

# **REGULAR MEETING**

# Memo

To: Mayor and City Council  
From: Mark K. Anderson  
Date: 06/16/2015  
Re: City Council Agenda Items for June 18, 2015

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## REGULAR MEETING

**Item 1 – 7:00 p.m. - Public Hearing – Resolution 2015-09: A Resolution Adopting the 2015-2016 Operating Budget and Amendment of the 2014-2015 Operating Budget to Allow for Additional Revenues and Expenditures:** A copy of the proposed final budget will be delivered to your home. I am working on a PowerPoint presentation that I will present that will summarize the important aspects of the proposed budget. The proposed final budget already incorporates the following changes that were identified by the Council and staff during budget meetings held in the last month:

- Capital Projects - splash pad sidewalk and site improvements \$23,000
- Transportation Tax - wider road for 600 South project \$60,000
- Sewer - budget for northwest sewer line project \$2,250,000
- Sewer - proposed borrowing of \$1,000,000 for northwest sewer line project
- Water - budget for PI line in northwest sewer line project \$250,000
- Utility - a 15% rate increase in utility fees (a 5% increase from the tentative budget)
- Capital Projects Roads – funds to purchase right-of-way on Daniel Road \$60,000
- Modified pay scale per the recommendation of Mike Swallow. (maximum impact is \$2,900 in wages plus benefits)

In addition, the FAA requested that we do an Aeronautical Survey of the airport within the grant that we currently have for the runway and apron rehab project. The cost of the project will be \$120,000 of which the City would be required to provide a match of \$5,622. This would come out of the Airport Capital Projects Fund Budget.

Mark Rounds notified me that he will need an additional \$2,155 for the purchase of a mower with cab and snow blower attachment as there was an error in the bid he used for his budget request. This would be shared with the Park/Cemetery department.

Stephen Tozier has also indicated that he would like additional consideration for adjustments to the final budget, but at this time I do not have the details of the request.

With regard to the public hearing, the Council should solicit public comments on the proposed budget and budget amendments.

Staff is recommending budget amendments to the FY 2014-15 budget as outlined in the enclosed resolution.

**Approve Resolution 2015-10, a Resolution Adopting a Certified Tax Rate for Fiscal Year 2015-2016:** The City received notice of the certified tax rate two days after the City had to have the final budget available for public inspection. The proposed tax rate is .001410 which will yield \$1,203,389, which is \$28,389 higher than the projected revenue in the final budget. I would recommend that when the Council adopts the 2015-16 budget that they amend the property tax revenue to match the certified tax rate and that they reduce the appropriated surplus (net of any other approved changes) that is needed to balance the budget.

**Item 3 – 7:30 p.m. - Public Hearing on Unbilled Services for City Consumed Water, Sewer and Utility Services:** Per Utah State Code, the City is required to hold a public hearing to put utility customers on notice that the City does not bill other City departments for water, sewer and utility services. As a result, the following notice was included in the June newsletter that is mailed with our utility bill:

*Public Notice*

*Per Section 10.6.135 of the Utah State Code, notice is hereby given that the Heber City Council will hold a public hearing on Thursday, June 18<sup>th</sup> at 7:30 p.m. to discuss unbilled services provided by the Water, Sewer and Utility Enterprise Funds to the Heber City General Fund. The estimated value of the services the General Fund receives is as follows: Water \$29,600, Sewer \$1,100 and Utility \$1,700. Interested citizens are invited to attend the hearing and express support or opposition to the proposed practice.*

In review of the services provided, the City provides culinary water and sewer to 8 buildings. The largest costs are associated with watering parks/open spaces with culinary and secondary water. In discussing my findings with Van Christensen of the State Auditor's Office, we agreed that the unbilled revenue was not material compared to the total revenues collected in each of the enterprise funds. Because the amounts involved are not material, the City is not required to make an entry/budget to show a transfer of funds/resources from one fund to another, but we were still obligated by law to hold a public hearing to notify our utility customers of the practice.

Members of the public should be given the opportunity to express their support or opposition to the current practice. If the Council felt compelled to bill the General Fund for these services, it would put pressure on the City to increase property taxes or cut General Fund spending. Ultimately, the public will pay for the needed services in one way or another. Enclosed is a PowerPoint presentation that I have prepared to explain the need for the public hearing.

**Item 4 – Terry Edwards, Request Donation for Memorial Hill:** Terry Edwards has asked to appear before the Council to seek funding assistance for the addition of more columns for more names to be added to plaques on Memorial Hill. Terry hopes to bring a plan (which is still being worked on) of what improvements they want to make on Thursday. Two years ago I spoke with Mike Davis, Wasatch County Manager, and he indicated the property is actually owned by Wasatch County. The committee members are not actually appointed by the County, but the County has helped fund projects to improve the property. It does not appear that a formal non-profit organization exists. If the City wanted to donate funds, I would recommend that they do it through Wasatch County. The City has budgeted \$2,000 to go to Wasatch County for the Memorial Day program of which some proceeds may go to this group. In speaking with Mr. Edwards, I expect that he will make a request for a donation of \$10,000 as his estimated cost of the project is \$35,000. I suggested that a request of this type should be made in March as our final budget is being adopted on the same night. The Council has \$3,000 of uncommitted discretionary funds if they want to consider making a contribution.

**Item 5 – Approve Ordinance 2015-14, and Ordinance Amending Heber City’s Land Use Map:** The Planning Commission has held public hearings to consider amendments to the Land Use Map. After holding the hearings, the Planning Commission has recommended three changes. (See enclosed memo and Ordinance) Tony Kohler has discussed the three proposed changes with the Council and the Council indicated they were willing to have the Ordinance brought forward for consideration.

**Item 6 – Discuss Approval of the Memorandum of Understanding (MOU) with Three Strings Holdings:** At the last Council meeting, the enclosed MOU was presented to the Council. With the presentation of the traffic study results, the Council should be in a better position to determine if they are willing to accept the proposed agreement. At this time, staff would recommend that the City commit to the appraisal and purchase of the 25.88 feet of property on Daniel Road and hope that development of the Turner/Gooch property will provide additional connectivity between Highway 40 and Daniel Road. I am concerned about the language in paragraph III(B) and need to discuss this more with Mark Smedley.

**Item 7 – Approve Memorandum of Understanding (MOU) and Draft Request for Proposals (RFP) for Transfer of Development Rights:** The Council has reviewed these documents at the last work meeting and requested a couple of changes that have been incorporated into the RFP. Staff would recommend approval.

**Item 8 – Approve the Northwest Sewer Bid Award:** Enclosed is a copy of the staff report and bid summary from the last meeting. Since the Council last met, due to vacation and conflicting schedule, I have not been able to meet with the developers of the benefitted properties. At this time, the City’s best options to complete this project is to either:

- Bond for approximately \$1,000,000 to cover the shortfall of impact fees
- Borrow approximately \$1,000,000 from other City funds

If/when the City meets with the developers other options may be available for consideration. I have contacted Zions Bank Public Finance to get a proposed calendar of events for a borrowing if this is a route the City wants to consider pursuing.

**Item 9 – Approve Amsource Heber, LLC’s Request for Approval of a Small Subdivision/Lot Split to be Located at Approximately 650 South Main Street, the Former Wasatch High School:** Amsource is requesting final plat approval for a seven lot commercial subdivision. Enclosed is a proposed plat map, site plan and proposed development agreement. The Planning Commission has reviewed the proposed subdivision and is recommending approval subject to the terms of the enclosed development agreement. Staff would also recommend approval subject to the terms of the development agreement.

**Item 10 – Approve Watts’ Enterprises’ Request for Subdivision Final Approval of Ranch Landing Cottages – Plat B to be Located at 980 South 600 East:** Ranch Landing is seeking final plat approval for a 19 lot subdivision located at 980 South 600 East. The Planning Commission has reviewed the proposed development and is recommending approval subject to conditions outlined by the Planning Commission. Staff would recommend approval.

# MINUTES

1 Heber City Corporation  
2 City Council Meeting  
3 May 21, 2015  
4 4:30 p.m.

5  
6 WORK MEETING

7  
8 The Council of Heber City, Wasatch County, Utah, met in Work Meeting on May 21, 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 McDonald Alan McDonald  
Council Member Robert Patterson  
Council Member Jeffery Bradshaw  
Council Member Heidi Franco  
Council Member Kelleen Potter

Excused: Council Member Erik Rowland

Also Present: City Manager Mark Anderson  
City Recorder Michelle Kellogg  
City Planner Anthony Kohler  
City Engineer Bart Mumford  
Sr. Accountant Wes Bingham  
Chief of Police Dave Booth

15  
16 Others Present: Brian Balls, Rob Heywood, Matt Parker, Jenny Dorsey, Nann Worel, and others  
17 whose names were illegible.

18  
19 1. Discuss 2015-2016 Operating Budget  
20 City Manager Memo  
21 Splash Pad Estimates  
22 Engineer Report  
23 Compensation Study Regression Results  
24 Proposed Transportation Tax Resolution

25  
26 Anderson discussed the proposed splash pad, and expressed the only funds allocated to this  
27 project were the donated funds. He then turned the time over to Mark Rounds. Rounds reviewed  
28 different options and bids for a splash pad. He estimated that adding an additional restroom,  
29 sidewalks, site work and electrical service would be approximately \$75,000. Without adding a  
30 restroom, the cost would be reduced to approximately \$11,000. In talking with cities that had  
31 splash pads, it was recommended to widen the sidewalks or the grass would become muddy from  
32 traffic and residue water. The estimate for a widened sidewalk would be approximately \$22,000.

33 As far as splash pad options, Rounds recommended the one with just water sprays. Rounds also  
34 suggested having the splash pad in operation for certain hours per day, such as 10:00 a.m.-7:00  
35 p.m. He thought the City should not construct the restrooms until the need was seen. It was  
36 indicated that benches would be needed for parents to sit on while their children played.

37  
38 Council Member Franco suggested using red rock to beautify the splash pad and/or the Public  
39 Safety building. It was decided to postpone the restrooms for the time being, but to widen the  
40 sidewalks. Rounds talked about options for reusing the water. Anderson estimated for 100 days  
41 of usage, the water cost would be approximately \$7,000. He also stated he met with Robert  
42 Hicken, who expressed interest in giving the City an estimate for benches and sandstone. Council  
43 Member Franco asked Rounds to bring back an estimate for a splash pad that would  
44 accommodate 50-75 children.

45  
46 Anderson addressed the need for a new Social Hall roof, and indicated a new cost estimate had  
47 been requested. It was noted that the cost might be reduced if the trusses on the roof were  
48 strengthened instead of having to take off the current roof and construct an entirely new roof.

49  
50 Anderson also updated the Council on the Southern Bypass right-of-way. The T alignment would  
51 require the City to purchase at least 30 feet of property owned by Burton Lumber. He noted that  
52 it would be beneficial to wait for the micro traffic simulation study to see exactly what would be  
53 needed before making an offer on that property. Council Member Potter indicated that the  
54 County Council voted yesterday to use corridor funds in the purchase of bypass roads when a  
55 sweeping curve was needed. Mayor McDonald commented that the County did not allow access  
56 on bypass routes, and since Burton Lumber would have an access onto Daniel Road, this would  
57 be a City street; therefore the City should not count on the County for help in acquiring the  
58 property.

59  
60 Mumford updated the Council on the Northwest Sewer Line project. After receiving more  
61 information on this project, he determined the sewer would cost more than estimated, which was  
62 \$1.8 million. He proposed increasing the budget to accommodate this project, and indicated the  
63 sewer impact fees would be exhausted with the completion of the project. A bond would need to  
64 be taken out as well. Mayor McDonald asked if that amount included installing pressurized  
65 irrigation simultaneously with the sewer line. Mumford stated that amount did not include the  
66 irrigation, but in the end, money would be saved by including the pressurized irrigation in the  
67 project. Council Member Franco was concerned with bonding for this project. Anderson noted  
68 that future impact fees could not be pledged to pay back the loan, but sewer rates may need to be  
69 adjusted to pay the bond. Different funding options were discussed. With regard to pressurized  
70 irrigation, Anderson stated there were grants that would match City funds for this project. He  
71 was reluctant to start pressurized irrigation projects without first seeking these matching funds.

72  
73 Anderson asked the Council's opinion on showing the \$1.8 million for the sewer project in the  
74 budget and also showing a bond for \$500,000-\$600,000. The Council approved those funding  
75 options for this project. Regarding the pressurized irrigation project, Anderson indicated money  
76 had been set aside for this, but the money would need to be moved from this budget year to the  
77 2015-2016 budget.

78 Mumford next explained the 600 South project scheduled for this summer. He gave three project  
79 options and asked for the Council's opinion. After some discussion from the Council, Matt  
80 Parker of UDOT, indicated the minimum width for trails was 10 feet, due to people on  
81 skateboards, rollerblades, and strollers, and a narrower trail would be crowded. He stated this  
82 corridor could be extended to reach the rec center, the high school and the library. He also stated  
83 there would be additional maintenance costs associated with widening the road to include a bike  
84 lane, versus constructing a 10 foot sidewalk, which would not need to be replaced as often.

85  
86 3. Discuss Amending Heber City's Land Use Map  
87 2015 Land Use Map Amendment

88  
89 It was decided to continue the land use item until the next work meeting.

90  
91 4. Wes Bingham, Presentation of Financial Results for the Quarter Ending March 31, 2015  
92 March 31, 2015 Financial Results

93  
94 Bingham read his memo in the financial statement and summarized the report. He noted the fine  
95 revenue would likely come in at 80% of the estimate.

96  
97 Lightning struck the building, temporarily disrupting the Work Meeting. Upon returning from  
98 the Regular City Council Meeting, the following was discussed:

99  
100 With regard to the Airport Industrial Park sale, Anderson stated Three Strings requested the  
101 closing on the sale occur after the Council approved the zone change at the June 4 City Council  
102 meeting. The Council agreed to the delayed closing date. Anderson also proposed the allocation  
103 of the proceeds of the sale. The Council agreed to the proposed allocation. Anderson reviewed  
104 that the Utility Fund was projecting a loss and recommended a 15% rate increase, effective July,  
105 2015. The Council agreed to increase the fee 15%.

106  
107 Anderson stated that Mike Swallow would be presenting his findings with regard to the  
108 compensation study. He briefly explained that Swallow's study found that the lower pay grades  
109 were 6% higher than the average wage of other cities, but pay grades 21-26 were lower than  
110 average. It was indicated that the Restroom Remodel project bids had come in, and the low bid  
111 was \$41,812. The Council indicated they would support the higher budget. Council Member  
112 Franco asked that the budget be reworked to see the revenue streams to each department: where  
113 the revenue was coming in and how it was being spent, in order to see the gaps in fees charged.

