

**AGENDA**  
**HIGHLAND CITY COUNCIL MEETING**  
**January 22, 2013**

**7:00 p.m.**

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

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

CALL TO ORDER – Mayor Lynn Ritchie  
INVOCATION – Brian Braithwaite  
PLEDGE OF ALLEGIANCE – Jessie Schoenfeld

APPEARANCES

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

CITY COUNCIL/MAYOR ITEMS

- 2. Time has been set aside for the City Council & Mayor to make comments.**

REPORTS/PRESENTATIONS

- 3. Community Covenant – Cpt. Mark J. Buffington, Utah National Guard**

MINUTES

- 4. CITY COUNCIL REGULAR SESSION – January 8, 2013**

CONSENT AGENDA

- 5. MOTION – Ratifying the appointment of Vaughn Pickell, AICP, Esq. as the Highland City Appeal Authority**

**BACKGROUND:** *(Presentation by Nathan Crane, Community Development Director)*

Every two years, the Mayor, with the advice and consent of the City Council appoints a person to serve as the Highland City Appeal Authority. The Appeal Authority is responsible to hear and make decisions on requests for variances and appeals for application of the Development Code. In December of 2012, staff issued a request for proposals for individuals to serve as the Appeal Authority. Two responses were received. Upon review of the proposals, Vaughn Pickell was chosen as the best individual to meet the needs of Highland City.

- 6. RESOLUTION – Recognizing the accomplishments and contributions made by the Lone Peak High School Boys Basketball Team.**  
BACKGROUND: *(Presentation by Lynn V. Ritchie, Mayor)*  
During the week of December 18th, the Lone Peak High School Boys Basketball Team were ranked #1 in the nation by MaxPreps, the first such honor for a Utah boys' basketball team. They were also ranked #4 by ESPN, #7 by USA Today and #6 by PrepNation.
- 7. RESOLUTION – Supporting the full and present implantation of the Transfer of Public Lands Act (HB 148 2012)**  
BACKGROUND: *(Presentation by Tim Irwin, City Council Member)*  
Council Member Tim Irwin at the January 8, 2013 City Council Meeting proposed the creation of a Highland City Resolution for the purpose to show support of the Transfer of Public Lands Act (HB148 2012).
- 8. RESOLUTION – Authorizing the payment to of debts, public charges, taxes and dues in specie legal tender in Highland City.**  
BACKGROUND: *(Presentation by Tim Irwin, City Council Member)*  
Highland City recognizes the payment of debts, public charges taxes and dues in specie legal tender as defined in Utah Code Annotated § 59-1-1501.1 to the full extent of the purchasing power of such tender as allowed by Utah State Law.

#### SCHEDULED ITEMS

- 9. PUBLIC HEARING / ORDINANCE – A Ordinance of the Highland City Council indicating its intent to adjust its boundaries with Alpine City.**  
BACKGROUND: *(Presentation by Nathan Crane, Community Development Director)*  
Mr. Charles Williams owns 1.01 acres and Mr. Phillip Williams owns 1.94 acres located on the Highland/Alpine border. The boundary between Highland and Alpine run through the center of Charles Williams property and the south third of Phillip Williams property. On October 16, 2012, the City Council adopted a resolution indicating its intent to adjust the boundary between Highland and Alpine. As required by state law, the next step, after a considerable notification process, is to hold a public hearing. The public hearing is required to be held at least 60 days after the adoption of the resolution. Alpine City adopted an ordinance on December 11, 2012 approving the boundary line adjustment.
- 10. MOTION – Authorizing Staff to proceed with the Public Bids of the Landscaping Contract for the Parks, Trails and Open Space within the City.**  
BACKGROUND: *(Presentation by Matt Shipp, Public Works Director)*  
Staff has been requested to go out for public bid on the landscaping contract for the Highland City parks, trails, and open space within the City. Staff presented to the City Council at the last meeting a copy of the specifications that would be used for the bidding process.

**11. ORDINANCE – Amending Title 12 Streets, Sidewalks, and Public Places of the Highland City Municipal Code by adding Chapter 12.30 Removal of Neighborhood Option Trails and Chapter 12.32 Designation of Open Space Property for Disposal**

BACKGROUND: *(Presentation by Nathan Crane, Community Development Director)*

On September 18, 2012, the City Council approved an amendment to the Trails Master Plan. With the adoption of the new Trails Master Plan, procedures need to be put in place that will allow the City Council to consider the removal of these trails at the request of specific development. Chapter 12.32 was included to create a process in which the Council can designate open space lands which are not part of a neighborhood option trail for disposal at the request of a specific development. The goal was to create a process that emphasizes public participation and transparency.

COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF

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

**12. REPORT – 6 Month Financials**

*Lynn Ruff, Finance Director*

**13. DISCUSSION – Budget Schedule - Process**

*Mayor Ritchie*

**14. DISCUSSION - Economic Development Committee**

*Mayor Ritchie*

**15. DISCUSSION - Gun Regulations**

*Council Member, Tom Butler*

ADJOURNMENT

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 17<sup>th</sup> day of **January, 2013**. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 17<sup>th</sup> day of **January, 2013** the above agenda notice was posted at [www.highlandcity.org](http://www.highlandcity.org) and notification sent to local newspapers located in Utah County.

JOD'ANN BATES, City Recorder

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

**If you need a special accommodation to participate in the City Council Meetings,  
please call the City Recorder's Office at least 3 working days prior to the meeting at (801) 772-4505**

# DRAFT

## MINUTES HIGHLAND CITY COUNCIL MEETING

Tuesday, January 8, 2012

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

**PRESENT:** Mayor Lynn V. Ritchie, conducting  
Councilmember Brian Braithwaite  
Councilmember Tom Butler  
Councilmember Tim Irwin  
Councilmember Scott Smith  
Councilmember Jessie Schoenfeld

**STAFF PRESENT:** Matthew Shipp, Interim City Administrator,  
Public Work Director/ City Engineer  
Nathan Crane, Community Development Director  
Lynn Ruff, Finance Director  
JoD' Ann Bates, Executive Secretary/City Recorder  
Brian Gwilliam, Chief of Police  
Tim Merrill, City Attorney

**EXCUSED:**

**OTHERS:** Bart Brockbank, Rob Clauson, Cheryl Barclay, Chad Christofferson, Ed Barfuss, Kurt Jewkes, Kathy Curtis, Chad Copier.

The meeting was called to order by Mayor Lynn V. Ritchie as a regular session at 7:01 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Tim Irwin and those assembled were led in the Pledge of Allegiance by Brian Braithwaite.

### APPEARANCES:

Chad Copier stated he would like to propose a change to the fencing ordinance. He lives immediately north of the old City Hall and along SR74. Chad showed pictures of the orientation of his home and what it would look like with possible changes to the ordinance. Chad continued that currently the city ordinance requires a 30 foot setback on arterials and state highways. With his home being along SR74, that means he would need to place his fence 30 feet back. There are existing fences along SR74 that have been grandfathered in with a closer setback. His

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1 neighborhood has been there for a long period of time and with a 30 foot setback off the highway  
2 it leaves him with not being able to use his land in a useful way. Chad stated he looked at the  
3 ordinance and would like to propose a change be made that would still keep the intent of the  
4 ordinance intact regards creating parkways and buffer zones for new subdivisions but for homes  
5 in existing residential neighborhoods along those designated streets it would put them in line  
6 with other homes along those streets.

7  
8 Rob Clawson wanted the let the Council be aware of the recent news that the Lone Peak High  
9 School Boys Basketball Team had been ranked 1<sup>st</sup> in the nation. This type of honor only  
10 happens to a very select team and this is only the second time it has happened in our state. He  
11 feels that this is a very important accomplishment and feels they need to be recognized.

12  
13 Police Chief Brian Gwilliam addressed the Council stating that he is following up on a request  
14 that was made by Councilmember Irwin. Tim Irwin asked that they look into *crimereports .com*  
15 which would give residents the ability to look at a pin map to see where the crimes were  
16 according in the city. The cost is approximately \$1,200. with an upfront fee of \$300., all of  
17 which is currently covered by the Utah Attorney's Office. He has been working with them and  
18 we should be able to see the information come on line in the next few weeks.

19  
20 Tom Butler indicated that there had been and increase of break-ins in his neighborhood and  
21 wondered if there had been an increase in crime overall.

22  
23 The Police Chief stated that there had not been an increase, but there have been crimes of  
24 opportunity. He suggested that the neighborhoods increase their awareness and be more vigilant.

## 25 26 **CITY COUNCIL / MAYOR ITEMS:**

27  
28 Tim Irwin inquired to the Mayor if he was planning to bring anything back to the Council  
29 regarding the Economic Development Committee and their recommendations.

30  
31 The Mayor indicated it would be brought back at the next meeting.

32  
33 Tim Irwin stated that there are a number of items that the Governor has shown some good  
34 leadership with and he would like to see if there is any interest from the Council in supporting  
35 him putting together a resolution supporting the Governor on his stand on the lands issue, in  
36 bringing the federal government controlled land back to Utah.

37  
38 Scott Smith stated that he would support a proposed resolution regarding that cause.

39  
40 Tim Irwin also suggested that the Council support the Governor on the Legal Tender Bill Act of  
41 2011 which allows people to have a choice to use gold and silver to pay bills. He would like to  
42 support the Governor and let the Legislature know that we are supportive of the work they are  
43 doing. Tim inquired if there were any councilmembers that would support him in creating a

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1 resolution supporting the choice to use gold and silver and other tender as authorized by the State  
2 Legislature.

3  
4 Tom Butler stated that he would support the resolution regarding that cause.

5  
6 Tim Irwin stated he had read that our new Police Chief stated he is working on doing more  
7 community oriented policing and suggested that a time be set aside for him to report and present  
8 what his goals are regarding a more interactive police force.

9  
10 **MEETING MINUTES:**

11  
12 Minutes for the October 16, 2012 Regular City Council Meeting

13  
14 **MOTION: Brian Braithwaite moved to approve the minutes from the October 16, 2012  
15 City Council Regular Meeting.**

16 **Tim Irwin seconded the motion. Unanimous vote, motion carried.**

17  
18  
19 **CONSENT ITEMS:**

20  
21 RESOLUTION – Appointing the Mayor to the Utah Valley Dispatch Special Service District

22  
23 RESOLUTION – Appointing the City Recorder and City Treasurer of Highland City. – Item  
24 pulled

25  
26 MOTION – Ratifying the Mayor’s Re-Appointment of Scott Temeby and Steve Rock as  
27 Members of the Highland City Planning Commission.

28  
29 MOTION – Ratifying the Mayor’s Re-Appointment of Mark Thompson as a Member of the  
30 Highland City Water Advisory Board.

31  
32 Tim Irwin requested consent item for the Resolution Appointing the City Recorder and City  
33 Treasurer be pulled for further discussion.

34  
35 Mayor Ritchie stated hearing no other objections the remaining items will stand as approved  
36 upon consent, and the Resolution appointing the City Recorder and City Treasurer that was  
37 pulled will be address at the end of the schedules agenda items.

38  
39  
40 **SCHEDULED ITEMS:**

41  
42 ORDINANCE – Amending the Highland City Municipal Code Section 5.04.180 Exemptions for  
43 Hours of Operation Restrictions

# DRAFT

1 Nathan Crane stated in March of 2000 the City Council adopted regulations regarding the hours  
2 of operation for businesses in Highland. Part of those regulation were some exemptions that  
3 include; Private clubs with liquor licenses, home occupations licenses, gas stations and  
4 restaurants. The restaurant exemption was then removed in 2007. In December the Council  
5 requested this section be expanded to address existing uses that are currently operating such as  
6 health care type uses.

7  
8 Scott Smith stated that he brought this up because he felt some of the uses are an obvious  
9 exemption. He would like to discuss all of the exemptions. He felt the recent election regarding  
10 Sunday Closure was a clear indication of what the residents want but he feels it was related more  
11 to retail sales. He feels they need to look very closely at what they want to exempt. Scott started  
12 with “Private Clubs with liquor licenses”. He feels this was set up due to the Country Club that  
13 has been here possibly before the City was created and believes that was there for them. He  
14 inquired of the city attorney if this would allow other clubs to come into the city and be exempt.

15  
16 Tim Merrill stated that yes if they came in as a class 2 business they could be open on Sunday.

17  
18 Scott Smith inquired if they need to make this more specific and state it is for a Country Club  
19 with a liquor license.

20  
21 Scott Smith continued with “Home based businesses” and inquired if anyone knew the history as  
22 to why this type of business was exempt. He feels this is hypocritical if the citizens voted to be  
23 closed on Sunday but allow anyone with a home business to be open on Sunday.

24  
25 Tim Irwin suggested that he feels it is an enforcement issue. When the business is in the home it  
26 is hard to enforce if they are open or closed.

27  
28 Discussion ensued regarding enforcement issues with home occupation businesses.

29  
30 Scott Smith feels that “Assisted Care” type of facilities should be exempt. They provide a  
31 needed service that is required to take place on Sundays, along with funeral homes and mortuary  
32 services.

33 Scott continued that he finds it ironic that gyms in other cities that could be open on Sunday are  
34 not and 24 hour fitness is not officially open but let’s their club members have access and can  
35 participate on Sunday if they so desire. He is not sure if that is a good exemption or not.

36 Scott also indicated he had a problem with pharmacies being open. Most are connected to a  
37 major retail organization and it would be hard to just open the pharmacy without the retail side of  
38 it being open. As far as he knows there are no urgent care centers open on Sundays on the north  
39 end of the county north of Orem except for the ER room. If we allow people to play golf on a  
40 Sunday, does it make sense to let people have a short ride to a health care center to take their sick  
41 kid rather than haul them down to the ER where they have to sit sometimes for hours and can be  
42 expensive. He feels that is a service that will fit under the exemptions. Scott concluded that he  
43 doesn’t see Highland ever having a hospital and feels that does not need to be included.

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1 Tom Butler stated that he appreciates what Scott is suggested. Tom had concerns that if they  
2 allow health care clinics, pharmacies and health care providers, is it right to discriminate against  
3 any dentist or doctor or health type person wanting to operate a business on Sunday. He feels  
4 that the voice of the residents regarding Sunday closure was directed to retail sales, and he feels  
5 they would have a serious rebellion if they try to do the other way and try to make home base  
6 businesses close.

7  
8 Discussion ensued regarding the possibilities of similar business coming to Highland that would  
9 fall into the exemptions listed.

10  
11 Tim Irwin inquired to the city attorney regarding things that opens the city up to liability like  
12 having a lot of exceptions. With that concern, he wonders if they should have any exemptions at  
13 all.

14  
15 Tim Merrill stated that this is really a short list of exemptions. He is not worried about the  
16 number of exemptions; the thing the Council needs to provide is rational basis as to why they are  
17 providing these exemptions.

18  
19 Brian Braithwaite stated that in talking with residents, he feels the recent vote was intended to  
20 limit retail businesses and suggested that the exemptions follow the idea of health and welfare.  
21 He said that it made common sense for businesses supporting the areas that take care of the  
22 individual and the family, where it is not an option to delay in getting a service. He feels that  
23 home based businesses would be hard to enforce and doesn't see that use would be abused.  
24 Brian continued he feels assisted living, health care and mortuaries are a natural. He feels that  
25 the way pharmacies are structured, allowing those to be open without the retail side can't be  
26 done. He feels there are pharmacies that are accessible on Sundays within a few miles of  
27 Highland.

28  
29 Discussion ensued regarding 24 Hour Fitness Center and Pharmacies being closed/open on  
30 Sunday.

31  
32 **MOTION: Brian Braithwaite moved to adopt Ordinance 2012-\_\_\_ amending the Highland**  
33 **City Municipal Code Section 5.04.180 Exemptions for Hours of Operation adding sections:**  
34 **D - Assisted Living Facilities;**  
35 **E - Mortuary and Funeral Homes; and**  
36 **F – Hospitals, Health Care Clinics/Urgent Care Clinics.**

37  
38 **Jessie Schoenfeld seconded the motion.**

39  
40 Scott Smith asked about the possibility of adding Skilled Nursing Facilities to the motion.

