

**AGENDA**  
**HIGHLAND CITY COUNCIL MEETING**  
**July 16, 2013**

**7:00 p.m. Regular City Council Session**  
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 – Tim Irwin  
PLEDGE OF ALLEGIANCE – Brian Braithwaite

**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. PRESENTATION - Urban Deer Program - Mayor Lynn Ritchie and Brian Cook, Humphries Archery**

**CONSENT**

- 4. MOTION - Approval of Meeting Minutes for City Council Regular Session – June 18, 2013**
- 5. RESOLUTION – Appointing Poll Workers - 2013 Primary and General Municipal Elections.**
- 6. MOTION – Urban Deer Control Program – Apply for Certificate of Registration (COR)**
- 7. MOTION- Placement of Political Signs on Public Property – Council Authorization**
- 8. RESOLUTION – Highland City Employee Benefits – New Employee Contributions**

SCHEDULED ITEMS

9. **PUBLIC HEARING/RESOLUTIONS – Open Space** – Apple Blossom / David Clegg
10. **PUBLIC HEARING/AREOLUTION – Open Space** – Canterbury Circle / Dave Hall
11. **PUBLIC HEARING/ORDINANCE – Funeral Home Signs** – Allowing one unlit Monument sign for Funeral Home Signs in Residential and Agricultural Zones.
12. **PUBLIC HEARING/ORDINANCE – Amending Highland City Development Code - Public Improvement Performance Guarantees.**
13. **PROCLOMATION AMENDMENT – Water Conservation** – Wavier Requests

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.)*

- Toscana – Red Curbing

ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council will recess into a closed executive session for the purpose of discussing

- The purchase, exchange, or lease of real property and reasonably imminent litigation;
- The sale of real property; including any form of water right or water shares;
- The character, professional competence, or physical or mental health of an individual.

Pursuant to Section 52-4-205(1) of the Utah State Code Annotated.

RECONVENE CITY COUNCIL MEETING

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 **11<sup>th</sup> day of July, 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 **11<sup>th</sup> day of July, 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**

# Highland City Urban Deer Program



# Dept. Wildlife Resources

- 2 year pilot program with Highland City and Bountiful City
- Requires a Certificate of Registration (COR):
  - Deer are collectively causing significant damage to private property or threatening public safety within city boundaries;
  - Enacted an Ordinance prohibiting the feeding of deer;
  - General Liability Insurance in amount of \$1 million;
  - Hold harmless the Division against any claims.
- COR allows city to:
  - Design, Create and administer an urban deer control plan;
  - Prescribe and employ lethal and non-lethal methods of take to control deer;
  - Select and supervise individuals to perform specified deer removal activities;
  - Issue authorized individual a deer removal tag;
  - Deer carcasses are disposed of as provided by law.

# Highland City's Program

- Goals:

- Improve safety on major roads and highways;
- Significantly reduce deer numbers within city limits;
- Promote safe and cost effective deer removal, as a public service to the local community;
- Reduce property damage caused by urban deer.

# Highland City's Program

- Hunter Identification Process:
  - Brian Cook of Humphries Archery out of American Fork will serve as the Program Coordinator in selecting a small group of experienced bowhunters to participate in the program;
  - Each hunter must demonstrate they understand the applicable rules and pass a shooting proficiency test;
  - Only then will they be certified as an “Urban Bowhunting Specialist”

# Highland City's Program

- Hunters will be issued a coupon and tag;
- Identification cards will be issued by Highland City;
- Hunting locations will be clearly identified by a map provided by Highland City.
- Deer harvested may be kept by the bowhunter or taken to a previously determined processing center for meat donation  
(Processing center fee for donated meat will be paid for by the city)
- Comply with all Federal, State and Local laws.

# Timeline

- July 10<sup>th</sup> : Coordinated Plan with DWR
- July 16<sup>th</sup> : City Council Approval of Plan
- July 30<sup>th</sup> : Public Open House
- Early Aug: Finalize plan elements with DWR
- Late Aug : Implement Program

MINUTES  
HIGHLAND CITY COUNCIL MEETING

Tuesday, June 18, 2013

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 Jessie Schoenfeld  
Councilmember Scott Smith

**STAFF PRESENT:** Aaron Palmer, City Administrator  
Matthew Shipp, Public Work Director/ City Engineer  
Nathan Crane, Community Development Director  
JoD’Ann Bates, Executive Secretary/Recorder  
Tim Merrill, City Attorney  
Brian Gwilliam, Chief of Police  
Shannon Garlick, Secretary

**EXCUSED:** Lynn Ruff, Finance Director

**OTHERS:** Seth Dickson, George Ramjoua, Sam Boren, Don Boren, Bart Brockbank, Richard Davis, Dab Przybyla, Colleen Madsen, Celisa McRae, Brandon Hadlock, Mark Thompson, Matt Halbleib, Rod Mann, Lowell Nelson.

The meeting was called to order by Mayor Lynn V. Ritchie as a regular session at 7: 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 Jessie Schoenfeld and those assembled were led in the Pledge of Allegiance by Scout Sam Boren.

**APPEARANCES:**

Seth Dickson, resident of Highland, discussed the parking on Parkway West. He stated the curbs were painted red, and was concerned why the residents were not consulted. He felt it was not taken into consideration how it affected the residents and asked to have the issue placed on the next Council meeting agenda.

George Ramjoua, Coventry HOA President, stated there is a growing parking problem in the community and asked the city to look at the future parking needs of this area. He was concerned

# DRAFT

1 about the red curb issue and stated he believed the contractors were the primary cause for the  
2 change in parking and now the citizens are taking the punishment. He asked the City Council to  
3 give time in the future to discuss the issue.  
4

## 5 6 **CITY COUNCIL / MAYOR ITEMS:** 7

8 Scott Smith, following up with the public comments and questioned if the Council will have a  
9 discussion regarding the parking issues.  
10

11 Mayor Ritchie stated the discussion will not happen right now, but the Council will discuss the  
12 issue in the future.  
13

14 Scott Smith expressed appreciation to City Staff for the Highland Glen Park. He explained he  
15 does not like having the electronic agenda. He stated he believes it inhibits the discussion and  
16 would like to have a paper version of the agenda. He explained the city has a lot of resolutions  
17 and ordinances, and asked that in the future the Council understand the problem. The city needs  
18 to fix and understand how the Council is going to communicate the solution to the people and  
19 how the city is going to enforce the issue. He stated the city needs to come up with a way to  
20 communicate when there are new ordinances and asked when the Council passes something to  
21 discuss how the item will be enforced.  
22

23 Tim Irwin expressed appreciation to City Staff for the work being done on the Beacon Hill Park.  
24 He stated that Matt Shipp has done great things.  
25

26 Tom Butler questioned why the grass was brown at the Beacon Hills Park.  
27

28 Matt Shipp explained there was a power surge in the control box that blew a fuse, so the grass  
29 did not have water for 24 hours.  
30

31 Tom Butler questioned about the political sign issue that was discussed at the last meeting. He  
32 believed the Council had addressed the sign ordinance three years ago, and asked why the  
33 ordinance still reads that election signs may only be placed on private property.  
34

35 Nathan Crane explained the ordinance was never officially changed.  
36

37 Tom Butler asked staff to bring the issue back. He was concerned that there were so many items  
38 listed on the consent calendar.  
39

40 Mayor Ritchie explained the items that have been discussed many times and the items that are  
41 self-explanatory were placed on the consent in order to shorten the agenda. He explained the  
42 Council may pull the items if they wish to discuss them further.  
43

# DRAFT

1 Tom Butler questioned where on the budget it lists the rental income allotment for the two  
2 houses the city is currently renting. He stated that several of the Council moved that the city  
3 dispose of those properties before another lease is signed.

4  
5 Aaron Palmer stated he does not know where the rental income is listed. He stated Nathan Crane  
6 is getting an appraisal in the next week or two, so the city may get those properties up for sale.

## 7 8 9 **PRESENTATIONS:**

10  
11 Chief Gwilliam, Chief of Police, went over the police services within the schools. He stated the  
12 police started the NOVA program in the elementary schools and have had a great response. He  
13 also discussed the volunteers in police services which gets members of the community involved.  
14 He stated it is usually retirement aged individuals, and the police gives these volunteers training,  
15 and then they assist with parking enforcement, snow removal, traffic control, and neighborhood  
16 watch. He stated this program helps the police expand their view, and it is currently being put  
17 together. He explained the police have not begun recruiting yet, but hopefully will in the next  
18 couple months.

19  
20 Tim Irwin questioned how long the police have been involved in the NOVA program.

21  
22 Chief Gwilliam stated the city could not afford the program before and explained this is the  
23 police's first calendar year in the schools. He explained there were drug programs at the end of  
24 last year at Lone Peak High School and Timberline Middle School that were fairly well attended,  
25 and he believes those programs had an effect on the use of drugs. He stated the police have  
26 established good relationships with the kids.

27  
28 Tim Irwin questioned how often Chief Gwilliam meets with the Mayor for his direction.

29  
30 Mayor Ritchie explained he does not go over how to do law enforcement with Chief Gwilliam.  
31 He explained the city still has problems in regards to suicides in high schools. He stated he  
32 believes the NOVA program is very successful.

33  
34 Discussion ensued regarding the police services.

35  
36 Brian Braithwaite questioned about talking with Cedar Hills regarding police services. He stated  
37 Cedar Hills has asked for quotes from American Fork, Pleasant Grove, and Lone Peak, and asked  
38 for an update.

39  
40 Chief Gwilliam stated he does not know anything; he gave Cedar Hills a bid back in January, and  
41 has not heard anything else since. He stated Fire Chief Freeman was currently at a work session  
42 in Cedar Hills discussing fire services, because Cedar Hills received a bid from American Fork  
43 and Pleasant Grove for police and fire services.

# DRAFT

1 Brian Braithwaite asked the members on the Public Safety Board and the Mayor to encourage  
2 Cedar Hills to join with Lone Peak Police.

3  
4 Mayor Ritchie explained he has spoken with the Cedar Hills Mayor in regards to joining Lone  
5 Peak Police, but that Cedar Hills is looking at all the options.

6  
7 Discussion ensued regarding Cedar Hills joining the Lone Peak Police.

8  
9 Captain McRae, Lone Peak Fire District, stated that for the most part the fire ban is the same as  
10 last year due to the fire conditions and topographic areas that are difficult to reach in an  
11 emergency. He stated there is a ban on open fires, campfires, and igniting and burning in fire  
12 pits, except in landscaped yards where there is a hose or fire extinguisher nearby. He stated  
13 smoking is prohibited in any city parks, campgrounds, open space, and vacant lots. He went over  
14 the areas that fireworks are prohibited, and stated the Fire Department will be posting signs in  
15 those areas so those citizens are made aware. He stated the Fire Department will have extra staff  
16 on the nights of the 4<sup>th</sup> and the 24<sup>th</sup> to make sure the restrictions are enforced.

17  
18 Mayor Ritchie questioned how the restrictions will be posted.

19  
20 JoD'Ann Bates stated the restrictions will be posted in the newsletter and on the website.

21  
22 Mayor Ritchie explained the restrictions will also be given to the churches and firework vendors.

23  
24 Tom Butler suggested having the restrictions set as a certain amount of feet from the parks.

25  
26 Captain McRae explained it would not be effective. He stated it is easier for the residents to  
27 understand subdivisions and street boundaries.

28  
29 Discussion ensued regarding the areas listed for the fire ban along with the posting of the  
30 restriction notice.

31  
32 Scott Smith questioned how the fire ban is being enforced.

33  
34 Captain McRae stated the Fire Department would refer to the Police Department to have those  
35 residents be cited. He explained the Fire Department will be out patrolling every night the  
36 fireworks are allowed.

37  
38  
39 **CONSENT:**

40  
41 ***MOTION: Approval of a Notice of Firework Restrictions & Open Fire Ban.***  
42 ***Pulled by Tim Irwin for further discussion***

# DRAFT

1 MOTION: Approval of Meeting Minutes for City Council Regular Session – June 4, 2013.

2  
3 *PROCLAMATION: Mandatory Water Restrictions.*

4 ***Pulled by Tim Irwin for further discussion***

5  
6 RESOLUTION: Adopting the FY 2013-2014 Certified Tax Rate.