114  
115 Council Member Potter asked if the Council was open to a small property tax increase to cover  
116 inflation. Council Member Patterson was in favor of a property tax increase. Council Member  
117 Franco was open to more discussion on the topic. Council Member Bradshaw felt a tax increase  
118 would cause the most complaints from the residents and might not be worth it. Council Member  
119 Franco thought with the other fee increases, a property tax might be assessing too much from the  
120 residents at this time. It was agreed to discuss it more during next year's budget process.

121  
122 With regard to the HB362 Draft Resolution, Anderson stated in talking with Mike Davis the  
123 County was not in favor of the tax. Council Member Franco asked to see the resolution with the



124 blanks filled in, specific to Heber City. Mayor McDonald asked that this be put on the next work  
125 meeting.

126  
127 2. Review Proposed Personnel Policy Changes

128  
129 Proposed Personnel Policy Changes

130  
131 Council Member Franco reviewed the proposed amendments to the Personnel Policy. She  
132 requested that “on the job” replace "compensable" for study time. She also requested that for the  
133 proposed Spanish speaking pay differential, “and approved by the City Manager” be included in  
134 the language. The Council agreed with those proposed changes.

135  
136 5. Update on the Public Safety Building

137  
138 Mumford noted that the building was being constructed a little ahead of schedule, and it was not  
139 anticipated that the project would go over budget.

140  
141 Anderson asked for direction for the 600 South project. The Council was in favor of having the  
142 sidewalk be as wide as possible with a bike lane in the street.

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Michelle Kellogg, City Recorder

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**Heber City Corporation  
City Council Meeting  
May 21, 2015  
7:07 p.m.**

**REGULAR MEETING**

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May 21, 2015, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

**Present:** Mayor Alan W. McDonald  
Council Members Robert Patterson  
Jeffery Bradshaw  
Heidi Franco  
Kelleen Potter

**Excused:** Council Member Erik Rowland

**Also Present:** City Manager Mark Anderson  
City Recorder Michelle Kellogg  
City Engineer Bart Mumford  
Planning Director Anthony Kohler  
Chief of Police David Booth  
City Attorney Mark Smedley

**Others Present:** Rob Heywood, Matt Parker, Jenny Dorsey, Nann Worel, Mike Tagliabue, Nathan Cox, Mel McQuarrie, Jim McIntyre, and others whose names were illegible.

Mayor McDonald opened the meeting and welcomed those in attendance.

**Pledge of Allegiance:** Council Member Heidi Franco

**Prayer:** Mayor Alan McDonald

**Minutes:** April 27, 2015 Special Meeting

Council Member Bradshaw moved to approve the above listed minutes. Council Member Patterson seconded the motion. Voting Aye: Council Members Patterson, Bradshaw, Franco, and Potter. Council Member Rowland was excused.

***OPEN PERIOD FOR PUBLIC COMMENTS***

Mayor McDonald asked if there were any in the audience that had comments for the Council that would not be addressed on the agenda. No comments were given.

1 **Nate Cox, Peoples' Health Clinic, Report on How the City's 2014 Donation Was Used:** Cox  
2 thanked the Council for the \$6,000 donation given last year. He talked about the increased usage  
3 from Heber residents at the clinic, and stated 94% of the clinic's patients were employed. He also  
4 spoke of the actual costs of the clinic compared to the payments made by patients. Nann Worel  
5 stated the clinic staff thought the patients would decrease substantially when the Affordable Care  
6 Act was enacted, but in reality, the visits only decreased by 20%.

7  
8 **Approve Modification of Cottages at Ranch Landing Development Agreement:** Mayor  
9 McDonald explained the amendment to the development agreement was to remove the  
10 requirement to build a fence along the border of the subdivision. Council Member Franco moved  
11 to approve the modification of the Cottages at Ranch Landing Development Agreement. Council  
12 Member Potter made the second.

13  
14 Voting Aye: Council Members Patterson, Bradshaw, Franco, and Potter. Council Member  
15 Rowland was excused.

16  
17 **Approve Ordinance 2015-08, an Ordinance Vacating a Portion of The Cove at Valley Hills**  
18 **Subdivision Located on the West Side of Valley Hills Boulevard:** Mayor McDonald stated all  
19 the requirements had been met by the developer. Council Member Bradshaw moved to approve  
20 Ordinance 2015-08, an ordinance vacating a portion of The Cove at Valley Hills Subdivision.  
21 Council Member Potter made the second.

22  
23 Voting Aye: Council Members Bradshaw and Potter. Voting Nay: Council Members Patterson  
24 and Franco. Since there was a tie vote, Mayor McDonald voted aye. The motion passed.

25  
26 **Coyote Development, Approve The Cove at Valley Hills Phase 1C, Located between 1772**  
27 **North Valley Hills Boulevard and Callaway Drive, and the Associated Development**  
28 **Agreement:** Council Member Potter asked if some mitigation could be put in to protect  
29 neighbors during construction. Anderson stated the Council had a right to discuss things that  
30 would be in the public interest, and thought it was a reasonable request to protect those homes  
31 during construction. Smedley advised including some appropriate language into the development  
32 agreement like requiring a debris fence or barrier that would facilitate holding back whatever  
33 was there. If something happened, the developer would have to come in and clean it up as often  
34 as necessary.

35  
36 Council Member Franco asked if the geotechnical study would absolve the City from any  
37 liability in the case of a landslide. Smedley stated language could be added that the City and the  
38 engineer would make some recommendations and if anything else was done, the developer  
39 would be liable. Mayor McDonald felt this item should be continued in order to add language to  
40 the development agreement.

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2 Council Member Franco asked Smedley to check with the North Salt Lake attorney and the  
3 Traverse Ridge attorney to see if there was anything the City could do to protect itself. Smedley  
4 agreed and advised the Council to approve the subdivision conditioned on specific amendments  
5 to the development agreement.

6  
7 Council Member Potter moved to approve The Cove at Valley Hills Phase 1C, and hold off on  
8 the plat recording until the Council addressed the safety of the surrounding neighbors, the  
9 liability issues facing Heber City, and preserving property values within the development  
10 agreement. Council Member Bradshaw made the second.

11  
12 Voting Aye: Council Members Bradshaw and Potter. Voting Nay: Council Members Patterson  
13 and Franco. Since there was a tie vote, Mayor McDonald voted aye. The motion passed.

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15 With no further business, the meeting was adjourned.

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19  

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Michelle Kellogg, City Recorder

# TAB 1

# Heber City Corporation

Budget Hearing Presentation

Fiscal Year

July 2015 – June 2016



75 North Main Street  
Heber City, Utah 84032  
435.834.0757



## Purpose Of Public Hearing

- Explain the Highlights of the 2015-16 Proposed Budget
- Take Public Comment on the following:
  - Proposed 2015-2016 Operating Budget
  - Proposed Schedule of Compensation for Statutory Employees
  - Proposed Contributions to Outside Agencies
  - Proposed Amendments to the 2014-2015 Budget

# General Fund Revenues

## Items of Significance

- Building Permit Revenue projected to be \$40,000 Lower in Fiscal Year 2015-16
- Sales Tax Continues to be the largest source of revenue in the General Fund. It is expected that sales tax revenue will grow between 6%-8% during the coming year.
- General Fund Surplus Needed to Balance Budget \$302,643. The remaining unappropriated surplus of \$1,131,279 represents approximately 14.35% of the general fund budget.

3

# Projected General Fund Balance

## HEBER CITY CORPORATION TENTATIVE OPERATING BUDGET JULY 1, 2015 - JUNE 30, 2016

	13-14 ACTUAL	14-15 BUDGETED	14-15 ESTIMATED	15-16 BUDGETED
TOTAL REVENUES	5,738,822	6,336,915	7,459,988	6,668,097
TOTAL EXPENSES	5,887,164	6,336,915	7,459,988	6,668,097
EXCESS REVENUES OVER EXPENDITURES	(148,342)	-	-	-
FUND BALANCE BEGINNING OF YEAR	1,922,663	1,460,392	1,773,025	1,433,922
APPROPRIATED SURPLUS	-	(404,668)	(58,898)	(302,643)
FUND BALANCE END OF YEAR	1,774,321	1,055,724	1,714,127	1,131,279
GENERAL FUND RESTRICTION PREPAID EXPENSES	-	-	-	-
DEBT SERVICE RESERVE	-	-	(180,205)	-
UNRESERVED GENERAL FUND BALANCE	\$ 1,773,025	\$ 1,055,724	\$ 1,433,922	\$ 1,131,279

4

## Proposed New Hires

The current budget anticipates the following hiring or increased allocation of manpower resources:

- Police Officer
- Network Administrator
- Part-Time Evidence Technician
- Increased Hours for Code Enforcement
- Increased Hours for Public Works Secretarial Support

5

## Employee Wages

Proposed Wage Increase (Impact on all Funds):

- 1% Cost of Living Allowance (COLA) to be Implemented in July 2015 (\$50,800).
- Merit Increase 2% to be Implemented in January 2016 (\$65,800). This increase will be allocated by department heads.

6

## Statutory Employee Wages

### Statutory Officers: Wage Ranges

	Annual Rate of Pay Range	
	Minimum	Maximum
• City Attorney	\$70,200	\$101,580
• Police Chief	\$70,200	\$101,580
• City Recorder	\$42,515	\$60,112
• City Treasurer	\$42,515	\$60,112

Statutory officers may have their compensation adjusted annually pursuant to the same process and utilizing the same measures used in adjusting compensation for the City's non-statutory employees. The above pay ranges represent a 1% shift in the pay scale.

7

## Health & Dental Insurance

- 2.9% Health Insurance Premium Increase (\$16,000).
- Increase in Heber City's Contribution to HSA (\$28,000).
- 13.1% Dental Insurance Premium Decrease (\$6,000).
- Vision Insurance Premium - No Change.

8

## Utah State Retirement Changes

- Public Employee Noncontributory Tier I rate remains the same at 18.47%.
- Public Employee Noncontributory Tier II rate decreases from 16.72% to 16.69%
- Public Safety Noncontributory Tier I rate remains the same at 34.04%.
- Public Safety Noncontributory Tier II rate remains the same at 23.83%.

9

## Contributions to Outside Agencies

• Cowboy Poetry	\$ 5,000
• Commemorative Air Force	\$ 1,500
• Memorial Day Program	\$ 2,000
• Children's Justice Center	\$ 5,000
• Farmer's Market Music	\$ 1,500
• People's Health Clinic	\$ 5,000
• Heber Valley Tourism and Economic Development	\$ 25,000
• Wasatch County (State High School Rodeo Finals)	<u>\$ 10,000</u>
Total Contributions	\$55,000

The City Council has determined to make the above contributions to the entities or activities listed. It is their determination that the activities benefit the City and citizens of Heber City.

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## General Fund Debt Service Payments

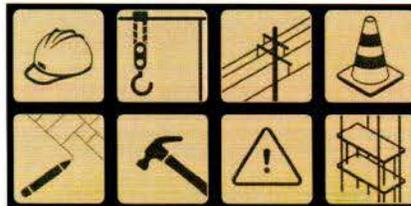
- 2011 Road Improvement Bond (\$292,203)
- 2014 Public Safety Building Bond (\$278,500)

The Road Improvement Bond is funded through Class C Road Funds & the Public Safety Bldg. Bond is funded by the General Fund.

11

## General Fund Major Capital Projects

- |                                    |              |
|------------------------------------|--------------|
| • Public Safety Building           | \$ 4,050,000 |
| • Public Works Addition            | \$ 1,000,000 |
| • Street CIP Improvements          | \$ 1,235,012 |
| • Main Street Splash Pad           | \$ 93,000    |
| • Downtown Visioning Study         | \$ 15,000    |
| • Redevelopment District Creation  | \$ 40,000    |
| • TDR Feasibility and Market Study | \$ 50,000    |



12

## Road Impact Fee Projects

- 1200 East – Center Street to 1200 South (\$582,000).
- 600 South – Main Street to 500 East (\$300,000).



Heber City has two Small Urban Grants from UDOT which will pay for \$2,000,000 of these projects.

13

## Water Fund Capital Items

### Items of Significance

- Public Works Addition (\$900,000). Total Project cost estimated at \$2,800,000. (Operating Funds)
- 500 South – Main Street to 400 East - 8" line (\$324,000). (CDBG \$150,000, \$174,000 Operating)
- 600 South Pressurized Irrigation Line (\$81,000 Impact Fees)
- Northwest Pressurized Irrigation Project – Source to West side of town. (\$250,000 Impact Fees)

14

## Water Fund Debt Payments

- 2013 Water Revenue Bond \$122,793



15

## Water Fund Rate Increase

- Culinary Water Rate Modification (January 2016)

The Budget Anticipates that Culinary Water Rates will be increased by 12.0% and Pressurized Irrigation Rates by 10% in January 2016. A Similar Increase is Anticipated for the Next Several Years.

16

## Sewer Fund Capital Items

- Northwest Pipe Line Highway 40 to 300 North (\$2,150,000) (Impact Fees)
- Public Works Addition (\$900,000). Total Project cost estimated at \$2,800,000.



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## Sewer Fund Rate Increase

- Sewer Rate Modification (July 2016)

The Budget Anticipates that Sewer Rates will be increased by 10.0% in July 2016. A Similar Increase is Anticipated for the Next Several Years.

18

## Utility Fund Rate Increase

- Utility Rate Modification (July 2016)

The Budget Anticipates that Utility Rates will be increased by 15.0% in July 2016.