41  
42 Brian Braithwaite stated he would like agree with Scott and would like to add Skilled Nursing  
43 Facilities to the motion.



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1 Jessie Schoenfeld concurred.

2  
3 **CORRECTED MOTION: Brian Braithwaite moved to adopt Ordinance 2012-\_\_\_**  
4 **amending the Highland City Municipal Code Section 5.04.180 Exemptions for Hours of**  
5 **Operation adding sections:**  
6 **D - Assisted Living Facilities;**  
7 **E - Mortuary and Funeral Homes; and**  
8 **F – Hospitals, Health Care Clinics/Urgent Care Clinics and Skilled Nursing Facilities.**

9  
10 **MOTION TO AMEND: Tom Butler moved to amend the motion to include:**  
11 **1) Any medically related facility including but not limited to Doctor and Dentists;**  
12 **2) Pharmacies; and**  
13 **3) Reinststitute the Ordinance prior to 2007 to include sit down restaurants with liquor**  
14 **licenses.**

15  
16 Motion died for lack of a second.

17  
18 Tim Irwin moved for a call to question the original motion.

19  
20 **MOTION TO AMEND: Tom Butler moved to amend the motion to include:**  
21 **1) Any medically related facility including but not limited to Doctor and Dentists;**  
22 **2) Skilled Nursing Facilities; and**  
23 **3) Drive thru Pharmacies.**

24  
25 Mayor Ritchie indicated that due to the request of call to question, procedurally they will proceed  
26 with the roll call vote on the original motion.

27  
28 **Those voting aye are: Jessie Schoenfeld, Scott Smith, Brian Braithwaite, Tom Butler and**  
29 **Tim Irwin. Motion carried.**

30  
31  
32 **MOTION - Approval of the Final Plat for Beacon Hills Plat L.**

33  
34 Nathan Crane stated that his is a request to amend Plat J of Beacon Hills to combine two lots.  
35 The reason it comes before the Council is because they need to vacate an existing public utility  
36 easement. The new lot will be 1.09 acres and the city has received clearance from the other  
37 utility companies to vacate that easement. Staff is recommending approval subject to two  
38 routine stipulations listed in the staff report.

39  
40 **MOTION: Tim Irwin moved to approve the Final Plat Amendment subject to the**  
41 **following staff recommendations:**

42  
43 **1) The recorded plat shall conform to the plat date stamped December 31, 2012.**

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- 1           2) **The recorded plat shall be revised to meet the requirements of the City Engineer**  
2           **and Community Development Director.**

3  
4 **Scott Smith seconded the motion.**

5 **Unanimous vote (Tom Butler was absent for the vote). Motion carried.**  
6

7  
8 MOTION – Acceptance of an Annexation Petition for Sky Estates consisting of 81.71 acres  
9           known as the Burgess Property.

10  
11 Nathan Crane stated that State Law has a very lengthy annexation process. The first step begins  
12 with an Annexation Policy Plan where cities declare areas for future annexation. Highlands plan  
13 was adopted in 2002 and includes the property before the council tonight. The next steps are as  
14 follows:

- 15           1) Notice of Intent – notice to affected entities, adjacent property owners of the intent to  
16           annex a piece of property. This notice is provided by the County.  
17           2) Annexation Petition – Property owner files this petition that consents to the annexation.  
18           Accepting the petition does not approve the annexation it merely allows for further  
19           consideration and the process to move forward. Once the petition is approved it will be  
20           subject to further notifications, public hearing and it would be back before the Council  
21           for approval or denial of the actual annexation. Council maintains complete control over  
22           rather an annexation is denied or approved. This is just a formality step. If the petition is  
23           denied at this point it could allow the property owner to seek annexation into another  
24           neighboring city.  
25           3) Action /Decision Process – Once the notifications are done the County will certify the  
26           petition and it is brought back to the Council for a Public Hearing and Action.  
27

28 Nathan continued to describe the annexation process in a more detailed fashion as to the process  
29 from this time forward.

30  
31 Discussion ensued regarding notification, public hearings and the process of annexation.  
32

33 **MOTION: Tim Irwin moved to accept the annexation petition for further consideration.**  
34

35 **Tom Butler seconded the motion.**

36 **Unanimous vote. Motion carried.**  
37

38  
39 MOTION – Nomination and Selection of Mayor Pro Tempore  
40

41 Mayor Lynn Ritchie opened the nominations for Mayor Pro Tempore to act in the absence of the  
42 Mayor. Scott Smith previously served as the Mayor Pro Tem during 2012.  
43

# DRAFT

1 **Tim Irwin nominated Tom Butler.**

2

3 **Scott Smith seconded the motion.**

4 **Mayor Ritchie called for a vote on the nomination for Tom Butler as Mayor Pro Tempore**  
5 **for 2013.**

6 **Unanimous vote. Motion carried.**

7

8

9 RESOLUTION – Appointing the City Recorder and City Treasurer of Highland City.

10 *Pulled from the consent items*

11

12 Tim Irwin inquired about the wording of the resolution regarding the “*advice and consent of the*  
13 *City Council*” and was wondering what kind of advice the Council gave the Mayor in the  
14 selection of the Treasurer and the City Recorder.

15

16 Mayor Ritchie stated that typically the advice and consent is done concurrently on the dais.

17

18 Tim Irwin feels that to talk about advice at this point is difficult. Tim indicated that JoD’ Bates  
19 was appointed as the City Treasurer just a few months ago and he is not sure that they want to  
20 lose what training she has received for that position and start over with someone new.

21

22 Mayor Ritchie stated there is an advantage JoD’ having had some training and the Treasurer.  
23 Responsibilities were dispersed in various directions after the retirement of Nancy Day and JoD’  
24 picked up a major portion of them. The training is good and allows the have someone cross  
25 trained along with Jill.

26

27 Brian Braithwaite indicated it is an advantage to the city to have two employees trained on the  
28 same job. He feels that they would not lose anything in fact it would be beneficial to have two  
29 people trained in the same area. He only sees this as a good thing.

30

31 Mayor Ritchie indicated that this position had gone through the proper posting and interview  
32 process and they felt JoD’ was the most qualified candidate. Jill will be moving into the  
33 Treasurer position very soon. Nathan is in the process of backfilling Jill’s position and those  
34 changes will be taking place over the next few weeks.

35

36 Tom Butler inquired as to the position of the Executive Secretary position.

37

38 Mayor Ritchie stated that JoD’ would retain that position.

39

40 Scott Smith inquired as to the training that was required for City Recorder.

41

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1 JoD' Bates responded that there is specific certifications and training required in becoming a  
2 Certified Municipal Clerk (CMC). The training is very extensive, and will take anywhere from  
3 3-5 years to be fully certified.

4  
5 Scott Smith requested JoD' to delineate the responsibilities of the City Recorder.

6  
7 JoD' Bates responded that some of the duties include:

8 Details of the cemetery, and all of the plots, purchase and burials,  
9 Maintaining of records, Ordinances and Resolutions,  
10 Codification of the City Codes, printed and web copies,  
11 All the contracts that come throughout the city,  
12 All business licenses, commercial, home occupation and solicitors,  
13 All elections and election judges,  
14 GRAMA requests, and  
15 City Council Meetings, compiling of agendas and notifications.

16 JoD' indicated there are more aspects to the position she is learning and will continue to do the  
17 job to the best of her ability.

18  
19 **RESOLUTION: Tim Irwin moved to approve the appointment of Jill Ballamis as City**  
20 **Treasurer and JoD'Ann Bates as City Recorder.**

21  
22 **Brian Braithwaite seconded the motion.**

23 **Those voting aye: Scott Smith, Brian Braithwaite, Tom Butler, Tim Irwin and Jessie**  
24 **Schoenfeld. Motion carried.**

25  
26  
27 COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF

28 *(These items are for information purposes only and do not require action or discussion by the City Council)*  
29

30 REPORT – North Pointe Solid Waste Special Service District

31  
32 Tim Irwin stated that he was prepared to report, however most the information had been  
33 published in the newsletter, so he does not feel he needs to go into too much detail. One thing he  
34 would like to point out is that North Pointe did approve an increase in the tipping fees to \$2.50 a  
35 ton, which is about a 12% increase. He does not believe this will increase fees to Highland  
36 residents because currently they are charging more than what they are paying out.

37  
38 Brian Braithwaite voiced a concern regarding the comment that we are taking in more than we  
39 are paying out. If he remembers right the city had to subsidize the garbage fees last year.

40  
41 Discussion ensued and a requested was made that Lynn Ruff look into those figures and bring  
42 back some information regarding those fees.

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1 Tim Irwin also reported that North Pointe has modified their health program plans to reduce  
2 costs and would like to look at what they have done to see if there is something similar could be  
3 done on the city level to reduce health care costs.  
4

## 5 6 DISCUSSION – Open Space Ordinance 7

8 Nathan Crane stated this is a follow-up to the discussion regarding changing the open space  
9 subdivision ordinance. Nathan reviewed some of the current requirements and areas of the city  
10 that open space subdivisions could be located.  
11

12 Nathan reviewed some of the proposed changes:

- 13 • Revise the process so that any density increase is a legislative decision. This would allow  
14 the Council complete discretion as to approving or denying open space subdivisions and  
15 their density,
- 16 • Remove the requirement that they be part of the Open Space Special Service District,
- 17 • Require all amenities to be installed by the developer up front at their cost,
- 18 • Remove the sliding scale and replace it with density range that would be determined by  
19 the Council based on the merits of the project,
  - 20 ○ Include a maximum density,
  - 21 ○ General mixed use,
- 22 • Include a list of improvements and types of open space,
- 23 • Require private ownership and maintenance and reference minimum maintenance  
24 standards and require compliance – Allow Council to determine ownership based on size,  
25 location and need.
- 26 • Delineation of open space to be installed by the developer
- 27 • Standards for conservation areas - maintenance ownership access, etc., design standards  
28 including size, location and level of improvement. Open space and trail locations.  
29

30 Tom Butler stated that it was his understanding it was the intent of the Council to look for an  
31 alternative to open space subdivisions and possibly eliminate future ones.  
32

33 Nathan Crane stated that it was his understanding the Council wanted to look at both, revising  
34 the ordinance and look at other alternatives.  
35

36 Discussion ensued regarding the desire and understanding the issue to eliminate or change the  
37 open space ordinance and the problems that have come from the open space ordinance.  
38

39 Mayor Ritchie stated he feels these change would address some of the issues they currently face  
40 with the open space subdivisions. The private ownership would develop and HOA, giving them  
41 ownership and responsibility for maintenance. The little parks would be up to the discretion of

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1 the Council, on the design up front. Finally, there wouldn't be any orphan properties, because  
2 the city would not have any ownership except a large park if the Council so choose to do so.

3  
4 Mayor Ritchie inquired if direction should be given to Nathan to proceed with a higher density  
5 ordinance similar to what had been discussed, that would identify what open space really is, and  
6 make certain that problems are not repeated.

7  
8 General consensus of the Council agreed with the Mayors comments of direction for Nathan  
9 Crane.

## 10 DISCUSSION – Landscaping Specifications

11  
12  
13 Matt Shipp indicated that he had provided the Council with the specifications staff would like to  
14 use in going out for bid on a landscaping contract. The section that was provided in their packet  
15 is a small portion of the overall bid package that will be going out. He also indicated that he had  
16 received and passed onto the Council a detailed fertilizer schedule and specification. Matt would  
17 like to ask the Council to review the specifications that have been provided and email him any  
18 comments they might have in order to move forward with the process. They are slated to open  
19 the bid on the 20<sup>th</sup> of February, 2013 and start the contract the first week in March depending on  
20 the weather.

21  
22 Discussion ensued regarding specific fertilization standard based on location of the parks, and  
23 the standard of maintenance based on location and use. Discussion also included the possibility  
24 and the pros and cons of separating the bid.

25  
26 Scott Smith inquired as to the quality control issue if this is possibly split into different contracts.

27  
28 Matt Shipp stated the quality control would be the responsibility of the Park Superintendent.  
29 Highland City currently has a full time staff of 3, those two labor employees would keep the  
30 maintenance of the sprinklers and timers. With previous outside contracts this is where they  
31 found the costs to skyrocket and it was difficult to control so that portion will remain in house.

32  
33 Jessie Schoenfeld inquired about the status of the city's equipment storage.

34  
35 Matt Shipp answered they are still looking at spaces but the bid process needed to be addressed  
36 before they could move on with plans for equipment storage.

37  
38 Mayor Ritchie asked Matt to update the Council on the Beacon Hills Park.

39  
40 Matt Shipp stated that the mass grading is about 90-95% completed, the storm drain pipes have  
41 been installed, the outlet structure is completed, and they started burying the main line pipes  
42 before the winter weather hit. At this point they are closed down for the winter and will start  
43 back up in the spring. Matt stated that for a project of this nature, it has been fairly quiet as far as

# DRAFT

1 changes go. He feels they addressed a lot of the issues they thought they would run into at the  
2 beginning of the project. One of the issues was the outlet structure that was filled with silt and  
3 took about 3 days to clean, that was an unknown issue. They also decided to install a chain link  
4 fence versus a 3 rail fence for added safety. In changing the type of pipe used they have been  
5 able to save approximately \$6,500. The slope in the upper field had been changed, so instead of  
6 dumping water into another area, they changed the slope and now it will drain into a storm drain  
7 box. Matt concluded that overall he is looking at approximately \$20,000 in change orders, which  
8 has been at the beginning and have been addressed. The project is on schedule and he will  
9 continue to inform the Council on the progress.

10  
11 Mayor Ritchie stated the interview process for a new City Administrator will be occurring in the  
12 next week.

13  
14 Discussion ensued regarding schedules and conflicts in those interviews.

15  
16 ADJOURNMENT

17  
18 **MOTION: Scott Smith moved to adjourn.**

19  
20 **Jessie Schoenfeld seconded the motion.**

21 **Unanimous vote. Motion carried.**

22  
23 The meeting adjourned at 9:01 p.m.

24  
25  
26  
27 \_\_\_\_\_  
28 JoD' Ann Bates, City Recorder

29  
30 Date Approved:  
31

<p style="text-align: center;"><b>HIGHLAND CITY</b>  <b>CITY COUNCIL MEETING</b>  <b>JANUARY 22, 2013</b></p>			
<b>REQUEST:</b>	<b>MOTION</b> – Ratifying the appointment of Vaughn Pickell, AICP, Esq. has the Highland City Appeal Authority		
<b>APPLICANT:</b>	Highland City		
<b>FISCAL IMPACT:</b>	N/A		
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	LOCATION
N/A	N/A	N/A	Citywide

**BACKGROUND:**

Every two years, the Mayor, with the advice and consent of the City Council appoints a person to serve as the Highland City Appeal Authority. The Appeal Authority is responsible to hear and make decisions on requests for variances and appeals for application of the Development Code. Michael Walch was appointed as the Appeal Authority in February of 2010.

In December of 2013, staff issued and request for proposals for individuals to serve as the Appeal Authority. Two responses were received:

Name	Cost	Summary of Qualifications
Vaughn Pickell	\$125 per hour No travel costs	Licensed attorney with specialization in land use, zoning, development, and local government Past Community Development Director for Bluffdale Currently serves as the City Attorney for Bluffdale Lives in Alpine
RJ Team	Meeting Rate:\$100.00 per hour Travel Time: \$40 per hour Final Record: \$70 per hour Case Preparation: \$80 per hour OR Flat Fee of \$1,000 per case	Megan Ryan serves as a land use planning consultant for the Utah League of Cities and Towns. Serves as the Appeal Authority for Morgan County. Has trained Appeal Authorities throughout the state. John Janson was the Planning Director for West Valley City where he oversaw the Planning Commission and Board of Adjustment

Upon review of the proposals, Vaughn Pickell was chosen as the best individual to meet the needs of Highland City.

**RECOMMENDATION:**

Mayor Ritchie is recommending that Vaughn Pickell be appointed to serve as the Highland City Appeal Authority.



