

**CITY OF SARATOGA SPRINGS
CITY COUNCIL WORK SESSION
AGENDA**

Tuesday, November 18, 2014

Meeting held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

One or more Councilmember may participate in this meeting electronically via video or telephonic conferencing

City Council Work Session

5:30 p.m.

1. Update from Kent Loosle regarding the IASIS Hospital.
2. Discussion of Heron Hills Park.
3. Discussion of the Storm Water Permitting Code.
4. Discussion of the Dispatch Building Agreement.
5. Agenda Review:
 - a. Discussion of current City Council agenda staff questions.
 - b. Discussion of future City Council policy and work session agenda items.
6. Reports:
 - a. Mayor.
 - b. City Council.
 - c. Administration communication with Council.
7. Adjourn to Policy Session.

City Council Memorandum

Author: Sarah Carroll, Senior Planner
Memo Date: Tuesday, November 11, 2014
Meeting Date: Tuesday, November 18, 2014
Re: Heron Hills, Future City Park

Background

The Preliminary Plat for Heron Hills was approved by the City Council on March 25, 2014. Due to errors with the notices the Preliminary Plat will be brought back to the City Council in December. The March 25th version along with the most recent version of the Preliminary Plat is attached and includes a proposed City Park adjacent to the lake. When the City Council approved the Preliminary Plat in March one of the conditions of approval was to include “option #3 for the detention basin” (see attached minutes). Option #3 states:

Option C: The City and the developer master plan the park and determine the phasing and obligations of each party. This is the preferred option as this will allow a long-term plan for the park to be implemented in phases.

The applicant is looking for further direction on which improvements the Council would like him to prioritize. He proposes to either improve the beach area or improve the park area. Staff has requested budget information and diagrams to aid in this discussion and the applicant intends to bring that information to the work session.

Recommendation

Staff recommends that the Council review the applicants request and give direction on which improvements the applicant should prioritize.

Attachments

- A. City Council Minutes, 3-25-14
- B. 3-25-14 Preliminary Plat
- C. Most Recent Preliminary Plat (to be presented to CC in December)

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CITY OF SARATOGA SPRINGS
CITY COUNCIL MEETING

Tuesday, March 25, 2014

Meeting held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

POLICY SESSION -Commencing at 7:06 p.m.

Present:

Council Members: Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilwoman Call, Councilman McOmber and Councilman Poduska

Staff: Lori Yates, Mark Christensen, Spencer Kyle, Kimber Gabryszak, Sarah Carroll, Chief Jess Campbell, Mark Edwards, Owen Jackson

Others: Karalyn Becraft, Ryan Poduska, Jennifer Klingonsmith, Barbara Poduska, James Deriea, William, Andrew, and Daniel Yates, Tina LeBaron, Aimee and Bret Walker, James Doolin, Aaron Evans, Alison Johnson, Jeni Bitter, Suzanne Werner, Robert Werner, Christie Eager, Travis Jordan, Devia Olsen, Lori Sims, Lisa and Matthew Morris, Matt Percy, Jake Smith, Dawson Balzotti, Noah Jordan, Dasan Rohner, Zachary Warren, Huey Kolowich, Eric Anderson, Adam Stout, Gayle Hutching, Joseph Sims, Faye Fackrell, Leil Fackrell, Blair Hutchings, Andrew Bargeron, Zach Warren, Michelle Warren, Paula Heaton, , Kelsey Dean, Benjamin Dean, Keveny Daley, Kris Holley, Maurie Pyle, Ashley Buhman, Kathy McGregor, Steve Larson, Janette Crump, Taylor Crump, Stephen Sowby, Henry Barlow, Mark Barlow, Chris Porter

Call to order by Mayor Miller.

Roll Call.

Invocation was given by Councilman McOmber.

Pledge of Allegiance was led by Jonah Phillips of Troop 1281.

Mayor Miller opened public input.

