

# **REGULAR MEETING**

**AGENDA  
AND  
STAFF MEMO**

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, Utah**  
**City Council Meeting**  
**June 5, 2014**

**Regular Meeting**  
**7:00 p.m.**

**TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS**

Pledge of Allegiance: Mayor Alan McDonald  
Prayer/Thought: By Invitation (Default Council Member Kelleen Potter)

Minutes for Approval: May 15, 2014, Work and Regular Meetings  
May 24, 2014, Special Budget Meeting

**OPEN PERIOD FOR PUBLIC COMMENT**

**APPOINTMENTS**

**Item 1** – Mayor’s Award, Michelle Kellogg

**Item 2** – Annie McMullen, Community Garden Update

**ACTION ITEMS**

**Item 3** - Devin McKrola, Central Utah Water Conservancy District (CUWCD), Wasatch County Water Efficiency Project Update

**Item 4** – Approve Resolution 2014-07, a Resolution Amending the Heber City Personnel Policy: Section 6.1, Educational Assistance; Section 11.3, Procedures; and Section 13.7, Merit Salary Adjustment

**Item 5** – Approve Ordinance 2014-15, an Ordinance amending the Heber City Municipal Code Section 18.68.601, Residential Facility for Handicapped Persons; Section 18.68.602, Handicapped Residential Facilities as a Permitted Use; Section 18.68.603, Approval of Handicapped Residential Facilities; Section 18.68.604, Handicapped Residential Facilities in Areas Zoned Exclusively for Single-Family Dwellings; Section 18.68.605, Review and Approval; Section 18.68.606, Definitions

**Item 6** – Declare Lots 3 and 4, Habitat for Humanity Lot Split Subdivision Located at 300 North 400 West as Surplus Property

**Item 7** - Appointments to the Airport Advisory Board

**DISCUSSION/ACTION ITEMS**

**CLOSED SESSION AS NECESSARY – PURPOSE TO BE ANNOUNCED IN MOTION**

Closed Session to Discuss the Purchase, Exchange, or Sale of Real Property

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Michelle Kellogg at the Heber City Offices (435) 654-0757 at least eight hours prior to the meeting.

Posted on May 29, 2014, in the Heber City Municipal Building located at 75 North Main, Wasatch County Building, Wasatch County Community Development Building, Wasatch County Library, on the Heber City Website at [www.ci.heber.ut.us](http://www.ci.heber.ut.us), and on the Utah Public Notice Website at <http://pnm.utah.gov>. Notice provided to the Wasatch Wave on May 29, 2014.

# Memo

**To: Mayor and City Council**  
**From: Mark K. Anderson**  
**Date: 05/29/2014**  
**Re: City Council Agenda Items**

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## REGULAR MEETING

### *APPOINTMENTS*

**Item 1 – Mayor’s Award, Michelle Kellogg:** Mayor McDonald has approved the recognition of Michelle Kellogg for obtaining the Professional in Human Resources (PHR) Certificate. See enclosed memo.

**Item 2 – Annie McMullen, Community Garden Update:** Annie McMullen has asked to come before the Council to provide an update on the community garden. In speaking with Michelle Kellogg, all 12 garden boxes have been reserved and 4 smaller boxes were held for the planting of flowers or herbs. Staff does have concern with the fact that some gardeners live outside of Wasatch County. In future years, we believe that formal rules should be developed to give preference to Heber City residents.

### *ACTION ITEMS*

**Item 3 - Devin McKrola, Central Utah Water Conservancy District (CUWCD), Wasatch County Water Efficiency Project Update:** Devin McKrola, CUWCD Project Manager, has asked to come before the Council to provide an update on project operations. Devin will make a brief presentation and provide some photos of recently completed projects.

**Item 4 – Approve Resolution 2014-07, a Resolution Amending the Heber City Personnel Policy: Section 6.1, Educational Assistance; Section 11.3, Procedures; and Section 13.7, Merit Salary Adjustment:** At the last City Council work meeting, the above sections were reviewed by the Council and moved to the regular meeting for approval. Below is a summary of the proposed amendments.

6.1 Educational Assistance: The proposed change to this policy would be to have requests for educational assistance with undergraduate or graduate course work be approved the by department head, City Manager and City Council during the budget process. It also indicates

that the City will follow FERPA (Federal Educational Rights and Privacy Act) standards to ensure that personal information that may be submitted to the City during the process will be properly protected.

11.3 Procedures: The proposed change clarifies that (non-termination and suspension) grievance hearings that go before the City Council are to be held in closed session.

13.7 Merit Salary Adjustment: The proposed change eliminates language regarding probationary raises. Since 2006, the City has not given consideration to probationary raises. The reasons were primarily as follows:

- When the Grade/Step program was adopted, a maximum 3% salary increase was not adequate to place an employee on their next step of the pay grade
- Economic Conditions were such that little consideration was given for raises for a few years period
- Because of the above two conditions, the City just got out of the habit

With that said, the elimination of steps in the pay grades that took place in 2013, now easily facilitates a 3% pay increase if funding is budgeted to provide the salary increase. The proposed modification recommended by the Board eliminates employee expectation with regard to a probationary raise. The remaining language still gives the City the flexibility to give probationary raises if funding exists. Staff would recommend approval.

**Item 5 – Approve Ordinance 2014-15, an Ordinance amending the Heber City Municipal Code Section 18.68.601, Residential Facility for Handicapped Persons; Section 18.68.602, Handicapped Residential Facilities as a Permitted Use; Section 18.68.603, Approval of Handicapped Residential Facilities; Section 18.68.604, Handicapped Residential Facilities in Areas Zoned Exclusively for Single-Family Dwellings; Section 18.68.605, Review and Approval; Section 18.68.606, Definitions:** As noted in the attached reports, the City was challenged on the legality of our Ordinance regarding residential facilities for the disabled. (See enclosed staff report, letter and proposed ordinance) The City Attorney and Planning Commission has reviewed the enclosed ordinance are recommending approval. Staff would also recommend approval.

**Item 6 - Declare Lots 3 and 4, Habitat for Humanity Lot Split Subdivision Located at 300 North 400 West as Surplus Property:** The item was tabled at the last meeting because the City had not yet received the appraisal reports. The City has now obtained appraisals on the two City owned lots in the Habitat for Humanity Subdivision. (See enclosed appraisal reports) Once the City declares the lots surplus, it would be appropriate to go into closed session to discuss the strategy on how the lots will be sold. The City has received some interest from 4 different parties without the lots being listed for sale. Staff would recommend the Council declare the lots surplus and determine how they want to market the lots for sale. Some options to consider are as follows:

- Publish notice that the City will accept offers/bids on the lots until a certain date with a minimum price established
- Auction the property off with a minimum price established
- Establish an asking price, advertise the property for sale and authorize the City Manager to sell the property if a certain price is met
- Establish an asking price, advertise the property for sale and have the City Council review/approve any offers that are received.

**Item 7 – Appointments to the Airport Advisory Board:** Mayor McDonald is recommending that Rondall (Ron) Phillips be appointed to the Airport Advisory Board. (See enclosed resume provided by Mr. Phillips)

# MINUTES

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**Heber City Corporation  
City Council Meeting  
May 15, 2014**

**5:30 p.m.**

**WORK MEETING**

The Council of Heber City, Wasatch County, Utah, met in Work Meeting on May 15, 2014, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

**Present:**

Mayor	Alan W. McDonald
Council Members	Robert Patterson
	Jeffery Bradshaw
	Erik Rowland
	Heidi Franco
	Kelleen Potter

**Also Present:**

City Manager	Mark K. Anderson
City Recorder	Michelle Kellogg
City Engineer	Bart Mumford
Planning Director	Anthony Kohler
Chief of Police	David Booth
City Attorney	Mark Smedley

**Others Present:** Jody Burnett, Cathy Bingham, Carole Bonner, Barbara Hansen, Craig Hansen, Jim Kaiserman, Stacie Ferguson, Nancy Hart, Richard Hart, Cliffie Johnson, Cammie Nebeker, Robert Rodriguez, Deanna Cummings, Kayle Cummings, Todd Morrill, Tricia Brown, Vicky Smith, Stephen Smith, Belle Rhees, Scott Rhees, Carol M. Allred, Mike Briggs, Kathy Briggs, Joe Dunbeck, Rena Buca, Dave Hutchinson, Brett Woodard, Rod Hopkins, Heather Paxman, Bill Green, Jeff Hill, Deanne Hill, LeNell Heywood, Bethany Mumford, Blaine Stewart, Jason Norlan, Ben Hill, Robin Hill, and others whose names were illegible.

Mayor McDonald opened the meeting and welcomed those in attendance.

**Item A - Jody Burnett, Williams and Hunt Attorneys at Law, Review Impact Fee Laws:**

Jody Burnett stated that impact fees were a one-time charge for development activities. For cities that offered a broad range of services, the impact fees for the combined services could be high. He stated he was part of Heber City's impact fee analysis team, and thought it was a good and fair analysis. He read from the report the different criteria for charging impact fees, and also talked about defining the level of service, noting if the level of service increased over time, impact fees could not be used to increase that level of service.

Council Member Franco asked if a resolution or an ordinance would be used when the City updated the Capital Plan. Burnett stated normally it could be passed by resolution. An ordinance would be necessary if certain provisions were required. Service areas would need to be identified as well as including a provision that gave the entity authority to adjust the standard impact fee in response to unusual circumstances. The ordinance would also have to include giving a credit for

1 existing improvements. Burnett listed other requirements needed in an ordinance as well.  
2 Smedley asked if a school could receive credit for constructing a road in front of the school.  
3 Burnett stated the impact fees were for the arterial roads and the local road would not qualify for  
4 a credit. Mayor McDonald asked if a business could receive credit if it moved to a new location.  
5 Burnett replied impact fees would be applied to a new location because another owner would  
6 occupy the old place of business. The exception would be a credit would be given if the old  
7 location would be turned into a park because there would be no need for capital facilities.  
8 Council Member Franco asked what the procedure would be when another governmental entity  
9 refused to pay impact fees to the City. Burnett indicated the worst case scenario would be to sue  
10 them.

11  
12 Burnett discussed the argument that fees should be waived because the activity covered a large  
13 public benefit. With exception of low-income housing, the fees would still need to come from  
14 another source, so fees could not be waived; only transferred from a different source. He noted  
15 impact fees were not a cash flow item in the budget.

16  
17 Mayor McDonald stated the City subsidized a certain amount of the total impact fees for  
18 commercial entities. Burnett stated it would be wise to evaluate the Impact Fee Facility Plan  
19 (Capital Improvement Plan) and see the estimated costs for the next five to ten years.

20  
21 Mayor McDonald shared that some companies looked at the City's impact fees and decided to go  
22 to a city with lower impact fees. Burnett stated cities needed to strike a balance between impact  
23 fees and economic development. Council Member Rowland asked how cities that didn't charge  
24 impact fees recouped their funds. Burnett stated the large businesses provided those cities with  
25 great revenue.