<p style="text-align: center;"><b>HIGHLAND CITY CITY COUNCIL MEETING JANUARY 22, 2013</b></p>			
<b>REQUEST:</b>	<b>RESOLUTION</b> - Recognizing the accomplishments and contributions made by the Lone Peak High School Boys Basketball Team.		
<b>APPLICANT:</b>	Lynn V. Ritchie, Mayor		
<b>FISCAL IMPACT:</b>	N/A		
<b>GENERAL PLAN DESIGNATION</b> N/A	<b>CURRENT ZONE</b> N/A	<b>ACREAGE</b> N/A	<b>LOCATION</b> Citywide

**BACKGROUND:**

The Lone Peak High School Boys Basketball Team has established a national reputation and received invitations to play in such prestigious events as The City of Palms Classic, Hoophall Classic, The Beach Ball Classic, Under Armour's Brandon Jennings Invitational and the 1st Annual Chicago Elite Basketball Classic.

During the week of December 18th, the Lone Peak High School Boys Basketball Team were ranked #1 in the nation by MaxPreps, the first such honor for a Utah boys' basketball team. They were also ranked #4 by ESPN, #7 by USAToday and #6 by PrepNation.

**PROPOSED MOTION:**

**ATTACHMENTS:**

- Proposed Resolution

**RESOLUTION NO. R-2013-\*\*\***

**A RESOLUTION OF HIGHLAND CITY, UTAH  
RECOGNIZING THE ACCOMPLISHMENTS AND CONTRIBUTIONS  
MADE BY THE LONE PEAK HIGH SCHOOL BOYS BASKETBALL TEAM  
IN HIGHLAND, UTAH**

**WHEREAS**, the Highland City Council (the “*Council*”) met in regular session on January 22, 2013, to consider, among other things, recognition of the accomplishments and contributions made by the Lone Peak High School Boys Basketball team to Highland City ; and

**WHEREAS** Lone Peak High School serves students residing in Highland, Alpine and Cedar Hills City boundaries; and

**WHEREAS**, Lone Peak High School resides in the Alpine School District where their mission and goal is to “help students prepare and achieve their dreams; and

**WHEREAS**, The Lone Peak High School Boys Basketball Team has established a national reputation that started by traveling to tournaments as an AAU team and turned into receiving invitations to play in such prestigious events as The City of Palms Classic, Hoophall Classic, The Beach Ball Classic, Under Armour's Brandon Jennings Invitational and the 1st Annual Chicago Elite Basketball Classic; and

**WHEREAS**, During the week of December 18, 2012, the Lone Peak High School Boys Basketball Team were ranked #1 in the nation by MaxPreps, the first such honor for a Utah boys’ basketball team. They were also ranked #4 by ESPN, #7 by USA Today and #6 by PrepNation.

**NOW THEREFORE BE IT RESOLVED** by the Council that the Lone Peak High School and the Lone Peak High School Boys Basketball Team be recognized in their accomplishments nationwide contributing to the achievements of young adults and the pride of the residents of Highland, Alpine and Cedar Hills.

**ADOPTED** by the City Council of Highland City, Utah, this 22nd day of January 22, 2013.

HIGHLAND CITY, UTAH

ATTEST:

\_\_\_\_\_  
Lynn V. Ritchie, Mayor

\_\_\_\_\_  
JoD’ Ann Bates, City Recorder

<b>HIGHLAND CITY CITY COUNCIL MEETING JANUARY 22, 2013</b>			
<b>REQUEST:</b>	<b>RESOLUTION</b> - Supporting the full and present implantation of the Transfer of Public Lands Act (HB 148 2012)		
<b>APPLICANT:</b>	Tim Irwin, Council Member		
<b>FISCAL IMPACT:</b>	N/A		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	LOCATION Citywide

**BACKGROUND:**

Council Member Tim Irwin at the January 8, 2013 City Council Meeting proposed the creation of a Highland City Resolution for the purpose to show support of the Transfer of Public Lands Act (HB148 2012).

**PROPOSED MOTION:**

**ATTACHMENTS:**

- Proposed Resolution

**RESOLUTION NO. R-2013-\*\*\***

**A RESOLUTION OF HIGHLAND CITY, UTAH  
SUPPORTING THE FULL AND PRESENT IMPLENENTATION OF THE TRANSFER OF  
PUBLIC LANDS ACT (HB 148 2012)  
IN HIGHLAND, UTAH**

**WHEREAS**, the Highland City Council (the "*Council*") met in regular session on January 22, 2013, to consider, among other things, supporting the full and present implantation of the Transfer of Public Lands Act (HB 148 2012) by Highland City ; and

**WHEREAS**, at statehood, the federal government promised all states that it would transfer title to the public lands within the newly created states; and

**WHEREAS**, the U.S. Supreme Court has called these promises "solemn compacts," "bilateral agreements," and "trusts" that must be performed "in a timely fashion"; and

**WHEREAS**, Utah and the other western states are still waiting for the federal government to keep the same promise to them that it made and kept with all states east of Colorado; and

**WHEREAS**, states like Illinois, Missouri, Indiana, Florida, Louisiana, Arkansas, Alabama, Mississippi were once as much as 90% federally controlled for decades; and

**WHEREAS**, these "western states" (as they called themselves at the time) succeeded in compelling the federal government to transfer their public lands because they understood the history of the public lands and the duty of the federal government to dispose of the same, and they banded together and refused to take "No" for an answer because federally controlled public lands prevented them from (i) generating tax revenues to educate their children, (ii) growing their economies, and (iii) responsibly managing their abundant natural resources. (See, [www.AmericanLandsCouncil.org](http://www.AmericanLandsCouncil.org) for more information); and

**WHEREAS**, despite the fact that the promise is the same to dispose of the public lands upon being admitted as states, states east of Colorado have less than 5% federally controlled lands, while the Western States (excluding Hawaii) have more than 50% federally controlled lands; and

**WHEREAS**, in Utah, the federal government controls nearly 65% of our lands; and

**WHEREAS**, withdrawals of public lands from use and economic activity, through such federal action as monuments and wilderness designations, constricts the value of Utah's School Trust Lands and reduces the funds available for educating our children; and

**WHEREAS**, state and local government officials have a crucial responsibility to manage our abundant lands and resources strategically and prudently for the health, safety and welfare of our citizens; and

**WHEREAS**, in the 2012 session, the Utah House and Senate passed by supermajorities the Transfer of Public Lands Act and Joint Resolution on Federal Transfer of Public to establish the framework and a deadline for the orderly transfer of federal public lands to the State; and

**WHEREAS**, under the Transfer of Public Lands Act, federal public lands will become state public lands to be managed through local planning for the multiple-use (including traditional uses like hunting,

fishing, recreation, grazing, open space, economic activity, etc.) and the sustained yield of our abundant natural resources on state public lands; and

**WHEREAS**, the Transfer of Public Lands Act has received broad support from the governor, attorney general, state legislators, members of Utah’s congressional delegation and other public officials, and private individuals and organizations within the state and in our neighboring western states; and

**WHEREAS**, our neighboring western states are looking to Utah to lead out on the persistent and relentless implementation of the Transfer of Public Lands Act as they prepare legislation to join with Utah; and

**WHEREAS**, the implementation of the Transfer of Public Lands Act will require the persistent and relentless efforts of Utah’s governor, attorney general, legislature along with the unwavering support of local governments and public and private individuals and organizations.

**NOW THEREFORE BE IT RESOLVED** by the Council that the City of Highland wholeheartedly supports the passage of the Transfer of Public Lands Act in order hold the federal government to its long-overdue promise to transfer title to public lands to the State, to protect the State's public education system and economic vitality, and to preserve the important historical and cultural contribution that our public lands provide to the State of Utah, the nation and world; and

**BE IT FURTHER RESOLVED** by the Council that the City of Highland calls upon its fellow towns, cities, and counties to do all in their power and influence to support Utah’s elected representatives, including particularly Utah’s governor, attorney general, legislature, congressional delegation and county commissioners, to exert their utmost abilities, influence and authority to fully implement the Transfer of Public Lands Act and secure the transfer of our public lands to the State, with time being of the essence.

**BE IT FURTHER RESOLVED** by the Council that copies of this Resolution be sent to the Governor, Attorney General, Senate President, Speaker of the House, each member of Utah’s congressional delegation, the Utah Association of Counties, the Utah League of Cities and Towns, The American Lands Council, Superintendent of Utah State Office of Education and State School Board, State School Boards Association, State Superintendents Association, Utah PTA, Director of the School and Institutional Trust Lands Administration (SITLA), Utah State Chamber of Commerce and the Alpine School District Board.

**ADOPTED** by the City Council of Highland City, Utah, this 22nd day of January 2013.

HIGHLAND CITY, UTAH

ATTEST:

\_\_\_\_\_  
Lynn V. Ritchie, Mayor

\_\_\_\_\_  
JoD’Ann Bates, City Recorder

<p style="text-align: center;"><b>HIGHLAND CITY CITY COUNCIL MEETING JANUARY 22, 2013</b></p>			
<b>REQUEST:</b>	<b>RESOLUTION</b> – Authorizing the payment to of debts, public charges, taxes and dues in specie legal tender in Highland City.		
<b>APPLICANT:</b>			
<b>FISCAL IMPACT:</b>	N/A		
<b>GENERAL PLAN DESIGNATION</b> N/A	<b>CURRENT ZONE</b> N/A	<b>ACREAGE</b> N/A	<b>LOCATION</b> Citywide

**BACKGROUND:**

Council Member Tim Irwin at the January 8, 2013 City Council Meeting proposed the creation of a Highland City Resolution for the purpose of authorizing the payment to of debts, public charges, taxes and dues in specie legal tender in Highland City.

**PROPOSED MOTION:**

**ATTACHMENTS:**

- Proposed Resolution

**RESOLUTION NO. R-2013-\*\*\***

**A RESOLUTION OF HIGHLAND CITY, UTAH  
AUTHORIZING THE PAYMENT OF DEBTS, PUBLIC CHARGES,  
TAXES AND DUES IN SPECIE LEGAL TENDER  
IN HIGHLAND, UTAH**

**WHEREAS**, the Highland City Council (the "*Council*") met in regular session on January 22, 2013, to consider, among other things, authorizing the payment to of debts, public charges, taxes and dues in specie legal tender in Highland City ; and

**WHEREAS**, the United States Congress has authorized the minting and distribution of gold and silver coin as "legal tender for all debts, public charges, taxes, and dues" (*Sec* 31 U.S.C.A. § 5103 & 5112(h));

**WHEREAS**, in an exercise of its constitutionally reserved monetary powers, the State of Utah has made gold and silver, including United States legal tender coin, a tender for payment of debts (*See*, art. I, § 10, cl. 1 of the *United States Constitution*", the 10<sup>th</sup> amendment thereto, and Utah Code Annotated § 59-1-1502);

**WHEREAS**, the purchasing power of gold and silver ("specie") dollars is much greater than that of non-specie dollars, in large measure, due to the failure of the United States Secretary of the Treasury to fulfill the express statutory duty "to maintain the equal purchasing power of each kind of United States currency" (*Sec* 31 U.S.C.A. § 5119(a));

**WHEREAS**, one of the several statutory directives by which the Secretary is to maintain currency equilibrium requires that "amounts received from the sale of gold shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt" (*Sec*, 31 .S.C.A. § 5116(2));

**WHEREAS**, history demonstrates that gold and silver maintains its purchasing power over time more effectively than non-specie legal tender, thus serving as an effective means of retiring non-specie legal tender debt;

**WHEREAS**, reduction of debt is of great importance to the fiscal health of the nation and of the political subdivisions therein including Highland City;

**NOW, THEREFORE, BE IT RESOLVED** by the Council that Highland City:

1. Recognizes the payment of debts, public charges taxes and dues in specie legal tender as defined in Utah Code Annotated § 59-1-1501.1 to the full extent of the purchasing power of such tender as allowed by Utah State Law;
2. Formally request that the Legislature, Constitutional Defense Council, Attorney General, Federal Delegation, and Governor of the State of Utah continue to coordinate their efforts to effectively remove any remaining impediments to the full use and enjoyment of specie legal tender by Highland City and its residents

**ADOPTED** by the City Council of Highland City, Utah, this 22nd day of January 22, 2013.

HIGHLAND CITY, UTAH

ATTEST:

---

Lynn V. Ritchie, Mayor

---

JoD'Ann Bates, City Recorder



<p style="text-align: center;"><b>HIGHLAND CITY</b>  <b>CITY COUNCIL MEETING</b>  <b>JANUARY 22, 2013</b></p>			
<b>REQUEST:</b>	PUBLIC HEARING AND ORDINANCE– A Ordinance of the Highland City Council indicating its intent to adjust its boundaries with Alpine City		
<b>APPLICANT:</b>	Alpine City, Charles Williams, and Phillip Williams		
<b>FISCAL IMPACT:</b>	None		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONING</b>	<b>ACREAGE</b>	<b>LOCATION</b>
Low Density Residential	R-1-40	0.79	955 S Alpine Highway

**DISCUSSION:**

Mr. Charles Williams owns 1.01 acres and Mr. Phillip Williams owns 1.94 acres located on the Highland/Alpine border. The boundary between Highland and Alpine run through the center of Charles Williams property and the south third of Phillip Williams property.

The Williams have approached Alpine and Highland to adjust the boundary to have all the property with the city limits of Alpine. The proposed adjust effects approximately 0.79 acres.

Water and sewer services to the property are currently provided by Alpine City. The development potential of the property currently within Highland is limited. The Alpine City Council adopted a similar resolution at their September 25, 2012 meeting.

On October 16, 2012, the City Council adopted a resolution indicating its intent to adjust the boundary between Highland and Alpine. As required by state law, the next step, after a considerable notification process, is to hold a public hearing. The public hearing is required to be held at least 60 days after the adoption of the resolution.

Alpine City adopted an ordinance on December 11, 2012 approving the boundary line adjustment.

**RECOMMENDATION:**

Staff recommends the City Council hold a public hearing and approve the ordinance.

**ATTACHMENTS:**

Attachment A – Proposed Ordinance with Exhibits

**ORDINANCE NO. 0-2013-\*\***

**AN ORDINANCE OF HIGHLAND CITY, UTAH  
AMENDING ADJUSTING ITS BOUNDARIES WITH ALPINE CITY**

*PREAMBLE*

WHEREAS, The City Council of Highland City has received a request from Alpine City and the property owners who has property which is dissected by the Highland and Alpine municipal boundaries to adjust the boundaries to place the property entirely within Alpine City; and

WHEREAS, the owners of the properties involved have requested that Alpine City and Highland City adjust their common boundaries; and

WHEREAS, The City Council of Highland City adopted a resolution on October 16, 2012, indicating its intent to adjust its boundaries with Alpine City; and

WHEREAS, Alpine City held a public hearing and approved an ordinance allowing the boundary adjustment between itself and Highland City.

NOW THEREFORE BE IT ORDAINED, by the City Council of Highland City, Utah:

Section 1. All of the required public notices and other prerequisites to the boundary adjustment have been completed as required by law.

Section 2. The Highland City Municipal Boundary is hereby amended as shown on Exhibit A.

Section 3. The City Recorder shall take the steps necessary under Utah Code 10-2-425 to file with the office of the Utah County Recorder and the office of the Utah Lieutenant Governor the documentation necessary to effectuate this boundary change.

Section 3. This Ordinance shall take effect immediately upon its first posting or publication.

ADOPTED by the City Council of Highland City, Utah, this 22<sup>nd</sup> day of January 2013.