Karalyn Becraft quoted Kimber Gabryszak from an article as saying that PUDs had loopholes that inadvertently allowed developers to give small open spaces and gain higher densities. Ms. Becraft is concerned that the R4 and R5 allow for high densities and the developer doesn't have to give any open space in return. She is concerned with all of the changes that occurred on July 16, 2013. She spent considerable time trying to find information on lot sizes in R3 zones and finally spoke with Sarah and again took considerable time before finding the information. She would like to know the reasoning behind the change and asked that the rezone be tabled until this information is available.

Ben Dean expressed concern that public input from Planning Commission meetings isn't being shared with the City Council.

Mayor Miller closed public input.

Awards

Sergeant Eddie Christensen recognized Jason Ruch for his recent promotion to Corporal with the Saratoga Springs Police Department.

I. Consent Calendar:

- a. Award of Bid for the City Wide Crack Seal project.
- b. Award of Contract for the Shoreline Wetland Cultural Resource Study.
- c. Award of Bid for the Loch Lomond pressure reducing valve project.
- d. Sierra Estates storm drain reimbursement agreement.
- e. Preliminary Plat for Stillwater Phase 6 located at 2700 South Stillwater Drive, Land Solutions Partner, applicant.
- f. Joint Federal Aid agreement between the City of Saratoga Springs and Utah Department of Transportation for Lakeshore Trail.

Councilwoman Baertsch asked that a clarification be made on the Sierra Estates storm drain amount - \$70,000 and not \$75, 000. Also, in the Stillwater project, make sure the trail construction on the north trail is included.

Councilman McOmber clarified that we aren't taking federal aid for the Lakeshore Trail; this is local gas tax money coming back to the city.

120 Councilman Poduska said density is a concern with the residents but this is a lower density at R4 (2.5 homes per acre) than
121 staying with R3 (3 homes per acre). The developer has made every effort to meet and work out difficulties. He doesn't see this as
122 a proposal with higher density.

123 Councilman Willden likes the plan. He would keep the R3 and grant the variance.

124 Councilwoman Baertsch agreed that it's a great plan; she likes the variation in lot size, the additional amenities which allow for
125 future planning. Her preference is to keep the R3. She would like to address the fencing issues and have an ag notice to be signed
126 by future homeowners with the title.

127 Councilman McOmber appreciates the comments from residents. He would keep the R3 with the variance on frontage and 9000
128 sq. foot lots. Having the title include the ag use is the right way to go. He appreciates the open space and the location of the
129 park.

130 Councilwoman Call said the R4 zoning is premature; concept plan is fine.

131
132 *Councilwoman Call moved to deny Ordinance 14-4 (3-25-14): amending the City of Saratoga Springs official zoning map.*

133 *Councilwoman Baertsch seconded. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,*
134 *Councilwoman Call, Councilman Poduska. MOTION PASSED.*

135
136 **4. Public Hearing: Rezone and Concept Plan for Heron Hills located at approximately 3250 South Redwood Road, Steve**
137 **Larson, applicant.**

138 **a. Ordinance 14-5 (3-25-14): amending the City of Saratoga Springs official zoning map.**

139
140 Sarah Carroll presented the rezone for Heron Hills along with the concept Plan. There are some options to discuss. The
141 Planning Commission suggested a development agreement with the preliminary plat. There are 3 options for the location of the
142 detention basin. A phasing plan was provided, but it didn't include the open space phasing.

143 Steve Larson, applicant, said that the open space fits the needs of the council and staff. He noted the value of the detention pond
144 and the ability to use it to relocate wetlands. He stressed that the developer and city are working together. He suggested a
145 meandering boardwalk through the wetlands.

146
147 **Mavor Miller opened the Public Hearing.**

148
149 Bret Walker understands the property will be developed. He is concerned with the need for another secondary access since
150 Swainson Avenue is already being completed. He suggested making a cul-de-sac; add a security gate for emergency access only
151 and not an entrance onto Redwood Road. No other community in Saratoga Springs that has entrances on Redwood Road has
152 driveways that close to the entrance; this is a safety issue. He wondered why they never received notice of rezoning in 2013 or
153 2010. He suggested following the example of other cities and putting up large temporary signs by the area with the proposed
154 zoning changes.

