHN PICKELL AS THE HIGHLAND CITY APPEAL AUTHORITY
   Council will consider ratifying the reappointment of Vaughn Pickell and approving a consultant contract with him to continue serving as the Highland City Appeal Authority. The Council will take appropriate action.

d. ACTION: AMENDED INTERLOCAL AGREEMENT WITH UTAH COUNTY ON THE 4800 WEST PROJECT
   Council will consider approving an amended Interlocal Agreement with Utah County for the 4800 West Project. The Council will take appropriate action.

e. ACTION: APPROVE SPRING CREEK HIGHLAND PLAT ‘A’ PRELIMINARY PLAT
   Council will consider a request from Millhaven Development for a ten lot preliminary plat on 12 acres of property located approximately at 10029 N 6300 W (PP-19-01). The Council will take appropriate action.
Council Member Brian Braithwaite requested that Item 2e, be pulled off the consent agenda for further discussion. Council Member Ed Dennis requested that Item 2b. also be pulled off the consent agenda for further discussion.

Council Member Tim Irwin MOVED to approve consent items a., c and d. 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
- Council Member Tim Irwin Yes
- Council Member Kurt Ostler Yes
- Council Member Scott L. Smith Yes

The motion passed.

Council Member Ed Dennis initiated a discussion regarding Item 2b by asking if an individual could request a copy of their background check. City Attorney Tim Merrill was not sure, but said he would look into it. There was some discussion and the Council and staff agreed that this option should be offered.

Council Member Brian Braithwaite initiated a discussion about Item 2e. He asked that the background information in the staff report be changed to reflect the real reason for not building the park, which was not only budgetary constraints. The primary reasons the park did not get built had more to do with the traffic, type of park, and access to the park. He did not believe the property was an appropriate size for the type of park proposed. He requested the same change in the staff report for Item 6.

Council Member Brian Braithwaite MOVED to make amendments to the Highland City Municipal Code 2.04.130 for Background Checks that the City agrees to provide a copy if requested and make amendments to the staff report of item 2e and 6 in the background of the staff reports that the reason for not building the park were primarily due to the traffic, type of park, and access to the park for that neighborhood. Council Member Ed Dennis 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.

3. ACTION: APPROVAL OF SURPLUS AND DISPOSAL OF PERSONAL PUBLIC PROPERTY AND EQUIPMENT

Joann Scott, Planning Commission and Community Development Secretary, oriented the City Council regarding surplus items that staff wished to dispose of per Municipal Code guidelines. She noted that these items would be listed on the public surplus website.

Council Member Ed Dennis MOVED to approve the surplus and disposal of personal and public property equipment as recommended. 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. ACTION: RECONSIDERATION OF CANTERBURY TRAIL DISPOSAL
City Council will discuss a request by Council Members Ed Dennis and Scott L. Smith to reconsider the Council’s denial regarding the designation of open space property for disposal and removal of neighborhood option trails in the Canterbury North Subdivision. The Council will take appropriate action.
The item was withdrawn at the request of the applicant.

5. ACTION: APPROVAL OF THE MOUNTAIN RIDGE PARK MASTER DESIGN PROCESS
City Administrator Nathan Crane oriented the City Council regarding revisions to the Final Master Plan for Mountain Ridge Park. In January, the Council chose to move forward with a set of drawings that would complete 60% of the park. They had spent approximately $36,000 of the budget on the design. He presented the designs for their review and feedback.

Mayor Mann allowed public comment.

Amy Johnson, a resident, asked that the City Council take the results of the survey seriously, because they were clearly opposed to a tournament-level facility. She hoped that they would consider a variety of sports courts and fields.

Carley Tall, a resident, requested that the all-abilities playground be located closer to the parking lot. She also suggested reaching out to the local universities to see if the students would take on the project of designing the rest of the park.

Cody Dinguus, a resident, asked that they reconsider the location of the maintenance building and move it away from the homes.

Sherry Kramer, a resident, reemphasized the need for more parking.

Robert Williams, a resident, thanked the Council for allowing the residents to provide input on the design of the park. He wondered why they were discussing the design of the park before the studies on traffic and noise had been complete. He didn’t feel that 27 pickleball courts made sense for this park.

Council Member Ed Dennis suggested continuing the item while the studies were being completed. Mayor Mann said that the purpose of the Item was to decide how to continue with the project.

There was a brief discussion regarding the traffic study, and it was explained that the count would be based off current traffic and additional traffic from playing fields.

Council Member Brian Braithwaite said that there were no funds available. There could be funds in the future, but the majority of the donations to-date were based on the tournament-level pickleball facility. They would have to approach the donors again to request money for the park.
Council Member Kurt Ostler suggested that they hold back on the traffic study until they knew exactly what would be going into the park. The resident survey was geared toward what was being presented. Since the residents were opposed to a tournament level facility, they should consider something like eight pickleball courts.

Council Member Scott L. Smith briefly described how the idea of 27 courts came about. Having 27 courts would enable tournaments to happen in Highland, and most of the park would have been built with donations. In discussions with Lorna Reed, it was clear that they didn’t have the cash they needed for the project. He supported pickleball, but having eight to twelve courts would be more appropriate. Whatever they do with the park, they needed a plan to maintain it.

Council Member Brian Braithwaite said that the park needed to meet the needs of Highland residents, and there were many interests beyond pickleball. He suggested having a few different sporting fields at Mountain Ridge Park.

Mayor Mann directed staff to take the input from the residents and Council, and come back with a few options.

Council Member Tim Irwin MOVED to amend the current master plan as suggested using the information that was already gathered at the open houses and through the resident survey. Pickleball needs to be included but not at the level on the original plan. Bring the amended plan back to a future Council meeting and hold another open house.

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: CONDITIONAL USE PERMIT FOR SPRING CREEK PARK

Planner Tara Tannahill presented a request from Highland City for a conditional use permit for 2.32 acres of park located at approximately 10029 N 6300 W. She gave a background of the property and stated that Millhaven Development had submitted a preliminary plat for the park. The plat showed a six-foot masonry fence along the properties in the Spring Creek subdivision that abut the park. The entrance to the park would be from Mountain View Drive with a walking path entrance between Lots 7 and 8 of the Spring Creek subdivision.

Council Member Brian Braithwaite said that some residents already had access to the property through their existing fences. It should be clarified as to whether those accesses will remain. Council Member Ed Dennis thought that the neighbors should have the option to have a gate access to the park. City Administrator Nathan Crane said that residents did not see the City as a good neighbor, so he recommended staying with the masonry fencing.

Council Member Kurt Ostler asked if the City was able to give their input on the park design, and City Administrator Nathan Crane said that there had been an open house a few months ago. Some residents came and spoke to the Planning Commission as well, and the comments were positive.
Council Member Kurt Ostler said that it looked like a nice park, but it might be too decorative. Council Member Ed Dennis agreed and said that he favored more grass and less gravel. Council Member Tim Irwin was concerned about conserving water. They suggested fewer flower beds and the use of rubber instead of gravel.

Council Member Brian Braithwaite asked staff to send a copy of the park design to the neighborhood representative.

Mayor Mann allowed time for public comment.

Deanne Dixon, a resident, said that the tree that were planned next to the fence line would eventually grow very large and obstruct the residents’ views. She would prefer to have those trees toward the interior of the park to provide shade for those playing in the park.

Council Member Tim Irwin MOVED that the City Council accept the findings and recommend approval of the conditional use permit subject to the stipulations recommended by the Planning Commission. Council Member Scott L. Smith SECONDED the motion.

1. The final plat shall be in substantial conformance with the concept plan and plat received March 14, 2019.
2. All signage shall require a separate permit and comply with the development code.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.

Council Member Brian Braithwaite asked to amend the motion to remove the first stipulation, because the word “substantial” was in the eye of the beholder. Council Member Kurt Ostler seconded the amendment. Council Member Tim Irwin accepted the amendment.

Council Member Tim Irwin MOVED to recommend approval of the conditional use permit with Planning Commission stipulations 2 and 3. Council Member Scott L. Smith SECONDED the motion.

2. All signage shall require a separate permit and comply with the development code.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.

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.

7. ACTION: ADOPTION OF HIGHLAND CITY MUNICIPAL CODE SHORT TERM RENTALS
City Attorney Tim Merrill presented the proposal for a new section of the Municipal Code that would enact regulations for short term rentals, such as Airbnb’s. This was something that had been discussed several times over the last year, and the City currently had no regulations for the use. The proposal would allow short term rentals, as long as the home owner had a business license. It would also limit the number of renters that
could be in the home at once. He noted that staff received calls about this use weekly, from interested parties and for complaints. State law permits the City to enact a transient room tax of 1%.

City Administrator Nathan Crane said that rentals were currently being handled through business licensing. Mayor Mann commented that the benefit to requiring a business license was that they would have contact information for the property owner.

Council Member Kurt Ostler asked how many rentals were in the City, and City Attorney Tim Merrill said that they had no way of gathering that information because the City did not regulate it.

Council Member Scott L. Smith said that there was a rental home next to him, and the only issue was that garbage cans fill up and are taken out to the road before garbage pickup day, so the cans would sit on the road for days. City Attorney Tim Merrill said that the code would require the property to remain clean of accumulated garbage, and the cans could not be left on the curb for more than 24 hours. The way to deal with this was to enforce the code.

There was a brief discussion about the number of guests and language that prohibits single-night rentals. Council Member Brian Braithwaite felt that the restrictions should be in the ordinance, but up to the individual home owners. Council Member Tim Irwin was worried about the intended consequences of the ordinance.

City Attorney Tim Merrill said that a lot of communities have these ordinances, and he thought it was highly appropriate for Highland to have an ordinance that was less restrictive.

After some discussion, the Council agreed that the ordinance was not necessary at this time.

*Council Member Tim Irwin MOVED to postpone the ordinance discussion indefinitely.*
*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.