HIGHLAND CITY, UTAH

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Lynn V. Ritchie, Mayor

ATTEST:

\_\_\_\_\_  
Jody Bates, City Recorder

COUNCILMEMBERS VOTING "AYE"

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COUNCILMEMBERS VOTING "NAY"

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Exhibit A

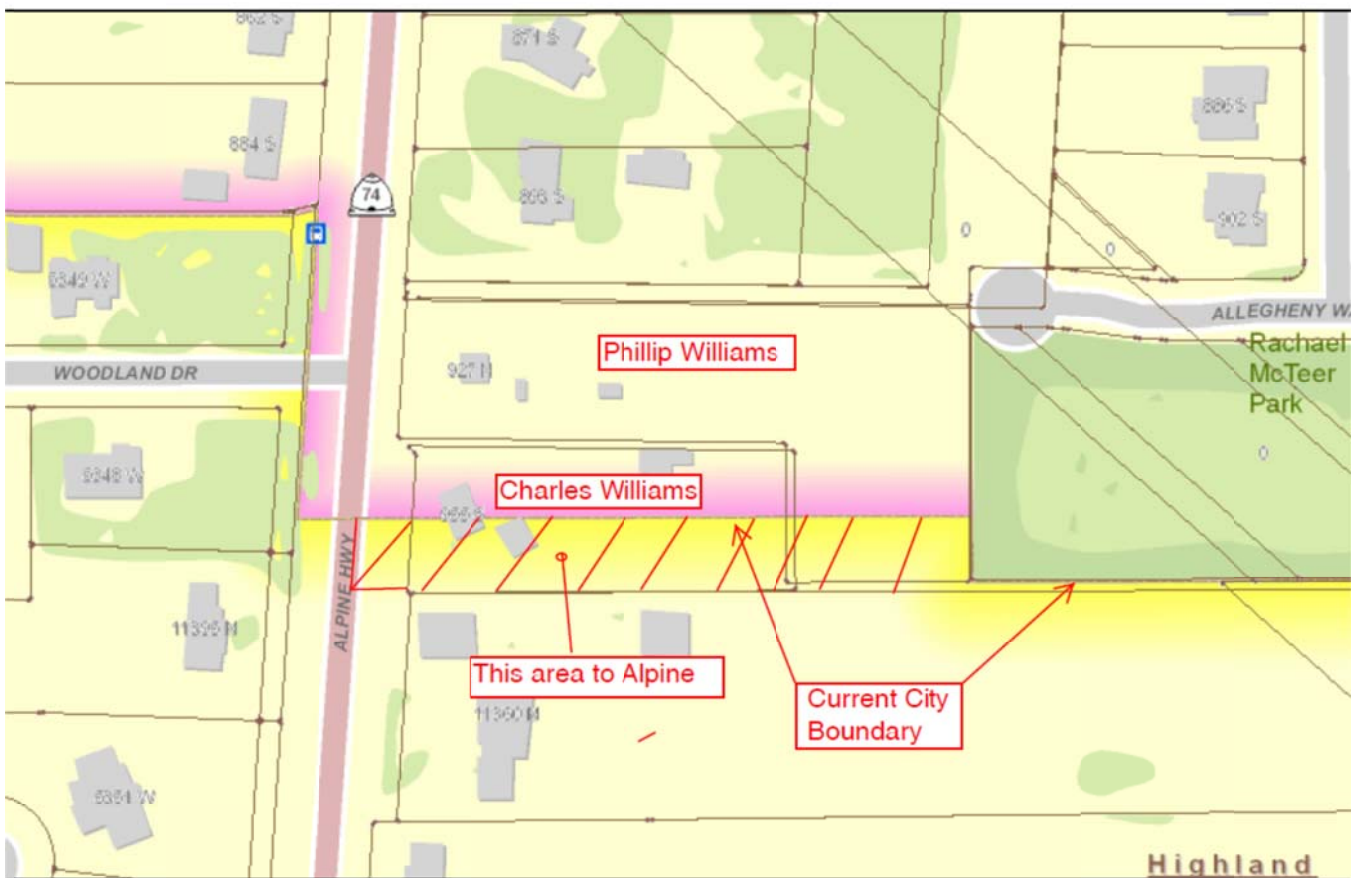
### Legal Description

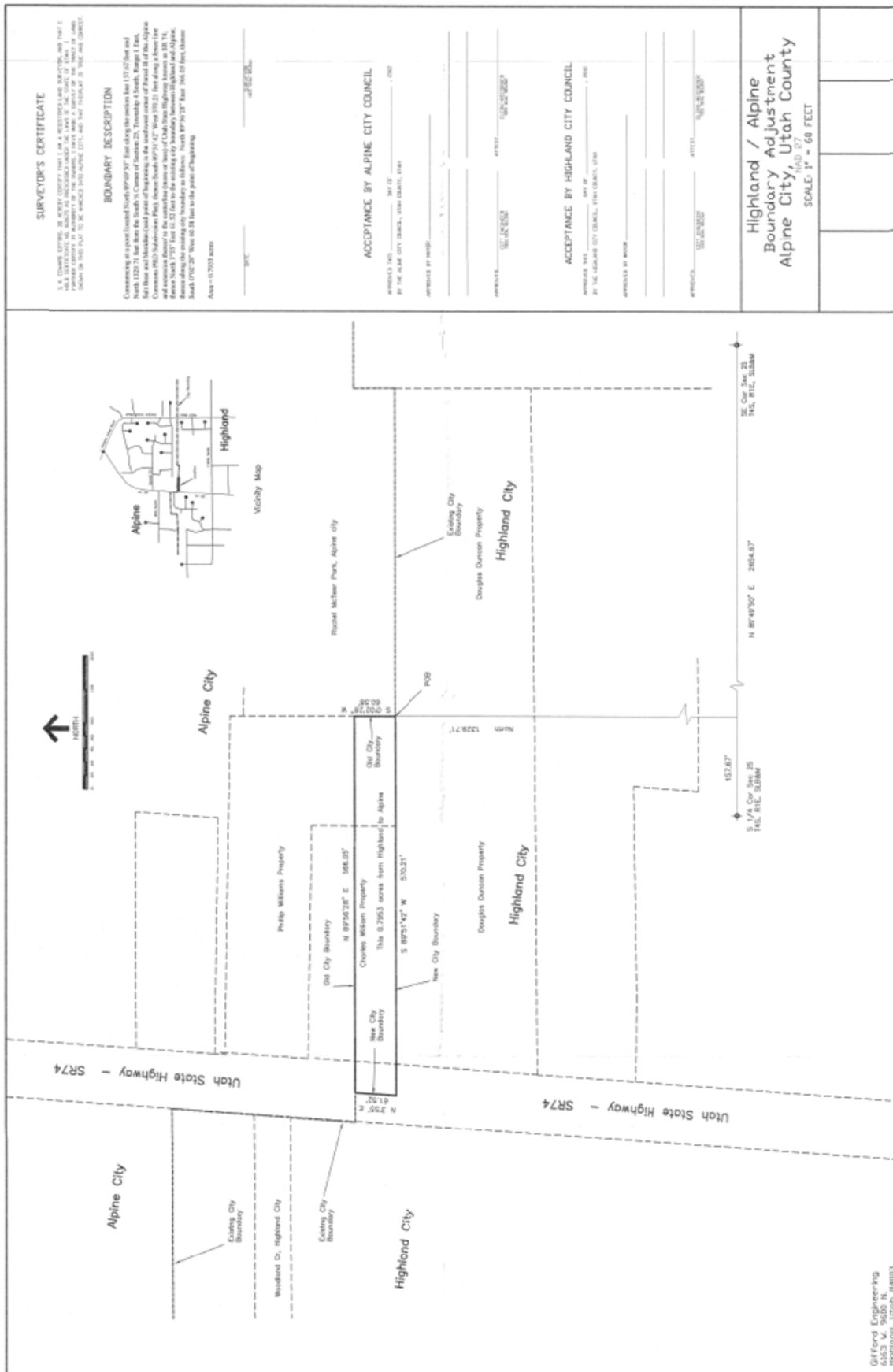
Williams Property to be annexed from Highland to Alpine  
Affecting UC Parcels 110240005 and 110240094

Commencing at a point located North  $89^{\circ}49'50''$  East along the section line 157.67 feet and North 1329.71 feet from the South  $\frac{1}{4}$  Corner of Section 25, Township 4 South, Range 1 East, Salt Base and Meridian (said point of beginning is the southwest corner of Parcel B of the Alpine Commons PRD Subdivision Plat); thence South  $89^{\circ}51'42''$  West 570.21 feet along a fence line and extension thereof to the centerline (more or less) of Utah State Highway known as SR 74; thence North  $3^{\circ}55'$  East 61.52 feet to the existing city boundary between Highland and Alpine; thence along the existing city boundary as follows: North  $89^{\circ}56'28''$  East 566.05 feet; thence South  $0^{\circ}02'28''$  West 60.58 feet to the point of beginning.

Area = 0.7953 acres

### Map





<b>HIGHLAND CITY CITY COUNCIL MEETING JANUARY 22, 2013</b>			
<b>REQUEST:</b>	<b>MOTION</b> – Authorizing Staff to proceed with the Public Bids of the Landscaping Contract for the Parks, Trails and Open Space within the City		
<b>APPLICANT:</b>	Highland City Public Works		
<b>FISCAL IMPACT:</b>	N/A		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	LOCATION Citywide

**BACKGROUND:**

Staff has been requested to go out for public bid on the landscaping contract for the Highland City parks, trails, and open space within the City. Staff presented to the City Council at the last meeting a copy of the specifications that would be used for the bidding process.

**SUMMARY OF REQUEST:**

Authorize staff to go out for public bid on the landscaping contract

**ANALYSIS:**

Staff has not received any requested changes from the City Council and will assume that the specifications are approved and will proceed as per the presented items from the last City Council meeting.

**RECOMMENDATION AND PROPOSED MOTION:**

Motion to authorize staff to proceed with the public bidding process for the landscaping contract for Highland City parks, trails, and opens space.

**ATTACHMENTS:**

- Landscaping Specifications



## Public Works Department

5400 West Civic Center Drive, Suite One

Highland, Utah 84003

(801) 772-4510 Office

(801) 756-6903 Fax

# Memorandum

To: Mayor and City Council

From: Matthew Shipp, Public Works Director

Cc: File, Landscaping Contract

Date: December 27, 2012

**RE: MOWING AND MAINTENANCE SPECIFICATIONS**

---

Attached you will find the mowing and maintenance specifications that we will use in the bid for the City Landscaping Contract. I would like to have your input before we put this information out for public bid.

Please take a moment to review the requirements and make comments. We have approached a couple of golf course landscaping managers, landscapers, and sod farms to get input on these specification but have not had any responses.

The fertilizer spec is the same one we used in the former bid package when we had the contract with MD Landscaping. This seemed to work well and it follows a general standard guideline for fertilizers.

We will be asking the City Council to approve the standards through a vote at the meeting at the January 22 meeting so please make sure that you are comfortable with the specifications presented.

Thank you

Matt

## **Article VII. Standards**

### **Section 7.01 SELECTION OF CONTRACTOR**

- 1) The City anticipates that the selected Contractor shall provide a full complement of professional services for this contract. Where a dispute occurs between the City and the Contractor, the City's Public Works Director shall have the final say as to the interpretation of the contract. These services shall include, but not be limited to, those outlined below:

### **Section 7.02 MANICURED LAWNS IN THE CITY**

- 1) Contractor shall provide all labor, materials, equipment, and tools necessary to perform the lawn maintenance on the manicured areas of the City.
- 2) Weekly lawn mowing, edging, and trimming (April 1<sup>st</sup> through October 31<sup>st</sup>) in the manicured areas as noted on the proposal sheet and map:
- 3) Mower deck shall be set to a maximum height of three (3") inches for all properties except playing fields. All playing fields shall have the mower deck set to a maximum height of two and one-half (2.5") inches.
- 4) Mowing shall be done in multi-directional mowing patterns each week to avoid rutting of properties. Any rutting due to the mowing shall be at the expense of the Contractor and shall not be paid as a separate item.
- 5) All grass shall be mulched when mowing and each mower shall be equipped with a mulching blade to ensure proper mulching.
- 6) All sidewalks and curb faces shall be edged twice per month.
- 7) Grass not cut by mowers shall be trimmed to the same height as the surrounding mowing.
- 8) Contractor shall be responsible for the removal and disposal of the debris (clippings and trimmings) and any trash.
- 9) Cost of disposal shall be a cost of the bid.
- 10) No grass clippings or trash shall remain on the trails, sidewalks, curb and gutters or streets.
- 11) Cut and Maintain a three (3') foot ring clear of weeds and debris around each tree filled with mulch. Contractor is responsible for the disposal of any material resulting from the cutting and maintenance of the tree rings.
  - a) Mulch supplied by the City.

### **Section 7.03 AERATION**

- 1) Lawns to be aerated twice per year in the spring and fall.
- 2) Playing fields to aerated four (4) times per year



#### **Section 7.04 NATIVE AREAS OF THE CITY**

- 1) Contractor shall provide all labor, materials, equipment, and tools necessary to perform the lawn maintenance on the native areas of the City.
- 2) Native areas of City property shall be mowed twice per summer (June and September)
- 3) All grass shall be mulched when mowing and each mower shall be equipped with a mulching blade to ensure proper mulching.
- 4) Grass not cut by mowers shall be trimmed to the same height as the surrounding mowing.
- 5) Contractor shall be responsible for the removal and disposal of the following items including but not limited to debris, rocks, trees limbs, and grass clipping that interfere with the mowing of the native areas.
- 6) Cost of disposal shall be a cost of the bid.
- 7) No grass clippings or trash shall remain on the trails, sidewalks, curb and gutters or streets.

#### **Section 7.05 FERTILIZATION AND WEED CONTROL**

- 1) Contractor shall provide all labor, materials, equipment, and tools necessary to perform the fertilization and weed control in all areas of the City.
- 2) Applications shall be applied by fully licensed personnel in compliance with the State of Utah, Utah County, and Highland City legal requirements (LICENSED SUBMITTAL REQUIRED WITH BID)
- 3) Application shall be an industry standard mix for the season and approved by the Public Works Director or his/her designee.
- 4) Contractor shall place warning markers on all properties with every application.
- 5) A schedule shall be submitted for the application at the beginning of each year of the contract and a follow up report after each application shall be submitted to the Public Works Director for review.

#### **Section 7.06 WEED CONTROL/FERTILIZER FOR MANICURED LAWNS ON NORTH OF SR-92**

- 1) 1<sup>st</sup> Application by April 15<sup>th</sup>: One (1 lbs.) pound of nitrogen per 1,000 square feet, pre-emergent herbicide (barricade), and post emergent herbicide (speed zone) with surfactant.
- 2) 2<sup>nd</sup> Application to be completed six (6) weeks after the 1<sup>st</sup> application: Application to include a balanced slow release granular fertilizer applied at 1.4 lbs. of Nitrogen per 1,000 square feet and speed zone herbicide with surfactant.
- 3) 3<sup>rd</sup> Application to be completed seven (7) weeks after the 2<sup>nd</sup> application: Application to include a balanced slow release granular fertilizer to be applied at one (1 lbs.) pound of Nitrogen per 1,000 square feet and spot treatment of weeds using three-way herbicide.

- 4) 4th Application to be completed seven (7) weeks after the 3rd application: Application to include one (1 lbs.) pound of Nitrogen per 1,000 square feet and speed zone herbicide with surfactant.
- 5) 5th Application to be completed six (6) weeks after the 4th application: Application to include one (1 lbs.) pound of Nitrogen per 1,000 square feet and spot treatment of weeds using speed zone herbicide with surfactant.

**Section 7.07 WEED CONTROL/FERTILIZER FOR MANICURED LAWNS SOUTH OF SR-92**

- 1) 1<sup>st</sup> Application by April 15<sup>th</sup>: One (1 lbs.) pound of nitrogen per 1,000 square feet, pre-emergent herbicide (barricade), and post emergent herbicide (speed zone) with surfactant.
- 2) 2<sup>nd</sup> Application to be completed twelve (12) weeks after the 1<sup>st</sup> application: Application to include a balanced slow release granular fertilizer applied at 1.4 lbs. of Nitrogen per 1,000 square feet and speed zone herbicide with surfactant.
- 3) 3<sup>rd</sup> Application to be completed twelve (12) weeks after the 2<sup>nd</sup> application: Application to include a balanced slow release granular fertilizer to be applied at one (1 lbs.) pound of Nitrogen per 1,000 square feet and spot treatment of weeds using three-way herbicide.