7  
8 *RESOLUTION: Adopting a Transportation Fee.*

9 ***Pulled by Tim Irwin for further discussion***

10  
11 *MOTION: Final Plat Approval for Beacon Hills Plat C.*

12 ***Pulled by Scott Smith for further discussion***

13  
14 ORDINANCE: Skye Estates Annexation.

15  
16 MOTION: Preliminary Plat Approval for Skye Estates, Active Adult Community.

17  
18 *ORDINANCE: Amendment to Chapter 3.08 Animal Control Regulations of the Highland City*  
19 *Municipal Code.*

20 ***Pulled by Tim Irwin for further discussion***

21  
22 **Consent items were approved by roll call vote.**

23 **Those voting Aye: Brian Braithwaite, Tom Butler, Tim Irwin, Jessie Schoenfeld, Scott**  
24 **Smith (Councilmember Jessie Schoenfeld requested she be abstained on the Meeting**  
25 **Minutes for June 4<sup>th</sup>, 2013 due to absence).**

26  
27 *MOTION: Approval of a Notice of Firework Restrictions & Open Fire Ban.*

28 ***Pulled by Tim Irwin for further discussion***

29  
30 Tim Irwin expressed concern that items are being added to the agenda without time for  
31 discussion.

32  
33 **Jessie Schoenfeld moved the City Council approve the Notice of the Firework Restriction &**  
34 **Open Fire Ban.**

35 **Brian Braithwaite seconded the motion.**

36  
37 **Tom Butler moved to amend the motion to remove the parcels west of Mountain Ridge**  
38 **Junior High from the ban.**

39  
40 Scott Smith asked for clarification.

# DRAFT

1 Tom Butler stated there could be a fire anytime, and explained that during the Highland Fling the  
2 fireworks will be shot off by the school anyway. He stated where there are a lot of trees and dry  
3 brush the ban makes sense, but does not want to overreach.

4  
5 **Scott Smith seconded the amended motion.**

6  
7 Tim Irwin questioned about the Highland Fling.

8  
9 Captain McRae stated every year there are fires in that field, and explained those fires pull the  
10 firefighters away from other areas. He stated the Fire Department came close to banning the  
11 Highland Fling fireworks last year. He explained that the firefighters are there to protect and  
12 serve, and the restrictions are in place because those areas are potential hazards.

13  
14 Brian Braithwaite clarified that the firefighters are on site for the Highland Fling fireworks.

15  
16 Mayor Ritchie called for a vote on the amended motion.

17  
18 **Those voting Aye: Tom Butler, Tim Irwin, Scott Smith**  
19 **Those voting Nye: Jessie Schoenfeld, Brian Braithwaite**  
20 **Motion carried.**

21  
22 **Vote on the Original Motion**

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

26  
27 *PROCLAMATION: Mandatory Water Restrictions.*  
28 *Pulled by Tim Irwin for further discussion*

29  
30 Tim Irwin stated the voluntary restrictions have not worked, and questioned how the city plans to  
31 educate the citizens. He stated he believes if the citizens were aware of the seriousness of the  
32 water shortages, the city would not have to move to mandatory restrictions.

33  
34 Matt Shipp explained it will be posted on the website and the newsletter. He stated staff has  
35 discussed posting the notice on door hangers and giving the information to the Public  
36 Information Office for the LDS stakes. He stated the staff has not moved forward because the  
37 proclamation has been put out yet.

38  
39 Tim Irwin stated it would have made a difference to educate the citizens like this earlier on. He  
40 explained the enforcement will be difficult.

# DRAFT

1 Mayor Ritchie explained the city did not know there would be a 70% restriction until a couple of  
2 weeks ago. He stated the longer the city waits, the more water will be wasted, and that the  
3 volunteer restrictions have never worked.

4  
5 Discussion ensued regarding the restriction.

6  
7 Scott Smith questioned about the status of the culinary water and if the city needs to make  
8 restrictions for that water as well.

9  
10 Matt Shipp explained the city has the resources for the culinary water and will not be restricting  
11 the culinary water. He explained the proclamation will be part of the education, and that the city  
12 is giving citizens time to get ready for the restriction. He explained the first offence is another  
13 educational component. He stated the restriction needs to be treated like a speeding law; it needs  
14 to have some penalties behind it.

15  
16 Scott Smith stated the city needs to clarify to residents about the culinary water and splash pad.

17  
18 Tim Irwin stated there needs to be a process for citizens to be able to apply for an exception if  
19 those residents have pastures or other areas that need to be watered more often.

20  
21 **Brian Braithwaite moved the City Council approve the Mayoral Proclamation No. 2013-01**  
22 **with the addition of the words *the City* on IV c. (Limits on Watering Days), after the word**  
23 **for and before the word churches.**

24  
25 **Jessie Schoenfeld seconded the motion.**

26  
27 Tom Butler questioned what the city's sources of water are.

28  
29 Matt Shipp explained the city has three sources of water, which are the canyon including the  
30 irrigation ditches, the stored water from Deer Creek which is Provo Late, Provo Full, and the  
31 Highland Conservation, and then ground water dedicated to irrigation.

32  
33 Tom Butler clarified that the reduction is 35% of the total.

34  
35 Discussion ensued regarding the water reduction and water restrictions.

36  
37 Tom Butler questioned if Sundays are supposed to be the days to recharge the system, why are  
38 churches, schools, and the city exempt.

39  
40 Matt Shipp explained they are larger users, but churches, schools, and the city are not going to  
41 use as much water as all the other homes. He explained these properties will still only be allowed  
42 to water three days, but Sunday would be able to be one of those days.

# DRAFT

1 Scott Smith questioned how a proclamation differs from an ordinance.

2

3 Tim Merrill explained the proclamation is equivalent to an ordinance, because the ordinance  
4 authorizes the mayor to make the proclamation. He suggested they include in the proclamation  
5 that it is only for this year.

6

7 Tom Butler questioned regarding the proposed enforcement.

8

9 Matt Shipp explained the staff receives calls from residents stating their neighbors are not  
10 following the restrictions. Staff is proposing having two employees going from 6pm-12am, and  
11 12am-6pm looking for those not complying, and then the code enforcement would go out and  
12 issue citations. He stated the staff is out in the city all day long.

13

14 Tom Butler questioned what the cost would be to appeal.

15

16 Matt Shipp explained there is no cost to appeal. He stated the fines are there to get people to  
17 comply with the restrictions, but the city is not trying to make money on the restrictions.

18

19 Tom Butler clarified that it reads there is a cost to appeal in the proclamation, and asked for that  
20 to be taken out if there is no such fee. He stated he did not see any water restrictions for Utah and  
21 Salt Lake Counties. He questioned if the open space, parks and the cemetery are going to follow  
22 the three day restriction as well.

23

24 Matt Shipp explained that Alpine, Lehi, Pleasant Grove, and Lindon are all following mandatory  
25 water restrictions. He explained the parks, open space, and the cemetery are being watered three  
26 days a week, and explained the parks are zoned, so it may look like the parks are being watered  
27 every day, but it is the different zones that are being watered on the three day rotation.

28

29 Tom Butler stated the proclamation asks residents to water from 6pm to 10am, but questioned  
30 about the wind in Highland at night.

31

32 Matt Shipp stated the watering time is left open, because of the wind and the water pressure of  
33 the system. He explained watering from 6pm to 10am is just a suggestion, the only thing that is  
34 mandatory is the watering days.

35

36 Mayor Ritchie stated on IX a. will delete the fee stated after Highland City, and on the title will  
37 write after regulations the words *for the irrigation season of 2013*.

38

39 Scott Smith asked to remove the word *potable* in the first section.

40

41 **Brian Braithwaite stated he was okay with those changes to the motion.**

42 **Jessie Schoenfeld seconded those changes.**

43

# DRAFT

1 **Those voting Aye: Jessie Schoenfeld, Scott Smith, Brian Braithwaite**  
2 **Those voting Nye: Tom Butler, Tim Irwin**  
3 **Motion carried.**

4  
5 Mayor Ritchie called for a ten minute break at 8:38pm

6  
7 *RESOLUTION: Adopting a Transportation Fee.*  
8 *Pulled by Tim Irwin for further discussion*

9  
10 Tim Irwin stated he pulled the transportation fee so the Council may do a roll call vote on the  
11 resolution. He stated he believes the roads need to be fixed, but does not believe the city has cut  
12 enough areas out of the budget.

13  
14 Scott Smith explained there are urgent road maintenance needs throughout the city and the city  
15 needs to find a way to fund them or just not do any maintenance. He stated the city could cut  
16 areas like the library and employee benefits, but he does not believe that is fair. He stated the  
17 roads are only going to continue to get worse.

18  
19 Discussion ensued regarding the funds for the roads.

20  
21 **Brian Braithwaite moved the City Council approve and adopt the Transportation Road**  
22 **Fee of \$15.42 per month, per equivalent residential unit.**  
23 **Jessie Schoenfeld seconded the motion.**

24  
25 **Those voting Aye: Scott Smith, Brian Braithwaite, Jessie Schoenfeld**  
26 **Those voting Nye: Tom Butler, Tim Irwin**  
27 **Motion carried.**

28  
29 *MOTION: Final Plat Approval for Beacon Hills Plat C.*  
30 *Pulled by Scott Smith for further discussion*

31  
32 Scott Smith stated he does not agree with the city approving more open space that is orphaned  
33 property, and therefore, harder to maintain. He stated doing so is counterproductive, and he  
34 believes it is better to incorporate that property into bigger lots, even if the city is making an  
35 exception.

36  
37 Nathan Crane explained when the plat was submitted; staff requested that the developer  
38 incorporate the land into larger lots. The Council stated they were uninterested in incorporating  
39 the land unless the city received some form of compensation. He explained the developer  
40 became upset and was no longer interested in incorporating the property and was no longer  
41 willing to spend money on the drainage. He stated the developer wants approval based on their  
42 existing entitlements.

# DRAFT

1 Discussion ensued regarding that open space.

2

3 Nathan Crane explained that the city approved the Development Agreement and the Preliminary  
4 Plat for Beacon Hills.

5

6 Scott Smith questioned if those agreements were infinite.

7 Nathan Crane replied that essentially the Development Agreement is, and because a lot of the  
8 preliminary plat for Beacon Hills were done at the same time, and some of the phases have  
9 already been recorded, so the preliminary plat is vested. He stated this plat is not recorded, but  
10 that at the time of the development approval, the city agreed that they wanted this open space,  
11 and that is what the developer agreed to provide. He explained the Final Plat has expired, and  
12 that is why the plat is coming back to the Council.

13

14 Scott Smith expressed concern that the Council does not have any say in the final plat at this  
15 point.

16

17 Tim Irwin questioned if the city will be able to sell the land to the homeowners.

18

19 Nathan Crane explained the land is now a detention basin, so the city cannot sell the land to the  
20 homeowners, because there is liability with storing offsite water on someone's lot. He stated the  
21 developer was willing to do a storm drain in the street.

22

23 Scott Smith suggested not passing the final plat.

24

25 Nathan Crane explained the Council does not have to approve it, but there will be consequences.

26

27 Brian Braithwaite explained the developer would sue the city, because the developer has an  
28 agreement.

29

30 Tim Merrill, City Attorney explained the developer will argue that they have made substantial  
31 steps on the preliminary plat, and that they have the development agreement and zoning rights.  
32 He recommended approval from Council for the final plat.

33

34 Discussion continued regarding incorporating the land.

35

36 Mayor Ritchie asked Nathan Crane to go back to the developer and offer the bigger lots.

37

38 Nathan Crane explained staff has in writing that the developer is not willing to incorporate the  
39 land. He stated he can go ask the developer, but he would not recommend the Council delay the  
40 final plat any longer.

41

42 Tom Butler questioned if the Council may approve the plat subject to the developer  
43 incorporating the land into bigger lots and doing the drainage in the streets.

