

REGULAR MEETING

Memo

To: Mayor and City Council
From: Mark K. Anderson
Date: 05/29/2015
Re: City Council Agenda Items for June 4, 2015

REGULAR MEETING

Item 1 – Approve Ordinance 2015-15, an Ordinance Amending Chapter 18.44 I-1 Industrial Zone, of the Heber City Municipal Code: The Planning Commission reviewed the I-1 Zone standards as part of the creation of the I-2 Zone that the City was seeking for the airport industrial property that will be purchased by Three Strings Holdings. As a result, several business friendly changes are being recommended by the Planning Commission as outlined in the enclosed staff report and proposed Ordinance. The Planning Commission has held a public hearing and is recommending adoption of the proposed Ordinance.

After further review, if section 18.44.025(A) Conditional Uses, were removed, it would make the relocation of Cowboy Village impossible. As a result, Tony Kohler and I would recommend that this provision remain in the code.

Item 2 – Approve Ordinance 2015-16, an Ordinance Adopting Chapter 18.45 I-2 Industrial Zone, of the Heber City Municipal Code: The following provision was included the purchase agreement for the sale of City owned industrial property to Three Strings Holdings.

10. Strings and Heber City agree to work together to amend the current zoning of the Property or deed restrict (for 10 years) the Property from being used for the construction of storage sheds, outside equipment storage (sole use) and other uses that would be inconsistent with the City's goal to create quality jobs within the park.

In an effort to make the development of the City owned industrial property supportive of the creation of quality jobs, the I-2 Zone has been created. See enclosed staff report and proposed Ordinance. Three Strings has been involved in the process and is supportive of the proposed changes. Staff would recommend approval. See enclosed Ordinance and staff report found under item 1.

Item 3 – Approve Ordinance 2015-17, an Ordinance Amending the Heber City Zone Map to Change the Zoning of approximately 39 acres of property located at 601 West Airport Road from I-1 Industrial Zone to I-2 Industrial Zone: Before the I-2 Zone can be applied to the airport industrial property, the Council first has to approve the previous ordinance adopting the I-2 Zone. Adoption of this Ordinance will apply the I-2 Zoning to the property the City has under contract with Three Strings Holdings. Staff would recommend approval.

Item 4 – Approve Resolution 2015-08, a Resolution Amending the Heber City Personnel Policy Section 6.3, Certification Testing; Section 13.6, Appointments, Reinstatements, Promotions and Transfers; and Section 13.10, Special Assignment Pay: At the last City Council meeting, the Council reviewed the proposed changes to the Personnel Policy and asked that these items be brought forward with minor wording changes. See enclosed Resolution.

Section 6.3 Certification Testing – This gives department heads discretion to allow employees to study on the job for required certifications and other job related education.

Section 13.6 Appointments, Promotions and Transfers – This allows a department head to request a raise in excess of 5% when an employee is promoted to a supervisory position.

Section 13.10 Special Pay – This policy would provide a \$50 per month stipend to employees who regularly communicate in Spanish when requested by a supervisor. At this time, two employees would likely meet this criteria. The estimated fiscal impact of the policy, if adopted, is \$1,300 per year.

Staff would recommend approval.

Item 5 – Approve/Reject the Witt-Heiner Annexation Petition: The City has received an annexation petition for 27.52 acres of property from three property owners for property located on Highway 40 from approximately 2400 to 2800 South. See enclosed petition and associated map.

On initial review, the petition includes signatures from all private land owners and represents 100% of the appraised value of the property. The property is within the Heber City Master Plan boundaries and annexation of the property will not result in the creation of any islands or peninsulas. The requested zoning of Highway Commercial is consistent with the current General Plan. The City is in a position to provide culinary water service, but sewer services would most likely be provided by the Twin Creeks SSD. The Council needs to accept or reject the petition. Staff would recommend that the petition be accepted and referred to the Planning Commission for further study.

Item 6 – JDII LLC, Approve Heber Meadows Subdivision Phase 2, located at approximately 2740 South 1040 East along with the Associated Development Agreement:

JDII LLC, is seeking final plat approval for a 26 lot subdivision. As noted in the staff report, some improvements for this subdivision were put in several years ago, but due to economic conditions the plat was not recorded. (See enclosed plat) The Planning Commission has reviewed the plat and is recommending approval subject to the conditions outlined in the enclosed staff report. Staff would recommend approval subject to conditions identified by the Planning Commission.

Item 7 – Approve the Northwest Sewer Bid Award: Enclosed is a staff report prepared by Bart Mumford on this project. During the last budget meeting, staff indicated the likely cost of the sewer portion of this project would be about \$1,800,000 which included engineering costs. With the bid provided by Geneva Rock, the sewer portion of the project has now increased an additional \$450,000. During the next few days, staff will explore several options on how to deal with this project. Some of the options we will explore are as follows:

- Meeting with Geneva to value engineer the project
- Meeting with developers who will benefit from this project moving forward to discuss:
 - Prepaid Impact Fees
 - Cash contribution as a condition of annexation for the project to proceed
- Evaluating the installation of a pump lift station and ongoing maintenance costs to reduce the depth of the pipe
- Looking at financing rates for about \$1,000,000 over a 10 and 15 year period
- Analyzing the potential ERUs that would benefit from this project to see how the cost per ERUs compares to our current impact fees
- Evaluating the need for a higher impact fee for this area as it develops
- Evaluate the feasibility of the project being served by North Village SSD

In looking at the bids, we have concern that if this project is rebid at a later date that we might not see a similar price based on the bids submitted by the other bidders. At the same time, I do not want to see this area overly subsidized by development in other parts of the City.

MINUTES

1 Heber City Corporation
2 City Council Meeting
3 May 7, 2015
4 7:00 p.m.
5

6 REGULAR MEETING
7

8 The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May 7, 2015, in
9 the City Council Chambers in Heber City, Utah
10

11 I. Call to Order
12 City Manager Memo
13

14 Present: Mayor Alan McDonald
Council Member Robert Patterson
Council Member Jeffery Bradshaw
Council Member Erik Rowland (via Skype)
Council Member Heidi Franco
Council Member Kelleen Potter (arrived at 7:03 p.m.)

Excused: None

Also Present: City Manager Mark Anderson
City Planner Tony Kohler
City Engineer Bart Mumford
Chief of Police Dave Booth
Deputy City Recorder Allison Lutes

15 Others Present: Josh Echols, Rafael Arostegui, Spencer Park, Rachel Wetterlin, Tracy Simmons-
16 Wetterlin, Russ Witt, Jeff Wetterlin, Paul Berg, Jared R. Nielsen, Jaxen R. Nielsen, Todd Cates,
17 Carl L. Mayers, Lisa Deniston, and others whose names were illegible.
18

19 II. Pledge of Allegiance: Mayor Alan McDonald
20

21 III. Prayer/Thought: By Invitation Council Member Robert Patterson
22

23 IV. Minutes for Approval: April 16, 2015 Regular Meeting and April 21, 2015 Special
24 Meeting
25 April 16, 2015 Draft Regular Meeting Minutes
26 April 21, 2015 Draft Special Meeting Minutes
27

28 Council Member Patterson moved to approve the minutes of the April 16, 2015 Regular Meeting
29 and the April 21, 2015 Special Meeting. Council Member Bradshaw made the second.
30

31 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
32 and Kelleen Potter.

33

34 V. Open Period for Public Comments

35

36 Mayor McDonald acknowledged the presence of high school students, who were members of
37 Mr. Wheatley's class. He then invited members of the audience who wished to address the
38 Council on matters which were not listed on the agenda to come forward. No comments were
39 given.

40

41 1. Community Development Block Grant (CDBG) Second Public Hearing

42 Second CDBG Public Hearing

43

44 Mayor McDonald read a script prepared by City staff: "This hearing has been called to allow all
45 citizens to provide input concerning the project that has been awarded under the 2015
46 Community Development Block Grant Program. Heber City has amended its capital investment
47 plan and has applied for funds on behalf of the 2015, 500 South Waterline Project. Copies of the
48 capital investment plan are available if anyone would like a copy. Heber City's application was
49 successful in the regional rating and ranking process for the proposed waterline project, and has
50 been awarded \$150,000. The Mountainlands Association of Governments (MAG) in which
51 Heber City is a member, is expecting to receive approximately \$400,000 in this new program
52 year. The proposed waterline project will involve the construction of approximately 1960 lineal
53 feet of 8-inch culinary waterline along 500 South between Main Street and 400 East. This project
54 will replace the existing 2 inch, 4 inch, and 6 inch waterlines which are substandard, as they do
55 not provide adequate water pressure or fire flow. Twenty new services will be connected from
56 the new water line to replace the existing services. New fire hydrants will be installed at 100
57 East, 200 East, and 400 East to provide fire protection in areas that currently lack fire protection.
58 The project's new waterline, laterals, and fire hydrant will serve 20 properties. These properties
59 consist of 4 vacant lots, 1 vacant home, 14 single family homes, and (1) two-family home,
60 serving a total of 16 families and approximately 46 residents. The estimated cost for the project
61 is \$405,216.00. The public hearing is now open. Please state your name for the minutes and
62 provide any questions, comments or suggestions you may have."

63

64 Mayor McDonald invited members of the audience to come forward with any comments or
65 questions. None were given. Mayor McDonald expressed his appreciation to Kohler and the
66 staff for their thorough submission, allowing the City its grant money for projects.

67

68 2. Approve Ordinance 2015-13, an Ordinance Vacating Lot 10, Westview Subdivision

69 Ordinance 2015-13

70

71 Kohler stated that Agenda Items 2 and 3 were related and could be voted upon in one motion.
72 He projected a plat map of the subject area and explained that the request involved a split of the
73 corner of Lot 10 from the duplex, which would require a plat amendment. Additionally, the
74 County Recorder required an ordinance to vacate the lot, which would turn it into a meets and
75 bounds description, over which the plat would overlay. Spencer Park and Russ Witt appeared to
76 answer any questions by the Council. The Council had no comments or questions.

77 Council Member Bradshaw moved to approve Ordinance 2015-13, an Ordinance Vacating Lot
78 10, Westview Subdivision, and approving the Lot Split of Lot 10, Westview Subdivision Plat,
79 Located at Approximately 555 Freedom Lane. Council Member Patterson made the second.

80
81 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
82 and Kelleen Potter.

83
84 3. Russ Witt, Approve Lot Split of Lot 10, Westview Subdivision Plat, located at
85 approximately 555 Freedom Lane
86 Westview Subdivision Lot Split

87
88 See Agenda Item Number 2, above.

89
90 4. Watts Enterprises, Approve Ranch Landing Plat E, Building C Subdivision, located at
91 approximately 1059 South 500 East
92 Ranch Landing Plat E Condominium

93
94 Council Member Heidi Franco moved to approve Watts Enterprises Ranch Landing Plat E,
95 Building C Subdivision, located at approximately 1059 South 500 East. Council Member Robert
96 Patterson made the second.

97
98 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
99 and Kelleen Potter.

