



HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

September 5, 2017

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 Mark Thompson
Invocation – Councilman Brian Braithwaite
Pledge of Allegiance – Councilman Dennis LeBaron

APPEARANCES (10 min.)

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

PRESENTATIONS: (30 min.)

1. **Lehi Pond** – Lorin Powell, Lehi City Engineer
2. **Library Expansion** – Janae Wahnschaffe, Library Director

CONSENT (5 min.)

3. **MOTION: Approval of Meeting Minutes for the City Council Regular Session** – August 1, 2017
4. **MOTION: Approval of Meeting Minutes for the City Council Special Session – Election Canvass** – August 29, 2017
5. **RESOLUTION: Interlocal Agreement with Utah County – 4800 West Construction**
6. **MOTION: Ratifying the Mayor’s Appointment of Councilman Rod Mann to the Lone Peak Public Safety Board**

ACTION ITEMS (90 min.)

7. **PUBLIC HEARING/RESOLUTION: Designation of Open Space Property for Disposal** – Highland Hills Subdivision

8. **ORDINANCE: Amendment to the Highland City Municipal Code, Enacting Regulations for Private Helicopters**
9. **MOTION: Issuance of building permits for pools in a “No Build Zone”** – Country French
10. **ORDINANCE: Amending the Highland City Municipal Code Section 12.32.040** - Disposal of Open Space Property
11. **ORDINANCE: Amending the Highland City Municipal Code Section 2.44.040** - Disposal of Personal Public Property

MAYOR/ CITY COUNCIL & STAFF
DISCUSSION AND COMMUNICATION ITEMS (20 min.)

- Development Review Process – Nathan Crane, City Administrator
- Electronic Sign – Justin Parduhn, O&M Director
- Gravel Pit Discussion – Mark Thompson, Mayor

ADJOURNMENT

ELECTRONIC PARTICIPATION

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

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that on this 30th day of August, 2017, the above agenda was posted in three public places within Highland City limits. Agenda also posted on State (<http://pmn.utah.gov>) and City websites (www.highlandcity.org).

JOD'ANN BATES, City Recorder

- In accordance with the Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting.
- Requests for assistance can be made by contacting the City Recorder at 801-772-4505, at least 3 days in advance to the meeting.
- The order of agenda items may change to accommodate the needs of the City Council, the staff and the public.

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

**MINUTES
HIGHLAND CITY COUNCIL MEETING
Tuesday, August 1, 2017**

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

PRESENT: Mayor Mark S. Thompson, conducting
Councilmember Brian Braithwaite
Councilmember Dennis LeBaron
Councilmember Tim Irwin
Councilmember Rod Mann

STAFF PRESENT: Nathan Crane, City Administrator/Community Develop. Director
Erin Wells, Assistant to the City Administrator
Gary LeCheminant, Finance Director
JoD’Ann Bates, City Recorder
Todd Trane, City Engineer
Justin Parduhn, Public Works O&M Director
Tim Merrill, City Attorney

EXCUSED: Councilmember Ed Dennis

OTHERS: Gary Sheide, Dana Pack, Chase Pack, Kurt Ostler, Colleen Madsen, Breezy Anson, Kira Davis, Sydney Harlan, Annika Mikkelson, Matthew Brady, Ellie Johnson, Davis Larsen, Colby Carroll, Jake Johnson, Laruen Heath, Kennady Call, Hallie Martinez, Natalie Ball, Tanya Colledge, Ric Mullis, Jessie Schoenfeld, Jake Beckstead, John Beckstead, Scott Smith, Adam Johnson, May Lynn Johnson Ivan Day, Joey Totorica, timothy Ball, Donna Jex, Skyler Jex and Lynn Day.

The meeting was called to order by Mayor Mark S. Thompson as a regular session at 7:01 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Councilman Rod Mann and those assembled were led in the Pledge of Allegiance by Chase Pack, a scout.

APPEARANCES:

Davis Larsen, a Junior Cabinet Member of the Lone Peak High School student government, proposed a plan to paint the intersection of 4800 West and Cedar Hills Drive near the high school. He said that it would strengthen community unity and pride, help the residents feel some ownership at Lone Peak High School, and it would bring together the three cities that feed into the high school.

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1
2 Councilman Rod Mann said that one of those roads was a county road, so they would have to
3 obtain permission from the State. Councilman Brian Braithwaite thought that the State would be
4 open to this and said that staff could reach out to UDOT on Mr. Larsen's behalf.
5

6 Councilman Tim Irwin explained that the Council would not be able to take official action on the
7 proposal that night, but it seemed that the Councilmembers were in favor of the idea.
8 Councilman Dennis LeBaron agreed that this could bring some unity to the area, and he was
9 friendly to the proposal.
10

11 Councilman Brian Braithwaite asked how much the project would cost and how the school
12 would find the funds. Mr. Larsen said that the project would cost roughly \$500 if they
13 contracted a company to paint the street. If they chose to make it a community event and paint it
14 themselves, the cost would be closer to \$150. The student government would be fundraising and
15 seeking donations to pay for the project.
16

17 Todd Trane, City Engineer, commented that the paint would fade and would need to be redone at
18 least every year. He suggested that any agreement with the State include language that would
19 allow them to repaint. Mr. Larsen said that they would like to have the road painted before the
20 school year began and he hoped to repaint yearly as part of Homecoming.
21

22 Kurt Ostler, a resident, said that there had been a meeting the past Monday concerning the Dry
23 Creek Park, and the residents had a lot of concerns about the plans that were presented. Those
24 concerns included inadequate parking as well as potential fencing and safety issues. Mr. Ostler
25 said that the information shared at the meeting made it sound like the plans were finalized and
26 would shortly be carried out. He asked if the City had time to continue to negotiate some of the
27 residents' concerns.
28

29 Todd Trane explained that the North Water Conservancy District was moving forward with
30 redoing the dam and to use it as a pressurized irrigation pond. The park projects that were
31 presented at the meeting were purely conceptual. Mr. Trane reported that residents representing
32 various Highland neighborhoods were present at the meeting and had given their comments and
33 concerns.
34

35 There was a discussion about boundary lines and it was explained that the land was in Highland
36 City and Lehi City, but the entire property was owned by the Conservancy District. No matter
37 what the cities decide to do with the park, the Conservancy District would move forward in
38 fixing the dam.
39

40 Councilman Tim Irwin expressed his concerns about communication and transparency, as this
41 was the first time he had heard about the project.
42

CONSENT ITEMS:

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- 1 **1. MOTION: Approval of Meeting Minutes for the City Council Regular Session – July**
2 **18, 2017**
- 3
- 4 **2. MOTION: Approval for Surplus and Disposal for Personal Public Property -**
5 **Library Equipment**
- 6
- 7 **3. MOTION: Final Plat Approval for a 56-lot single family subdivision located at**
8 **approximately 12500 North 6100 West – Beacon Hills Plat G, Phases 1 & 2, Perry**
9 **Homes**
- 10
- 11 **4. MOTION: Final Plat Approval of a 1-lot single family subdivision located at**
12 **approximately 10685 North 6250 West – Breezy Anson**
- 13
- 14 **5. MOTION: Final Plat Approval of a 1-lot single family subdivision, located at**
15 **approximately 5044 West Country Club Dr. – Gary Sheide**

16
17 **MOTION: Councilman Dennis LeBaron moved the City Council approve the consent**
18 **items on the agenda**

19
20 **Councilman Rod Mann seconded the motion.**
21 **Unanimous vote. Motion carried.**

22 23 24 **ACTION ITEMS:**

- 25
- 26 **6. MOTION: Preliminary Plat Approval of a 16-lot single family subdivision located at**
27 **approximately 10400 North 6000 West – Ruby Estates/Ivan Day**
- 28

29 ***BACKGROUND:*** *The applicant is requesting preliminary plat approval of a 16-lot single*
30 *family subdivision. The property is approximately 15.46 acres. Lot sizes range from 28,179*
31 *square feet to 41,773 square feet with only two lots less than 30,000 square feet. Access to the*
32 *property will be from 10400 North. A second connection is provided through 5950 West.*

33
34 Nathan Crane, City Administrator, presented the background information above and confirmed
35 that the subdivision did comply with the requirements of the R-1-40 zoning ordinance. The
36 Planning Commission held a public hearing on the issue and voted 6-0 recommending approval
37 subject to the stipulations listed in the staff report.

38
39 Councilman Brian Braithwaite commented on the road bulb coming into this subdivision from
40 the neighboring subdivision and asked if that was being done for safety reasons. Todd Trane
41 said that the road needed to be finished in some way if it was not going to go through the new
42 subdivision. Both subdivisions involved had agreed to do the bulb, so staff was allowing the
43 application to move forward.

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1 **MOTION: Councilman Tim Irwin moved the City Council Approve a Preliminary Plat for**
2 **a 16-lot single family subdivision located at approximately 10400 North 6000 West, Ruby**
3 **Estates.**

4
5 **Councilman Brian Braithwaite seconded the motion.**

6
7 Councilman Rod Mann referenced a letter that the City had received that addressed some
8 concerns about construction debris. Nathan Crane said that this would be mitigated when the
9 applicant obtains approval from Lehi Irrigation to use the ditch.

10
11 **Unanimous vote. Motion carried.**

12
13
14 **7. MOTION: Approve and Authorize the Mayor to sign an Interlocal Agreement with**
15 **Utah County for road construction on 4800 West.**

16
17 ***BACKGROUND:** Staff has been working with MAG (Mountainland Association of*
18 *Governments) for some time on a project to widen 4800 West at SR-92. The plan is to create a*
19 *right turn lane for southbound traffic coming into the intersection. The total project cost is*
20 *estimated at \$328,000. The project was planned for some time in 2019-2020. Staff has worked*
21 *with MAG to receive the funds sooner and has been successful in securing the funds for project*
22 *construction this summer. MAG has provided \$305,794 of County funds for this project. The*
23 *additional \$22,206 to reach the total project funds is a required local match. Highland and*
24 *Alpine will split this cost and each provide \$11,103 for the project. As a part of receiving the*
25 *county funds, the City is required to enter into this interlocal agreement with Utah*
26 *County. The Utah County Engineer, Richard Neilson, will review all project*
27 *expenditures and release the funds as needed. Utah County Commission is in the*
28 *process of approving the agreement.*

29
30 Todd Trane, City Engineer, presented the information above and explained that staff had put the
31 project out for bid but had only received two responses, and both bids were very high. This was
32 likely because it was very late in the season to be starting road projects. Staff was proposing to
33 move forward in purchasing the right-of-way and getting other matters in place before next
34 spring. At that time, they would put the project out for bid again and hopefully start
35 construction.

36
37 **MOTION: Councilman Dennis LeBaron moved the City Council Approve and Authorize**
38 **the Mayor to sign an Interlocal Agreement with Utah County for road construction on**
39 **4800 West.**

40
41 **Councilman Tim Irwin seconded the motion.**

42 **Unanimous vote. Motion carried.**

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1
2 **8. PUBLIC HEARING/MOTION: Request to amend Timp View Point Subdivision**
3 **Plat A – Joey Totorica**
4

5 ***BACKGROUND:** The final plat was approved in 2011 as part of the Arctic Circle*
6 *Development.*
7

8 Nathan Crane explained that the proposed plat amendment would create two lots on the subject
9 property and facilitate the sale and development of the western portion of the parcel. The second
10 lot would meet all the requirements of the zone.