155 Ryan Poduska, on HOA board that borders Hawks Ranch, said the residents of Hawks Landing need the Swainson Road
156 completion to Redwood.

157 Tina LeBaron doesn't agree with the rezone. She's concerned about neighbors that turn their property into rentals. She
158 expressed concern about having a park next to a beach due to drowning hazards.

159 Mori Simms noted that this area would feed off of Wildlife Blvd. which comes out onto Redwood Road and is a dangerous
160 intersection. We don't need more traffic trying to come off that road. She intends to have animals (horses, cows, pigs) and that
161 needs to be dealt with. She said she doesn't believe anyone really wants to have a beach area; it doesn't look like a beach area.

162 Kathy McGregor lives near the proposed project. She currently has a well with water that is 106° coming out of the ground.
163 They can't drink the water. She asked to be given an easement to be able to have city water. She would also like to request that
164 the lots that will back to her property have uniform fencing provided by the developer or no fencing at all.

165 Joseph Simms is not in favor of the rezone. Redwood road is dangerous and narrow and is shared with cyclists. He wondered if
166 there were plans for a bike trail.

167 Aimee Walker said that half of the development will be using Hawks Drive; it's a drastic curve and snow removal is minimal.
168 The boat launch in Pelican Bay has a direct launch; the proposed launch in this plan is not direct so people will have to drive
169 through the subdivision and there is no parking.

170
171 **Mavor Miller closed the Public Hearing**

172
173 Steve Larson said they had worked carefully and looked at the traffic issues. They don't own the road and have done what they
174 can.

175 Mark Christensen said this will provide trail connectivity from the south end to the north end of the city and address the cyclist
176 concerns.

177
178 Councilwoman Call this project has come a long way and is a great benefit to the community. The access onto Redwood Road
179 will be addressed by UDOT because it's a state road. There is a need for another access into this development. Suggested that the
180 street names be changed along with the name of the development, liked the previous development name "Heron Hills." Likes the
181 look and use of the wetlands which will be a benefit for the community. Community docks is moving forward but however the

182 property owners will need to apply for those permits. Construction traffic is a concern through the neighborhood. Likes the
183 proposed beach design. The Utah Lake Commission working to restore the ecosystem of the lake by removing the carp fish and
184 phragmite. Snow removal will be a priority in this development. Recommended the developer work with adjacent property owner
185 regarding fencing and water. She feels that the property doesn't need to be rezoned and keep at an R-3 zone. Likes the Concept
186 Plan.

187 **Councilman Poduska** likes the concept plan. Utah Lake is one of the great aspects of Saratoga Springs. This development
188 provides beach access and public access. Allowing 70 foot frontage removes the need for a zoning change. Redwood Road is a
189 state road but the development in the area is going to require UDOT to expand the road. Option 3 with a split detention pond is
190 very good. He supported having the developer work with Kathy McGregor for a uniform fence.

191 **Councilman McOmber** said the HOA should have uniform fencing standards. He said he would like to find a solution for water
192 for Kathy McGregor that would also benefit other lots. He asked Jeremy Lapin to work on this. He said there is beach parking.
193 He really likes the concepts. The name of the development needs to be changed along with street names for public safety
194 reasons. The driveways backing out onto the roads for those particular lots near Redwood Road are a safety concern.

195 **Councilwoman Baertsch** said the original development name of "heron Hills" is good. The focus should be on the lake which
196 Heron Hills does. The street names need to be change. She likes the overall project but wants to leave the zone as R3. She
197 agreed that there are safety concerns with Wildlife Blvd. The fencing requirements should be worked into the CC&R's.

198 **Councilman Willden** appreciates the work done to improve this project. He favors keeping the R3 zone with the variances. The
199 wetlands options are nice. Secondary road access is needed for Hawks Landing. He agrees with the Heron Hills name.

200 **Mayor Miller** suggested little turnoffs for the lots that back the road.

