

Proposition Information Pamphlet

Pursuant to Utah Code 20A-7-401.5 this proposition information pamphlet is being distributed in conjunction with a proposed referendum filed on December 10, 2019 with Highland City. The pamphlet includes the following:

1. A copy of the referendum application (pages 2-5)
2. An argument in favor of the proposal, provided by the Sponsors of the referendum (page 6)
3. An argument against the proposal, provided by some members the 2019 Highland City Council (page 7)
4. A copy of the Fiscal and Legal Impact statement provided by the Highland City Attorney and the Highland City Finance Officer (page 8)

REFERENDUM APPLICATION

To the Highland City Recorder:

We, the undersigned citizens of Highland, Utah, respectfully apply to circulate a referendum petition, pursuant to Utah Code, Title 20A, Chapter 7, Section 602.

The decision being challenged is the local law for the Open Space Disposal and Removal of Neighborhood Trails in the Wimbleton Subdivision (see approved motion and vote below, as well as the attached exhibits)

Council Member Scott L. Smith MOVED that the City Council approve the removal and sale of all neighborhood option trails in the Wimbleton Subdivision. Due to the size and diversity of the neighborhood option trail that the requirement to purchase all property within the subdivision be determined by the individual parcels identified in attachment 8 which were six parcels, each of those parcels need 100% participation before the rest are sold. In addition, we allow the owner of lot 15 to buy a very small portion of the sewer easement and the owner can also buy the property to the west of the sewer easement. The width of the land across the sewer easement will be determined by the city and still allow access.

Council Member Ed Dennis SECONDED the motion.

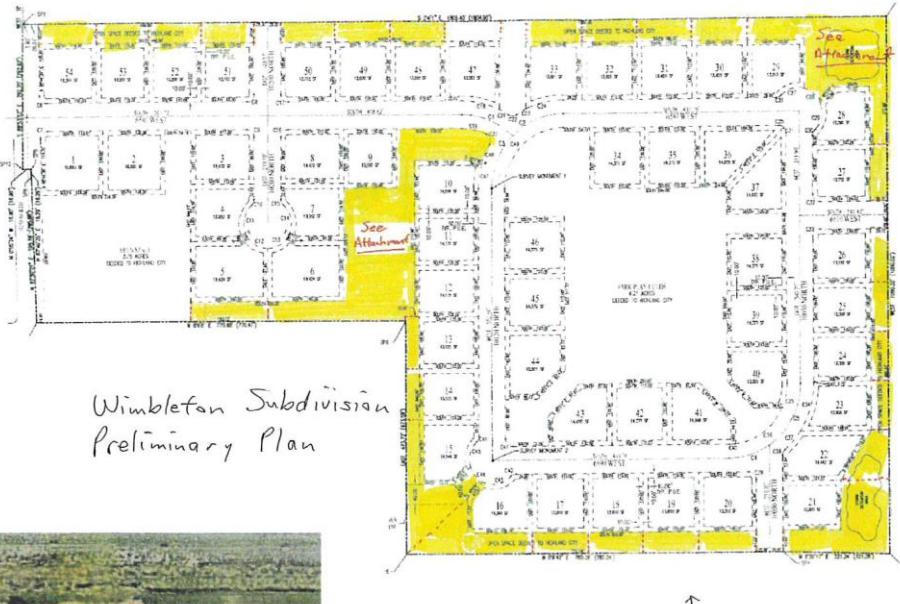
The vote was recorded as follows:

*Council Member Brian Braithwaite No
Council Member Ed Dennis Yes
Council Member Tim Irwin Yes*

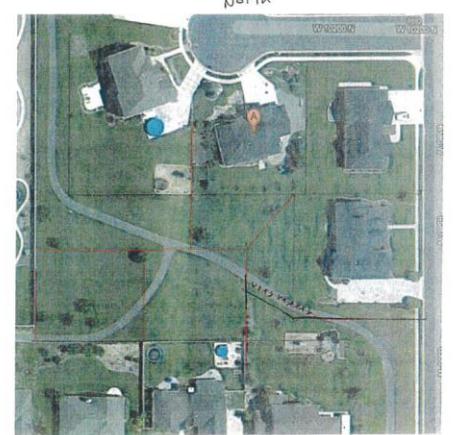
*Council Member Kurt Ostler No
Council Member Scott L. Smith Yes*

The motion passed 3:2.

Wimbleton Subdivision Petition



Wimbleton Subdivision
Preliminary Plan



Attachment 8:

Phased Purchasing

Section 12.30.090.B and 12.32.090.B

Compliance. Each colored area represents the purchase area. If all property is not purchased in the area then none of the property can be purchased.



Lot 15 Proposed Purchase

Applicant is proposing to purchase a small portion of the sewer easement to allow the owner of Lot 15 to buy the property to the west of the sewer easement. This would solve the issue of creating an illegal lot. The width of the land across the sewer easement would be determined by the City.