**Section 7.08 FERTILIZATION OF FLOWER BEDS AND ROAD MEDIANS**

- 1) Application of pre-emergent herbicide to be applied two (2) times per season in all flower beds and road medians.
- 2) 1<sup>st</sup> Application to be applied by April 15<sup>th</sup>: Using standard mix rate and according to label recommendations.
- 3) 2<sup>nd</sup> Application to be applied by August 15<sup>th</sup>: Use an industry standard mix rate and according to label recommendations.

**Section 7.09 FLOWER BEDS AND ROAD MEDIAN MAINTENANCE:**

- 1) Complete weed control (hand weeding) for all flower beds and medians shall be done every two (2) weeks.
- 2) Shaping and trimming of shrubs and foliage as needed.
- 3) Spring and fall tree trimming of dead or broken branches.

**Section 7.10 TRAILS ALONG NATIVE SPACE**

- 1) Cut grass on a regular schedule in the native areas on a monthly basis three (3') feet beyond the edge of the trail.
- 2) Mower decks shall be set to a maximum height of three (3") inches.
- 3) Remove all trash and debris from the native areas.
- 4) Keep trails free of hazards, debris, and all weeds.

**Section 7.11 FALL CLEAN-UP**

- 1) Clean and remove all debris and leaves from parks, trails, and open space parks.

## **Article VIII. Tree Maintenance**

### **Section 8.01 GENERAL:**

- 1) Maintaining a healthy and attractive urban forest requires routine pruning and inspection. The tree care contractor will be responsible for the general health of the trees and will report his observations/concerns to the Public Works Director or Designee along with recommendations for corrective action. Examples of reportable conditions of trees are: stressed, diseased, damaged (wind, vandalism, mower contact), deformed and dead. The report will include the observation, the location and a recommendation. The condition will be recorded in the tree inventory and a corrective action work order will be generated for scheduling and planning purposes. The execution of the work order(s) will be either by city staff or the contractor as directed by the Public Works Director or Designee.
- 2) There are four categories of trees; newly planted (0 to 3 years), young (4 to 10 years – 2” to 6” caliper), well established (10 to 25 years – 6” to 20” caliper) and mature (25 years and up regardless of caliper). Newly planted trees require careful monitoring and frequent attention. The contractor will be expected to pay close attention to newly planted trees and negotiate the extent of his responsibility with the Public Works Director or Designee. The maintenance of young and well-established trees is addressed specifically in this spec. The inspection and maintenance of mature trees needs to be negotiated on a case by case basis.

### **Section 8.02 NEWLY PLANTED TREES (DECIDUOUS AND EVERGREEN)**

- 1) It is assumed the newly planted trees will have been pruned to remove broken branches or to correct obvious structural anomalies.
- 2) Newly planted trees will need extra water 3 to 4 times a week for the first month and 2 to 3 times a week the rest of the first year depending on soil conditions and the amount of mulch around the tree. Extra water is recommended 2 times a week, the second and third years. Monitoring of the moisture conditions is critical and should be done with a moisture meter.
- 3) During the hand watering and/or moisture check, all succors shall be removed from around the base and trunk of the tree.
- 4) No pruning for the first three years is advised except to correct structural problems; remove damaged or broken branches and errant growth.
- 5) Note: Evergreen trees need little to no pruning but they may require watering during warm, dry winter months.

### **Section 8.03 YOUNG TREES (DECIDUOUS)**

- 1) Deciduous trees shall be pruned three times a year (dormant period and summer) and the work shall be done in accordance with the ISA standard pruning practices under the supervision of a certified arborist.
- 2) All major structural pruning shall be done during the dormant period and under no circumstances will more than 25% of the canopy be removed without consultation with and written authorization from the Public Works Director or designee.
- 3) Summer pruning shall be restricted to minor canopy maintenance (height, wind damage repair, erratic growth) and succor removal. This is minor maintenance pruning and no more than 10% of the foliage shall be removed without agreement from the Public Works Director or Designee or his designee.
- 4) Raising the canopy to the mature height (where limbs grow off the trunk) shall be done slowly (3 or 4 small limbs per year) over the course of several years and in agreement with the Public Works Director or Designee or his designee. This process usually begins around the fourth or fifth year after planting and depends on the rate of growth and general health of the tree.
- 5) Frequency: Most summer pruning will be done twice, first, mid to late May to remove succors and errant growth and again in mid to late-July to raise the canopy (prune off low hanging branches) and remove new succors.
- 6) Trees prone to succoring and erratic growth (choke cherries for example) will need summer maintenance pruning on a 4 to 6 week rotation.
- 7) All trees in traffic areas like medians and street corners may need special attention in order to prevent interference with vehicles or road signs and to maintain driver visibility. Refer to a) and b) above.

### **Section 8.04 WELL ESTABLISHED TREES (DECIDUOUS)**

- 1) The well-established deciduous trees shall be checked twice a year for pruning needs. During the dormant period the trees need to be checked for structural issues (crossed/rubbing branches, balance and shape, broken limbs, etc.) and again around the end of May to remove succors and errant growth.
- 2) All major structural pruning shall be done during the dormant period and under no circumstances will more than 25% of the canopy be removed without consultation with and permission from the Highland City arborist or his designee.

- 3) Summer pruning shall be restricted to minor canopy maintenance (height, wind damage repair, erratic growth) and succor removal. This is minor maintenance and no more than 10% of the foliage shall be removed without agreement from the Public Works Director or designee.
- 4) All trees in traffic areas like medians and on street corners may need special attention in order to prevent interference with vehicles or road signs and to maintain driver visibility.
- 5) Note: Well established and well maintained trees typically need little routine pruning. The typical pruning cycle for these trees, except for damage repair, will fall into a 3 to 5 year cycle depending on the species.

**Section 8.05 MATURE TREES (DECIDUOUS)**

- 1) Mature trees need to be checked twice a year for pruning needs. During the dormant period the trees need to be checked for structural issues (crossed/rubbing branches, balance and shape, broken limbs, disease and potential structural problems, etc.) and again around the end of May to remove succors and errant growth.
- 2) Mature trees need to be evaluated for and records kept concerning their overall health and watched for deterioration due to age or stress.
- 3) All major structural pruning shall be done during the dormant period and under no circumstances will more than 25% of the canopy be removed without consultation with and permission from the Public Works Director or designee.

**Article IX. Sprinklers**

- 1) Highland City will maintain all sprinkler systems and clocks
- 2) Contractor is responsible for any broken heads as a result of Contractor negligence. The Public Works Director or designee will determine who is responsible for the broken heads and will be the final say in the matter.

<b>HIGHLAND CITY CITY COUNCIL MEETING JANUARY 22, 2013</b>			
<b>REQUEST:</b>	<b>ORDINANCE</b> – Amending Title 12 Streets, Sidewalks, and Public Places of the Highland City Municipal Code by adding Chapter 12.30 Removal of Neighborhood Option Trails and Chapter 12.32 Designation of Open Space Property for Disposal		
<b>APPLICANT:</b>	Highland City		
<b>FISCAL IMPACT:</b>	None		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONING N/A	ACREAGE N/A	LOCATION Citywide

**PRIOR REVIEW:**

The City Council reviewed this request at the October 2, 2012 Council meeting. The Council directed staff to change the percentages of required signatures from 80% to 75% and from 100% to 90%. In addition, additional language was to be added addressing land locked properties.

At the October 16, 2012 meeting the Council directed the Open Space Committee (OSC) to review the and fine tune the proposed ordinance. The Committee met through November and December. Their recommendation is attached.

**BACKGROUND:**

On September 18, 2012, the City Council approved an amendment to the Trails Master Plan. The new Trails Master Plan included a Neighborhood Option Trail designation. Neighborhood Option Trails serve specific subdivisions. These trails may be removed without an amendment to the Trails Master Plan.

With the adoption of the new Trails Master Plan, procedures need to be put in place that will allow the City Council to consider the removal of these trails at the request of specific development. Chapter 12.32 was included to create a process in which the Council can designate open space lands which are not part of a neighborhood option trail for disposal at the request of a specific development. The goal was to create a process that emphasizes public participation and transparency.

**DISCUSSION:**

There are only two significant differences between the staff recommendation and the OSC recommendation. These are discussed below. Any other minor differences will be easily addressed.



## **Chapter 12.30 Removal of Neighborhood Option Trails**

### 12.30.20 Definitions

The OSC is recommending a definition that would define a subdivision as one plat within the development. The concern is that some developments are so large that obtaining the required signatures for the petition is problematic. Staff is recommending a definition that includes the entire development for the following reasons:

- The open space and trail was provided as part of the development.
- Property owners within the development should have a say in what happens to the property since they are paying to maintain the property.
- Not all plats include the same number of lots or the same amount of open space. Sometimes the plats with open space have fewer lots than plats without open space. For example, in the Highland Hills Development the majority of the open space was dedicated to the City with Plat A which has 38 lots. Plat B has 22 lots and Plat C has 54 lots. In this example only 26% of the property owners would have a say in the disposal of open space within the subdivision. Staff is concerned that this is not transparent or equitable for the residents who live within the development.
- Often times the open space or trail corridor is interconnected and included in two different plats. Windsor Meadows and View Point are good examples of this type of situation. Staff believes that all of the open space and the entire trail corridor should be considered concurrently to ensure transparency and equality.

Staff would propose reducing the number of signatures required for larger subdivisions to address the OSC concern.

### Section 12.30.040 Petition Required

The OSC is recommending the petition requirement be lowered from seventy-five (75) to seventy (70) percent of the real property owners within the subdivision and from ninety (90) to eighty (80) percent of the real property owners adjacent to the entire length of the trail. They are also recommending that each non-owner occupied lot be notified by certified mail. The Council should determine what the appropriate percentages are.

### 12.30.90 Disposal of City Property

The OSC is recommending that this section be removed and a reference be placed to Section 12.32 for the procedure. This section was included because although similar they are two different processes. It also improves the usability of the ordinance. Staff is recommending that the Council review the current process for property disposal.

Staff is recommending that the property be either sold or leased to eliminate any inequality between owners who choose to lease or have a maintenance or transition agreement. It will insure everyone is treated the same, ensures there are not different standards for each individual parcel, could resolve the concern with multiple bidders once the property is purchased, and could resolve the concerns with future owners.

**RECOMMENDATION:**

Staff recommends the City Council discuss the issue, review the proposal, provide staff with direction and approve the ordinances. Staff recommends the Council discuss the following items:

- Is it appropriate to bind future Councils and property owners?
- Is it equitable to have one property owner pay for a lease while the adjacent property owner does not pay because they have a maintenance agreement?
- Is the process fair and transparent?

A draft ordinance has been provided. The Council will need to provide direction on which version with the appropriate changes should be used for the ordinance.

**ATTACHMENTS:**

- Attachment A – Staff Recommendation
- Attachment B – Open Space Committee Recommendation
- Attachment C – October 2, 20102 City Council Meeting Minutes
- Attachment D – October 22, 2012 City Council Meeting Minutes
- Attachment E – Proposed Ordinance

STAFF RECOMMENDATION

**Chapter 12.30 Removal of Neighborhood Option Trails**

**12.30.010 General**

Removal of a Neighborhood Option Trail, as shown on the General Plan Trails Master Plan shall be approved in the manner set forth in this section.

**12.30.020 Definitions**

For the purpose of this chapter the following words and phrases shall have the following meanings:

*Neighborhood Option Trail:* A trail provided as part of an open space development that serve the local neighborhoods. These trails are shown in gold/yellow on the General Plan Trails Master Plan.

*Subdivision:* All phases located within a project area regardless of phase as defined by development agreement, final plat, preliminary plat and/or concept plan approval as determined by the City Administrator. A subdivision does not include individual phases rather all phases are considered part of a subdivision.

**12.30.030 Application Process**

Applications for removal of a Neighborhood Option Trail shall be made in the Community Development Department on an application form with required documentation and accompanied with the appropriate fees as required. After the Zoning Administrator has determined that an application is complete a public hearing with the City Council will be scheduled.

**12.30.040 Petition Required**

- A. As part of the application to remove a Neighborhood Option Trial, an applicant shall include a petition signed by real property owner(s), as shown on the records of the Utah County Assessor's Office, whose real property is included in the subdivision.
- B. Said petition shall include authorization to remove the trail from seventy-five (75) percent of the real property owners within the subdivision and ninety (90) percent of the real property owners adjacent to the entire length of the trail in the subdivision.

**12.30.050 Public Hearing**

The City Council may approve, approve with conditions, or deny an application for removal of a Neighborhood Option Trail at a public hearing. The City Council may only approve removal if the trail is identified as Neighborhood Option Trial on the General Plan Trails Master Plan.

### **12.30.060 Public Notice**

No public hearing shall be conducted without first providing notice as follows:

- A. A notice shall be sent by first class mail to each real property owner, as shown on the records of the Utah County Assessor's Office, whose real property is included in the subdivision. The applicant shall be responsible to provide addressed stamped envelopes for the mailing.
- B. A notice shall be posted on or near the property in at least one (1) location on a form prescribed by the Community Development Department for such public notice. The posted notice shall be placed on the property at least ten (10) days prior to the date of the scheduled public hearing. It shall not be the responsibility of the City to maintain the posting once erected.
- C. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

### **12.30.070 Protest Against Removal**

If the owners of fifteen (15) percent or more of the lots included in the subdivision file a protest in writing against a proposed removal it shall not become effective except by a favorable vote of three-fourths of the City Council. The written protests shall include the name(s), address of property owned by the protesting party and signature.

### **12.30.080 Removal Adopted by Resolution**

Removal of a Neighborhood Option Trail shall be adopted by resolution.

### **12.30.090 Disposal of Property**

- A. If a Neighborhood Option Trail has been designated for removal the property for the trail shall be sold in accordance with Utah Law and Chapter 2.44 Disposal of Public Property. If the property cannot be sold pursuant to Utah Law, the Council may consider lease agreements however in all cases the procedures in Chapter 2.44 Disposal of Public Property shall be followed.
- B. All of the property designated for disposal shall be either purchased or leased so that there are no isolated parcels to be owned and/or maintained by the City. If one or more parcels of city owned property in a subdivision is not purchased or leased then the city owned property in subdivision cannot be disposed of under this ordinance. The City Council may approve exceptions to this requirement if the City owned property can be accessed without the need to cross private property.

## **Chapter 12.32 Designation of Open Space Property for Disposal**

### **12.32.010 Purpose**

The purpose of this section is to identify the process in which property that has been dedicated to the city as open space within a subdivision can be disposed.

### **12.32.020 Definitions**

For the purpose of this chapter the following words and phrases shall have the following meanings:

*Open Space:* Property that has been dedicated to the City as part of an Open Space Subdivision that has been designated for disposal by the City Council.

*Subdivision:* All phases located within a project area regardless of phase as defined by development agreement, final plat, preliminary plat and/or concept plan approval as determined by the City Administrator. A subdivision does not include individual phases rather all phases are considered part of a subdivision.

### **12.32.030 Application Process**

Applications to designate open space for disposal shall be made in the City Administrators Office on an application form with required documentation and accompanied with the appropriate fees as required. After the City Administrator has determined that an application is complete a public hearing with the City Council will be scheduled.

### **12.32.040 Petition Required**

- A. As part of the application to designate open space for disposal, an applicant shall include a petition signed by real property owner(s), as shown on the records of the Utah County Assessor's Office, whose real property is included in the subdivision.
- B. Said petition shall include authorization to designate open space for disposal from seventy-five (75) percent of the real property owners within the subdivision and ninety (90) percent of the real property owners adjacent to the open space.

### **12.32.050 Public Hearing**

The City Council may approve, approve with conditions, or deny an application for removal of a Neighborhood Option Trail at a public hearing.

### **12.32.060 Public Notice**

No public hearing shall be conducted without first providing notice as follows:

- A. A notice shall be sent by first class mail to each real property owner, as shown on the records of the Utah County Assessor's Office, whose real property is included in the subdivision. The applicant shall be responsible to provide addressed stamped envelopes for the mailing.