8. PUBLIC HEARING/RESOLUTION: ADOPTION OF A MUNICIPAL TRANSIENT ROOM TAX

Being that the Transient Room Tax was part of the short term rental ordinance, it was also postponed indefinitely.

9. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS
   a. 2019 Election Options - *City Recorder Cindy Quick*

   City Recorder Cindy Quick presented information regarding three options for elections next year: a precinct election, a vote-by-mail election run by the City, or a vote-by-mail election run by the County. She noted that the last three elections were vote-by-mail. If the Council chooses to run its own election, the County
asks that they do not include voting in schools due to security issues. They also suggested not having voting in churches.

Council Member Scott L. Smith expressed his concerns about having one central voting location rather than giving the residents several options.

Rozan Mitchell, Elections Director for Utah County, stated that one table of poll workers could process 800 voters per day the old-fashioned way. If they chose this method, they needed to consider locations that would have adequate parking to accommodate that many voters.

City Recorder Cindy Quick briefly explained the process of the precinct election and noted that they would need to recruit 18 poll workers, five counters, and two judges. There would be costs for advertising, noticing, educating the public, and the time of staff and the poll workers. They would also need to verify signatures on absentee ballots with the County. Vote-by-mail run by the City would have a similar process to the precinct election, but they would only be required to have one voting location on election day. She noted that this option would be less confusing to the residents, as they’d been having vote-by-mail elections for the past three elections. There would also most likely be an initiative to change the form of government through the County, which would require a vote-by-mail for the general election, and all future County elections would be vote-by-mail.

Rozan Mitchell stated that the County was working hard to inspire confidence in the election process. They would be implementing new voting equipment and increasing election security, including permanent drop boxes. There was grant money available through the State for cities to install these drop boxes. Those funds could also be used for voter education. Utah County Elections had four new staff members, which was double the number they had last year. Collectively, they have more than 20 years of election experience between them. Rozan Mitchell said one of her greatest concerns was voter confusion. The last three elections had been vote-by-mail, and next year there would be three elections that would all be vote-by-mail with the County. They wanted to keep consistent with that, so she encouraged the City to choose a vote-by-mail option this year. She briefly discussed signature verification and the reasons why a ballot could be rejected. A lot of them could be resolved with greater voter education. Highland City already had 2,616 voters that had requested ballots by mail, which was one-fourth of their active voters. She said that election security was a national hot topic, and the County was doing everything they could to increase voter confidence.

City Recorder Cindy Quick presented a summary slide showing the cost of each option, as follows:

- **Option 1 – Precinct Election**
  - $10,215 / election
- **Option 2 – Vote by Mail – City**
  - $16,387 / election
- **Option 3 – Vote by Mail – County**
  - Not to exceed $18,580 / election

Council Member Tim Irwin was opposed to vote-by-mail for many reasons, but some of those concerns had been addressed during the presentation. He agreed that it would be confusing to the citizens to switch the election style back and forth. His primary concern, however, was the cost, because they were not sure if they would have a primary election this year or not. There would be three seats available, but they did not know how many candidates they would have. This issue would be resolved if they chose to do rank choice voting. As he understood, the County had software that would handle rank choice voting, which would take the burden off of the City Recorder and her team. He was in favor of doing vote-by-mail, but only with rank choice voting.
Rozan Mitchell briefly explained rank choice voting and said that there had been a few jurisdictions that were interested in it. There was a lot of grant money available for voter education on this style of voting.

Council Member Scott L. Smith was in favor of the vote-by-mail run by the County. He needed to understand rank choice voting a little more before he made a decision on that. It would be nice to cut costs by eliminating a primary election, but he did not understand how that would work if they had more than 10 candidates. There was some discussion regarding rank choice voting, and Rozan Mitchell said that she could have someone come to the Council and make a presentation.

Council Member Brian Braithwaite was not in favor of rank choice voting, because he did not believe the citizens were ready for it. He wanted to see results from other cities using rank choice voting before moving forward with it. His preference would be to have the City run a vote-by-mail election, but not pay for the return ballot postage.

Council Member Ed Dennis wanted to know the overhead costs for staff for the first two options, since those costs were not included in the estimate. He was leaning toward a vote-by-mail run by the County to maintain consistency.

Council Member Tim Irwin was not convinced that there was greater participation with a vote-by-mail election than a precinct election. He did not want more voters if those voters were not educated. He agreed with Council Member Brian Braithwaite’s suggestion. He was also still concerned about funding any of the options.

Council Member Kurt Ostler was intrigued by rank choice voting, but he wanted to hear more about it before jumping into that option. He was in favor of a vote-by-mail run by the County.

There was a discussion about the permanent drop boxes and Rozan Mitchell confirmed that the County would cover the cost to install it and maintain it. The comment was made that postage was metered, and the drop box would not use the return postage. It would cut costs if more people dropped off their ballot, and she felt they would being that there was a level of distrust with the post office. Rozan Mitchell said that two County elections workers would collect the ballots every other day and take those ballots back to the County.

The Council consensus was that staff pursue the permanent drop box and contract with the County for a vote-by-mail election.

b. Lone Peak Public Safety Department Interlocal Agreement – Mayor Rod Mann

Mayor Mann explained that there were concerns about having an even-numbered board for the Lone Peak Public Safety board. With Highland paying the lion’s share of the bill, they should have one more vote. One of the possible changes to the interlocal agreement was the number of board members. The interlocal agreement would also require the majority of both City Councils’ support for funding changes. He briefly explained the funding mechanism for the Safety District, and the interlocal agreement would allow each city to figure out how to pay their portion of the bill. He reported that there had been arguments about the Alpine station and how that would be funded. They determined to raise the percentage that Alpine pays for that station.

Council Member Brian Braithwaite wanted to make sure that everything in the agreement was simple and defendable. The changes would allow the board to act more like a district, and it would be simpler for the residents to understand.
City Attorney Tim Merrill requested time to review the proposed agreement. Mayor Mann said that he would send each of them a copy of the agreement and request their feedback.

The Council discussed the upcoming meeting, and it was revealed that only one Council Member could be physically present for the meeting. They decided to move the work session to either April 18th or early on the 16th. Staff would explore both options and email the Council about the replacement date.

10. FUTURE MEETINGS

a. Future Meetings
   i. April 9, City Council Work Session, 7:00 pm, City Hall
   ii. April 16, City Council Meeting, 7:00 pm, City Hall
   iii. April 30, Planning Commission Meeting, 7:00 pm, City Hall

ADJOURNMENT

Council Member Tim Irwin MOVED to adjourn the meeting and Council Member Brian Braithwaite SECONDED the motion. All voted yes and the motion passed unanimously.

The meeting adjourned at 10:23 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 April 2, 2019. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick, MMC
City Recorder
DATE: April 2, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Tara Tannahill
      Planner & GIS Analyst
SUBJECT: ACTION – Millhaven Development is requesting a preliminary plat approval of 12 acres of property located approximately at 10029 N 6300 W (PP-19-01). Administrative

STAFF RECOMMENDATION:
The City Council should hold a public meeting and approve the preliminary plat subject to the four stipulations recommended by the Planning Commission.

BACKGROUND:
In October of 2007, Highland City acquired 12 acres of property located at 10029 N 6300 W from Alpine School District. At that time, it was the City's intent to develop this property as a park. Unfortunately, due to budget constraints, traffic, type of park, and access to the park for that neighborhood, the park was not developed. (amended by motion during City Council meeting)

On November 13, 2018, Highland City Council voted to surplus the property for residential development and the proceeds generated from the sell would be utilized to develop the Mountain Park - Parks property.

The proposed property is 12 acres located at approximately 10029 North 6300 West. The proposed development includes a 2.82-acre park and 10 single-family residential building lots.

The property is designated as Private Recreation & Mini Park on the General Plan Land Use Map. The current zoning is R-1-40. The R-1-40 District allows for one home per 40,000 square feet of land within development. The minimum lot width is 130 feet.

Parks are permitted in the R-1-40 District subject to approval of a conditional use permit. The City of Highland will be applying for the Conditional Use Permit (CU-19-04).

Preliminary Plat approvals are an administrative process.
SUMMARY OF THE REQUEST:

1. The applicant is requesting approval of a preliminary plat approval for 10 single-family residential building lots and a 2.32-acre park located approximately at 10029 N 6300 W.

2. The City will be responsible to provide culinary and pressurized irrigation water shares for the subdivision.

3. Access to the site will be from Mountain View Drive. The road runs up with 9960 north cul-de-sac across Mountain View Drive road.

4. A masonry entry monument sign will be placed at the entrance of the subdivision on Mountain View Drive.

CITIZEN PARTICIPATION:
The City of Highland held a neighborhood meeting on November 7, 2019. The purpose of the meeting was to inform the neighboring residents about the property which is to be sold. The City of Highland and Millhaven Development held a Design-Review Committee (DRC) meeting on March 7, 2019. No residents attended either meeting.

Notice of the Planning Commission public hearing was published in the March 10, 2019 edition of the Daily Herald and mailed to property owners within 500 feet on March 7, 2019. We have not received any comments from adjacent property owners expressing concern of the potential development.

Notification is not required for City Council.

ANALYSIS:

- The property is designated as Private Recreation/Mini Park on the General Plan Land Use Map.
- The surrounding properties are zoned R-1-40 and are single family homes. Properties to the south of 9600 N are zoned R-1-40 and are single family homes.
- Utilities currently exist on Mountain View Drive.
- The property has 10 single-family residential lots with three (3) of those lots being 30,000 square feet or less. The R-1-40 District allows thirteen (13) single-family residential lots with three (3) of those lots being 30,000 square feet or less. The proposed plan meets the requirements of the R-1-40 District.
- Each lot has 100 feet of frontage demonstrated with a 10-foot utility easement on each property. This meets the requirements of the R-1-40 District.
- The setbacks are 30 feet from the front and rear property line with 15 feet for the side property lines. This meets the requirements of the R-1-40 District’s setbacks.
- A masonry theme wall is not required along Mountain View Drive.
FINDINGS:

With the proposed stipulations, the preliminary plat meets the following findings:

- It complies with all zoning requirements as set forth by the Development Code.