26  
27 Anderson stated the County government had asked Heber City if campgrounds could be  
28 constructed for rodeos. Now, Heber Light and Power and the County government wanted to  
29 trade property and they didn't want impact fees assessed. Burnett stated an individualized impact  
30 fee should be assessed in that case since it was for a unique purpose. Council Member Rowland  
31 asked what risk cities had when they negated one entity's impact fees and charged impact fees on  
32 others. Burnett indicated he hadn't seen a case with that situation yet. But with regard to the  
33 campground, the fact that no fee was charged previously wasn't relevant to the current situation.

34  
35 **Item B – Discuss Proposed Improvements to the Valley Hills Water System:** Mumford stated  
36 the Valley Hills residents had been invited to listen to the proposed culinary water system  
37 changes. He noted some temporary system changes were implemented during the recent  
38 replacement of the Broadhead Water Tank. He then gave a PowerPoint presentation. The water  
39 system, which included four pressure zones, was shown on the map of the City. The highest zone  
40 served the highest elevated homes and the lower tanks served the homes in the lower elevations  
41 of Heber. There were three wells and one spring. He noted the Valley Hills zone was not  
42 chlorinated like the rest of the City water.

43  
44 Mumford indicated one issue in Valley Hills was that several higher elevation homes had low  
45 water pressure. Some people had installed private booster pumps, which was prohibited by the  
46 State. One solution was to pump the higher elevated water over to Valley Hills to increase the  
47 pressure to those homes. Mumford also felt the system needed to be as efficient as possible and  
48 the current water configuration was not efficient, since the Valley Hills well was isolated from  
49 the rest of the system.

1  
2 Mumford stated another issue was the residents of Valley Hills had been drinking non-  
3 chlorinated water, and some disliked the taste of the new water since it was chlorinated. Mayor  
4 McDonald asked how much more pressure would come from the more efficient system.  
5 Mumford stated 20-30 pounds of additional pressure would be delivered to the homes, which  
6 would help with the fire hydrants and eliminate the need for booster pumps. Mumford also stated  
7 Valley Hills water was currently subject to the risk of contamination since the water was not  
8 chlorinated.

9  
10 Mumford listed three options: adjust the pipelines to make the water system efficient, eliminate  
11 using the spring so the need to chlorinate would be eliminated, or construct a booster pump  
12 station in Valley Hills. He recommended proceeding with the first option because he did not feel  
13 good about opening the system up for potential contamination and option three was very  
14 expensive.

15  
16 Anderson stated the money for the pipeline project would come from impact fees, and noted the  
17 other two options were short term options.

18  
19 Belle Rhees and Tricia Brown. Rhees stated she had talked to Mumford about the taste of the  
20 water. She then investigated the issue and started a petition to have more questions answered  
21 before the City proceeded with adjusting the pipelines. One question was she couldn't get an  
22 exact cost of pumping water from the Valley Hills well versus pumping the water from the  
23 Lindsay Spring. The petition stated the signees wanted further research about the water issue.  
24 Brown read a newspaper article from 1977 by then Mayor Hiatt. Rhees read other questions from  
25 the petition. She read the July 6, 1978 City Council meeting minutes where the water rights were  
26 given to Heber City in 1976. She also asked what tax implications would come from this new  
27 pipeline, with regard to its depreciation, future repairs and replacement costs. She stated that this  
28 was a complicated system. She asked what the time frame was for using the impact fee money.  
29 Mayor McDonald explained that Rhees would like to have the Council review the original  
30 Valley Hills Subdivision Agreement before making a final decision.

31  
32 Jeff Hill stated the Wasatch Wave article which was just read was a political advertisement to  
33 combat the City residents' sentiment that Valley Hills was receiving preferential treatment from  
34 the City. He also indicated the document Rhees found for the water rights exchange was typical  
35 of such agreements. Anderson stated developers were required to transfer water rights and the  
36 system was tied into the main pipeline of the City. Anderson stated since Valley Hills Plats F and  
37 G were recorded, there were additional rights added to the well.

38  
39 Several residents stated they would like to know the cost breakdown of the booster pump option.  
40 Some stated they were in favor of receiving more pressure to their residence.

41  
42 Jim Kaiserman, County Surveyor, stated he was in favor of the new pipeline and having  
43 chlorinated water.

44  
45 Mumford stated the pipeline was currently being designed. Mayor McDonald stated no ground  
46 would be broken and this water issue would be discussed at the next work meeting before a final  
47 decision would be made. Mumford answered a few questions from the audience before the  
48 Council adjourned to the regular meeting.

1 Upon adjournment of the Regular City Council meeting, the following was discussed:  
2

3 **Item C – Discuss Resolution 2014-07, a Resolution Amending the Heber City Personnel**  
4 **Policy: Section 6.1, Educational Assistance; Section 11.3, Procedures; and Section 13.7,**

5 **Merit Salary Adjustment:** Council Member Franco explained the modifications in Section 6.1,  
6 Educational Assistance. Mayor McDonald suggested adding “certified transcripts” to the  
7 language. The Council was in agreement with that change.  
8

9 With regard to Section 11.3, Procedures, Anderson stated that if a grievance because of  
10 termination was pursued, it would go to an Administrative Law Judge and the employee would  
11 have the right to have a public meeting if he/she so desired. Holding a closed session would be  
12 appropriate for grievances of non-termination issues.  
13

14 Council Member Franco indicated Section 13.7, Merit Salary Adjustment, had been amended to  
15 delete salary increases for post-probationary employees since this policy hadn’t been used for a  
16 while. Anderson explained when the City went to a step pay system, the 3% allocated for post  
17 probationary employees would not equal the next step on the pay scale. Then the economy took a  
18 downturn and those salary increases were not even considered.  
19

20 Mayor McDonald noted that Council Member Franco wanted to discuss Heber City’s 125<sup>th</sup>  
21 Anniversary event at the next work meeting.  
22

23 Anderson asked to schedule another budget meeting. The Council agreed to meet May 24<sup>th</sup> at  
24 10:00 a.m. He noted Wes Bingham issued a monthly budget report. He added one thing to look  
25 at was the contributions from surplus, because those numbers might seem bad. Mayor McDonald  
26 asked that \$5,000 for the 125<sup>th</sup> Anniversary celebration be included in the budget. Council  
27 Member Patterson asked to see updated figures on sales tax revenue.  
28

29 With no further business, the meeting was adjourned.  
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Michelle Kellogg, City Recorder

1 **Heber City Corporation**  
2 **City Council Meeting**  
3 **May 15, 2014**

4  
5 **7:22 p.m.**

6  
7 **REGULAR MEETING**

8  
9 The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May 15, 2014,  
10 in the City Council Chambers at 75 North Main Street, Heber City, Utah.

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12  
13 **Present:** Mayor Alan W. McDonald  
14 Council Members Robert Patterson  
15 Jeffery Bradshaw  
16 Erik Rowland  
17 Heidi Franco  
18 Kelleen Potter

19  
20 **Also Present:** City Manager Mark K. Anderson  
21 City Recorder Michelle Kellogg  
22 City Engineer Bart Mumford  
23 Planning Director Anthony Kohler  
24 Chief of Police David Booth

25  
26 **Others Present:** Sonya Duke, Patti Eddington, Laurie Wynn, Tracy Taylor, Blake Allen, Lee  
27 Burbidge, Brandon Burbidge, Todd Cates, Blaine Stewart, Jason Norlan, Doug Harvey, Blake  
28 Kohler, and others whose names were illegible.

29  
30 Mayor McDonald opened the meeting and welcomed those in attendance.

31  
32 **Pledge of Allegiance:** Council Member Robert Patterson

33 **Prayer:** Council Member Erik Rowland

34  
35 **Minutes:** April 17, 2014, Work and Regular Meetings  
36 April 26, 2014, Special Budget Meeting  
37 May 1, 2014, Work and Regular Meetings

38  
39 Council Member Franco moved to approve the above listed minutes. Council Member Patterson  
40 seconded the motion. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and  
41 Potter

42  
43 ***OPEN PERIOD FOR PUBLIC COMMENTS***

44  
45 Mayor McDonald invited those in the audience who wished to address the Council on issues not  
46 listed on the agenda to come forward. No comments were given.

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3 **APPOINTMENTS**

4 **Item 1 – Sonya Duke, Utah Valley University, Wildlife Conference Announcement and**

5 **Invitation:** Sonya Duke introduced herself and her associates, Patti Eddington and Doug  
6 Harvey, and indicated they were with the marketing department of UVU-Orem campus. Duke  
7 explained the wildlife conference, and noted this event would bring people to the valley.  
8 Eddington indicated it was the goal to highlight the UVU Wasatch campus and benefit the  
9 residents in the community, which was one reason their team had partnered with local  
10 businesses. She felt this event would appeal to people interested in outdoor life, such as wildlife  
11 lovers. It was indicated there would be 300 attendees and they hoped it would become an annual  
12 event.

13 **Item 2 – Blaine Stewart, Heber Light and Power Company, Discuss Rate Redesign and**

14 **Increase:** Stewart reviewed the history of the power company. He explained there was a need for  
15 a rate increase and showed a PowerPoint presentation. The last rate increase was 4.5% in 2011,  
16 and the proposed increase was another 4.5% increase.

17  
18 Jason Norlan explained the power demand costs. Council Member Bradshaw asked how many  
19 small/medium customers there were versus large customers. Norlan indicated there were 11-12  
20 large businesses, and the majority of the businesses fell under the small/medium category.  
21 Council Member Franco asked if there had been studies to show the consequence if the  
22 residential charge was not on an inverted rate. Norlan stated not implementing an inverted rate  
23 would penalize the customers. Council Member Bradshaw added that residential customers used  
24 power to live on, but businesses used it to make money, therefore they should be charged a  
25 different rate.

26  
27 Council Member Franco asked how many small/medium businesses would see an increase with  
28 the base fee implemented. Norlan thought for many businesses, this rate adjustment would  
29 increase their bill. He stated the average customer’s bill would increase by \$3.08 per month and  
30 commercial businesses’ would see a higher increase in their bills.

31  
32 Tracy Taylor stated the Heber Light and Power bond rating went down from AA- to A+ due to  
33 the proposed rate increase in 2013 that wasn’t followed through. It was explained that one reason  
34 for not following through with the rate increase was that commercial power costs were very low  
35 last year. A governance finding was also an issue. The rating board felt the Heber Light and  
36 Power board violated its bylaws. Now, the project with Rocky Mountain Power was the main  
37 reason for the rate increase this year.

38  
39 **ACTION ITEMS**

40  
41 **Item 3 - Blake Allen, Approve Heber Homes 9 Subdivision located at 390 North 300**

42 **East:** Council Member Potter moved to approve Heber Homes 9 Subdivision. Council  
43 Member Franco made the second. Council Member Rowland asked that a deed restriction be  
44 included in motion. The motion was amended to include the deed restriction, water rights, and  
45 water and sewer laterals provided by the developer per the recommendation of the Planning  
46 Commission.