- B. A notice shall be posted on or near the property in at least one (1) location on a form prescribed by the Community Development Department for such public notice. The posted notice shall be placed on the property at least ten (10) days prior to the date of the scheduled public hearing. It shall not be the responsibility of the City to maintain the posting once erected.
- C. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

### **12.32.070 Protest Against Removal**

If the owners of fifteen (15) percent or more of the lots included in the subdivision file a protest in writing against a proposed removal it shall not become effective except by a favorable vote of three-fourths of the City Council. The written protests shall include the name(s), address of property owned by the protesting party and signature.

### **12.32.080 Removal Adopted by Resolution**

Designation of open space property for disposal shall be by resolution.

### **12.32.090 Disposal of Property**

- A. If a parcel has been designated for disposal the property may be sold in accordance with Utah Law and Chapter 2.44 Disposal of Public Property. If the property cannot be sold pursuant to Utah Law, the Council may consider lease agreements however in all cases the procedures in Chapter 2.44 Disposal of Public Property shall be followed.
- B. All of the property designated for disposal shall be leased so that there are no isolated parcels to be owned and/or maintained by the City. If one or more parcels of city owned property in a subdivision is not purchased or leased then the city owned property in subdivision cannot be disposed of under this ordinance. The City Council may approve exceptions to this requirement if the City owned property can be accessed without the need to cross private property.

OPEN SPACE COMMITTEE RECOMMENDATION

Chapter 12.30 Removal of Neighborhood Option Trails

12.30.010 General

Removal of a Neighborhood Option Trail, as shown on the General Plan Trails Master Plan shall be approved in the manner set forth in this section.

12.30.020 Definitions

For the purpose of this chapter the following words and phrases shall have the following meanings:

*Neighborhood Option Trail:* A trail provided as part of an open space development that serves the local neighborhood. These trails are shown in gold/yellow on the General Plan Trails Master Plan.

*Subdivision:* ~~All phases located within a project area regardless of phase as defined by development agreement, final plat, preliminary plat and/or concept plan approval as determined by the City Administrator. A subdivision does not include individual phases rather all phases are considered part of a subdivision.~~

*Subdivision:* A Subdivision is defined as a single or multiple plats as approved by the City Council and recorded. The individual phases of construction are considered a subset of the plat(s) that are included in a subdivision or plat.

12.30.030 Application Process

Applications for removal of a Neighborhood Option Trail shall be made in the Community Development Department on an application form with the required documentation and ~~accompanied with the appropriate fees, as required.~~ After the Zoning Administrator has determined that an application is complete, a public hearing with the City Council will be scheduled.

12.30.040 Petition Required

A. As part of the application to remove a Neighborhood Option Trial, an applicant shall include a petition signed by real property owner(s), as shown on the records of the Utah County Assessor’s Office, whose real property is included in the ~~subdivision~~ plat.

B. Said petition to remove the trail shall include authorization to remove the trail from ~~seventy five (75)~~ seventy (70) percent of the real property owners within the subdivision and ~~ninety (90)~~ eighty (80) percent of the real property owners adjacent to the entire length of the trail in the subdivision. Owners of each non-owner occupied lot shall be notified by certified mail of the petition and the public hearing. In the event that both minimum participation percentages in paragraph B are not met, but at least a majority of the owners of the owner occupied lots do participate, the City Council may approve a variance to the minimum threshold.

*Editor’s Note: The insert above was written by Ed Dennis. I struck the words “petition”*

*(appeared twice) and “threshold” from the insert and moved its last sentence to the end of “B” above. I also added “the owners of” in front “of the owner occupied lots” because owners can participate while lots cannot.*

### **12.30.050 Public Hearing**

The City Council may approve, approve with conditions, or deny an application for removal of a Neighborhood Option Trail at a public hearing. The City Council may only approve removal if the trail is identified as Neighborhood Option Trail on the General Plan Trails Master Plan.

### **12.30.060 Public Notice**

No public hearing shall be conducted without first providing notice as follows:

A. A notice shall be sent by first class mail to each real property owner, as shown on the records of the Utah County Assessor’s Office, whose real property is included in the ~~subdivision~~ plat. The applicant shall be responsible to provide addressed stamped envelopes for the mailing. **Owners of each non-owner occupied lot shall be notified by certified mail of the petition and the public hearing and the applicant shall pay the certificated mail fee.**

B. A notice shall be posted on or near the property in at least one (1) location on a form prescribed by the Community Development Department for such public notice. The posted notice shall be placed on the property at least ten (10) days prior to the date of the scheduled public hearing. It shall not be the responsibility of the City to maintain the posting once erected.

C. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

### **12.30.070 Protest Against Removal**

If the owners of fifteen (15) percent ~~of~~ **or** more of the lots included in the subdivision **(do we mean plat here?)** file a protest in writing against a proposed removal it shall not become effective except by a favorable vote of three-~~fourths~~ **members** of the City Council. The written protests shall include the name(s), address of property owned by the protesting party and signature.

### **12.30.080 Removal Adopted by Resolution**

Removal of a Neighborhood Option Trail shall be adopted by resolution **of the City Council.**  
*Editor’s note: At one point something was to have been inserted between “trail” and “shall” but I don’t have it. It was an Ed Dennis comment which may no longer be relevant..*

### **12.30.090 Disposal of Property**

A. If a Neighborhood Option Trail has been designated for removal, the property for the trail may be sold. **See Section 12.32 for the procedure.**~~—in accordance with Utah Law and Chapter 2.44 Disposal of Public Property. If the property cannot be sold pursuant to Utah Law, the Council may consider transition, lease, or long term maintenance agreements, however in all cases the procedures in Chapter~~



2.44 Disposal of Public Property shall be followed.

~~B. All of the property designated for disposal shall be either purchased, leased or subject to transition or long term maintenance agreements so that there are no isolated parcels to be owned and/or maintained by the City. If one or more parcels of city owned property in a subdivision is not purchased, leased or subject to transition or long term maintenance agreement then the city owned property in subdivision plat cannot be disposed of under this ordinance. The City Council may approve exceptions to this requirement if the City owned property can be accessed without the need to cross private property.~~

*Editor's note: Not sure we need 12.30.090. The subject of 12.30 is the removal of the Neighborhood Option Trail designation.*

## Chapter 12.32 Designation of Open Space Property for Disposal

### 12.32.010 Purpose

The purpose of this section is to identify the process ~~in~~ by which property that has been dedicated to the city as open space within a subdivision can be disposed.

### 12.32.020 Definitions

For the purpose of this chapter the following words and phrases shall have the following meanings:

*Subdivision:* ~~All phases located within a project area regardless of phase as defined by development agreement, final plat, preliminary plat and/or concept plan approval as determined by the City Administrator. A subdivision does not include individual phases rather all phases are considered part of a subdivision.~~

A Subdivision is defined as a single or multiple plats as approved by the City Council and recorded. The individual phases of construction are considered a subset of the plat(s) that are included in a subdivision or plat.

### 12.32.030 Application Process

Applications to designate open space for disposal shall be made in the City Administrators Office on an application form with ~~the~~ required documentation and ~~accompanied with~~ the appropriate fees. ~~as required.~~ After the City Administrator has determined that an application is complete, a public hearing with the City Council will be scheduled.

### 12.32.040 Petition Required

A. As part of the application to designate open space for disposal, an applicant shall include a petition signed by real property owner(s), as shown on the records of the Utah County Assessor's Office, whose real property is included in the ~~subdivision~~ plat.

B. Said petition shall include authorization to designate open space for disposal from seventy-five (75) percent of the real property owners within the ~~subdivision~~ plat and ninety (90) percent of the real property owners adjacent to the open space. Owners of each non-owner occupied lot shall be notified by certified mail of the petition and the public hearing.

In the event that both minimum participation percentages in paragraph B are not met, but at least a majority of the owners of the owner occupied lots do participate, the City Council may approve a variance to the minimum threshold.

*Editor's note: There was some discussion about doing one notification for both the trail removal and the disposal of the land. The problem with that idea is there will probably be two public hearing on two different dates.*

### 12.32.050 Public Hearing

At a public hearing, the City Council may approve, approve with conditions, or deny an application for

~~the disposal of land previously reserved for a Neighborhood Option Trail.~~ ~~removal of a Neighborhood Option Trail at a public hearing.~~

### **12.32.060 Public Notice**

No public hearing shall be conducted without first providing notice as follows:

A. A notice shall be sent by first class mail to each real property owner, as shown on the records of the Utah County Assessor's Office, whose real property is included in the ~~subdivision~~ plat. The applicant shall be responsible to provide addressed stamped envelopes for the mailing. **Owners of each non-owner occupied lot shall be notified by certified mail of the petition and the public hearing and the applicant shall pay the certificated mail fee.**

B. A notice shall be posted on or near the property in at least one (1) location on a form prescribed by the Community Development Department for such public notice. The posted notice shall be placed on the property at least ten (10) days prior to the date of the scheduled public hearing. It shall not be the responsibility of the City to maintain the posting once erected.

C. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

### **12.32.070 Protest Against Removal**

If the owners of fifteen (15) percent of more of the lots included in the subdivision file a protest in writing against a proposed removal it shall not become effective except by a favorable vote of three-~~fourths~~ **members** of the City Council. The written protests shall include the name(s), address of property owned by the protesting party and signature.

### **12.32.080 ~~Removal~~ Disposal Adopted by Resolution**

Designation of open space property for disposal shall be by resolution **of the City Council.**

### **12.32.090 Disposal of Property**

A. If a parcel has been designated for disposal, the property may be sold in accordance with Utah Law and Chapter 2.44 Disposal of Public Property. If the property cannot be sold pursuant to Utah Law, the Council may consider transition, lease, or long term maintenance agreements, however in all cases the procedures in Chapter 2.44 Disposal of Public Property shall be followed.

*Editor's note: There seems to be some confusion/concern as to just exactly how the Utah Law applies and what the Utah Law requires. Some believe it applies to SURPLUS land thus supporting the auction concept and is not applicable to the resident maintained city land in an open space subdivision. We need clarification and we need to know our options.*

*12/30 2012 Editor's note: It was suggested during the discussion that a resident who had a signed maintenance agreement might be considered in first position to buy the land at a predetermined, fair*

market, value thus eliminating the possibility of a speculator coming in and “out bidding” the residents.

*I talked to a municipal attorney who said the maintenance agreement would not give the adjacent home owner an advantage in Arizona and thought Utah law would be similar. He did however suggest that the Transition Agreement could be structured in such a way that everyone but the adjacent homeowner would be discouraged from “bidding” on the parcel. For example, the city would enter into a contract with the prospective new owner for a period of “X” years where the prospective owner would improve the property (sprinklers, lawn, tree, etc) and maintain it at the prospective owner’s expense and indemnify the city of any accident etc. .... You get the idea. The parcel would generally be a piece of land with limited to no access that would have to be improved and maintained for X years etc. Nobody is going to want to do that except the adjacent landowner who may have already done or is doing all of the above anyway.*

*The maintenance agreement would be used to eliminate isolated parcels by allowing an adjoining property owner to agree to cut the weeds for the city.*

*Anyway, it appears that we may have a way to transfer the use and eventually the ownership of the orphan property without risking the land being bought by a speculator.*

*One additional note from the attorney: There is usually a way to structure a deal that will satisfy the need. You just have to be willing to look for it.*

B. All of the property designated for disposal shall be either purchased, leased or subject to transition or long term maintenance agreements so that there are no isolated parcels to be owned and/or maintained by the City. If one or more parcels of city owned property in a ~~subdivision plat~~, that would become inaccessible by the city if it is not purchased, leased or subject to transition or long term maintenance agreement, then the ~~property that would create an isolated piece of~~ city owned property in ~~subdivision the plat~~ cannot be disposed of under this ordinance. The City Council may approve exceptions to this requirement if the City owned property can be accessed without the need to cross private property.

*Editor’s note: Words in “B” were added by the editor without coordination with the committee. Also, this paragraph appears to be quite comprehensive and gives the residents a lot of flexibility.*

*Editor’s Historical and Meeting Note: Section 12.32.90 is critical. Thirty-one months of work culminates with 12.32.90. If done properly, it will provide a way to remove an eyesore, relieve the city of a maintenance burden, give residents control over their immediate environment and generate revenue for the city.*

*The discussion of 12.32.90 continued well past the time for adjournment. The biggest concern was how to avoid an auction environment where a speculator could buy the trail land. The leverage of the \$20 fee, the benefits of the maintenance agreement, etc. were discussed. Liz suggested that a homeowner who has shown interest in the property by maintaining it for a period of time should have the first option to buy it at a predetermined fair market value. A formal maintenance agreement with the city would give the resident documented proof of interest. She took the assignment to discuss this approach with a land use attorney and report back to the committee.*

*There was not enough time to properly discuss the issue of whether or not the maintenance agreement should be included in the ordinance as a requirement. Some felt it should be left as one of the options like the lease idea or the transition agreement.*

*It was concluded that we need more information (Liz working this) and more time to carefully review 12.32.090. It was decided that Ed Dennis would make adjustments to the ordinance per his notes and then forward it to Ed Barfuss for comparison with his notes.*

*With the exception of 12.32.090 and a question about a possible addition to 12.30.080, these two Ordinances are ready for committee review.*

*NOTE: There was some discussion about combining the two ordinances into one but I remember that being discarded in the hope that 12.32.XX could also be used for the disposal of orphan but not trail related OS property.*

**Minutes of the October 2, 2012 City Council Meeting**

**PRESENT:** Mayor Lynn V. Ritchie, conducting  
Councilmember Brian Braithwaite  
Councilmember Tom Butler  
Councilmember Tim Irwin  
Councilmember Jessie Schoenfeld  
Councilmember Scott L. Smith

ORDINANCE – Amending Title 12 Streets, Sidewalks, and Public Places of the Highland City Municipal Code by adding Chapter 12.30 Removal of Neighborhood Option Trails and Chapter 12.32 Designation of Open Space Property for Disposal

Nathan Crane, Community Development Director indicated that on September 18, 2012, the City Council approved an amendment to the Trails Master Plan. The new Trails Master Plan included a Neighborhood Option Trail designation. Neighborhood Option Trails serve specific subdivisions. These trails may be removed without an amendment to the Trails Master Plan. Procedures need to be put in place that will allow the City Council to consider the removal of Neighborhood Option Trails at the request of specific subdivisions. A process has been designed that emphasizes public participation and transparency. The proposed process requires two changes to the Municipal Code as follows: first, Chapter 12.30 Removal of Neighborhood Option Trails and second, Chapter 12.32 Designation of Open Space Property for Disposal.

Much discussion took place among the City Council regarding percentages of residents that would be required to agree to the purchase of the trail area, checkerboarding, landlocking property, and accounting for property.

John Park requested staff be allowed to bring the item back after it has had more fine tuning.

Tom Butler also requested staff identify the number of Neighborhood Option trails and what issues might be associated with each specific trail.

**Minutes of the October 22, 2012 City Council Meeting**

**PRESENT:** Mayor Lynn V. Ritchie, conducting  
Councilmember Brian Braithwaite  
Councilmember Tim Irwin  
Councilmember Jessie Schoenfeld  
Councilmember Scott L. Smith

ORDINANCE – Amending Title 12 Streets, Sidewalks, and Public Places of the Highland City Municipal Code by adding Chapter 12.30 Removal of Neighborhood Option Trails and Chapter 12.32 Designation of Open Space Property for Disposal. (Agenda Item 7)

John Park reviewed.