11
12 Mayor Thompson opened the public hearing at 7:40 p.m. Hearing no comments, Mayor
13 Thompson closed the public hearing and brought the discussion back to the City Council.
14

15 **MOTION: Councilman Rod Mann moved the City Council Approve the Amendment to**
16 **the Timp View Point Subdivision Plat A.**
17

18 **Councilman Dennis LeBaron seconded the motion.**
19 **Unanimous vote. Motion carried.**
20
21

22 **9. MOTION: Approve and Authorize the Mayor to sign a contract with Sterling Don**
23 **Excavation for Road Construction on 11800 North in an amount not to exceed**
24 **\$39,757.54.**
25

26 ***BACKGROUND:** Over the years there have been traffic concerns with the intersection of*
27 *Highland Boulevard and 11800 North. There have been several studies done to see what*
28 *changes can be made to make it safer. The City has recently received multiple requests for a*
29 *reduced speed school zone to allow children to safely cross Highland Boulevard to get to*
30 *Ridgeline Elementary. A reduced speed school zone has been designed with some intersection*
31 *redesign to make the intersection safer. The ADA ramps have been designed to bulb out into the*
32 *asphalt shoulder to help minimize two of the safety concerns. This allows for the children to*
33 *have less asphalt area to cross and less time they are exposed to traffic. This also eliminates the*
34 *northbound traffic using the right shoulder as a turn lane. This was the movement that was*
35 *causing the serious accidents. Once the contract is awarded, the contractor will move*
36 *quickly to get the project complete by the opening of school.*
37

38 Todd Trane presented the information above and noted that a preconstruction meeting had been
39 planned for the following evening, contingent upon the City Council’s decision to award the
40 contract to Sterling Don Excavation. The plan was to complete the project before school begins,
41 which is a short amount of time.
42

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1 **MOTION: Councilman Brian Braithwaite moved the City Council Approve and**
2 **Authorize the Mayor to sign a contract with Sterling Don Excavation for Road**
3 **Construction on 11800 North and Highland Boulevard in an amount not to exceed \$39,758.**

4
5 **Councilman Rod Mann seconded the motion.**
6 **Unanimous vote. Motion carried.**

7 8 9 **MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS**

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

12 13 • **Urban Deer Control Program** – Jody Bates, City Recorder

14 Jody Bates explained that the City started working with DWR in 2012 to help handle the deer
15 problem in Highland. They went through a pilot program at that time. In 2015, DWR made the
16 Urban Deer Control Program an official program, and Highland signed a certificate of
17 registration that would last for three years. That timeframe was almost past, and Ms. Bates
18 wanted to know if the City Council wished to re-register.

19
20 Councilman Brian Braithwaite said that this was a good program, but he worried about the
21 potential to become lax or sloppy on DWR's part. He encouraged the City to require an annual
22 report.

23
24 Councilman Tim Irwin agreed that this has been a good program, but he wanted to know if
25 Highland City would be grandfathered in or if they would have to conform to the rules and
26 regulations that DWR has imposed since they joined. Jody Bates said that she had tried to reach
27 their DWR representative prior to this meeting, but he was out of town. She would find out that
28 information when he returned.

29
30 Councilman Rod Mann presented the numbers of deer killed on the road between 2011 and
31 today, and the number had decreased dramatically. He believed the program was worth
32 maintaining.

33
34 Mayor Thompson said that DWR had reached the point where they were trying to keep a number
35 of deer that was manageable. He agreed that they should require an annual report.

36 37 • **State Development Center Property** – Mark Thompson, Mayor

38 Mayor Thompson reported that several meetings have been held regarding the Development
39 Center project and there had been a request from the Center to have the property disconnected
40 from Highland moved into American Fork. One of the reasons for the move was Highland's
41 requirement for businesses to be closed on Sunday. They also wanted to work with only one
42 municipality and their existing campus was in American Fork. The Center also had common
43 water rights with American Fork City. Mayor Thompson reported that they were in the process
44 of disconnection, but he was not sure where they were in that process.

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1
2 Councilman Rod Mann said he had spoken with a representative of the Center and he indicated
3 that their primary reason for leaving Highland was not the Sunday closure requirement.
4

5 Scott Smith, a resident, indicated that he spoke about this issue during the previous meeting. In
6 the way of new information, he reported that one of the State legislators involved in the project
7 received a legal ruling which allows the State Legislature to determine where the property will
8 go. At this point, the cities do not have a lot of say in the matter.
9

10 • **Open Space Purchase in Beacon Hills** – Nathan Crane, City Administrator
11 Nathan Crane gave a brief history of the issue and explained that Rick Mullis was seeking an
12 exception from the requirement to obtain signatures from every household in Beacon Hills to
13 allow him to enter into an Open Space Purchase Agreement.
14

15 Rick Mullis, a resident, explained that he was able to get the adjacent neighbor to sign a petition,
16 as required, but the Beacon Hills subdivision was very large. He had obtained signatures from
17 33 out of the 36 homes, and he could proceed to get the final three. Mr. Mullis had come before
18 the City Council to see if they were willing to be flexible in hearing a possible exception. The
19 current code does not allow for any exceptions at all. Mr. Mullis said that his efforts to obtain
20 this property over the past nine months would be worthless if the City was unwilling to consider
21 an exception.
22

23 Councilman Rod Mann expressed his concern with creating a patchwork of properties
24 throughout the City. Councilman Brian Braithwaite echoed those concerns. He said he would
25 be willing to hear an exception, but they needed to consider the needs of the entire City.
26

27 Councilman Rod Mann said that the current code doesn't allow the City Council to discuss
28 exceptions, so the code would need to be amended.
29

30 Councilman Brian Braithwaite commented that the City reaching buildout and they would soon
31 get to the point where the City would have to make exceptions to fit the needs of what is left. He
32 felt that it would be worth hearing the exceptions.
33

34 Councilman Tim Irwin also felt that there could be room for flexibility.
35

36 • **Election** – Jody Bates, City Recorder
37 Jody Bates said that the City Council would only have one meeting in August due to the
38 elections. They would need to call a special meeting to do canvassing, and that would likely
39 happen on August 29th.
40

41 • **Speeding on Highland Boulevard** – Councilman Rod Mann
42 Councilman Rod Mann said that many residents were concerned about the high driving speeds
43 on Highland Boulevard and had requested that the next meeting agenda include this as a

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1 discussion item. The City Council would be able to go over the data collected regarding the
2 traffic and speeds.

3
4 Councilman Tim Irwin said that he had heard complaints that the traffic was too slow, because
5 some people view Highland Boulevard as a through-way to Draper rather than a residential
6 street.

7
8 Todd Train reported that staff had looked at the data several times over the past few years as
9 they've conducted various studies. Individuals going at extremely high speeds are few and far
10 between, but there was room for concern because it was a residential area.

11
12 Councilman Dennis LeBaron asked if they could request increased police enforcement in the
13 area. Todd Trane said that they had requested this several times.

14
15 • **Transportation Fund** – Councilman Dennis LeBaron

16 Todd Trane stated that since the fund is now in place, it would be nice for the citizens to see a
17 status update in the newsletter. Councilman Tim Irwin agreed and said that this information
18 could also be included on the utility bill.

19
20 • **Fling/Tour of Utah** – Councilman Brian Braithwaite

21 Councilman Brian Braithwaite said that the Fling and the Tour of Utah were both taking place on
22 the coming Saturday, and he was concerned about traffic. Some of the roads would be closed to
23 make way for the Tour, and he wanted to be sure that the residents were informed. He went over
24 the Tour route and timeframe.

25
26 Erin Well, Assistant to the City Administrator, said that the Tour of Utah had approached staff
27 early on about this and the City asked them not to take certain roads because of the Fling. She
28 was under the impression that the Tour had been rerouted to avoid Highland City altogether. Ms.
29 Wells said that she would get the route information out to the public immediately.

30
31 Councilman Dennis LeBaron asked if staff had researched the feasibility of an electric sign to
32 post public information like this. Mr. Crane answered affirmatively and indicated that the major
33 challenge was cost.

34
35 **MOTION: Councilman Rod Mann moved the City Council to adjourn into Closed**
36 **Executive Session.**

37
38 **Councilman Brian Braithwaite seconded the motion.**

39 **Unanimous vote. Motion carried.**

40
41 ***CITY COUNCIL MOVED INTO CLOSED EXECUTIVE SESSION AT 8:39 P.M.***

42
43 **ADJOURNMENT**

DRAFT

1 **MOTION: Councilman Rod Mann moved the City Council adjourn the Regular City**
2 **Council Session.**

3

4 **Councilman Brian Braithwaite seconded the motion.**

5 **Unanimous vote. Motion carried.**

6

7 **Meeting adjourned at 9:28 p.m.**

8

9

10

JoD'Ann Bates, City Recorder

11

12

Date Approved: September 5, 2017

**MINUTES
HIGHLAND CITY COUNCIL MEETING
SPECIAL SESSION
2017 PRIMARY MUNICIPAL ELECTION CANVASS**

Tuesday, August 29, 2017

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

PRESENT: Mayor Mark S. Thompson, conducting
Councilmember Brian Braithwaite
Councilmember Tim Irwin
Councilmember Ed Dennis

STAFF PRESENT: Nathan Crane, City Administrator/Community Develop. Director
JoD'Ann Bates, City Recorder

The meeting was called to order by Mayor Mark S. Thompson as a Special Session for the 2017 Municipal Primary Election Canvass at 6:01 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting.

2017 Primary Municipal Election Canvass:

JoD'Ann Bates, City Recorder addressed the Council. She indicated the Council had been previously provided with the unofficial results from the 2017 Primary Election. They had in front of them the official numbers compiled into a spreadsheet showing all votes from all precincts and provisional ballots for each candidate. This information was taken from the information provided to her by the Utah County Election office. The Council was also provided with the Utah County Elections information. JoD' continued that the Utah County Election Office conducted pre-cavasses on August 15, August 18, August 22, and August 25, 2017 with the final numbers being provided on August 29, 2017. State Code now requires the Canvassing Board to officially certify and accept the results of the 2017 Primary Municipal Election.

MOTION: Councilman Ed Dennis moved the City Council Formally Certify the Election Canvass from the 2017 Primary Municipal Election.

Councilman Tim Irwin seconded the motion.

Unanimous vote.

Motion carried.

ADJOURNMENT

MOTION: Councilman Tim Irwin moved to adjourn.

**Councilman Ed Dennis seconded the motion.
Unanimous vote. Motion carried.**

Meeting adjourned at 6:05 p.m.

JoD'Ann Bates, City Recorder

Date Approved: September 5, 2017



CITY COUNCIL AGENDA REPORT

ITEM # 5

DATE: Tuesday, September 5, 2017
TO: Honorable Mayor and Members of the City Council
FROM: Todd Trane, PE
City Engineer
SUBJECT: RESOLUTION: Interlocal Agreement with Utah County on the 4800 West Project.

STAFF RECOMMENDATION:

The City Council approval of an interlocal agreement with Utah County for the 4800 West Project by resolution.

BACKGROUND:

Staff has been working with MAG (Mountainland Association of Governments) for some time on a project to widen 4800 West at SR-92. The plan is to create a right turn lane for southbound traffic coming into the intersection. The total project cost is estimated at \$328,000. The project was planned for some time in 2019-2020. Staff has worked with MAG to receive the funds sooner and has been successful in securing the funds for project construction this summer. MAG has provided \$305,794 of county funds for this project. The additional \$22,206 to reach the total project funds is a required local match. Highland and Alpine will split this cost and provide \$11,103 each for the project.

As a part of receiving the county funds, we are required to enter into this interlocal agreement with Utah County. The Utah County Engineer, Richard Neilson, will review all project expenditures and release the funds as needed. Utah County Commission is in the process of approving the agreement.

FISCAL IMPACT:

This action will agree to contribute \$11,103 as Highland City's portion of the local match for the 4800 West project.

GL 41-40-71: Major Road Maintenance

ATTACHMENTS:

1. Resolution
2. Interlocal Agreement

RESOLUTION NO. R-2017-**

**A RESOLUTION OF CITY COUNCIL OF HIGHLAND CITY, UTAH
APPROVING AN INTER-LOCAL COOPERATION AGREEMENT WITH UTAH
COUNTY FOR THE 4800 WEST RIGHT TURN LANE PROJECT.**

WHEREAS, the Utah Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated (1953), as amended, permits local governmental units including cities, counties, inter-local agencies and political subdivisions of the State of Utah to make the most effective use of their powers by enabling them to cooperate with other public entities on the basis of mutual advantage and to exercise joint cooperative action for the benefit of their respective citizens; and

WHEREAS, the Program Manager (Utah County) and the Project Sponsor (Highland City) desire to facilitate the construction of a Road Widening project known as 4800 West Right Turn Lane which consists of the widening of a collector road to include a right turn lane onto SR-92.

NOW, THEREFORE be it resolved by the Municipal Council of Highland, Utah, approves the attached inter-local agreement.

This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of Highland City, Utah, this 5th day of September, 2017.

HIGHLAND CITY, UTAH

Mark S. Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>

INTER-LOCAL COOPERATION AGREEMENT
between
UTAH COUNTY and
HIGHLAND CITY

For A Project Known As

4800 WEST RIGHT TURN LANE

THIS AGREEMENT, made and entered into this 18th day of July 2017, by and between **UTAH COUNTY**, an inter-local agency of the State of Utah, with principle offices located at 100 East Center ST, Suite 2300, Provo, Utah 84606 and **HIGHLAND CITY** , a political subdivision of the State of Utah, with principle offices located at 5400 West Civic Center Drive, Highland, Utah 84003.