PLANNING COMMISSION ACTION:

The Planning Commission held a public meeting on March 26, 2019. There were comments from the public regarding the proposal. The Commission voted unanimously to recommend approval of the final plat subject to the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat received March 14, 2019.
2. All signage shall require a separate permit and comply with the development code.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.
4. A note shall be included on the final plat stating Highland City Ordinances currently permit larger animals on surrounding property.

RECOMMENDATION AND PROPOSED MOTION:

I move that the City Council recommend APPROVAL of Spring Creek Highland Plat ‘A’ Preliminary Plat subject to the four stipulations recommended by the Planning Commission.

ALTERNATIVE MOTION:

I move that the City Council recommend REJECT of the Spring Creek Highland Plat ‘A’ Preliminary Plat subject to the following findings. Council should state appropriate findings.

FISCAL IMPACT:

The City will pay for the park which is estimated to cost $556,994.50. The City will provide culinary and pressurized irrigation water shares. The City will be responsible to maintain the landscaping in the park.

ATTACHMENTS:

1. Site Plan
2. Preliminary Plat Map
3. Entry Monumentation
4. Narrative
CITY COUNCIL AGENDA REPORT  
ITEM #6

DATE: April 2, 2019  
TO: Honorable Mayor and Members of the City Council  
FROM: Tara Tannahill  
Planner & GIS Analyst  
SUBJECT: ACTION - The City of Highland is requesting a conditional use permit for 2.32 acres of park located approximately at 10029 N 6300 W (CU-19-04). Administrative

STAFF RECOMMENDATION:
The City Council should hold a public meeting and approve the conditional use permit subject to the three stipulations recommended by the Planning Commission.

BACKGROUND:
In October of 2007, Highland City acquired 12 acres of property located at 10029 N 6300 W from Alpine School District. At that time, it was the City’s intent to develop this property as a park. Unfortunately, due to budget constraints, traffic, type of park, and access to the park for that neighborhood, the park has not been developed. (amended by motion during City Council meeting)

On November 13, 2018, Highland City Council decided to surpluse the property for residential development and the funds generated from the sell would be utilized to develop the Mountain Ridge Park property. The Mountain Ridge Park property is located on 5600 W 10400 N, west of the Junior Highland and is approximately 17 acres in size. On January 22, 2019, City Council sold Spring Creek Park to Millhaven Development for $1,915,000.

The proposed development includes a 2.32-acre park. Parks are permitted in the R-1-40 District subject to approval by conditional use permit.

The property is designated as P-Park Recreation & Mini Park on the General Plan Land Use Map. The current zoning is R-1-40.

Conditional use Permits are an administrative process.

SUMMARY OF THE REQUEST:
1. The applicant is requesting approval of a 2.32-acre park located approximately at 10029 N 6300 W.

2. Access to the site will be from Mountain View Drive and a path between lot seven
and eight.

3. The park is estimated to cost $556,994.50. The City will also be responsible to maintain the landscaping in the park.

4. The park will provide two pavilions, one playground, two swing sets, four park tables, a walking path, and a grass field.

5. The park will have a 6-foot masonry fence along the rear property line of the properties that abut the park in this subdivision. There is currently a 6-foot vinyl fence for the properties that abut the park in the Willow Grove Subdivision.

6. The applicant will provide culinary and pressurized irrigation to the streets.

CITIZEN PARTICIPATION:
The City of Highland held a neighborhood meeting on November 1, 2018. The purpose of the meeting was to inform the neighboring residents that the property would be sold. The City of Highland held a Design Review Committee (DRC) meeting on March 7, 2019. No residents attended the meeting.

Notice of the Planning Commission public hearing was published in the March 10, 2019 edition of the Daily Herald and mailed to all property owners within 500 feet on March 7, 2019. We have not received any comments from adjacent property owners expressing concern of the potential development.

Notification is not required for the City Council meeting.

ANALYSIS:
• The property is designated as Private Recreation/Mini Park on the General Plan Land Use Map.

• The surrounding properties are zoned R-1-40 and are single family homes. Properties to the south of 9601 CN are zoned R-1-20 and are single family homes.

• Utilities currently extend Mountain View Drive.

REQUIRED FINDINGS:
The City Council must determine that the proposed use meets three findings prior to granting a Conditional Use Permit. The burden of proof rests with the applicant, each finding is presented below along with staff’s analysis.

1. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The surrounding properties are zoned R-1-40 and R-1-20. The current zoning is R-1-40. The proposed use is compatible with the existing land use.

2. The use complies with all applicable regulations in the Development Code.

Parks are permitted in the R-1-40 District subject to approval of a conditional use permit.
The park has a 6-foot masonry theme wall on the rear property line for the properties that abut the park in this subdivision and there is currently a 6-foot vinyl fence for the properties that abut the park in the Willow Ridge Subdivision.

3. Conditions are imposed to mitigate any detrimental effects.
   The Council should include any stipulations which are deemed necessary to mitigate any potential impacts. Staff has provided draft stipulations.

PLANNING COMMISSION ACTION:
The Planning Commission held a public meeting on March 26, 2019. There were comments from the public regarding the proposal. The Commission voted unanimously to recommend approval of the final plat subject to the following stipulations:

1. The final plat shall be in substantial conformance with the concept plan and plat received March 14, 2019.
2. All signage shall require a separate permit and comply with the Development Code.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer.
   The site shall meet all requirements of the City Engineer.

RECOMMENDATION AND PROPOSED MOTION:
I move that the City Council accept the findings and recommend APPROVAL of the conditional use permit subject to the following stipulations recommended by the Planning Commission.

ALTERNATIVE MOTION:
I move that the City Council recommend DENIAL of the conditional use permit subject to the following findings: (Council should state appropriate findings).

FISCAL IMPACT:
This property was previously purchased with park impact fees. The City sold the park to Millhaven Development on January 14, 2019 for $1,915,000. 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. The park impact fee will need to be adjusted accordingly.

The City will pay for the park which is estimated to cost $556,994.50. The City will provide ordinary and extraordinary irrigation water shares. The City will be responsible to maintain the landscaping in the park.

ATTACHMENTS:
1. Vicinity Map
2. Spring Creek Subdivision Preliminary Plat
3. Park Concept Plan
4. Park cost estimate
HIGHLAND CITY COUNCIL MINUTES
Tuesday, April 16, 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, Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, City Engineer Todd Trane, City Attorney Tim Merrill, Library Director Donna Cardon, Chief Brian Gwilliam, and City Recorder Cindy Quick

ABSENT: Ed Dennis

OTHERS: Jennifer Knowles, Josh Walker, Jennie Roos, Rick Roos, Tim Ball, David Barfuss, Rod Martin, Doug Cortney, Wayne Tanaka, Troop 1098, Chet Smith, Seth Smith, Kim Rodela, Addi Rodela, Jared Vazquez, Joseph Marriott, Sherry Kramer

7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)
Call to Order – Mayor Rod Mann
Invocation – Mike Martin
Pledge of Allegiance – David Martin

The meeting was called to order by Mayor Rod Mann as a regular session at 7:02 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 Mike Martin and those assembled were led in the Pledge of Allegiance by David Martin a local scout.

1. UNSCHEDULED PUBLIC APPEARANCES
Mike Martin, a resident of Alpine, asked for an update on the Canal Boulevard (East West Connector).

Mayor Mann reported that the Connector was currently being designed, and there were a few land purchases to be made before construction. They hoped to start moving dirt this fall and have the roadway paved by May or June of next year.

2. PRESENTATIONS
   a. YOUTH COUNCIL UPDATE
      There was no Youth Council update.
   b. AMERICAN FORK CHAMBER OF COMMERCE
Josh Walker, President of the American Fork Chamber of Commerce, presented a proposal to form the Lone Peak Business Alliance. The Alliance would serve the business community of Highland, Alpine, and Cedar Hills. The Alliance would operate as its own entity and there would be a committee separate from the Chamber of Commerce. The purpose of the Alliance would be to serve the economic development needs of the City that staff may not have time to address. The Alliance would help businesses through the application process and help them reach other goals. The official launch of the Alliance would be on May 2nd. There would also be quarterly meetings where all business owners in the cities would be invited to come and connect with each other, the City, and other residents.

Council Member Kurt Ostler asked if American Fork was part of the Alliance and Mr. Walker explained that the Chamber members were invited to interact with the Alliance, but the organization was specifically for businesses in Highland, Cedar Hills, and Alpine. He noted that being a member of the Alliance would automatically make the City a member of the Chamber. It would be a dual membership.

Mr. Walker spoke about the business page on the Chamber’s website, which would help small businesses with advertising and provide a better web presence. The Chamber’s website was considered a highly-trusted source of information to Google. There would also be an annual awards luncheon. Each month, the committee members would vote on a business of the month from one of the three cities, and at the end of the year, they would select a business of the year from those twelve businesses. The Mayor would also have the ability to give a Mayor’s Award to a business that contributes to the community.

Mr. Walker said that the Alliance would help with City celebrations, including fund raising. They also officiate political debates.

Scott Walker, a resident of Highland, said that he worked for American Fork Hospital and served on the Board of Directors. He spoke of the benefits of being connected to the Chamber of Commerce.

Mayor Mann hoped that some of the contributors would be willing to contribute to Highland City and Mr. Walker confirmed that they would be. He believed that being part of the Alliance would be very beneficial for Highland City.

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 March 19, 2019

b. ACTION: Olmsted Power Loss/Carriage Agreements
Council will consider an agreement with Central Utah Water Conservancy District regarding changes in water carriage costs. The Council will take appropriate action.

c. ACTION/RESOLUTION: Utah County Elections Contract
Council will consider a contract with Utah County to administer the Vote by Mail Municipal Election for 2019. The Council will take appropriate action.