19

## Internal Service Fund

- Proposed Purchases:
  - Half Ton Pickup Truck (3)\*
  - 2016 2 Ton Dump Truck\*
  - Two (2) SUV's –Replacements
  - One (1) SUV – Additional FTE
  - Equipment For SUV's
  - Ten (10) Body Cameras



Total Internal Service Fund Cost of Equipment                      \$224,450

\* Will be partially funded with Water and Sewer Funds

20

## Future Items that Need Addressed

- Social Hall Roof Replacement
- Vehicle Replacement Funding
- Pressurized Irrigation Expansion
- Downtown Redevelopment

21

## Council Action Required

- Adoption of the Proposed Budget (with any modifications the Council deems appropriate).
- Approval of Budget Amendments for the 2014-2015 Fiscal Year
- Adoption of a Certified Tax Rate

22

Resolution 2015-09

**A RESOLUTION ADOPTING A FINAL BUDGET FOR FISCAL YEAR  
2015-2016**

WHEREAS , the Utah State law requires that city budgets be adopted by resolution; and

WHEREAS, a public hearing was held on June 18, 2015, at the City Council's regularly scheduled meeting, complying with State law;

NOW THEREFORE, BE IT RESOLVED by the City Council of Heber City, Utah that:

SECTION 1. BUDGET ADOPTION. The following budget is hereby adopted as the 2015-16 Operating Budget for Heber City Municipal Corporation for the funds listed below:

Heber City Municipal Corporation:

General Fund	\$ 7,884,795
Water Fund	\$ 2,229,843
Sewer Fund	\$ 1,467,400
Airport Hangar Fund	\$ 11,820
Utility Fund	\$ 279,650
Capital Improvements Funds	\$ 5,930,500
Internal Service Fund	\$ 215,150
Debt Service	\$ 571,957
Perpetual Care	\$ <u>10,000</u>
<u>GRAND TOTAL</u>	\$18,601,115
Less Interfund Transfers	\$ <u>(702,598)</u>
TOTAL BUDGET	<u>\$17,898,517</u>

PASSED AND ADOPTED this the 18<sup>th</sup> day of June, 2015.

HEBER CITY MUNICIPAL CORPORATION

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

Attest:

\_\_\_\_\_  
Michelle Kellogg  
City Recorder

# TAB 2

Resolution 2015-10

**A RESOLUTION ADOPTING A CERTIFIED TAX RATE FOR FISCAL  
YEAR 2015-2016**

WHEREAS , the Utah State law requires that city budgets be adopted by resolution; and

NOW THEREFORE, BE IT RESOLVED by the City Council of Heber City, Utah that:

SECTION 1. \_\_\_\_\_ CERTIFIED TAX RATE ADOPTED. The property tax rate required for the Fiscal Year 2015-2016 adopted budget is as follows:

General Purposes	.001410
Total Tax Rate	.001410

HEBER CITY MUNICIPAL CORPORATION

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

Attest:

\_\_\_\_\_  
Michelle Kellogg  
City Recorder



# Certified Tax Rates



[Open Tax Rates Messenger](#)

Welcome: **Mark Anderson**  
[Change Password](#) [Logout](#)

View [Data Entry](#) [Reports](#) [Forms](#) [Administration](#)

County  Entity  Tax Year

## Tax Rate Summary (693) CTY

Preliminary Data

Certified Rates set by Auditor  
  Proposed Rates set by Entity  
  Proposed Rates Approved by County  
  Approved by State OK to Print  
  Rates Finalized

	Current	Prior Year End	CY - PYE	% Change	Certified Tax Rate Value Adjustments		Value Adj	
Real	879,972,827	774,275,196	105,697,631	13.65%	BOE Adjustment	8,317,983	Reappraisal	6,062,606
Personal*	24,849,110	24,302,061	547,049	2.25%	CY Value Adj by BOE	905,247,840	Factoring	28,908,120
Central	8,743,886	8,369,846	374,040	4.47%	5 Year Avg Coll Rate CY/PYE	94.28 / 92.64	Legislative Adj	0
<b>Total Value</b>	<b>913,565,823</b>	<b>806,947,103</b>	<b>106,618,720</b>	<b>13.21%</b>	<b>Proposed Tax Rate Value</b>	<b>853,467,664</b>	<b>Total Value Adj</b>	<b>34,970,726</b>
CDRA R/CA	0	0	0	0.00%	Annex Adj			
CDRA Personal*	0	0	0	0.00%	New Growth: Calculated	71,647,994	Annex In	0
<b>Total CDRA</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	5 Year Avg Coll Rate CY	94.28	Annex Out	0
Semiconductor*	0	0	0	0.00%	New Growth: CTR Calculation	67,549,729	Accounting Period	
<b>Total Value-CDRA-SCME</b>	<b>913,565,823</b>	<b>806,947,103</b>	<b>106,618,720</b>	<b>13.21%</b>	<b>Certified Tax Rate Value</b>	<b>785,917,935</b>	Cycle	Fiscal

\* "Personal" and "CDRA Pers" show Year-End values only and are one year earlier than Real and Centrally Assessed values.

NOTES

Budget Code	Budget Name	Date of Election	Rate Limit	Code from Utah Annotated	Maximum By Law	Calculated Certified Tax Rate	Auditor's Certified Tax Rate	Proposed Tax Rate	Auditor's Certified Rate Revenue	Requested Revenue
10	General Operations			§11-6-133	.007	0.001410	0.001410		1,203,389	
190	Discharge of Judgement			§59-2-1328 & 1330	Sufficient	0.000000			0	
	<b>Total Tax Rate</b>	C				0.001410	0.001410		1,203,389	

**TAB 3**

# Heber City Corporation

PUBLIC HEARING ON UNBILLED SERVICES FOR  
WATER, SEWER AND UTILITY FUNDS  
JUNE 18, 2015



## Why is a Public Hearing Required?

Section 10-6-135 of the Utah State Code requires Cities to hold a public hearing if the City intends to transfer monies or services from enterprise funds (Water, Sewer and Utility Funds) to other City funds. Because the City does not charge itself for Water, Sewer or Utility services a Public Hearing is required.

## Public Notice Given

Per Section 10.6.135 of the Utah State Code, notice is hereby given that the Heber City Council will hold a public hearing on Thursday, June 18 at 7:30 p.m. to discuss unbilled services provided by the Water, Sewer and Utility Enterprise Funds to the Heber City General Fund. The estimated value of the services the General Fund receives is as follows: Water \$29,600, Sewer \$1,100 and Utility \$1,700. Interested citizens are invited to attend the hearing and express support or opposition to the proposed practice.

\* Published in the June 2015 City Newsletter.

## Services Provided to the General Fund at No Charge

- ▶ Culinary Water to 8 buildings and 20 City owned properties/meters:
  - ▶ Value \$23,600
- ▶ Secondary Water to 9 City owned properties:
  - ▶ Value \$6,000
- ▶ Sewer to 8 City owned buildings:
  - ▶ Value \$1,100
- ▶ Utility/Storm Drainage Fees for City properties:
  - ▶ Value \$1,700



## Purpose of Public Hearing

- ▶ Allow the public to express support or opposition to the practice.
- ▶ Determine if the City Council wants to continue the practice.
- ▶ Because the value of the services is immaterial, the City is required to hold a public hearing, but no transfer of resources is required to be reflected in the City's financial statements.

# TAB 4

**There are no physical  
materials for this  
agenda item.**

# TAB 5

Heber City Council  
Meeting date: April 2, 2015  
Report by: Anthony L. Kohler

**Re: 2015 Landuse Map Amendment**

The Planning Commission has been debating the Strawberry Annexation. The Planning Commission, neighbors and those that are being brought into the city have struggled with the land uses identified in the General Plan for the area. There are 3 general areas identified on the attached map that are proposed for change.

The City has a business and manufacturing park zoning identified in the general plan around 2400 South Highway 40. Property owners in that area requested the city instead consider a commercial type land use.

Along Mill Road, neighbors to the Strawberry Annexation have asked that the city not repeat the streetscape at 600 South Mill Road, specifically the rear yards facing the street with 6-foot fences and unmaintained planter strips. The Planning Commission felt one way to promote a better streetscape and more open space in the area was to utilize the Planned Community land use rather than the low-density residential land use. In addition to promoting more open space, the Planned Community land use requires a mixture of housing types, and permits some commercial mixed uses.

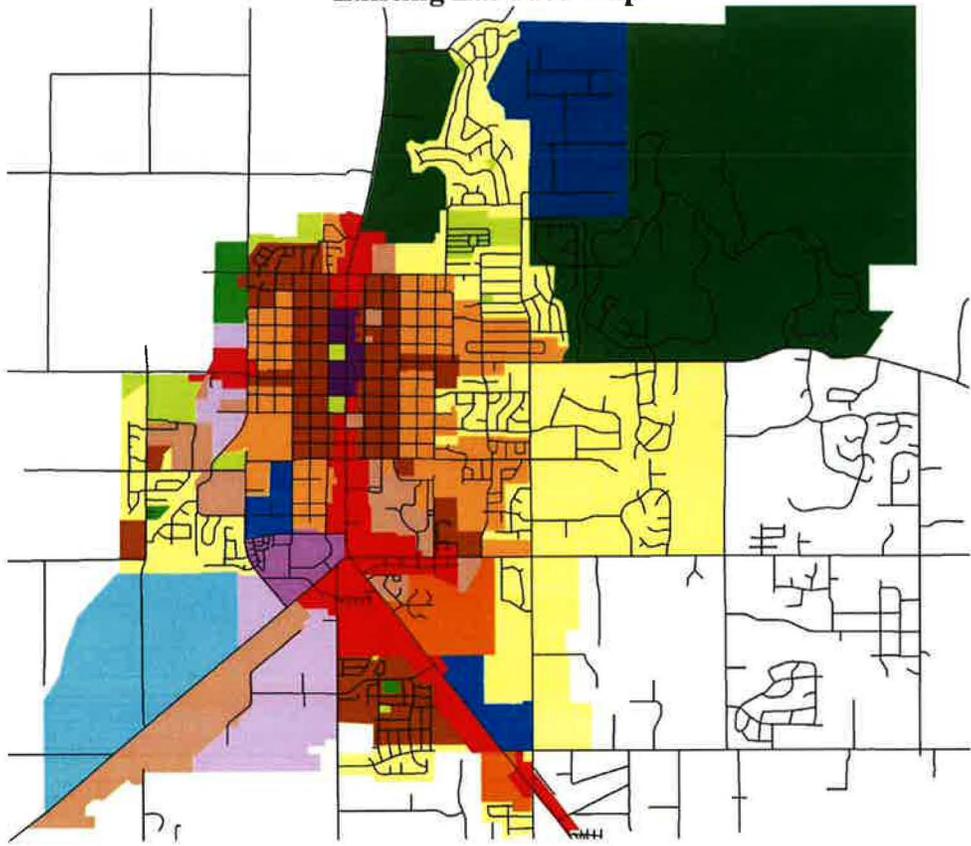
The city has a pending annexation north of Kings Department Store. The general plan designates the area as Planned Community. The Planning Commission is recommending that 30 acres be designated instead as Mixed Use to accommodate more commercial growth rather than residential. This is the same land use as the Valley Station development where Walmart resides.

Section 18.116.010 requires that all newly annexed land to be zoned consistent with the general plan. The proposed amendment will permit the pending annexations to be zoned in the manner consistent with the proposed amendment.

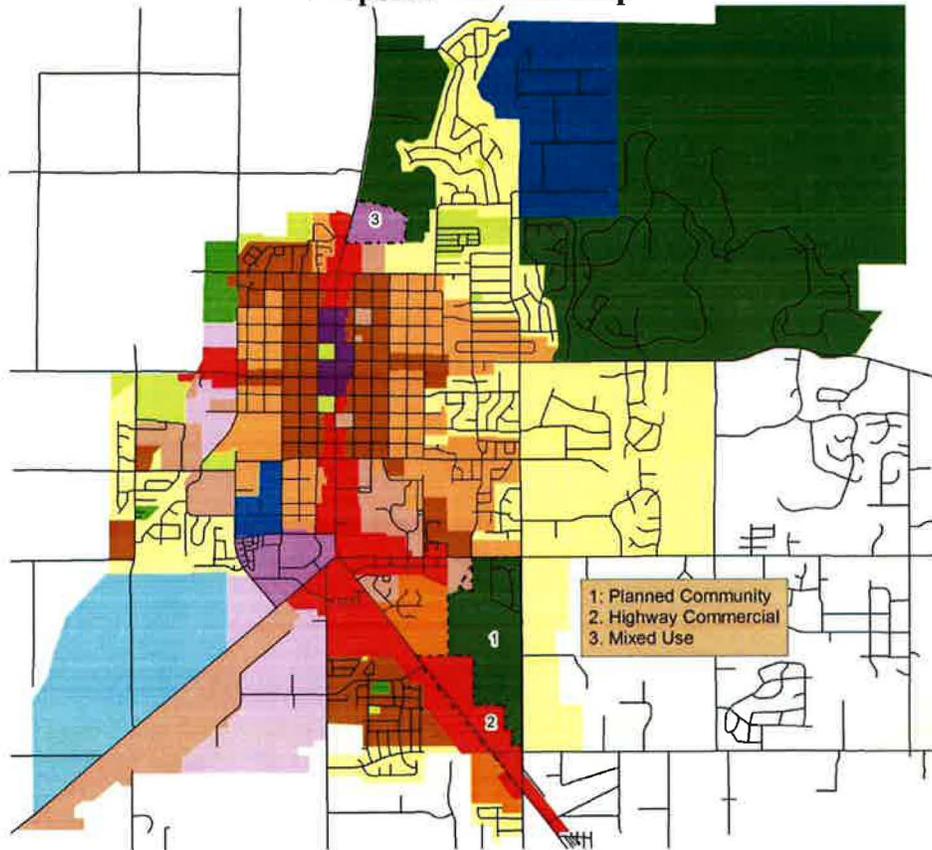
**RECOMMENDATION**

On March 12, 2015, the Planning Commission held a public hearing to consider an amendment to the Land Use Element of the General Plan, and provided a unanimous recommendation to the City Council for approval of the proposed amendment.