# DRAFT

1 Tim Merrill explained the Council may do that, but approving the plat with amendments would  
2 be the same as denying the plat as presented.

3  
4 Scott Smith suggested the city wait to approve the plat and make sure the plats done right.

5  
6 Nathan Crane suggested having the Council request the developer make the incorporation, but  
7 not demand that the incorporation is done.

8  
9 Discussion continued regarding the open space.

10  
11 **Scott Smith moved the City Council approve the Final Plat of Beacon Hills Plat C, which is**  
12 **a seventeen lot residential subdivision, with the following stipulation: that lots 301-304 are**  
13 **extended to cover the open space area residing behind the lots in consistence with was**  
14 **presented to the Council on June 4<sup>th</sup>, 2013.**

15  
16 **Tom Butler seconded the motion.**

17 **Those voting Aye: Brian Braithwaite, Tom Butler, Tim Irwin, Jessie Schoenfeld, Scott**  
18 **Smith**

19 **Unanimous vote, motion carried.**

20  
21 Mayor Ritchie offered to meet with the developer to discuss the issue.

22  
23 *ORDINANCE: Amendment to Chapter 3.08 Animal Control Regulations of the Highland City*  
24 *Municipal Code.*

25 ***Pulled by Tim Irwin for further discussion***

26  
27 Tim Irwin stated he believes passing this amendment will have unforeseeable consequences. He  
28 stated the DWR wants the Council to pass this ordinance, but this amendment will not be  
29 something the city will be able to communicate or enforce. He stated he does not believe citizens  
30 are feeding the deer anyway.

31  
32 Tom Butler stated he believes the amendment is too broad, and suggested limiting it to the listed  
33 animals. He expressed concern that if residents accidentally feed the deer, whether with a bird  
34 feeder or food for their livestock, they could get into trouble with the law. He also suggested  
35 changing the word *authority* to the word *duty*, and believes the amendment is broad and loosely  
36 worded. He suggested putting as the exception anyone who is feeding their own domesticated  
37 animal in the scope of their normal duties.

38  
39 Scott Smith stated he agrees with Tim Irwin and Tom Butler. He asked for the reason for the  
40 amendment.

41  
42 Mayor Ritchie explained the amendment is required for the Urban Deer Program. He stated the  
43 DWR does not want residents to kill wild animals while other residents are baiting and bringing

# DRAFT

1 the animals in. He explained if the ordinance is not passed, Highland City will not be able to  
2 participate in the program.

3  
4 Brian Braithwaite stated he believes the ordinance is great. He stated it is about the intent of the  
5 feeding and asked the Council to not read too much into the amendment.

6  
7 Discussion ensued regarding the Animal Control Ordinance.

8  
9 **Scott Smith moved the City Council adopt the Amendment to Chapter 6.08 Animal Control**  
10 **Regulations prohibiting the feeding of wild animals, with the following wordsmithing, *it is***  
11 ***unlawful to bait wild animals*, in Section 6.08.112 Feeding of Wild Animals.**

12  
13 **Brian Braithwaite seconded the motion.**

14 **Those voting Aye: Jessie Schoenfeld, Scott Smith, Brian Braithwaite, Tom Butler**

15 **Those voting Nye: Tim Irwin**

16  
17 **Tom Butler moved to amend the motion to remove the words *but not limited to* from the**  
18 **Ordinance.**

19  
20 **Tim Irwin seconded the amended motion.**

21 **Those voting Aye: Tom Butler, Tim Irwin, Jessie Schoenfeld, Scott Smith, Brian**  
22 **Braithwaite**

23 **Motion carried.**

24  
25  
26 **SCHEDULED ITEMS:**

27  
28 **RESOLUTION – Enacting and Administrating the Highland City Annual Budget for FY 2013-**  
29 **2014.**

30  
31 Aaron Palmer explained this is a final budget; the only difference is the certified tax rate,  
32 decreased by 30,000, just increased sales tax and building permits.

33  
34 Brian Braithwaite explained we need to be conservative with the revenue, need to have more  
35 money put into that budget.

36  
37 Discussion ensued regarding the budget.

38  
39 **Jessie Schoenfeld moved the City Council approve a Resolution Enacting and**  
40 **Administrating the Highland City Annual Budget for FY 2013-2014.**

41  
42 **Scott Smith seconded the motion.**

43 **Those voting Aye: Jessie Schoenfeld, Scott Smith, Brian Braithwaite.**

# DRAFT

1 **Those voting Nye: Tom Butler and Tim Irwin.**

2 **Motion carried.**

3

4 Discussion ensued regarding the budget.

5

6 Tim Irwin explained he would support a road fee if they had a better budget. He would cut  
7 employee raises, the employee's benefits, the general plan and the beauty pageants.

8 Jessie Schoenfeld explained sometimes bare bones is unhealthy.

9

10

11 COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF

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

13

14 There were no Communication Items at this time.

15

16

17 ADJOURN TO A CLOSED EXECUTIVE SESSION

18

19 Mayor Ritchie indicated there was no need for an executive session at this time.

20

21

22 ADJOURNMENT

23

24 **MOTION: Tim Irwin moved to adjourn.**

25

26 **Scott Smith seconded the motion.**

27 **Unanimous vote, motion carried.**

28

29

30 Meeting adjourned at 10:11 p.m.

31

32

33

34

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JoD'Ann Bates, City Recorder

35

36 Date Approved: July 16, 2013

<b>HIGHLAND CITY</b> <b>CITY COUNCIL MEETING</b> <b>MAY 21, 2013</b>			
<b>REQUEST:</b>	<b>RESOLUTION:</b> Appointing Poll Workers for the 2013 Primary and General Municipal Election in Highland City		
<b>APPLICANT:</b>	Highland City		
<b>FISCAL IMPACT:</b>	\$100/day per poll worker; \$50/day per counting worker; \$15 per poll/counting worker to attend training (scheduled for July 18); early voting poll workers will be paid between \$8 to \$10 per hour. Election budget will cover expenses.		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONE</b>	<b>ACREAGE</b>	<b>LOCATION</b>
N/A	N/A	N/A	Citywide

**BACKGROUND:**

Pursuant to Utah State Code, the City Council is required to appoint poll workers with alternates for each municipal polling location. This must be done at least 15 days prior to the Election to be held August 13, 2013 and November 5, 2013.

Attached is a list of recommended people to serve as poll workers for the 2013 Municipal Primary and General Election. Highland residents have been given priority to serve over those from other cities. The Records Office will use three regular poll workers and three counting workers at each precinct of the four (combined) precincts. The counting workers will arrive at City Hall at 4:30 pm on the day of the elections and begin counting ballots to help expedite the process.

The Primary Election will be held on August 13, 2013. Early voting begins July 30, 2013 at City Hall and runs through August 9, 2012. The General Election will be held on November 5, 2013. Early voting begins October 22, 2013 at City Hall and runs through November 1, 2013 with the following schedule:

**EARLY VOTING SCHEDULE: Primary Election August 13, 2013**

Highland City Hall 5400 W. Civic Center Dr. MultiPurpose Room	Tues, July 30 through Fri., Aug 2	8:00 a.m .to 12:00 p.m.
	Tues, Aug 6 through Thurs, Aug 8	3:00 p.m .to 7:00 p.m.
	Friday, August 9	12:00 p.m. to 5:00 p.m.

**EARLY VOTING SCHEDULE: General Election November 5, 2013**

Highland City Hall 5400 W. Civic Center Dr. MultiPurpose Room	Tues, Oct 25 through Thurs, Oct 27	8:00 a.m .to 12:00 p.m.
	Friday, October 28	3:00 p.m. to 7:00 p.m
	Friday, November 4	12:00 p.m. to 5:00 p.m.

Poll workers for early voting will be selected from the attached list based on availability.

**ATTACHMENTS:**

- Proposed Resolution
- List of Poll Workers

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

**A RESOLUTION OF HIGHLAND CITY, UTAH  
APPROVING ELECTION AND COUNTING POLL WORKERS  
FOR THE 2011 MUNICIPAL ELECTION**

**WHEREAS**, the Highland City Council met in regular session on July 16, 2013, to consider, among other things, appointing Poll Workers for the 2013 Municipal Elections; and

**WHEREAS**, pursuant to UCA § 20A-5-602, the governing body shall appoint three poll workers and an alternate for each municipal polling place, and may appoint three poll workers to tally hand counted paper ballots during the day.

**NOW THEREFORE BE IT RESOLVED** by the City Council that the attached list of poll workers are hereby appointed for the 2013 Municipal Elections.

**ADOPTED** by the City Council of Highland City, Utah, this 16th day of July 16, 2013.

HIGHLAND CITY, UTAH

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Lynn V. Ritchie, Mayor

ATTEST:

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JoD' Ann Bates, City Recorder

**Poll/Counting Workers for the 2013 Highland City Municipal Elections:**

Suzanne Holgreen  
Larilee Hansen  
Debra Maughn  
Janeen Flukiger  
Sherry Gillespie  
Roger Tracy  
Laurie Vawdrey  
Mindy Vawdrey  
Kellie Sabin

Mary Ellingson  
Mark Ellingson  
Mary Volk  
Winifred Jensen  
Shirlee Webb  
Vicki Forsyth  
Fay Butterfield  
Dennis Butterfield  
Rita Millar

<p style="text-align: center;"><b>HIGHLAND CITY</b>  <b>CITY COUNCIL MEETING</b>  <b>JULY 16, 2013</b></p>			
<b>REQUEST:</b>	<b>MOTION:</b> Authorize the City Administrator to file for a Certificate of Registration (COR) with the Department of Wildlife Resources (DWR).		
<b>APPLICANT:</b>	Highland City		
<b>FISCAL IMPACT:</b>	N/A		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONE</b>	<b>ACREAGE</b>	<b>LOCATION</b>
N/A	N/A	N/A	Citywide

**BACKGROUND:**

The City Council has discussed at length the problems Highland City has been experiencing associated with urban deer. Mayor and City Staff have been working with the Department of Wildlife Resources (DWR) to create and implement an Urban Deer Control Program.

Pursuant to Wildlife Resource Code “Authorization to Create and Administer an Urban Deer Control Plan” R657-65-3(1)

*A municipality with a resident mule deer population that is significantly damaging private property or threatening public safety within its boundaries may request the Division for a Certificate of Registration (COR) to design, create and administer an urban deer control plan.*

The City has developed a draft Urban Deer Control Program and would like to proceed by requesting a “COR” from the “DWR”. In order to comply with “DWR” regulations the City will be holding a public open house on July 30, 2013 from 5:00 – 7:30 pm at City Hall and present a final Urban Deer Control Plan to the City Council on August 6, 2013.

**PROPOSED MOTION:**

City Council Authorize the City Administrator to file for a Certificate of Registration (COR) with the Department of Wildlife Resources (DWR).

**ATTACHMENTS:**

- Highland City Urban Deer Control Program

# HIGHLAND CITY URBAN DEER CONTROL PLAN

## Introduction

Human encroachment into natural environments traditionally reserved for wildlife continues to create human-wildlife problems with little end in sight. Urban sprawl, housing developments and new roads and highways destroy more and more acres of animal habitat each year. Wild area losses are alarming. Utah is not immune from this problem.

The adaptability of mule deer to human encroachment is surprising to many residents of new subdivisions. Deer not only accept their new human neighbors but have flourished in an environment never before believed possible. Deer feeding in backyards, flower gardens, parks, and playgrounds and along suburban byways are now a fairly common occurrence. Any little thicket or woodlot can hold mule deer year-round.

Many new suburbanites don't know how to address the backyard deer situation. They see deer, at first, as beautiful animals indicative of the wild and natural state of the region in which we live. They are correct in this assessment. But, as the number of deer increases the problems they cause increase, as well. Deer often consume expensive ornamental plants, vegetable gardens, flowers and shrubs. Small trees are killed by antler rubs made by bucks. Deer/vehicle accidents cause thousands of dollars of damage and raise the potential for serious injury to drivers and passengers. It doesn't take long for suburbanites to identify deer as "a problem."