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

The vote was recorded as follows:
The motion passed.

4. ACTION: 2019 ROAD RECONSTRUCTION PROJECT CONTRACT
City Engineer Todd Trane presented the 2019 Road Reconstruction Projects to the Council. According to the seven-year plan, the two major projects they should be doing were 9600 North and finishing 6000 West. He announced that 9600 North was scheduled to have a major sewer project in the near future, and it would be unwise to redo the road now when it would be torn up again for the sewer project, so that project was put on hold. Staff sent the 6000 West project out for a base bid, and it came back at $246,000. There were a couple options for the road. When staff did core sampling of the road, they found that the material underneath was bad, and it had been collapsing. They could tear out the entire road down 24 inches, and rebuild the entire thing. That option would be close to $1 million. The other option was to save a little money on this road by doing a mill and overlay. He felt it was possible that the material had settled under the road and it would not collapse anymore. The City could be taking a gamble with this option, but staff felt it was the best use of the money available.

Council Member Kurt Ostler asked if there was any concern with disturbing Pl lines through the mill and overlay, and City Engineer Todd Trane said there was not. Those lines were buried 24 inches down and the mill would only take the top two inches.

Council Member Kurt Ostler asked how long the mill and overlay would last before having to be replaced. City Engineer Todd Trane responded that it was anticipated a robust microsurface treatment would be needed in seven years. He felt that if they kept up with treatments, the road could last another 20 years.

Council Member Brian Braithwaite asked if the cost would be greater if portions of the road failed and they had to be repaired. City Engineer Trane said that patching the road would be fairly inexpensive. However, if the entire road failed, they would have to spend the money and redo the entire thing.

Council Member Scott L. Smith asked about Black Forest Paving, and City Engineering Todd Trane said that he had never done any work with the company before. However, the company started in 2016 and their lead personnel had extensive paving experience. Black Forest Paving had done the last three phases of the Ivory Home development in Highland. The company was able to start as soon as possible, but staff wanted to hold them off until school was out on June 1st.

The Council discussed options for 6000 West, and the consensus was to select the less expensive option.

Council Member Brian Braithwaite MOVED that the City Council approve and authorize the Mayor to sign a contract with Black Forest Paving for the amount of $594,199.
Council Member Scott L. Smith SECONDED the motion.

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

The motion passed.
5. ACTION: LONE PEAK PUBLIC SAFETY DISTRICT INTERLOCAL AGREEMENT AMENDMENTS

City Administrator Nathan Crane presented the proposed amendments to the Interlocal Agreement with Alpine City regarding the operation, administration, and funding of the Lone Peak Public Safety District. Cedar Hills leaving the District had facilitated the need for an updated agreement. He explained that the structure of the board for police had always been two and two, and the structure for fire was three, two and two. It was proposed that the board for fire be changed to two and two, to be similar with police. The biggest concern was what would happen if there was a disagreement and the vote was tied. The proposed agreement did not provide for a tiebreaker. He went over a few other minor changes to the agreement.

Mayor Mann said that once the Board approved the budget, the City was contractually obligated to approve the interlocal agreement.

The Council discussed the proposed number of board members and the pros and cons associated with that decision. Council Member Brian Braithwaite said that having a two-two board had worked well for police in the past, because the members have had the same goals. However, there was a legitimate concern if disagreements were to arise. Highland pays more to the District than Alpine, but Alpine was concerned about being overrun if there was uneven representation. Mayor Mann commented that Highland and Alpine have been largely aligned, and the cities have similar demographics and budget philosophies. He was not overly concerned about the proposed board.

Police Chief Brian Gwilliam said that there had been some disagreements in 2008 and the budget was not passed until the two entities put aside their differences and compromised. He could foresee similar situations in the future. Council Member Brian Braithwaite said that they had always been more aligned with police than with fire. He said that the agreement needed to be structured in a way to handle disagreements.

Council Member Kurt Ostler asked if they could have a mediator from outside of the cities to handle disagreements. City Administrator Nathan Crane said that they could do outside mediation, but he was not sure the Council wanted to turn finances over to a mediator. Council Member Brian Braithwaite said that the interlocal agreement states that anything above a certain amount would need to go before the Councils for approval.

Council Member Scott L. Smith was still concerned about the even number of board members. He felt there needed to be some kind of tiebreaker in the agreement.

City Attorney Tim Merrill made the suggestion of an option that Alpine could contract with Highland to provide all of the public safety in exchange for a flat fee. After further discussion, the Council decided to continue the item to allow further discussion with Alpine City.

*Council Member Brian Braithwaite MOVED to continue the discussion to a future meeting.*
*Council Member Scott L. Smith SECONDED the motion.*

The vote was recorded as follows:

- *Council Member Brian Braithwaite* Yes
- *Council Member Tim Irwin* Yes
- *Council Member Kurt Ostler* Yes
- *Council Member Scott L. Smith* Yes

The motion passed.
6. ACTION: WATER CONSERVATION

City Engineer Todd Trane oriented the City Council regarding a new chapter of the Highland City Municipal Code regarding Water Conservation. He explained that last year was a poor water year, and a mayoral proclamation was sent out encouraging residents to conserve. The proposed ordinance was very similar to the proclamation. He reported that outdoor water usage continues to increase, regardless of whether it has been a good year or a bad year. The increased usage was also taxing on the PI system, because it was not designed to provide that much water. The residents were using almost double what they should be. Having this ordinance in place would also enable the City to receive grants to help install meters throughout the City. The City Council would also need to adopt a program or policy showing the funding source for the 50/50 match.

Council Member Scott L. Smith asked how much could be done with the matching funds. City Engineer Todd Trane said that with the grant, they could have $3 million for meters. Based on a study conducted by staff, it would take about $5 million to meter entire City. The grant would go a long way.

The Council and staff agreed that metering would make a huge difference in helping residents conserve, because many of them do not realize how much they are using.

City Engineer Todd Trane said that the ordinance would also allow the City to monitor the worst abusers of the water, and follow through on consequences. They would not be able to address all of the smaller offenders until the metering system was in. He said that the Public Works employees would handle enforcement, and they knew who was over-using. City Administrator Nathan Crane noted that they also react to complaints from neighbors.


Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

- Council Member Brian Braithwaite: Yes
- Council Member Tim Irwin: Yes
- Council Member Kurt Ostler: Yes
- Council Member Scott L. Smith: Yes

The motion passed.

7. DISCUSSION: 2019/2020 FISCAL YEAR BUDGET

City Administrator Nathan Crane presented the proposed budget for Fiscal Year 2019/2020 and said that the budget had been through several versions. The purpose of the discussion was to get a general overview of the budget. He reported the findings of the utility rate study and said that sewer would need to increase $0.33 per month, but storm water, culinary, and PI would remain unchanged. The City Council had also authorized a General Fund Study, keeping the Fund Balance Reserve at 20% and with certain growth assumptions. With those specifications, the study revealed that the City would be in the negative in 2022. When staff put together the budget, the goal was to maintain the existing level of service and increase trails and open space maintenance. He then presented the proposed budget and noted that the overall revenue had decreased from the previous year. He also addressed a trail maintenance fee, an increase in the Recorder budget for elections, a bond payment increase, adjustments to the library fund, and the road fund. Not included in the budget was the General Plan Update, garbage revenue adjustment, and an increase in the parks and open space budgets.

City Administrator Nathan Crane then gave an overview of Public Safety, which was seeing a large increase. The total increase between police and fire was $845,630, and the City did not have funding to cover the increase. He encouraged the Council to sit down with the chiefs to discuss what they were trying to accomplish.
with this increase. For police, their increase was primarily for employee retention. This would include a $1.50 per hour salary adjustment for all employees, a 3% merit increase, and a 401K matching contribution.

Police Chief Brian Gwilliam briefly spoke about the difficulties of retaining officers in the current climate. Council Member Scott L. Smith asked if they would expect large increases like this every year, and Police Chief Brian Gwilliam answered negatively.

City Administrator Nathan Crane said that the primary increases for Fire come from staffing, an ambulance, and a fire truck.

Council Member Scott L. Smith asked why a fire truck goes to all the calls, even when it was a medical emergency. City Administrator Nathan Crane explained that all of the firefighters were trained EMTs, and it took four to six people to respond to a call. If another call came in while they were out on a call, and they only had one vehicle, they would all have to return to the fire station to get the truck and lose valuable time. They also needed to be able to transport patients to the hospital without having to close down the station.

City Administrator Nathan Crane gave a timeline for budget approval. There were three options to fund the budget increase. The first option was to use the fund balance, but that would put the City at -2% by Fiscal Year 20/21. The second option would be to cut the existing budget; however, staff believed that they could not cut the existing budget without a significant decrease in the level of service. The third option was to find new revenue through a property tax increase or a fee.

Assistant City Administrator Erin Wells explained that in order to fund everything obligatory, they would need to increase the City’s portion of property taxes by 49%. She explained that Highland would only get 13% of an owner’s property tax bill, so the increase of 49% would be to that portion. There was a new bill passed this year that would allow the City to dictate a portion of the property tax to a specific use, as long as they do it by ordinance. They could dictate those funds to public safety. Public safety was traditionally funded with property taxes. She presented a Property Tax Increase table and said that the average increase would be $16.70 per month. If the City Council pursued the property tax increase, they would have to go through the Truth in Taxation process, and potentially would not see the funds until January of 2021.

Assistant City Administrator Wells continued explaining that if they chose to create a public safety fee, they would charge $15.66 per month for every home in the City. Churches and other tax-exempt entities would also pay the fee. Fees are not tax deductible. She was nervous about pursuing this option, because fees should be tied to use, and it would be difficult to do that with public safety. She discussed the timeline of pursuing the fee option.

Council Member Scott L. Smith wondered if they could fund public safety with a combination of methods. Council Member Brian Braithwaite was opposed to that because it would be confusing to the public.