RECITALS:

WHEREAS, the Utah Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated (1953), as amended, permits local governmental units including cities, counties, inter-local agencies and political subdivisions of the State of Utah to make the most efficient use of their powers by enabling them to cooperate with other public entities on the basis of mutual advantage and to exercise joint cooperative action for the benefit of their respective citizens; and

WHEREAS, the Program Manager (Utah County) and the Project Sponsor (Highland City) desire to facilitate the construction of a Road Widening project known as 4800 West Right Turn Lane which consists of widening of a collector road to include a right turn lane onto SR-92; and

WHEREAS, the Program Manager and the Project Sponsor held duly noticed public meetings wherein this Agreement was considered and an Authorizing Resolution was presented for approval by the respective legislative bodies.

NOW THEREFORE, in consideration of the covenants and agreements contained herein

and other valuable consideration, the sufficiency of which is hereby acknowledged, the Program Manager and the Project Sponsor hereby agree as follows:

Section 1. PURPOSES.

This Agreement has been established and entered into between the Program Manager and the Project Sponsor for the purpose of outlining the respective rights and responsibilities of the Program Manager and the Project Sponsor in the construction of the Approved Project.

Section 2. ADMINISTRATION OF AGREEMENT.

The parties hereto agree that, pursuant to Section 11-13-207, Utah Code Annotated, 1953 as amended, the Utah County Public Works Director shall act as the administrator responsible for the administration of this Agreement. The parties further agree that this Agreement does not anticipate nor provide for any organizational changes in the parties. The administrator agrees to keep all books and records in such form and manner as the Utah County Clerk/Auditor shall specify and further agrees that said books shall be open for examination by the parties hereto at all reasonable times.

Section 3. MULTIPLE JURISDICTIONS.

If a project is within multiple jurisdictions and/or agencies, one jurisdiction or agency will enter in to this interlocal agreement and interface with the Program Manager as the Project Sponsor. Multiple jurisdictions and/or agencies interactions will be outlined within a separate interlocal agreement between said jurisdictions and/or agencies. This agreement shall be referenced in this agreement as an Exhibit.

Section 4. EFFECTIVE DATE; DURATION.

This Agreement shall become effective and shall enter into force within the meaning of the Interlocal Cooperation Act, upon the submission of this Agreement to, and the approval and execution hereof by the governing bodies of the Program Manager and the Project Sponsor. The term of this Agreement shall be from the date of execution hereof until the terms and obligations identified herein are completed, but in no event, longer than 3 years from the execution date.

Section 5. NO SEPARATE LEGAL ENTITY.

The Program Manager and the Project Sponsor do not contemplate nor intend to establish a separate legal or administrative entity under the terms of this Agreement.

Section 6. TERMS.

- 1) **Project Scope** – Design and construction to widen 4800 West to provide a right turn lane onto SR-92.
- 2) **Project Initiation** - The Project Sponsor will designate a qualified project engineer from its staff or hire a project engineer from the Project Sponsors consultant pool who will be responsible for project delivery. The designated project engineer will be responsible for the completion of the project.
- 3) **Project Development** - The Project Sponsor and the designated project engineer, will design, acquire the necessary ROW, bid out and manage the construction of the Approved Project.
 - a) **Design Standard** - The design and construction of the Approved Project will meet or exceed Highland City standards.
 - b) **Environmental Work** - The Project Sponsor will acquire the appropriate clearances and permits through the design process. The Project Sponsor can follow their own adopted environmental process or follow the Recommended Environmental Guidance / Mountainland & Utah County Programmed Projects document (including designating with the Program Manager the type of environmental work to be completed). The also must follow any National Environmental Policy Act (NEPA) requirements required (Endangered Species Act, Clean Water Act, etc.).
 - c) **Design Work** - The Project Sponsor will involve the Program Manager at the following design milestones:
 - (1) Kickoff Meeting,
 - (2) 60% On Site Plan Review,
 - (3) 90% Plans, Specifications and Estimate

- d) **Final Design Approval** - Once project design is complete the Project Sponsor will review the final design with the Program Manager. Both parties shall agree that the project is ready for the construction phase.
 - e) **ROW Acquisition** - The Project Sponsor will be responsible to acquire all necessary ROW adhering to state and local laws. The Project Sponsor can follow their own adopted ROW acquisition process.
 - f) **Procurement** - Advertising of the Approved Project will follow the Project Sponsors established procurement policies. The Project Sponsor will provide a copy of the notice of award to the Program Manager.
- 4) **Project Signage/Contact Info** - It is recommended that the Project Sponsor install signage informing the public of the following:
- a) Project name.
 - b) Project description.
 - c) Start and completion dates (general).
 - d) Contact name, phone number, website address, email.
 - e) Use the sentence “This project funded with Mountainland Transportation Funding”.
 - f) List project sponsors and their logos (Project Sponsor, Mountainland, Utah County).
 - g) Generally, one sign at each access point to the project shall be installed.
 - h) Signs should be at least 4’ x 6’, or large enough for passing motorists to read.
 - i) Signs should be installed prior to construction and stay in place through construction.
- 5) **Construction Process** - The Project Sponsor will manage the construction process.
- a) The Program Manager will be notified of any changes that affect the scope of the project or costs that exceed the construction contingency.
- 6) **Project Completion** - Program Manager staff will be notified and allowed to attend the final inspection of the completed project.
- 7) **Project Hold** - The Program Manager has the authority to place a project on hold during the Project Development process or withhold reimbursement of invoices during the Construction Process if the Program Manager deems that the project is not within the Approved Project scope or budget. The Program Manager shall notify the Project Sponsor of the hold in writing and will work with the Project Sponsor to rectify the issues promptly. If the Project Sponsor and Program Manager cannot bring the Approved Project back into scope or if additional funding is needed above what the Program Manager or the Project Sponsor can provide, the

issues will be brought to the Mountainland MPO committees for their review, recommendations, and approvals.

- 8) **Total Project Cost** - Both the Program Manager and Project Sponsor acknowledge that the Approved Project has been authorized by the Mountainland MPO Regional Planning Committee (Utah County Commission must also approve if county funds are used) to be funded at an amount not to exceed \$328,000 (Total Project Cost) for the direct costs of the Approved Project.
 - a) **Matching Funds** - The Project Sponsor is required to pay a match or portion of the Total Project Cost. This amount is 6.77% of the Total Project Cost. The use of Project Sponsor equipment and/or Project Sponsor employee time for the project shall not be reimbursable, but can be claimed by the Project Sponsor as a soft match toward the required 6.77% matching funds required from the Project Sponsor. Soft match being used as the required match for this project is the preliminary and final engineering costs, equating to \$22,206. The Project Sponsor is required to pay the difference between the required match and the value of the soft match, if any.
 - b) **Reimbursement** - The Project Sponsor, if desiring reimbursement for the direct costs of the Approved Project, will provide the Program Manager with one monthly itemized invoice detailing actual costs for the ROW acquisition, design, utility relocation, construction, or other approved elements of the project. Appropriate backup materials shall also be supplied. The Program Manager agrees to reimburse the Project Sponsor within 30 days of receiving acceptable itemized invoices establishing the validity of the direct costs of the Approved Project. The maximum amount of reimbursement from the Program Manager to the Project Sponsor shall not exceed \$305,794 (Total Project Cost less Matching Funds). Any costs which exceed \$305,794 shall be the sole responsibility of the Project Sponsor. The Program Manager will review and approve monthly each itemized invoice and will reimburse the total invoice amount less the required matching funds.
 - c) **Cost Overruns** - The Program Manager maintains an account for cost overruns. The Project Sponsor may request additional funds above the approved Total Project Cost with supporting documentation demonstrating the need for additional funds. The Program Manager may approve up to 10% of the Total Project Cost up to a maximum of \$500,000. The MPO Regional Planning Committee can approve higher amounts (Utah County Commission must also approve if county funds are used). The addition of these contingency funds would require a modification to this agreement. If no additional funds

are awarded or the project still requires additional funds, the Project Sponsor will be responsible to fund the overrun.

- d) **Surplus Funds** - Any surplus funds remaining after the completion of the Approved Project will be returned to the Mountainland or Utah County fund balance to be reallocated to other projects selected through the MPO project selection process. Note that Mountainland and Utah County selects and funds projects, not sponsors. Surplus funds cannot be moved to a new project not already approved through the MPO project selection process. Any surplus funds paid by the Project Sponsor shall be returned to the Project Sponsor.
- 9) **Ownership and Maintenance of Approved Project** - The Project Sponsor shall own and be responsible for maintenance, repair and replacement of the completed project.
- 10) **Inspection of Approved Project** - The Program Manager and its designees, upon reasonable notice, reserve the right to enter upon the Approved Project to inspect the same to verify compliance with this Agreement.
- 11) **Other Expenses** - Except as otherwise expressly stated herein, all expenses not identified as a part of the Approved Project or executed prior to the Agreement shall be the sole responsibility of the Project Sponsor.
- 12) **No Third-Party Rights** - The obligations of the parties set forth in this Agreement shall not create any rights in or obligations to any persons or parties other than to the Project Sponsor and Program Manager. This Agreement is not intended to nor shall it be construed to benefit any third party.
- 13) **Recitals** - The Recitals portion of this Agreement constitutes a part of this Agreement.

Section 7. FILING OF INTERLOCAL COOPERATION AGREEMENT.

Executed copies of this Agreement shall be placed on file with the official keeper of records of the Program Manager and the Project Sponsor, and shall remain on file for public inspection during the term of this Agreement.

Section 8. AMENDMENTS.

- 1) **Amending this Agreement** - This Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be: (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, and (c) filed in the official records of each party.
- 2) **Change Orders** - Changes can occur throughout a project. Changes that are outside the scope outlined in this contract must be amended as stated above. Minor changes and adjustments that fall within the original project scope can be addressed with a change order. A change order does not require amending this agreement. A change order is defined as that additional effort necessary by reason of changed conditions which are radical, unforeseen, and completely beyond the control of the Project Sponsor. The Project Sponsor shall create the change order and keep records of them. Any additional costs incurred can be covered by the construction contingency or by added local funding and should be addressed in the change order. If additional costs are more than the construction contingency and available local funds, the Project Sponsor shall contact the Program Manager to review funding options.

Section 9. EXTRA WORK

Extra work shall be undertaken only when previously authorized in writing by the Program Manager, and is defined as additional work which is neither shown nor defined in this Agreement. Extra work includes additional improvements adjacent to the Approved Project or in other locations that the Project Sponsor desires to complete as a package of projects. Extra work can be for utility projects, facilities that tie into the Approved Project, project betterments, or other work desired by the Project Sponsor. No costs incurred by extra work can be billed to the Approved Project. Any invoices submitted by the Project Sponsor shall clearly detail costs incurred by the Approved Project and list separately costs incurred by the extra work. This agreement shall be referenced in this agreement as an Exhibit.

Section 10. SEVERABILITY.

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

any of the terms of this Agreement unenforceable.

Section 11. GOVERNING LAW.

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

Section 12. INDEMNIFICATION.

The Project Sponsor shall indemnify and hold the Program Manager harmless from any and all claims of liability for any injury or damage to any person or property whatsoever occurring in, on or about the Approved Project or any part thereof. The Project Sponsor shall further indemnify and hold the Program Manager harmless from and against any and all claims arising from any breach or default in the performance of any obligation on the Project Sponsor's part to be performed under the terms of this Agreement, or arising from any act or negligence of the Project Sponsor, or any of the Project Sponsor's agents, employees, contractors, subcontractors, or invitees and from and against all costs, reasonable attorney's fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. Both the Project Sponsor and Program Manager agree that the terms of this Agreement are subject to, and not a waiver of, the protections, immunities and liability limits of the Governmental Immunity Act, U.C.A. 63G-1-101, et. seq. The Project Sponsor's obligations under this provision shall survive the expiration or other termination of this Agreement.

Section 13. ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

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

UTAH COUNTY

Authorized and passed on this 18th day of July 2017,

Board of Commissioners
UTAH COUNTY, UTAH

William C. Lee, Commission Chair

ATTEST:

Bryan E. Thompson, Utah County Clerk/Auditor

REVIEWED AS TO FORM AND
COMPATIBILITY WITH APPLICABLE
LAW:

By: _____
Jeffrey R. Buhman, Utah County Attorney

HIGHLAND CITY

Authorized by Resolution No. (enter #),
this 18th day of July 2017,

Highland City, Utah

Mayor, Mark Thompson

ATTEST:

Jody Bates, Recorder

REVIEWED AS TO FORM AND
COMPATIBILITY WITH APPLICABLE
LAW:

By: _____
Tim Merrill, City Attorney



CITY COUNCIL AGENDA REPORT ITEM #6

DATE: Tuesday, August 30, 2017
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: MOTION: Ratifying the Mayor's appointment of Councilman Rod Mann to the Lone Peak Public Safety Board as a full member

STAFF RECOMMENDATION:

City Council ratify the appointment of Councilman Rod Mann to the Lone Peak Public Safety Board as a full member

BACKGROUND:

The Lone Peak Public Safety Board is made of seven members for Fire and five members for Police. Mayor Thompson and Council members Irwin and Braithwaite serve as Highland's representatives on the Board for the Fire Department. Mayor Thompson and Council member Irwin serve as Highland's representatives on the Board for the Police Department. Council member Mann serves as an alternate for these positions.