201
202 **Councilwoman Call moved to deny Ordinance 14-5 (3-25-14): amending the City of Saratoga Springs official zoning map.**
203 **Councilwoman Baertsch seconded. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,**
204 **Councilwoman Call, Councilman Poduska. MOTION PASSED.**

205
206 **5. Preliminary Plat for Heron Hills located at approximately 3250 South Redwood Road, Steve Larson, applicant.**

207
208 **Councilwoman Call moved to approve the preliminary plat for Heron Hills located at approximately 3250 South Redwood**
209 **Road with all findings and conditions including the lot size reduction, option #3 for the detention basin and directing the**
210 **developer to work on the reallocation of the garages. Councilman Baertsch seconded. Aye: Councilman Willden,**
211 **Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. MOTION PASSED.**

212
213 **6. Public Hearing: Amendment to Sierra Estates Master Development Plan located between 350-600 West and 400 North,**
214 **Stephen Sowby, applicant.**

215
216 **Sarah Carroll** noted that the MDA is close to expiring. The developer is asking to extend the agreement. One change is the
217 city's request of 1.2 acres for the future Mountain View Corridor alignment. The developer is asking for a lot size reduction.

218
219 **Steve Sowbie**, applicant, said they strictly complied with the code in every case and have complied with the city's request for the
220 Mountain View Corridor. They have worked with staff and will cooperate with the neighbors regarding agricultural concerns.
221 There some slight errors and typos in the MDA and he asked the staff to work with them on correcting those.

222
223 **Mayor Miller opened the Public Hearing.**

224
225 **Paula Heaton** reminded them of agricultural use and rights that were grandfathered in. She asked them to let those coming in
226 know about this.

227
228 **Mayor Miller closed the Public Hearing.**

229
230 **Sarah Carroll** noted that there are minor changes to the MDA. They have complied with all zoning and will dedicate land to the
231 Mountain View Corridor but prefer to do that when the MVC actually comes through.

232 **Ross Welch** explained the reason for retaining ownership at this time is because of what happened with Pioneer Crossing. They
233 had a piece dedicated to that and the Pioneer plans changed. If the MVC plans change, they want to retain ownership of their
234 land.

235 **Councilman McOmber** said he loves Neptune Park and appreciates the change. He likes the age-in-place senior community.
236 Having three entrances is helpful. He noted that the bungalows located nearest 400 North will be the last to sell because of the
237 noise. He suggested reallocating the bungalows. We need to be sure the needs of the city are being met. He would like to see the
238 MDA tied to the senior living community in the R6 zone and that if the senior community does not happen, it reverts back to R3.

239 **Councilwoman Baertsch** is okay with the MDA extension and also wants clear language that if not a senior community, it goes
240 back to R3. She has concerns about all the entrances on 400 North and being across from the bus yard. She would like something
241 that notifies buyers about the ag zone and that the Mountain View Corridor will be going right behind their houses.

242 **Councilman Willden** is fine with R6 being tied to the MDA.



- NOTES**
1. NO SLOPES GREATER THAN 30% ONSITE
 2. NO WETLANDS ABOVE ELEVATION 4498
 3. FLOOD PLAINS SHOWN AS 100 YR BFE OF 4495 (NAVD 29 DATUM)
 4. PROPERTY EXTENDS INTO UTAH LAKE. THIS AREA IS SENSITIVE LANDS AND HAS BEEN INCLUDED WITHIN PARCEL "B" OPEN SPACE.
 5. UDOT REVIEW AND APPROVAL IS REQUIRED FOR ALL REDWOOD ROAD IMPROVEMENTS AND PROPOSED ACCESS LOCATIONS.
 6. PROJECT BENCHMARK OF 4595.70 WAS BASED UPON THE NAVD 1929 DATUM FOR THE SW COR SEC 7, T6S, R1E, S18&M.
 7. WETLAND LOCATIONS WILL BE VERIFIED BY A WETLANDS DELINEATION PERFORMED BY A QUALIFIED PROFESSIONAL.
 8. ALL SENSITIVE LANDS HAVE BEEN INCLUDED IN OPEN SPACE PARCELS.
 9. REIMBURSEMENT IT HARBOR BAY IS REQUIRED FOR CONNECTION TO EXISTING SEWER SHOWN ALONG THE SHORE LINE.
 10. NO AREAS OF SUBSTANTIAL EARTH MOVING ARE PROPOSED
 11. NO CANALS, DITCHES, SPRINGS, SELLS, CULVERTS OR OTHER WATER COURSES ARE ON THE SITE
 12. AN EXISTING IRRIGATION POND IS TO BE ABANDONED