Each of the undersigned hereby declares: signer says:

- I have personally signed this application to be a sponsor of this referendum petition;
- I am a resident of Utah; and
- I have voted in an election in Utah within the last three years; and,
- My residence address is written correctly after my name.

Print Name: Kevin A. Pace

Signature: Kevin A. Pace

Address: 9026 N. 6530 W
Highland, Utah 84003

Email: kevinpace@comcast.net

On this 5 day of December, 2019, before me Stephannie B. Cottle, a notary public, personally appeared Kevin A. Pace, proved on the basis of satisfactory evidence to be the person whose name is of subscribed to this document, and acknowledged s/he executed the same.


Notary Public



Print Name: Michele Manning

Signature: Michele Manning
Email: michele.manning@g.com

Address: 9883 N. 6250 W.
Highland, Utah 84003

On this 10 day of December, 2019, before me Cindy Quick, a notary public, personally appeared Michele Manning, proved on the basis of satisfactory evidence to be the person whose name is of subscribed to this document, and acknowledged s/he executed the same.


Notary Public



Print Name: JULIA PORTER NELSON

Address: 10087 N 16580 W
Highland, Utah 84003

Signature: Julia Porter Nelson

Email: julia.lindsay1@gmail.com

On this 5 day of December, 2019, before me Stephannie B. Cottle,

a notary public, personally appeared Julia Nelson, proved on the basis of satisfactory evidence to be the person whose name is of subscribed to this document, and acknowledged s/he executed the same.



Notary Public



Print Name: Kyle Pettit

Address: 6642 W Madison
Highland, Utah 84003

Signature: Kyle Pettit

Email: Kyle.Pettit@KylePettit.com

On this 5 day of December, 2019, before me Stephannie B. Cottle,

a notary public, personally appeared Kyle Pettit, proved on the basis of satisfactory evidence to be the person whose name is of subscribed to this document, and acknowledged s/he executed the same.



Notary Public



Print Name: Karalee Furness Pettit

Address: 6642 Madison Ave, Highland, UT
Highland, Utah 84003

Signature: Karalee Furness Pettit

Email: Karalee@kylepettit.com

On this 5 day of December, 2019, before me Stephannie B. Cottle,

a notary public, personally appeared Karalee Pettit, proved on the basis of satisfactory evidence to be the person whose name is of subscribed to this document, and acknowledged s/he executed the same.



Notary Public



Print Name: Julie M Durham

Address: 9968 N 6610 W
Highland, Utah 84003

Signature: Julie M Durham

Email: juliemadsendurham@yahoo.com

On this 5 day of December, 2019, before me Stephannie B. Cottle,

a notary public, personally appeared Julie Durham, proved on the basis of satisfactory evidence to be the person whose name is of subscribed to this document, and acknowledged s/he executed the same.



Notary Public



Print Name: Kathleen Roberts

Address: 6736 W 10050 N
Highland, Utah 84003

Signature: Kathleen Roberts

Email: wkroberts8@gmail.com

On this 5 day of December, 2019, before me Stephannie B. Cottle,

a notary public, personally appeared Kathleen Roberts, proved on the basis of satisfactory evidence to be the person whose name is of subscribed to this document, and acknowledged s/he executed the same.



Notary Public



Print Name: William Roberts

Address: 6736 West 10050 North
Highland, Utah 84003

Signature: William Roberts

Email: roberts.williamt@gmail.com

On this 5 day of December, 2019, before me Stephannie B. Cottle,

a notary public, personally appeared William Roberts, proved on the basis of satisfactory evidence to be the person whose name is of subscribed to this document, and acknowledged s/he executed the same.



Notary Public



Print Name: Teri Terman

Signature: Teri Terman

Address: 5055 Old Oak Lane
Highland, Utah 84003

Email: teri@pinevalley.net

On this 5 day of December, 2019, before me Stephannie B. Cottle,

a notary public, personally appeared Teri Terman, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged s/he executed the same.

Stephannie B. Cottle
Notary Public



Print Name: _____

Signature: _____

Address: _____
Highland, Utah 84003

Email: _____

On this _____ day of _____, 2019, before me _____,

a notary public, personally appeared _____, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged s/he executed the same.

Notary Public

Argument Prepared by the Sponsors of the Proposed Referendum

In the 2019 Highland resident survey, city trails ranked THE HIGHEST among amenities residents love about Highland. On 12/3/19 the outgoing city council narrowly approved a measure allowing the sale of trails within Wimbleton subdivision to adjacent landowners at FAR below market value. One councilman who voted “yes” lives directly on the trail and personally stands to gain significantly from the purchase but would not recuse himself. This controversial decision puts many Highland city trails in jeopardy by setting a precedent for trail disposal. **These existing, paved trails are used year-round by residents & their children traveling to school or sports activities.** This warrants a public vote on an issue impacting our entire city and its original vision for an open, connected Highland.