100
101 5. Carl Mayer, Approve Mayers Meadows Subdivision, a 42 Lot Subdivision located at
102 approximately 2150 South Daniel Road and Associated Subdivision Agreement
103 Mayer Final Subdivision Application
104 Mayers Meadows Subdivision Agreement

105
106 Kohler projected a plat map of the subject area, located in an R-3 zone next to Wheeler Park and
107 explained that the Planning Commission recommended approval. Kohler further explained that
108 the developer was dedicating 64-foot, rather than 60-foot wide roadways, which would provide a
109 wider planter strip; along with that, the developer requested 25-foot setbacks. In response to
110 Council Member Franco's question, Kohler stated that because there were no double frontage
111 lots against the street, the developer would not be fencing the property, and instead fencing
112 would be left to the property owners.

113
114 Council Member Potter moved to approve Mayers Meadows Subdivision, a 42-lot subdivision
115 located at approximately 2150 South Daniel Road and the associated subdivision agreement.
116 Council Member Franco made the second.

117
118 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
119 and Kelleen Potter.

120
121 6. Approve Red Ledges Phase 2K Subdivision, an 81 Lot Subdivision
122 Red Ledges Phase 2K

123 Kohler projected a plat map for the Council's reference and explained that the City, County, Red
124 Ledges and Twin Creeks entered into an interlocal agreement several years prior, which was then
125 revised five years ago, in response to the County's request to address trails. Kohler indicated the
126 trails shown on the current map indicated those the parties agreed to build. Kohler showed
127 where on the map the subject subdivision was proposed and noted two proposed alternate trails
128 that the developer was dedicating for public use, both of which would connect to open space.
129 The Planning Commission recommended not utilizing the eastern trail alternate (indicated in
130 yellow on the plat map,) because it was considered too steep. Todd Cates of Red Ledges further
131 explained that the open space to which the public trail would extend would be controlled by the
132 County, an area which would consist of approximately 2,750 acres, in addition to Red Ledges'
133 400 acres of open space. Cates further explained that the new phase (2K) would probably go in
134 next spring, and expressed that they hoped the trail would open in fall 2016.

135
136 In response to questioning by Council Member Franco regarding the timing on resolving open
137 space issues with the County, Cates indicated he was hopeful they could have resolution by this
138 summer, and committed to contacting the County the following week.

139
140 Council Member Robert Patterson moved to approve Red Ledges Phase 2K Subdivision, an 81-
141 Lot Subdivision. Council Member Kelleen Potter made the second.

142
143 Anderson suggested that the motion to approve be amended to indicate that the City would be
144 willing to defer construction of the indicated trails as recommended by the Planning Commission
145 and the abandonment of the alternate trail, subject to County concurrence and approval. The
146 motion was amended as stated by Anderson.

147
148 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
149 and Kelleen Potter.

150
151 [7. Adoption of Tentative 2015-2016 Operating Budget](#)
152 [2015-16 Tentative Budget](#)

153
154 Anderson expressed that the City Manager budget message summarized the budget fairly well,
155 however there were some items remaining that would require further discussion before adopting
156 the final budget; namely the splash pad, the social hall roof, the northwest sewer line, where they
157 were considering adding a pressurized irrigation line, the purchase of a right-of-way regarding
158 the southern bypass, and allocation of the proceeds from the sale of the industrial park property.
159 Council Member Bradshaw noted he had spoken with Mike Johnston concerning the cost to
160 replace the social hall roof, but hadn't heard back from him as of yet. Anderson stated that he
161 would want to be certain they had exhausted all avenues concerning grant money to fund the
162 social hall roof before they committed to 100% funding by the City for the project.

163
164 Anderson further noted he was awaiting the results of a salary analysis concerning pay grades
165 allocated to certain jobs, which he expected by the end of the month, so a further budget meeting
166 would be necessary to discuss the noted remaining items. Anderson added that the sewer line
167 project was anticipated to cost more than initially budgeted due to the depth of the project, and
168 Bart Mumford would need more time to analyze bids and determine how much more the project

169 would cost. Anderson estimated the proposed pressurized irrigation line would add
170 approximately \$200,000 to the sewer line project. He also informed the Council that the
171 proposed 10% utility fee increase, still did not appear to be adequate, based on how the costs
172 were going in the department, and expressed that further discussion was needed on this item.
173

174 Council Member Franco inquired whether the 600 South Main Street to 500 East UDOT project
175 budget of \$1.331 million, of which the City proposed to fund \$240,000, included the
176 infrastructure removal and the installation of bike lanes. Bart Mumford responded that at present
177 it was borderline whether it would be included until they moved further along in the planning,
178 however he believed at present, the sidewalk/bike lane project could be included based on the
179 budget they had established, but advised the council that as bids came in, it could add another
180 \$50,000. Mumford also confirmed that the City notified UDOT that the City planned to include
181 the bike lanes or sidewalks and had budgeted for it, although they hadn't decided how the design
182 would be incorporated, whether sidewalk or bike lanes. It was agreed that the Council would
183 discuss its recommendations concerning the sidewalk vs. bike lanes issue at the next budget
184 meeting.
185

186 Further discussion ensued, whereby Anderson addressed specific questions posed by Council
187 Member Franco concerning budget line items pertaining to the Heber Light & Power dividend,
188 debt service reserve, capital equipment, depreciation, and Planning Department professional
189 services expenses.
190

191 Anderson further explained that with the proposed 10% utility and 10% sewer rate increases
192 effective in July, there would still be an \$11,200 budget shortfall, as indicated on the Utility
193 Fund budget (page 47).
194

195 The Council agreed to meet on May 21 at 4:30 p.m. to discuss the budget issues before the
196 regular council meeting.
197

198 Discussion next focused on Public Works. Council Member Patterson expressed his concerns
199 with the lack of manpower in that department. Mayor McDonald agreed, and stated that Public
200 Works should be able to add at least two more employees. Council Member Bradshaw asserted
201 that Public Works needed to focus first on hiring a replacement for retired employee Maurice
202 Chatwin, then consider additional positions, since the position had been vacant for five months.
203

204 Council Member Jeffery Bradshaw moved to approve the Adoption of Tentative 2015-2016
205 Operating Budget. Council Member Robert Patterson made the second.
206

207 Anderson requested that the motion be amended to state that a public hearing on the adoption of
208 the final budget would be scheduled for June 18. The motion was amended as stated.
209

210 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
211 and Kelleen Potter.
212

213 8. [Closed Meeting for the Purpose of Discussing Threatened or Pending Litigation](#)

214

215 At 8:00 p.m., Council Member Rowland moved to enter into a closed meeting to discuss
216 threatened or pending litigation. Council Member Patterson made the second.

217
218 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
219 and Kelleen Potter.

220
221 At 8:56 p.m., the Council returned to the Regular Session.

222
223 Anderson stated that he had spoken with Wade Kelson and advised the council that Three Strings
224 Holdings may seek an extension on the closing date of the industrial park property to
225 approximately June 10, due to the issues relating to the Burton Lumber property and the bypass
226 road. He added that the subdivision plan had been submitted to the Planning Commission, and
227 Three Strings was actively moving on its plans for the property. Further, a survey of the
228 property was completed, and it showed an additional 1-1/2 acres to the property than originally
229 thought, which would be favorable to both the City and Three Strings.

230
231 In response to a question by Council Member Franco concerning insurance increases, Anderson
232 stated that the City's insurance premiums totaled approximately \$140,000 per year. He
233 estimated that the impact to the premiums based on claims relating to litigation would result in
234 only a 5%-10% increase.

235
236 With no further business, the meeting was adjourned at 9:00 p.m.

237
238
239 _____
Allison Lutes, Deputy City Recorder

240
241
242
243

TAB 1

ORDINANCE NO. 2015-15

AN ORDINANCE AMENDING CHAPTER 18.44 I-1 INDUSTRIAL ZONE OF THE HEBER CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 18.44 of the Heber City Municipal Code is **amended** to read as follows:

Chapter 18.44 I-1 Industrial Zone

Section 18.44.010 Objectives--Characteristics.

A. The I-1 industrial zone has been established for the primary purpose of providing a location where manufacturing, processing, warehousing and fabrication of goods and material can be carried on most appropriately and with minimum conflict or deleterious effects upon surrounding properties. Other objectives in establishing the zone are to promote the economic well-being of the people and to broaden the tax base.

B. This zone is characterized by a mixture of industrial, manufacturing and processing establishments with intermittent open land that is served by streets, power, water and other utilities and facilities or where such facilities can be readily provided.

C. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the regulations set out in this chapter shall apply in the I-1 industrial zone.

Section 18.44.020 Permitted Primary Uses.

The following buildings, structures and uses of land shall be permitted in the I-1 Industrial Zone upon compliance with requirements as set forth in this Section:

A. Accessory buildings and parking lots incidental and accessory to other permitted uses;

B. Agriculture, farm machinery storage sheds, vegetable and fruit packing and processing plants, and livestock raising;

C. Airport and associated activities;

D. Earthmoving and equipment storage, gas and oil storage facilities, public buildings and public utility buildings, craft shops, and accessory signs;

~~E. Caretakers' dwellings when incidental to the use located on the same lot or parcel of land as a principal use permitted in the zone. Caretaker dwellings allowed in the I-1 Zone shall not exceed 1100 square feet when such building is~~

~~compatible with the use of the business, and is located within the same building and built in accordance with all Uniform Building Codes. They shall have access to a public road. Caretaker dwellings may be included as part of the building provided the occupancy separation required by the current building codes between the dwelling and the rest of the building does exceed a two (2) hour fire resistant construction;~~

~~E.~~ D. Fences, walls and hedges;

~~F.~~ E. Manufacturing, compounding, processing, packaging, fabrication and warehousing of goods and materials, except the processing of animal byproducts and livestock feed yards, and except steel manufacturing plants, oil refineries, wallboard manufacturing and similar establishments which emit offensive fumes, smoke, noise, dust, odor, etc.;

~~G.~~ F. Retail commercial uses and cafes; however, no retail commercial transaction nor business may be conducted within a storage shed.

~~H.~~ G. Scenic railroads and railroad maintenance yards;

~~I.~~ H. Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health;

~~J.~~ I. Commercial storage sheds; however, no commercial transaction nor business may be conducted within any storage shed.

~~K. — Nursery schools, family day care, mini-day care, or day care centers as a secondary use if they meet the conditions set forth in Chapter 18.86.~~

~~L.~~ J. Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the I-1 Industrial Zone.

Section 18.44.025 Conditional Use Permitted Secondary Uses.

~~—The following use of land shall be permitted in the I-1 Industrial Zone as a conditional use but only if in compliance with the requirements as set forth in this ordinance and such other provisions of the Heber City Municipal Code as may be applicable.~~

~~A. — Public Facilities for Special Events. — Public Facilities for Special Events is defined as follows: A parcel used for overnight parking and lodging using RVs, travel trailers, temporary housing units, in conjunction with governmentally sanctioned, or sponsored public events.~~

The following buildings, structures and uses of land shall be permitted in the I-1 Industrial Zone upon compliance with

requirements as set forth in this Section. Secondary uses must accompany a primary use on the same lot or within the same building. The existence of secondary uses shall not limit the operation or extent of permitted primary uses within the I-1 Zone.

- A. An Accessory Apartment for the use of employees only. Such apartment shall be for temporary use such as inclement weather or late working situations. The apartment shall not be used as a rental or for long-term use for employees, owners, or anyone else.
- B. Nursery, day care, or preschools in support of a primary activity.

Section 18.44.030 Area Requirements.