Left to breed and populate an urban area, mule deer can quickly become a problem as many municipalities in America have found out the hard way. Since the discharge of firearms and other projectile-firing devices has been banned within most suburban communities for safety reasons, deer populations will grow, unchecked. One breeding pair of deer could lead to 40 deer in seven years!

Many forward-looking city councils have come to accept the use of trained veteran bowhunters to maintain deer herds. Bowhunting has an impeccable record of safety, is an efficient and proven method of killing big game and is quiet and unobtrusive – the perfect solution to urban deer problems.

Highland City has asked a group of certified bowhunters to remove certain problem deer from within the Highland City limits. The goal of this program is to safely, quietly and efficiently remove these deer. In doing so, all bowhunters must comply with DWR's rule for urban deer control and the Highland City COR.

## Purpose of Plan

Human encroachment into traditional wildlife habitat by urban sprawl and housing subdivisions has created problems mule deer within Highland City. Couple that with the ability of deer to adapt to their new neighbors and to multiply unchecked and really big problems like health concerns, property damage, ecological damage, and deer/vehicle accidents occur. Highland City has determined that new management controls are needed.

History has shown that the bowhunting option for removal of urban deer is more effective than trapping and relocating deer, birth control of deer, special fencing, deer repellents, firearms hunting and using sharpshooters. These other methods have been found to be impractical, prohibitively expensive, unpopular and limited in application. Properly implemented bowhunting is the key to success.

Bowhunting is a safe and efficient method of managing the growing numbers of urban deer. The long-term survival of this program, however, depends upon each urban bowhunting specialist acting responsibly. Each hunter must play by the rules and always maintain the highest level of conduct while hunting. He/she must show respect for private landowners and their property. Hunters must maintain impeccable landowner relations if the program is to work.

### **Goals**

- >Improve safety on major roads and highways
- >Significantly reduce deer numbers within city limits
- >Promote safe and cost effective deer removal, as a public service to the local community
- >Reduce property damage caused by urban deer

### **Certification of Urban Bowhunting Specialists**

Because this is a pilot program, participation in the program will be limited. Highland City has asked Brian Cook from Humphries Archery in American Fork, Utah, to serve as the Program Coordinator. As Program Coordinator, Mr. Cook will select a small group of experienced bowhunters to participate in the program. Prior to being certified as an “urban bowhunting specialist,” each hunter selected by Mr. Cook must demonstrate that they understand the applicable rules and pass a shooting proficiency test. Once that is completed, the Program Coordinator will certify the hunter as an urban bowhunting specialist.

### **Coupon and Tagging Process**

- As recommended by DNR and Highland City

### **Hunter Identification Process**

- Cards will be issued by Highland City, to all certified individuals

### **Hunting Locations and Time Periods**

- Identified by Highland City – See Attached Map

### **Rules for Urban Bowhunting**

Each urban bowhunting specialist that is selected and qualified to participate in this program must:

1. Always put your best foot forward in appearance and conduct, and always be considerate of others.
2. Never drink alcohol or use drugs before or while hunting.
3. Only hunt in areas pre-approved by the Program Coordinator and Highland City.
4. Make sure no other bowhunter is already scheduled to hunt the area you are planning to hunt.
5. Respect landowners and their land. Obtain prior-written approval to hunt on private land. Assume that landowners are concerned about the deer, your bow and arrows being safe, parking problems, neighborhood relations.
6. Know state, county and city hunting regulations and abide by them. Be familiar with the requirements and obligations of the Highland Urban Deer Control Plan.
7. Before hunting, know where you can take a safe shot and where you may not.
8. Be certified as an urban bowhunting specialist and have a valid urban deer license issued by Highland City.
9. Only hunt out of an elevated stand. Always wear a certified safety harness. Only high downward angling shots are allowed for maximum effectiveness and safety, and guaranteed arrow recovery.
10. Install your stand to provide shots that will be 40 yards distance or less.
11. In order to achieve close shots, baiting is permitted.
12. Take only responsible shots at deer that are relaxed and not on alert. Don't shoot unless you're certain that your arrow will strike the vitals and produce a quick and ethical kill.
13. Razor sharp broad heads are mandatory.
14. Only hunt with arrows that have a unique fletching and crest pattern that have been pre-approved by the Program Coordinator.
15. Retrieve all arrows and arrow parts shot at deer.
16. Once the deer is struck, do not trail it until you're sure it's down for good. It is your responsibility to ensure that no animal will travel very far after being hit.
17. Do not trespass on neighboring land to retrieve a deer without permission. Contact the Program Coordinator prior to seeking permission to initiate "retrieval trespass only". The local conservation officer and/or police may be of assistance when retrieval trespass cannot be obtained.
18. Deer hit or killed but not retrieved must be reported to the Program Coordinator and Highland City.
19. Properly tag the deer immediately upon recovery. Promptly notify the Program Coordinator and Highland City of all kills using Form \_\_\_\_\_.
20. Avoid confrontations with neighbors and others.
21. Keep a low profile. You will be under the microscope, so be as inconspicuous as possible. When walking to and from your hunting area, try to minimize the appearance that you are hunting.
22. All evidence of the deer must be removed from the property. Field dress the deer at another permissible site.
23. Be discreet when removing a deer from the property. You may wish to cover the deer with a plastic tarp while it's being removed. Most people don't like seeing a dead animal so keep it out of sight as much as possible. You may wish to use an alternate, less conspicuous, route when removing a deer. Think about removal before your hunt.

24. Stay on your assigned property during the hunt and when accessing the hunting area. Do not take shortcuts across ground where you don't have permission to trespass.
25. Use a flashlight while walking to and from your stand/area in low light to distinguish yourself from intruders. The casting of a light across the landscape to detect deer is illegal.
26. Don't invite friends to hunt with you. Certification is for you and you only.
27. Avoid confrontations, no matter the circumstances. Utah has a hunter harassment law that protects you while engaged in legal hunting pursuits but it is best not to argue with an antagonist. You may wish to report harassment to local authorities if confrontations continue.
28. Shoot only does. The object of the program is to help control deer numbers inside the Highland City limits. Bowhunters can only accomplish this goal by shooting does. If a buck is harvested, the antlers must be surrendered to the DWR.
29. The hunter is allowed to keep the animal if desired. Donations of venison are also encouraged. If the hunter does not desire to keep or donate the animal, then the hunter will take the animal to a game processor.

Bowhunters who are selected and qualified to participate in this program play a vital role in solving the problem of managing the ever-growing urban deer population. They must, however, maintain safe, ethical hunting practices and be fully responsible for their actions if they're to be recognized as the best option for controlling urban deer. Mistakes and/or irresponsible behavior could jeopardize the program.

<b>HIGHLAND CITY CITY COUNCIL MEETING JULY 16, 2013</b>			
<b>REQUEST:</b>	<b>MOTION:</b> Authorization by the City Council to approve the placement of political signs on public property for the 2013 election.		
<b>APPLICANT:</b>	Highland City Council		
<b>FISCAL IMPACT:</b>	N/A		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONE</b>	<b>ACREAGE</b>	<b>LOCATION</b>
N/A	N/A	N/A	Citywide

**DISCUSSION:**

On June 18, 2013, the City Council requested that the Development Code be amended to allow political signs on public property. However, the current regulations allow the City Council to authorize political signs to be placed on public property. As a result, an amendment to the Development Code is not needed.

Cities prohibit political signs on public property for the following reasons:

- Political signs on public property imply that the City supports a certain candidate or position.
- If a city allows political signs on public property, it must allow political signs on public property regardless of candidate or issue.
- Political signs on public property create issues for city crews maintaining the property.
- Often times its city crews that have to remove the signs from public property after the election.

For your information, Alpine, American Fork, Cedar Hills, Lehi, Lindon, and Orem do not allow election signs on public property.

**RECOMMENDATION AND PROPOSED MOTION:**

The City Council should consider whether or not to allow political signs on public property for the 2013 election.

I move that the City Council allow political signs on public property for the November 2013 election.

<p style="text-align: center;"><b>HIGHLAND CITY CITY COUNCIL MEETING JULY 16, 2013</b></p>			
<b>REQUEST:</b>	<b>RESOLUTION:</b> Establishment of 401K Contribution for New Employees		
<b>APPLICANT:</b>	N/A		
<b>FISCAL IMPACT:</b>	N/A		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONE</b>	<b>ACREAGE</b>	<b>LOCATION</b>
N/A	N/A	N/A	Citywide

**BACKGROUND:**

During the budgets discussions for the Fiscal Year 2013-2014 budget, the City Council decided to change 401K contributions for new employees. It was agreed upon that all regular, full-time employees hired after July 1, 2013, who are eligible for benefits, would receive a contribution of 2.2% of the employee’s salary into a City sponsored 401K plan. The City would also match the employee’s contribution to a City sponsored 401K plan percent for percent up to 4.0%.

It was also agreed that all current regular, full-time employees (all regular, full-time employees hired before July 1, 2013) would be grandfathered and keep current 401K contribution levels. Those being, current employees would continue to receive a contribution of 6.2% into a City sponsored 401k plan. The City would also match the employee’s contribution to a City sponsored 401K plan percent for percent up to 4.0%.

**PROPOSED MOTION:**

City Council Adopt a Resolution Establishing 401K Benefit Levels for Regular Full-Time Employees

**ATTACHMENTS:**

- Proposed Resolution

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

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HIGHLAND  
ADOPTING 401K BENEFIT LEVELS FOR REGULAR, FULL-TIME EMPLOYEES**

**WHEREAS**, the City Council of Highland City has adopted a final budget for Fiscal Year 2013-2014;

**WHEREAS**, during the budget process, the City Council decided to change the benefit level for all new employees hired after July 1, 2013;

**NOW, THEREFORE**, be it resolved by the governing body of the City of Highland as follows:

All regular, full-time employees hired after July 1, 2013 will receive the following benefit as part of their benefit package:

1. The City will deposit two and two-tenth percent (2.2%) of the employee's salary into a City sponsored 401K plan.
2. The City will match the employee's contribution to a City sponsored 401K plan percent for percent to a maximum of four percent (4.0%).

All regular, full-time employees hired before July 1, 2013 will receive the following benefit as part of their benefit package:

1. The City will deposit six and two-tenth percent (6.2%) of the employee's salary into a City sponsored 401K plan.
2. The City will match the employee's contribution to a City sponsored 401K plan percent for percent to a maximum of four percent (4.0%).

**PASSED** this 16<sup>th</sup> day of July, 2013.

Mayor Lynn V. Ritchie, Highland City

ATTEST:

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JoD' Ann Bates, City Recorder

COUNCILMEMBER	YES	NO
Tom Butler	<input type="checkbox"/>	<input type="checkbox"/>
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Scott Smith	<input type="checkbox"/>	<input type="checkbox"/>

<b>HIGHLAND CITY CITY COUNCIL MEETING JULY 16, 2013</b>			
<b>REQUEST:</b>	<b>PUBLIC HEARING AND RESOLUTION:</b> Designation of Open Space Property for Disposal in the Apple Blossom Subdivision		
<b>APPLICANT:</b>	David and Amber Clegg		
<b>FISCAL IMPACT:</b>	N/A		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	LOCATION Southwest Corner of 9860 North and SR 74

**DISCUSSION:**

The Apple Blossom Subdivision was recorded on November 21, 2000 and has 16 lots. The City received the property from the developer in 2008. As a result the property is available for purchase in 2023. However, the lease purchase option can be used.

David and Amber Clegg are requesting the disposal of approximately 0.06 acres (2,613 square feet) of open space property within the Apple Blossom Subdivision. This acquisition will allow the Clegg’s to subdivide their property with the new lot having access onto 9680 North. Acquisition of this property will also require relocation of the existing trail. Staff believes the Clegg’s should be responsible for the costs of relocating the trail.

**CITIZEN PARTICIPATION:**

Notice of the City Council public hearing was published in the Daily Herald on June 30, 2013. The property was posted on July 3, 2013. Notice was sent to all property owners on July 3, 2013. One of the lots is owned by an LLC. The LLC has been sent notice via certified mail of the proposal on July 3, 2013. No comments have been received.