Concerns:

- **Legality** Wimbleton contains 6% of city open-space trails and are **Highland City owned property**. The city MUST follow State Code in order to remove a trail.
 - **Utah State Code: 10-9a-609.5** -Vacating a public street or city trail. 4a) **good cause** exists for the vacation 4b) neither the **public interest** nor any person will be **materially injured** by the vacation. **We believe the December 3rd vote was in direct conflict with both state requirements for the disposal of trails. This leaves the city open to costly litigation.** The following unresolved items call into question the legality of the city council’s vote:
 - Maintaining **critical emergency access** to sewer lines and drainage ponds located on land to be sold.
 - Who pays estimated \$50,000-\$60,000 for 2 recommended sump pumps or relocation of 4-inch water pipe spanning north border of property
 - Material injury to other open space community property owners. Research shows land in open space communities appraises 20%+ higher than non-open-space communities.
 - Denial of public access to trails currently used for exercise, enjoyment, sports leagues, and commute.
 - **Safety** These trails provide safer travel for children who use the trails daily to get to school and athletic events scheduled through the city at Wimbleton Park. Sidewalk travel carries increased risk as cars back in and out and as kids cross the street.
 - **Fair Market Value** The approved price of \$2.45/sq. ft. is far below market value. No fair, legal appraisal was conducted to ensure Highland city and its residents get the appropriate compensation. (comparatively, Highland City recently sold “Open Space” land to Lehi for \$6.29/sq. ft.).
 - **Maintenance** The city recently approved over \$100,000 (a 380% increase) for improved trail maintenance. Trail maintenance is the obvious and desired solution. Considering this increased budget, the permanent disposal of open space assets is not only unnecessary but an **irreversible** mistake.
 - **“New Tax” Myth** Proponents of trail disposal claim a future tax must be implemented to fund park/trail maintenance. No such plan exists or has been discussed by city council.

Extensive data & information can be viewed @ savehighlandtrails.com

Clear evidence supports keeping Highland’s trails intact and open to residents – not sold to private citizens.

Argument Prepared by a Majority of the Highland City Council

What is a Neighborhood Option Trail?

After careful analysis of the City trail system in 2012-13, the City Council and Staff designated a handful of Open-Space Subdivision trails as Neighborhood Option Trails. This decision was made for the following reasons:

- If better or safer routes currently exist that connect to the Murdock Trail System, City Center, schools, or another Open-Space neighborhood, then a rigorous supermajority petition process could eliminate an unmaintained, under-used trail **on land not available for development**.
- It was determined that the City could not appropriately maintain the safety and appearance of these optional trails **without a major tax or fee increase**.

Was this resolution legal? YES!

The City Council discussed and considered the requirements of the State Code in making its decision. There were no conflicts of interest by any member of the City Council. The City Council's decision was legal and met the requirements of Utah state law.

Why has a persistent effort been made to eliminate this Neighborhood Option Trail? The trail is:

- Bordered by an unsafe, open irrigation ditch, referred to as a "Death Trap" by a former Mayor.
- An unmaintained, deteriorating asphalt trail bordered by thistles and "goat head" thorns that lowers property values for the whole subdivision.
- In a quiet residential subdivision that already has sidewalks on both sides of all the streets and has two remaining trail systems that are associated with parks.
- **Not consider a safe route to school by Freedom Elementary.**

Does this establish a precedent to sell other City trails – NO!

The City ordinance requires a supermajority of the subdivision in order to eliminate a Neighborhood Option Trail in an Open-Space Subdivision. **Non-optional City trails and parks cannot be sold or eliminated by this process.**

Will the money from the sale of the Wimbleton Subdivision Neighborhood Option Trail be used to improve other City trails and parks – YES!

If all the property in the resolution is sold, **potentially over \$600,000 can be available to improve other destination trails and parks in Highland.**

Is there enough money currently to maintain all the City trails without a significant tax increase? NO!

With the recent increase in secondary water rates, road maintenance and public safety fees, and the newly passed County sales and property tax increases, Highland households are already paying over \$500 more per year. The potential \$600,000 generated by vacating this one optional trail, along with the \$65,000 budgeted per year for Open-Space subdivision trail maintenance from the Utah County sales tax increase, could reduce the need for future taxes and fees.

Is the price Fair Market Value? YES!

The City Council approved the selling price based on undevelopable, landlocked property, not developable land recently sold to Lehi City for their new aquatic park or the Spring Creek Park property sold for a new residential development to help fund the Mountain Ridge Park.

Overturning the City Council action is a vote for a future city-wide tax or fee for parks and trails.

Fiscal and Legal Impact Statement – Provided by the Highland City Finance Director and the Highland City Attorney

Repealing the Council action would have no impact on current taxes, existing public debt, vested rights, laws, or City liability.

If the Council action is upheld, the City will:

- Lose 5.77 acres of public open space property
- Lose 5,592 lineal feet of existing trail
- Gain one-time revenue from sale of property, potentially up to \$630,000
- Decrease maintenance costs, approximately \$11,700 annually
- Increase property tax revenues, up to \$2,100 annually
- Face increased demand on pressurized irrigation system, leading to additional upgrades and maintenance to system
- Selling existing storm water detention basins, potentially resulting in mitigation costs and increased liability