A. There is no minimum lot area requirement and ~~the no maximum building size in the I-1 Industrial Zone. is 150,000 square feet for non-retail buildings, except as may be dictated by off-street parking requirements, adequate circulation, setbacks, building codes, landscaping requirements and property site utilization.~~

B. Each project approved under this section must be fully located within the I-1 industrial Zone.

C. Limitations of Buildings Used for Retail Business.

1. Findings. The Heber City Council makes the following findings:

a. One main intention of the Heber City Council in limiting the gross floor area of buildings used for retail business is to incorporate those goals and directives of the Heber City General Plan, including but not limited to those specific directives and provisions which identify the importance of and intentions surrounding the City center addressed in said General Plan.

b. The Heber City Council adopted the Heber City General Plan to guide and direct future development and land use decisions in Heber City.

c. The Heber City General Plan evidences the community's goals and objectives for the future of Heber City, and identifies the old town as the heart of the community, and makes the development and preservation of the City center critical to the General Plan's vision for Heber City's future.

d. The Heber City General Plan contemplates building on Heber's strengths from the inside out, by focusing on the City center including the existing central business district.

2. Gross floor limitation, I-1 Zone.

Retail establishments shall not exceed 60,000 square feet of gross floor area within the I-1 Zone. No retail establishment shall be permitted to place any one building or any combination of buildings that exceed 60,000 square feet within said Zone. In no event shall any retail establishment, corporation, business, or entity have one or more buildings within less than 1,000 feet of each other, wherein the building or buildings would exceed a total of 60,000 square feet. Attempts to circumvent or exceed this maximum, 60,000 square feet, shall be strictly prohibited.

3. Definitions. The following definitions shall apply to this Section, 18.44.030:

a. "Retail Establishments" means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:

i. are engaged in the selling of similar or related goods, wares or merchandise, and operate under common ownership or management, or

ii. share check stands, storage facilities, a warehouse, or a distribution facility, or

iii. otherwise operate as associated, integrated or co-operative business enterprises under common ownership or management.

b. "Combination of Buildings" means two or more buildings that are within 1,000 feet of each other as measured from the outside exterior walls of two of the buildings.

c. "Common Ownership or Management" means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,

i. by the same individual(s) or entity(ies), including but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s), or

ii. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the retail businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies).

d. "Gross Floor Area" shall mean the sum of:
i. the total horizontal area, in square feet, of all floors of a building, as measured at outside the exterior walls and including all interior courtyards, and

ii. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls

of buildings used for the display, storage, or sale of any goods, wares or merchandise. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

e. "Retail Business" means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale. A retail business does not include: (a) health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or (b) a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owner by, or operated strictly for the benefit of, the public.

Section 18.44.040 Setback Requirements.

In the I-1 zone, all buildings shall be set back at least ~~fifty-five (55) feet from the center of any road or thirty (30) feet from the any public street right-of-way line, whichever is the greater distance. On a corner lot, the side setback shall be fifty-five (55) feet from the center of any road or thirty (30) feet from the right-of-way property line, whichever is the greater distance.~~ A ten (10) foot wide landscaped berm is required along all public street right-of-way frontages. In the event of competing set back requirements as a result of building code restrictions, the most restrictive shall govern.

Section 18.44.050 Height and Size Requirements.

All buildings in the I-1 Industrial Zone shall be limited in height to thirty-five (35). No buildings taller than thirty-five (35) feet shall be permitted in the I-1 Industrial Zone except as recommended approved by the Planning Commission ~~pursuant to approval as a conditional use. and approved by the City Council.~~

Upon application for a conditional use to exceed the thirty-five (35) foot height limitation for developments, the Planning Commission shall consider at a minimum, but shall not be limited to the following mitigating options and building restrictions as requirements for such conditional use permits.

- 1) Airport land zone height restrictions.
- 2) Proximity to residential zones.
- 3) Access to solar, air, and light for nearby properties.
- 4) Building design (roof height step downs, eaves).
- 5) Roof design.
- 6) Aesthetics.
- 7) Compatibility with adjoining properties.

Section 18.44.060 Special Provisions.

A. Trees shall be planted along all street frontages. The Trees should be planted at least one for every twenty (20) fifty (50) feet of street frontage.

~~B. All developments shall have driveway access off of a public right-of-way. Open access frontages will not be permitted.~~

~~C.~~

B. All storage doors, entrances into storage and warehousing ~~areas~~, and parking in storage and warehouse developments shall should be located accessed on from internal private streets and driveways., ~~not located on a public street. Internal private streets, shall be constructed at a width sufficient to allow movement of all anticipated vehicles, including fire and other emergency vehicles. Each development of this type shall be reviewed by the Heber City Fire Marshall and must meet this requirement, as evidenced by a letter from the Fire Marshall. It is the responsibility of the applicant to demonstrate that adequate traffic flow can be accomplished.~~

~~D.~~ C. All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access. ~~Fences shall be kept in good repair.~~

~~E. Fencing in the front setback shall not be chain link. Materials should be compatible with the materials and colors used in the construction of the structures within the development. Fences shall be constructed from wood, stone, brick, wrought iron or other material used in the construction of the building or buildings within the development. Fences in the front setback shall be placed behind the ten (10) foot landscaped berm along the public right-of-way.~~

~~F.~~ D. For Commercial Storage Sheds, ~~the~~ building elevation facing a public right-of-way shall have multi-pitched roof lines through the use of dormers and gables, or the like, whether real or false facade.

~~G. Developments shall use natural materials and colors such as brick (not intended to be defined as cinder block), wood siding, stucco, or other attractive materials on at least fifty (50) percent of the building facing a public right-of-way.~~

~~H.~~ E. All outdoor lighting shall be shielded to direct light and glare only onto the premises.

~~I.~~ F. All off-street parking shall be hard-surfaced. ~~On-site vehicle circulation shall be provided by hard surfaced driveways having a minimum of twenty-five (25) feet in width.~~

G. Properties shall be kept in a clean and orderly manner. The storage of goods and materials shall occur within a building or behind an eight foot tall sight obscuring fence.

Section 18.44.065 Compatibility with Residential Zones.

When any industrial building or use adjoins any residential zone, a setback area containing a landscaped berm of at least four (4) foot tall and/or an ~~six (6)~~ eight (8) foot tall site sight obscuring fence shall be erected as a buffer between all industrial and residential zones, as determined by the Planning Commission. In the event the Planning Commission elects to require a landscaped berm, such berm shall contain evergreen trees at least four (4) foot tall and deciduous trees having a caliper of at least three (3) inches. In determining whether to require a fence, berm, or both, the Planning Commission shall consider at a minimum, but shall not be limited to the following factors:

- 1) Compatibility with adjoining properties.
- 2) The future use of the land as identified on the city's general plan.
- 3) Intensity of industrial use.
- 4) Proximity of residential units.
- 5) Additional landscaping and screening.
- 6) Fences and setbacks being used.

Section 18.44.070 Supplementary Requirements.

See also supplementary requirements and procedures applicable within the I-1 Industrial Zone.

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 _____, 2015.

ADOPTED and PASSED by the City Council of Heber City, Utah this ____ day of _____, 2015, 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 McDonald

ATTEST:

RECORDER

Date: _____

Date of First Recording: _____

Re: Industrial Amendments

On May 14, 2015, the Planning Commission recommended approval of: (1) adoption of a new I-2 Industrial Zone; (2) amendment to the I-1 Industrial Zone; and (3) rezone of the city’s approximately 40 acre industrial park property.

The proposed action is intended to do the following:

1. Remove some of the restrictions from the I-1 Zone to be more business friendly;
2. Enhance the requirements of the I-1 Zone where it abuts residential development;
3. Create a new zone (I-2 Zone) that focuses on job generation and does not permit storage sheds and apply that zone to the 40 acre industrial park.

The Council may consider retaining Section 18.44.025 A. Public Facilities in the ordinance rather than repealing it, as the county has expressed an interest in moving their RV Park to near the Event Center. The Planning Commission recommended removing this part because it was felt it was no longer needed.

The text of the I-2 Zone originated with the I-1 Zone. The I-1 and I-2 Zones were intended to be nearly identical, with the exception of the types of permitted uses. For example, Section 18.45.025 of the I-2 Zone is nearly mirrored from Section 18.44.025 of the I-1 Zone. The following chart summarizes the proposed changes.

Comparison of I-1 Zone Amendment and I-2 Zone Adoption

Code Section	I-1 Zone Amendment Summary	I-2 Zone Difference from I-1 Zone
Section 18.44.020 E. and Section 18.44.025 A. Caretaker Dwellings	Caretaker dwellings changed from a permitted use in 18.44.020 E. to a secondary use called an accessory apartment under Section 18.44.025 B. (Secondary uses are only permitted if there is a primary use on the property).	Same as I -1 Zone
Section 18.44.025 B. Nursery Schools	Changed preschools from a conditional use to a secondary use	Same as I -1 Zone
Section 18.44.025 A. Public Facilities	Eliminated Public facilities for special events as a permitted use, as it was felt this was not needed anymore.	Same as I-1 Zone
Section 18.44.030 A. Building Size	Eliminated the maximum 150,000 square foot maximum building size for non-retail buildings in Section 18.44.030 A	Same as I -1 Zone
Section 18.44.040 Setback	Eliminated the setback reference to the road center, as it is not needed in Section 18.44.040	Same as I-1 Zone
Section 18.44.050 Building Height Approval	Streamlined the process for approval of buildings over 35 feet tall.	Same as I-1 Zone
Section 18.44.060 A. Street Trees	Changed street tree spacing from 20 to 50 feet in Section 18.44.060 A	Same as I-1 Zone
Section 18.44.060 B. Driveway Access	Eliminated the driveway provision in Section 18.44.060 B., as other parts of the city code (Section 18.72.080 and 18.72.090)	Same as I-1 Zone
Section 18.44.060 C. Storage Unit Entrance	Revised Section 18.44.060 C. to clarify how parking is accessed.	N/A (storage sheds not permitted)

Section 18.44.060 E. Fencing	Eliminated prohibition on chain-link fencing in Section 18.44.060 E.	Same as I-1 Zone
Section 18.44.060 F. Storage Sheds	Changed Section 18.44.060 F. to require multi-pitched roofing only for storage sheds, not all buildings.	N/A (storage sheds not permitted)
Section 18.44.060 G. Building Materials	Removed the requirement for buildings to be 50 percent brick or stone in Section 18.44.060 G.	Same as I-1 Zone
Section 18.44.060 I. Parking Surface	Clarified that off-street parking must be hard surfaced (which doesn't include storage areas) and removed the 25 foot driveway minimum width to allow flexibility and to match the fire code	Same as I-1 Zone
Section 18.44.060 J. Cleanliness	Added Section 18.44.060 J to require properties to be kept in a clean and orderly manner.	Same as I-1 Zone
Section 18.44.065 Residential Compatibility	Altered 18.44.065 to require an 8 foot tall sight obscuring fence instead of an eight foot fence when adjoining residential zoning if a fence is required.	Same as I-1 Zone
Section 18.44.065 Residential Compatibility	Clarified that Section 18.44.065 only applies only to properties that will be future residential property as identified on the city's general plan.	Same as I-1 Zone
Section 18.45.020 Permitted Uses in the I-2 Zone	N/A	Add the following in addition to those permitted in the I-1 Zone: Research Services; Office, business, professional or research; Printing, publishing and allied industries; Marketing, Telemarketing, and Advertising Services; Communications; Data Processing Services; Recycling facilities; Automotive & Equipment Repair; Hotels
Section 18.45.020 Permitted Uses	Eliminate railroads and public event facilities as a permitted use	Eliminate storage sheds, railroads and public event facilities as a permitted use
Section 18.45.027 Prohibited Uses	N/A	Commercial Storage Sheds and storage developments prohibited

TAB 2

ORDINANCE NO. 2015-16

AN ORDINANCE ADOPTING CHAPTER 18.45 I-2 INDUSTRIAL ZONE OF THE HEBER CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 18.45 I-2 Industrial Zone of the Heber City Municipal Code is adopted **amended** to read as follows:

Chapter 18.45 I-2 Industrial Zone

Section 18.45.010 Objectives--Characteristics.