**COUNCIL ACTION:**

A petition has been submitted showing support from 15 of the 16 property owners (excluding LLC’s) has been submitted, which represents 93% of the property owners in the subdivision. The petition exceeds the minimum requirement of 70%.

The Council will need to adopt a resolution designating the property for disposal. If the resolution is adopted it should be subject to the relocation of the trail at the applicants expense. If approved, the next step is to follow the procedures in Chapter 2.44 Disposal of Public Property.

**ATTACHMENTS:**

- Proposed Resolution
- Application

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

**A RESOLUTION OF HIGHLAND CITY, UTAH  
DESIGNATING OPEN SPACE PROPERTY FOR DISPOSAL PROPERTY IN THE APPLE  
BLOSSOM SUBDIVISION**

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

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

This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of Highland City, Utah, this 16th day of July 2013.

HIGHLAND CITY, UTAH

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Lynn V. Ritchie, Mayor

ATTEST:

---

JoD’ Ann Bates, City Recorder

COUNCILMEMBER	YES	NO
Tom Butler	<input type="checkbox"/>	<input type="checkbox"/>
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Scott Smith	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

CURVE TABLE

STA.	RADIUS	DELTA	ARC LENGTH	BEARING	CHORD DISTANCE
C1	15.00'	90°00'00"	23.56'	N 19°04'00" W	21.21'
C2	128.00'	25°10'48"	58.48'	N 12°58'48" E	57.97'
C3	103.00'	41°45'33"	75.87'	N 21°07'27" W	73.42'
C4	15.00'	48°34'58"	12.72'	N 17°42'44" W	12.34'
C5	50.00'	05°52'23"	5.14'	N 03°30'01" E	5.14'
C6	50.00'	59°45'28"	52.78'	N 13°51'46" W	42.66'
C7	50.00'	60°29'01"	44.29'	N 27°44'48" W	42.66'
C8	50.00'	74°12'27"	52.78'	N 03°30'01" E	52.78'
C9	15.00'	48°34'57"	12.72'	S 65°17'42" E	12.34'
C10	50.00'	41°45'33"	34.26'	S 21°07'27" E	33.50'
C11	47.00'	41°45'33"	34.26'	S 21°07'27" E	33.50'
C12	72.00'	25°51'08"	32.49'	S 12°40'54" W	32.21'
C13	15.00'	92°47'47"	24.29'	S 72°00'22" W	21.72'
C14	363.00'	23°53'41"	151.39'	N 49°38'54" W	150.29'
C15	15.00'	95°07'00"	25.16'	S 05°45'34" E	22.32'
C16	147.00'	37°27'48"	96.11'	N 27°27'05" E	94.41'
C17	50.00'	48°34'58"	12.72'	N 15°34'13" W	12.34'
C18	50.00'	73°42'47"	64.33'	N 03°00'28" W	59.90'
C19	50.00'	45°23'32"	39.61'	N 56°32'38" E	38.50'
C20	50.00'	45°14'03"	40.35'	S 60°23'30" E	38.26'
C21	50.00'	52°02'45"	45.42'	S 11°41'45" E	43.87'
C22	50.00'	42°53'15"	37.11'	S 36°32'25" W	36.26'
C23	15.00'	48°34'58"	12.72'	S 33°00'44" W	12.34'
C24	283.00'	18°11'12"	36.89'	S 22°11'28" W	35.84'
C25	283.00'	19°07'11"	67.74'	S 36°50'30" W	67.43'
C26	15.00'	98°59'29"	25.92'	S 03°05'29" E	22.81'
C27	253.00'	27°40'11"	127.01'	S 65°25'28" E	125.70'
C28	100.00'	26°10'40"	45.69'	S 12°50'40" W	45.29'
C29	75.00'	41°45'33"	54.66'	S 21°07'26" E	53.46'
C30	400.00'	26°21'55"	184.07'	S 50°53'02" E	182.45'
C31	300.00'	37°38'49"	197.12'	S 61°26'01" E	195.59'
C32	175.00'	38°40'09"	118.11'	N 28°43'19" E	115.88'
C33	203.00'	08°22'37"	29.68'	S 12°54'33" W	29.65'
C34	300.00'	04°54'32"	25.70'	S 40°09'20" E	25.70'
C35	331.00'	42°55'11"	250.30'	S 58°56'49" E	244.97'
C36	437.00'	27°17'56"	201.07'	N 50°53'02" W	199.32'

STATE PLANE COORDINATES

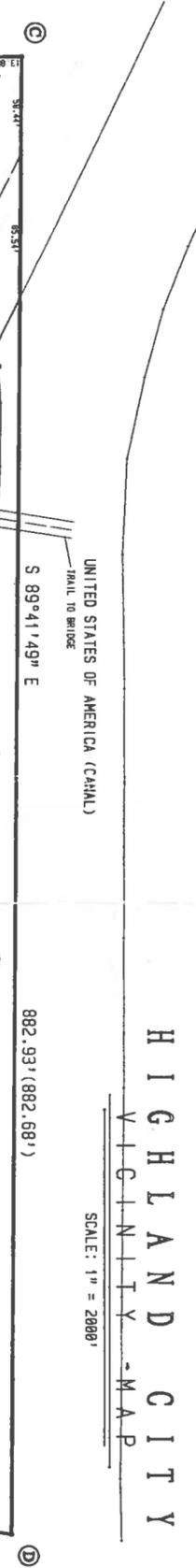
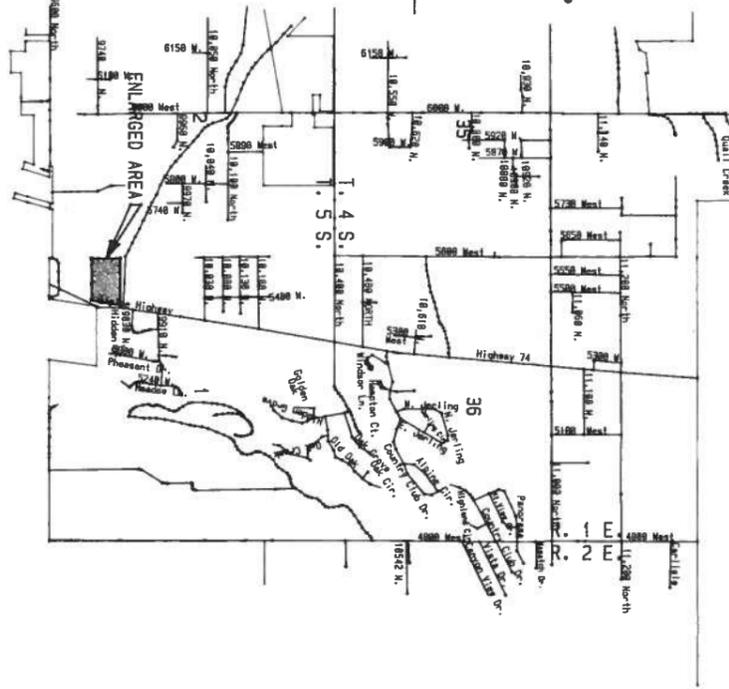
POINT #	NORTHING	EASTING
A	755,196,7200	1,918,821,8280
B	755,975,4865	1,918,816,3769
C	756,516,6289	1,918,814,0682
D	756,511,5862	1,919,695,7389
E	756,158,6591	1,919,641,3171
F	755,975,5132	1,919,599,3557

SURVEY MONUMENTS

POINT #	NORTHING	EASTING
G	755,126,3330	1,919,323,5141
H	755,454,8463	1,919,880,5445

GRID FACTOR = 0.9997181

UTILITY EASEMENT DEDICATION: The undersigned hereby dedicates to the public for the use and enjoyment of all persons, a utility easement for the installation, maintenance, and repair of overhead power lines, gas lines, water lines, and other utility lines, over and across the land described herein, for the purpose of providing utility service to the land described herein. This easement shall be subject to the terms and conditions set forth in the attached plat.



APPROXIMATELY .06 ACRES/2,020 SQUARE FEET

8836-101

APPLINE BLOS  
SUBDIVISION

PLAT "A"

APPROVED THIS 23rd DAY OF MARCH 2024 BY THE CITY ENGINEER, BARRETT L. FLETCHER, REGISTERED LAND SURVEYOR, STATE OF UTAH, LICENSE NO. 163405.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS: BOARD OF HEALTH, CITY-COUNTY PLANNING COMMISSION APPROVAL.

APPROVED BY LEGISLATIVE BODY: ALPINE HIGHWAY, HIGHLAND CITY, UTAH.

OWNERS' DEDICATION: KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREOF AND SHOWN THEREON TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREOF FOR PERPETUITY IN WITNESS WHEREOF WE HAVE SET OUR HANDS THIS 15th DAY OF MARCH 2024.

Apple Lane LLC, Shane Morris, Member

ACKNOWLEDGEMENT: STATE OF UTAH, COUNTY OF UTAH, DAY OF MARCH, A.D. 2024. PER ME THE CLERK OF THE FOREGOING DEDICATION WHO DO HEREBY ACKNOWLEDGE TO EXECUTE THE SAME.

APPROVED BY LEGISLATIVE BODY: ALPINE HIGHWAY, HIGHLAND CITY, UTAH.

David & Amber Clegg  
5528 West 9620 North  
Highland, UT 84003  
801-787-7736  
[davidnclegg@gmail.com](mailto:davidnclegg@gmail.com)

May 23, 2013

Highland City Community Development Department  
5400 W. Civic Center Dr., Suite 1  
Highland, UT 84003

Subject: Application to designate open space on the corner of 9700 North and Alpine Highway for disposal

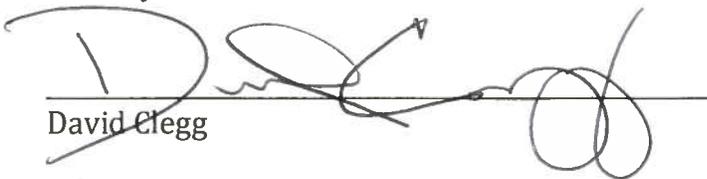
Dear City Council of Highland City,

Under Highland City Ordinance No. 0-2013-03 Title 12 Chapter 12.32, please consider this letter a formal application to designate the 160 feet of Open Space, located in the Apple Blossom subdivision starting 30 feet from the Southeast corner of 9700 North and the Alpine Highway between the Robinson property line and 9700 North, for disposal (graphic attached).

As the adjacent property owner of this Open Space property, the purpose of this request is to gain the necessary frontage to create a residential, build-ready lot for a home that our family will build and occupy in the near future.

We request your consideration of this request via a public hearing at your earliest convenience. It should be noted that a petition for this request has been signed and is supported by 100% of the real property owners included in the Apple Blossom subdivision.

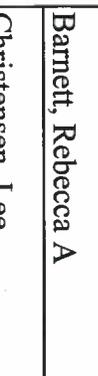
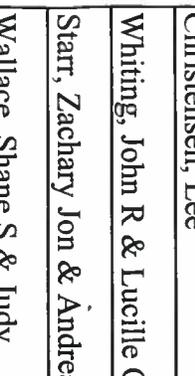
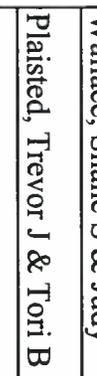
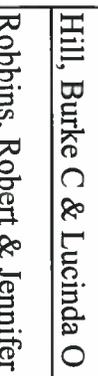
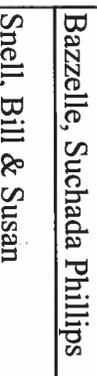
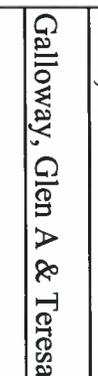
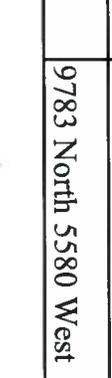
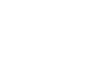
Thank you,

  
\_\_\_\_\_  
David Clegg

  
\_\_\_\_\_  
Amber Clegg

**Designation of Open Space Property for Disposal - Chapter 12.32  
 Real Property Owner Authorization (70%)  
 Apple Blossom Subdivision - Highland City (84003)**

A petition of the property owners within the *Apple Blossom Subdivision* to allow the disposal of city owned open space property to the adjacent property owner as shown on the attached graphic.