The Council discussed the options and said that no matter what they chose, communication was paramount. Council Member Kurt Ostler was concerned about the cost difference between households with the property tax option.

Assistant City Administrator Erin Wells noted that Pleasant Grove was currently being sued for the road fee that they implemented. The argument was that the fee was not being charged by usage. It was possible that the outcome of that suit could affect other cities.

Council Member Brian Braithwaite said that they could not pass a fee without discussion and public input, because it was essentially a tax. They would need to go through a process similar to Truth in Taxation.
The Council requested some audience participation.

Doug Cortney, a Highland resident, said that a revenue increase was necessary, and he preferred the property tax option. The big problem the City would face with the option was communication, because 49% seemed like a large increase.

Council Member Kurt Ostler asked if he was concerned about the difference between home values and the associated increase. Doug Cortney was not concerned because he felt that a larger home would be more of a benefit if their home was saved from a fire, because the home costs more.

Council Member Brian Braithwaite asked if he would prefer to have one or two ambulances available for service. Doug Cortney said that he was willing to pay to have an ambulance available at all times. It was like paying for two insurances.

Sherry Kramer, a Highland resident, said that funding public safety would not be a huge struggle, because it was easier for residents to see its importance. The City needed to clearly communicate that the 49% increase was just to Highland's portion of the property tax. She also liked that they had the ability to dedicate these funds to public safety instead of all of the money just going into the General Fund.

Rob Martin said that American Fork had tried to implement a fee, but the residents did not accept it. Highland City was in a bit of a time crunch, so they needed to choose the option that was most likely to succeed.

Josh Walker encouraged the City to educate the residents about shopping and doing more business in Highland, because that would increase revenue.

Assistant City Administrator Erin Wells recommended that the Council meet with members of staff and the chiefs to fully understand the budget increase. They would be having a budget work session on April 25th, and a budget open house on May 2nd. If the residents were supportive of a tax increase or fee, they would hold more open houses in May, and the final budget would need to be passed on June 18th.

Mayor Mann wondered if they could cut a few expenses from the fire budget, such as a fire marshal. Since the fire chief was not present, they decided to address this question at a later date. There was continued discussion about the risks of the tax increase or fee failing, and how much that would burden the public safety departments.

8. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

9. FUTURE MEETINGS
   a. Future Meetings
      • April 25, City Council Budget Work Session, 7:00 pm, City Hall
      • April 30, Planning Commission Meeting, 7:00 pm, City Hall
      • May 2, City Budget Open House, 5:00 – 7:00pm, City Hall
      • May 7, City Council Meeting, 7:00 pm, City Hall

10. 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 10:04 PM Council Member Brian Braithwaite 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 Scott L. Smith SECONDED the motion.

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

The motion passed unanimously.

ADJOURNMENT

Council Member Tim Irwin MOVED to adjourn the CLOSED SESSION and Council Member Brian Braithwaite SECONDED the motion. All voted in favor and the motion passed unanimously.

The CLOSED SESSION adjourned at 11:27 PM.

Council Member Tim Irwin MOVED to adjourn the REGULAR MEETING and Council Member Brian Braithwaite SECONDED the motion. All voted in favor and the motion passed unanimously.

The meeting adjourned at 11:27 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 April 16, 2019. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick, MMC
City Recorder
DATE: May 7, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
PREPARED BY: Tara Tannahill
Planner & GIS Analyst
SUBJECT: PUBLIC HEARING AND RESOLUTION - Designation of Open Space Property for Disposal and Removal of Neighborhood Option Trails in the Beacon Hill the Highlands Plat H Subdivision. Legislative.

STAFF RECOMMENDATION:
The City Council should conduct a public meeting and determine if the property should be disposed and the Neighborhood Option Trails removed.

BACKGROUND:
The Beacon Hill the Highlands Plat H subdivision was recorded in February 2007 and has 36 lots.

On September 5, 2017 the Council approved an amendment to the Municipal Code to allow a revised petition process for subdivisions over 200 lots. The revision would allow petitions to only consider their specific plat for signatures and notification if the subdivision as a whole is over 200 lots. There are 341 lots in the Beacon Hill the Highlands subdivision with 36 lots in Plat H.

On December 4, 2018 the City Council approved and established a process to determine the value of Open Space Orphaned Parcels. Any disposal of open space or orphaned parcels shall be valued at 25% of Utah County's assessed market value of the residential real estate.

Chapter 12.30 Removal of Neighborhood Option Trails provides the process for removal of neighborhood option trails. Chapter 12.32 Removal of Open Space Property provides the process for the removal of open space property.

Property disposal is a legislative act.

SUMMARY OF REQUEST:
1. The applicant is requesting disposal of open space that abuts lot number 1. The total area is approximately 2,178 square feet for the neighborhood option trail (request 1) and 2,613 square feet property that has the water tank on it (request 2). The applicant has withdrawn request number three that was demonstrated in the narrative. The total area is approximately 4,791 square feet. The actual size will be determined when the property is surveyed.

2. The price per square foot for this neighborhood option trail would be $3.19. If the property is purchased, acquiring residents pressurized irrigation rate will be revised to include the purchased area. The applicant is willing to pay this price.

3. The applicant isn’t requesting financing from the City.

CITIZEN PARTICIPATION:
A petition has been submitted showing support from 28 of the 36 property owners within the subdivision which represents 77.8% of the property owners in the subdivision. The petition exceeds the minimum requirement of 70%.

A petition has been submitted showing support from 1 of 1 property owners adjacent to the open space which represents 100% of the property owners in the subdivision. The petition exceeds the minimum requirement of 80%.

Notice of the City Council public hearing was sent to all property owners within the Plat H subdivision on April 22, 2019. Notice of the City Council public hearing was published in the April 21, 2019 edition of the Daily Herald. The property sign was posted on February 24, 2019. Staff has not received any comment from any property owners.

ANALYSIS:
- The property within Request 1 does not have any utilities in it. It was planned for a future trail when the Beacon Hills Development was approved. However, it is not shown as a trail on the Trail Master Plan.

- The property within Request 2 encroaches onto the property which is utilized for a City water tank. Staff believes the City should maintain this property for future use and access to the water tank.

CONCLUSION:
The City Council will need to hold a public hearing and determine if the property should be disposed and the neighborhood option trail be removed.
If the Council chooses to dispose of the property, the disposal should be subject to the following stipulation:

1. The property purchase shall be limited to the property within the trail corridor shown as Request 1.

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

ATTACHMENTS:

1. Vicinity Map
2. Open Space Disposal Resolution
3. Trail Map of Area
4. Narrative
5. Proposed Plan Map
6. Signature Pages
7. Planning Department Open Space Cost Analysis
ATTACHMENT 1:

11:017:0111
HIGHLAND CITY...
-  Value: $0 -- 12.69 acres

11:017:0046
ALPINE JOINT VENTURE LTD...
-  Value: $587,400 -- 58.74 acres

11:008:0012
SIX BLUE BISON LLC...
-  Value: $1,649,100 -- 109.94 acres
RESOLUTION NO. R-2019-06

A RESOLUTION OF HIGHLAND CITY, UTAH
DESIGNATING OPEN SPACE PROPERTY FOR DISPOSAL PROPERTY IN THE
BEACON HILL THE HIGHLANDS SUBDIVISION

WHEREAS, the Highland City Council has established a process of designating open space property for disposal.

NOW, THEREFORE be it resolved by the City Council of Highland City that the Open Space Property in the Beacon Hill the Highlands Subdivision, outlined and shown in Exhibit “A” is hereby designated for disposal the City Council hereby authorizes the City Administrator to begin the disposal process of the above-mentioned property following State and City Code subject to the following stipulations:

1. (The Council will need to include appropriate stipulations.)

This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of Highland City, Utah, this 19th day of February 2019.

HIGHLAND CITY, UTAH

_________________________________
Rodney W. Mann, Mayor

ATTEST:

_________________________________
Cindy Quick, City Recorder

<table>
<thead>
<tr>
<th>COUNCILMEMBER</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brian Braithwaite</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Ed Dennis</td>
<td>□</td>
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<tr>
<td>Tim Irwin</td>
<td>□</td>
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<tr>
<td>Kurt Ostler</td>
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<td>□</td>
</tr>
<tr>
<td>Scott Smith</td>
<td>□</td>
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</tr>
</tbody>
</table>
Attachment 3:

**TRAILS NETWORK**
- Main City Trail
- Proposed Main City Trail
- Connector Trail
- Proposed Connector Trail
- Neighborhood Option Trail
- Neighborhood Trail
- Murdock Connector Trail

**Open Space Maintenance Areas**
- Manicured
- Native Trail
- Native
- Xeroscape
- City Not Maintained
Highland City
Community Development Department

This letter constitutes formal application for the disposal of unused property adjacent to Lot 1, 12628 N Angels Gate in the Beacon Hill The Highlands Subdivision. Specifically, we are making three requests:

1) We are seeking to purchase the designated trail space that runs along the perimeter of our fence line, which constitutes a 20ft extension of our property line along the east side.
2) We also want to purchase an additional 40ft beyond the designated trail space that is adjacent to a city water tank. This would mirror the eastern property cutoff line of our neighbors to the south of us.
3) Finally, we want to purchase an additional 20ft extension to our southern property line that runs adjacent to an access road for the city water tank. This would mirror the proximity of our neighbor’s property line to the access road on the south side.

We have lived in our home for nearly 4 years now and have never seen any of this land used or accessed by anyone. We plan to make improvements to this additional property by adding grass and landscaping which would significantly beautify this area of our community. Additionally, we plan to move our existing fence and add additional fence line once this purchase is made to enclose our property and separate it from the surrounding area. This request has been unanimously approved by the property owners in our subdivision.

We appreciate your thoughtful consideration of our requests.