47  
48 Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

1 **Item 4 – Todd Cates, Approve Red Ledges Phase 2C located at the Intersection of**  
2 **Haystack Mountain Drive and Chimney Rock Road:** Council Member Franco asked if this  
3 subdivision had the same density as the originally platted subdivision. Cates indicated the  
4 original plat had 30 lots, but last year they redesigned it to include 50 lots. Council Member  
5 Franco asked if a fence would go along the border of the subdivision. Cates stated no fence  
6 was planned since there was raw ground on the other side, which was the Stone Creek  
7 Subdivision. Cates also noted that the County was preoccupied with other matters and the  
8 open space item was on hold for now.

9  
10 Council Member Rowland moved to approve Red Ledges Phase 2C Subdivision. Council  
11 Member Bradshaw made the second.

12  
13 Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

14  
15 Council Member Franco asked about the progress on correcting the erosion related to the back  
16 trail. Cates reported he was working on that.

17  
18 **Item 5 - Approve Ordinance 2014-11, an Ordinance Amending the General Plan Land**  
19 **Use Map on Block 80, along Center Street Between 100 West to 200 West:** Kohler  
20 explained the Questar facility was abandoned and was for sale. Since the building would no  
21 longer be a utility building, zoning requirements would need to be changed to allow limited  
22 commercial retail and offices in this area. He asserted the block would still have a residential  
23 character. Kohler indicated that a public hearing was held at the Planning Commission  
24 meeting and no adverse comments were given.

25  
26 Council Member Rowland moved to approve Ordinance 2014-11, an Ordinance amending the  
27 General Plan Land Use Map on Block 80, along Center Street between 100 West to 200 West,  
28 Ordinance 2014-12, an Ordinance amending the Zoning Map on Block 80, along Center Street  
29 between 100 West to 200 West, and Ordinance 2014-13, an Ordinance amending the Zoning  
30 text found in Chapter 18.50 of the R-C Residential Commercial Zone. Council Member  
31 Patterson seconded the motion.

32  
33 Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

34  
35 **Item 6 - Approve Ordinance 2014-12, an Ordinance Amending the Zoning Map on**  
36 **Block 80, along Center Street Between 100 West to 200 West:** See Item 5 for the motion  
37 on this issue.

38  
39 **Item 7 - Approve Ordinance 2014-13, an Ordinance Amending the Zoning Text Found**  
40 **in Chapter 18.50 of the R-C Residential Commercial Zone:** See Item 5 for the motion on  
41 this issue.

42  
43 **Item 8 – Approve Ordinance 2014-14, an Ordinance Repealing Section 111 of the Heber**  
44 **City Commercial Districts: C-2 and C-4 Zones Design Standards and Guidelines:** Kohler  
45 explained in 2006, the City put together design criteria for C-2 and C-4 commercial zones.  
46 The criteria require a dark store/vacancy agreement for buildings over 15,000 square feet. The  
47 proposed ordinance would eliminate this requirement. Kohler wanted to eliminate red tape  
48 and promote more downtown business and thought this change would help attract more

1 development in the downtown area. He indicated this would not remove the City's ability to  
2 use eminent domain or raze the area and rebuild a more suitable building if needed.

3  
4 Council Member Franco asked how the City could act retroactively, as the proposed ordinance  
5 indicated. Kohler explained the language exempting applications made after January 1, 2014.  
6 Council Member Franco asked to omit that language and to instead do an administrative  
7 application in order to be in compliance.

8  
9 Council Member Franco moved to approve Ordinance 2014-14, an Ordinance repealing Section  
10 111 of the Heber City Commercial Districts: C-2 and C-4 Zones Design Standards and  
11 Guidelines, but strike the wording "Any application for a commercial building over 15,000  
12 square feet approved by the Planning Commission after January 1, 2014, shall be exempt from  
13 the Section 111 Design Criteria Requirements for a Dark Store/Vacancy Agreement". Motion  
14 failed for lack of a second.

15  
16 Council Member Patterson moved to approve Ordinance 2014-14, an Ordinance repealing  
17 Section 111 of the Heber City Commercial Districts: C-2 and C-4 Zones Design Standards and  
18 Guidelines. Council Member Bradshaw seconded the motion.

19  
20 Voting Aye: Council Members Patterson, Bradshaw, Rowland and Potter. Voting Nay: Council  
21 Member Franco.

22  
23 **Item 9 – Declare Lots 3 and 4, Habitat for Humanity Lot Split Subdivision Located at 300**  
24 **North 400 West as Surplus Property:** Anderson explained these undeveloped lots had received  
25 interest from the School District, the Wasatch County Housing Authority, and two private  
26 individuals. Council Member Franco indicated she favored selling the property at a profit for the  
27 City.

28  
29 Council Member Bradshaw moved to table this item until the Council could review the appraisal.  
30 Council Member Patterson seconded the motion.

31  
32 Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

33  
34 With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder

1 **Heber City Corporation**  
2 **City Council Meeting**  
3 **May 24, 2014**

4  
5 **10:00 a.m.**  
6

7 **SPECIAL BUDGET MEETING**  
8

9 The Council of Heber City, Wasatch County, Utah, met in **Special Budget Meeting** on May 24,  
10 2014, in the City Council Chambers at 75 North Main Street, Heber City, Utah.  
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12  
13 **Present:** Council Members Robert Patterson  
14 Jeffery Bradshaw  
15 Erik Rowland  
16 Heidi Franco  
17 Kelleen Potter  
18  
19 **Excused:** Mayor Alan W. McDonald  
20  
21 **Also Present:** City Manager Mark K. Anderson  
22 City Recorder Michelle Kellogg  
23

24 Mayor Pro Tempore Bradshaw opened the meeting and excused Mayor McDonald. He noted  
25 Council Member Potter would arrive late.  
26

27 **Cemetery Rates:** Anderson explained the Cemetery information he collected with regard to  
28 resident/non-resident purchases and burials. He summarized that half the lots sold were  
29 purchased by residents for non-residents. Other cities' prices were examined.  
30

31 Council Member Potter arrived at 10:23 a.m.  
32

33 Mayor Pro Tempore Bradshaw proposed to leave Cemetery rates as outlined in the tentative  
34 budget. Council Member Franco asked the Council to consider raising the non-resident fees to be  
35 comparable to Midway's non-resident fees. Anderson noted there was \$234,000 in the Perpetual  
36 Care Fund currently. Council Member Franco asked if that was sufficient to cover costs for the  
37 next Cemetery expansion. Anderson explained that two thirds of the plot sale proceeds went to  
38 the Perpetual Care Fund and the other one third went to the General Fund. Council Member  
39 Franco asked if the Cemetery should pay for itself. It was indicated that past procedure was that  
40 funds came from other areas to cover the Cemetery budget. After some discussion, Council

1 Member Patterson moved to maintain the rates that were proposed in the tentative budget.  
2 Council Member Rowland seconded the motion.

3  
4 Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

5  
6 **Aiport Fees and Charges:** Anderson stated some of the charges at the Airport should be  
7 incorporated into the Consolidated Fee Schedule. He reviewed the items as outlined in his staff  
8 memo. Council Member Potter asked if this was standard practice with other cities with airports.  
9 Anderson indicated it was common practice. Landing fees were also discussed. Anderson  
10 suggested having the Airport Advisory Board discuss the fuel flowage fee at more length. The  
11 Council agreed.

12  
13 The Council agreed to adopt a \$20 monthly glider parking fee and a \$10 per space per month  
14 rental car parking fee for rental cars parked at the Airport. It was indicated that an agreement  
15 should be drafted for the car rental company. Anderson noted that the company might move the  
16 cars to the FBO parking lot in response to the new charge, and added these charges would be  
17 included when the Council adopted the final budget with the Consolidated Fee Schedule.

18  
19 Council Member Franco moved that the rental car parking fee would be effective as of June 1,  
20 2014. Council Member Patterson seconded the motion.

21  
22 Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

23  
24 **Certification Raise:** Anderson explained Kellogg's recent certification as a Professional in  
25 Human Resources. Council Member Potter felt having more professional expertise would benefit  
26 the City. Council Member Patterson moved to give a 5% raise to Kellogg for receiving this  
27 certification. Council Member Potter made the second.

28  
29 Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

30  
31 **Traffic Signage:** Anderson reviewed he received recent requests for more signage at  
32 intersections, and he reiterated that a traffic study was budgeted for. Council Members Rowland,  
33 Franco and Potter expressed that they wanted signage at every intersection. Anderson felt a study  
34 would show the roads that needed yield signs versus stop signs, and would identify the traffic  
35 patterns and volume of cars on certain streets. It was decided to add the signage issue to the June  
36 5<sup>th</sup> City Council meeting. Anderson stated the Roads Fund would be under budget by \$70,000,  
37 and combined with \$55,000 that was scheduled for the traffic study, this amount could cover  
38 some of the signage costs. The Council felt this was an urgent item, especially considering the  
39 volume of events that would bring people to Heber this summer. Mayor Pro Tempore Bradshaw  
40 stated there would be complaints from people who felt the inconvenience if signs were installed

1 at each intersection. Council Member Franco indicated the additional police officer assigned to  
2 traffic enforcement would help with controlling offenders. Council Member Rowland was in  
3 favor of all intersections being four-way stops for non-corridor areas. Anderson stated he would  
4 have Mumford speak on this issue at the next City Council meeting.

5  
6 **Error in Tentative Budget:** Anderson noted the error explained in his staff memo and indicated  
7 this did not affect the total budget amount.

8  
9 **Gutter Broom:** Anderson indicated Rounds requested this item. Council Member Potter moved  
10 to approve the Parks/Cemetery request for a gutter broom. Council Member Rowland seconded  
11 the motion.

12  
13 Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

14  
15 **Peoples Health Clinic:** Council Member Potter expressed that the donation reduction from  
16 \$5,000 to \$3,000 for Peoples Health Clinic might want to be looked at because so many low-  
17 income families couldn't afford health care. Mayor Pro Tempore Bradshaw explained the  
18 Affordable Care Act and noted most recipients of this program received their premiums back  
19 when they filed their taxes. Council Member Franco thought until the State addressed the  
20 Medicaid expansion the City might increase the donation to the prior amount. Anderson stated  
21 when the budget was adopted this amount could be increased, if it was included in the motion.

22  
23 Anderson read an email from Steve Tozier, who requested a flow tester, infrared camera,  
24 generator for a camera, and five more computers for the Public Works Department. He also  
25 indicated his department could wait on procuring an emergency generator. It was decided to  
26 discuss this further at the next City Council meeting.

27  
28 With no further business, the meeting was adjourned.

29  
30  
31  
32  

---

Michelle Kellogg, City Recorder

# APPOINTMENTS

# TAB 1

## Employee Recognition

Several months ago Michelle Kellogg approached me about obtaining more training to improve her understanding of her role in the human resource function. We were able to locate a class offered through UVU Community Education that provided 12 weeks of intense training to prepare a person to pass the test to obtain a Professional in Human Resources (PHR) certification. Michelle spent 48 hours of her own time in the classroom and numerous hours at home studying course materials and preparing the for the PHR test. Prior to taking the test, she took a full week of vacation to study for the exam and to Michelle's credit she was successful in passing the test. Because Michelle was willing to go the extra mile, she has a much better understanding of how to deal with and improve how we address human resource related issues which ultimately will provide great benefit to Heber City.