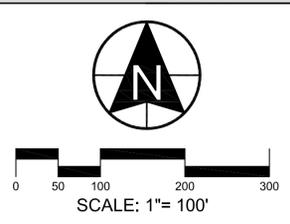
DEVELOPER

PLAYA ESCALANTE

DEVELOPER

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935 West Center
Street London, UT 84042
(801) 785-8448



BERG
CIVIL ENGINEERING
11038 N Highland Blvd Suite 400
Highland UT, 84003
office (801) 492-1277
cell (801) 616-1677

REVISIONS		SEAL
NO.	DATE	DESCRIPTION
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ACTION	DATE
CONCEPT PLAN	7/22/13

PROJECT

PLAYA ESCALANTE

DESCRIPTION

PRELIMINARY PLAN GRADING AND DRAINAGE

SHEET NAME	SHEET NUMBER
GRADING	C2

HERON HILLS



935 West Center
Street Lindon, UT 84042
(801) 785-8448



0 40 80 160 240
SCALE: 1" = 80'



CIVIL ENGINEERING
11038 N Highland Blvd Suite 400
Highland Ut, 84003
office (801) 492-1277
cell (801) 616-1677

REVISIONS SEAL

NO.	DATE	DESCRIPTION
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ACTION	DATE
FINAL PLAN	10/28/14

PROJECT

HERON HILLS

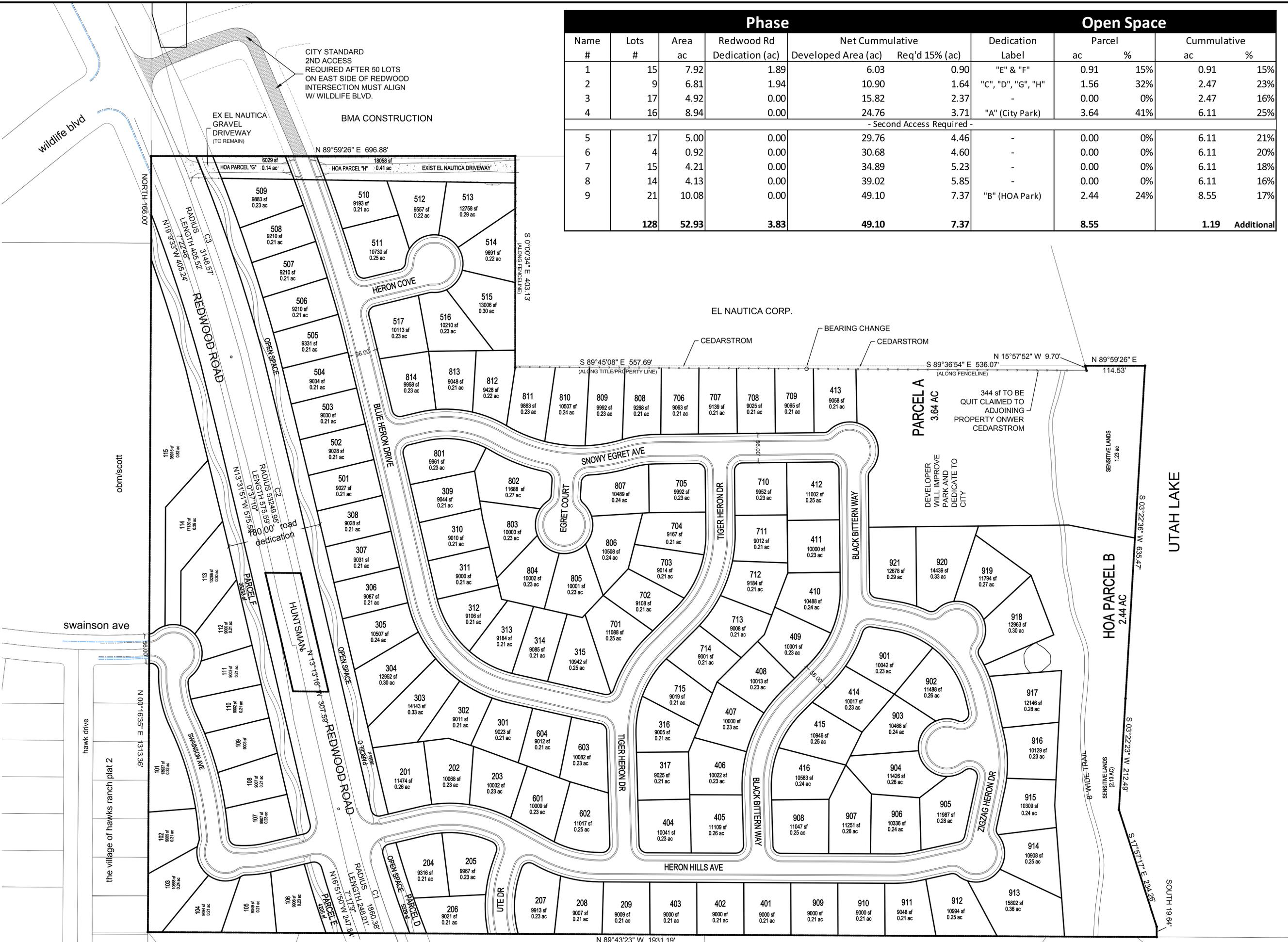
DESCRIPTION

PRELIMINARY PLAN

SHEET NAME SHEET NUMBER

PHASING PLAN **C1**

Phase							Open Space				
Name #	Lots #	Area ac	Redwood Rd Dedication (ac)	Net Cummulative		Dedication Label	Parcel		Cummulative		
				Developed Area (ac)	Req'd 15% (ac)		ac	%	ac	%	
1	15	7.92	1.89	6.03	0.90	"E" & "F"	0.91	15%	0.91	15%	
2	9	6.81	1.94	10.90	1.64	"C", "D", "G", "H"	1.56	32%	2.47	23%	
3	17	4.92	0.00	15.82	2.37	-	0.00	0%	2.47	16%	
4	16	8.94	0.00	24.76	3.71	"A" (City Park)	3.64	41%	6.11	25%	
- Second Access Required -											
5	17	5.00	0.00	29.76	4.46	-	0.00	0%	6.11	21%	
6	4	0.92	0.00	30.68	4.60	-	0.00	0%	6.11	20%	
7	15	4.21	0.00	34.89	5.23	-	0.00	0%	6.11	18%	
8	14	4.13	0.00	39.02	5.85	-	0.00	0%	6.11	16%	
9	21	10.08	0.00	49.10	7.37	"B" (HOA Park)	2.44	24%	8.55	17%	
128		52.93	3.83	49.10	7.37		8.55		1.19	Additional	



N 89°43'23" W 1931.19'

DISPATCH BUILDING AGREEMENT