A. The I-2 industrial zone has been established for the primary purpose of providing a location for the creation of jobs where manufacturing, processing, warehousing and fabrication of goods and material can be carried on most appropriately and with minimum conflict or deleterious effects upon surrounding properties. Other objectives in establishing the zone are to promote the economic well-being of the people and to broaden the tax base.

B. This zone is characterized by a mixture of industrial, manufacturing and processing establishments with intermittent open land that is served by streets, power, water and other utilities and facilities or where such facilities can be readily provided.

C. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the regulations set out in this chapter shall apply in the I-2 industrial zone.

Section 18.45.020 Permitted Primary_Uses.

The following buildings, structures and uses of land shall be permitted in the I-2 Industrial Zone upon compliance with requirements as set forth in this Section:

A. Accessory buildings and parking lots incidental and accessory to other permitted uses;

B. Agriculture, farm machinery storage sheds, vegetable and fruit packing and processing plants, and livestock raising;

C. Airport and associated activities;

D. Earthmoving and equipment storage, gas and oil storage facilities, public buildings and public utility buildings, craft shops, and accessory signs;

E. Fences, walls and hedges;

F. Manufacturing, compounding, processing, packaging, fabrication, storage and warehousing of goods and materials,

except the processing of animal byproducts and livestock feed yards, and except steel manufacturing plants, oil refineries, wallboard manufacturing and similar establishments which emit offensive fumes, smoke, noise, dust, odor, etc.;

G. Retail commercial uses and cafes; however, no retail commercial transaction nor business may be conducted within a storage shed.

H. Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health;

I. Research Services - (including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities);

J. Office, business, professional or research;

K. Printing, publishing and allied industries;

L. Marketing, Telemarketing, and Advertising Services;

M. Communications - including radio and television broadcasting, telephone company offices, recording and sound studios, motion picture studio;

N. Data Processing Services;

O. Recycling facilities when enclosed by a security fence and screened with sight obscuring fencing and/or evergreen landscaping along public street right of ways;

P. Automotive & Equipment Repair;

Q. Hotels, subject to Planning Commission approval of height, proximity, and use restrictions;

R. Other uses similar to the foregoing uses which are ruled by the Planning Commission to be in harmony with the intent of this zone.

Section 18.45.025 Permitted Secondary Uses.

The following buildings, structures and uses of land shall be permitted in the I-2 Industrial Zone upon compliance with requirements as set forth in this Section. Secondary uses must accompany a primary use on the same lot or within the same building. The existence of secondary uses shall not limit the operation or extent of permitted primary uses within the I-2 Zone.

- A. An Accessory Apartment for the use of employees only. Such apartment shall be for temporary use such as inclement weather or late working situations. The apartment shall not be used as a rental or for long-term use for employees, owners, or anyone else.
- B. Nursery, day care, or preschools in support of a primary

activity;

Section 18.45.027 Prohibited Uses.

- A. Commercial storage sheds; a commercial storage shed is typically identified by the use of the facility(s) by a third party other than the onsite business or property owner, typically through a lease or rental agreement;
- B. Uses whose primary purpose is the storage of goods and materials with no permanent employees;

Section 18.45.030 Area Requirements.

A. There is no minimum lot area requirement and no maximum building size in the I-2 Industrial Zone.

B. Each project approved under this section must be fully located within the I-2 industrial Zone.

C. Limitations of Buildings Used for Retail Business.

1. Findings. The Heber City Council makes the following findings:

a. One main intention of the Heber City Council in limiting the gross floor area of buildings used for retail business is to incorporate those goals and directives of the Heber City General Plan, including but not limited to those specific directives and provisions which identify the importance of and intentions surrounding the City center addressed in said General Plan.

b. The Heber City Council adopted the Heber City General Plan to guide and direct future development and land use decisions in Heber City.

c. The Heber City General Plan evidences the community's goals and objectives for the future of Heber City, and identifies the old town as the heart of the community, and makes the development and preservation of the City center critical to the General Plan's vision for Heber City's future.

d. The Heber City General Plan contemplates building on Heber's strengths from the inside out, by focusing on the City center including the existing central business district.

2. Gross floor limitation, I-2 Zone.

Retail establishments shall not exceed 60,000 square feet of gross floor area within the I-2 Zone. No retail establishment shall be permitted to place any one building or any combination of buildings that exceed 60,000 square feet within said Zone. In no event shall any retail establishment, corporation, business, or entity have one or more buildings within less than 1,000 feet of each other, wherein the building or buildings would exceed a total of 60,000 square feet.

Attempts to circumvent or exceed this maximum, 60,000 square feet, shall be strictly prohibited.

3. Definitions. The following definitions shall apply to this Section, 18.44.030:

a. "Retail Establishments" means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:

i. are engaged in the selling of similar or related goods, wares or merchandise, and operate under common ownership or management, or

ii. share check stands, storage facilities, a warehouse, or a distribution facility, or

iii. otherwise operate as associated, integrated or co-operative business enterprises under common ownership or management.

b. "Combination of Buildings" means two or more buildings that are within 1,000 feet of each other as measured from the outside exterior walls of two of the buildings.

c. "Common Ownership or Management" means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,

i. by the same individual(s) or entity(ies), including but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s), or

ii. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the retail businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies).

d. "Gross Floor Area" shall mean the sum of:

i. the total horizontal area, in square feet, of all floors of a building, as measured at outside the exterior walls and including all interior courtyards, and

ii. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of buildings used for the display, storage, or sale of any goods, wares or merchandise. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

e. "Retail Business" means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale. A retail business does not include: (a) health centers,

governmental uses, community centers, theaters, or religious or fraternal uses, or (b) a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owner by, or operated strictly for the benefit of, the public.

Section 18.45.040 Setback Requirements.

In the I-2 zone, all buildings shall be set back at least twenty (20) feet from any public street right-of-way line. A ten (10) foot wide landscaped berm is required along all public street right-of-way frontages. In the event of competing set back requirements as a result of building code restrictions, the most restrictive shall govern.

Section 18.45.050 Height and Size Requirements.

All buildings in the I-2 Industrial Zone shall be limited in height to thirty-five (35) feet. No buildings taller than thirty-five (35) feet shall be permitted in the I-2 Industrial Zone except as approved by the Planning Commission as a conditional use.

Upon application for a conditional use to exceed the thirty-five (35) foot height limitation for developments, the Planning Commission shall consider at a minimum, but shall not be limited to the following mitigating options and building restrictions as requirements for such conditional use permits.

- 1) Airport land zone height restrictions.
- 2) Proximity to residential zones.
- 3) Access to solar, air, and light for nearby properties.
- 4) Building design (roof height step downs, eaves).
- 5) Roof design.
- 6) Aesthetics.
- 7) Compatibility with adjoining properties.

Section 18.45.060 Special Provisions.

A. Trees shall be planted along all street frontages. Trees should be planted at least one for every fifty (50) feet of street frontage.

B. All storage doors, entrances into storage and warehousing areas, and parking in storage and warehouse developments shall be accessed from internal private streets and driveways.

C. All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access.

D. Buildings and Structures shall use natural colors.

E. All outdoor lighting shall be shielded to direct light and glare only onto the premises.

F. All required off-street parking shall be hard-surfaced; loading zones, outdoor storage areas, and a portion of the employee parking may be compacted gravel, provided those areas are: (1) not located adjacent to the primary public entrance to the building; and (2) located or screened in such a manner to minimize visibility of the area as viewed from the public street and adjoining properties.

G. Properties shall be kept in a clean and orderly manner.

Section 18.45.065 Compatibility with Residential Zones.

When any industrial building or use adjoins any residential zone, a setback area containing a landscaped berm of at least four (4) foot tall and/or an eight (8) foot tall sight obscuring fence shall be erected as a buffer between all industrial and residential zones, as determined by the Planning Commission. In the event the Planning Commission elects to require a landscaped berm, such berm shall contain evergreen trees at least four (4) foot tall and deciduous trees having a caliper of at least three (3) inches. In determining whether to require a fence, berm, or both, the Planning Commission shall consider at a minimum, but shall not be limited to the following factors:

- 1) Compatibility with adjoining properties.
- 2) The future use of the land as identified on the city's general plan.
- 3) Intensity of industrial use.
- 4) Proximity of residential units.
- 5) Additional landscaping and screening.
- 6) Fences and setbacks being used.

Section 18.45.070 Supplementary Requirements.

See also supplementary requirements and procedures applicable within the I-2 Industrial Zone.

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 _____, 2015.

ADOPTED and PASSED by the City Council of Heber City, Utah this _____ day of _____, 2015, 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 McDonald

ATTEST:

RECORDER

Date: _____

Date of First Recording: _____

TAB 3

ORDINANCE NO. 2015-17

AN ORDINANCE AMENDING HEBER CITY'S ZONING MAP FOR PROPERTY
LOCATED AT APPROXIMATELY 601 WEST AIRPORT ROAD.

BE IT ORDAINED by the City Council of Heber City, Utah, that the
property described within Exhibit 2 be rezoned from I-1
Industrial to I-2 Industrial as shown on Exhibit 1.

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 _____, 2015.