# TAB 2

# **ACTION ITEMS**

# TAB 3

# TAB 4

## RESOLUTION NO. 2014-07

A RESOLUTION **AMENDING** THE HEBER CITY PERSONNEL POLICY: SECTION 6.1, EDUCATIONAL ASSISTANCE; SECTION 11.3, PROCEDURES; SECTION 13.7, MERIT SALARY ADJUSTMENT

BE IT RESOLVED by the City Council of Heber City, Utah, that the Personnel Policy of Heber City is amended as set forth as follows:

### **Section 6.1 Educational Assistance**

A. Heber City recognizes the importance of educational growth of employees for advancing technical and managerial skills. Through the Educational Assistance Program, the City may provide assistance to ~~a~~ post-probationary employee, subject to manager discretion, who undertakes an undergraduate or graduate course of study which is mutually advantageous to the City and to the employee. Employees desiring to participate in this program must complete submit an Educational Assistance Application ~~and submit it to their~~ employee's supervisor by February 1<sup>st</sup> each year for it to be considered in the upcoming fiscal year budget. If approved for funding by the supervisor, the City Manager, and the City Council, then the employee will submit each semester's grade with a certified transcript and tuition receipt to his/her supervisor within one month of the semester ending for reimbursement. This form must be completed each semester courses/classes are taken. If an employee is not pursuing an approved graduate or undergraduate course of study, any courses taken must be pertinent to the employee's job in order to qualify for reimbursement. The City will follow FERPA standards in the Educational Assistance Program.

### **Section 11.3 Procedures**

A. All grievances, with exception of involuntary termination or transfer, shall be handled in the following manner:

Step 1. The employee with a complaint or grievance shall report in writing and discuss the issue with his/her immediate supervisor within ten (10) working days after the affected employee first knew or became aware of the act or condition upon which the grievance is based. If the complaint is with the individual's immediate supervisor, he/she may skip this step and move to the next step. The supervisor shall render a decision within ten (10) working days of the date he/she becomes aware of the grievance by the employee's report unless extenuating circumstances exist and then as soon as reasonable.

Step 2. If no mutually agreeable settlement is reached under Step 1, then within ten (10) working days after receipt of an answer to Step 1 the grievance shall be filed in writing

to the employee's department head by the affected employee with a copy to the City Manager, specifying which term(s) or condition(s) of employment he/she feels has been violated or might require relief. The department head will give a response in writing within ten (10) working days after receipt of the grievance.

Step 3. If no mutually agreeable settlement is reached under Step 2 within ten (10) working days after receipt of the department head's decisions, the parties involved may petition in writing to the City Manager for his/her review. He/she shall have ten (10) working days after receiving the written grievance to thoroughly investigate the matter, place the findings in writing, and notify the parties concerned of the decision.

Step 4. If no mutually agreeable settlement is reached under Step 3, then those involved may petition in writing to the City Council for a closed session by filing the petition in writing to the City Recorder within ten (10) working days after receipt of the City Manager's decision. The decision of the City Council shall be made within 45 days and shall be final.

**Section 13.7 Merit Salary Adjustment**

A. ~~Employees shall be eligible for consideration of up to 3% salary advancement upon successful completion of the probationary period in the class for which they have been employed. The ending date of the probationary period shall constitute the employee's anniversary date.~~ All employees shall be eligible for consideration of a salary adjustment on July 1 of each year and at any other period deemed appropriate by the City Manager or by the City Council.

This Resolution shall take effect and be in force from and after its adoption.

ADOPTED and PASSED by the City Council of Heber City, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

	AYE	NAY
Council Member Robert L. Patterson	_____	_____
Council Member Jeffery M. Bradshaw	_____	_____
Council Member Erik Rowland	_____	_____
Council Member Heidi Franco	_____	_____
Council Member Kelleen L. Potter	_____	_____

APPROVED:

---

Mayor Alan W. McDonald

ATTEST:

---

City Recorder

# TAB 5

Heber City Council  
Meeting date: June 5, 2014  
Report by: Anthony L. Kohler

**Re: Residential Facilities for Disabled Persons**

Heber City has been approached by the Chateau Recovery Center for locating a group home in Heber City. Attached please find a copy of letter dated February 24, 2014. This letter asserts that Heber City's ordinance is illegal in its regulation of group homes for several reasons. Many of the points made by Mr. Warner of the Chateau Recover Center are correct and have been validated by Heber City Attorney Mark Smedley and Craig Chambers of the Wasatch County Attorney's Office.

The map below shows existing residential facilities for the disabled with a purple 600 separation radius, indicating there is ample room left additional disabled facilities in Heber City. The literature available on the subject recommends enough dispersal of the facilities so disabled individuals can be better integrated into the community. The same literature also recommends not dispersing the facilities so much that it is impossible to locate a facility within a community.

The Planning Commission held a public hearing on the proposed ordinance on April 24, 2014, and unanimously recommended the proposed ordinance on May 8, 2014.

**Map of Residential Facilities for Disabled Persons with 600 Foot Separation**





February 24, 2014

Mark Smedley  
Heber City Attorney  
90 West 200 South #4  
Heber City, UT 84032

RE: Heber City Municipal Code  
Request for changes to bring Code into compliance with laws regarding Group Homes for certain  
Disabled Persons

Dear Mark,

I have been speaking with Anthony Kohler, Heber's Planning Director, regarding my plans to open some group homes for people recovering from addiction to substances. Anthony asked me to write you regarding certain Heber City Municipal Code ("Code") sections regarding Residential Facilities for Disabled Persons ("Residential Facility") that do not conform to the requirements regarding accommodation of disabled persons contained in the Utah Fair Housing Act, the Fair Housing Act of 1988, the American Disabilities Act and the Rehabilitation Act of 1973 because they fail to reasonably accommodate disabled persons or they create a disparate impact on disabled persons. I am requesting that the City review and revise the Code sections which relate to the location and operation of Residential Facilities within Heber City to more fully comply with those laws. In particular I believe that the City must review the following issues contained in the Code:

1. Conditional Use within Single Family Dwelling Zones. Section 18.68.604 of the Code contains provisions that require a Conditional Use Permit be obtained prior to operating a Residential Facility in an area that has been zoned exclusively for Single Family Dwellings. The provisions of these sections of the Code require the authorization of the Permit as long as the facility complies with "Handicapped Facility" provisions contained in the Code, but the conditional use permit is non-transferable. In addition, it prohibits the reasonable alterations that may be necessary to the structure or the landscaping to accommodate the disability of persons who may wish to live at the proposed Residential Facility. I am requesting that the Code be modified to allow Residential Facilities as a permitted use in areas that have been zoned for single family dwellings.
2. Alcoholism and Drug Abuse prohibitions. Sections 18.64.602(B)(7) and 18.64.604(A) prohibits disabled persons due to alcoholism or drug abuse to reside in a Residential Facility. Both alcoholism and drug abuse are recognized disabilities and the prohibitions violate the above-referenced laws. These prohibitions must be removed from the Code.
3. Artificial Occupant Limitation. Section 18.68.601(B)(1) of the Code limits the number of disabled individuals who are able to live in a single Residential Facility to eight (8). This is an

The Chateau Recovery Center

375 Rainbow Lane, PO Box 1000 Midway, Utah 84049 Telephone (435) 654-1082 Facsimile (435) 654-1485

artificial limitation without regard to any objective standard which has a disparate impact on disabled persons wishing to live in a Residential Facility. This limitation of disabled individuals should be removed. Any limitation on the number of individuals living in a group home should be based on the adequacy of the property to properly accommodate the individuals taking into account their health and safety and based on the applicable standards and requirements of the Utah Division of Human Services.

4. On-Site Management. Section 18.68.601(B)(1) of the Code requires supervision of a Residential Facility by a "house family or manager". The section is vague as to whether the supervision provision requires the twenty four (24) hour on-site presence. This provision should clarify that supervision of a Residential Facility will be in compliance with contract with the Department of Human Services.

5. Municipal Advisory Committee Requirement. Section 18.68.602(B)(3) of the Code requires that a Residential Facility establish a municipal advisory committee through which all complaints and concerns of neighbors may be addressed. This requirement has been found in many cases to be discriminatory on its face and should be removed.

6. Concentration Limitations. Section 18.68.602(B)(6) of the Code allows only one Residential Facility within a three quarter (3/4) mile radius. No objective basis exists for this limitation. Excluding additional housing options within this radius of any Residential Facility in Heber City creates a disparate impact on disabled persons by limiting the number of Residential Facilities available to disabled persons who wish to live in Heber City in a Residential Facility arrangement. This requirement should be removed or at least significantly reduced to no greater than a three hundred (300) foot radius.

An update of the Code to more fully comply with the laws relating to the accommodation of disabled persons will improve Heber City and continue to make the City desirable and diversified place to live. I await your advice on how the City should proceed in making these Code modifications.

Sincerely,

Danny Warner  
Chief Executive Officer  
[danny@chateaurecovery.com](mailto:danny@chateaurecovery.com)  
435.654.1082

ORDINANCE NO. 2014-15

AN ORDINANCE AMENDING THE HEBER CITY MUNICIPAL CODE SECTION 18.68.601, RESIDENTIAL FACILITY FOR HANDICAPPED PERSONS; SECTION 18.68.602, HANDICAPPED RESIDENTIAL FACILITIES AS A PERMITTED USE; SECTION 18.68.603, APPROVAL OF HANDICAPPED RESIDENTIAL FACILITIES; SECTION 18.68.604, HANDICAPPED RESIDENTIAL FACILITIES IN AREAS ZONED EXCLUSIVELY FOR SINGLE-FAMILY DWELLINGS; SECTION 18.68.605, REVIEW AND APPROVAL; AND SECTION 18.68.606, DEFINITIONS

BE IT ORDAINED by the City Council of Heber City, Utah, those Sections 18.68.601, 18.68.602, 18.68.603, 18.68.604, 18.68.605 AND 18.68.606 of Heber City Municipal Code are **AMENDED** as follows:

**Section 18.68.601 Residential Facilityies for Handicapped Disabled Persons**

~~A. A residential facility for handicapped persons shall be consistent with existing zoning of the desired location.~~

~~B. A residential facility for handicapped persons shall:~~

~~1. be occupied on a 24-hour per-day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager;~~

~~2. conform to all applicable standards and requirements of the Department of Human Services; and~~

~~3. be operated by or operated under contract with that department.~~

**A. Definitions.** For the purpose of Section 18.68.601:

1. "Disabled Person" means an individual with a disability as defined by the Federal Americans with Disabilities Act as amended (ADA), US Housing and Urban Development (HUD), and/or the Utah Fair Housing Act.

2. "Residential facility for disabled persons" or "facility" means a single-family or multiple-family dwelling unit that provides a family-type living environment for disabled persons and meets the requirements of Section 18.68.601 "Residential Facilities for Disabled Persons".

**B. Intent.** It is the intent of this ordinance to accommodate individuals with a bona fide disability as defined by the ADA, HUD, and the Utah Fair Housing Act. This ordinance shall not be used to circumvent other requirements of the Heber City Zoning Ordinance.