Property Owner Name	Address	Signature
Buhler, Mark Kent & Becky	9748 North 5520 West	
Barnett, Rebecca A	9756 North 5520 West	
Christensen, Lee	9768 North 5520 West	
Whiting, John R & Lucille C	9778 North 5520 West	
Starr, Zachary Jon & Andrea M	9784 North 5520 West	
Wallace, Shane S & Judy	9783 North 5520 West	
Plaisted, Trevor J & Tori B	9777 North 5520 West	
Hill, Burke C & Lucinda O	9763 North 5520 West	
Robbins, Robert & Jennifer	9774 North 5580 West	
Freeze, William D & Linda L	9758 North 5580 West	
Bazzelle, Suchada Phillips	9744 North 5580 West	
Snell, Bill & Susan	9735 North 5580 West	
Galloway, Glen A & Teresa P	9743 North 5580 West	
Horton, Matthew & Genise	9757 North 5580 West	
Star Vest LLC	9771 North 5580 West	
Yeates, Matthew	9783 North 5580 West	

**Graphic A (Apple Blossom Open Space, Highland, UT)**



<b>HIGHLAND CITY CITY COUNCIL MEETING JULY 16, 2013</b>			
<b>REQUEST:</b>	<b>PUBLIC HEARING AND RESOLUTION:</b> Designation of Open Space Property for Disposal in the Canterbury Circle Subdivision		
<b>APPLICANT:</b>	Dave Hall, for the Canterbury Circle Subdivision		
<b>FISCAL IMPACT:</b>	Unknown		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	LOCATION Canterbury Park Drive and 6000 West

**DISCUSSION:**

The Canterbury Circle Subdivision was recorded on January 31, 2001 and has 16 lots. The City received the property from the developer in 2013. As a result the property is available for purchase in 2028. However, the lease purchase option can be used.

The property owners within the subdivision are requesting the disposal of approximately 3.744 acres of open space property within the subdivision. The property requested for disposal does not include any of the land within the park.

**CITIZEN PARTICIPATION:**

Notice of the City Council public hearing was published in the Daily Herald on June 30, 2013. The property was posted on July 3, 2013. Notice was sent to all property owners on July 3, 2013. Three of the lots are owned by an LLC. The LLC’s has been sent notice via certified mail of the proposal on July 3, 2013. No comments have been received.

**COUNCIL ACTION:**

A petition has been submitted showing support from 23 of the 26 property owners (excluding LLC’s) within the subdivision has been submitted, which represents 88% of the property owners in the subdivision. The petition exceeds the minimum requirement of 70%.

A petition has been submitted showing support from 13 of the 14 property owners (excluding LLC’s) adjacent to the open space has been submitted, which represents 92% of the property owners in the subdivision. The petition exceeds the minimum requirement of 80%. The owner of lot 2 did not sign the petition. However, the adjacent owners are willing to purchase the property if the owner of lot 2 does not. As a result, all of the City owned property is accounted for.

The Council will need to adopt a resolution designating the property for disposal. If approved, the next step is to follow the procedures in Chapter 2.44 Disposal of Public Property.

**ATTACHMENTS:**

- Proposed Resolution
- Application

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

**A RESOLUTION OF HIGHLAND CITY, UTAH  
DESIGNATING OPEN SPACE PROPERTY FOR DISPOSAL PROPERTY IN THE  
CANTERBURY CIRCLE SUBDIVISION**

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

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

This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of Highland City, Utah, this 16th day of July 2013.

HIGHLAND CITY, UTAH

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Lynn V. Ritchie, Mayor

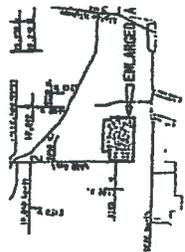
ATTEST:

---

JoD’ Ann Bates, City Recorder

COUNCILMEMBER	YES	NO
Tom Butler	<input type="checkbox"/>	<input type="checkbox"/>
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Scott Smith	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

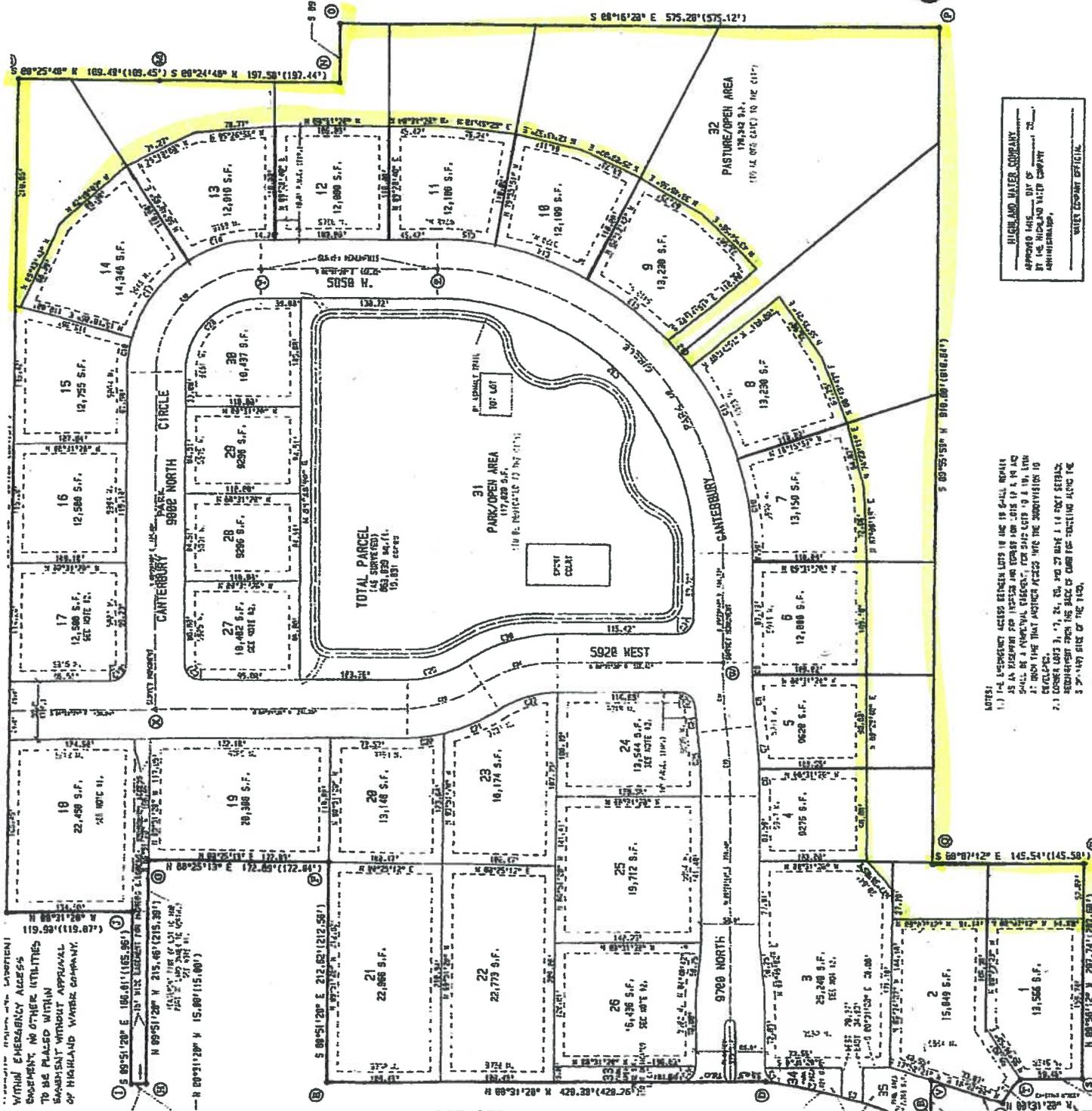


HIGHLAND VICINITY  
SCALE: 1" = 60'

STA.	BENCH
1	51.80'
2	202.25'
3	202.25'
4	202.25'
5	202.25'
6	15.80'
7	611.20'
8	611.20'
9	542.20'
10	201.80'
11	201.80'
12	201.80'
13	201.80'
14	201.80'
15	201.80'
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57	201.80'
58	201.80'
59	201.80'
60	201.80'
61	201.80'
62	201.80'
63	201.80'
64	201.80'
65	201.80'

8925

UTILITY EGRESS OR EGRESSION SHALL BE MADE AT THE POINT OF CROSSING AS SHOWN ON THIS PLAN. NO OTHER ACCESS SHALL BE MADE TO THE UTILITY LINES OR TO THE UTILITY STRUCTURES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THE ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY LINES AND STRUCTURES. THE ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY LINES AND STRUCTURES. THE ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY LINES AND STRUCTURES.



HIGHLAND WATER COMPANY  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
BY THE HIGHLAND WATER COMPANY  
ADMINISTRATOR  
WATER COMPANY OFFICIAL

NOTES:  
1. THE UTILITY ACCESS BETWEEN LOTS 10 AND 18 SHALL BE MADE AS AN EGRESS FOR THE UTILITY LINES AND STRUCTURES. THE UTILITY LINES AND STRUCTURES SHALL BE PROTECTED BY THE ENGINEER. THE ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY LINES AND STRUCTURES.  
2. LOT 10 SHALL BE USED AS A PASTURE/OPEN AREA. THE PASTURE/OPEN AREA SHALL BE PROTECTED BY THE ENGINEER. THE ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PASTURE/OPEN AREA.  
3. THE UTILITY ACCESS BETWEEN LOTS 10 AND 18 SHALL BE MADE AS AN EGRESS FOR THE UTILITY LINES AND STRUCTURES. THE UTILITY LINES AND STRUCTURES SHALL BE PROTECTED BY THE ENGINEER. THE ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY LINES AND STRUCTURES.

WITHIN EMERGENCY ACCESS TO BE PLACED WITHIN EGRESS WITHOUT APPROVAL OF HIGHLAND WATER COMPANY.

5000 WEST STREET  
PROPERTY DEDICATED

Proposed new property lines

COLE SURVEYING & ENG.

June 26, 2013

Highland City – City Council  
5400 W. Civic Center Dr.  
Suite 1  
Highland, UT 84003

**RE: Canterbury Circle Subdivision**

- **Designation of Open Space Property for Disposal/Chapter 12.32**

Dear City Council Members:

Thank you for your time in reviewing our petition to purchase (lease to own option until time period has been met that it can be sold) the city owned open space property adjacent to the homes within Canterbury Circle Subdivision.

With the exception of only 1 person (who does not live in the subdivision), every single home owner within the subdivision is in favor of the changes proposed by the new ordinance (Chapter 12.32). We may still get the last signature, but at this point have not been able to contact the legal owner of the property.

By petitioning Highland City to dispose of city owned open space property to the adjacent property owners within the subdivision, it gives the home owners adjacent to this property the opportunity to improve the look and feel of our neighborhood, Canterbury Circle Subdivision.

We greatly appreciate the support that has been given from everyone on this phase in the overall “lease to own” open space purchase process.