Sincerely,

Brian & Jessica Stucki
12628 N. Angel’s Gate
ATTACHMENT 5:

Request #1

35:628:0001
CURTIS, KATHY J and STEVEN P...
12588 N ANGELS GATE - HIGHLAND
Value: $1,206,800 -> 1.19 acres
Entry# 14387-2013

Request #2

11:017:0152
HIGHLAND CITY, UTAH MUNICIPAL...
Value: $0 -- 0.98 acres
Entry# 201901-2003

Request #3

35:543:0010
HIGHLAND CITY...
Value: $0 -- 3.61 acres
Entry# 26387-2007

Utah County Parcel Map

This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey.

Date: 4/8/2019
OWNER'S PETITION AND INFORMATION: The following owners hereby submit their authorization to participate in the purchase of City owned open space property which is adjacent to their property within the Beacon Hill - The Highlands Subdivision. This sheet should be reproduced as needed based on the number of affected property owners.

Owner's Name: Brian and Jessica Stucki
Owner's Address: 12028 N. Angel's Gate
Owner's Phone #: [Redacted] Email Address: [Redacted]
Owner's Signature: [Signature]

Owner's Name: ____________________________
Owner's Address: ____________________________
Owner's Phone #: ____________________________ Email Address: ____________________________
Owner's Signature: ____________________________

Owner's Name: ____________________________
Owner's Address: ____________________________
Owner's Phone #: ____________________________ Email Address: ____________________________
Owner's Signature: ____________________________

Owner's Name: ____________________________
Owner's Address: ____________________________
Owner's Phone #: ____________________________ Email Address: ____________________________
Owner's Signature: ____________________________
This document constitutes a petition of the property owners within the Beacons Hill The Highlands Subdivision to allow for the disposal of City owned open space property adjacent to lots identified as Lot 1, 12678 Angels Gate, within the above referenced subdivision.

A narrative and map fully explaining this proposed disposal action is attached and a copy provided to each property owner within the subdivision.

<table>
<thead>
<tr>
<th>Serial #</th>
<th>Lot #</th>
<th>Subdivision</th>
<th>Address</th>
<th>Property Owner</th>
<th>Signature</th>
<th>Date</th>
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</table>

By signing this petition, you are stating that you have read and understand the disposal petition for the above reference subdivision.
Disposal – Chapter 12.36 & 12.32 of the Highland City Municipal Code

City Owner Authorization __________% of the __________ Subdivision, Highland City

This constitutes a petition of the property owners within the __________ Subdivision to allow for the
City owned open space adjacent to lots identified as __________, within the above referenced subdivision.

An narrative and map fully explaining this proposed disposal action is attached and a copy provided to each property owner within the subdivision.

<table>
<thead>
<tr>
<th>#</th>
<th>Lot #</th>
<th>Subdivision</th>
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</table>

By signing this petition, you are stating that you have read and understand the disposal petition for the above referenced subdivision.
Property for Disposal -- Chapter 12.30 & 12.32 of the Highland City Municipal Code

This document constitutes a petition of the property owners within the Beacon Hill, The Highlands Subdivision to allow for the disposal of City owned open space property adjacent to lots identified as Lot 1, 12628 N Angels Gate, within the above referenced subdivision.

A narrative and map fully explaining this proposed disposal action is attached and a copy provided to each property owner within the subdivision.

<table>
<thead>
<tr>
<th>Serial #</th>
<th>Lot #</th>
<th>Subdivision</th>
<th>Address</th>
<th>Property Owner</th>
<th>Signature</th>
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</tr>
</tbody>
</table>

By signing this petition, you are stating that you have read and understand the disposal petition for the above reference subdivision.
It constitutes a petition of the property owners within the Beacon Hills The Highlands Subdivision to allow for the

domestically owned open

y adjacent to lots identified as Lot 1, 12628 Angels Gate within the above referenced subdivision.

narrative and map fully explaining this proposed disposal action is attached and a copy provided to each property owner within the subdivision.

<table>
<thead>
<tr>
<th>Lot #</th>
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</table>
Property for Disposal -- Chapter 12.30 & 12.32 of the Highland City Municipal Code

Real Property Owner Authorization % of the Beacon Hill, The Highlands Subdivision, Highland City

This document constitutes a petition of the property owners within the Beacon Hill, The Highlands Subdivision to allow for the disposal of City owned open space property adjacent to lots identified as Lot 1, 12628 N Angels Gate, within the above referenced subdivision.

A narrative and map fully explaining this proposed disposal action is attached and a copy provided to each property owner within the subdivision.

<table>
<thead>
<tr>
<th>Serial #</th>
<th>Lot #</th>
<th>Subdivision</th>
<th>Address</th>
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</table>

By signing this petition, you are stating that you have read and understand the disposal petition for the above reference subdivision.

# 15, 16, 18, 19, 21. Williamsburg Morningside
isposal — Chapter 12.30 & 12.32 of the Highland City Municipal Code

Owner Authorization to the Beacon Hills The Highlands Subdivision, Highland City

This petition constitutes a petition of the property owners within the Beacon Hills The Highlands Subdivision to allow for the property adjacent to identified as Lot 1, 12020 Angels Gate, within the above referenced subdivision.

An irrevocable and map fully explaining this proposed disposal action is attached and a copy provided to each property owner within the subdivision.

<table>
<thead>
<tr>
<th>Lot #</th>
<th>Subdivision</th>
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<td>Riding</td>
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</tbody>
</table>

By signing this petition, you are stating that you have read and understand the disposal petition for the above reference subdivision.
### Planning Department Open Space Cost Analysis

**Subdivision Name:** Beacon Hill the Highlands Plat H

Based on information provided by the applicant and keeping in the guidelines set forth in Ordinance No. O-2013-03. On December 4, 2018 the City Council approved and established a process to determine the value of Open Space Orphaned Parcels. Any disposal of open space orphaned parcels shall be valued at 25% of Utah County’s assessed market value of the residential real estate.

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<tr>
<th>Lot No</th>
<th>Acreage</th>
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<th>Valuation Year</th>
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<th>Sq. Ft. Average:</th>
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<td>25% of Utah County</td>
<td>$ 3.19</td>
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<table>
<thead>
<tr>
<th>Total Price per Square foot:</th>
<th>$3.19</th>
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DATE: May 7, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
PREPARED BY: Tara Tannahill
Planner & GIS Analyst

STAFF RECOMMENDATION:
The City Council should conduct a public meeting and determine if the property should be disposed and the Neighborhood Option Trails removed.

BACKGROUND:
The Windsor Meadows subdivision was recorded in August 2000 and has 69 lots.

On December 4, 2018 the City Council approved and established a process to determine the value of Open Space Orphaned Parcels. Any disposal of open space or orphaned parcels shall be valued at 25% of Utah County’s assess market value of the residential real estate. Based on this calculation the price per square foot for this neighborhood option trail would be $3.71.

The applicants are requesting to vacate the open space that abuts their rear property line up to the trail. The trail is classified as a main city trail on the Trail Master Plan.

Chapter 12.32 Removal of Open Space Property provides the process for the removal of open space property.

Property disposal is a legislative act.

SUMMARY OF REQUEST:
1. The applicant is requesting disposal of open space that abuts their rear property line up to four feet of the existing trail. The disposal plan demonstrates the proposed lot lines. The estimated amount of square feet is 28,400. The actual size will be determined when the property is surveyed.
2. The price per square foot for this neighborhood option trail would be $3.71. The applicants are proposing a price decrease to $1.44 per square foot. If the property is purchased, acquiring residents pressurized irrigation rate will be revised to include the purchased area.

3. The applicants are not requesting financing from the City.

CITIZEN PARTICIPATION:
A petition has been submitted showing support from 49 of the 69 property owners within the subdivision which represents 71% of the property owners in the subdivision. The petition exceeds the minimum requirement of 65%.

A petition has been submitted showing support from 5 of 6 property owners adjacent to the open space which represents 83% of the property owners in the subdivision. The petition exceeds the minimum requirement of 75%. The applicants have stated that the remaining owner is willing to purchase the property but has not been in town to sign the petition.

Notice of the City Council public hearing was sent to all property owners within the Windsor Meadows subdivision on April 22, 2019. Notice of the City Council public hearing was published in the April 21, 2019 edition of the Daily Herald. The property sign was posted on February 24, 2019. Staff has not received any comment from any property owners.

ANALYSIS:
• There are currently no utilities in the area besides City sprinklers to water the trees. The applicants would need to move any sprinklers that would be under the purchased property so staff can access them.

• The applicant is proposing a price decrease to $1.44 per square foot.

• The applicants are not requesting to purchase the asphalt trail. This trail is classified as a main city trail on the Trail Master Plan. Due to this, staff requests that the City maintains ownership of up to five feet from the trail for trail maintenance purposes and user safety.

CONCLUSION:
The City Council will need to hold a public hearing and determine if the property should be disposed and the neighborhood option trail be removed. The Council will also need to determine the purchase price.

If the Council chooses to dispose of the property, the following stipulations should be included:

1. The property purchase shall end within five feet of the south edge of the trail.
2. The purchasers shall be responsible for the costs associated with any costs related
to modification of the city sprinkler system as determined by the City Engineer.

3. Prior to proceeding with the survey and closing documents, the applicants shall provide written approval from the remaining property owner.

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

ATTACHMENTS:
1. Vicinity Map
2. Open Space Disposal Resolution
3. Trail Map of Area
4. Narrative
5. Proposed Plan Map
6. Planning Department Open Space Cost Analysis
7. Price Decrease Narrative
8. Signature Pages
This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey.

Date: 4/18/2019

ATTACHMENT 1:

55:496 Windsor
HIGH MEADOWS
- Park
Value: $0 -- 8.17 acres
RESOLUTION NO. R-2019-07

A RESOLUTION OF HIGHLAND CITY, UTAH
DESIGNATING OPEN SPACE PROPERTY FOR DISPOSAL PROPERTY IN THE
WINDSOR MEADOWS SUBDIVISION

WHEREAS, the Highland City Council has established a process of designating open space property for disposal.