**C. Residential Facility for Disabled Persons as a Permitted Use.** Each facility is a permitted use within any Zone where residential dwellings are permitted. The granting of a permit to operate a facility rests with the Zoning Administrator or his or her designee, with appeals going to the Appeals and Variance Authority.

**D. License and Permits Required.** Each facility shall:

1. Obtain a local business license when a facility is operated and managed by an entity for profit or non-profit;
2. Obtain any applicable state, federal, and local licenses or permits, and provide evidence of required licensure upon application for a local business license;
3. Meet all municipal building, safety, and health ordinances applicable to similar dwellings; and
4. Conform to all applicable requirements of the Utah State Department of Human Services and be operated by or operated under contract with that Department.

**E. Facility Requirements.** Each facility shall:

1. Establish and maintain adequate off-street parking spaces;
2. Be established, managed, and maintained in a manner consistent with the character and scale of the surrounding residential neighborhood;
3. Be occupied by sixteen (16) or fewer disabled persons in a family-type arrangement under the supervision of a house family or manager in accordance with the requirements of the Utah State Department of Human Services;
4. Accept individuals within the facility on a strictly voluntary basis and shall not include placement of individuals as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
5. Not be established or maintained within six-hundred feet (600) feet of an existing facility, as measured in a straight line from the nearest property line of a facility to the nearest property line of another facility;
6. Provide services to a group of individuals with bona fide disabilities, as evidenced by receipt of an official ADA Certification or receipt of recent treatment or therapy within the past year for a qualifying disability; and
7. When part of an addiction recovery facility, require monthly drug and alcohol testing and verification, and provide said verification upon request to Heber City.

**F. Enforcement.** The following are factors that shall disqualify a facility from operating within Heber City and shall be grounds for declaration of such facility as a public nuisance, and subject such facility to license revocation and/or other available criminal or civil action. Knowingly or

unknowingly:

1. providing services to CURRENT drug or alcohol users at a facility rather than providing services to RECOVERING alcohol or drug addicts;
2. permitting drug or alcohol use or drug manufacturing at a facility;
3. providing services to individuals that do not qualify with a bona fide disability and operating such facility under the guise or façade of a bona fide disabled facility; or
4. permitting or engaging in other unlawful activities which constitute a Pattern of Unlawful Activity pursuant to Title 76, Chapter 10, Part 16 of the Utah State Code.

**G. Severability.** If any part of this Section is found to be unlawful by a court of law, applicable State or Federal regulations shall govern that situation, and the remainder of this Section shall remain in full effect.

**Section 18.68.602 ~~Handicapped Residential facilities as a Permitted Use.~~ Reserved**

~~A. A residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings.~~

~~B. A permit to establish a residential facility for handicapped persons shall be granted only if:~~

~~1. the facility meets all municipal building, safety, and health ordinances applicable to similar dwellings;~~

~~2. the operator of the facility provides assurances that the residents of the facility will be properly supervised on a 24-hour basis;~~

~~3. the operator of the facility establishes a municipal advisory committee through which all complaints and concerns of neighbors may be addressed;~~

~~4. the operator of the facility provides adequate off-street parking space;~~

~~5. the facility is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;~~

~~6. is not established or maintained within three-quarters mile of another residential facility for handicapped persons;~~

~~7. no person being treated for alcoholism or drug abuse is placed in a residential facility for handicapped persons;~~

~~8. no person who is violent is placed in a residential facility for handicapped persons; and~~

~~9. placement in a residential facility for handicapped persons is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.~~

**Section 18.68.603 ~~Approval of Handicapped Residential Facilities.~~ Reserved**

~~A. Upon application for a permit to establish a residential facility for handicapped persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, Heber City may decide only whether or not the residential facility for handicapped persons conforms to the ordinances under 18.68.602(B); and~~

~~1. if the residential facility for handicapped persons is in compliance with the ordinances under 18.68.602(B), Heber City shall grant the requested permit to that facility.~~

~~B. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to use other than as a residential facility for handicapped persons or if the structure fails to comply with the ordinances under 18.68.602(B)~~

**Section 18.68.604 ~~Handicapped Residential facilities in Areas Zoned Exclusively for Single-Family Dwellings.~~ Reserved**

~~For purposes of this section:~~

~~A. No person who is being treated for alcoholism or drug abuse may be placed in a residential facility for handicapped persons.~~

~~B. No person who is violent may be placed in a residential facility for Handicapped persons; and~~

~~1. placement in a residential facility for handicapped persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution.~~

~~C. Subject to the granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in a zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:~~

~~1. conforms to all applicable health, safety and building codes;~~

~~2. is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;~~

~~3. conforms to Heber City's criteria, adopted by ordinance, governing residential facilities for handicapped~~

~~persons in areas zoned to permit exclusively single-family dwellings; and~~

~~4. is not established or maintained within three-quarters mile of another existing residential facility for handicapped persons.~~

~~D. The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for handicapped persons or, if the structure fails to comply with applicable health, safety, and building codes.~~

~~E. Discrimination against handicapped persons and against residential facilities for handicapped persons is prohibited.~~

~~F. Decisions of Heber City regarding the application for a permit by a residential facility for handicapped persons shall be based on legitimate land use criteria, and not based on the handicapping conditions of the facility's residents.~~

**Section 18.68.605 ~~Review and Approval.~~ Reserved**

~~The granting of permits and decisions relating to the administration of the provisions of Chapter 18.68 rests with the Heber City Planning Commission, with appeals going to the Board of Adjustment.~~

**Section 18.68.606 ~~Definitions.~~ Reserved**

~~As used in this chapter:~~

~~A. "Conditional Use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.~~

~~B. "Handicapped person" means a person who:~~

~~1. has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments that is likely to continue indefinitely and that results in a substantial functional limitation in three or more of the following areas of major life activity:~~

~~a. self-care;~~

~~b. receptive and expressive language;~~

~~c. learning;~~

~~d. mobility;~~

~~e. self-direction;~~

~~f. capacity for independent living; and~~

~~g. economic self-sufficiency; and~~

~~2. requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential~~

~~neighborhood.~~

~~C. "Residential facility for handicapped persons" means a single-family or multiple-family dwelling unit that meets the requirements of the 600 series of Chapter 18.68 of this ordinance.~~

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder and (c) a short summary of it has been published in the Wasatch Wave, but not prior to the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ADOPTED and PASSED by the City Council of Heber City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

	AYE	NAY
Councilman Robert L. Patterson	_____	_____
Councilman Jeffery Bradshaw	_____	_____
Councilman Erik Rowland	_____	_____
Councilman Heidi Franco	_____	_____
Councilman Kelleen L. Potter	_____	_____

APPROVED:

\_\_\_\_\_  
Mayor Alan W. McDonald

ATTEST:

\_\_\_\_\_  
RECORDER

Date: \_\_\_\_\_

Date of First Publishing: \_\_\_\_\_

# TAB 6

# Tab 7

**CREDENTIALS**

**EDUCATION**

MS Regional and City Planning,  
(MRCP); 1970  
University of Oklahoma  
BS Psychology; 1967  
Southern Nazarene University  
Gates Foundation Fellow, Program for  
Senior Executives in State & Local  
Government; 1991  
Harvard University

**SPECIALIZATION**

Historic Building Renovation  
Site Design  
Environmental Documents  
Highway and Street Planning & Design  
Transportation Planning  
Land Planning & Entitlement  
Airport Planning & Project Management

**REGISTRATION**

Credentialed Manager – International  
City/County Management Association  
Professional Transportation Planner,  
#60 – Transportation Professional  
Certification Board

**PROFESSIONAL  
SUMMARY**

*Mr. Phillips is the Principal of Phillips Associates. He serves as project manager for land planning and entitlement, building renovation & construction, street, highway, transit, parking, transportation and airport projects. He has managed all stages of project development including alternative analyses, feasibility studies, cost analyses, planning, environmental impact analyses, preliminary engineering, final design, and construction supervision.*

**PROFESSIONAL HISTORY**

2009-Present, Phillips Associates, Inc.  
Principal  
2006-2009, Morrison-Maierle, Inc.  
General Manager, Utah Office  
1994-2006, City of Fort Collins, CO  
Executive Director, Transportation  
Services  
1993-1994, City of Fort Collins, CO  
Planning Director  
1984-1993, Town of Vail, CO  
Town Manager

**RELEVANT EXPERIENCE**

**Planning, Design and Construction**

- Planned, financed, designed and constructed over \$150 million in capital street projects and in pavement management projects In Fort Collins, Colorado.
- Negotiated and achieved commercial air service for Fort Collins, and increased the Federal Aviation Administration investment in the Airport by several million dollars.
- Responsible for managing the Fort Collins-Loveland Airport, engineering and capital project management, Transit/Dial-A-Ride transit operations, streets maintenance, traffic operations and signal control, transportation planning, *SmartTrips* (transportation demand management), parking structure management and parking/code enforcement.
- Renovated a major historic sugar beet warehouse and factory for the Streets Department Facility in Fort Collins.
- Renovated a historic freight rail depot into the Downtown Transit Center in Fort Collins.
- Renovated and expanded the Vail Village Parking Structure.
- Completed multiple transportation master plans, built three transit centers, implemented a new advanced traffic management system and traffic operations center, and built two parking structures and a de-icing materials storage facility in Fort Collins and Vail, Colorado.
- Developed the Larimer County Urban Area Street Standards, new multimodal street standards stressing the “new” definition of streets as multimodal transportation corridors – “Complete Streets.” This project was awarded the Colorado APWA 2002 Program of the Year.
- Acquired several congressional earmarks for Federal Transit Administration and Federal Highway Administration capital funds.
- Initiated the North Front Range Transportation Alternatives Feasibility Study (major investment study) for the north-south corridor between Fort Collins and Denver, and negotiated a cooperative project memorandum of understanding among the North Front Range Planning Council, the Upper Front Range Regional Planning Commission, the Denver Regional Council of Governments, and the Colorado Department of Transportation.
- Developed “level of service” criteria for pedestrians, bicycles and transit, and applied the criteria as requirements in the development review process.
- Operated transit systems in two communities, and initiated regional transit service in two regions.
- Completed three North Front Range Regional Transportation Plans, the first regional transportation plans in Colorado to allocate resources and prioritize projects in six different transportation modes or categories – rail, bicycles/pedestrians, transit, highways, mobility strategies and airports.
- As a leader and advocate for transportation and air quality issues in the North Front Range Region and in Fort Collins, brought statewide recognition to the City and region for aggressive and innovative transportation policies and programs.

## RONDALL V. PHILLIPS – Principal

### RELEVANT EXPERIENCE cont.

#### Financial Management

- Brought transportation financial needs into clear view of the City Council and community with a systematic approach to comparing needs to resources.
- Developed successful capital improvement programs and revenue retention ballot issues for transportation, which have been approved overwhelmingly by the voters.
- Revamped the Town of Vail financial planning, budgeting, and accounting system, resulting in much less time consuming budgeting and financial policy-making functions for the Town Council.
- Developed a Transportation Maintenance Fee (utility fee) proposal.