This Dispatch Building Agreement is made and entered into as of the ____ day of _____, 2014, by and between Utah County Dispatch Special Service District, a political subdivision organized and existing under the laws of the State of Utah (Districts) and [member], a political subdivision of the State of Utah (the AParticipant@).

RECITALS:

WHEREAS, District was organized under the Special Service District Act, Title 17D Chapter 1, Utah Code Annotated 1953, as amended, as a separate legal entity to provide dispatch services to public safety entities located in Utah County; and

WHEREAS, in order to provide adequate dispatch services, given the current volume of calls, District is now undertaking the acquisition and construction of a new building to house dispatching equipment and personnel located in Spanish Fork City, Utah (the AProject@); and

WHEREAS, the Members have previously financed, or are willing to finance, their respective shares of the Cost of Construction of the Project; and

WHEREAS, in order to enable District to have the funds to proceed with the project, it is necessary that each Member enter a Dispatch Building Agreement which constitutes the legal, valid, and binding obligation of each respective Member; and

WHEREAS, District and the Members are duly authorized under applicable provisions of law to execute, deliver, and perform this Agreement and their respective governing bodies having jurisdiction have taken all necessary actions and given all necessary approvals in order to constitute this Agreement a legal, valid, and binding obligation of the parties hereto; and

WHEREAS, the Board has determined that District would spend \$1,800,000.00 of

reserved funds toward the completion of the Project;

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, it is agreed by and between the parties hereto as follows:

Section 1. Definitions of Terms.