ADOPTED and PASSED by the City Council of Heber City, Utah
this _____ day of _____, 2015, 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 McDonald

ATTEST:

RECORDER

Date: _____

Date of First Recording: _____

EXHIBIT 1: ZONE MAP AMENDMENT

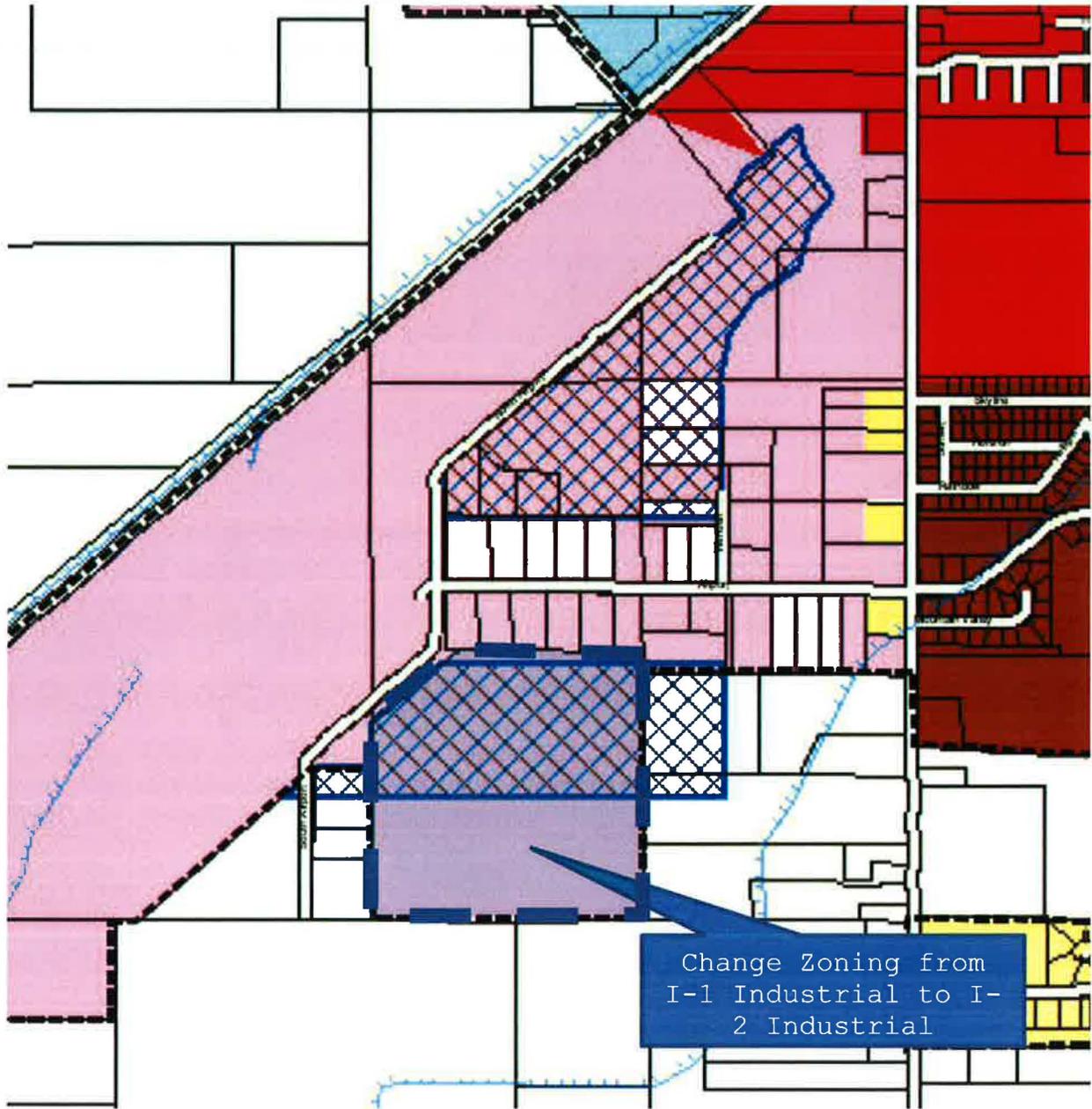


EXHIBIT 2: LEGAL DESCRIPTION

Property Tax Serial Number: OHE-1758-0-007-045

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTH ¼ CORNER SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN SAID POINT ALSO BEING S89°50'01"W 2640.02' FROM THE SOUTHEAST SECTION CORNER OF SAID SECTION;

THENCE ALONG THE SOUTH SECTION LINE AND FOLLOWING AN EXISTING FENCE LINE THE FOLLOWING EIGHT COURSES:

THENCE S89°49'58"W 21.79 FEET;

THENCE N00°16'15"W 1033.20' FEET;

THENCE N49°52'06"E 458.42' FEET;

THENCE N89°37'59"E 341.87' FEET;

THENCE N89°52'53"E 406.21' FEET;

THENCE N89°42'51"E 253.27' FEET;

THENCE S00°00'38"E 1329.04' FEET TO THE SOUTH SECTION LINE OF SAID SECTION;

THENCE S89°50'01" 1325.41' FEET TO THE POINT OF BEGINNING.

CONTAINS **39.96** ACRES MORE OR LESS

TAB 4

RESOLUTION NO. 2015-08

A RESOLUTION AMENDING THE HEBER CITY PERSONNEL POLICY: SECTION 6.3, CERTIFICATION TESTING; SECTION 13.6, APPOINTMENTS, REINSTATEMENTS, PROMOTIONS AND TRANSFERS; AND SECTION 13.10, SPECIAL ASSIGNMENT PAY

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

Section 6.3 Certification Testing

A. On-the-job study time is allowed for job related or required certifications with the approval of the department head.

B. Heber City will pay the cost of certification test fees a maximum of two (2) times per test per employee. Employees unable to pass a certification test after taking it twice will be required to pay the fee for any subsequent attempts. Upon passing the test, the City will reimburse the cost of the test with proof of passing and receipt for payment.

(08072014, Adopted 08/07/2014, Resolution 2014-12)

Section 13.6 Appointments, Reinstatements, Promotions and Transfers

A. Initial appointment to positions shall be made at the entrance rate for the grade. Any exceptions must be approved by the City Manager upon written justification by the department head and/or supervisor.

B. For purposes of definition, a promotion shall take place whenever an employee moves from one position to another position with a higher salary range. When an employee is so promoted, he/she shall be entitled to the appropriate salary range for that position with a minimum increase of 5%. A promotion to a supervisory position can merit above a 5% wage increase at the department head's request, and subject to the approval of the City Manager. When the employee is promoted, he or she will be on probationary status for a period of six (6) months since he/she will be performing a new job function. When an employee's pay grade is changed from one pay grade to a higher pay grade as a result of certifications, training, experience, etc., a probationary period will not be required if his/her job duties have not changed significantly.

C. An employee who is demoted or voluntarily transfers to a job in a lower salary range than the class to which he/she was previously assigned, shall have his/her salary reduced according to the decision of the City Manager after discussion with the department head.

D. If an employee transfers to a position in another department to which the same salary range is applicable, he/she shall be entitled to the corresponding step that will provide the same rate of pay.

E. An employee whose position is reclassified from one salary range to another shall be paid at the same rate for which he/she was paid in the previous salary range or the lowest step in the new salary range, whichever is greater.

(08192004cc, Amended, 08/19/2004; 04172003cc, Adopted, 04/17/2003, after complete review by the Personnel Policy Committee)

Section 13.10 Special Assignment Pay

A. An employee may be paid additional salary, upon the approval of the City Manager and with the consent of the City Council for performing duties not specified in the job description.

B. An employee required to assume his/her supervisor's duties for any period in excess of ten (10) working days shall be paid an additional rate of 5% or the lowest step of the supervisor's scale, whichever is greater, for the entire period he/she performs such duties.

C. Employees who are fluent in Spanish and regularly communicate with Spanish speaking customers are eligible to receive a pay differential of \$50.00 per month. This differential must be requested by the department head and approved by the City Manager on a case by case basis.

(04172003cc, Adopted, 04/17/2003, after complete review by the Personnel Policy Committee)

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 _____, 2015, 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

PETITION FOR ANNEXATION

We the undersigned owners of certain real property lying contiguous to the present municipal limits of Heber City hereby submit this Petition for Annexation and respectfully represent the following:

1. This petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated;
2. The property subject to this petition is an unincorporated area contiguous to the boundaries of Heber City, and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. The signatures affixed hereto are those of the owners of private real property that:
 - a. is located within the area proposed for annexation;
 - b. covers a majority of the private land area within the area proposed for annexation;
 - c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation; and
 - d. lies contiguous to the present boundary of Heber City's corporate limits and is described in the attached *Exhibit A*, and is particularly located

East of the present Heber City boundary on the south end of the city located at approx. 2800 South Highway 40.

4. Title to the property by those signing this petition is as shown in the deeds or title report attached hereto as *Exhibit B*. (Copies of the deed accompanies this petition.)
5. The manner in which it was established that at least 1/3 of the value of all the private property sought to be annexed is owned by the signers of this petition is shown in the

attached *Exhibit C*.

6. The total acres of property and total assessed value of all private lands sought to be annexed are 27.52 acres and \$995,184 assessed value. The ownership interests and assessed values of the privately-owned lands included in this annexation petition are 19.83 acres for a total value of \$995,184 and are shown in *Exhibit C*. The total acreage of the entire annexation contains more acreage due to the inclusion of public lands owned by the Utah Department of Transportation.
7. The petitioners have caused an accurate plat or map of the above-described property to be prepared by Bing Christensen, P.L.S. a licensed surveyor, and Summit Engineering Group, Inc., which plat or map is filed herewith;
8. This petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
9. This petition does not propose annexation of all or a part of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 U.C.A. or a petition under Section 10-2-125, U.C.A. if:
 - a. the request or petition was filed before the filing of the annexation petition, and
 - b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;
10. The petitioners request the property, if annexed, be zoned Highway Commercial.

showing possible future development of the annexation property is included as *Exhibit* 'D'.

WHEREFORE, the Petitioners hereby request that this Petition be considered by the Heber City Council at its next regular meeting on MAY 21, 2015 or as soon thereafter as possible; that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation herein petitioned.

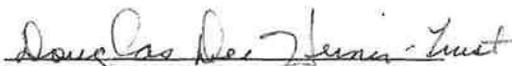
Dated this 27 day of March, 2015.

PETITIONER(S)

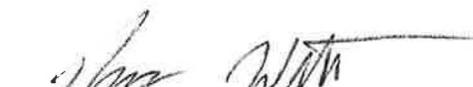
ADDRESS


Craig R. Keyser & Nancy Keyser (JT)

2450^{SE} Mill Rd Heber UT 84032


Douglas Dee Heiner Living Trust
Trustee/Executor

P.O. Box 180 HEBER 84032


Russ & Cathy Witt Family LLC
Manager

1245 South 1200 West Heber, UT 84032

EXHIBIT 'A'

ANNEXATION PLAT

EXHIBIT 'B'

DEEDS OF PETITIONERS

WHEN RECORDED RETURN TO:

Name: GRANTEE
Address: 2850 South Highway 40
Heber City, UT 84032
File # 94557

TAXI # OWC-1886

WARRANTY DEED

(Individual Form)

VICTOR ORVIS and JAYSON ORVIS, GRANTOR, hereby CONVEY(S) AND WARRANT(S)
to HARRY WEYANDT AND VICKIE L. WEYANDT

GRANTEE for the sum of Ten dollars and other good and valuable consideration , the following
tract(s) of land in Wasatch County, State of Utah described as follows:

See "Exhibit A" attached hereto

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and
equity and general property taxes for the year 2006 and thereafter.

WITNESS, the hand of said grantor this 19th day of December, 2006.

Victor Orvis
VICTOR ORVIS

Jayson Orvis by Vickie Orvis
Attorney in fact
JAYSON ORVIS

STATE OF UTAH)
COUNTY OF *Summit*) ss.

The foregoing instrument was acknowledged before me this 19th day of December, 2006,
by VICTOR ORVIS and JAYSON ORVIS the signer of the foregoing instrument, who duly
acknowledged to me that he/she/they executed the same.

My commission expires July 12, 2008. Witness my hand and official seal.

h D
Notary Public:

by *Victor Orvis, attorney in fact*

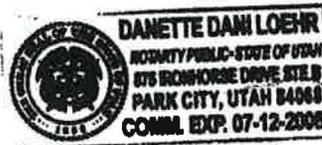


Exhibit "A"

Beginning 58.75 rods South and 1182 feet South 37°50' East from the Northwest Corner of Section 16, Township 4 South, Range 5 East, Salt Lake Base and Meridian, and running thence North 64°20' East 300 feet; thence South 37°50' East 457.8 feet; thence West 253.5 feet; thence South 186.6 feet, more or less to the State Highway right of way, thence 37°50' West along said right of way to beginning.