**Existing Landuse Map**



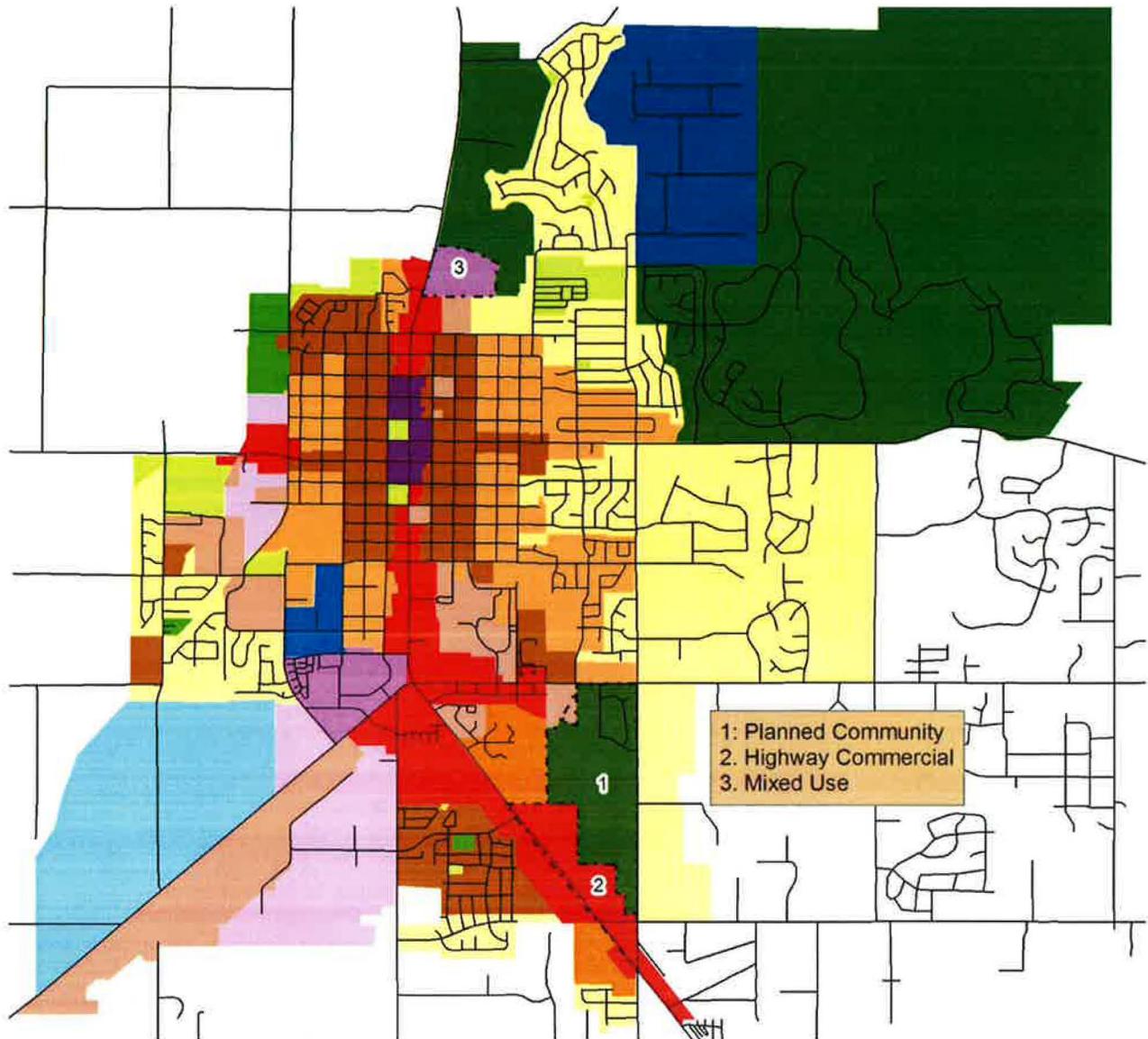
**Proposed Landuse Map**



ORDINANCE NO. 2015-\_\_\_\_\_

AN ORDINANCE AMENDING THE LAND USE MAP OF THE HEBER CITY GENERAL PLAN.

BE IT ORDAINED by the City Council of Heber City, Utah, that the Heber City GENERAL PLAN LAND USE MAP is **amended** as follows:



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 6

# MEMORANDUM OF AGREEMENT

## THREE STRING HOLDINGS, LLC – HEBER CITY CORPORATION

This Memorandum of Agreement ("Agreement") is made and entered into on the 3<sup>rd</sup> day of June 2015 by and between Three String Holdings, LLC, whose address is 875 South 600 West, Heber City, Utah 84032 ("Seller"); and Heber City Corporation, whose address is 75 North Main St., Heber City, Utah 84032 ("Buyer").

*Seller owns real property commonly described as a four and three quarters (4.75) acres parcel of vacant land located at approximately 1541 South Daniel Road, Heber City, Utah 84032 (hereinafter the "Property"). Buyer has requested the option to purchase the west border of the Property measuring 25.88 feet wide running from the northwest corner of the Property thence south 344.29 feet, thus 25.88 x 344.29 (hereinafter "Parcel 4") and has requested the option to purchase the south border of the Property measuring 40.0 feet wide running from the southwest corner of the Property thence east 563.73 feet, thus 40.0 x 563.73 (hereinafter "Parcel 3"). Seller has agreed to sell to Buyer said parcels. The purpose of this Agreement is to set forth the general terms, conditions, and structure of the above-named parties' agreement. To that end, they agree as follows:*

### I. The Property

A. The "Property" is a four and three quarter (4.75) acre parcel of real property commonly identified by a current address of 1541 South Daniel Road, Heber City, Wasatch County, Utah 84032 and more specifically described as per Record of Survey No. 2678 filed on March 13, 2015, as parcel 13-1586 as recorded in Wasatch County:

BEGINNING AT A POINT THAT IS S00°03'25"E 1333.99 FEET FROM THE NORTHWEST CORNER SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE S89°26'54"E 563.73 FEET ALONG EXISTING FENCE LINE;

THENCE S00°03'25"E 384.29 FEET;

THENCE N89°26'54"W 563.73 FEET;

THENCE N00°03'25"W 384.29 FEET TO THE POINT OF BEGINNING.

B. Seller has agreed to sell to Buyer Parcel 4 commonly identified per the attached as the 25.88 feet wide running from the northwest corner of the Property thence south 344.29 and agreed to sell to Buyer Parcel 3 commonly identified per the attached as the 40.0 feet wide running from the southwest corner of the Property thence east 563.73 feet.

### II. Sale Price

A. Seller has preliminarily established a price of \$300,000.00 per acre to prorate the square footage of the sale price determination for both of the 25.88 and the 40.0.

B. Should Buyer disagree with said price, Buyer may order, at Buyer's sole cost, an appraisal of the 25.88 and the 40.0 to facilitate good faith negotiations for price determination.

### III. Termination

A. This Agreement is valid until July 6, 2015 only.

MEMORANDUM OF AGREEMENT

B. The termination of this Agreement shall constitute a legally enforceable waiver of Buyer's right to acquire the 25.88 and 40.0.

IV. Third Party

A. Buyer acknowledges and understands that Buyer's actions herein contemplated shall in no way affect the entitlements afforded or to be afforded to the 3<sup>rd</sup> party purchaser of the Property.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year first above written.

**THREE STRING HOLDINGS, LLC**

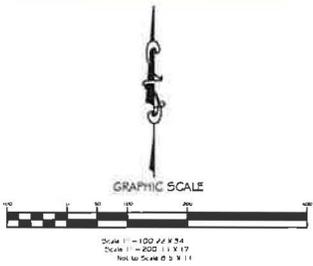
**HEBER CITY CORPORATION**

By:  \_\_\_\_\_

By: \_\_\_\_\_

Its: Authorized Representative \_\_\_\_\_

Its: \_\_\_\_\_



# Tab 7

Heber City Council  
Meeting date: June 18, 2015  
Report by: Anthony L. Kohler

**Re: TDR Program**

Attached is a draft memorandum of understanding and RFP for conducting a feasibility analysis for the TDR program. Midway, Heber City, and Wasatch County recently discussed this issue at the interlocal meeting. Tentatively, the TDR Committee has discussed a desire to have these documents approved late June or early July so the process can move forward.

The City Council discussed this at the last work meeting and asked for the item to return to the next regular meeting for approval. The Council asked for me and a Councilmember to serve on the Consultant RFP Board. The draft RFP was changed to include a presentation to the interlocal COG and to correct spelling errors.

**MEMORANDUM OF AGREEMENT**  
**between**  
**Wasatch County, Heber City Midway City and Mountainland Association of**  
**Governments (MAG)**  
**For**  
**A MARKET DEMAND ANALYSIS OF DEVELOPMENT RIGHT IN THE NORTH FIELDS**

WHEREAS, Wasatch County, Heber City, Midway City and MAG desire to preserve the rural agricultural heritage of Heber Valley and continue to conserve the North Fields while compensating North Fields landowners for their development rights and encouraging continuing agricultural production; and

WHEREAS, Wasatch County, Heber City, Midway City and MAG wish to enter into an AGREEMENT for this purpose, and they are the sole PARTIES to this AGREEMENT; and

WHEREAS, the PARTIES wish to commit resources to existing staff and recognize the importance of involving multiple discipline professionals in developing and advising policy makers on an approach ensuring Heber Valley's economic competitive advantage of retaining an Rural Agricultural Heritage, excellent quality of life and for other purposes important to the PARTIES; and

WHEREAS, the PARTIES recognize and acknowledge that staff and consultants with in-depth understanding of Funding, Finance, Zoning, Community Development, Engineering and experience in these sectors would greatly increase the capabilities of the PARTIES;

NOW, therefore, the PARTIES hereby AGREE to the following:

1. The PARTIES, together, pledge to encourage staff and policy makers to work with each other to solve problems that arise and agree that MAG will act as the Project Manager to facilitate the procurement, contracting and payment of a consultant.
2. The PARTIES, together, pledge to \$45,000 to be used to retain a real estate oriented financial advisory and consulting firm through a Request for Proposal process for the Scope of Services in Attachment A; and
3. The PARTIES will share the \$45,000 cost by providing funds to the project at MAG in the following amounts: MAG \$10,000 (Local Planning Assistance), Wasatch County \$15,000, Heber City, \$15,000 and Midway \$5,000; and
4. That this agreement is for the period of June 1, 2015 through June 1, 2016 and may be terminated by either of the PARTIES with at least thirty days written notice.

IN WITNESS WHEREOF, Wasatch County, Heber City, Midway City and MAG have executed this AGREEMENT on this date: \_\_\_\_\_

\_\_\_\_\_

Michael L. Kohler, Chair  
Wasatch County Council

\_\_\_\_\_

Mayor Alan McDonald  
Heber City

\_\_\_\_\_

Mayor Colleen Bonner  
Midway City

\_\_\_\_\_

Andrew Jackson, Executive Director  
Mountainland Association of Governments

*Wasatch County, Heber City and Midway City and Mountainland Association of Governments Market Demand Analysis Agreement*

**Attachment A & B**

# **Request for Proposals**

June 22, 2015

# **Wasatch Housing Market and TDR Study**

## TABLE OF CONTENTS

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## NOTICE TO CONSULTANTS

Mountainland Association of Governments (MAG) is soliciting the services of qualified firms/individuals to perform consulting services for the following project:

### Wasatch Housing Market and TDR Study

Agricultural preservation is a high priority to the residents of Wasatch County. In order to accomplish long term preservation, a complete understanding of housing demand, redevelopment potential and transferable development rights feasibility and valuation will be developed to aid local leaders in making better preservation decisions. This

project will produce a comprehensive feasibility analysis of the development of a TDR program within Wasatch County.

The budget for this study is \$40,000.00

### **Provide the Best Value for the Budget**

MAG has elected to procure a team to design and achieve the best project possible within the program budget. This will be accomplished through a Fixed-Price, Best-Design procurement approach. This approach gives the consultant a fixed price and encourages them to propose innovative and creative solutions for achieving the goals and realizing the values as set forth in this Request for Proposals.

**The successful proposer for the project will fully understand the project goals, values and expectations, and deliver a proposal that provides to the project stakeholders outstanding solutions within the available budget.**

## **PROJECT DESCRIPTION**

The purposes of this project are three-fold:

**ONE** -This study will review housing market demand on a regional scale that includes Summit County to better understand the future demand for housing types that will affect Wasatch County.

- Market demand for housing by type (Single Family, townhome, condominiums, and various higher density multi-family homes (including owner vs rental) within the entire study area.
- Analyze housing demand and market interaction between Wasatch County and other Wasatch Back communities.
- Redevelopment potential and feasibility within identified TDR receiving zones given redevelopment costs and TDR costs, and identification of zoning standards such as density, building height, parking, etc. that may pertain to feasibility of redevelopment

**TWO** - The project will analyze the feasibility of and potential success of developing an interjurisdictional TDR program within Wasatch County.

- Refine TDR sending and receiving zones within the study area.

- Estimate the potential number of development rights that could be transferrable within those areas.
- Develop a value for each TDR and an exchange rate.
- Analysis of the market feasibility of using interjurisdictional TDRs within Wasatch County.

**THREE** – Identify barriers that would inhibit and future actions that will create an environment where TDR program could be successful.

**Proposers should pay thorough attention to the guiding Project Values and Expectations as follows:**

### **Project Values and Expectations**

- Recognize the intended TDR program is a multi-jurisdictional effort
- Create mapping and documents that clearly explain the analysis to stakeholders and in formats that are useful to the jurisdictions, web-accessible and easily distributed.
- Conduct analysis and evaluations without predetermined outcomes or influences.
- Establish clear conclusions to project objectives.

## **PROCUREMENT PROCESS**

MAG intends to enter into an agreement with a firm to provide professional services as described.

MAG will award the Contract to the Proposer with the apparent best value after the final contract has been successfully negotiated. If no final agreement is reached between MAG and the Proposer with the apparent best value proposal, MAG reserves the right to negotiate a Contract with the Proposer with the second highest score.

### **I. Request for Proposal Documents**

The Request for Proposal (RFP) documents, including the submittal requirements and the selection criteria and schedule, will be available in electronic format on the Mountainland web site at **[www.mountainland.org](http://www.mountainland.org)**.

MAG reserves the right to reject any or all submittals or to waive any formality or technicality in any submittal in the interest of the organization.

### **II. Contact Information**

Except as authorized by the Mountainland representative or as otherwise stated in the RFP, communication during the selection process shall be directed to the specified Mountainland representative. In order to maintain the fair and equitable treatment of everyone, consultants shall not unduly contact or offer gifts or gratuities to Mountainland, any board officer, or employee of Mountainland, or selection committee members in an effort to influence the selection process or in a manner that gives the appearance of influencing the selection process. This prohibition applies before the RFP is issued, through selection and Request for Proposals, as the project is developed, and extends through the award of an agreement. Failure to comply with this requirement may result in a disqualification in the selection process. Consultants should be aware that selection committee members will be required to certify that they have not been unduly influenced by any of the proposers in an attempt to influence the selection process.

All communications regarding this project shall be directed to:

Robert Allen, AICP, Project Manager

Mountainland Metropolitan Planning Organization  
586 East 800 North  
Orem, UT 84097  
t.801/229-3813  
f.801/229-3801  
rallen@mountainland.org

### **III. Questions and Requests for Clarification**

The Proposers may submit questions or formal requests for clarification on the RFP in writing until the submittal date via email at the contact address. All responses to requests for clarification will be in writing and such requests and clarifications will be posted on the Mountainland website.

### **IV. Submittal Due Dates and Times**

Three hard copies and one electronic copy in PDF format of all required submittals must be delivered to Mountainland MPO no later than **3:00 pm, Thursday, July 9, 2015**. Submittals received after the specified time will not be accepted. Please allow adequate time for delivery. If using a courier service, the submitting firm is responsible for ensuring that delivery will be made directly to the required location.