#### Human Resources

- Developed and implemented a new employee values and guest relations program along with a bonus program for exemplary behavior to enhance employee, guest, and resident relations within the community.
- Obtained a three-year Kellogg Foundation grant for Latino education and economic development programs in San Luis Valley.
- Successfully reorganized four existing departments located in three different service areas into a new Transportation Service Area by utilizing team building, and molded a strong, interrelated management team.

#### Operations

- Increased Federal Aviation Administration (FAA) annual entitlement funding by six and one half times for the Fort Collins-Loveland Airport, and achieved major FAA discretionary funds for the first time in more than 15 years.
- Implemented an advanced traffic management system and traffic control center. Enhanced street maintenance and traffic operations with increased levels of funding and applications of new technology.
- Led of a coalition of the Town of Vail, Town of Avon, Eagle County, and Vail Associates in developing an intergovernmental mechanism to own and operate a regional transportation system.
- Expanded and enhanced the Vail open space acquisition program, transit system, recreation trails, and the Village Transportation Center. Reconstructed 70% of the street system.
- Provided leadership in coordinating municipal services as a member of the Organizing Committee for the 1989 World Alpine Ski Championships, and other major events.

- Responsible for land use, transportation and air quality (LUTRAQ) planning programs including initiating the update process of the *Fort Collins City Plan* (comprehensive plan), and for completing the Transportation Master Plan, both which emphasize principles of new urbanism, activity centers connected by transit corridors, and stresses multimodal transportation opportunities.
- Involved in open space/natural areas acquisition in both Vail and Fort Collins.

#### PRESENTATIONS

Colorado Municipal League Annual Conference

APWA International Annual Conference

ICMA Annual Conference

Colorado Asphalt Paving Assoc. Annual Conference

Colorado State University, College of Engineering

Many City/County Councils and Planning Commissions

#### AWARDS

2002 Colorado APWA Program of the Year

1999 Transit Advocacy Award Recipient

1991 Gates Foundation Fellow, Harvard University

#### PROFESSIONAL ACTIVITIES

International City/County Management Association

Transportation Professional Certification Board

Past President, Colorado Municipal League Executive Board

American Public Works Association

Colorado Tourism Advisory Council

Oklahoma City International Trade Association – President

Oklahoma City Chamber of Commerce - World Trade and

Government Relations Councils

Oklahoma Governor's International Trade Advisory Team

Vice Chair, Colorado Nuclear Materials Transportation

Advisory Committee

# **Department Reports**

# Tab 8

Heber City Police Department

Memorandum

To: Heber City Mayor, Council and Manager

From: Chief Dave Booth

Date: May 19, 2014

Re: Monthly Report - April 2014

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**Derby Car:** Colton Furnish has donated his 2014 Pinewood Derby Car to the Heber City Police Department. Colton is a member of the Heber 2nd Ward and is a Cub Scout with Troop 212. His car will be placed in our memorabilia wall. Thanks for your donation – Colton.



**DUI:** Officers initiated a traffic stop on a suspect for failing to signal at Daniels Road and US 189. After detecting the odor of an alcoholic beverage coming from the driver, she was asked to perform field sobriety tests. She didn't perform tests as demonstrated and was placed under arrest for DUI & failing to signal. She was transported to the Wasatch County Jail and blew a .106 BrAC.



**Public Nuisance:** The Wasatch County Health Department's Environmental Health Unit conducts a variety of inspection services as required by law, to protect public health. These include inspections for hotels and motels, which are currently operating in our city/county. An inspection was conducted on the Alpine Lodge. Three arrests for drugs were made, two arrest warrants were served, and three child endangerment cases were opened involving five different children. The Alpine Lodge is on a corrective action plan to make it more suitable for customers.



**Good Samaritan:** We would like to take this opportunity to thank Gordon Parcell from Heber City who has graciously donated three used bicycles for some of the unfortunate children in our community. It will be priceless to see the expressions on those youngster's faces when they receive a bike. Thank you again!



**Mock Disaster:** The Wasatch High School students participated in and watched a mock accident at the high school. The police department educated the students about the dangers of texting and driving. We would like to thank the Wasatch County School District for letting us conduct this scenario.



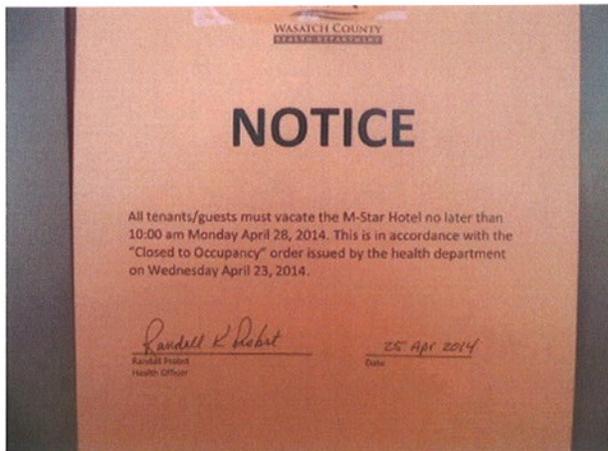
**Intoxication:** A male identified as, Steven Pitt, came to the police department. He stated that he had a very intoxicated female in his car and was attempting to take her home. He further stated that he had been trying to locate her home for a lengthy period of time, but she wouldn't tell him where she lived and was turning aggressive towards him. The intoxicated female was arrested and transported to the Wasatch County Jail.



**V.I.P.S.:** One of our newest V.I.P.S is Meagan Jacobsen, who attends Wasatch High School. V.I.P.S stands for Volunteer in Police Service. Meagan assists our secretaries with organizing their files and setting up packets for the department. She has been a great asset for our department and we appreciate everything she does.



**Public Nuisance:** Because the M-Star Motel had not renewed its business license and the motel was delinquent on their city water and sewer bills, the water service was shut off. As this investigation has taken its course many other issues have surfaced. The motel must become completely compliant and current with all monies due the city before this case will be cleared. With the water service discontinued the Wasatch County Health Department posted the motel with a, “prohibiting occupancy notice.” All patrons were evicted and the motel’s manager was arrested for drug charges and failure to comply with a health department notice.



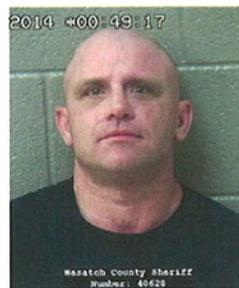
**Assault on a Peace Officer:** Officer Mainord was assaulted by mentally unstable subject as he left the police department at the conclusion of his graveyard shift. The subject was transported to jail and charged with assault on a peace officer. The subject was agitated and talking about things that made no sense. The subject reported there had been a fire at his home and no one had helped him. The subject reported he could have died and that was his reasoning for being violently angry with Officer Mainord. Based on the subject's information Officer Mainord dispatched the fire department to residence. It appeared the subject had set several small fires at his residence, but the fires were extinguished when the fire department arrived.



**Awesome – Girl Scout:** Maia Young, age 7, from Heber City sold 812 boxes of Girl Scout Cookie's as a member of the Girl Scouts of Utah, Troop 757 (Daisy). Because of her hard work and determination, she has earned enough points to have the majority of her summer scout camp paid for. We are proud of her and hope she has the best time at camp. GOOD JOB!



**DUI:** A traffic stop was initiated at 1150 S. Main Street for failing to make a complete stop at the intersection of 1200 S. Mill Road. The driver was DUI and placed under arrest.

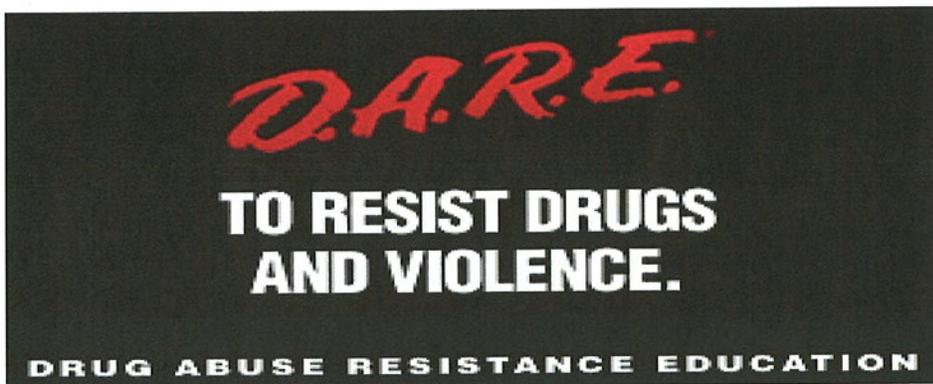


**National Police Week:** In 1962, President Kennedy proclaimed May 15th as National Peace Officer's Memorial Day and the calendar week in which May 15th falls, as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others.

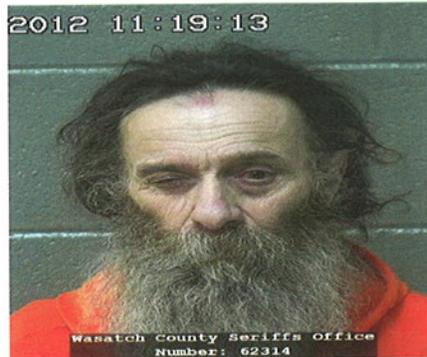


**Drug Arrest/Investigation:** On April 2, 2014, the Wasatch Back Narcotics Enforcement Team (Back-NET), Heber City Police, Wasatch County Sheriff's Office, and Summit County Sheriff's Office; served a drug search warrant at 471 West Glasgow Lane. Back-NET detectives received information the use of marijuana was taking place inside the residence. A search warrant was obtained following a Back-NET investigation. During the search of the home, marijuana, dabs (a very highly concentrated form of THC made from marijuana), bongs, glass marijuana pipes, and other paraphernalia items were found and seized as evidence. Rick Shapiro was arrested during the search for felony and misdemeanor charges. Brett Shapiro is being screened for felony and misdemeanor charges by the Wasatch County Attorney's Office. Mary Dewy and Timothy Cole are being screened for misdemeanor charges.

**D.A.R.E. Graduation:** Congratulations to all 7th grade students at Rocky Mountain Middle School who graduated from the D.A.R.E. program. Law enforcement officers and school teachers joined forces and launched D.A.R.E. to teach kids about the dangers of drugs and violence, and how to protect themselves. Law enforcement wants to steer kids away from dangerous drugs and help them make smart choices, like playing sports and starting hobbies instead of using drugs and committing violent acts. D.A.R.E. was started in Los Angeles, California in 1983 and now is taught in all 50 states in the U.S., as well as in 53 countries. All in all, the D.A.R.E. program will reach 50 million children around the world this year alone. We are so proud to have Deputy Graves with the Wasatch County Sheriff's Officer as our certified D.A.R.E. Officer.



**Disorderly Conduct:** A complainant reported his step daughter was touched inappropriately at Walmart by a known transient. Officers were able to locate the suspect and issue him a citation for disorderly conduct.



**Fundraiser:** A small town cop with national dreams. This is an inspiring true story you must read. Please share this with your friends and loved ones and let's see if we can make his dreams come true.