The Fire Department is currently recruiting for a Fire Chief. The position is open until filled with the first review on September 4, 2017. Mayor Thompson has resigned his position on the Board due to one of the applicants being one of his children.

Mayor Thompson has appointed Council member Mann to serve his remaining term on the Board. It is requested that the Council ratify the appointment.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Letter of Resignation

30 August 2017

Mayor Mark S. Thompson
10965 N 6000 W
Highland UT 84003

Mayor Sheldon Wimmer
Chair Lone Peak Public Safety Dist.

Dear Chairman Wimmer

After receiving notice from Nathan Crane, that my son Reed M. Thompson has filed an application for Fire Chief. I tender my resignation from the Board of Directors effective 30 August 2017.

Alternate Rod Mann will take that position.

Sincerely,

A handwritten signature in black ink that reads "Mark S. Thompson". The signature is written in a cursive style with a long horizontal flourish at the end.

Mark S. Thompson



CITY COUNCIL AGENDA REPORT ITEM #7

DATE: Tuesday, September 5, 2017
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing and Resolution: Designation of Open Space Property for Disposal in the Highland Hills Subdivision. *Legislative.*

STAFF RECOMMENDATION:

The City Council should conduct a public and determine if the property should be disposed.

BACKGROUND:

There are 117 lots in the Highland Hills Subdivision.

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

The Council has determined that the price per square foot for the land is \$1.40. If the property is purchased, acquiring residents pressurized irrigation rate will be revised to include the purchased area.

Property disposal is considered a legislative act subject to referendum.

One property owner within the subdivision is requesting the disposal of approximately 2,178 square feet of open space (Attachment A).

The property is currently grass. The current City owned sprinkler system will need to be modified to accommodate the purchases. The buyer should pay the cost of these modifications.

CITIZEN PARTICIPATION:

A petition has been submitted showing support from 82 property owners within the subdivision which represents 70% of the property owners in the subdivision. The petition exceeds the minimum requirement of 60%.

The one owner adjacent to the property to be disposed has signed the petition.

Notice of the City Council public hearing was sent to all property owners within the subdivision on August 21, 2017. The property was posted on August 21, 2017.

CONCLUSION:

The City Council will need to hold a public hearing and determine if the property should be disposed. The Council should also discuss the four items raised in the staff report and provide the appropriate direction.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Resolution
2. Disposal Application

RESOLUTION NO. 2017-**

**A RESOLUTION OF HIGHLAND CITY, UTAH
DESIGNATING OPEN SPACE PROPERTY FOR DISPOSAL PROPERTY IN THE
WIMBELTON 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 approximately 2,178 square feet of Open Space Property in the Highland Hills 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 5th day of September 2017.

HIGHLAND CITY, UTAH

Mark Thompson, Mayor

ATTEST:

Jo'DAnn Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>



HIGHLAND CITY

5400 West Civic Center Drive - Suite 1
Highland, UT 84003
Phone 772-4515 Fax 756-6903
Community Development Department

OPEN SPACE DISPOSAL APPLICATION

STAFF USE ONLY

Application Date: 07 / 17 / 17 Application Number: OSD-17-01

Received by: [Signature] Receipt #: _____ Cash/Card/Check (Check #: _____)

Commission Development Review: _____ City Council Meeting Date: _____

Application: Approved/Denied Staff Comments: _____

PETITIONER INFORMATION

Name: Aaron & Elizabeth Swalberg

Address: 11831 North 6190 West, Highland UT 84003

Phone #: 801-671-1319

Email Address: akswallys@gmail.com

Subdivision: Highland Hills

ORDINANCE NO. O-2013-03

The City Council of Highland City finds that providing procedures for the removing of neighborhood option trails and disposing of open space properties is beneficial to the residents of Highland. Said procedure for the removal of such trails has been outlined in the body of this ordinance of which a copy is hereto attached to this application.

A Neighborhood Option Trail is defined as a trail provided as part of an open space development that serves the local neighborhoods.



HIGHLAND CITY

5400 West Civic Center Drive - Suite 1
Highland, UT 84003
Phone 772-4515 Fax 756-6903
Community Development Department

OPEN SPACE DISPOSAL CHECKLIST

The following items are required for processing. An application will not be accepted without these items.

TO BE COMPLETED BY STAFF		DELIVERABLES
YES	NO	
✓		Completed and Signed Open Space Disposal Application.
✓		Narrative explaining proposed disposal plan and reason for request.
✓		Legible vicinity map indicating the exact location of the property on a separate 11"x17" sheet (2 copies).
✓		Property ownership map and list within 500 feet and affidavit of notification (see page 3 & 4).
✓		Addressed, stamped envelopes with no return address for all property owners within 500 feet of the property.
✓		Property owner petition with signatures from each of the property owners adjacent to open space being disposed of.
✓	70 Required 82 Submitted	Petition signed by appropriate percentage of property owners within the subdivision (See Chapter 12.32 of Disposal Ordinance).
		Notarized copy of the applicant's Affidavit of Posting for the public notice sign (see page 5 & 6).

The applicant should be aware that there may be requests to provide additional materials for staff review, and/or City Council meetings.

Signature: 

Printed Name: Elizabeth Swalberg

Date: _____

Phone Number: 801-671-1319

If you have any questions regarding items on this checklist or the process, please contact the Community Development Department at 801-772-4515.

*Janell Vranes -
Adjacent Property Owner*

Aaron and Elizabeth Swalberg
11831 North 6190 West
Highland, UT 84003

July 14, 2017

Highland City – City Council
5400 West Civic Center Drive Ste. 1
Highland, UT 84003

RE: Proposed disposal plan of property behind 11831 North 6190 West, Highland

To whom it may concern,

The area being considered for disposal is located behind the petitioner's home at 11831 North 6190 West (Lot 59) . The land is directly out our back door and is adjacent to one other property, 6215 West Apollo Way (Lot 58). Our plan with the proposed property, once approved, would be to connect the current fence line from our two neighboring properties (Lot 58 & Lot 60), and enclose the yard. The property is currently landscaped with grass, which is watered by city-owned sprinklers. If approved, we, as the petitioners, would cap the city sprinklers and run new lines from our water source. There are no trails or other improvements, which would need removal.

The owner of the property adjacent to the proposed disposal (Lot 58) is Janell E. Vranes. Her side yard is adjacent to the area. We have discussed the space with her and she has no interest in purchasing it. She is in favor of our purchasing the property, maintaining and fencing it, and she has signed the petition. Except for the Highland city owned common space, there are no other adjacent property owners.

For many years, we have been interested in purchasing this area in our back yard. Not only would it increase the size of our yard, but we would like to enclose the yard with a fence. We have not pursued a fence prior to this because, without the open space, it would leave an "alley" between the two fences, which would interrupt the flow and give a "chopped feeling" to the neighborhood. Our plan is to use the same fencing (vinyl privacy with the picket top) along the back of the property which, both our neighbors have used. Additionally, we would enclose the front on the disposed property, along our current side yard with a rod iron fence. This would maintain the open space feeling.

We thank you for your consideration.

Sincerely

Aaron and Liz Swalberg



Property Ownership Notification Map

Property Owners within 500 feet

414990035	MODERSITZKI - MARC & MARCI L	11875 N JUPITER CIR	HIGHLAND	UT	84003
415000054	VIDELA - GABRIEL G & MICHELLE	11822 N 6260 W	HIGHLAND	UT	84003
414990031	MACOMBER - RANDY L & NARDA X	11829 JUPITER CIR	AMERICAN FORK	UT	84003
415860073	FRAZIER - RILEY & CINDI	6199 W ARGO CIR	HIGHLAND	UT	84003
415000057	ASHWORTH HOLDINGS GUNLOCK LLC	6192 VALLEY VIEW DR	HIGHLAND	UT	84003
414990034	KESTER - SUSAN G & CORY	11861 N JUPITER CIR	HIGHLAND	UT	84003
415860071	ADAMSON - CASEY	6217 W ARGO CIR	HIGHLAND	UT	84003
415270007	NEWMAN - PHILLIP J & JENNIFER J	6166 VALLEY VIEW DR	HIGHLAND	UT	84003
415000043	QUINTANA - MELANIE	6186 W APOLLO WY	HIGHLAND	UT	84003
414990038	LITTLEFIELD - LINDA & ROGER	11867 APOLLO WY	HIGHLAND	UT	84003
415860069	RODRIGUEZ - ROBERT R & LOUISE A	11000 MORA DR	LOS ALTOS	CA	94024
414990033	PEARSON - BRYCE J & HEIDI J	11851 N JUPITER CIR	HIGHLAND	UT	84003
414990037	APOLLO HOME LLC	13425 BAYBERRY CIR	ALPINE	UT	84004
415000044	PENSCO TRUST COMPANY	25675 FROST LN	STEVENSON RANCH	CA	91381
415860070	KIM - JIN	225 N AVENUE 25 APT 101	LOS ANGELES	CA	90031
415860072	BARLOW - JESHUA A & KRISTEN B	6207 W ARGO CIR	HIGHLAND	UT	84003
415000045	SMITH - COLTON A	6214 W APOLLO WY	HIGHLAND	UT	84003
415000055	POWELL - RAWLIN J	11832 N 6260 W	HIGHLAND	UT	84003
415000061	JACOBSEN - BRAD & JULIE	11822 N 6190 W	HIGHLAND	UT	84003
415000058	VRANES - JANELL EASTMAN	6215 W APOLLO WY	HIGHLAND	UT	84003
415000059	SWALBERG - AARON P & ELIZABETH F	11831 N 6190 W	HIGHLAND	UT	84003
415000047	COSTON - KELLY R & KANDYCE M	PO BOX 376	AMERICAN FORK	UT	84003
415860074	FAIRBANKS - RICHARD G & NADINE E	6193 W ARGO CIR	HIGHLAND	UT	84003
415000063	SPENCER - RICHARD H JR & CARRIE ANN	11838 N 6190 W	HIGHLAND	UT	84003
415000046	OLSON - CARL WILLIAM	6228 APOLLO WY	HIGHLAND	UT	84003
415000048	GARDNER - DAIRREL	6254 W APOLLO WY	HIGHLAND	UT	84003
415000049	ROBBINS - ADDELINE M	6264 W APOLLO WY	HIGHLAND	UT	84003
415000042	SKINROOD - MICHELE G	6174 APOLLO WY	HIGHLAND	UT	84003
415000062	GREEN - JEREMY & ALEECE	11832 N 6190 W	HIGHLAND	UT	84003
415270006	TIMOTHY - TAVIS B & JENNY C	6136 W 11760 N	HIGHLAND	UT	84003
415270008	ASHWORTH - DENISE P & DANIEL W	6192 W VALLEY VIEW DR	HIGHLAND	UT	84003
414990032	D&L FAIRBANKS LLC	10568 N 5900 W	HIGHLAND	UT	84003
415000060	HUANG - JINSHENG (ET AL)	11825 N 6190 W	HIGHLAND	UT	84003
414990041	HIGHLAND CITY	5378 W 10400 N	HIGHLAND	UT	84003
417950015	RATANAWAN - ANNA R & TAWAN	11779 N HIGHLAND FIELDS DR	HIGHLAND	UT	84003
417950001	ASHWORTH HOLDINGS LLC	6192 W VALLEY VIEW DR	HIGHLAND	UT	84003
415000056	PETERSEN - DIANE	11004 N WABASH AV	KANSAS CITY	MO	64155