Sincerely,

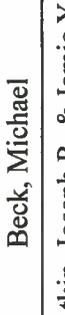


Dave Hall  
Representative, Canterbury Circle Subdivision  
801-602-9666

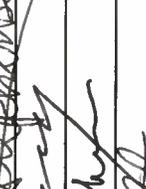
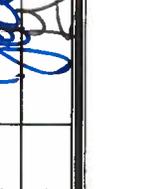
**Designation of Open Space Property for Disposal - Chapter 12.32  
Real Property Owner Authorization (70%)**

Canterbury Circle Subdivision—Highland City (84003)

A petition of the *property owners within the Canterbury Circle Subdivision* to allow the disposal of city owned open space property to the adjacent property owner as shown on the attached graphic. (Page 1)

Property Owner Name	Lot #	Address	Signature (s)
Sargent, Brian P.	1	9646 North 6000 West	
BTM LLC (Morris, Shane)	2	9664 North 6000 West	
Yamada, Takuto & Stacey Leigh	3	9682 North 6000 West	
Murdock, Kenneth K.	4	5947 North 9700 North	
Edgel, David & Paula	5	5931 West 9700 North	
Walker, James & Melinda	6	5913 W. Canterbury Park Circle	
Beck, Michael	7	5893 W. Canterbury Park Circle	
Atkin, Joseph R. & Jamie Y.	8	5873 W. Canterbury Park Circle	
Phillips, Stanley J. Jr. & Lori A.	9	9712 N. Canterbury Park Circle	
Murrin, J. Scott	10	9728 N. Canterbury Park Circle	
Hall, Wendy A & David B.	11	9748 N. Canterbury Park Circle	
Saari, Camille M.	12	9766 N. Canterbury Park Circle	
Sorensen, Daniel V.	13	9788 N. Canterbury Park Circle	
Worthington, R. Troy & Colette	14	5845 W. Canterbury Park Circle	
Sannar, David M. & Maureen	15	5864 W. Canterbury Park Circle	
Morris, Timothy H.	16	5884 W. Canterbury Park Circle	
Bradshaw, C. Roshawn	17	5902 W. Canterbury Park Circle	
Bogh, Todd & Marquelle B.	18	9813 North 5920 West	
Kramer, Ronald J. & Sherry	19	9785 North 5920 West	
Andrus, David & Yvonne	20	9759 North 5920 West	
Tillotson, Robert H.	21	9740 North 6000 West	

A petition of the *property owners within the Canterbury Circle Subdivision* to allow the disposal of city owned open space property to the adjacent property owner as shown on the attached graphic. (Page 2)

Property Owner Name	Lot #	Address	Signature (s)
Lesser, Jared B.	22	9738 North 6000 West	
Stephenson, Richard Jr. & Marianne	23	9737 North 5920 West	
Gurney, Howard R. & Shannan	24	9719 N. 5920 West	
Washburn, Allen & Ilene A.	25	5954 West 9700 North	
Kalt, Manuel & Stacey	26	5982 West 9700 North	
Serendipity LLC (Yates)	27	5905 W. Canterbury Park Circle	
Smithworx, LLC (Smith)	28	5891 W. Canterbury Park Circle	
Golding, John L.	29	5875 W. Canterbury Park Circle	
Taylor, Glenn T. & Wendy R.	30	5861 W. Canterbury Park Circle	

jsm/041513

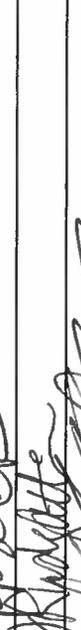
**NOTE:** The attached graphic/plat map with boundary lines drawn in, is a preliminary map. It is not 100% accurate. Accurate boundary lines will be shown on actual appraisal.

Land/property appraisal will be completed once all necessary signatures have been obtained and submitted to Highland City for further processing.

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

**Real Property Owner Authorization (80%)**

Canterbury Circle Subdivision—Highland City (84003)

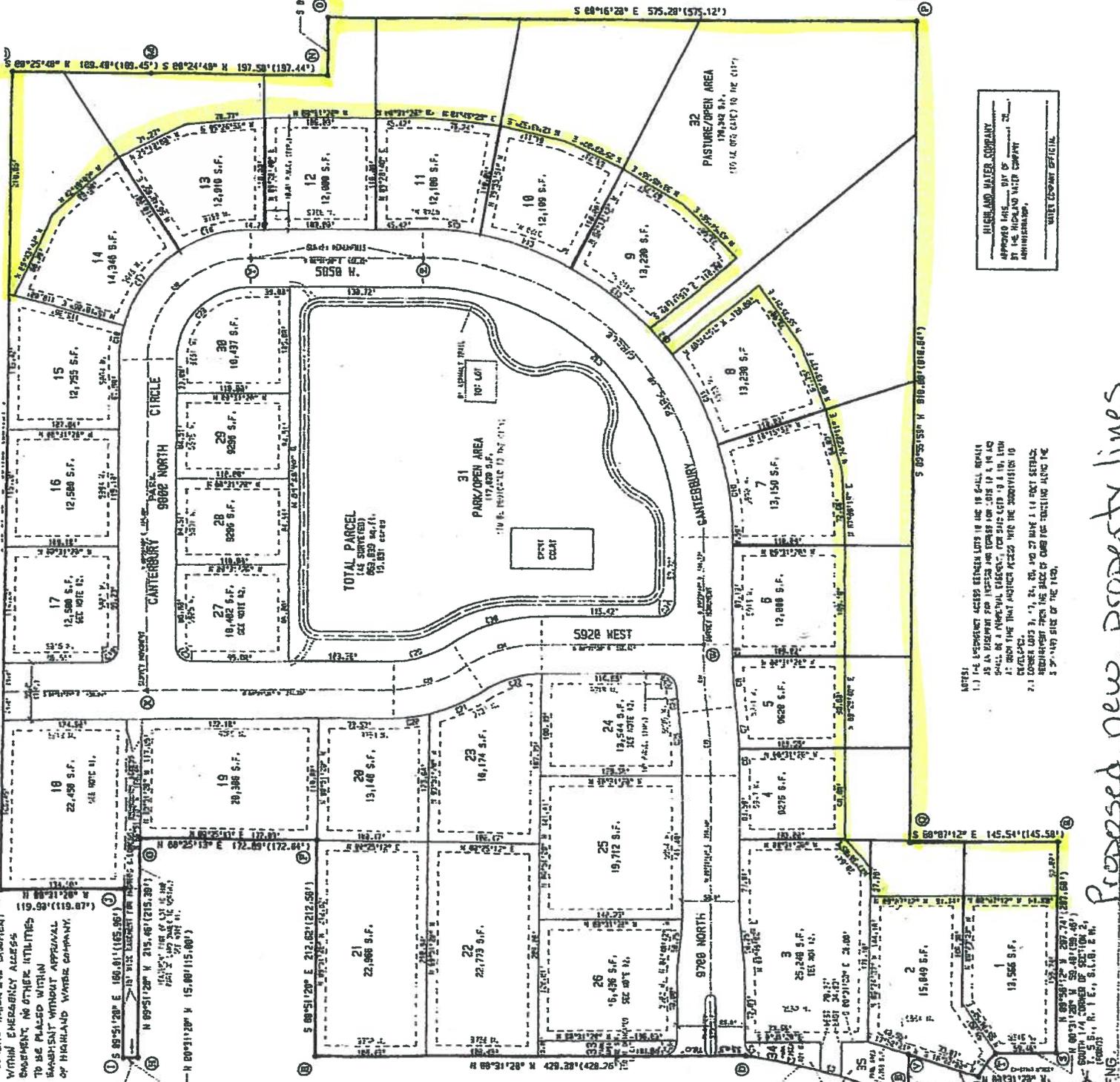
A petition of the <i>property owners</i> in <i>Canterbury Circle Subdivision</i> whose homes are <u>adjacent</u> to <u>city owned open space property</u> and adjacent owner is willing to purchase said property.			
Property Owner Name	Lot #	Address	Signature (s)
Sargent, Brian P.	1	9646 North 6000 West	
BTM LLC (Morris, Shane)	2	9664 North 6000 West	
Yamada, Takuto & Stacey Leigh	3	9682 North 6000 West	
Murdock, Kenneth K.	4	5947 North 9700 North	
Edge, David & Paula	5	5931 West 9700 North	
Walker, James & Melinda	6	5913 W. Canterbury Park Circle	
Beck, Michael	7	5893 W. Canterbury Park Circle	
Atkin, Joseph R. & Jamie Y.	8	5873 W. Canterbury Park Circle	
Phillips, Stanley J. Jr. & Lori A.	9	9712 N. Canterbury Park Circle	
Murrin, J. Scott	10	9728 N. Canterbury Park Circle	
Hall, Wendy A & David B.	11	9748 N. Canterbury Park Circle	
Saari, Camille M.	12	9766 N. Canterbury Park Circle	
Sorensen, Daniel V.	13	9788 N. Canterbury Park Circle	
Worthington, R. Troy & Colette	14	5845 W. Canterbury Park Circle	



HIGHLAND VICINITY  
SCALE: 1" = 80'

STATION	COORDINATES
1	...
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8925



HIGHLAND WATER COMPANY  
APPROVED FOR THE CITY OF  
BY THE HIGHLAND WATER COMPANY  
ADMINISTRATOR  
WATER COMPANY OFFICIAL

NOTES:  
1. THE PROPOSED ACCESS BETWEEN LOTS 18 AND 19 SHALL REMAIN AS AN EXISTING AND UNDISTURBED ACCESS AND SHALL BE MAINTAINED AS A PRIVATE DRIVE. FOR SALES LOTS 18 & 19, THE DRIVE SHALL BE THE PROPERTY ACCESS INTO THE SUBDIVISION TO BE CREATED.  
2. LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 SHALL BE SUBJECT TO THE RIGHTS OF THE CITY OF HIGHLAND TO TAKE THE DRIVE AS A PUBLIC DRIVE AND TO TAKE THE DRIVE AS A PUBLIC DRIVE.

Proposed new property lines



6000 WEST STREET  
FOR LOTS 18-21 INDICATED

COLE SURVEYING & ENG.

<b>HIGHLAND CITY CITY COUNCIL MEETING JULY 16, 2013</b>			
<b>REQUEST:</b>	<b>PUBLIC HEARING AND ORDINANCE:</b> An amendment to Highland City Development Code Section 3-706 Signs in Residential and Agricultural Zones to allow one unlit monument sign not to exceed four feet in height and twenty square feet in size for Funeral Homes. (TA-13-07)		
<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:**

A development code amendment is a legislative process.

**SUMMARY OF REQUEST:**

1. Funeral Homes are permitted in the R-1-40 District subject to a conditional use permit. Funeral Homes are only allowed if primary access is adjacent to an arterial street. Currently there are no provisions for monument signs for funeral homes.
2. The proposed amendment would add one monument sign as follows:

3-4706 Signs in Residential and Agricultural Zones

...

(7) Funeral Homes: Funeral Homes adjacent to an arterial street are permitted one unlit monument sign not to exceed four feet in height and twenty square feet in size per sign. Said sign shall include a one foot base of rock or brick consistent in design and material to the building and shall be landscaped in accordance with Section 3-709.5.

**CITIZEN PARTICIPATION:**

A notice of the Planning Commission public hearing was published in the Daily Herald on June 23, 2013. No comments have been received.

A notice of the City Council public hearing was published in the Daily Herald on June 30, 2013. No comments have been received.

**ANALYSIS:**

- A monument sign that is in scale with the surrounding residential uses is appropriate for funeral homes.

- The proposed size and area is consistent with the signs allowed in the Senior Care Assisted Overlay District which is designed to allow assisted living integrated with residential uses.
- The proposed ordinance is needed to update the Development Code.

### **FINDINGS:**

The proposed amendment meets the following findings:

- The proposed amendment is consistent with the purpose of the Development Code.
- The proposed amendment is needed to update the Zoning Ordinance.

### **PLANNING COMMISSION ACTION:**

The Planning Commission held a public hearing on July 9, 2013. No one spoke in favor or opposition of the amendment. The Commission voted 5-0 to recommend approval of the amendment.

### **RECOMMENDATION AND PROPOSED MOTION:**

The City Council should hold a public hearing and **APPROVE** the proposed amendment as recommended by the Planning Commission.

I move that the City Council accept the findings and **ADOPT** the ordinance allowing for a monument sign for funeral homes as recommended by the Planning Commission.

### **ALTERNATIVE MOTION:**

I move that the City Council recommend denial of the proposed amendment based on the following findings: (The Council should draft appropriate findings.)