**PDF documents must have permissions enabled for comments and printing.**

### **V. Proposal Documents**

Each Response to this RFP shall consist of the following:

1. Listing of Past Performance and References (not to exceed 1 page)
2. Management Plan, Project Schedule, and Statement of Qualifications ( not to exceed 3 pages)
3. Project Proposal (not to exceed 9 pages)
4. Contact information for the responsible party.

#### **1. Past Performance and References**

The Past Performance of all Proposers shall be considered in the selection process. Each consultant shall submit a listing of client references on three similar projects completed within the past five years. Include contact information and a one paragraph description for each project.

## 2. Management Plan

Firms will be required to develop and submit a plan demonstrating how they will manage their responsibilities, identifying risks, and how risks will be mitigated. An organization chart showing the roles and responsibilities of all pertinent decision-makers is a required part of the PROPOSAL.

Address quality control, project specific criteria, risks that have been identified by the RFP and additional risks that the team has identified. State how those risks will be mitigated.

As part of the management plan include your proposed project schedule. Indicate critical dates and other information in sufficient detail for the selection committee to determine if the time frames are reasonable.

The management plan should be concise yet contain sufficient information for evaluation by the selection committee.

### 2a. Statement of Qualifications

The submitting firm shall include in the management plan a Statement of Qualifications, a **brief** document that indicates the experience and qualifications of the firm, the project manager and other critical members of the team. It describes what talents their team brings to the project, how their knowledge of the subject will provide benefit to the process, how the team has been successful in the past and how that relates to this project.

It should include information on similar projects that have been completed by the firm, project manager and other team members. Include the experience and special qualifications that are applicable to this project and/or are part of the project specific selection criteria.

## 3. Project Proposal

Each project proposal shall address the following Scope of Work requirements.

## Scope of Work

### Work Tasks and Deliverables

The majority of effort is anticipated to be focused on analyzing housing market demand in the region and the feasibility of using a TDR program within the Heber Valley.

The CONSULTANT will provide professional services to accomplish all specific work tasks, **plus all additional work tasks, to be proposed by the consultant**, leading to the preparation, submittal, and approval of the final study document.

**The specific work tasks shown below are the *minimum required***, and are intended to provide guidance in preparing the proposal. Consultants are encouraged and expected to respond to this RFP with a proposal that includes additional tasks, further defined task details, and a work plan and approach necessary to accomplish each task and do so in accordance with the Project Values and Expectations as stated above.

The CONSULTANT shall provide all required labor, equipment, tools, and facilities necessary to complete the required work, including but not limited to the following:

- Understand market demand for housing by type (single family, townhome, condominiums, and various higher density multi-family homes (including owner vs rental) within the entire study area.
- Analyze housing demand and market interaction between Wasatch County and other Wasatch Back communities.
- Understand redevelopment potential and feasibility within identified TDR receiving zones given redevelopment costs and TDR costs, and identification of zoning standards such as density, building height, parking, etc. that may pertain to feasibility of redevelopment.
- Refine TDR sending and receiving zones within the study area.
- Estimate the potential number of development rights that could be transferrable within those areas.
- Develop a value for each TDR an exchange rate.
- Analysis of the market feasibility of using interjurisdictional TDRs within Wasatch County.
- Final Project Report Document, including paper and digital copies of final reports for each stakeholder, and presentation of final report to the Interlocal Council of Governments

## **Final Scope of Work**

The Final Scope of Work document shall be negotiated and executed prior to the start of work. Should MAG and consultant be unable to come to a negotiated agreement, the contract may be negotiated and award to the second highest scoring proposal.

### **VI. Selection Criteria for Professional Services**

The following criteria will be used in ranking each of the teams. The team that is ranked the highest will represent the best value for MAG. The criteria are not listed in any priority order. The selection committee will consider all criteria in performing a comprehensive evaluation of the proposal. Weights have been assigned to each criterion in the form of points.

A. **AOG Past Performance Rating 10 Points** Each prime firm will be given a past performance rating. The rating will be based on the performance of the firm in completion of the three previous projects as submitted in the Management Plans and Proposal.

B. **Project Proposal 45 Points** The merits of each Project Proposal will be evaluated by the selection committee in relation to the following:

1. **Apparent understanding of the Project Goals and Values** – How well has the proposer demonstrated a thorough understanding of the issues and concerns embodied in the Project Goals and Values?

2. **Comprehensiveness of the response to the RFP** – Has the proposal properly addressed each of the requirements and suggestions identified within the RFP, and paid adequate attention to each element?

3. **Creativity and Professionalism** - Has the proposer demonstrated both creativity and a professional approach to addressing the issues and needs identified in the RFP? Are the proposals realistic and attainable?

C. **Strength of Team and Management 30 Points** Based on the proposals, the interview, and management plan, the selection team shall evaluate the expertise and experience of the team and the project lead as it relates to this project in size, complexity, quality, duration, etc. Consideration will also be given to the strength brought to the team by critical consultants including how they were selected and the success the team has had in the past in similar projects

D. **Schedule 10 Points** The consultant's schedule will be evaluated as to how well it meets the objectives of the project. The consultant shall identify in the project

schedule all major work items with start and stop dates that are realistic and critical. The completion dates shown on the schedule will be used in the contract. A Critical Path or similar schedule approach is preferred.

E. **Local Knowledge 10 Points** The consultant's knowledge of the local and regional plans for the area and their past involvement with jurisdictions in the area will be evaluated as to how well issues of the area are known.

**TOTAL POSSIBLE: 105 POINTS**

## **VII. Selection Committee**

The Selection Committee will be composed of individuals from stakeholder groups.

## **VIII. Interviews**

The selection committee may require interviews to be conducted with all firms who have met all of the requirements, but holds the right to decline holding interviews. If the committee decides to hold interviews, they may convene to develop a short list of firms to be invited to interviews. This evaluation will be made using the selection criteria noted below based on the information provided by the Proposal, Past Performance/References, Management Plan and Statement of Qualifications.

The purpose of the interview is to allow the firm to present its qualifications, past performance, management plan, schedule and general plan for accomplishing the project. It will also provide an opportunity for the selection committee to seek clarifications from the firm.

The proposed primary project management personnel, including the project manager, should be in attendance. The project manager is the firm's representative who has overall job authority, will be in attendance at all job meetings, and is authorized by the firm to negotiate and sign any and all change orders in the field, if necessary. Unless otherwise noted, the attendance of sub-consultants is at the discretion of the firm.

The method of presentation is at the discretion of the firm. The interviews will be held on the date and at the place TBD.

## **IX. Form of Agreement**

At the conclusion of negotiations, the selected consultant will be required to enter into an agreement using the available form of the Professional Services Agreement.

**X. Licensure**

The consultant shall comply with and require its sub-consultants to comply with the license laws of the State of Utah.

# Tab 8

# HEBER CITY CORPORATION

## STAFF REPORT

<b>MEETING TYPE:</b> Regular Council Meeting	<b>MEETING DATE:</b> June 4, 2015
<b>SUBMITTED BY:</b> Bart L Mumford	<b>FILE NO:</b> 08043
<b>APPROVED BY:</b> Mark K. Anderson	
<b>SUBJECT:</b> 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.

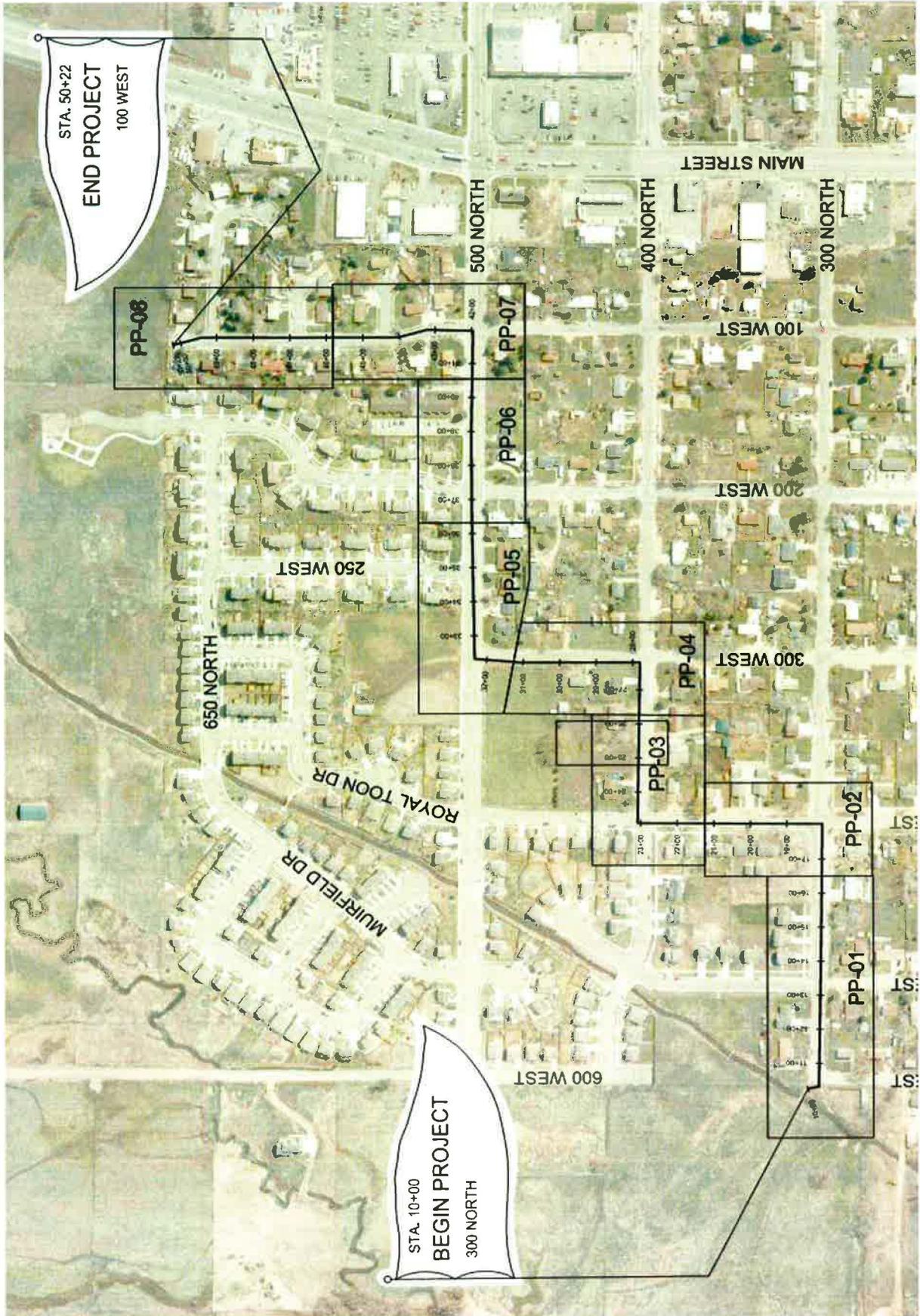
The pressurized irrigation portion of this project is funded 100% from Water Fund impact fees allocated for this purpose. The FY16 budget would need to be increased to \$250,000 for engineering and construction. Currently the City has these funds available in collected fees to fund the project.