Property Notification Map

41:586.0125
HIGHLAND CITY
Value \$0 --- 4.96 acres

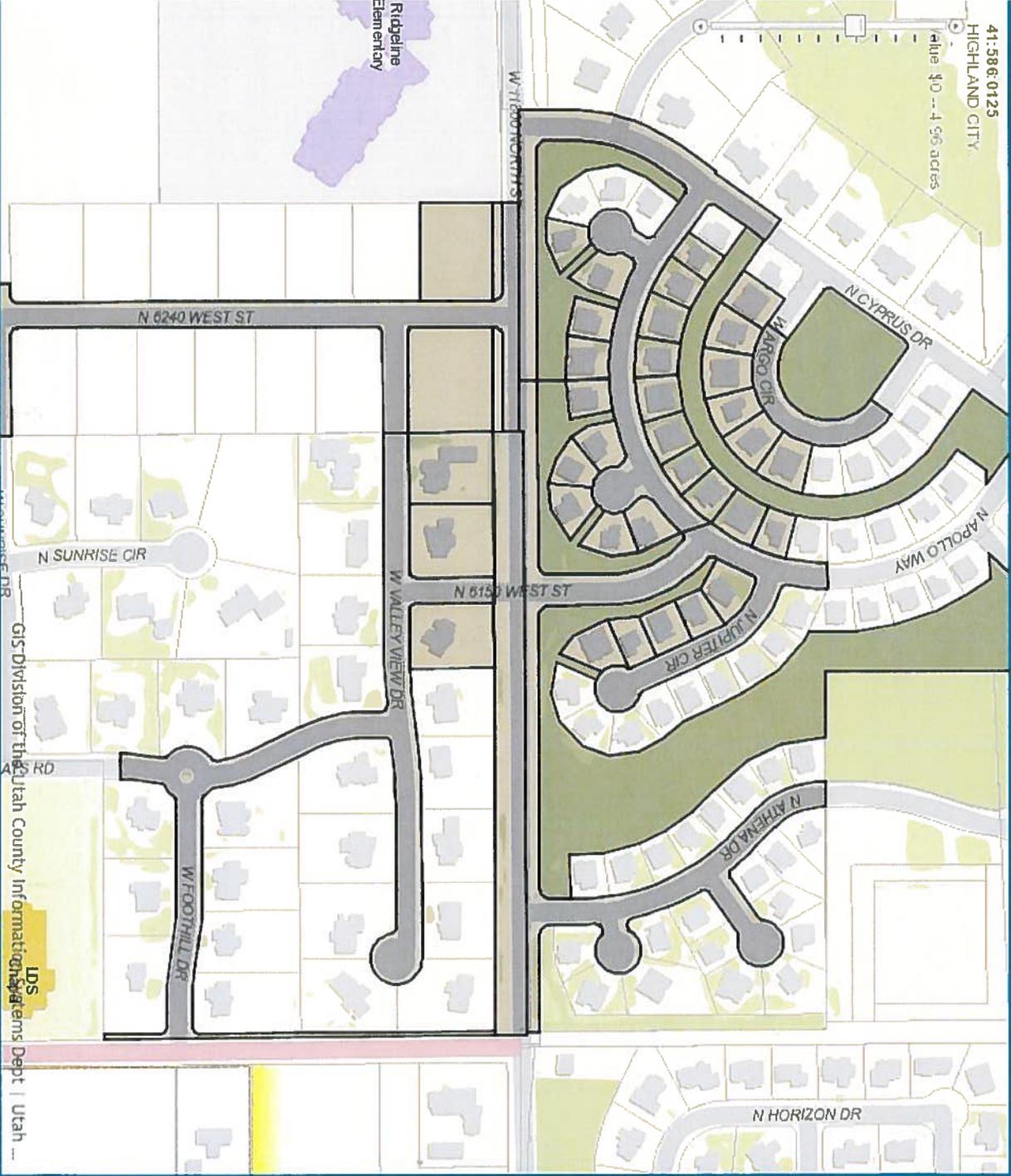
831 North 6190 West
Street (122 E 456 South)

Highland

Find Parcel
Find Address
Find City
Download CSV File

Step 1: Set the buffer distance (in feet)
Step 2: Click the parcel on the map (the one you wish to buffer)
Buffer Distance (feet): Clear Map Buffer

(Click the button below to view/print/download the address list
(Hint: Enable browser pop-ups or hold down the Ctrl key while clicking a button.)



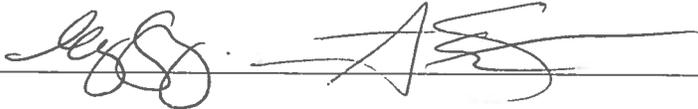
Parcel	Mailing Address
414990035	MODERSITZKI, MARC & MARCI 11875 N JUPITER CIR HIGHLAND, UT 84003
415000064	HIGHLAND CITY 5378 W 10400 N HIGHLAND, UT 84003
415000054	VIDELA, GABRIEL G & MICHELLE 11822 N 6260 W HIGHLAND, UT 84003
414990031	MACOMBER, RANDY L & NARDA X 11829 JUPITER CIR AMERICAN FORK, UT 84003
415860073	FRAZIER, RILEY & CINDI 6199 W ARGON CIR HIGHLAND, UT 84003
415000057	ASHWORTH HOLDINGS GUNLOCK LLC 6192 VALLEY VIEW DR HIGHLAND, UT 84003
414990034	KESTER, SUSAN G & CORY 11861 N JUPITER CIR HIGHLAND, UT 84003
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415270007	NEWMAN, PHILLIP J & JENNIFER J 6166 VALLEY VIEW DR HIGHLAND, UT 84003
415000043	QUINTANA, MELANIE 6186 W APOLLO WY HIGHLAND, UT 84003
414990038	LITTLEFIELD, LINDA & ROGER 11867 APOLLO WY HIGHLAND, UT 84003
415000068	CITY OF HIGHLAND 5378 W 10400 N HIGHLAND, UT 84003
	RODRIGUEZ, ROBERT R &

OWNER'S PETITION AND INFORMATION: The following owners hereby submit their authorization to participate in the purchase of City owned open space property which is adjacent to their property within the Highland Hills Subdivision. *This sheet should be reproduced as needed based on the number of affected property owners.*

Owner's Name: Avon & Elizabeth Swalberg

Owner's Address: 11831 North 6190 West

Owner's Phone #: 801-671-1319 Email Address: akswallys@gmail.com

Owner's Signature: 

Owner's Name: N/A

Owner's Address: _____

Owner's Phone #: _____ Email Address: _____

Owner's Signature: _____

Owner's Name: N/A

Owner's Address: _____

Owner's Phone #: _____ Email Address: _____

Owner's Signature: _____

Owner's Name: N/A

Owner's Address: _____

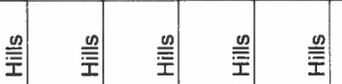
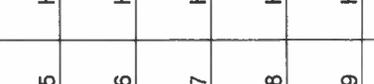
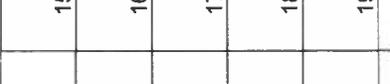
Owner's Phone #: _____ Email Address: _____

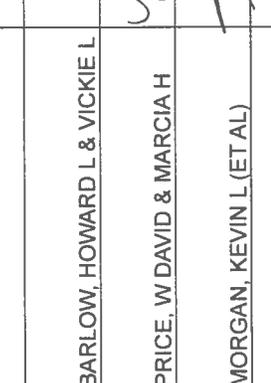
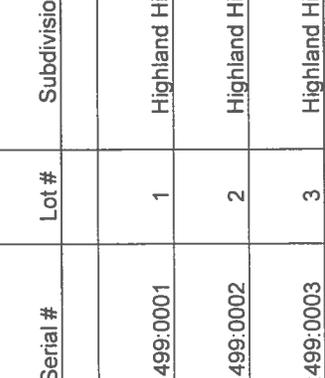
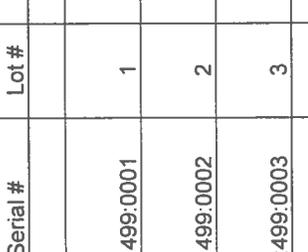
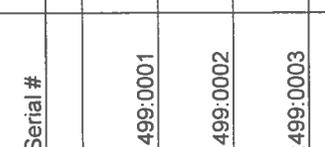
Owner's Signature: _____

41:499:0031	31	Highland Hills	11829 N JUPITER CIR	MACOMBER, RANDY L & NARDA X	<i>Randy & Narnda</i>	6/30/2017
41:499:0032	32	Highland Hills	11841 N JUPITER CIR	D&L FAIRBANKS LLC		
41:499:0033	33	Highland Hills	11851 N JUPITER CIR	PEARSON, BRYCE J & HEIDI J	<i>Bryce J Pearson</i>	6/30/17
41:499:0034	34	Highland Hills	11861 N JUPITER CIR	KESTER, SUSAN G & CORY	<i>Susan Kester</i>	6/30/17
41:499:0035	35	Highland Hills	11875 N JUPITER CIR	MODERSITZKI, MARC & MARCI L	<i>Marc Modersitzki</i>	6/30/17
41:499:0036	36	Highland Hills	11893 N APOLLO WY	FRANSEN, AMY (ETAL)	<i>Amy Fransen</i>	7/11/17
41:499:0037	37	Highland Hills	11881 N APOLLO WY	APOLLO HOME LLC		
41:499:0038	38	Highland Hills	11867 N APOLLO WY	LITTLEFIELD, LINDA & ROGER	<i>Roger Littlefield</i>	6-30-17

Plat A
Page 2

for sale
not a
home
not a
home
not a
home
not a
home
not a
home

41:499:0015	15	Highland Hills	11885 N ATHENA DR	MOLIFUA, BENJAMIN C & LEILANI		
41:499:0016	16	Highland Hills	11877 N ATHENA DR	WHITTAKER, PAUL		
41:499:0017	17	Highland Hills	11869 N ATHENA DR	TOMARAS, LEO A & MARYANDA J		
41:499:0018	18	Highland Hills	11859 N ATHENA DR	BLAKE, MITCHELL M & NICOLE B		7/13/17
41:499:0019	19	Highland Hills	11849 N ATHENA DR	DANDALA, SARATH KUMAR		7/11/17
41:499:0020	20	Highland Hills	11837 N ATHENA DR	SIRI, GARRETT T & NICOLE P		
41:499:0021	21	Highland Hills	11821 N ATHENA DR	MILLER, EDWARDA & BECKYA		7/11/17
41:499:0022	22	Highland Hills	11894 N APOLLO WY	BURTON, CHARLES & LINDA		6-30-17
41:499:0023	23	Highland Hills	11878 N JUPITER CIR	YOUNG, JENNIFER M		7-1-17
41:499:0024	24	Highland Hills	11872 N JUPITER CIR	GOERINGER, BRETT & JENNIFER		7/10/17
41:499:0025	25	Highland Hills	11862 N JUPITER CIR	ELLISON, NATHAN P & BRIANNE		7/11/17
41:499:0026	26	Highland Hills	11852 N JUPITER CIR	MADSEN, JENNIFER S		7/2/17
41:499:0027	27	Highland Hills	11842 N JUPITER CIR	MAUGHAN, STEVEN D & PAMELA R		6-30-17
41:499:0028	28	Highland Hills	11834 N JUPITER CIR	HARWARD, NATHAN D & KATIE C		6/30/17
41:499:0029	29	Highland Hills	11828 N JUPITER CIR	TRAMPLEASURE, BRIAN & LINDSAY KAYE		7/11/17
41:499:0030	30	Highland Hills	11824 N JUPITER CIR	JACKSON, DANIEL HANSEN		7/1/17