As used herein, the following terms shall have these meanings:

Annual Budget means the fiscal year budget adopted by District.

Authorized Officer of District means the Chairman, Vice-Chairman, Secretary, or Treasurer of the Board, or the Executive Director of District when authorized to perform specific acts or duties under the Agreements by resolution duly adopted by the Board.

Board means the Board of Trustees of District.

By-Laws means the duly adopted by-laws of District.

Capital Payment means any payment or payments made to District by a Member pursuant to Section 4 of this Agreement and designated as a Capital Payment for the Project.

Capital Payment Percentage means the percentage obtained by dividing (1) the sum of all Capital Payments made by or credited to the Member, by (2) the sum of all Estimated Project Costs as determined and allocated to such computation by District, all as more fully provided in Section 4 hereof. The Member's initial Capital Payment Percentage shall be calculated by District and set forth on Exhibit A attached hereto and incorporated herein by this reference.

Cost of Construction means all costs and expenses heretofore or hereafter paid or incurred by District in connection with the acquisition, construction, and installation of the Project and placing the same in service, including all expenses preliminary and incidental thereto, and the cost of planning, designing, acquiring, constructing, and placing in operation any facilities related

to the Project, including land costs, less the amount of reserved funds being used by District to pay toward the cost of the Project. Cost of Construction shall further include, but shall not be limited to, the following:

- (1) working capital and reserve requirements of the Project, including reserves for those items set forth in the definition of Operation and Maintenance Costs, as may be determined from time to time by District;
- (2) planning and development costs, engineering fees, contractors= fees, fiduciaries= fees, auditors= and accountants= fees, costs of obtaining governmental and regulatory permits, rulings, licenses and approvals, the cost of real property, labor, materials, equipment, supplies, training and testing costs, insurance premiums, legal, and financial advisory costs, administrative and general costs, and all other costs properly allocable to the initial acquisition of the Project and placing the same in operation;
- (3) all costs relating to litigation, claims, or judgments not otherwise covered by insurance and arising out of the acquisition, construction, or operation of the Project;
- (4) payment to District or any Member to reimburse advances or payments made or incurred for costs preliminary or incidental to the acquisition and construction of the Project;
- (5) legally required or permitted federal, state, and local taxes relating to the Project incurred during the period of the acquisition or construction thereof; and
- (6) all other costs incurred by District and properly allocable to the acquisition of the

Project.

ADate of Commercial Operation@ means the date on which the Project is capable of operating reliably and continuously.

AFiscal Year@ means a period commencing on July 1 of each calendar year and ending on June 30 of the next succeeding calendar year.

AFacilities@ means the Dispatch Building and all facilities, structures, improvements and all real and personal property acquired or constructed by District as part of the Project.

AMembers@ means each government entity which is a member of District, as identified on Exhibit A.

AMember Representative@ means the individual appointed to the Board by the Member.

AProject@ means the acquisition of an interest in real estate and construction, including equipping, of a new building to house dispatching equipment and personnel.

ASchedule of Members@ means the schedule of Members and their respective Capital Payment Percentages, attached hereto as Exhibit A, as the same may be amended or supplemented from time to time in accordance with the provisions hereof.

Section 2. Term of Contract

This Building Agreement shall become effective upon the execution of Building Agreements by District and by all Members listed in Exhibit A hereto, and shall, continue until the date on which the Project has been fully completed and paid for.

Section 3. Acquisition and Construction of Project

(a) District shall use its best efforts to construct the Project to meet its needs and to keep the costs within budget.