**Wasatch County Has a Winner  
Help Us Make Him a World Champion!**



IT IS RARE THAT A SMALL COMMUNITY CAN HAVE A WORLD CLASS ATHLETIC AND PUBLIC SERVANT AT THE SAME TIME. Wasatch County has such a man. Sergeant Jim Moore of Heber City Police is such a man. After a disappointing lay-off from Geneva Steel in 1997, Moore put himself through the Police Academy and was hired by Heber City Police. All this time he has pursued his dream of World Class weight lifting competition. Although he has qualified many times to compete on the world stage the financial considerations of raising a family had to come first. Jim has never asked for help from anyone to fulfill his dream, in fact, most people don't know what an amazing athlete he has become.

A few of us who work with Jim in Wasatch County's emergency services have formed a committee to help make his dream come true. We hope you will join with us to support this good man in his quest as he represents Wasatch County Copenhagen, Denmark.

Donations can also be made at <http://moortoworld.blogspot.com>



**They don't come any better!**



**Marrried to Nettie Moore for 33 yrs 4 children 10 grand children**

"Sergeant Jim Moore is a true leader within our agency. He continually mentors young officers on the need for hard work accompanied with a sincere desire for compassion with those individuals we come into contact with. Jim is a man that can be depended upon to accomplish any task asked of him."  
—Chief Dave Steeds  
Heber City Police Department

"Jim Moore, is a wonderful example of health, fitness and generosity. His years in law enforcement have showed him to have qualities all officers can emulate. He has been a strong leader and supporter of Special Olympics, and other charity events. I support his opportunity to represent the USA by competing on a world level."  
—Jared Rigby, Chief Deputy  
Wasatch County Sheriffs Office

<p><b>CAREER</b> Geneva Steel 10 years Heber City Police 14 years Numerous commendations, Unit citations, Individual achievement citations, and Officer of the Year 2014</p>	<p><b>SPECIAL OLYMPICS</b> Special Olympics for 11 years Hosts and organizes the Heber Valley Train pull, Rowing with Heart, Weightlifting tournament, the Torch Run and the Polar plunge</p>
<p><b>WEIGHTLIFTING</b> Utah Summer Games Utah State Championships Masters National Championships Masters Pan American Championships Current state record holder in the masters 94 &amp; weight class for snatch lift Clean &amp; Jerk and the total</p>	<p>2009 2nd place, 2010 champion, 2012 champion 2010 Champion, 2011 Champion 2010 2nd place, 2014 Champion 2012 Champion</p>

**Family Fight:** Officers were dispatched to an active domestic fight in progress. Dispatch advised the suspect was in violation of an active protective order. Upon arrival the suspect was taken into custody without incident. Officers obtained a written statement from the complainant and took pictures of damaged property. The suspect was transported to the Wasatch County Jail without incident.



**Family Fight:** Officers responded to a domestic fight in progress. Officers found that two brothers were fighting because one of them, Caleb Mecham, was intoxicated and was trying to kill himself. His brother, Reilly Mecham, was trying to stop him from harming himself. Caleb was arrested and transported to the jail.



Total Incident Reports- 737

Part one Crime:

➤ Forcible Rape	1
➤ Robbery	0
➤ Burglaries	2
➤ Theft	10
➤ Vehicle Theft	0
➤ Arson	0
➤ Aggravated Assault	0

Assorted Calls for Service:

➤ Agency Assist	23
➤ Alarms	35
➤ Assaults	2
➤ Child Abuse/Neglect	10
➤ Domestic Problems	4
➤ DUI Arrests	10
➤ Lockouts	37
➤ Parking Problems	6
➤ Traffic Accidents	26
➤ Warrant Arrests	25
➤ Traffic Violations	512
➤ 84 Arrests with 155 offenses	

# HEBER CITY CORPORATION

## STAFF REPORT

MEETING TYPE:	Regular Council Meeting	MEETING DATE:	June 5, 2014
SUBMITTED BY:	Bart L Mumford	FILE NO.:	00000
APPROVED BY:	Mark K. Anderson		
SUBJECT:	<b>CITY ENGINEER MONTHLY REPORT - May 2014</b>		

### CIP AND OTHER CITY PROJECTS

Broadhead Tank Roof Repair: Percent Complete: 99%  
Gerber Construction completed piping modifications and roof replacement. Tank was tested and are currently working on punchlist items.

Daniels Road Reconstruction - UDOT: Percent Complete: 10%  
Civco is finalizing construction drawings. Finalized right-of-way acquisition with 4 property owners. UDOT will advertise project in July.

Public Safety/Court Building: Percent Complete: 3%  
GSBS continued working on schematic design. Coordinated with subconsultants and utilities. Presented at DRC meeting in preparation for Planning Commission. Completed soils report. Solicited proposals for asbestos removal.

Road Crack Sealing 2013: Percent Complete: 80%  
Bonnevile is crack sealing roads Citywide. Work resumed on remaining streets.

Subdivision Bond Work: Percent Complete: 5%  
Council directed staff to call outstanding subdivision bonds at 2/17/11 Work meeting. Negotiated settlement with HOG subdivision developer to complete remaining improvements and waiting for payment. Working with Gateway 1 property owners on solution to complete the remaining improvements.

Valley Hills Tank Pipeline: Percent Complete: 1%  
Held public meeting on 5/15/14 with residents concerned about chlorine in water. Will hold 2<sup>nd</sup> public meeting on 6/5/14.

### CITY PROJECTS UNDER WARRANTY

▫ Sidewalk Improvements - 600 S (200E-270E)	Expires 07/25/14
▫ Water Main - SR113 & PRV:	Expires 08/27/14
▫ Muirfield Park Bridge/Trail:	Expires 08/23/14
▫ Road Improvements - 300 W. (100S to 1000S)	Expires 01/28/15
▫ Sidewalk Replacement - 100 W.	Expires 07/17/15
▫ Water Main Replacement - 300 W CDBG 12:	Expires 07/31/15
▫ Sewer and Water Improvements 2013:	Expires 12/03/15
▫ Main St. Pavers / Util - 200S to 200N:	Expires 12/03/15

\*Warranty is extended until outstanding issues/punchlist items are resolved.  
- Schedule warranty walk through 3 months prior to expiration date.  
- Send Bond Claim letter 1 month prior to expiration date.

# ENGINEERING MONTHLY PROJECT BUDGET vs CONTRACTS REPORT

May 2014

PROJECT NAME	CITY BUDGET		CONTRACTS		CHANGE ORDERS		TOTAL	Notes
	Approved	Amt	Approved	Amt	Approved	Amt		
<b>Broadhead Tank Roof Repair</b>								
1. Horrocks Engineers			Prior Year	\$56,000.00				- Evaluation & Structural Report (\$8,000)
2. Horrocks Engineers			AsNeeded	\$439,200.00				- Design, CM, & Insp
3. Gerber Construction								- Construction Contract
- CO #1					12/02/13	\$1,275.84		- Second excavation hole needed
- CO #2					04/29/14	\$4,200.00		- Coating Interior Fixtures
- CO #2					04/29/14	\$3,300.00		- Sawcut Overhang
- CO #2					04/29/14	\$4,384.08		- Fabricate New Overflow
Subtotal:				\$495,200.00		\$13,159.92	\$508,359.92	
<b>Daniels Road Reconstruct / UDOT</b>								
1. Civco Engineers - Pre Engr								- Design Engr Contract w/UDOT
- CO #1			06/06/13	\$113,732.28	11/26/13	\$18,389.64		- Additional potholing, 3 Additional right-of-ways
- CO #2					03/04/14	\$0.00		- Design Time Extension
- CO #3					11/26/13	\$17,876.41		- Add ROW, 4H & Royal Coach
2. Civco Engineers - Const Engr								- Const Engr Contract w/UDOT
3. UDOT - Deposit #1								- Deposit 1 for Proj Mgr, RofW Acquisition Services
- Deposit #2								- Deposit 2 for Design & Award
Subtotal:				\$289,300.67		\$36,266.05	\$325,566.72	
<b>Majestic Mtn - Bond Work</b>								
1. Horrocks Engineers			AsNeeded	\$13,522.00				- Bid doc prep / Inspection
2. ACME Construction								- Construction Contract
- CO #1			09/20/12	\$173,148.75	10/30/12	\$3,380.00		- Replace Curb box, ball valve, & washers
- CO #2					12/03/12	\$0.00		- Extend schedule to complete by 5/1/13
- CO #3					06/10/12	\$2,391.75		- Sink hole repair/add trail sub-base material
- CO #4					06/10/12	\$5,191.88		- Light Conduit/Wire Conn (1/2 Reimb)
3. Blake Allen Fire Hydrant Relocate								- Reimbursed for relocating misconstructed FH
4. Heber City								- Lots 23&24 Util Escrow
5. Heber City								- Temp CulDeSac Escrow (\$12,790-), LotA ImpFees (\$6,787+)
6. Wheeler Park								- 16" Water Reimbursement
7. Summit Engineering								- Record Dwgs
Subtotal:				\$252,863.75		\$10,963.63	\$263,817.38	
<b>Public Safety/Court Building</b>								
1. GSBS								- Architect fee (\$31.5k+1%+3.4%+1.6%) est if \$7.2M Const
2. Hogan								- CM/IGC fee (\$15k+2.5%+3.3%) est if \$6.6M Const
3. Rocmont								- Asbestos PH1 Assessment
Subtotal:				\$685,210.00		\$0.00	\$685,210.00	
<b>Road Crack Sealing</b>								
1. Bonneville								- Design, CM, & Insp
2. Horrocks Engineers								
Subtotal:				\$187,100.00		\$0.00	\$187,100.00	
<b>Valley Hills Tank Pipeline</b>								
1. Horrocks Engineers								- Pipeline feasibility study
Subtotal:				\$7,000.00		\$0.00	\$7,000.00	

## DEVELOPER CONSTRUCTION PROJECTS

### RESIDENTIAL

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Center Creek Estates Plat A (1200 S. 1200 E.): 32 lot subdivision approved 09/18/08. Extended plat approval expired 09/18/10.

Cottages at Valley Station Ph1 (300 W. 1100 S.): 8 lot subdivision approved 02/20/14. Plat recorded 03/21/14. Construction is 99% complete.

Cottages at Valley Station Ph2 (Industrial Parkway and 1200 S.): 48 lot subdivision approved 05/01/14. Waiting for agreements to record plat.

Cottages at Valley Station Ph3 (300 W. 1200 S.): 47 lot subdivision approved 05/01/14. Waiting for agreements to record plat.

Davis Lot Split (485 S 100 E): 3 lot subdivision approved 07/19/07. Plat recorded 04/08/08. Council approved deed restricting curb, gutter, and sidewalk which recorded on 4/21/09. Construction is 0% complete.

Findarle Lot Split (131 S 200 W.): 2 lot subdivision approved 01/04/07. Need to install services and sidewalk. Construction is 20% complete.

Haack Subdivision (850 E. Center): 1 lot subdivision approved 11/21/13. Waiting for documents to record plat. Recordation on hold until sewer or Health Dept. approves septic tank or sewer is extended by Broadhead Estates 2.

Heber Homes 6 - Clyde Lot Split (494 E. Center): 2 lot subdivision approved May 2, 2013. Waiting for agreements to record plat.

Heber Homes 7 (211 S. 200 W.): 3 lot subdivision approved 07/18/13. Plat recorded 10/09/13.