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

**LEGAL IMPACT**

None

# PROJECT LOCATION



**BID TAB**

**Heber City 2015 Northwest Sewer Improvements - 5/27/15**

No.	Item Description	Qty Bid	Unit	Engineers Estimate		Geneva Rock		Any Hour Inc.		Condie Construction		B Jackson Construction		
				Unit Bid Price	Amount	Unit Bid Price	Amount	Unit Bid Price	Amount	Unit Bid Price	Amount	Unit Bid Price	Amount	
				Dollars	Dollars	Dollars	Dollars	Dollars	Dollars	Dollars	Dollars	Dollars	Dollars	
1	Mobilization (10%)		LS	1			\$128,000.00		\$204,695.00		\$280,000.00		\$130,000.00	
2	Traffic Control		LS	1	\$20,000.00	\$20,000.00	\$13,700.00	\$13,700.00	\$8,000.00	\$8,000.00	\$173,500.00	\$173,500.00	\$96,050.00	\$96,050.00
3	Bypass Pumping		LS	1	\$20,250.00	\$20,250.00	\$78,800.00	\$78,800.00	\$90,000.00	\$90,000.00	\$135,000.00	\$135,000.00	\$31,730.00	\$31,730.00
4	Dewatering		LF	4,021	\$6.00	\$24,126.00	\$22.50	\$90,472.50	\$52.25	\$210,097.25	\$86.50	\$347,816.50	\$54.00	\$217,134.00
5	60 Day Sewer Video Inspection		LF	2,795	\$5.00	\$13,975.00	\$1.20	\$3,354.00	\$8.25	\$23,058.75	\$0.70	\$1,956.50	\$0.45	\$1,257.75
6	18" PVC SP-115 Sewer Pipe		LF	4,021	\$95.00	\$381,995.00	\$248.44	\$998,977.24	\$215.34	\$865,882.14	\$175.00	\$703,675.00	\$237.00	\$952,977.00
7	21" PVC SP-115 Sewer Pipe		LF	23	\$100.00	\$2,300.00	\$300.00	\$6,900.00	\$228.83	\$5,263.09	\$155.00	\$3,565.00	\$282.00	\$6,486.00
8	Pothole Existing Utilities		EA	60	\$300.00	\$18,000.00	\$309.00	\$18,540.00	\$275.00	\$16,500.00	\$175.00	\$10,500.00	\$603.00	\$36,180.00
9	48" Precast Concrete Sewer Manhole		EA	7	\$3,500.00	\$24,500.00	\$7,200.00	\$50,400.00	\$13,220.00	\$92,540.00	\$5,120.00	\$35,840.00	\$7,291.00	\$51,037.00
10	60" Precast Concrete Sewer Manhole		EA	5	\$4,500.00	\$22,500.00	\$7,500.00	\$37,500.00	\$13,570.00	\$67,850.00	\$4,020.00	\$20,100.00	\$8,566.00	\$42,830.00
11	60" Precast Drop Concrete Sewer Manhole		EA	7	\$5,200.00	\$36,400.00	\$9,700.00	\$67,900.00	\$14,320.00	\$100,240.00	\$11,400.00	\$79,800.00	\$13,740.00	\$96,180.00
12	Core Drill Existing Manhole		EA	1	\$1,300.00	\$1,300.00	\$405.00	\$405.00	\$1,425.00	\$1,425.00	\$1,500.00	\$1,500.00	\$754.00	\$754.00
13	Sewer Lateral Reconnection to New Pipe		EA	23	\$1,200.00	\$27,600.00	\$2,550.00	\$58,650.00	\$1,575.00	\$36,225.00	\$2,350.00	\$54,050.00	\$3,580.00	\$82,340.00
14	Sewer Lateral Reconnection to New Pipe House #1		LS	1	\$2,000.00	\$2,000.00	\$2,350.00	\$2,350.00	\$1,705.00	\$1,705.00	\$4,400.00	\$4,400.00	\$5,818.00	\$5,818.00
15	Sewer Lateral Reconnection to New Pipe House #2		LS	1	\$5,000.00	\$5,000.00	\$2,600.00	\$2,600.00	\$4,090.00	\$4,090.00	\$8,000.00	\$8,000.00	\$15,000.00	\$15,000.00
16	Pipe Stabilization		CY	589	\$32.00	\$19,168.00	\$55.00	\$32,945.00	\$26.40	\$15,813.60	\$31.00	\$18,569.00	\$31.00	\$18,569.00
17	Import Fill Material for Sewer Line Installation		TON	32,289	\$13.25	\$427,961.75	\$4.30	\$138,885.70	\$12.60	\$406,967.40	\$12.00	\$387,588.00	\$15.50	\$500,634.50
18	Asphalt Pavement Repair		SF	104,806	\$2.50	\$262,015.00	\$1.85	\$193,891.10	\$3.35	\$351,100.10	\$3.15	\$330,138.90	\$3.10	\$324,898.60
19	UBC - Untreated Base Course (Shoulder & Gravel Driveway Repair)		TON	175	\$20.00	\$3,500.00	\$30.00	\$5,250.00	\$28.60	\$5,005.00	\$30.00	\$5,250.00	\$25.50	\$4,462.50
20	Pavement Marking Paint		GAL	5	\$25.00	\$125.00	\$60.00	\$300.00	\$225.00	\$1,125.00	\$85.00	\$425.00	\$3,000.00	\$15,000.00
21	3'x6' Concrete Storm Drain Box and Piping		LS	1	\$10,000.00	\$10,000.00	\$8,300.00	\$8,300.00	\$7,385.00	\$7,385.00	\$12,150.00	\$12,150.00	\$9,572.00	\$9,572.00
22	Abandonment and Disposal of Sewer Manhole and Piping @ Muirfield		LS	1	\$15,000.00	\$15,000.00	\$2,700.00	\$2,700.00	\$1,725.00	\$1,725.00	\$8,500.00	\$8,500.00	\$2,131.00	\$2,131.00
23	Support or Relay Existing Utilities		LF	662	\$20.00	\$13,240.00	\$81.50	\$53,953.00	\$18.25	\$12,081.50	\$54.05	\$35,781.10	\$92.50	\$61,235.00
24	Clay Dams		EA	8	\$800.00	\$6,400.00	\$1,200.00	\$9,600.00	\$1,700.00	\$13,600.00	\$915.00	\$7,320.00	\$1,228.00	\$9,824.00
25	Concrete Cross Gutter Repair		SF	340	\$25.00	\$8,500.00	\$12.00	\$4,080.00	\$4.50	\$1,530.00	\$17.00	\$5,780.00	\$12.50	\$4,250.00
26	8" PVC SDR-35 Sewer Pipe		LF	40	\$60.00	\$2,400.00	\$185.00	\$7,400.00	\$31.00	\$1,240.00	\$89.40	\$3,576.00	\$295.00	\$11,800.00
<b>Subtotal</b>						\$1,383,894.73		\$2,015,853.54		\$2,545,143.83		\$2,674,781.00		\$2,728,150.35
<b>ADDITIVE ALTERNATIVES</b>														
A11	60" Precast Concrete Sewer Manhole Station 10+00.00		LS	1	\$4,500.00	\$4,500.00	\$7,000.00	\$7,000.00	\$13,490.00	\$13,490.00	\$7,000.00	\$7,000.00	\$7,651.00	\$7,651.00
A12	6" PVC		LF	1,197	\$30.00	\$35,910.00	\$46.00	\$55,062.00	\$33.85	\$40,518.45	\$29.65	\$35,491.05	\$55.00	\$66,835.00
A13	8" PVC		LF	1,299	\$35.00	\$45,465.00	\$49.50	\$64,300.50	\$37.50	\$48,712.50	\$35.25	\$45,789.75	\$63.50	\$82,486.50
A14	6" Gate Valve		EA	4	\$1,100.00	\$4,400.00	\$1,600.00	\$6,400.00	\$1,215.00	\$4,860.00	\$1,630.00	\$6,520.00	\$1,009.00	\$4,036.00
A15	8" Gate Valve		EA	3	\$1,700.00	\$5,100.00	\$2,000.00	\$6,000.00	\$1,815.00	\$5,445.00	\$2,015.00	\$6,045.00	\$1,442.00	\$4,326.00
A16	Irrigation Service Single Lot		EA	2	\$1,200.00	\$2,400.00	\$1,600.00	\$3,200.00	\$1,135.00	\$2,270.00	\$1,100.00	\$2,200.00	\$1,658.00	\$3,316.00
A17	Irrigation Service Two Lots		EA	10	\$1,800.00	\$18,000.00	\$2,200.00	\$22,000.00	\$1,820.00	\$18,200.00	\$1,835.00	\$18,350.00	\$2,056.00	\$20,560.00
A18	Irrigation Service Single Lot - Short		EA	3	\$1,200.00	\$3,600.00	\$1,250.00	\$3,750.00	\$1,065.00	\$3,195.00	\$950.00	\$2,850.00	\$1,610.00	\$4,830.00
A19	Irrigation Service Single Lot - Long		EA	1	\$1,800.00	\$1,800.00	\$1,600.00	\$1,600.00	\$1,465.00	\$1,465.00	\$1,115.00	\$1,115.00	\$1,646.00	\$1,646.00
A110	Irrigation Service Two Lots - Short		EA	5	\$1,800.00	\$9,000.00	\$1,700.00	\$8,500.00	\$1,530.00	\$7,650.00	\$1,700.00	\$8,500.00	\$2,040.00	\$10,200.00
A111	Irrigation Service Two Lots - Long		EA	6	\$2,000.00	\$12,000.00	\$2,000.00	\$12,000.00	\$1,915.00	\$11,490.00	\$1,825.00	\$10,950.00	\$2,048.00	\$12,288.00
A112	4" Irrigation Drain Line		EA	1	\$4,500.00	\$4,500.00	\$4,000.00	\$4,000.00	\$1,950.00	\$1,950.00	\$2,565.00	\$2,565.00	\$2,687.00	\$2,687.00
A113	Asphalt Patching for Laterals		LF	965	\$4.00	\$3,860.00	\$6.05	\$5,838.25	\$8.25	\$7,961.25	\$0.00	\$0.00	\$3.00	\$2,895.00
A114	4" Conduit Under Existing Sidewalk		SF	16	\$200.00	\$3,200.00	\$140.00	\$2,240.00	\$575.00	\$9,200.00	\$280.00	\$4,480.00	\$40.00	\$640.00
<b>ADDITIVE ITEMS</b>														
AA1	42" RCP Storm Drain Pipe with End Section and Rip Rap		LS	1	\$10,000.00	\$10,000.00	\$9,200.00	\$9,200.00	\$10,570.00	\$10,570.00	\$1,000.00	\$1,000.00	\$14,000.00	\$14,000.00
<b>Subtotal</b>						\$163,735.00		\$211,090.75		\$186,977.20		\$152,855.80		\$237,396.50
Total Bid Schedule (Total of Base Bid Items plus Additive ITEMS plus Additive Alternative items)				<b>TOTAL BID</b>	<b>\$1,547,629.73</b>	<b>TOTAL BID</b>	<b>\$2,226,944.29</b>	<b>TOTAL BID</b>	<b>\$2,732,121.03</b>	<b>TOTAL BID</b>	<b>\$2,827,636.80</b>	<b>TOTAL BID</b>	<b>\$2,965,546.85</b>	

LOW BID

# Tab 9

SUBDIVISION AGREEMENT  
AND  
COVENANT RUNNING WITH THE LAND  
Amsource 6<sup>th</sup> and Main Commercial Subdivision

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between Heber City (the "City") and Amsource of Utah, LLC (the "Developer").

WHEREAS, the Developer has proposed a plat for a 7 lot subdivision, Amsource 6<sup>th</sup> and Main Commercial Subdivision, located within the C-2 Commercial Zone in Heber City;

NOW, THEREFORE, the Parties hereby agree as follows:

**1. Improvements.**

**a. Developer shall replace:**

- i.** sidewalk along Main Street to the current 5 foot standard width with the sidewalk edges located at the property line. Sidewalk shall be constructed at an elevation resulting in a slope within the planter strip not to exceed 2% as measured from the curb to the sidewalk;
- ii.** existing cobra head street lighting with Heber City Standard decorative acorn street light;
- iii.** all overhead power and utility lines along Main Street frontage and 600 South frontage with buried utility lines; and
- iv.** remove the concrete planter strip along Main Street for future landscaping;

**b. Developer shall construct:**

- i.** 5 foot wide sidewalks connecting buildings to the public street sidewalk;
  - ii.** water and sewer laterals to each lot as required by the city engineer; and
  - iii.** fire hydrant as per city standard;
- c. 785 South.** Developer shall enter into a written agreement with Wasatch School District about the use and maintenance of 785 South;

**2. Common Area.** Developer shall record with the Subdivision plat the appropriate devices to create and maintain a property owners association capable of collecting dues to maintain the private common areas within the subdivision, including the storm drains, utilities, parking, private roads, landscaping, and signs, etc.;

**3. Plat.** Final plat shall:

- a. provide easements to the city for any necessary water and sewer mains; and
  - b. designate the address of each lot;
4. Prior to issuance of building permits in the subdivision, Developer shall submit:
  - a. An updated traffic study, if the proposed use for that particular lot is different than that anticipated in the traffic study conducted by AWA and dated February 25, 2015 as;
  - b. Improvement plans including a utility plan and storm water plan; and
  - c. a letter of approval from UDOT.
5. **Water Rights.** With respect to Exhibit A (the approved final subdivision plat), the developer shall transfer to the City all required diversion water rights necessary for development of each lot prior to issuance of a building permit for each lot.
6. Infrastructure improvement costs shall be paid by, and be the sole responsibility of, the Developer, their assigns, transferees or successors as owners or developers except as outlined above.
7. Developer shall execute a performance agreement and provide a cash bond or letter of credit acceptable to the City to guarantee completion of the City's public improvements.
8. Developer shall provide City with a noxious weed control plan approved by the Wasatch County Weed Control Board prior to recording the subdivision plats and implement approved measures prior to project acceptance by the City.
9. Upon the full and complete performance of all of the terms and conditions of this Agreement by the Developer, their assigns, transferees or successors, and upon the City's approval of the improvements and acceptance of the subdivision as complete, which shall not be unreasonably withheld, the City agrees to take over and assume responsibility for those areas shown on the recorded subdivision plats as dedicated to the public and begin issuing building permits. The City agrees to maintain such public improvements without assessment for the construction of improvements as set out in the plans and specifications. Nothing contained herein shall be construed in any way to render the City liable for any charges, costs, or debts for material, labor, or other expenses incurred in the initial making of these public improvements.
10. This Agreement contains the entire agreement between the Parties, and no statement, promise or inducement made by either

party hereto, or agent of either party hereto which is not contained in this written Agreement shall be valid or binding. This Agreement may not be enlarged, modified or altered except in writing approved by the Parties.

11. This Agreement shall be a covenant running with the land, and shall be binding upon the Parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder.

12. In the event there is a failure to perform under this Agreement and it becomes reasonably necessary for either party to employ the services of an attorney in connection therewith (whether such attorney be in-house or outside counsel), either with or without litigation, on appeal or otherwise, the prevailing party in the controversy shall be entitled to recover its reasonable attorney's fees incurred by such party and, in addition, such reasonable costs and expenses as are incurred in enforcing this Agreement.

IN WITNESS WHEREOF, the Parties hereto have hereunto set their hands the day and year this agreement was first above written.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

HEBER CITY:

By: \_\_\_\_\_  
Alan McDonald, Mayor

ATTEST:

\_\_\_\_\_  
Heber City Recorder

Amsource, Developer:

By: \_\_\_\_\_  
Amsource

STATE OF UTAH            )  
                                  : ss.  
COUNTY OF WASATCH    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, personally appeared before me the above named authorized representative of Developer, who duly acknowledged to me that Developer is the owner in fee of the land in Amsource 6<sup>th</sup> and Main Commercial Subdivision and executed the same as such.