- October 2, 2012 City Council Meeting
- Petition Percentages
  - Subdivision 80% to 75%
  - Adjacent property owners 100% to 90%
- Land Locked Parcels
  - All property either purchased, leased, or subject to a transition of long term maintenance agreement
  - Council can approve exceptions if city property can be accessed without crossing private property
- Two independent processes
  - No need for concurrent review
- General Plan Amendment for Open Space not required
- Minor changes in based on input from City Attorney

Scott Smith stated the ordinance requires 75% of the subdivision even if it is split into separate plats. John Park indicated most of the subdivisions are split into phases. He noted on the Pfifferhorn trail that is not being abandoned, the NOT trail is just the Highland portion. He asked how 75% of the property owners would be obtained in this situation. He thinks in this situation it makes it almost impossible, especially where the trail isn't being eliminated. John Park stated he thinks everyone that is involved in that particular subdivision should be contacted from the beginning. Mayor Ritchie stated even though the trail may not border your house that land was part of the entire development. John Park indicated the trail we have the City will have zero control over. He said hopefully Alpine figures out their easements shortly and builds a trail, but he thinks everyone there should have a shot at saying what is built there, but that is up to the City Council. If they want to change it they can decrease the number of people required to agree.

Scott Smith noted the City gave Alpine City money for that trail and asked if that means the City has a say in the trail in Alpine. John Park answered no. Scott Smith stated he has an issue that 15% could block the whole thing. John Park stated it would not block it, the issue would then go before the City Council. He reiterated those numbers could be changed.

Others concurred that 15% is low.

Tim Irwin stated he would like to know the size of various subdivisions. It was stated Beacon Hills is the largest, probably by double of any other the other subdivision.

Came back

How will you handle the unrecorded plats and bank owned properties. Contact bank,

Tim Irwin 51% and 25% to protest. Simple majority on what? He noted he received a recommendation by email with regard to public notice that notification on the property be in clear view of the street.

Brian Braithwaite stated the City needs to establish some stability. When people move here they need to understand what they are getting. He believes the hurdle needs to be high enough so people can understand it has to go through a process because the expectation can change. He is comfortable with the 75%.

Scott Smith requested comments from some of the public that are affected by the issue.

John Park stated this... this is also resolving orphaned property. They affect the entire subdivision probably more than this trail. Should be a high enough hurdle and be the same.

Mayor Ritchie talked about expectations from residents that purchased a property thinking they had a certain amount of open space. Need to be careful of unintended consequences.

Mayor Ritchie invited comments from the public.

Doug Cunningham addressed the issue. He said several people that live along the Pfifferhorn trail won't do maintenance until they get a deed, so the longer it carries on the harder it will be. He stated Alpine portion should not be a problem. He was disappointed it hasn't passed through the Open Space committee. The ordinance is really restrictive and will not solve the problems. In Beacon Hill the threshold is way to high with unrecorded plats and bank owned lots. Those people are not involved day to day and do not know the issues. If the elections were held at such a high threshold no one would get elected to anything. He said he has issues with the definition of subdivision. He said the other issue with the ordinance is there is no process to appeal decision of the City Administrator.

Ed Dennis, Open Space Chair and Wimbleton Subdivision representative, stated the criteria for disposition needs to be reasonable. There has been a significant effort in reviewing the trail plan and there has already been criteria that establishes property and so high percentages will continue to make this difficult. He stated the protest criteria needs to be more clear with a five member City Council that is not be 3/4<sup>th</sup> the City Council. He agrees with Tim Irwin on the percentages, so there is enough percentage to avoid... his personal opinion.

Ed Barfuss stated he has spent 30 months on the Open Space Committee. He said he doesn't read all that well and he had to read five or six paragraphs before he could see what was required. He suggested the ordinance be simplified. He distributed some simplification ideas.



Scott Smith stated he appreciates all the work the staff has done and the comments that have been presented. He suggested the item be tabled and taken to the Open Space Committee to make suggestions.

**MOTION: Scott Smith moved to continue the ordinance and take it the Open Space Committee and have the wording fine-tuned. Brian Braithwaite seconded the motion. Those voting aye: Brian W. Braithwaite, Tim Irwin, Jessie Schoenfeld, and Scott Smith. The motion passed with a unanimous vote.**

**ORDINANCE NO. O-2013-\*\***

**AN ORDINANCE OF HIGHLAND CITY, UTAH  
AMENDING TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES OF THE  
HIGHLAND CITY MUNICIPAL CODE BY ADDING CHAPTER 12.30 REMOVAL OF  
NEIGHBORHOOD OPTION TRAILS AND CHAPTER 12.32 DESIGNATION OF OPEN  
SPACE PROPERTY FOR DISPOSAL**

*PREAMBLE*

The City Council of Highland City finds that providing procedures for the removing neighborhood option trails and disposing open space properties is beneficial to the residents of Highland.

BE IT ORDAINED by the City Council of Highland City, Utah:

Section 1. All of the required public notices and other prerequisites to the amendments of the Highland City Municipal Code have been completed as required by law.

Section 2. The Highland City Municipal Code Title 12 is hereby amended as shown on Exhibit A.

Section 3. This Ordinance shall take effect immediately upon its first posting or publication.

ADOPTED by the City Council of Highland City, Utah, this 22<sup>nd</sup> day of January 2013.

HIGHLAND CITY, UTAH

\_\_\_\_\_  
Lynn V. Ritchie, Mayor

ATTEST:

\_\_\_\_\_  
Gina Peterson, City Recorder

COUNCILMEMBERS VOTING "AYE"

COUNCILMEMBERS VOTING "NAY"

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**Exhibit A**

(TBD by the City Council)

## Cash flow Highland City as of 12-31-2012

<b>General Fund</b>	12/31/2011	1/31/2012	2/29/2012	3/31/2012	4/30/2012	5/31/2012	6/30/2012	7/31/2012	8/31/2012	9/30/2012	10/31/2012	11/30/2012	12/31/2012
Beg bal	340,810	1,159,119	1,231,715	1,341,662	1,259,708	1,115,362	1,004,799	882,318	912,236	149,906	320,966	253,249	232,100
Revenue	1,545,568	607,269	587,089	528,304	405,390	564,587	382,766	397,994	599,895	653,510	482,108	658,131	1,608,435
Expenses	727,260	534,673	477,142	610,258	549,736	675,150	505,246	368,076	1,362,226	482,449	549,825	679,281	338,782
Net	1,159,119	1,231,715	1,341,662	1,259,708	1,115,362	1,004,799	882,318	912,236	149,906	320,966	253,249	232,100	1,501,753
<b>Open Space</b>													
Beg Bal	(55,070)	(24,222)	(15,504)	(6,379)	(2,423)	25,362	37,168	23,079	13,455	31,544	2,134	(7,816)	(10,454)
Revenue	79,017	20,088	20,979	20,987	50,334	50,168	21,315	21,389	66,363	21,475	21,674	21,589	82,681
Expenses	48,169	11,369	11,855	17,031	22,549	38,362	35,405	31,013	48,274	50,885	31,624	24,227	25,402
Net	(24,222)	(15,504)	(6,379)	(2,423)	25,362	37,168	23,079	13,455	31,544	2,134	(7,816)	(10,454)	46,825
<b>Capital Project Funds</b>													
Beg Balance	(433,524)	(258,284)	(255,581)	114,567	238,137	457,770	649,507	608,192	626,963	401,867	395,622	451,754	290,476
Revenue	175,537	12,867	612,771	135,551	250,058	237,885	52,697	54,475	83,516	62,274	71,935	41,622	62,818
Expenses	33,908	10,164	242,623	11,981	30,425	46,148	94,012	35,704	308,612	68,518	15,804	202,900	9,088
Net	(258,284)	(255,581)	114,567	238,137	457,770	649,507	608,192	626,963	401,867	395,622	451,754	290,476	344,205
<b>Enterprise Funds</b>													
Beg Balance	2,282,468	2,227,873	2,430,873	2,376,040	2,523,017	2,327,632	2,323,218	2,355,503	2,436,941	2,544,317	2,612,411	2,726,374	2,833,250
Revenue	347,517	361,648	359,107	348,979	351,423	420,490	348,712	487,159	389,999	353,937	375,042	345,746	354,411
Expense	402,113	158,647	413,940	202,002	546,808	424,904	316,428	405,721	282,622	285,843	261,079	238,870	261,245
Net	2,227,873	2,430,873	2,376,040	2,523,017	2,327,632	2,323,218	2,355,503	2,436,941	2,544,317	2,612,411	2,726,374	2,833,250	2,926,416
<b>Total Cash</b>	<b>3,104,485</b>	<b>3,391,504</b>	<b>3,825,889</b>	<b>4,018,439</b>	<b>3,926,126</b>	<b>4,014,692</b>	<b>3,869,091</b>	<b>3,989,594</b>	<b>3,127,633</b>	<b>3,331,133</b>	<b>3,423,561</b>	<b>3,345,371</b>	<b>4,819,199</b>

Note: Starting November 2012 shows expenses for Beacon Hills Park Project \$200,000 Nov

**Cash flow Highland City as of 12-31-12**

**Projected Thru 12/31/2013**

<b>General Fund</b>	12/31/2012	1/31/2013	2/28/2013	3/31/2013	4/30/2013	5/31/2013	6/30/2013	7/31/2013	8/31/2013	9/30/2013	10/31/2013	11/30/2013	12/31/2013
Beg bal	232,100	1,501,753	1,594,985	1,570,043	1,545,101	1,520,159	1,483,374	1,352,102	1,382,020	619,689	790,750	723,033	701,883
Revenue	1,608,435	607,269	489,095	489,095	489,095	477,252	382,766	397,994	599,895	653,510	482,108	658,131	1,545,568
Expenses	338,782	514,037	514,037	514,037	514,037	514,037	514,038	368,076	1,362,226	482,449	549,825	679,281	727,260
Net	<u>1,501,753</u>	<u>1,594,985</u>	<u>1,570,043</u>	<u>1,545,101</u>	<u>1,520,159</u>	<u>1,483,374</u>	<u>1,352,102</u>	<u>1,382,020</u>	<u>619,689</u>	<u>790,750</u>	<u>723,033</u>	<u>701,883</u>	<u>1,520,191</u>

**Open Space**

Beg Bal	(10,454)	46,825	55,544	64,668	68,624	96,409	108,216	94,126	84,502	102,591	73,181	63,232	60,593
Revenue	82,681	20,088	20,979	20,987	50,334	50,168	21,315	21,389	66,363	21,475	21,674	21,589	79,017
Expenses	25,402	11,369	11,855	17,031	22,549	38,362	35,405	31,013	48,274	50,885	31,624	24,227	48,169
Net	<u>46,825</u>	<u>55,544</u>	<u>64,668</u>	<u>68,624</u>	<u>96,409</u>	<u>108,216</u>	<u>94,126</u>	<u>84,502</u>	<u>102,591</u>	<u>73,181</u>	<u>63,232</u>	<u>60,593</u>	<u>91,441</u>

**Capital Project Funds**

Beg Balance	290,476	344,205	254,311	464,417	474,523	278,085	181,647	273,005	291,776	66,680	60,436	116,567	(44,711)
Revenue	62,818	210,106	210,106	210,106	210,106	210,106	210,106	54,475	83,516	62,274	71,935	41,622	175,537
Expenses	9,088	300,000	-	200,000	406,544	306,544	118,748	35,704	308,612	68,518	15,804	202,900	300,297
Net	<u>344,205</u>	<u>254,311</u>	<u>464,417</u>	<u>474,523</u>	<u>278,085</u>	<u>181,647</u>	<u>273,005</u>	<u>291,776</u>	<u>66,680</u>	<u>60,436</u>	<u>116,567</u>	<u>(44,711)</u>	<u>(169,471)</u>

**Enterprise Funds**

Beg Balance	2,833,250	2,926,416	2,683,283	2,607,609	2,521,807	2,068,449	2,014,197	1,928,128	2,009,566	2,116,943	2,185,036	2,299,000	2,405,875
Revenue	354,411	361,648	359,107	348,979	351,423	380,529	348,712	487,159	389,999	353,937	375,042	345,746	347,517
Expense	261,245	604,781	434,781	434,781	804,781	434,781	434,781	405,721	282,622	285,843	261,079	238,870	402,113
Net	<u>2,926,416</u>	<u>2,683,283</u>	<u>2,607,609</u>	<u>2,521,807</u>	<u>2,068,449</u>	<u>2,014,197</u>	<u>1,928,128</u>	<u>2,009,566</u>	<u>2,116,943</u>	<u>2,185,036</u>	<u>2,299,000</u>	<u>2,405,875</u>	<u>2,351,279</u>

<b>Total Cash</b>	<b><u>4,819,199</u></b>	<b><u>4,588,123</u></b>	<b><u>4,706,737</u></b>	<b><u>4,610,055</u></b>	<b><u>3,963,102</u></b>	<b><u>3,787,434</u></b>	<b><u>3,647,361</u></b>	<b><u>3,767,864</u></b>	<b><u>2,905,903</u></b>	<b><u>3,109,403</u></b>	<b><u>3,201,831</u></b>	<b><u>3,123,641</u></b>	<b><u>3,793,441</u></b>
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Note: Starting November 2012 shows expenses for Beacon Hills Park Project \$200,000 Nov and \$300,000 January

& balance pd April thru June

## Cash Balances Capital Projects/Enterprise Funds

12/31/2012

### Capital Projects

#### Park Capital Project Fund

40-1162	Beacon Hills Park Reserve	\$ 142,654
40-1163	Mountain Ridge Park Reserve	\$ 569,133
40-1190	Combined Cash	\$ 236,421
<b>Total Cash</b>		<b>\$ 948,209</b>
40-2140	AF Lanscaping Debris Basin	\$ (104,558)
<b>Total Net Assets</b>		<b><u>\$ 843,651</u></b>

#### Road Capital Project Fund

41-1190	Combined Cash	\$ (759,205)
41-1352	Homes 48000 West	\$ 473,000
<b>Net Assets</b>		<b><u>\$ (286,205)</u></b>

#### Building Capital Project Fund

41-1190	Combined Cash	\$ (112,861)
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#### NW Annexation Capital Project Fund

43-1190	Combined Cash	\$ 70,542
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#### Town Center Exaction Fee Capital

44-1190	Combined Cash	\$ 197,521
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<b>Total Cash Capital Projects</b>		<b><u>\$ 344,205</u></b>
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### Enterprise Funds

#### Sewer Fund

52-1190	Combined Cash	\$ 1,386,018
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#### Pressurized Irrigation

53-1190	Combined Cash	\$ 335,457
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#### Storm Water

54-1162	Af River Debris Basin acct	\$ 20,161
54-1190	Combined Cash	\$ 344,381
<b>Total Net Cash</b>		<b><u>\$ 364,542</u></b>