Serial #	Lot #	Subdivision	Address	Property Owner	Signature	Date
41:499:0001	1	Highland Hills	6033 W 11830 NORTH	BARLOW, HOWARD L & VICKIE L		
41:499:0002	2	Highland Hills	6023 W 11830 NORTH	PRICE, W DAVID & MARCIA H	Marcia W Price	6/30/17
41:499:0003	3	Highland Hills	6026 W 11830 NORTH	MORGAN, KEVIN L (ETAL)		6/30/17
41:499:0004	4	Highland Hills	11842 NATHENA DR	BEALS, ANTHONY D & LESLIE A		6-30-17
41:499:0005	5	Highland Hills	6045 W 11860 NORTH	PEREZ, EDWARD & NATASCHA M		6/30/17
41:499:0006	6	Highland Hills	6037 W 11860 NORTH	BROWNELL, KAREN L & MARTIN		7-11-17
41:499:0007	7	Highland Hills	6027 W 11860 NORTH	PAYNE, RANDY & DONNA		
41:499:0008	8	Highland Hills	6022 W 11860 NORTH	MACDUFF, JAMES A		6/30/17
41:499:0009	9	Highland Hills	6034 W 11860 NORTH	LAWYER, JAMES & KATIE		
41:499:0010	10	Highland Hills	6042 W 11860 NORTH	KAVANAGH, TREVOR		
41:499:0011	11	Highland Hills	6052 W 11860 NORTH	YOUNG, CALLIE		
41:499:0012	12	Highland Hills	11880 NATHENA DR	ALLRED, RICHARD E & CARA		6/30/17
41:499:0013	13	Highland Hills	11890 NATHENA DR	TOPHAM, DUSTIN & MAREN		7/11/17
41:499:0014	14	Highland Hills	11893 NATHENA DR	CUTLER, JOHN & SARAH		7/11/17

rental

not home
to price

not home
to price

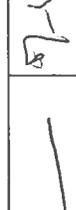
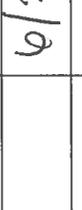
rental

not home

not home

not home

Serial #	Lot #	Subdivision	Address	Property Owner	Signature	Date
41:500:0042	42	Highland Hills	6174 WAPOLLO WY	SKINROOD, MICHELE G	<i>Michele G Skinrood</i>	6/30/17
41:500:0043	43	Highland Hills	6186 WAPOLLO WY	QUINTANA, MELANIE	<i>Melanie Quintana</i>	6/30/17
41:500:0044	44	Highland Hills	6198 WAPOLLO WY	PENSCO TRUST COMPANY		
41:500:0045	45	Highland Hills	6214 WAPOLLO WY	SMITH, COLTON A	<i>Colton A Smith</i>	6/30/17
41:500:0046	46	Highland Hills	6228 WAPOLLO WY	OLSON, CARL WILLIAM	<i>Carl William Olson</i>	6/30/17
41:500:0047	47	Highland Hills	6242 WAPOLLO WY	COSTON, KELLY R & KANDYCE M	<i>Kandyce M Coston</i>	7/11/17
41:500:0048	48	Highland Hills	6254 WAPOLLO WY	CLIFORD, ERIC GARDNER, DAIRREL	<i>Eric Clifford</i>	7/11/17
41:500:0049	49	Highland Hills	6264 WAPOLLO WY	ROBBINS, ADELINE M	<i>Adeline M Robbins</i>	
41:500:0050	50	Highland Hills	6272 WAPOLLO WY	SS PROPS 10 LLC	<i>SS Props 10 LLC</i>	6/30/17
41:500:0051	51	Highland Hills	11839 N 6260 WEST	PETERSON, VANCE & BONNIE KAREN	<i>Vance & Bonnie Peterson</i>	6/30/17
41:500:0052	52	Highland Hills	11831 N 6260 WEST	MUGLESTON, RONALD J & JILLYNE	<i>Ronald J & Jilllyne Mugleston</i>	7-7-17
41:500:0053	53	Highland Hills	11825 N 6260 WEST	HUISH, CORRIE A	<i>Corrie A Huish</i>	7 Jul 17
41:500:0054	54	Highland Hills	11822 N 6260 WEST	VIDELA, GABRIEL G & MICHELLE	<i>Michelle Videla</i>	6/30/17
41:500:0055	55	Highland Hills	11832 N 6260 WEST	POWELL, RAWLIN J	<i>Rawlin J Powell</i>	7/11/17
41:500:0056	56	Highland Hills	6237 WAPOLLO WY	PETERSEN, DIANE	<i>Diane Petersen</i>	
41:500:0057	57	Highland Hills	6225 WAPOLLO WY	ASHWORTH HOLDINGS GUNLOCK	<i>Ashworth Holdings Gunlock</i>	7/13/17

41:500:0058	58	Highland Hills	6215 W APOLLO WY	VRANES, JANELLE E		5-4-17
41:500:0059	59	Highland Hills	11831 N 6190 WEST	SWALBERG, AARON & ELIZABET		6/30/17
41:500:0060	60	Highland Hills	11825 N 6190 WEST	HUANG, JINSHENG (ET AL)		
41:500:0061	61	Highland Hills	11822 N 6190 WEST	JACOBSEN, BRAD & JULIE		6/30/17
41:500:0062	62	Highland Hills	11832 N 6190 WEST	GREEN, JEREMY & ALEECE		6/7/17
41:500:0063	63	Highland Hills	11838 N 6190 WEST	SPENCER, RICHARD H & CARRIE		6-30-17

Revised

Serial #	Lot #	Subdivision	Address	Property Owner	Signature	Date
41:586:0068	68	Highland Hills	6245 WARGO DR	WADE, BRETT MCKAY & ALICIA TRUJILLO		7/2/17
41:586:0069	69	Highland Hills	6235 WARGO DR	RODRIGUEZ, ROBERT R & LOUISEA		6/30/17
41:586:0070	70	Highland Hills	6227 WARGO DR	KIM, JIN		6/30/17
41:586:0071	71	Highland Hills	6217 WARGO DR	ADAMSON, CASEY		
41:586:0072	72	Highland Hills	6207 WARGO DR	BARLOW, JESHUA A & KRISTEN B		
41:586:0073	73	Highland Hills	6199 WARGO DR	FRAZIER, RILEY & CINDI		
41:586:0074	74	Highland Hills	6193 WARGO DR	FAIRBANKS, RICHARD G & NADINE E		6/30/17
41:586:0075	75	Highland Hills	6186 WARGO DR	^{Bloomfield} SWITZER, AL & LINDA (ET AL)		6-30-17
41:586:0076	76	Highland Hills	6192 WARGO DR	LARSEN, CYNTHIA & KEVIN		7/11/17
41:586:0077	77	Highland Hills	6198 WARGO DR	GOULDING, MICHAEL P		6-30-17
41:586:0078	78	Highland Hills	6206 WARGO CIR	BLOOMFIELD, BENJAMIN & KAREN		6-30-17
41:586:0079	79	Highland Hills	6214 WARGO CIR	BLANCO, GERARDO R & JANAL		6-30-17
41:586:0080	80	Highland Hills	11949 N APOLLO WY	SMART, CAMERON R & AUDREY		6-30-17
41:586:0081	81	Highland Hills	11937 N APOLLO WY	BALLAM, CHRISTOPHER & JENNIFER		6/30/17
41:586:0082	82	Highland Hills	11923 N APOLLO WY	SHELTON, KENNETH E & LISA		7/1/17
41:586:0083	83	Highland Hills	11909 N APOLLO WY	EASTMAN, CALEB DIETZ & MELISSA S		7/2/17
41:586:0084	84	Highland Hills	11904 N APOLLO WY	HAWVERMALE, ROBERT E (ET AL)		6-30-17
41:586:0085	85	Highland Hills	11914 N APOLLO WY	PRESIDIO DEL MAR LLC		
41:586:0086	86	Highland Hills	11926 N APOLLO WY	FREEZE, COREY C & MELINDA G		6-30-17
41:586:0087	87	Highland Hills	11934 N APOLLO WY	ANDERSON, STUART D III & CHRISTINE G (ET AL)		7-1-17

41:586:0088	88	Highland Hills	11944 N APOLLO WY	TODD, MARK J & LARI D		6/30/17	not here
41:586:0089	89	Highland Hills	11968 N ITHICA DR	BROOKS, LANE & JENNY			not here
41:586:0090	90	Highland Hills	11982 N ITHICA DR	LEAO, JADER C			not here
41:586:0091	91	Highland Hills	11992 N ITHICA DR	PARKER, BRADLEY & JENNIFER L			not here
41:586:0092	92	Highland Hills	12061 N ITHICA DR	BEAN, ROBERT BENJAMIN & BONNIE		7-12-14	not here
41:586:0093	93	Highland Hills	12051 N ITHICA DR	JONES, ALAN D & STEPHANIE J		6-30-17	not here
41:586:0094	94	Highland Hills	12039 N ITHICA DR	BYBEE, NORMA		6-30-17	not here
41:586:0095	95	Highland Hills	12027 N ITHICA DR	HERNANDEZ, NICKOLAS & TRACY			not here
41:586:0096	96	Highland Hills	12017 N ITHICA DR	VAN COTT, SETH & ULLA-STINA		9-12-17	not here
41:586:0097	97	Highland Hills	12005 N ITHICA DR	GEDRIS, DAVID & THERESA			not here
41:586:0098	98	Highland Hills	11991 N ITHICA DR	LISONBEE, LEE & JO		7/12/17	not here
41:586:0099	99	Highland Hills	11979 N ITHICA DR	ASTIN, STEPHEN & AMANDA R		7/12/17	not here
41:586:0100	100	Highland Hills	11967 N ITHICA DR	GOECKERITZ, MATTHEW J & KIMBERLY		6/30/17	not here
41:586:0101	101	Highland Hills	11978 N CYPRUS DR	HOLIDAY, BRADLEY JAY & MELISSA TERRY			not here
41:586:0102	102	Highland Hills	11988 N CYPRUS DR	PETERSON, DAVID & AMY		6/30/17	not here
41:586:0103	103	Highland Hills	11996 N CYPRUS DR	ORAM, CODY & MEREDITH		7/12/17	not here
41:586:0104	104	Highland Hills	12006 N CYPRUS DR	LAMBSON, CHARLES T & CHERYL K		7/12/17	not here
41:586:0105	105	Highland Hills	12016 N CYPRUS DR	POWER, OWEN		6-30-17	not here
41:586:0106	106	Highland Hills	12026 N CYPRUS DR	KIMBER, BRENT & HOLLIE		6-30-17	not here
41:586:0107	107	Highland Hills	12038 N CYPRUS DR	WRIGHT, WILLIAM K & BONNIE M		6-30-17	not here
41:586:0108	108	Highland Hills	12048 N CYPRUS DR	JOHNSON, RYAN A & CATHERINE H			not here
41:586:0109	109	Highland Hills	12062 N CYPRUS DR	MOIR, SCOTT & PENNY		9/13/17	not here

41:586:0115	115	Highland Hills	12097 N CYPRUS DR	ACEVES, MICHAELA & MARIA L V	<i>[Signature]</i>	7/12/17	<i>Not a rent</i>
41:586:0116	116	Highland Hills	12087 N CYPRUS DR	JORDAN, PAMELA J			<i>rent</i>
41:586:0117	117	Highland Hills	12073 N CYPRUS DR	PECKHAM, DAVID & LORI	<i>[Signature]</i>	7/12/17	<i>Not a rent</i>
41:586:0118	118	Highland Hills	12063 N CYPRUS DR	YBARRA, DOUG & REBECCA			<i>Not a rent</i>
41:586:0119	119	Highland Hills	12051 N CYPRUS DR	YOUNG, MELANIE M & JOHN R (ET AL)			<i>Not a rent</i>
41:586:0120	120	Highland Hills	12041 N CYPRUS DR	LITHERLAND, MARK & VICTORIA	<i>[Signature]</i>	6/30/17	<i>Not a rent</i>
41:586:0121	121	Highland Hills	12029 N CYPRUS DR	LILLIAN, ANDREW & MELANIE	<i>[Signature]</i>	7/12/17	<i>Not a rent</i>
41:586:0122	122	Highland Hills	12017 N CYPRUS DR	CONRAD, MARVIN D & PAULETTE M			<i>Not a rent</i>
41:586:0123	123	Highland Hills	12003 N CYPRUS DR	ACEVES, PAUL H & JENNIFER	<i>[Signature]</i>	6/30/2017	<i>Not a rent</i>
41:586:0124	124	Highland Hills	11987 N CYPRUS DR	STEWART, JOHN E B & KATY S Y			<i>Not a rent</i>

Plat D
Page 1

Serial #	Lot #	Subdivision	Address	Property Owner	Signature	Date
41:714:0092	92	Highland Hills	12007 N ITHICA DR	TEA, L SHANE	<i>[Signature]</i>	
41:714:0093	93	Highland Hills	12077 N ITHICA DR	SORENSEN, R ERIK & SARIANNE	<i>[Signature]</i>	7/2/17
41:714:0112	112	Highland Hills	12076 N CYPRUS DR	DAYTON, LORI	<i>[Signature]</i>	
41:714:0113	113	Highland Hills	12088 N CYPRUS DR	EASTWOOD, JEFFREY M & JENALYN	<i>[Signature]</i>	6-30-17
41:714:0114	114	Highland Hills	12098 N CYPRUS DR	KOLIPAKA, JANAKI PRASAD (ET AL)	<i>[Signature]</i>	



CITY COUNCIL AGENDA REPORT ITEM #8

DATE: Tuesday, September 5, 2017
TO: Honorable Mayor and Members of the City Council
FROM: Tim Merrill, City Attorney
SUBJECT: ORDINANCE: Amendment to the Highland City Municipal Code, Enacting Regulations for Private Helicopters.

STAFF RECOMMENDATION:

Adopt the Ordinance regulating the use of private helicopters within the City limits.

BACKGROUND:

Currently Highland does not have an ordinance regulating the use of private helicopters within the City. The proposed ordinance restricts helicopters from landing on public streets based on public safety concerns, but permits the parking of helicopters on private property under certain circumstances.

This ordinance provides a process for a resident to obtain a permit to land, park, and launch a private helicopter from their property while addressing noise and public safety issues.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Draft of Proposed Helicopter Ordinance

ORDINANCE NO.

AN ORDINANCE ENACTING REGULATIONS FOR PRIVATE HELICOPTERS; ALSO PROVIDING AN EFFECTIVE DATE AND SAVINGS CLAUSE.