NOW, THEREFORE be it resolved by the City Council of Highland City that the Open Space Property in the Windsor Meadows Subdivision, outlined and shown in Exhibit “A” is hereby designated for disposal the City Council hereby authorizes the City Administrator to begin the disposal process of the above-mentioned property following State and City Code subject to the following stipulations:

1. (The Council will need to include appropriate stipulations.)

This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of Highland City, Utah, this 7th day of May 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 □   □
The city council of Highland City finds that providing procedures for disposing of “open space” properties is beneficial to the residents of Highland.

A petition of 6 property owners within the Windsor Meadows subdivision, to purchase the land adjacent to their property will be submitted to the city for consideration.

These properties are:

5588 Kensington Circle
5598 Kensington Circle
5508 Kensington Circle
5524 Kensington Circle
5538 Kensington Circle
5552 Kensington Circle

Due to the unimproved nature of the land and given the size of the land, to make improvements we decided to petition the city for disposal (ownership).

Please find the attached plat highlighting the 6 properties of the homeowners making this request.
### Planning Department Open Space Cost Analysis

**Subdivision Name:**  Windsor Meadows- Lot 33-38

Based on information provided by the applicant and keeping in the guidelines set forth in Ordinance No. O-2013-03. On December 4, 2018 the City Council approved and established a process to determine the value of Open Space Orphaned Parcels. Any disposal of open space orphaned parcels shall be valued at 25% of Utah County’s assessed market value of the residential real estate.

<table>
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<tr>
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<th>Acreage:</th>
<th>sq ft:</th>
<th>Valuation Year:</th>
<th>Valuation Amount:</th>
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<td>0.222</td>
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<tr>
<td>34</td>
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<td>$146,800.00</td>
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<tr>
<td>35</td>
<td>0.231</td>
<td>10,062.36</td>
<td>2018</td>
<td>$148,200.00</td>
</tr>
<tr>
<td>36</td>
<td>0.231</td>
<td>10,062.36</td>
<td>2018</td>
<td>$148,200.00</td>
</tr>
<tr>
<td>37</td>
<td>0.225</td>
<td>9,801.00</td>
<td>2018</td>
<td>$147,000.00</td>
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<tr>
<td>38</td>
<td>0.239</td>
<td>10,410.84</td>
<td>2018</td>
<td>$149,700.00</td>
</tr>
</tbody>
</table>

Sq. Ft. Average: 9,960.72  
Valuation average: $147,716.67

25% of Utah County: $3.71

Total Price per Square foot: $3.71
April 30, 2019

Highland City – City Council
540 W. Civic Center Dr., Suite 1
Highland, UT 84003

Re: Kensington Circle, Windsor Meadows Subdivision;
– Open Space Property Disposal Petition

Dear City Council Members:

Thank you for your time in reviewing our petition to purchase the city-owned open-space property directly adjacent to our residential properties on Kensington Circle in the Windsor Meadows Subdivision (the “Open Space”). The following is a narrative to support our petition to purchase the Open Space at the price of $1.44 per square foot.

First, the Open Space has no value and is not an asset to Highland City unless and until we purchase it. No value. Until then, it remains a liability and burden on Highland City. We know this burden. We bear the brunt of the primary maintenance of the Open Space and have done so for years. We stress over the potential harm and unattractive, unimproved nature of the Open Space and incur significant costs, in addition to the monthly open space fees paid to Highland City, to mow and keep under control the grass and weeds. We strive to limit the damage, without the ability to actually improve the Open Space. We would much rather replace weeds, rocks, and thorns with grass, landscaping and improvements. We spend hundreds of dollars on weed killer, mower gas, and repair and replacement costs to mowers that cannot handle the rocks and overgrown weeds. Our children cannot even ride their bikes on the trails next to the Open Space because of the overwhelming amount of goat-head thorns and weeds that quickly and frequently damage tires. During the summer months, the Open Space becomes a substantial fire hazard. There are smokers who frequent the trail next to the Open Space and significant firework dangers. Highland City can reduce its potential liability by selling the Open Space to us. Once we take over ownership, we can improve the land without the threat that the city will rip out improvements or pursue fines and sanctions for efforts to enhance our neighborhood. The Open Space will become insured as part of our properties, reducing the city’s unnecessary exposure to risk and liability.

We know that Highland neighborhoods have previously purchased adjacent open space at the $1.44 price. In previous years, we took preliminary steps in an attempt to petition the city to purchase open space. However, city officials were then quick to criticize our interest in open-space petitions and our potential proposals and plans. There was no clear path and we were persuaded not to move forward. We are grateful that city staff now provides a clear path for open space petitions and a workable process. But, we should not be penalized or prevented from moving forward because of the old regime. The prices related to open space in Highland have been and are completely arbitrary. We ask for similar treatment as that already received by other residents in open-space disposals. To increase the per-square-foot price to more than 2.5 times the rate previously paid is not attainable. We would have acted sooner and claimed the $1.44 price had this better process been available to us before now.
Some among our petitioning group are elderly residents on a fixed income. Most of us have already paid to Highland City from $2,000 to over $3,600 in open-space fees over the last 10 to 15 years. The cost to purchase the Open Space was not built into our mortgages. We are not likely to be able to afford the proposed Open Space purchase at a higher price, especially when we consider the additional resources needed to improve the Open Space. If we are not able to purchase the Open Space at this affordable price, we are likely to never purchase.

Highland City acquired the Open Space at no cost. It was not purchased; rather it was gifted by the original developer of the Windsor Meadows Subdivision. If sold as an asset at a price that we can afford, the city and its residents win. If retained as a liability, the city continues to misplace its precious, limited resources and the Open Space remains a no-value, zero-dollar “asset.”

Based on the responses and support that we have heard from our neighbors throughout the Windsor Meadows Subdivision, we believe that the sale of the Open Space to us at this affordable price will serve as a catalyst for other open space disposals in the neighborhood. We appreciate your time and attention to this narrative. Thank you.

Respectfully,

Brad & Kristie Smith

Jeff & Larinda Harvey
DESIGNATION OF OPEN SPACE PROPERTY FOR DISPOSAL – CHAPTER 12.32

Real Property Owner Authorization (80%) – PETITION NO. 1
Windsor Meadows Subdivision – Highland City (84003)

A petition of the *property owners* in Windsor Meadows Subdivision whose homes are adjacent to city owned open space property and adjacent owner is willing to purchase such property, as shown on the attached disposal plan graphic. (Pages 1 and 2).

<table>
<thead>
<tr>
<th>Property Owner Name</th>
<th>Lot #</th>
<th>Address</th>
<th>Signature(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ken and Pat Walzač</td>
<td>34</td>
<td>5538 Kensington Circle</td>
<td>Pat Walzač</td>
</tr>
<tr>
<td>Caroline Smith</td>
<td>35</td>
<td>5524 Kensington Circle</td>
<td>Caroline K Smith</td>
</tr>
<tr>
<td>Bradley and Kristie Smith</td>
<td>36</td>
<td>5508 Kensington Circle</td>
<td></td>
</tr>
<tr>
<td>Jeffrey and Larinda Harvey</td>
<td>37</td>
<td>5598 Kensington Circle</td>
<td></td>
</tr>
<tr>
<td>Roger and Kathy Mickelson</td>
<td>38</td>
<td>5588 Kensington Circle</td>
<td></td>
</tr>
<tr>
<td>Lee &amp; Rebecca Howard</td>
<td>33</td>
<td>5552 Kensington Cir</td>
<td></td>
</tr>
</tbody>
</table>

4.17.19 Spoke with applicant about signature pages. They utilized an older application for the signature pages. See completed application for the applicants signature page on Affidavit of Notification, Affidavit of signatures, and affidavit of narrative & map confirming that they demonstrated a map with a narrative to all property owners and the signatures are the real property owners of the listed properties. Verified names on Utah County Parcel Maps but some signatures are hard to verify name.
DESIGNATION OF OPEN SPACE PROPERTY FOR DISPOSAL – CHAPTER 12.32
Real Property Owner Authorization (65%) – PETITION NO. 2
Windsor Meadows Subdivision – Highland City (84003)

A petition of the property owners within Windsor Meadows Subdivision to allow the disposal of city owned open space property to adjacent property owner as shown on the attached disposal plan graphic. (Pages 1 and 2).

<table>
<thead>
<tr>
<th>Property Owner Name</th>
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<th>Signature(s)</th>
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<tr>
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<td>Carl and Julie Anderson</td>
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<td>Justin and Andrea Banner</td>
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<td>Gerry and Ina Tedrow</td>
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<td>John and Julie Rodriguez</td>
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<td>Kory and Lorraine Hansen</td>
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<td>Matt and Terri Calton</td>
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<td>Jay and Nancy Worthington</td>
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<td>Brad and Jennifer Wilson</td>
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<td><strong>Nathan and Elisabeth Maughan</strong></td>
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<td>Dean and Blythe Shupe</td>
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<td>Rob and DeeAnne Carlisle</td>
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A petition of the *property owners within Windsor Meadows Subdivision* to allow the disposal of city owned open space property to adjacent property owner as shown on the attached disposal plan graphic. (Pages 1 and 2).

<table>
<thead>
<tr>
<th>Property Owner Name</th>
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<td>Dean and Shannon Harmon</td>
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</table>
A petition of the **property owners within** Windsor Meadows Subdivision to allow the **disposal of city owned open space property** to adjacent property owner as shown on the attached disposal plan graphic. (Pages 1 and 2).

<table>
<thead>
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<td>Morgan and Allison Manning</td>
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<td>Scott and Jeannie Searle</td>
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<td>Kendall and Keri Bushman</td>
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<td>Drew and Ann Cardon</td>
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<td>Scott and Andrea Mumford</td>
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</tr>
</tbody>
</table>

**NOTES:**

1) The attached disposal plan graphic is preliminary. It is not 100% accurate. Accurate boundary lines will be shown on actual appraisal.