(b) The contracts are required to be executed by December 31, 2014 in order to timely acquire an interest in real property and complete construction of the Project. Failure of any Member to timely execute the contract shall cause the Board to review and exercise sanctions as authorized by the District by-laws and resolutions creating the District.

Section 4. Capital payments; Calculation of Capital Payment Percentage.

(a) Participant may elect to make one or two Capital Payments.

- (i) If Participant elects to make one Capital Payment, the estimated payment shall be due to District by June 30, 2015.
- (ii) If participant elects to make two Capital Payments, the first payment, representing one-half of the estimated Capital Cost shall be due on or before June 30, 2015, and the balance, including any true up cost, if known, shall be due by December 31, 2015.

The governing body of Participant shall determine whether to make one or two Capital Payments. Participant shall give notice to District of the determination of its decision to make one or two Capital Payments by December 31, 2014. In the event that Participant does not notify District of the determination of its governing body by December 15, 2014, Participant shall be deemed to have elected to make two Capital Payments.

(b) Upon substantial completion of the construction of the Project, District will give notice to each of the Members of the anticipated Date of Commercial Operation of the Project. District shall prepare and submit to the Members a final accounting of the Cost of Construction and Capital Payments. To the extent that such final accounting statement discloses that additional amounts are owed by some or all of the Members, then District shall seek Board approval to pay the balance

from the District's fund balance, if funds are available, and if not to submit a billing statement to such Members. Participant shall pay an amount equal to its share of the final Cost of Construction of the Project.

(c) In connection with each Capital Payment that may be made by Participant pursuant to this Section, Participant acknowledges and agrees with District that:

- (1) the sum of the Capital Payment Percentages of all Members shall equal 100%
- (2) District shall have absolute and exclusive authority to establish escrow arrangements governing the deposit and disbursement of each Capital Payment and to determine and calculate from time to time the Estimated Project Costs and the Member's Capital Payment Percentage, and all such determinations and calculations by District shall be conclusive and binding upon Participant.

(d) Estimated Project Costs shall be determined by District in its sole discretion based upon the items of the Cost of Construction. The amount of Estimated Project Costs shall be determined from time to time so as to provide for a proportional allocation of the Cost of Construction.

(e) Participant acknowledges and agrees that the estimated amount of the Capital Payment to be made by Participant will be subject to adjustment to reflect the actual cost of the various items included in Estimated Project Costs.

(f) Participant acknowledges that once payment is made, it is non-refundable, even in the event Participant leaves the District.

Section 5. Construction Management.

Construction of the Project shall be managed by District with the advice of the Operations Board. It is the intention of the Members and District that they will exercise a high degree of

cooperation in the construction of the Project.

DATED this ___ day of _____, 2014

UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT by:

Attest: _____
David A. Oyler, Chair

Deborah Mecham, Executive Director

[MEMBER] by:

Mayor/Commissioner

Attest: _____
City Recorder/County Clerk/

EXHIBIT A
SCHEDULE OF PARTICIPANTS 2015 FEE SHARE
PERCENTAGE AND ESTIMATED CAPITAL PAYMENT

MEMBERS	CAPITAL PAYMENT PERCENTAGE	ESTIMATED AMOUNT OF CAPITAL COST
Alpine City	2.72%	\$95,074
American Fork City	15.01%	\$525,455
City of Cedar Hills	1.78%	\$62,279
Cedar Fort	0.20%	\$7,151
Eagle Mountain	5.75%	\$201,118
Elk Ridge City	0.46%	\$16,203
Fairfield Town	0.10%	\$3,472
Genola City	0.30%	\$10,541
Goshen City	0.27%	\$9,546
Highland City	5.61%	\$196,397
	17.39%	\$608,772

Lehi City		
Payson City	8.11%	\$283,939
Salem City	2.34%	\$81,759
Santaquin City	3.49%	\$122,157
Saratoga Springs City	7.05%	\$246,874
Spanish Fork City	12.12%	\$424,340
Utah County	16.82%	\$588,830
Vineyard	0.24%	\$8,294
Woodland Hills	0.22%	\$7,798
Member Totals	99.98%	\$3,499,999

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