WHEREAS, the City of Highland desires to regulate the safety and use of private helicopters within the City; and

WHEREAS, Title 10 Chapter 3 and §10-8-84 of the Utah Code authorizes the City Council to pass ordinances which are reasonably and appropriately related to the providing for the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and its residents; and

WHEREAS, the City Council desires to enact a new section of the Highland City Code to address the safety, noise, and duties of helicopter owners within the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND CITY, THAT §12.34 OF THE HIGHLAND MUNICIPAL CODE BE ENACTED AS FOLLOWS:

I. 12.34.00 Regulations Governing Private Helicopters

12.34.010 Definitions

- A. “Private Helicopter” means a helicopter not used for legitimate emergency services.

12.34.020 No Landing or Parking of Private Helicopters on City Streets or Public Places

It shall be unlawful for any person to land or park a private helicopter on a street or public place within the City.

12.34.030 Landing Pads Permitted on Private Property - Requirements

Helicopters may be landed or parked on private property in residential zones on lots with acreage in excess of 40,000 square feet when a landing pad with all of the following criteria is permitted:

- A. The landing pad is located at least 200 feet from any property line, home, or overhead utility line;
- B. The landing pad should be constructed in a manner that prevents the kick-up of debris;
- C. A fire management system including water and dry chemical fire retardants, at least 30 lbs. capacity, shall be stored in adjacent structures to the landing pad, secured for all weather conditions;

- D. The landing pad shall be surrounded by a four foot fence within 50 feet of the pad to prevent unwarranted access;
- E. The pad shall not be elevated except to address grade;
- F. If refueling is anticipated on-site, the landing pad shall include a retaining curb and all storage of fuel shall be approved by the Fire Marshall; and
- G. Any other condition deemed necessary to mitigate against anticipated detrimental effects of the proposed use.

12.34.040 Approval Required for Helicopter Permit

Any person desiring to construct a landing pad shall file an application containing a site plan and proposed flight path with the City to be reviewed by the Planning Commission, who may recommend approval or denial with any relevant stipulations. The City Council shall grant final approval or denial of the permit.

12.34.050 Hours When Launching or Landing is Permitted

Private helicopters may not be launched or landed between the hours of 7:00 p.m. and 7:00 a.m., **and no more than three flights per week from a single pad.**

12.34.060 Duties of Owners and Operators of Private Helicopters

- A. A mapped flight path plan is required to , including routes and proposed approach heights, conceived to utilize high sound corridor such as major streets and minimize approaches that fly directly over homes.
- B. Owners shall provide evidence of FAA and any state-required approvals and allow for annual inspections by the Fire Marshall.
- C. Owners shall allow in writing for medical emergency helicopter access to the landing pad.
- D. Helicopters are limited to 5,000 lbs. and may not have hanging loads.
- E. Operators shall be properly licensed.

12.34.070 Penalties.

Any violation of these provisions shall be deemed a class “B” misdemeanor, punishable as provided by state law, and grounds for the City to revoke any permit issued hereunder.

II. SEVERABILITY

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

III. EFFECTIVE DATE

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

PASSED AND ADOPTED THIS ____ DAY OF _____, 2017.

MAYOR OF HIGHLAND:

Mark S. Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder CMC

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>



CITY COUNCIL AGENDA REPORT ITEM #9

DATE: Tuesday, September 5, 2017
TO: Honorable Mayor and Members of the City Council
FROM: Tim Merrill, City Attorney
SUBJECT: MOTION: Issuance of Building Permits for pools in Country French "No Build Zone"

STAFF RECOMMENDATION:

Direct Staff in regards to whether building permits may be issued for pools in Country French's "No Build Zone."

BACKGROUND:

On July 18, 2017, the City held a public hearing regarding a plat amendment to allow for constructions of pools within Country French's "No Build Zone." After hearing comments from the residents of Bull River and Country French subdivisions, the City Council unanimously denied the application for a plat amendment, but suggested the neighborhoods meet to discuss the matter further.

The 80' No Build Zone listed on the plat is a restrictive covenant. The Utah Supreme Court has stated, "Generally, unambiguous restrictive covenants should be enforced as written. However, where restrictive covenants are susceptible to two or more reasonable interpretations, the intention of the parties is controlling." *Swenson v. Erickson*, 229 P.2d 807, 811 (Utah 2000).

Historically Staff has not issued building permits within the No Build Zone, interpreting the restrictive covenant using its plain language meaning. The Highland City Planning Commission discussed pools in the No Build Zone on February 26, 2008 in a meeting where notice had not been given to impacted residents. The Planning Commission recommended at that time to allow pools, but the matter was never brought before the City Council for final determination.

Because the City does not have any property interest in the restrictive covenant, and there is no written easement document, the City's involvement in this matter is merely in the issuance of building permits. Therefore, the Council should direct Staff whether building permits may be issued for pools in the No Build Zone.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Planning Commission Minutes for February 26, 2008.

1 Highland City Planning Commission
2 February 26, 2008
3

4 **Present:**

5 Commissioner: Jennifer Tucker
6 Commissioner: Brent Wallace
7 Commissioner: Tony Peckson
8 Commissioner: Roger Dixon
9 Commissioner: Elizabeth Macfarlane
10 Commissioner: Melissa Wright
11 Commissioner: Don Blohm

12
13 Alternate: Kelly Sobotka
14 Alternate: Abe Day

15
16 City Planner: Lonnie Crowell
17 City Engineer: Matt Shipp
18 City Planner: Carly LeDuc
19 Secretary: Jill Stewart

20
21 Meeting convened at 7:00 p.m. by Jennifer Tucker
22 Prayer given by: Melissa Wright
23 Pledge given by: Roger Dixon

24
25
26 **Visitors: Brason Geddes, Josh Wadstenhusue, Kyle Warrick, Chris Dalley, Bill**
27 **West.**

28
29
30 Jennifer Tucker welcomed Highland's new planning secretary Jill Stewart and asked
31 her to tell a little bit about herself.

32
33 Jill Stewart introduced herself and said she came from the City of Saratoga Springs
34 planning department where she was for approximately one year and she also said she
35 lives in Lehi.

36
37 Jennifer Tucker stated that Don Blohm was not here last week and Jennifer had him
38 introduce himself.

39
40 Don Blohm introduced himself. He said he lives in Dry Creek area with his wife
41 Sally. He said they have seven children and many grandchildren. Don Blohm runs
42 a business in Lindon.

43
44 Jennifer Tucker thanked Don Blohm for that and proceeded with Item 1.
45
46

1 **Item 1: Country French Subdivision ~ Clarification of “No Build Zone”**

2
3 Lonnie Crowell explained that lots 1-11 and 42-52 of this subdivision were recorded
4 with an 80’ No Build Zone along the back of these properties. It is believed the
5 original intent was to preserve a view shed for adjacent property owners. The only
6 thing that would be allowed in these No Build areas would be something that did not
7 require a building permit. Staff feels that a swimming pool would not impact the No
8 Build Zone since these type of structures do not protrude above the ground. There
9 have been a couple of requests from residents in this area who would like to put in
10 swimming pools but are currently not able to with the current definition of the No
11 Build Zone. Staff requests the planning commission define what type of structures
12 would be allowed in the No Build Zone.

13
14 Jennifer Tucker asked for the planning commission’s input.

15
16 Brent Wallace wondered if anyone was present regarding this matter. Brent Wallace
17 asked if the Bull River residents were notified.

18
19 Lonnie Crowell stated that this request for the clarification of the No Build Zone was
20 done voluntarily by Highland and therefore we did not notify surrounding residents.

21
22 Brent Wallace stated that without notification to surrounding residents that we won’t
23 know if there are any objections.

24
25 Lonnie Crowell stated that the 80 foot no build zone was proposed by the developer
26 as a compromise for what was initially submitted as an open space overlay
27 subdivision. In addition, the developer donated 80-100 trees to Bull River. Also, a
28 no build zone is not required by ordinance for an R-1-40 subdivision and the
29 definition at this point is entirely up to the planning commission because the
30 planning commission initially required the condition.

31
32 Brent Wallace is concerned about a pump house that may be located near a
33 swimming pool and stated that he felt it would need to be outside of the 80’ No Build
34 Zone. He is also concerned about swimming pool slides and their height.

35
36 Tony Peckson stated that driving on the south side of these lots that you can clearly
37 see the homes and feels that the Bull River residents would have already voiced
38 concern if there was any about view obstruction since the homes have been there
39 awhile. He isn’t sure a slide would have any impact because the view is already
40 obstructed by the homes.

41
42 Lonnie Crowell stated that they want the commission to decide what they feel is
43 allowable in this No Build Zone and what is an acceptable height for such structures.
44 Lonnie also said that the building code requires a 4 foot fence around a pool, but
45 most insurance companies require a 6 foot fence.

1 Jennifer Tucker said that having a swimming pool is not the issue. What is the issue
2 is that the No Build Zone needs to be defined further so that it is clear.

3
4 Don Blohm said the commission needs to define swimming pool houses, slides, and
5 anything and everything that may go along with a swimming pool.

6 Jennifer Tucker asked if there was a height everyone was comfortable with.

7
8 Kelly Sobotka asked if there is a standard height for this type of structure in a build-
9 able zone. Lonnie Crowell stated that the maximum accessory structure height is 25
10 feet in a build-able zone. Lonnie Crowell stated that the commission needs to
11 determine a maximum height in this No Build Zone.

12
13 **Motion by Brent Wallace, Planning Commission recommends the No Build Zone**
14 **Easement in the Country French Subdivision Lots 1-11 and Lots 42-52 be defined**
15 **by the planning commission as follows:**

- 16
17 **1. That swimming pool buildings, swimming pool equipment buildings, and any**
18 **additional swimming pool recreational items not exceed 15 feet in height from**
19 **finished grade of the property; and**
20 **2. That swimming pool structures, swimming pool slides, and other swimming**
21 **pool recreation items or swimming pool equipment be placed on the house side of**
22 **the swimming pool within the 80' No Build Zone.**

23
24 **Seconded by Roger Dixon.**

25 **Unanimous vote, motion carried.**
26
27

28 **Item 2: Allreds Ace Hardware ~ Site Plan Approval – Recommendation**
29

30 Lonnie Crowell said that Bill West is here tonight and Bill West has requested site
31 plan approval for this project located in the town center zone. Lonnie Crowell stated
32 that the concern staff has is with the access getting in and out the parking lot and the
33 flow of traffic this creates through the parking lot. Staff feels it is preferable to
34 eliminate one of the entries if possible. Staff recommends approval with same
35 conditions as from the previous planning commission meeting.

36
37 Roger Dixon said he was confused with the accesses.
38

39 Lonnie Crowell said he is concerned that there may be a truck unloading in the back
40 delivery area and that cars may try to go around the back of the building and get
41 stuck there until the truck moves.
42

43 Lonnie Crowell said he would like to hear from Bill West and ask how the applicant
44 would feel about adjusting parking spaces to allow for a modified entrance scenario.
45



CITY COUNCIL AGENDA REPORT ITEM #10

DATE: Tuesday, September 5, 2017
TO: Honorable Mayor and Members of the City Council
FROM: Tim Merrill, City Attorney
SUBJECT: ORDINANCE: Amending the Highland City Municipal Code Section 12.32.040 for the Disposal of Open Space Property

STAFF RECOMMENDATION:

Adopt an amendment to the open space disposal ordinance clarifying the petition process for applicants in large subdivisions.

BACKGROUND:

On August 1, 2017, the City Council addressed a concern raised by a resident in Beacon Hills regarding the signature-gathering for open space disposal in large subdivisions. Council asked staff to propose language to address situations where it is impractical to gather hundreds of signatures.

The proposed language lessens the burden on an applicant by requiring only the signatures of those within their plat; however, if the open space is contiguous to two plats, the applicant would need to obtain signatures from both plats. The proposed language is:

For subdivisions over _____ lots, the petition shall require only the requisite signatures of (1) the property owners for the plat in which the open space lies, or (2) where the open space shares a border with more than one plat in a subdivision, the plats to which the open space is contiguous, or (3) where a trail system is part of or is affected by the open space, the plats wherein the trail system is located.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Redline Draft of Ordinance
2. Final Draft of Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING §12.32.040 OF THE HIGHLAND CITY MUNICIPAL CODE GOVERNING DISPOSAL OF OPEN SPACE PROPERTY; ALSO PROVIDING AN EFFECTIVE DATE AND SAVINGS CLAUSE.