---

NOTARY PUBLIC

## ***Boundary Description***

*Beginning at a point of the Southern edge of asphalt of 600 South Street, Heber City, Utah, said point lying North 2691.13 feet and West 1798.92 feet from the South Quarter Corner of Section 5, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence South 00°34'24" West 770.39 feet; thence South 77°27'03" West 6.13 feet; thence North 89°43'00" West, 355.09 feet; thence North 84°39'11" West 90.91 feet; thence North 89°21'47" West 83.77 feet to the beginning of a tangent curve to the right, with a radius of 6.00 feet; thence along said curve a distance of 9.40 feet; through a central angle of 89°48'21" (Chord bears North 44°27'36" West 8.47 feet); thence along the Eastern right-of-way line for U.S. Highway 40 North 00°26'35" East 531.61 feet; thence along the boundary of the Old WHS Redevelopment Phase 1 Plat the following three (3) Courses: (1) South 89°40'14" East 135.53 feet, (2) South 89°29'35" East 100.00 feet, (3) North 00°24'15" East 227.30 feet; thence South 89°29'17" East 307.77 feet to the point of beginning.*

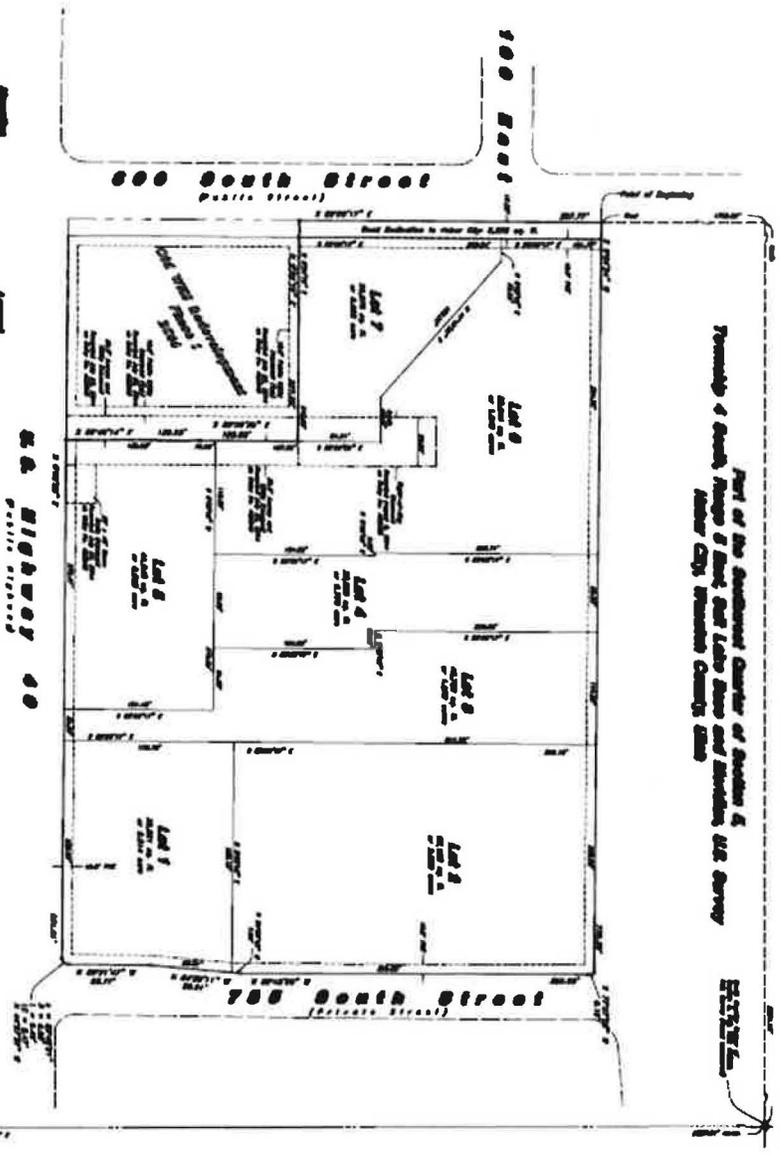
*Contains: 364,411 sq. ft.  
or 8.366 acres  
7 Lots*

**Serial Number: OHE-1247-0-005-045**

PROPOSED SUBDIVISION PLAT

# Amsource 6th and Main Commercial Subdivision

Part of the Southwest Quarter of Section 6,  
Township 4 South, Range 2 East, 10th T10N, R2E, SD 63,  
Haver City, Fremont County, SD



**AMWA**  
AMERICAN WATER & ELECTRICITY  
ENGINEERS & SURVEYORS

**AMSOURCE**  
ENGINEERS & SURVEYORS

**County Engineer**  
Approved by \_\_\_\_\_  
Date \_\_\_\_\_

**Mayor City Engineer**  
Approved by \_\_\_\_\_  
Date \_\_\_\_\_

**Planning Commission**  
Approved by \_\_\_\_\_  
Date \_\_\_\_\_

**Mayor City Approval**  
Approved by \_\_\_\_\_  
Date \_\_\_\_\_



**Surveyor's Certificate**  
I, \_\_\_\_\_, Surveyor General of South Dakota, do hereby certify that the above is a true and correct copy of the original subdivision plat as filed in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Boundary Description**  
The boundary of the above described land is as follows: \_\_\_\_\_

**Owner's Description**  
The land is owned by \_\_\_\_\_

**Admission**  
\_\_\_\_\_

**Admission**  
\_\_\_\_\_

**Admission**  
\_\_\_\_\_

**Amsource 6th and Main  
Commercial Subdivision**  
Approved by \_\_\_\_\_  
Date \_\_\_\_\_

Heber City Council  
Meeting date: June 18, 2015  
Report by: Anthony L. Kohler

**Re: Amsource Subdivision at 601 South Main Street**

The proposed subdivision consists of seven building lots in the commercial C-2 Zone on the old High School property. The development will need to come back to the Planning Commission for final site plan, landscaping, parking, and approval of building elevations.

**RECOMMENDATION**

On May 28, 2015, the Planning Commission found the proposed subdivision as consistent with the applicable codes, Chapter 18.28 C-2 Commercial Zone, and Chapter 17 Subdivisions, conditional upon a development agreement addressing the following:

**1. Improvements.**

- a. Developer shall replace:
  - i. sidewalk along Main Street to the current 5 foot standard width with the sidewalk edges located at the property line. Sidewalk shall be constructed at an elevation resulting in a slope within the planter strip not to exceed 2% as measured from the curb to the sidewalk;
  - ii. existing cobra head street lighting with Heber City Standard decorative acorn street light;
  - iii. all overhead power and utility lines along Main Street frontage and 600 South frontage with buried utility lines; and
  - iv. remove the concrete planter strip along Main Street for future landscaping;
- b. Developer shall construct:
  - i. 5 foot wide sidewalks connecting buildings to the public street sidewalk;
  - ii. water and sewer laterals to each lot as required by the city engineer; and
  - iii. fire hydrant as per city standard;

**2. Common Area.** Developer shall record with the Subdivision plat the appropriate devices to create and maintain a property owners association capable of collecting dues to maintain the private common areas within the subdivision, including the storm drains, utilities, parking, private roads, landscaping, and signs, etc. (this document has already been recorded in book 1126 page 1692 at the Wasatch County Recorder's Office);

**3. Plat.** Final plat shall:

- a. provide easements to the city for any necessary water and sewer mains; and
- b. designate the address of each lot;

**4. 785 South.** Developer shall enter into a written agreement with Wasatch School District about the use and maintenance of 785 South;

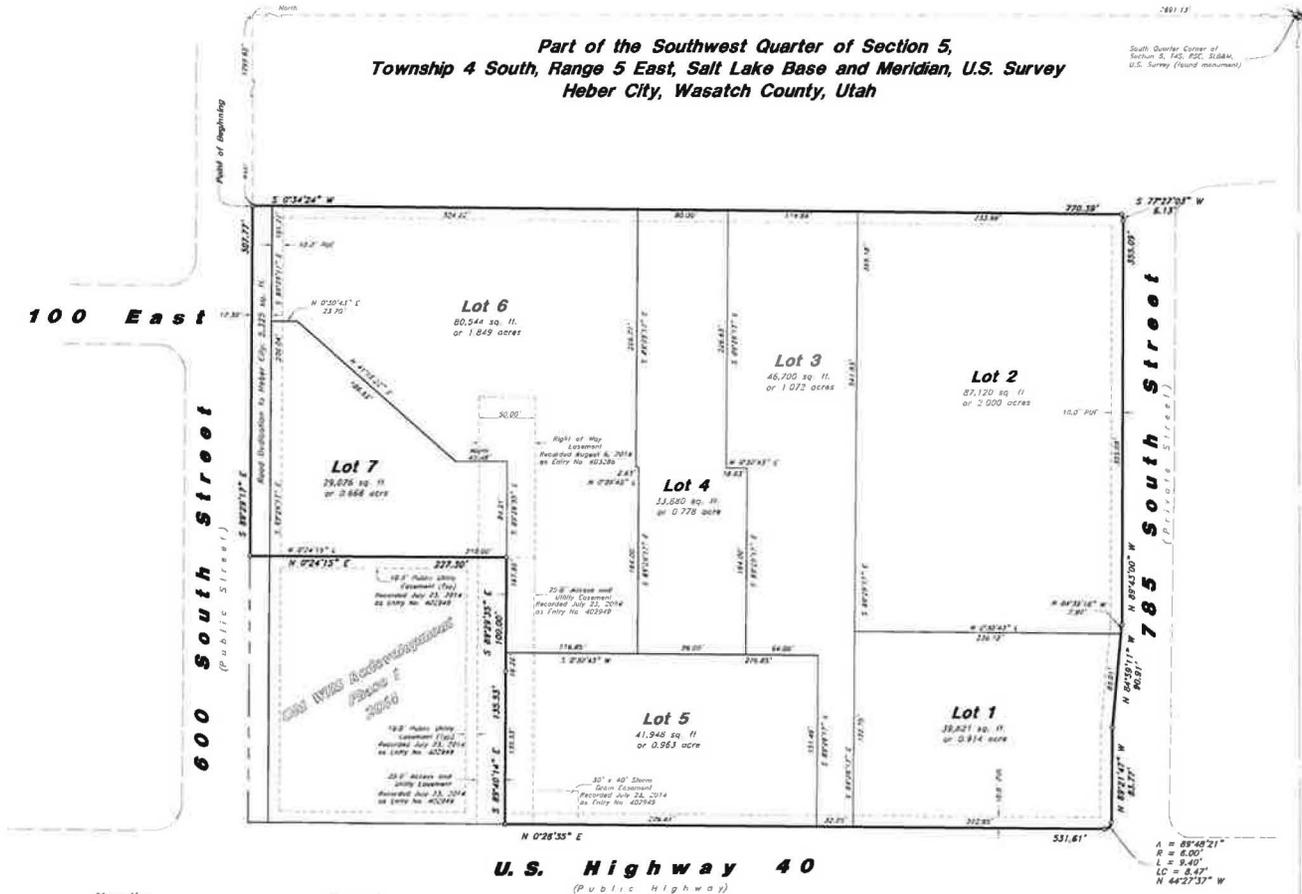
**5. Developer shall submit**

- a. An updated traffic study at time of building permit if the use changes from that designated in the initial traffic study;
- b. a utility plan and storm water plan; and
- c. a letter of approval from UDOT.

# Amsource 6th and Main Commercial Subdivision



Part of the Southwest Quarter of Section 5,  
Township 4 South, Range 5 East, Salt Lake Base and Meridian, U.S. Survey  
Heber City, Wasatch County, Utah



**Surveyor's Certificate**  
I, Bruce D. Pitzer, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 362256 as prescribed under the Laws of the State of Utah. I further certify that by the authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as  
**Amsource 6th and Main Commercial Subdivision**  
And that the same has been correctly surveyed and staked on the ground as shown on this plat.

**Boundary Description**  
Beginning at a point of the Southern edge of easement of 800 South Street, near City, Utah, said point being North 289.13 feet and West 1798.92 feet from the South Quarter Corner of Section 5, Township 4 South, Range 5 East, Salt Lake Base and Meridian; thence South 00°34'24" West 779.59 feet; thence South 77°27'03" West 6.13 feet; thence North 89°43'00" West 325.00 feet; thence North 64°39'11" West 90.91 feet; thence North 89°21'42" West 83.72 feet to the beginning of a tangent curve to the right, with a radius of 800 feet; thence along said curve a distance of 9.40 feet; through a central angle of 89°48'21" (Chord bears North 44°27'56" West 6.47 feet); thence along the Eastern right-of-way line for U.S. Highway 40 North 00°25'35" East 531.61 feet; thence along the boundary of the Old HNS Redevelopment Phase 1 Plat the following three (3) Courses: (1) South 88°40'14" East 1.8352 feet, (2) South 89°29'25" East 100.00 feet, (3) North 00°24'15" East 277.30 feet; thence South 89°27'12" East 303.77 feet to the point of beginning.  
Contains 364,417 sq. ft. or 8.368 acres  
7 Lots

Date \_\_\_\_\_  
**PRELIMINARY**  
Bruce D. Pitzer  
Utah PLS No. 362256

**Owner's Dedication**  
Know all men by these presents that the undersigned owner(s) of the above described tract of land, having covenanted the same to be subdivided into lots and streets to be hereafter known as  
**Amsource 6th and Main Commercial Subdivision**  
do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use.  
In witness whereof \_\_\_\_\_ have hereunto set \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ AD, 20\_\_\_\_.

**Acknowledgment**  
By \_\_\_\_\_  
Notary Public  
State of \_\_\_\_\_

**Acknowledgment**  
On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, the undersigned Notary Public, \_\_\_\_\_, who being by me duly sworn did say that he is the manager of \_\_\_\_\_, which is the manager of \_\_\_\_\_, and that said instrument was signed in behalf of said L.C. and acknowledged to me that said L.C. executed the same.  
Attest: \_\_\_\_\_  
Notary Public  
State of \_\_\_\_\_

**Amsource 6th and Main Commercial Subdivision**  
Part of the Southwest Quarter of Section 5,  
Township 4 South, Range 5 East, Salt Lake Base and Meridian, U.S. Survey  
Heber City, Wasatch County, Utah

Recorded # \_\_\_\_\_  
State of Utah, County of Wasatch, Recorded and Filed at the Request of \_\_\_\_\_  
Date \_\_\_\_\_ File # \_\_\_\_\_ to Book \_\_\_\_\_ Page \_\_\_\_\_  
Fee \$ \_\_\_\_\_  
Wasatch County Recorder

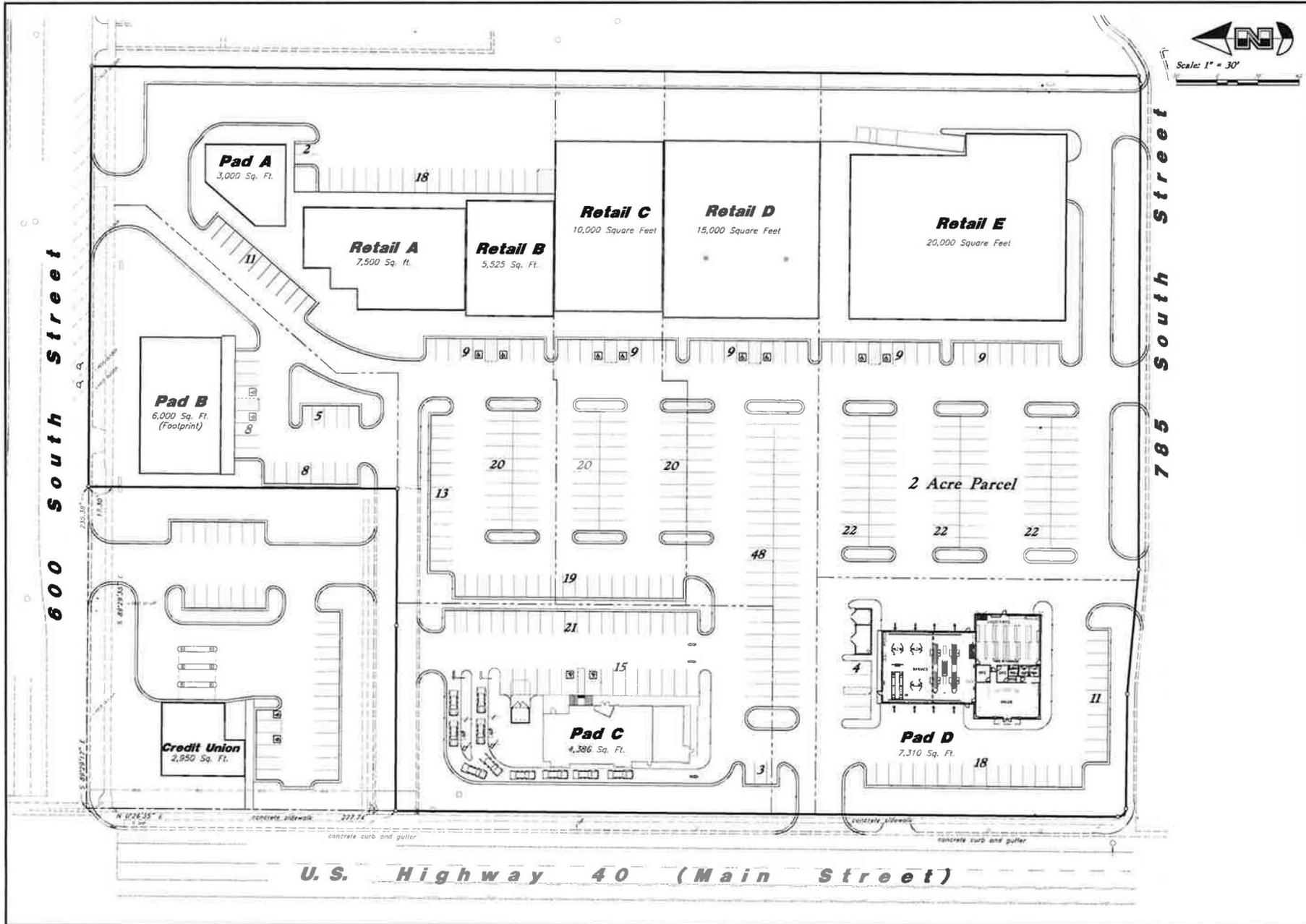
**Narrative**  
This Survey was requested by Amsource prerequisite to subdividing this property.  
This Survey retraces and honors previous surveys and subdivisions of record.  
A line between monuments found for the Southwest Corner and the South Quarter Corner of Section 5 was assigned the bearing of N 89°54'11" E as the Basis of Bearings to retrace and honor the previous survey.