#### Culinary Water

55-1190	Combined Cash	\$ 840,398
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<b>Total Enterprise Funds</b>		<b><u>\$ 2,926,416</u></b>
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HIGHLAND CITY CORPORATION  
FUND SUMMARY  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE-TRANSFERS	.00	.00	.00	.00	.0
TAXES	1,471,018.52	2,396,606.42	4,351,033.00	1,954,426.58	55.1
LICENSES AND PERMITS	18,270.00	251,199.41	362,500.00	111,300.59	69.3
INTERGOVERNMENTAL REVENUE	9,693.42	179,071.26	760,000.00	580,928.74	23.6
FEES AND SERVICES	2,300.00	7,735.00	26,000.00	18,265.00	29.8
COURT FINES	20,318.12	123,114.12	278,000.00	154,885.88	44.3
OTHER REVENUE	( 27.73)	23,251.87	31,000.00	7,748.13	75.0
CEMETERY REVENUE	1,835.00	34,765.00	60,000.00	25,235.00	57.9
MISCELLANEOUS REVENUE	7,885.11	172,826.41	396,426.00	223,599.59	43.6
REVENUE-GARBAGE & OTHER	77,142.83	461,381.65	918,720.00	457,338.35	50.2
	<u>1,608,435.27</u>	<u>3,649,951.14</u>	<u>7,183,679.00</u>	<u>3,533,727.86</u>	<u>50.8</u>
<u>EXPENDITURES</u>					
COUNCIL	4,442.43	41,531.17	73,745.00	32,213.83	56.3
COURT	24,088.68	115,576.72	265,053.00	149,476.28	43.6
ADMINISTRATIVE	33,578.68	236,700.42	349,293.00	112,592.58	67.8
AUDITOR	4,925.00	9,500.00	10,000.00	500.00	95.0
FINANCE DEPT	12,955.40	82,636.81	173,068.00	90,431.19	47.8
RECORDER	8,457.14	49,839.13	101,666.00	51,826.87	49.0
TREASURER	5,478.53	39,821.63	75,729.00	35,907.37	52.6
ATTORNEY	1,150.00	7,037.95	27,500.00	20,462.05	25.6
LIBRARY	14,519.32	106,815.19	236,142.00	129,326.81	45.2
APPEAL AUTHORITY	.00	2,582.00	2,500.00	( 82.00)	103.3
PLANNING & ZONING	15,432.83	89,018.93	189,666.00	100,647.07	46.9
EDUCATION AND PROMOTION	.00	.00	.00	.00	.0
POLICE DEPARTMENT	.00	801,676.50	1,603,353.00	801,676.50	50.0
ANIMAL CONTROL	.00	.00	.00	.00	.0
EMERGENCY SERVICES	.00	525,663.00	1,051,326.00	525,663.00	50.0
BUILDING INSPECTION	11,245.61	71,923.50	154,965.00	83,041.50	46.4
STREETS AND ROADS	42,574.48	236,034.85	603,095.00	367,060.15	39.1
ENGINEER	1,955.60	10,352.40	50,900.00	40,547.60	20.3
PARKS & RECREATION	12,350.98	153,516.01	353,527.00	200,010.99	43.4
CEMETERY	2,039.12	33,370.50	71,257.00	37,886.50	46.8
COMMUNITY EVENTS	2,703.03	53,433.89	100,685.00	47,251.11	53.1
GARBAGE	49,289.89	209,971.02	520,986.00	311,014.98	40.3
TRANSFERS	61,022.50	647,225.50	1,251,483.00	604,257.50	51.7
	<u>308,209.22</u>	<u>3,524,227.12</u>	<u>7,265,939.00</u>	<u>3,741,711.88</u>	<u>48.5</u>
	<u>1,300,226.05</u>	<u>125,724.02</u>	<u>( 82,260.00)</u>	<u>( 207,984.02)</u>	<u>152.8</u>



HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

HIGHLAND OPEN SPACE SSD

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	61,022.50	106,147.50	212,295.00	106,147.50	50.0
FEES	21,669.33	129,002.70	245,000.00	115,997.30	52.7
INTEREST REVENUE	( 10.55)	21.03	.00	( 21.03)	.0
	<u>82,681.28</u>	<u>235,171.23</u>	<u>457,295.00</u>	<u>222,123.77</u>	<u>51.4</u>
<u>EXPENDITURES</u>					
DEPARTMENT 40	.00	.00	.00	.00	.0
EXPENDITURE-OPEN SPACE	20,092.89	174,863.26	448,915.00	274,051.74	39.0
TRANSFERS	.00	.00	.00	.00	.0
	<u>20,092.89</u>	<u>174,863.26</u>	<u>448,915.00</u>	<u>274,051.74</u>	<u>39.0</u>
	<u>62,588.39</u>	<u>60,307.97</u>	<u>8,380.00</u>	<u>( 51,927.97)</u>	<u>719.7</u>

HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

DEBT SERVICE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	.00	741,078.00	973,000.00	231,922.00	76.2
OTHER REVENUE	.00	.00	1,232.95	1,232.95	.0
	.00	741,078.00	974,232.95	233,154.95	76.1
<u>EXPENDITURES</u>					
EXPENDITURES	.00	741,077.31	974,504.00	233,426.69	76.1
	.00	741,077.31	974,504.00	233,426.69	76.1
	.00	.69	( 271.05)	( 271.74)	.3

HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

CAPITAL IMPROVEMENT FUND-PARKS

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	.00	.00	.00	.00	.0
FEES AND SERVICES	44,941.00	277,372.00	380,000.00	102,628.00	73.0
OTHER REVENUE	563.38	3,392.51	3,000.00	( 392.51)	113.1
REVENUE-OTHER	.00	.00	900,000.00	900,000.00	.0
	<u>45,504.38</u>	<u>280,764.51</u>	<u>1,283,000.00</u>	<u>1,002,235.49</u>	<u>21.9</u>
<u>EXPENDITURES</u>					
EXPENDITURES-PARK CAPITAL	9,060.00	219,949.04	900,000.00	680,050.96	24.4
TRANSFERS	.00	200,000.00	383,000.00	183,000.00	52.2
	<u>9,060.00</u>	<u>419,949.04</u>	<u>1,283,000.00</u>	<u>863,050.96</u>	<u>32.7</u>
	<u>36,444.38</u>	<u>( 139,184.53)</u>	<u>.00</u>	<u>139,184.53</u>	<u>.0</u>

HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

CAP IMP FUND ROAD PROJECTS

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	.00	.00	448,098.00	448,098.00	.0
INTERGOVERNMENTAL REVENUE	.00	.00	.00	.00	.0
FEES AND SERVICES	9,352.03	41,782.26	40,000.00	( 1,782.26)	104.5
OTHER REVENUE	( 559.67)	( 2,077.77)	.00	2,077.77	.0
REVENUE-OTHER	.00	.00	.00	.00	.0
	<u>8,792.36</u>	<u>39,704.49</u>	<u>488,098.00</u>	<u>448,393.51</u>	<u>8.1</u>
 <u>EXPENDITURES</u>					
EXPENDITURES-ROAD CAPITAL	28.27	98,720.84	488,098.00	389,377.16	20.2
	<u>28.27</u>	<u>98,720.84</u>	<u>488,098.00</u>	<u>389,377.16</u>	<u>20.2</u>
	<u>8,764.09</u>	<u>( 59,016.35)</u>	<u>.00</u>	<u>59,016.35</u>	<u>.0</u>

HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

CAP IMP FUND BUILDING

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	.00	.00	.00	.00	.0
OTHER REVENUE	5,895.45	20,502.26	.00	( 20,502.26)	.0
REVENUE-OTHER	.00	.00	.00	.00	.0
	<u>5,895.45</u>	<u>20,502.26</u>	<u>.00</u>	<u>( 20,502.26)</u>	<u>.0</u>
<u>EXPENDITURES</u>					
EXPENDITURES-BUILDING CAPITAL	.00	.00	.00	.00	.0
DEPARTMENT 90	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>5,895.45</u>	<u>20,502.26</u>	<u>.00</u>	<u>( 20,502.26)</u>	<u>.0</u>

HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

NW ANNEXATION CAP PROJECT

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	.00	.00	.00	.00	.0
OTHER REVENUE	49.60	219.66	200.00	( 19.66)	109.8
REVENUE-OTHER	2,429.00	11,930.00	79,413.00	67,483.00	15.0
	<u>2,478.60</u>	<u>12,149.66</u>	<u>79,613.00</u>	<u>67,463.34</u>	<u>15.3</u>
<u>EXPENDITURES</u>					
EXPENDITURES-NW CAPITAL	.00	.00	.00	.00	.0
TRANSFERS	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u><u>2,478.60</u></u>	<u><u>12,149.66</u></u>	<u><u>79,613.00</u></u>	<u><u>67,463.34</u></u>	<u><u>15.3</u></u>

HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

TOWN CENTER EXACTION FEE CAP

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	.00	.00	.00	.00	.0
OTHER REVENUE	143.84	23,516.87	100,000.00	76,483.13	23.5
REVENUE-OTHER	.00	.00	70,332.00	70,332.00	.0
	<u>143.84</u>	<u>23,516.87</u>	<u>170,332.00</u>	<u>146,815.13</u>	<u>13.8</u>
<u>EXPENDITURES</u>					
EXPENDITURES-TOWN CENTER EXA	.00	.00	100,000.00	100,000.00	.0
TRANSFERS	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>100,000.00</u>	<u>100,000.00</u>	<u>.0</u>
	<u>143.84</u>	<u>23,516.87</u>	<u>70,332.00</u>	<u>46,815.13</u>	<u>33.4</u>

HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	.00	.00	.00	.00	.0
LICENSES AND PERMITS	.00	.00	.00	.00	.0
REVENUE	141,757.91	911,062.89	1,642,300.00	731,237.11	55.5
MISCELLANEOUS REVENUE	932.23	4,200.57	79,000.00	74,799.43	5.3
SOURCE 39	.00	.00	.00	.00	.0
	<u>142,690.14</u>	<u>915,263.46</u>	<u>1,721,300.00</u>	<u>806,036.54</u>	<u>53.2</u>
 <u>EXPENDITURES</u>					
EXPENDITURES-SEWER FUND	<u>54,663.52</u>	<u>823,862.51</u>	<u>1,561,247.00</u>	<u>737,384.49</u>	<u>52.8</u>
	<u>54,663.52</u>	<u>823,862.51</u>	<u>1,561,247.00</u>	<u>737,384.49</u>	<u>52.8</u>
	<u><u>88,026.62</u></u>	<u><u>91,400.95</u></u>	<u><u>160,053.00</u></u>	<u><u>68,652.05</u></u>	<u><u>57.1</u></u>



HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

PRESSURIZED IRRIGATION FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	.00	125,000.00	125,000.00	.00	100.0
REVENUE	105,993.17	631,098.63	1,230,000.00	598,901.37	51.3
MISCELLANEOUS REVENUE	245.13	1,003.20	19,500.00	18,496.80	5.1
REVENUE-OTHER	.00	.00	.00	.00	.0
	<u>106,238.30</u>	<u>757,101.83</u>	<u>1,374,500.00</u>	<u>617,398.17</u>	<u>55.1</u>
<u>EXPENDITURES</u>					
EXPENDITURES-PI FUND	<u>134,510.55</u>	<u>603,532.83</u>	<u>1,380,332.00</u>	<u>776,799.17</u>	<u>43.7</u>
	<u>134,510.55</u>	<u>603,532.83</u>	<u>1,380,332.00</u>	<u>776,799.17</u>	<u>43.7</u>
	<u>( 28,272.25)</u>	<u>153,569.00</u>	<u>( 5,832.00)</u>	<u>( 159,401.00)</u>	<u>2633.2</u>

HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

STORM SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	.00	.00	.00	.00	.0
LICENSES AND PERMITS	.00	.00	.00	.00	.0
REVENUE	32,378.94	204,774.42	360,950.00	156,175.58	56.7
MISCELLANEOUS REVENUE	253.94	1,129.11	322,500.00	321,370.89	.4
REVENUE-OTHER	.00	.00	.00	.00	.0
	<u>32,632.88</u>	<u>205,903.53</u>	<u>683,450.00</u>	<u>477,546.47</u>	<u>30.1</u>
 <u>EXPENDITURES</u>					
EXPENDITURES-STORM SEWER	29,819.26	168,799.84	668,796.00	499,996.16	25.2
TRANSFERS	.00	.00	.00	.00	.0
	<u>29,819.26</u>	<u>168,799.84</u>	<u>668,796.00</u>	<u>499,996.16</u>	<u>25.2</u>
	<u>2,813.62</u>	<u>37,103.69</u>	<u>14,654.00</u>	<u>( 22,449.69)</u>	<u>253.2</u>

HIGHLAND CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2012

CULINARY WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
REVENUE	.00	.00	.00	.00	.0
REVENUE	72,212.26	414,590.93	802,500.00	387,909.07	51.7
MISCELLANEOUS REVENUE	637.49	2,705.59	148,300.00	145,594.41	1.8
SOURCE 39	.00	.00	.00	.00	.0
	<u>72,849.75</u>	<u>417,296.52</u>	<u>950,800.00</u>	<u>533,503.48</u>	<u>43.9</u>
<u>EXPENDITURES</u>					
EXPENDITURES-CULINARY WATER	128,923.31	442,970.86	944,560.00	501,589.14	46.9
CONSTRUCTION	.00	.00	.00	.00	.0
	<u>128,923.31</u>	<u>442,970.86</u>	<u>944,560.00</u>	<u>501,589.14</u>	<u>46.9</u>
	<u>( 56,073.56)</u>	<u>( 25,674.34)</u>	<u>6,240.00</u>	<u>31,914.34</u>	<u>(411.5)</u>

## Proposed 2013-2014 ~ Budget Calendar

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February 4, 2013	Revenue projections from Lynn.
March 6, 2013	In-house tentative budget due from departments
March 19, 2013	Budget Working Draft distributed to City Council.
March 19 <sup>th</sup> – April 16 <sup>th</sup> 2013	City Council meet with staff individually for questions, clarifications and reasons for budget item requests.
April 16, 2013	Work Session: City Council comments and proposed changes on budget due.
April 18, 2013	Post working draft and Council comments posted on City website.
May 7, 2013	Adoption of Resolution setting budget public hearings for May 21, 2013.
May 9, 2013	<b>PUBLIC OPEN HOUSE</b> proposed budget 5:30 p.m. to 8:30 p.m. Highland businesses included at open house.
May 21, 2013	Public Hearings on FY 2013-2014 budget. Adoption of tentative budget by Resolution.
May 28, 2013	Work Session: City Council Finalize Budget Report findings of open house and other comments received.

*Any additional work sessions as required.*

June 4, 2013	Public Hearing on FY 2012-2013 final budget amendments.  Adoption of FY 2013-2014 final budget and FY 2012-2013 budget amendments; adopt resolution setting the annual Certified Property Tax rate <u>OR</u> if needed set public hearing for “Truth in Taxation” in August.
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## Jody Bates

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**From:** Tom B <onesheepdog@gmail.com>  
**Sent:** Wednesday, January 16, 2013 4:53 PM  
**To:** Lynn Ritchie; Jody Bates  
**Cc:** Lynn Ritchie  
**Subject:** Item for the Agenda for next meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### **2nd Amendment Preservation Ordinance**

An Ordinance, which shall be known and may be cited as the “2nd Amendment Preservation Ordinance.”

To prevent federal, state or local infringement on the right to keep and bear firearms, firearms accessories or ammunition; nullifying all federal, state or local acts in violation of the **2nd Amendment to the Constitution of the United States** along with **Article I, Section 6, [Right to Bear Arms] of the Utah Constitution.**

#### **THE CITY COUNCIL OF HIGHLAND CITY, UTAH DOES ENACT AS FOLLOWS:**

**SECTION 1.** THE GOVERNING BODY OF HIGHLAND CITY WITHIN THE STATE OF UTAH FINDS THAT:

WHEREAS, **The 2nd Amendment to the Constitution of the United States** reads as follows, “A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.” Along with the **Utah Constitution Article I, Section 6. [Right to bear arms.]** “The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes shall not be infringed.”

WHEREAS, All federal, state or local acts, laws, orders, rules or regulations regarding firearms, firearms accessories or ammunition are a violation of the 2nd Amendment of the U.S. Constitution along with section Article I, Section 6 of The Utah Constitution and are in violation of this ordinance.

**SECTION 2.** PROHIBITIONS ON FEDERAL, STATE OR LOCAL INFRINGEMENT OF THE RIGHT TO KEEP AND BEAR ARMS, FIREARMS ACCESSORIES OR AMMUNITION.

#### **NOW, THEREFORE, BE IT ORDAINED BY THE HIGHLAND CITY COUNCIL AS FOLLOWS:**

A. The Governing Body of Highland City, within the state of Utah declares that all federal , state or local acts, laws, orders, rules, regulations – past, present or future – which shall be in violation of the 2nd Amendment to the Constitution of the United States and the Constitution of Utah are not authorized by the Constitution of the United States and the Constitution of Utah and violate its true meaning and intent as given by the Founders and Ratifiers, and are hereby declared to be invalid within Highland City and all of its boundaries within the state of Utah, shall not be recognized by this city, are specifically rejected by this city, and shall be considered null and void and of no effect in this city and all of its boundaries.

B. It shall be the duty of the governing body of Highland City and within all of its boundaries within the State of Utah to adopt and enact any and all measures as may be necessary to prevent the enforcement of any federal,

state or local acts, laws, orders, rules, or regulations in violation of the **2nd Amendment to the Constitution of the United States** and **Article I, Section 6. of the Utah Constitution** or any violation of any portion of this ordinance.

SECTION 3. EFFECTIVE DATE

A. This act takes effect immediately upon approval by the Governing body of Highland City, Utah.

Thanks!

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Thomas

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