### **ATTACHMENTS:**

- Proposed Ordinance

ORDINANCE NO. 2013-\*\*

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE SECTION 3-706 SIGNS IN RESIDENTIAL AND AGRICULTURAL ZONES TO ALLOW ONE UNLIT MONUMENT SIGN NOT TO EXCEED FOUR FEET IN HEIGHT AND TWENTY SQUARE FEET IN SIZE FOR FUNERAL HOMES AS SHOWN IN FILENAME TA-13-07.**

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on July 9, 2013; and

WHEREAS, the City Council held a public hearing on this Ordinance on July 16, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. That the Highland City Development Code, Section 3-706, Signs in Residential and Agricultural Zones is hereby amended by adding the following:

Section 3-4209 Signs in Residential and Agricultural Zones

...

(7) Funeral Homes: Funeral Homes adjacent to an arterial street are permitted one unlit monument sign not to exceed four feet in height and twenty square feet in size per sign. Said sign shall include a one foot base of rock or brick consistent in design and material to the building and shall be landscaped in accordance with Section 3-709.5.

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

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

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

PASSED AND ADOPTED by the Highland City Council, July 16, 2013.

HIGHLAND CITY, UTAH

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Lynn Ritchie, Mayor

ATTEST:

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JoD'Ann Bates, City Recorder

COUNCILMEMBER	YES	NO
Tom Butler	<input type="checkbox"/>	<input type="checkbox"/>
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Scott Smith	<input type="checkbox"/>	<input type="checkbox"/>

<p style="text-align: center;"><b>HIGHLAND CITY CITY COUNCIL MEETING JULY 16, 2013</b></p>			
<b>REQUEST:</b>	<b>PUBLIC HEARING/ORDINANCE:</b> An Amendment to Chapter 6 Guarantee of Performance of the Highland City Development Code relating to the requirements for public improvement performance guarantees. (TA-13-05)		
<b>APPLICANT:</b>	Highland City Staff		
<b>FISCAL IMPACT:</b>	N/A		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONE</b>	<b>ACREAGE</b>	<b>LOCATION</b>
N/A	N/A	N/A	Citywide

**BACKGROUND:**

On May 20, 2008, the City Council approved an amendment requiring the use of cash escrow bonds for a guarantee of performance. However, there were some areas that should have been amended but were not.

The guarantee of performance covers the cost of the public infrastructure within a project. In the event the developer fails to complete the public infrastructure, the City can use the money in the bond to complete the project. Having a guarantee of performance protects the tax payers.

A cash escrow bond requires the developer to post cash to secure performance. A performance bond is a bond issued by an insurance company or a bank to secure performance. It functions much like insurance. A developer pays fee to “insure” that the project will be completed and the company agrees to pay for the improvements if needed. There is no cash backing of a performance bond.

A development code amendment is a legislative process.

**SUMMARY OF REQUEST:**

1. Since 2008, the City has been using cash escrow bonds. However, there are several sections within Chapter 6 that still reference performance bonds. This amendment removes those references. The proposed amendment also implements a change in State Law (Senate Bill 153) reducing the amount of the bond from 120% to 110% of the construction costs. The proposed amendment is shown on Attachment A.

**CITIZEN PARTICIPATION:**

A notice of the Planning Commission public hearing was published in the Daily Herald on May 26, 2013. No comments have been received.

A notice of the City Council public hearing was published in the Daily Herald on June 30, 2013. No comments have been received.

**ANALYSIS:**

- The proposed amendment is needed to update the Development Code to be consistent with State Law and eliminate confusion.
- Cash escrow bonds are the best way to protect the City and tax payer interest in the event that the City has to utilize the funds to complete public improvements.

**FINDINGS:**

The proposed amendment meets the following findings:

- The proposed amendment is consistent with the purpose of the Development Code.
- The proposed amendment is needed to update the Zoning Ordinance.

**PLANNING COMMISSION ACTION:**

The Planning Commission held a public hearing on July 9, 2013. No one voted spoke in favor or opposition of the amendment. The Commission voted 5-0 to recommend approval of the amendment.

**RECOMMENDATION AND PROPOSED MOTION:**

The City Council should hold a public hearing **APPROVE** of the proposed amendment as recommended by the Planning Commission.

I move that the City Council accept the findings **ADOPT** of the amendment to Chapter 6 Guarantee of Performance of the Highland City Development Code relating to the requirements for public improvement performance guarantees as recommended by the Planning Commission.

**ALTERNATIVE MOTION:**

I move that the City Council recommend denial of the proposed amendment based on the following findings: (The Council should draft appropriate findings.)

**ATTACHMENTS:**

- Proposed Amended Ordinance

ORDINANCE NO. 2013-\*\*

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE CHAPTER 6 GUARANTEE OF PERFORMANCE RELATING TO THE REQUIREMENTS FOR PUBLIC IMPROVEMENT PERFORMANCE GUARANTEES AS SHOWN IN FILENAME TA-13-05.**

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on July 9, 2013; and

WHEREAS, the City Council held a public hearing on this Ordinance on July 16, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. That the Highland City Development Code, Chapter 6 Guarantee of Performance as shown in Exhibit A attached hereto and incorporated by reference.

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

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

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

PASSED AND ADOPTED by the Highland City Council, July 16, 2013.

HIGHLAND CITY, UTAH

---

Lynn Ritchie, Mayor

ATTEST:

---

JoD’Ann Bates, City Recorder

COUNCILMEMBER	YES	NO
Tom Butler	<input type="checkbox"/>	<input type="checkbox"/>
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Scott Smith	<input type="checkbox"/>	<input type="checkbox"/>

<b>HIGHLAND CITY CITY COUNCIL MEETING JULY 16, 2013</b>			
<b>REQUEST:</b>	Update to Mayoral Water Conservation Proclamation		
<b>APPLICANT:</b>	Highland City		
<b>FISCAL IMPACT:</b>	N/A		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	LOCATION Citywide

**BACKGROUND:**

On June 18, 2013, the City Council approved a Mayoral proclamation regarding water conservation. This proclamation was necessary due to the fact that the City would receive significantly less stored water than in years pasted. Also, water received from the canyon was significantly less than in the past.

The City has received four waivers from the current imposed restrictions. In order to expedite the process, the Mayor is asking that restriction waivers be approved or denied by either the Mayor or City Administrator instead of the City Council. With the City Council meeting only twice monthly this could cause delays in meeting the needs of the citizens requesting such waivers.

**PROPOSED MOTION:**

Approve the updated Mayoral Proclamation 2013-01

**ATTACHMENTS:**

- Revised Mayoral Proclamation 2013-01

## Mayoral Proclamation No. 2013 - 01

### A PROCLAMATION OF THE MAYOR AND THE GOVERNING BODY OF THE CITY OF HIGHLAND ESTABLISHING A WATER CONSERVATION PROGRAM AND REGULATIONS

*WHEREAS*, a reliable supply of irrigation water is essential to the public health, safety and economy of the City of Highland; and,

*WHEREAS*, Highland City's water supply is a limited resources that needs to be protected and managed for the present and future uses; and,

*WHEREAS*, Deer Creek Water storage has been reduced by seventy (70%) percent this year due to drought conditions; and,

*WHEREAS*, due to low winter precipitation, canyon water is extremely low; and,

*WHEREAS*, a growing population, climate change, environmental concerns, and other factors in in the State make Highland highly susceptible to water supply reliability issues; and,

*WHEREAS*, careful water management should include active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable supply of water to meet current and future water supply needs; and,

*WHEREAS*, the adoption and enforcement of a water conservation and supply shortage program is necessary to manage Highland City's water supply, both potable and irrigation to avoid or minimize the effects of drought and shortage within Highland City; and,

*WHEREAS*, such a program is essential to ensure a reliable and sustainable supply of water for the public health, safety and welfare; and,

*WHEREAS*, the Highland Municipal Code, Section 13.30.140 authorizes such a proclamation

*NOW, THEREFORE*, be it resolved that:

- I. The purpose of this proclamation is to establish a water conservation program that will reduce water consumption through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water to avoid and minimize the effect and hardship of water shortage to the greatest extent possible; and,
- II. To establish permanent water conservation standards intended to alter behavior related to water use efficiency at all times implemented during times of declared water shortage.
- III. **Limits on Watering Hours:** At this time, there is no restriction on time of watering but it is encouraged that no watering or irrigating of lawn, landscape or other vegetated areas occur between the hours of 10:00 a.m. and 6:00 p.m. MST on any day, except by use of a

hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

- IV. **Limit on Watering Duration:** At this time, there is no restrictions placed on time limits of watering or irrigating of lawn, landscape or other vegetated area using a landscape irrigation system but it is highly encouraged that stations should not be ~~set for more than thirty (30) minutes per watering station~~[increased in time to cover for non-watering days.](#)
- V. **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch should be avoided.
- VI. **Limits on Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with shall be limited to three days per week on the following schedule:
  - a. Even numbered street addresses: Monday, Wednesday, and Friday
  - b. Odd Numbered Street Addresses: Tuesday, Thursday, and Saturday
  - c. No watering on Sunday except for the City, Churches and Schools.
  - d. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- VII. **Exceptions to Watering Days:** Watering or irrigating of newly installed lawns are the exception to Section VI and may be watered on a daily basis as needed until established. After establishment of the lawn the water schedule reverts back to the schedule outlined in Section VI.
- VIII. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section to the ~~Highland City Council~~[Mayor or City Administrator.](#)
- IX. **Written Finding:** The waiver may be granted or conditionally granted by the ~~Highland City Council~~[Mayor or City Administrator](#) only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.
  - a. **Application:** Application for a waiver must be on a form prescribed by Highland City.
  - b. **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
  - c. **Required Findings for Waiver:** An application for a waiver will be denied unless the ~~Highland City Council~~[Mayor or City Administrator](#) finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of Highland City or its Agent, all of the following:

- i. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
  - ii. That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;
  - iii. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of Highland City to effectuate the purpose of this chapter and will not be detrimental to the public interest; and
  - iv. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.
- d. **Approval Authority:** The ~~Highland City Council~~[Mayor or City Administrator](#) must act upon any completed application no later than fifteen (15) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The decision of the ~~Highland City Council~~[Mayor or City Administrator](#) will be final.

X. **Penalties and Violations**

- a. **Penalties:** As outlined in the Highland City Municipal Code Section 13.30.220 penalties for failure to comply with any provisions of the ordinance are as follows:
- b. **Lockout Tags:** It shall be a violation for a resident to remove any lockout tags after a violation notice has been issued by the City. Removal of the lockout tag will be fined an additional fifty (\$50.00) dollars for each incident in addition to the violation fine.
  - i. **First Violation:** Highland City will issue a written warning via a door hanger and deliver a copy of this ordinance by mail.
  - ii. **Second Violation:** The water service will be locked off with a tag and removal of such will be an additional fine of fifty (\$50.00) dollars. This violation will be referred to the Highland City Council where the Highland City Council may consider termination of the user's privilege to use the water and impose a reconnection fee of one hundred fifty (\$150.00) dollars.
  - iii. **Third Violation:** The water service will be locked off with a tag and removal of such will be an additional fine of fifty (\$50.00) dollars. This violation will be referred to the Highland City Council where the Highland City Council may consider termination of the user's privilege to use the water and impose a reconnection fee of two hundred fifty (\$250.00) dollars.
  - iv. **Fourth Violation:** The water service will be locked off with a tag and removal of such will be an additional fine of one hundred (\$100.00) dollars. This violation will result in the termination of the user's privilege

to use the irrigation water for the remainder of the irrigation season (April – October) and is punishable by a fine not to exceed five hundred (\$500) dollars.

**XI. Notice and Hearing:**

- a. The Highland City Council will issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action. Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with the Highland City Council no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and Highland City will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing.

***FURTHER, I, Lynn V. Ritchie, Mayor of Highland City do hereby proclaim the establishment of a Water Conservation Program and Regulations and urge all residents to conserve their watering efforts to protect our water supply.***

This Proclamation is hereby signed on June 18, 2013, and shall become effective July 1, 2013 for the watering season ending October 15, 2013.

HIGHLAND CITY, UTAH

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Lynn V. Ritchie, Mayor

ATTEST:

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JoD'Ann Bates, City Recorder

COUNCILMEMBER	YES	NO
Tom Butler	<input type="checkbox"/>	<input type="checkbox"/>
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Scott Smith	<input type="checkbox"/>	<input type="checkbox"/>