**Legend**  
--- Lot Line  
--- Boundary Line  
--- Right of Way Line  
--- Easement Line  
--- Easement  
--- Section Corner (14 Noted)  
--- Public Utility Easement  
--- 5438 W Street Address

**ANNA**  
ANDERSON WAHLEN & ASSOCIATES  
2010 North Henshaw Road, 201 Lowry City, Utah 84115  
801-521-8238 - info@annaengineering.net

**Amsource**  
304 South Wa Clever  
Salt Lake City, Utah 84101  
801-961-4000  
801-534-1101 fax

<p><b>County Surveyor</b> Approved this _____ Day of _____ A.U., 20____</p> <p>Wasatch County Surveyor</p>	<p><b>Heber City Engineer</b> I hereby certify that this office has examined this plat and it is correct in accordance with information on file in this office.</p> <p>Heber City Engineer</p>	<p><b>Planning Commission</b> Approved this _____ Day of _____ A.U., 20____ by the Heber City Planning Commission.</p> <p>Planning Commission Chairperson</p>	<p><b>Heber City Approval</b> Presented to Heber City this _____ at which time this subdivision was approved and accepted.</p> <p>Attest: City Recorder Heber City Mayor</p>
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 <b>ANDERSON WAHLEN &amp; ASSOCIATES</b> <small>2015 South 1200 West • Salt Lake City, UT 84119 • 801.375.4200 • www.andersonwahlen.com</small>	
Designed by: <b>AW</b> Drafted by: <b>AW</b> Client Name: <b>Amsource</b> 14-113 SP	<b>Preliminary Site Plan</b> <b>Amsource - Heber</b> <small>(SEC) 600 South Street and Main Street          Heber, Utah</small>
23 Apr, 2015 SHEET NO. <b>C1.1</b>	

# Tab 10

HEBER PLANNING COMMISSION  
Staff Report by: Anthony L. Kohler  
Meeting Date: June 18, 2015

## **Item: Ranch Landing Plat A Final Approval**

The petitioner is requesting final approval for Phase 2 of the Ranch Landing Cottages, consisting of 19 single-family lots. The preliminary plan was approved by the Planning Commission on September 12, 2013 and Phase 1 received approval on March 6, 2015.

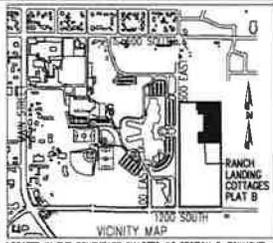
The Planning Commission asked for the right to farm clause to be placed on the plat and for fencing to be constructed along the subdivision boundary to protect the farm. The adjoining property has sold to a developer; the petitioner is requesting the fence requirement be removed as a result.

The property is zoned R-3 Residential. Each of the lots meets the minimum 6500 square foot area and 65 foot frontage requirements of the R-3 Zone. 500 East includes existing curb and sidewalk improvements.

### **RECOMMENDATION**

On May 28, 2015, the Planning Commission recommended approval of the proposed subdivision as consistent with Chapter 18.60 R-3 Residential Zone, Chapter 17.20.030 Final Plans, and Chapter 17.40 Improvements, conditional upon the following:

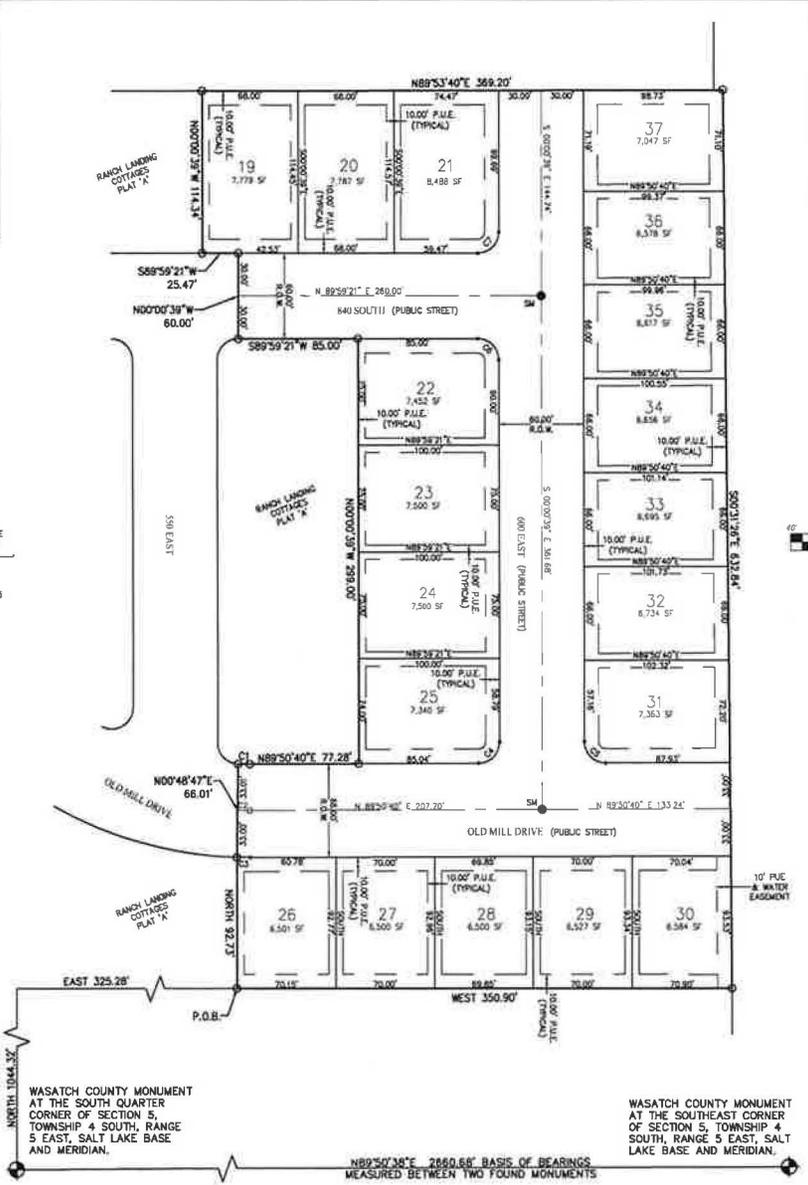
1. A street light be placed at each intersection consistent with engineering standards;
2. Lot 26 be increased slightly in size to be at least 6,500 square feet;
3. The final plat be clarified to identify the width of the side lot public utility easements;
4. Provide final addresses for the lots on the plat; and
5. Provide a tax clearance from county assessor prior to recording the plat.



LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN

**OFF SITE RETENTION POND EASEMENT NOTE:**  
 AN EASEMENT TO CONSTRUCT, OPERATE AND MAINTAIN A STORM DRAIN RETENTION POND HAS BEEN GRANTED TO THE RANCH LANDING COTTAGES SUBDIVISION BY TRANSDOR REC-CENTER INC. AS RECORDED IN ENTRY \_\_\_\_\_ BOOK \_\_\_\_\_ OF THE WASATCH COUNTY RECORDS.

**DRIVEWAY RESTRICTIONS NOTE:**  
 DRIVEWAYS ON TO 600 EAST ARE PROHIBITED FOR LOTS 25 AND 31.

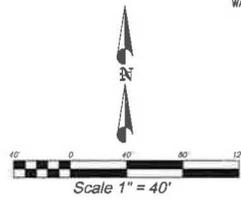


**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT WHICH IS NORTH 1044.32 FEET AND EAST 325.28 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE NORTH 92.73 FEET;  
 THENCE NORTH 00°48'47" EAST 66.01 FEET;  
 THENCE ALONG THE ARC OF A 217.00 FOOT RADIUS CURVE TO THE LEFT 8.62 FEET (CENTRAL ANGLE OF 02°10'48" AND A CHORD BEARING SOUTH 89°35'54" EAST 8.26 FEET);  
 THENCE NORTH 89°50'40" EAST 77.28 FEET;  
 THENCE NORTH 00°00'39" WEST 289.00 FEET;  
 THENCE SOUTH 89°59'21" WEST 85.00 FEET;  
 THENCE NORTH 00°00'39" WEST 60.00 FEET;  
 THENCE SOUTH 89°59'21" WEST 25.47 FEET;  
 THENCE NORTH 00°00'39" WEST 114.34 FEET;  
 THENCE NORTH 89°53'40" EAST 369.20 FEET;  
 THENCE SOUTH 00°31'26" EAST 632.84 FEET;  
 THENCE WEST 350.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 4.52 ACRES



**LEGEND**

SM SURVEY STREET MONUMENT

ADDRESSING TO BE COMPLETED BY THE WASATCH COUNTY GIS DEPARTMENT

LOT	ADDRESS
19	XXX EAST 840 SOUTH
20	XXX EAST 840 SOUTH
21	XXX EAST 840 SOUTH
22	XXX SOUTH 600 EAST
23	XXX SOUTH 600 EAST
24	XXX SOUTH 600 EAST
25	XXX SOUTH 600 EAST
26	XXX EAST OLD MILL DRIVE
27	XXX EAST OLD MILL DRIVE
28	XXX EAST OLD MILL DRIVE
29	XXX EAST OLD MILL DRIVE
30	XXX EAST OLD MILL DRIVE
31	XXX SOUTH 600 EAST
32	XXX SOUTH 600 EAST
33	XXX SOUTH 600 EAST
34	XXX SOUTH 600 EAST
35	XXX SOUTH 600 EAST
36	XXX SOUTH 600 EAST
37	XXX SOUTH 600 EAST

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	8.62	217.00	8.26	S89°10'35"E	02°10'48"
C2	8.61	250.00	8.81	S89°18'43"E	02°11'12"
C3	9.37	283.00	9.37	S89°12'24"E	01°53'51"
C4	23.52	15.00	21.18	N44°55'01"E	60°51'20"
C5	23.60	15.00	21.24	N45°04'59"W	90°08'40"
C6	23.56	15.00	21.21	N45°00'39"W	90°00'00"
C7	23.56	15.00	21.21	N44°59'21"E	90°00'00"

**SURVEYOR'S CERTIFICATE**

IN ACCORDANCE WITH SECTION 10-9-803 OF THE UTAH CODE, I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 145796 IN ACCORDANCE WITH TITLE 36, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

DATE \_\_\_\_\_ SURVEYOR: BING CHRISTENSEN

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 89°50'38" EAST (MEASURED 2860.68') BETWEEN FOUND WASATCH COUNTY SECTION CORNER SURVEY MONUMENTS FOR THE SOUTH ONE-QUARTER AND SOUTHEAST CORNERS OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, IN CONFORMANCE WITH UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

**OWNER'S CONSENT TO RECORD AND DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS, AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECLARATION HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS TO HEBER CITY FOR THE BENEFIT OF THE CITY AND THE INHABITANTS THEREOF, AND DO HEREBY GIVE CONSENT TO RECORD THIS DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

BY: \_\_\_\_\_  
 RW 2006 LLC - RUSS WATTS, MANAGER

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_ WHO DULY ACKNOWLEDGED TO ME THAT HE DID EXECUTE THE SAME IN THE CAPACITY INDICATED.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

**ACCEPTANCE BY HEBER CITY**

THE CITY COUNCIL OF HEBER CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS PLANNED UNIT DEVELOPMENT AND ACCEPTS THE DEDICATION OF EASEMENTS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

APPROVED: \_\_\_\_\_ MAYOR ATTEST: \_\_\_\_\_ CLERK-RECORDER (SEE SEAL BELOW)

APPROVED: \_\_\_\_\_ CITY ATTORNEY ATTEST: \_\_\_\_\_ CITY ENGINEER (SEE SEAL BELOW)

**PLANNING COMMISSION APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE \_\_\_\_\_ CITY PLANNING COMMISSION

PLANNING DIRECTOR \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION \_\_\_\_\_

**RANCH LANDING COTTAGES PLAT "B"**

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN

HEBER CITY, WASATCH COUNTY, STATE OF UTAH  
 SCALE: 1" = 40' FEET

SURVEYOR'S SEAL: \_\_\_\_\_  
 COUNTY RECORDER SEAL: \_\_\_\_\_  
 CITY ENGINEER SEAL: \_\_\_\_\_  
 CLERK-RECORDER SEAL: \_\_\_\_\_

BY: BING CHRISTENSEN, P.L.S.  
 STATE ENGINEERING OFFICE, INC.  
 P.O. BOX 178  
 HEBER CITY, UTAH 84033 PHENIX  
 (435) 881-8828  
 DATE OF SURVEY: JULY 2014

COUNTY RECORDER

COUNTY SURVEYOR'S CERTIFICATE

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

NO: \_\_\_\_\_

COUNTY SURVEYOR \_\_\_\_\_