Less & Excepting any and all outstanding oil and gas, mining and mineral rights, etc., together with the right of the proprietor of a vein or lode to extract his ore therefrom should the same be found to penetrate or intersect the premises, and the right of ingress and egress for the use of said rights.

Serial No. OWC-1886

Special Warranty Deed

B.F.D., L.L.C., a Limited Liability Company, a Utah limited liability company, A corporation organized and existing under the laws of the State of UTAH
As Grantor

hereby **CONVEY AND WARRANT, against those claiming by, through or under the Grantor** to:

Grantee, Russ and Cathy Witt Family LLC
of: 1245 South 1200 West Heber City, UT 84032

FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land within WASATCH County, State of UTAH to wit:

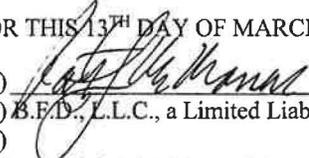
SEE ATTACHED LEGAL DESCRIPTION

Grantor does covenant with the Grantees and their assigns that the above-described Real Estate is not subject to any encumbrances made by Grantor and that Grantor will warrant and defend the same to the said Grantees and their assigns forever against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS OF WAY OF RECORD, AND TO GENERAL PROPERTY TAXES FOR 2012 AND THEREAFTER.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

WITNESS THE HAND OF SAID GRANTOR THIS 13TH DAY OF MARCH, 2015

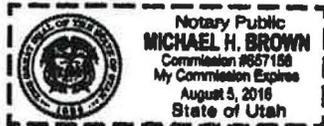
) 
) _____
) B.F.D., L.L.C., a Limited Liability Company
)
By: Patrick J. McManus, Manager
)

STATE OF UTAH)
) §.
County of WASATCH)

On this 13TH day of MARCH, 2015, personally appeared before me Patrick J. McManus, whose identity is personally known to me (or proved to me on the basis of satisfactory evidence) and who by me duly sworn (or affirmed), did say that Patrick J. McManus is the Manager of B.F.D., L.L.C., a Limited Liability Company, the Corporation that executed the foregoing instrument and that said document was signed by Patrick J. McManus in behalf of said corporation by authority of its bylaws (or of a Resolution of its Board of Directors), and said Patrick J. McManus acknowledged to me that said corporation executed the same.



Notary Public



The Land referred to herein below is situated in the County of Wasatch, State of Utah, and is described as follows:

Beginning at a point 55.68 rods South and 351 feet East and South 37°50' East 657.12 feet of the Northwest Corner of Section 16, Township 4 South, Range 5 East, Salt Lake Base and Meridian, and running thence South 37°50' East 385.88 feet; thence South 64°20' West 300 feet; thence North 37° West along Highway 40 to a point South 52°10' West of the point of beginning; thence North 52°10' East 300 feet to the point of beginning.

The previous Grantor, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah corporation sole, specifically reserved and expected unto itself, all minerals, coal, carbons, hydrocarbons, oil, gas, chemical elements and compounds whether in solid, liquid, or gaseous form, and all steam and other forms of thermal energy on, in, or under the above described land provided the previous Grantor does not reserve the right to use the subject property or extract minerals other substances from the subject property above a depth of 500 feet, nor does the previous Grantor reserve the right to use the surface of the subject property in connection with the rights reserved herein.

Tax ID No.: OWC-1885

EXHIBIT "A"

PARCEL 1:

Beginning at a point 58.75 rods South of the Northwest Corner of Section 16, Township 4 South, Range 5 East, Salt Lake Base and Meridian and running thence North 3.07 rods; thence East 351 feet; thence South 52 deg. 10' West 301 feet, more or less, to the East line of U.S. Highway 40 right of way; thence along the East line of said Highway North 37 deg. 50' West to the place of beginning.

PARCEL 2:

Beginning at a point 933.4 feet South and 351 feet East of the Northwest Corner of Section 16, Township 4 South, Range 5 East of the Salt Lake Base and Meridian; and also being the Southeast Corner of Lot 51 of the Heber Estates Subdivision; and running thence South 37 deg. 50' East along the Westerly line of a street in the Heber Estates Subdivision 556.12 feet; thence South 52 deg. 10' West 300 feet to the fence along the right of way of U.S. Highway 40; thence North 37 deg. 50' West along said fence line 556.12 feet; thence North 52 deg. 10' East 300 feet to the point of beginning.

PARCEL 3:

Beginning at a point 933.4 feet South and 351 feet East of the Northwest Corner of Section 16, Township 4 South, Range 5 East of the Salt Lake Base and Meridian; and also being the Southeast Corner of Lot 51 of the Heber Estates Subdivision, according to the official plat thereof recorded in the office of the Recorder of Wasatch County, Utah; and running thence South 37 deg. 50' East along the Westerly line of a street in the Heber Estates Subdivision 556.12 feet; thence South 52 deg. 10' West 300 feet to the fence along the right of way of U.S. Highway 40; thence North 37 deg. 50' West along said fence line 556.12 feet; thence North 52 deg. 10' East 300 feet to the place of beginning. EXCEPTING THEREFROM the Northerly .57 of an acre or 15% thereof heretofore deeded to F.M. Christiansen.

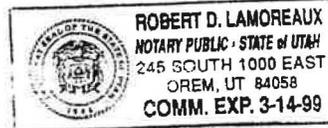
PARCEL 4:

Beginning at a point which is 933.40 feet South and 351.0 feet East and South 37 deg. 50' East 556.12 feet from the Northwest Corner of Section 16, Township 4 South, Range 5 East, Salt Lake Base and Meridian; and running thence South 37 deg. 50' East 101.0 feet; thence South 52 deg. 10' West 300 feet to the fence along the right of way of U.S. Highway 40; thence North 37 deg. 50' West along said fence line 101.0 feet; thence North 52 deg. 10' East 300.0 feet to the place of beginning, according to the official plat thereof on file and of record in the office of the Wasatch County Recorder, Wasatch County, Utah.

00204271 BK 00386 Ps 00164

ALSO:

All of Lot 51 Heber Estates, according to the official plat thereof on file and of record in the Office of the Wasatch County Recorder.



WHEN RECORDED MAIL TO:
CRAIG R. KEYSER
2450 SOUTH MILL ROAD
HEBER CITY, UT 84032

00219858 Bk 00445 Pg 00089-00090
WASATCH CO RECORDER-ELIZABETH M PARCELL
1999 DEC 01 13:35 PM FEE \$13.00 BY PAS
REQUEST: INWEST TITLE SERVICES

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY
RECORDED AT THE REQUEST OF INWEST TITLE SERVICES, INC. ORDER #UC-4606
MAIL TAX NOTICE TO: CRAIG R. KEYSER
2450 SOUTH MILL ROAD HEBER CITY, UT84032

QUIT CLAIM DEED

CRAIG KEYSER AKA CRAIG R. KEYSER AND NANCY KEYSER AKA NANCY A. KEYSER
GRANTOR(S)
OF HEBER CITY, COUNTY OF WASATCH, STATE OF UT,
HEREBY QUIT CLAIMS TO

CRAIG R. KEYSER AND NANCY KEYSER, HUSBAND AND WIFE AS
JOINT TENANTS

GRANTEE(S)
OF 2450 SOUTH MILL ROAD HEBER CITY, UTAH 84032
FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION,
THE FOLLOWING DESCRIBED TRACT OF LAND IN WASATCH COUNTY,
STATE OF UTAH:

1909-2-017-045

See Attached Exhibit "A"

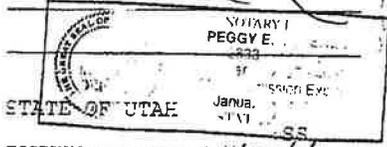
PAGE (●) INDEX () ABSTRACT () PLAT (X) CHECK ()

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD, AND
TAXES FOR THE YEAR 1999 AND THEREAFTER.

WITNESS, THE HAND(S) OF SAID GRANTOR(S), THIS 23 DAY OF
NOVEMBER, A. D., 99.

SIGNED IN THE PRESENCE OF
Peggy E. ...

Craig Keyser
CRAIG KEYSER AKA CRAIG R. KEYSER
Nancy Keyser
NANCY KEYSER AKA NANCY A. KEYSER



COUNTY OF UTAH) *Wasatch*
ON THE 23 DAY OF NOVEMBER, A.D. 99, PERSONALLY
APPEARED BEFORE ME CRAIG KEYSER AKA CRAIG R. KEYSER AND NANCY KEYSER
AKA NANCY A. KEYSER
THE SIGNER(S) OF THE WITHIN INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME
THAT THEY EXECUTED THE SAME.

EXHIBIT "A"

COMMENCING AT A POINT SOUTH 21.81 FEET AND WEST 49.07 FEET OF THE NORTHEAST CORNER SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0 DEGREES 28'16" EAST 898.98 FEET TO THE NORTHEASTERLY RIGHT OF WAY FENCE ON U.S. HIGHWAY 40; THENCE NORTH 37 DEGREES 58' 44" WEST 1136.73 FEET ALONG SAID U.S. HIGHWAY 40 RIGHT OF WAY FENCE; THENCE NORTH 89 DEGREES 45'26" EAST 692.13 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING: BEGINNING AT A POINT SOUTH 0 DEGREES 01'18" WEST 20.98 FEET AND SOUTH 89 DEGREES 40'37" WEST 55.2 FEET FROM THE NORTHEAST CORNER SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 0 DEGREES 29'23" EAST 241 FEET; THENCE SOUTH 89 DEGREES 40'37" WEST 225 FEET; THENCE NORTH 0 DEGREES 29'23" WEST 241 FEET; THENCE NORTH 89 DEGREES 40'37" EAST 225 FEET TO THE POINT OF BEGINNING.

EXHIBIT 'C'

PROPERTY VALUATION & ACREAGE

EXHIBIT 'C'

ACREAGE WITHIN PROPOSED WITT ANNEXATION

Annexation requires the "majority of the private land area" and "equal in value to at least 1/3 of the value of all private real property" within the area proposed for annexation.