2) The land and property appraisal will be completed after all necessary signatures have been obtained and submitted to Highland City for further processing.
DATE: May 7, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Tim Merrill, City Attorney
SUBJECT: Time, Place, and Manner Regulations

STAFF RECOMMENDATION:
City Council adopt an ordinance regulating time, place, and manner restrictions.

BACKGROUND:
In 2018 the Utah State Legislature passed the Free Expression Regulation Amendments bill (H.B. 36), which becomes effective on May 14, 2019. The new law requires cities to pass an ordinance to ensure that policies and practices enacting time, place, and manner restrictions on free speech are constitutional.

FISCAL IMPACT:
None.

PROPOSED MOTION:
I move that the City Council approve the Ordinance Enacting a Free Expression Regulation Ordinance in Accordance with the Requirements of State Law.

ATTACHMENTS:
1. Proposed Free Speech Ordinance
ORDINANCE NO. O-2019-06

AN ORDINANCE ENACTING A FREE EXPRESSION REGULATION ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS OF STATE LAW

WHEREAS, Utah Code Title 11, Chapter 61 requires that political subdivisions ensure that time, place, or manner restrictions on expressive activity on public grounds comply with certain requirements;

WHEREAS, Utah Code §11-61-104 provides that cities may not impose certain restrictions on expressive activity unless the city has adopted an ordinance to guide the adoption, by policy or practice, of restrictions on expressive activity on public grounds;

WHEREAS, it is proposed that Highland City provide time, place, and manner restrictions on expressive activity that comport with state and constitutional law;

WHEREAS, according to the United States Supreme Court “traditional public forum” refers to: a public park or street, *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 45 (1983), or a public sidewalk, as defined by *United States v. Grace*, 461 U.S. 171, 179 (1983); and *United States v. Kokinda*, 497 U.S. 720, 727-29, 110 S. Ct. 3115, 3120-21 (1990);

WHEREAS, in those decisions the Supreme Court clarified that not all sidewalks built with public funds are "public sidewalks" or traditional public forums;

WHEREAS, to promote the health, safety and general welfare of the citizens of Highland City, the Council finds it necessary to enact the Ordinance below;

NOW, THEREFORE, be it ordained by the City Council of Highland, Utah, as follows:

FREE EXPRESSION REGULATION

A. It is the declared public policy of Highland City that persons and groups have a right to organize and participate in peaceful expressive activities including demonstrations, rallies, parades, signature gathering, marches, picketing or other similar actions conducted for the purpose of persons expressing their political, social, religious, or other views, and to do so on the public grounds of the City, as defined herein, near the object of their protest or action so they may be seen and heard, subject to reasonable restrictions designed to protect public safety, persons, and property and to accommodate the interests of persons not participating in the assemblies, including their interests in using the streets and sidewalks to travel to their intended destinations, and to use the parks and park facilities for recreational purposes.

B. In accordance with Utah Code §11-61-104, Highland City shall only impose a generally applicable time, place, and manner restriction on expressive activity on public
grounds by ordinance or by policy or practice that comports with this Section.

C. For purposes of this Section:

1. “Public grounds” means the area outside of a public building, as that term is defined in Utah Code Section 11-61-102(5), that is a traditional public forum where members of the public may safely gather to engage in expressive activity.

   i. “Public grounds” do not include:

   (a) the interior of a public building; or

   (b) any public property that is not a traditional public forum, such as, but not limited to, sidewalks constructed primarily to assist patrons to negotiate the space between the parking lot and the door, and not to facilitate the daily commerce and life of the neighborhood, and other areas as defined in accordance with the rulings of the United States Supreme Court.

2. “Traditional public forum” refers to: a public park or street, or a public sidewalk, as defined by the United States Supreme Court, or as that Court may later define it.

D. In accordance with Utah Code Section 11-61-103, this Section does not apply to:

1. A restriction on expressive activity on public grounds that is imposed in order to comply with Utah Code Title 20A Election Code;

2. Property that Highland owns or leases that is closed to public access or where state or federal law restricts expressive activity; or

3. A limited or nonpublic forum.

E. A generally applicable or individually applicable time, place, and manner restriction on expressive activity on public grounds imposed by ordinance, policy, or practice must comport with state law, constitutional law, and case law, and, in accordance with Utah Code Section 11-61-104, must be:

1. Narrowly tailored to serve an important governmental interest, including public access to the public building, public safety, and protection of public property;

2. Unrelated to the suppression of a particular message or the content of the expressive activity that the restriction addresses; and

3. Leave open reasonable alternative means for the expressive activity.
F. This ordinance is not intended to infringe on the rights individuals have to use public forums in accordance with state law.

SEVERABILITY

If any provision or clause of this chapter or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this chapter are declared to be severable.

EFFECTIVE DATE

This amendment to the ordinance shall become effective on the date passed by the City Council of Highland.

PASSED AND ADOPTED by the Highland City Council, State of Utah, on this 7th day of May, 2019.

HIGHLAND CITY:

____________________________________
Rodney W. Mann
Mayor

ATTEST:

COUNCILMEMBER      YES      NO
Brian Braithwaite   □        □
Ed Dennis           □        □
Tim Irwin           □        □
Kurt Ostler         □        □
Scott L. Smith      □        □

Cindy M. Quick, MMC
City Recorder
FREE EXPRESSION REGULATION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill addresses local government regulation of expressive activity.

Highlighted Provisions:

This bill:

- requires that a political subdivision ensure that any generally or individually applicable time, place, or manner restriction on expressive activity on public grounds complies with certain constitutional requirements;
- requires that, if a political subdivision imposes a generally applicable time, place, or manner restriction on expressive activity on public grounds, the political subdivision must impose the restriction by ordinance or adopt the restriction in accordance with a general ordinance;
- prevents a political subdivision from prohibiting political activities on public grounds; and
- exempts compliance with Title 20A, Election Code, and certain property that a political subdivision owns or leases.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

11-58-101, Utah Code Annotated 1953
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 11-58-101 is enacted to read:

CHAPTER 58. EXPRESSIVE ACTIVITY REGULATION
BY LOCAL GOVERNMENT ACT

This chapter is known as the "Expressive Activity Regulation by Local Government Act."

Section 2. Section 11-58-102 is enacted to read:

As used in this chapter:

(1) "Expressive activity" means:
(a) peacefully assembling, protesting, or speaking;
(b) distributing literature;
(c) carrying a sign; or
(d) signature gathering or circulating a petition.

(2) "Generally applicable time, place, and manner restriction" means a content-neutral ordinance, policy, practice, or other action that:
(a) by its clear language and intent, restricts or infringes on expressive activity;
(b) applies generally to any person; and
(c) is not an individually applicable time, place, and manner restriction.

(3) (a) "Individually applicable time, place, and manner restriction" means a content-neutral policy, practice, or other action:
(i) that restricts or infringes on expressive activity; and
(ii) that a political subdivision applies:

(A) on a case-by-case basis;

(B) to a specifically identified person or group of persons; and

(C) regarding a specifically identified place and time.

(b) "Individually applicable time, place, and manner restriction" includes a restriction placed on expressive activity as a condition to obtain a permit.

(4) (a) "Political subdivision" means a county, city, town, or metro township.

(b) "Political subdivision" does not mean:

(i) a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts;

(ii) a special service district under Title 17D, Chapter 1, Special Service District Act;

or

(iii) a school district under Title 53G, Chapter 3, School District Creation and Change.

(5) (a) "Public building" means a building or permanent structure that is:

(i) owned, leased, or occupied by a political subdivision or a subunit of a political subdivision;

(ii) open to public access in whole or in part; and

(iii) used for public education or political subdivision activities.

(b) "Public building" does not mean:

(i) a building owned or leased by a political subdivision or a subunit of a political subdivision:

(A) that is closed to public access;

(B) where state or federal law restricts expressive activity; or

(C) when the building is used by a person, in whole or in part, for a private function; or

(ii) a public school.

(6) (a) "Public grounds" means the area outside a public building that is a traditional public forum where members of the public may safely gather to engage in expressive activity.

(b) "Public grounds" includes sidewalks, streets, and parks.
(c) "Public grounds" does not include the interior of a public building.

Section 3. Section 11-58-103 is enacted to read:

This chapter does not apply to:

(1) a restriction on expressive activity on public grounds that a political subdivision imposes in order to comply with Title 20A, Election Code;
(2) property that a political subdivision owns or leases:
(a) that is closed to public access; or
(b) where state or federal law restricts expressive activity; or
(3) a limited or nonpublic forum.

Section 4. Section 11-58-104 is enacted to read:

11-58-104. Time, place, and manner restrictions -- Generally applicable restrictions by ordinance.

(1) If a political subdivision imposes a generally applicable or individually applicable time, place, and manner restriction on expressive activity on public grounds, the political subdivision shall ensure that the restriction:
(a) is narrowly tailored to serve an important governmental interest, including public access to the public building, public safety, and protection of public property;
(b) is unrelated to the suppression of a particular message or the content of the expressive activity that the restriction addresses; and
(c) leaves open reasonable alternative means for the expressive activity.
(2) A political subdivision may not impose a generally applicable time, place, and manner restriction on expressive activity on public grounds unless the political subdivision:
(a) imposes the restriction by ordinance; or
(b) (i) adopts an ordinance to guide the adoption, by policy or practice, of restrictions on expressive activity on public grounds; and
(ii) adopts, by policy or practice, the restriction in accordance with the ordinance described in Subsection (2)(b)(i) and with the constitutional safeguards described in Subsection
(1).

Section 5. Section 11-58-105 is enacted to read:


(1) Except as provided in Section 11-58-103 and Subsection (2), a political subdivision may not prohibit a political activity, including signature gathering or petition circulation, on public grounds.

(2) A political subdivision may impose a time, place, and manner restriction on political activities outside a public building in accordance with Section 11-58-104.

Section 6. Effective date.

This bill takes effect on May 14, 2019.