WHEREAS, Title 10 Chapter 3 and §10-8-84 of the Utah Code authorizes the City Council to pass ordinances which are reasonably and appropriately related to the providing for the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and its residents; and

WHEREAS, the City Council desires amend §12.32.040 of the Highland City Code to allow for petitions to be by plat in large subdivisions;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND CITY, THAT §12.32.040 OF THE HIGHLAND MUNICIPAL CODE BE AMENDED AS FOLLOWS:

I. AMENDMENT

12.32.040 Petition Required

- A. As part of the application to remove open space for disposal, an applicant shall include a petition signed by real property owner(s), as shown on the records of the Utah County Assessor's Office, whose real property is included in the subdivision.
- B. For subdivisions over _____ lots, the petition shall require only the requisite signatures of (1) the property owners for the plat in which the open space lies, or (2) where the open space shares a border with more than one plat in a subdivision, the plats to which the open space is contiguous, or (3) where a trail system is part of or is affected by the open space, the plats wherein the trail system is located.
- C. The petition shall include a map identifying the open space proposed for disposal and proposed disposal plan.
- D. Said petition shall include the authorization from real property owners within the subdivision as follows:

Number of Lots Within a Subdivision	Percent of Real Property Owners Within the Subdivision	Percent of Real Property Owners Adjacent to the Open Space
0—50	70%	80%
50—99	65%	75%
100—199	60%	70%

200 +	55%	65%
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II. SEVERABILITY

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

III. EFFECTIVE DATE

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

PASSED AND ADOPTED THIS ____ DAY OF _____, 2017.

MAYOR OF HIGHLAND:

Mark S. Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder CMC

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO.

AN ORDINANCE AMENDING §12.32.040 OF THE HIGHLAND CITY CODE GOVERNING DISPOSAL OF OPEN SPACE PROPERTY; ALSO PROVIDING AN EFFECTIVE DATE AND SAVINGS CLAUSE.

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WHEREAS, the City Council desires amend §12.32.040 of the Highland City Code to allow for petitions to be by plat in large subdivisions;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND CITY, THAT §12.32.040 OF THE HIGHLAND MUNICIPAL CODE BE AMENDED AS FOLLOWS:

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- B. For subdivisions over _____ lots, the petition shall require only the requisite signatures of (1) the property owners for the plat in which the open space lies, or (2) where the open space shares a border with more than one plat in a subdivision, the plats to which the open space is contiguous, or (3) where a trail system is part of or is affected by the open space, the plats wherein the trail system is located.
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50—99	65%	75%
100—199	60%	70%

200 +	55%	65%
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PASSED AND ADOPTED THIS ____ DAY OF _____, 2017.

MAYOR OF HIGHLAND:

Mark S. Thompson, Mayor

ATTEST:

JoD' Ann Bates, City Recorder CMC

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>



CITY COUNCIL AGENDA REPORT ITEM #11

DATE: Tuesday, September 5, 2017
TO: Honorable Mayor and Members of the City Council
FROM: Tim Merrill, City Attorney
SUBJECT: ORDINANCE: Amending the Highland City Municipal Code section 2.44.040 - Disposal of Personal Public Property

STAFF RECOMMENDATION:

Adopt the Ordinance amending the process for surplusing of personal public property.

BACKGROUND:

The proposed ordinance clarifies the process for surplusing and disposing of personal public property. Currently all property must be surplused by the City Council, but it would promote efficiency if the City Administrator could dispose of items that have little or no value (under \$300.00) following the guidelines outlined in the proposed ordinance.

It also clarifies that city officials and employees may purchase surplused items only when they have no advantage or improper benefit, putting them on equal footing with other purchasers.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Redline Draft of Proposed Ordinance
2. Final Draft of Proposed Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING §2.44.040 OF THE HIGHLAND CITY MUNICIPAL CODE GOVERNING THE DISPOSAL OF PERSONAL PUBLIC PROPERTY; ALSO PROVIDING AN EFFECTIVE DATE AND SAVINGS CLAUSE.

WHEREAS, Title 10 Chapter 3 and §10-8-84 of the Utah Code authorizes the City Council to pass ordinances which are reasonably and appropriately related to the providing for the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and its residents; and

WHEREAS, the City Council desires amend §2.44.040 of the Highland City Code to better administer the surplusing and disposing of personal public property;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND CITY, THAT §2.44.040 OF THE HIGHLAND MUNICIPAL CODE BE AMENDED AS FOLLOWS:

I. AMENDMENT

2.44.040 Disposal Of Personal Public Property

- A. The city shall have the authority to sell, lease, convey and dispose of personal public property for the benefit of the city as provided by Utah Code Annotated Section 10-8-2, as amended.
- B. All surplus property is disposed of “as is” with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or usability of the property offered.
- ~~C. As personal public property becomes surplus a list will be compiled and presented to the city council to declare as surplus for disposal.~~
- C. General Procedures for Disposal of Personal Public Property:
 - 1. The City Administrator shall be responsible for the coordination and disposal of personal public property.
 - 2. Each department head/~~division manager~~ shall identify assets for disposal by completing an "Asset Disposal" sheet (Appendix A [2]) and determining the market value of the asset taking into account the replacement cost and depreciation rate for the item.
 - 3. Computer and electronic data storage equipment shall have the data wiped prior to disposal. This includes, but is not limited to, computers, laptops, tablets, servers, backup tapes and media switches, routers and hubs, phones, printers, fax machines, copiers, scanners, monitors, and external hard drives. For servers, backup media,

or any equipment in which data wiping is not feasible, staff will physically remove the data storage components for destruction of the data or configuration by physical or other permanent means.

4. ~~Submit the form to~~ The finance director ~~who~~ shall:
 - a. Validate the inventory control number or fixed asset schedule item;
 - b. Remove the item from the inventory control list or fixed asset schedule;
and
 - c. Direct the city recorder to remove the item from any maintenance agreements.
 - d. Maintain an inventory of surplus items with the value obtained through disposal, if any.

5. The City Administrator shall select the best disposal option. Sale of the item, rather than donation, is preferred when significant value is determined. Appropriate methods of ~~sale~~ disposal are as follows:
 - (a) Auction. Surplus property may be sold at public auction. Auctions may be conducted by City staff, or the City may contract with a professional auctioneer or electronic auction site.

 - (b) Sealed Bids. Sealed bids may be solicited for the sale of surplus property. Surplus property disposed of in this manner shall be sold to the highest responsible bidder.

 - (c) Selling for Scrap. Surplus property may be sold as scrap if the City deems that the value of its parts exceeds the value of the surplus property as a whole.

 - (d) Negotiation with Interested Buyer. When the City is aware of an interested buyer and deems that it can obtain market value for the surplus property from that buyer, it may dispose of the property through a negotiated transaction.

 - (e) Donation. Surplus property may be donated to any other public agency or charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code.

 - (f) No Value Item. Where the City determines that property is surplus and of minimal value to the City due to spoilage, obsolescence or other cause or where the City determines that the cost of disposal of such property would exceed the recovery value, the City shall dispose of the same in such a manner as they deem appropriate and in the best interest of the City.

6. ~~The finance director will present a list to the city council of items to declare surplus after reasonable notice has taken place.~~

~~D. For property valued over \$300.00, reasonable notice shall be given to the public prior to disposal. "Reasonable notice of personal public property" shall mean publishing a notice of the proposed disposition of personal public property, (1) on the city website after the items have been declared surplus and at least fourteen days prior to the disposition; and (2) on the Utah Public Notice Website after the items have been declared surplus and at least fourteen days prior to the disposition.~~

~~E. The city council may also authorize at its discretion and under such terms and conditions as it may deem desirable, fair and appropriate, considering intended use, property tax value, and the interests of the city, the sale of any public property:~~

- ~~1. Through public auction,~~
- ~~2. By bid,~~
- ~~3. Through the State Division of Surplus Property, or~~
- ~~4. Other method designed to best serve the interests of city residents and produce a fair return; the trade or exchange of any public property.~~

~~Methods for the sale of public property may include, but are not limited to: auction, listing with a public auction company (vehicles), or private negotiations.~~

~~E. The city council shall authorize by Resolution the surplusing of all personal public property valued at over \$300.00.~~

~~F. Property valued below \$300.00 may be disposed of by the City Administrator pursuant to these policies. If the surplus personal public property item(s) is/are deemed to have no economic value, it shall be disposed of through donation to charitable organization, or through destruction.~~

~~E. Employees and city officials may bid on surplused property provided they do not take any action for their personal interest or gain that improperly gives them any advantage or benefit, or in aid of others doing the same.~~

II. SEVERABILITY

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

III. EFFECTIVE DATE

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2017.

MAYOR OF HIGHLAND:

Mark Thompson, Mayor

ATTEST:

Jo'DAnn Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO.

AN ORDINANCE AMENDING §2.44.040 OF THE HIGHLAND CITY MUNICIPAL CODE GOVERNING THE DISPOSAL OF PERSONAL PUBLIC PROPERTY; ALSO PROVIDING AN EFFECTIVE DATE AND SAVINGS CLAUSE.

WHEREAS, Title 10 Chapter 3 and §10-8-84 of the Utah Code authorizes the City Council to pass ordinances which are reasonably and appropriately related to the providing for the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and its residents; and

WHEREAS, the City Council desires amend §2.44.040 of the Highland City Code to better administer the surplusing and disposing of personal public property;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND CITY, THAT §2.44.040 OF THE HIGHLAND MUNICIPAL CODE BE AMENDED AS FOLLOWS:

I. AMENDMENT

2.44.040 Disposal Of Personal Public Property

- A. The city shall have the authority to sell, lease, convey and dispose of personal public property for the benefit of the city as provided by Utah Code Annotated Section 10-8-2, as amended.
- B. All surplus property is disposed of “as is” with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or usability of the property offered.
- C. General Procedures for Disposal of Personal Public Property:
 1. The City Administrator shall be responsible for the coordination and disposal of personal public property.
 2. Each department head shall identify assets for disposal by completing an "Asset Disposal" sheet (Appendix A [2]) and determining the market value of the asset taking into account the replacement cost and depreciation rate for the item.
 3. Computer and electronic data storage equipment shall have the data wiped prior to disposal. This includes, but is not limited to, computers, laptops, tablets, servers, backup tapes and media switches, routers and hubs, phones, printers, fax machines, copiers, scanners, monitors, and external hard drives. For servers, backup media, or any equipment in which data wiping is not feasible, staff will physically remove the data storage components for destruction of the data or configuration by physical or other permanent means.

4. The finance director shall:

- a. Validate the inventory control number or fixed asset schedule item;
- b. Remove the item from the inventory control list or fixed asset schedule;
and
- c. Direct the city recorder to remove the item from any maintenance agreements.
- d. Maintain an inventory of surplus items with the value obtained through disposal, if any.

5. The City Administrator shall select the best disposal option. Sale of the item, rather than donation, is preferred when significant value is determined. Appropriate methods of disposal are as follows:

(a) *Auction*. Surplus property may be sold at public auction. Auctions may be conducted by City staff, or the City may contract with a professional auctioneer or electronic auction site.

(b) *Sealed Bids*. Sealed bids may be solicited for the sale of surplus property. Surplus property disposed of in this manner shall be sold to the highest responsible bidder.

(c) *Selling for Scrap*. Surplus property may be sold as scrap if the City deems that the value of its parts exceeds the value of the surplus property as a whole.

(d) *Negotiation with Interested Buyer*. When the City is aware of an interested buyer and deems that it can obtain market value for the surplus property from that buyer, it may dispose of the property through a negotiated transaction.

(e) *Donation*. Surplus property may be donated to any other public agency or charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code.

(f) *No Value Item*. Where the City determines that property is surplus and of minimal value to the City due to spoilage, obsolescence or other cause or where the City determines that the cost of disposal of such property would exceed the recovery value, the City shall dispose of the same in such a manner as they deem appropriate and in the best interest of the City.

D. For property valued over \$300.00, reasonable notice shall be given to the public prior to disposal. "Reasonable notice of personal public property" shall mean publishing a notice of the proposed disposition of personal public property, ~~(1)~~ on the city website after the items have been declared surplus and at least fourteen days prior to the disposition-

E. The city council shall authorize by Resolution the surplus of all personal public

property valued at over \$300.00.

- F. Property valued below \$300.00 may be disposed of by the City Administrator pursuant to these policies. If the surplus personal public property item(s) is/are deemed to have no economic value, it shall be disposed of through donation to charitable organization, or through destruction.
- G. Employees and city officials may bid on surplused property provided they do not take any action for their personal interest or gain that improperly gives them any advantage or benefit, or in aid of others doing the same,

II. SEVERABILITY

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PASSED AND ADOPTED THIS ____ DAY OF _____, 2017.

MAYOR OF HIGHLAND:

Mark Thompson, Mayor

ATTEST:

Jo'DAnn Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>

Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>