All Properties Included in Witt-Heiner Annexation Petition

Property Owner	Property Serial No.	Acreage*		Market Value	
Keyser, Craig R. & Nancey	OWC-1909-2-017-045	5.90	acres	\$	317,955
Keyser, Craig R. & Nancey	OWC-1909-3-017-045	1.24	acres	\$	233,188
Douglass Dee Heiner Living Trust	0HS-0051-0-016-045	1.81	acres	\$	105,000
Douglass Dee Heiner Living Trust	OWC-1887-0-016-045	1.00	acres	\$	40,000
Douglass Dee Heiner Living Trust	OWC-1889-0-016-045	0.57	acres	\$	12,469
Douglass Dee Heiner Living Trust	OWC-1888-0-016-045	3.26	acres	\$	71,313
Douglass Dee Heiner Living Trust	OWC-1890-0-016-045	0.70	acres	\$	24,339
Russ & Cathy Witt Family LLC	OWC-1885-0-016-045	2.65	acres	\$	106,000
Russ & Cathy Witt Family LLC	OWC-1886-0-016-045	2.70	acres	\$	84,920
Public Roads		7.69	acres	\$	-
TOTALS		27.52	acres	\$	995,184

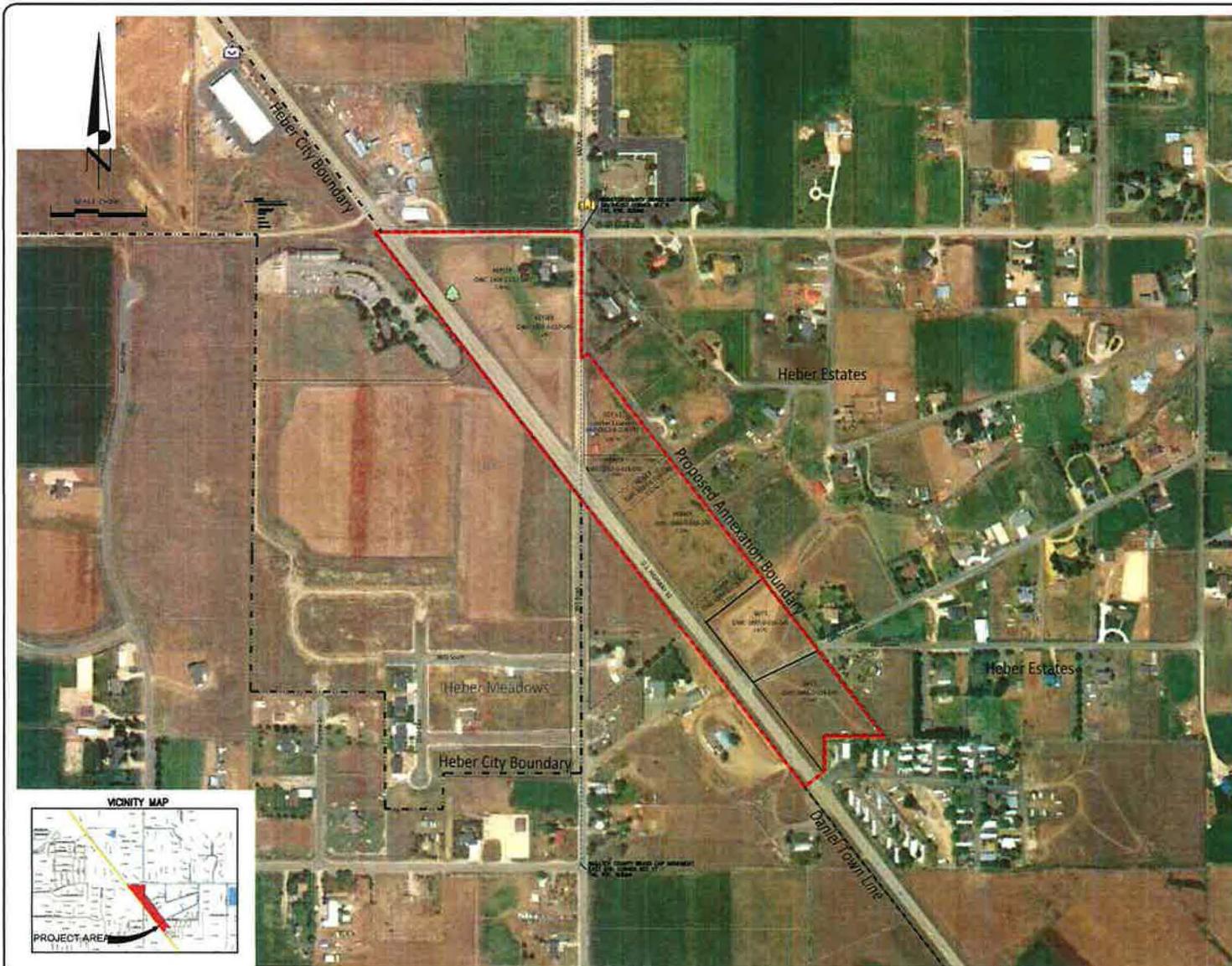
Total Acres Owned by Petitioners

Property Owner	Property Serial No.	Acreage		Market Value	
Keyser, Craig R. & Nancey	OWC-1909-2-017-045	5.90	acres	\$	317,955
Keyser, Craig R. & Nancey	OWC-1909-3-017-045	1.24	acres	\$	233,188
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Douglass Dee Heiner Living Trust	OWC-1888-0-016-045	3.26	acres	\$	71,313
Douglass Dee Heiner Living Trust	OWC-1890-0-016-045	0.70	acres	\$	24,339
Russ & Cathy Witt Family LLC	OWC-1885-0-016-045	2.65	acres	\$	106,000
Russ & Cathy Witt Family LLC	OWC-1886-0-016-045	2.70	acres	\$	84,920
TOTALS		19.83	acres	\$	995,184

Percentage of Annexation Land Owned by Petitioners =	72%
---	------------

Percentage of Property Value owned by Petitioners =	100%
--	-------------

* Acreage shown on this sheet reflects the acreage reported by the Wasatch County Records office. Actual acreage of annexation may be different than actual surveyed boundaries. See Annexation plat for actual acreages



SURVEYOR'S CERTIFICATE

ANNEXATION BOUNDARY

Commencing at the Southeast corner of Section 8, T4S, R5E SL8&M;
 Thence South 532.38 feet along the western boundary of Heber Estates
 Subdivision;
 Thence N $52^{\circ}10'E$ 20.38 feet;
 Thence S $37^{\circ}50'00"E$ for 2,046.80 feet;
 Thence West 253.50 feet;
 Thence South 151.72 feet;
 Thence N $52^{\circ}00'32"E$ 101.00 feet;
 Thence N $37^{\circ}50'00"W$ 2,966.00 feet;
 Thence N $89^{\circ}52'00"E$ 875.75 feet to the point of beginning.
 Contains 27.52 acres.

GENERAL NOTES

PROJECT L15-056	PREPARED FOR RUSS WITT
SHEET 1 OF 1	PROJECT WITT-HEINER ANNEXATION

ANNEXATION EXHIBIT

LOCATED IN THE
 SW 1/4 OF SECTION 8,
 TOWNSHIP 4 SOUTH, RANGE 5 EAST,
 SALT LAKE BASE & MERIDIAN
 WASATCH COUNTY, UTAH

DRAWN BY
SCS
 REVIEWED BY
WJ
 ISSUE DATE
08/11/2019



DATE: 08/11/2019
 TIME: 10:00 AM
 DRAWN BY: SCS
 CHECKED BY: WJ
 PROJECT: WITT-HEINER ANNEXATION

TAB 6

Re: Heber Meadows Phase 2

The petitioner is requesting final approval of 26 lots in Phase 2 of Heber Meadows Subdivision. The subdivision has partial improvements installed including water, sewer, and irrigation mains and laterals and meters. On October 9, 2014, the request for final subdivision approval was continued so the city and developer could address the existing water meters and laterals that aren't up to current standards and to see if a road stub should be provided to the property to the north. Public Works, the City Engineer, and the developer have a plan for addressing the existing laterals.

The plat proposes a 50-foot wide Lot A to be dedicated to Heber City for utilities that go to the north for storm drain, water, sewer, and irrigation mains servicing the subdivision, as these services come from the north. This lot will be fenced and covered with road base, and could potentially be used as a secondary access to property to the north or as a trail access.

In 2007, the developer for the Heber Meadows Subdivision committed to provide a monetary fee in lieu contribution for affordable housing to the Wasatch County Housing Authority. The city has a voluntary ordinance now and the developer is not proposing to participate in the affordable housing program.

The developer has provided 4-foot larger right of ways to accommodate 8-foot wide planter strips. As per Section 18.68.175, flexibility in setback and lot width is permitted accompanying the open space dedication. The developer has requested 25-foot front and rear setbacks for lots 9 through 26, and modification of the frontage for those lots as permitted by the ordinance. The subdivision is under the maximum density permitted by the R-1 Zone, developed at 2.75 units per acre, while the zone permits development densities close to 3.35 units per acre.

RECOMMENDATION

On May 14, 2015, the Planning Commission recommended approval of the proposed Phase 2 Heber Meadows Subdivision as consistent with Chapter 18.52 R-1 Residential Zone and Title 17 Subdivisions, and Section 18.68.175, conditional upon meeting Engineering requirements and the following:

1. The water meters and sewer laterals being upgraded to the satisfaction of the City Engineer;
2. Lot A be dedicated to Heber City;
3. Prior to recording the plat, Developer shall provide:
 - a. Tax clearance from county assessor; and
 - b. Addresses for each of the lots

Section 18.68.175 Open Space

A. When a proposed subdivision which adjoins a collector or arterial street as identified on the Heber City Master Street Plan, or adjoins a water feature such as a canal, stream, flood channel or other critical feature as determined by the City Council, the minimum required area and street frontage widths of the lots within the subdivision may be reduced by up to 25 percent of the usual requirement to accommodate dedicated open space along said features.

B. The City Council may permit, through a special exception, a rear yard setback reduction of up to 5 feet and/or front yard setback reduction of up to 5 feet to accommodate these open space features, if in the opinion of the City Council such reduction is necessary to accommodate, protect or enhance the open space feature. Such reduction must be approved by the City Council through the subdivision process, and the reduction shall be noted upon the subdivision plat, stating which lots are affected and the approved setback distances. It is the responsibility of the developer to prove that the setback reduction is necessary to accommodate the open space.

C. No density bonuses shall be granted as a result of this Section (i.e. if 10 lots are permitted before the lot size reduction, 10 lots are permitted after the lot size reduction).

D. This Section shall not apply to cottage home lots.

Tab 7

HEBER CITY CORPORATION

STAFF REPORT

MEETING TYPE: Regular Council Meeting	MEETING DATE: June 4, 2015
SUBMITTED BY: Bart L Mumford	FILE NO: 08043
APPROVED BY: Mark K. Anderson	
SUBJECT: 2015 NORTHWEST SEWER - CONTRACT AWARD	

PURPOSE

To obtain Council approval to award a construction contract to Geneva Rock for Heber City's 2015 Northwest Sewer.

RECOMMENDED ACTION

That the City Council consider any additional information staff presents at the June 4th Council meeting and decide whether or not to authorize the City Manager to execute an agreement with the apparent low bidder, Geneva Rock for an amount not-to-exceed \$2,226,944.29 for the Northwest Sewer project.

BACKGROUND/HIGHLIGHTS

The Northwest Sewer project will construct approximately 4,000 feet of a new 18-inch sewer line through the north west corner of Central Heber, from approximately 100 East 750 North to 400 North 600 West as shown on the attached map. This line is identified in the City's facilities master plan and is needed to provide sewer service to the planned annexation area east of Hwy 40 and north of 750 East, up to Coyote Lane. One of the first annexations of this area is expected to occur by the end of 2015, with development expected to begin in 2016. Without this sewer line in place, the City will be unable to provide sewer service.

The FY15 City budget included funds for project design and construction. However, construction will actually occur in FY16. The total sewer project cost estimated for the FY16 draft budget, prior to having a final design completed, was \$1,426,000. Later this estimate was revised upward once the final design was completed, due to the significant depth of the line, groundwater, and other construction challenges. The final engineers estimate for the sewer project recently presented to the Council was \$1,800,000 for both construction and engineering. Staff was also requested to look at adding in pressurized irrigation lines to the project as the project went to bid, to take advantage of engineering and asphalt cost savings of constructing the sewer line in the same location. The cost of including pressurized irrigation in the project added \$225,000 for both construction and engineering, for combined project cost estimate of \$2,025,000.