Heber Homes 9 (390 N. 300 E.): 2 lot subdivision approved 05/15/14. Developer will put improvements in prior to recording plat.

Heber Meadows Ph2 (2600 S. 1200 E.): 23 lot subdivision approved 10/04/07. Phase 2 construction was partially completed with Phase 1, however, revised plat for Phase 2 was never recorded and approval has expired.

King - Plat A (200 S. 550 E.): 2 lot subdivision approved 09/06/07. Plat recorded 12/19/07. Council approved amended plat and construction drawing 10/15/09. Amended plat recorded 09/11/11. Currently working on improvements concurrent with new home. Construction is 70% Complete.

King - Plat B (250 S. 500 E.): 2 lot subdivision approved 09/06/07. Plat recorded 05/08/08. Construction is complete for Lot 1. Lot 2 irrigation and water service need to be completed.

Meadows at Southfield (500 S. 1200 W.): 46 lot subdivision. New plat approved 10/01/09. Plat approval expired 10/01/10. Developers plat extension request has not yet been approved by Council. Council approved lot line adjustment on these parcels on 4/18/13. Construction is 0% complete.

Mill Road Estates 4 (Mill Road and 400 S.): 32 lot subdivision. Subdivision phasing was approved 08/21/08. Extended plat approval expired 08/21/10; was resubmitted, approved, and again expired 5/26/12. Construction is 0% complete.

Millers Small Subdivision ( 100 W. 400 N.) 2 lot subdivision approved 02/06/14. Waiting for agreements to record plat.

Mountain Meadows 2 (E. Airport Rd. 111 E.): 2 lot subdivision approved 10/18/07. Plat recorded 04/24/08. Construction is 0% complete. Coordinated with developer. Need to install irrigation, water and sewer services to 2<sup>nd</sup> lot.

Muir Lot Split (188 E. 500 S.): 2 lot subdivision approved 07/18/13. Waiting for agreements to record plat.

Noble Vista (770 S. 1200 E.): 23 lot subdivision. Plat recorded 11/13/07. Construction is 90% complete. Subdivision has been taken over by new owner. New bond will be requested prior to restarting. Mill Road improvements are 100% complete and started warranty on 10/06/09. Chris Goode received occupancy for home on Lot 23 after subdivision was granted partial acceptance. .

Ranch Landing Cottages Plat A (980 S. 500 E.): 18 lot subdivision. City council approved 03/06/14. Waiting for agreements to record plat.

Red Ledges - Ph1G (1820 E. Center): 3 lot subdivision approved 4/05/12. Plat was recorded 08/10/12. No additional public improvements were required for this subdivision and it will be closed out.

Red Ledges - Ph1H (Flat Top Mountain Drive): 5 lot subdivision approved 05/03/12. Plat was recorded 08/03/12. Work will begin Spring 2014. Construction is 0% complete.

Red Ledges - Ph1J (Flat Top Mountain Drive): 2 lot subdivision approved 06/21/12. Plat was recorded 08/10/12. Will finish Spring 2014 along with 1K. Construction is 50% complete.

Red Ledges - Ph1K (Explorer Peak Dr.): 12 lot subdivision approved 01/17/13. Plat was recorded 03/15/13. Lot 405 was amended and combined with 406. Inspection deposit is needed. Construction is 0% complete. Work will begin Spring 2014 with 1J.

Red Ledges - Ph1L (Copper Belt Dr.): 14 lot subdivision approved 01/17/13. Plat was recorded 03/15/13. Inspection deposit is needed. Construction is 0% complete. Work will begin Spring 2014.

Red Ledges - Ph1N (Explorer Peak Dr.): 9 lot subdivision approved 10/03/13. Plat recorded 10/15/13. Construction is 0% complete.

Red Ledges - Ph1P (Copper Belt Dr.): 26 lot subdivision approved 12/5/13. Plat recorded 3/3/14.

Red Ledges - Ph1Q (Red Knob Way): 22 lot subdivision approved 03/06/14. Waiting for agreements to record plat.

Red Ledges - Ph1R (Explorer Peak Dr.): 38 lot subdivision approved 1/2/14. Waiting for agreements to record plat.

Red Ledges - Ph2C (Haystack Mountain Drive and Chimney Rock Road): 9 lot subdivision approved 05/14/15. Waiting for agreements to record plat.

Red Ledges - Ph2D (Red Ledges Blvd): 9 lot subdivision approved 10/5/13. Construction is 99% complete. Plat recorded 11/13.

Red Ledges - Ph2E (Juniper Hills): 8 lot subdivision approved 02/06/14. Plat recorded 03/13/14.

Red Ledges - Ph2G (Club Cabins Court) : 10 lot subdivision approved 04/17/14. Waiting for agreements to record plat.

Shermans Landing (650 S. 1200 W.): 35 lot subdivision approved 10/04/07. Council extended the plat recordation but it expired on 10/04/09. Developer is in the process of revising plans for new affordable housing ordinance and will then resubmit for approval of new plat. Council approved replacing the sewer pump station that would service this subdivision with a gravity sewer through Giles' property or the bypass if easement can be obtained. Canal irrigation line is complete. Subdivision plans will be modified to serve annexations to the North. Construction is 0% complete.

Stone Creek 1 (800 N. 1300 E.): 125 lot subdivision approved 12/06/07. Extended plat approval expired 12/06/09. Developer resubmitted project for new Phase 1 approval to Planning Comm. Construction is 2% complete.

Swift Creek 1 (820 E. 1040 S.): 4 lot subdivision approved 03/06/14. Waiting for subdivision agreement, water rights and reimbursement to record plat.

Swift Creek 2 (820 E. Old Mill Dr.): 12 lot subdivision approved 03/06/14. Waiting for agreements, water rights, and drawings to record plat.

Swift Creek 3 (960 E. Old Mill Dr.): 11 lot subdivision approved 03/06/14. Waiting for agreements, water rights, and drawings to record plat.

## **NON-RESIDENTIAL**

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Gateway 1 (1200 S. Main): 8 Lot Commercial subdivision. Construction is 90% complete. County will transfer easement for 16" waterline running through the subdivision once they are reimbursed for Highway 40 sidewalk. Need to complete storm water box. Wells Fargo has taken over 4 of the unsold lots. Surety denied City's claim. Continued working with Wells Fargo and other lot owners to see if we can jointly complete subdivision improvements.

High School (800 S. 500 E.): Construction is 100% complete on road, water, sewer, and storm water improvements surrounding new facility. Impact fees, water rights, and record drawings have been tentatively agreed to. Discussions continue on bringing closure to the canal grate cleaning. Impact fees are still outstanding on Heber Valley Elementary.

HOG Business Park (1600 S. Daniel Rd.): 4 lot commercial subdivision. Developer lost property, however, City has reached a settlement with Developer. Upon receiving settlement money City will finish remaining work. Construction is 85% complete.

Jazabra Commercial Garage (2126 S. Daniel Rd.): Commercial Lot improvement. Construction is 90% complete.

Old High School Redevelopment (600 S. Main): 1 lot subdivision approved 05/01/14. Construction is 0% complete.

McDonald's Rebuild (610 S Main : Commercial rebuild. Construction is 70% complete.

Ranch Landing Plat B Assisted Living (500 E. 1200 S.): Commercial lot improvement approved 12/06/12. Road improvements will wait until summer. Construction is 50% complete.

Tractor Supply Company (400 E. 1200 S.): Commercial Lot improvement. Planning Commission approved 03/13/14. Waiting for building permit. Construction is 0% complete.

Zions Bank (20 N. Main): Commercial building approved 09/13/12. Working on building improvements. Construction is 80% complete.

**DEVELOPMENTS UNDER WARRANTY**

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□ *Silver Ridge (500 E.309 S.) (Punchlist)	Expires 06/25/11
□ *Red Ledges - Ph1B Cabins (2000 E. Ctr)	Expires 09/20/12
□ *Red Ledges - Ph2 (2500 E. Ctr)	Expires 09/20/12
□ *Miller (300 S. 100 W.)	Expires 06/02/13
□ *Nordgran (94 N. 500 E.)	Expires 08/22/13
□ *Elmbridge (705 N 100 W) (Slurry Seal)	Expires 09/20/13
□ **Birmingham Commercial (100 S. 801 W.)	Expires 12/07/13
□ Red Ledges - Ph1E (Abajo Peak Way)	Expires 05/30/14
□ AutoZone (805 S. Main):	Expires 08/07/14
□ Wasatch Orthodontics (493 S. Main)	Expires 09/05/14
□ Red Ledges - Ph2B (607 N. Haystack Mtn Dr.)	Expires 11/02/14
□ Millstream RV Park (2120 S Hwy 40 Offsite)	Expires 01/14/15
□ Majestic Mountain (1040 S. 1200 E.)	Expires 07/29/15
□ Millstream RV Park (2120 S Hwy 40 Onsite)	Expires 01/03/15
□ Red Ledges - Ph2A (2400 E. Lake Creek Road)	Expires 12/24/15

- \*Warranty is extended until outstanding issues are resolved.
- \*\*Reduced warranty period to one year.
- Schedule warranty walk through 3 months prior to expiration date.
- Send Bond Claim letter 1 month prior to expiration date.

**OTHER HIGHLIGHTS**

Training: Bart & Cathy - Impact Fee Seminar

Department Challenges / Issues:

- Developing data and a replacement plan for existing facilities
- Preparing for MS4 rules and storm water management plan
- Assessing additional flood control needs
- Keeping up with development
- Being actively involved in Wasatch/Timp Irrigation matters
- Public Works FOG and Backflow programs
- Identifying discrepancies in water production/usage readings
- Identifying cause of sewer flow reductions at HVSSD
- Continuing progress on By-pass corridor preservation

# MEMORANDUM

To: Mayor and City Council  
Cc: Mark Anderson  
From: Karen Tozier  
Subject: May Monthly Report  
Date: May 29, 2014

The following is a synopsis of the May 8, 2014 Planning Commission Meeting:

- **Public Hearing to consider request by Mountain West Enterprises for Preliminary Approval of proposed Valley Heights Subdivision, a 28 lot subdivision located at 1050 North Mill Road.**

The Commission unanimously recommended Subdivision Preliminary Approval of the Valley Heights Subdivision contingent upon the Developer meeting 12 conditions.

- **Decision on amendment to Heber City Municipal Code Sections 18.68.601 through 606 regarding Residential Facilities for Handicapped Persons (tabled from Public Hearing held on 4/24/2014)**

The Commission unanimously recommended approval to amend Sections 18.68.601 through 18.68.606 Residential Facilities for Disabled Persons with one change to the proposal; that in Section D(1) there shall be no fee charged for business license should be struck. The Commission thought that a business licensing fee commensurate with other comparable facilities should be instituted.

The following is a synopsis of the May 22, 2014 Planning Commission Meeting:

- **Development Corp requests Subdivision Final Approval for Broadhead Estates Phase 2 located at approximately 750 East Center Street**

The Commission unanimously recommended approval of Broadhead Estates Phase 2 contingent upon the Petitioner meeting all the requirements of staff and engineering.