This action is to consider the approval to award the construction contract. The engineering design and construction services are being provided by Horrocks Engineers. The project was advertised for bid on April 22rd and 29th, and May 6th, 2015 in the Wasatch Wave and in the Intermountain Contractor. A prebid meeting was held on May 5, 2015. A public bid opening was held on May 27, 2015 at the Heber City offices. The following bids were received:

1.	Geneva Rock	\$2,226,944.29
2.	Any Hour Inc.	\$2,732,121.03
3.	Condie Construction	\$2,827,636,80
4.	B Jackson	\$2,965,546.85

Attached is the bid tabulation showing the bid details. The apparent low bidder is Geneva Construction. Staff reviewed the bids and found that Geneva provided all information required in Section 200 of the contract documents. References were checked and found to be acceptable.

Due to the significant difference between the engineers estimate and the bids received Staff is continuing to review Geneva's bid, reevaluating if any other viable alternatives exist, and exploring financing options available if it is decided to proceed with the project. Any additional information will be presented at the council meeting for the Council's consideration.

If approved, construction would begin this summer until cold weather shuts work down for the winter, with the remainder of the work being completed next spring.

FISCAL IMPACT

This sewer portion of this project is funded 100% from Sewer Fund impact fees. Approximately \$100,000 will be spent on project design and preconstruction costs in FY15. The FY16 budget would need to be increased to \$2,150,000 for engineering and construction. Total sewer project budget, if awarded, would be \$2,250,000. Currently the City has approximately half of the project funding available, \$1,100,000, in collected fees. The remainder would need to be financed by bonding or from other sources, and repaid by sewer impact fees collected in the future.

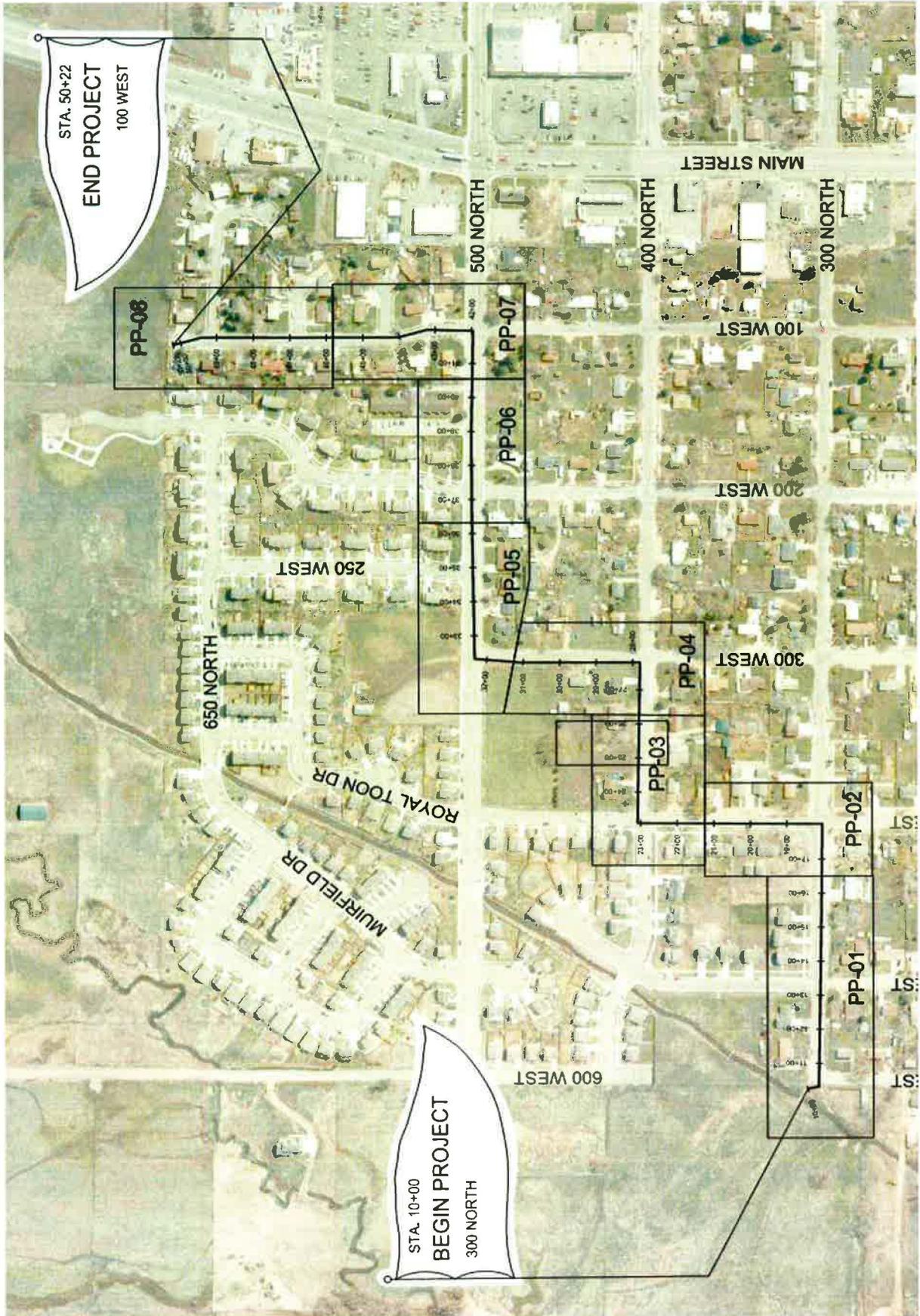
The pressurized irrigation portion of this project is funded 100% from Water Fund impact fees allocated for this purpose. The FY16 budget would need to be increased to \$250,000 for engineering and construction. Currently the City has these funds available in collected fees to fund the project.

Total combined project budget for both sewer and irrigation, if awarded, would be \$2,500,000.

LEGAL IMPACT

None

PROJECT LOCATION



Heber City, Utah

\$1,000,000 Sewer Revenue Bonds

Series September 15, 2015

(10 Year Amortization)

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
09/15/2015	-	-	-	-	-
03/15/2016	-	-	10,529.25	10,529.25	10,529.25
09/15/2016	92,000.00	0.800%	10,529.25	102,529.25	-
03/15/2017	-	-	10,161.25	10,161.25	112,690.50
09/15/2017	93,000.00	1.250%	10,161.25	103,161.25	-
03/15/2018	-	-	9,580.00	9,580.00	112,741.25
09/15/2018	95,000.00	1.400%	9,580.00	104,580.00	-
03/15/2019	-	-	8,915.00	8,915.00	113,495.00
09/15/2019	96,000.00	1.650%	8,915.00	104,915.00	-
03/15/2020	-	-	8,123.00	8,123.00	113,038.00
09/15/2020	98,000.00	1.900%	8,123.00	106,123.00	-
03/15/2021	-	-	7,192.00	7,192.00	113,315.00
09/15/2021	100,000.00	2.150%	7,192.00	107,192.00	-
03/15/2022	-	-	6,117.00	6,117.00	113,309.00
09/15/2022	102,000.00	2.450%	6,117.00	108,117.00	-
03/15/2023	-	-	4,867.50	4,867.50	112,984.50
09/15/2023	105,000.00	2.750%	4,867.50	109,867.50	-
03/15/2024	-	-	3,423.75	3,423.75	113,291.25
09/15/2024	108,000.00	3.000%	3,423.75	111,423.75	-
03/15/2025	-	-	1,803.75	1,803.75	113,227.50
09/15/2025	111,000.00	3.250%	1,803.75	112,803.75	-
03/15/2026	-	-	-	-	112,803.75
Total	\$1,000,000.00	-	\$141,425.00	\$1,141,425.00	-

Yield Statistics

Bond Year Dollars	\$5,673.00
Average Life	5.673 Years
Average Coupon	2.4929491%
Net Interest Cost (NIC)	2.4929491%
True Interest Cost (TIC)	2.4741708%
Bond Yield for Arbitrage Purposes	2.4741708%
All Inclusive Cost (AIC)	3.0620343%

IRS Form 8038

Net Interest Cost	2.4929491%
Weighted Average Maturity	5.673 Years

Heber City, Utah

\$1,000,000 Sewer Revenue Bonds

Series September 15, 2015

(15 Year Amortization)

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
09/15/2015	-	-	-	-	-
03/15/2016	-	-	13,455.75	13,455.75	13,455.75
09/15/2016	57,000.00	0.800%	13,455.75	70,455.75	-
03/15/2017	-	-	13,227.75	13,227.75	83,683.50
09/15/2017	58,000.00	1.250%	13,227.75	71,227.75	-
03/15/2018	-	-	12,865.25	12,865.25	84,093.00
09/15/2018	59,000.00	1.400%	12,865.25	71,865.25	-
03/15/2019	-	-	12,452.25	12,452.25	84,317.50
09/15/2019	59,000.00	1.650%	12,452.25	71,452.25	-
03/15/2020	-	-	11,965.50	11,965.50	83,417.75
09/15/2020	60,000.00	1.900%	11,965.50	71,965.50	-
03/15/2021	-	-	11,395.50	11,395.50	83,361.00
09/15/2021	62,000.00	2.150%	11,395.50	73,395.50	-
03/15/2022	-	-	10,729.00	10,729.00	84,124.50
09/15/2022	63,000.00	2.350%	10,729.00	73,729.00	-
03/15/2023	-	-	9,988.75	9,988.75	83,717.75
09/15/2023	65,000.00	2.650%	9,988.75	74,988.75	-
03/15/2024	-	-	9,127.50	9,127.50	84,116.25
09/15/2024	67,000.00	2.850%	9,127.50	76,127.50	-
03/15/2025	-	-	8,172.75	8,172.75	84,300.25
09/15/2025	69,000.00	3.000%	8,172.75	77,172.75	-
03/15/2026	-	-	7,137.75	7,137.75	84,310.50
09/15/2026	71,000.00	3.250%	7,137.75	78,137.75	-
03/15/2027	-	-	5,984.00	5,984.00	84,121.75
09/15/2027	73,000.00	3.500%	5,984.00	78,984.00	-
03/15/2028	-	-	4,706.50	4,706.50	83,690.50
09/15/2028	76,000.00	3.750%	4,706.50	80,706.50	-
03/15/2029	-	-	3,281.50	3,281.50	83,988.00
09/15/2029	79,000.00	4.000%	3,281.50	82,281.50	-
03/15/2030	-	-	1,701.50	1,701.50	83,983.00
09/15/2030	82,000.00	4.150%	1,701.50	83,701.50	-
03/15/2031	-	-	-	-	83,701.50
Total	\$1,000,000.00	-	\$272,382.50	\$1,272,382.50	-

Yield Statistics

Bond Year Dollars	\$8,493.00
Average Life	8.493 Years
Average Coupon	3.2071412%
Net Interest Cost (NIC)	3.2071412%
True Interest Cost (TIC)	3.1634288%
Bond Yield for Arbitrage Purposes	3.1634288%
All Inclusive Cost (AIC)	3.5853141%

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Net Interest Cost	3.2071412%
Weighted Average Maturity	8.493 Years

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