REGULAR MEETING

AGENDA
AND
STAFF MEMO

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Regular Meeting
December 3, 2015

7:00 p.m. Regular Meeting

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

I. Call to Order

II. Pledge of Allegiance: Council Member Kellen Potter

III. Prayer/Thought: By Invitation (Default Council Member Jeffery Bradshaw)

IV. Minutes for Approval: November 5, 2015 Draft Work Meeting and Regular Meeting Minutes

V. Open Period for Public Comments

1. Appointments to the Planning Commission, Board of Adjustments, and Airport Advisory Board

2. Approve Ordinance 2015-31 Enacting a Temporary Land Use Regulation Regarding Digital Signs

3. Public Hearing - Resolution No. 2015-18 Amending 2015-2016 Operating Budget

4. Resolution 2015-17 - A Resolution Authorizing Heber City Staff to Solicit and Receive Property Appraisals for Certain Real Property Desired for Purchase

5. Approve Stone Creek Subdivision Modified Subdivision Agreement for Phase 1A and 1B

6. Closed Meeting as Needed

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media.

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

Posted on November 25, 2015, in the Heber City Municipal Building located at 75 North Main, Wasatch County Building, Wasatch County Community Development Building, Wasatch County Library, on the Heber City Website at www.ci.heber.ut.us, and on the Utah Public Notice Website at http://pmn.utah.gov. Notice provided to the Wasatch Wave on November 25, 2015.

Heber City Corporation

Memo

To: Mayor and City Council

From: Mark K. Anderson

Date: 11/25/2015

Re: City Council Agenda Items for December 3, 2015

REGULAR MEETING

Item 1 –Appointments to the Planning Commission, Board of Adjustments, and Airport Advisory Board: Mayor McDonald is recommending the reappointment of the following persons (whose terms expire on December 31, 2015) to the following boards:

Planning Commission	Jeff Patton
Airport Advisory Board	Kari McFee
Board of Adjustment	Dallin Koecher

Item 2 – Approve Ordinance 2015-31 Enacting a Temporary Land Use Regulation Regarding Digital Signs: At the last Council Work Meeting, the Council expressed support for the adoption of a Temporary Land Use Regulation which would place a moratorium on the erection of digital signs for the next six months. The Planning Commission is recommending the Council adopt this Ordinance as the City goes through the process of adopting Form Based Codes which includes an update of the sign ordinance. Staff would recommend approval.

Item 3 – Public Hearing - Resolution No. 2015-18 Amending the 2015-2016 Operating Budget: Based on projects that have been identified by the Council and staff that were not anticipated when the initial operating budget was adopted, staff is recommending the amendments outlined in the attached Resolution.

The Council should be mindful that the two items of greatest concern relate to the following:

Northwest Sewer Line Project: The proposed budget increase recommended by engineering is $300,000 more than last discussed. This relates to a recently discovered conflict with a high pressure gas line and general challenges with the project because of the depth, soil conditions and the amount of ground water that has been encountered. Based on the proposed increased budget, the amount of money that will have to be borrowed from other funds until the project can be repaid with impact fees will need to increase.

Main Street Water Line Replacement: These two projects were requested during the budget process but were not funded due to concern with available water fund reserves. Staff is now indicating the pending overlay of Highway 40 by UDOT in 2016 and continued water leaks require that these projects get more immediate attention. Public Works is hopeful that they can perform some of the work with the excavator/track hoe that will arrive any day which would reduce the proposed project cost. Funding of these two water line replacement projects will likely affect the funding of the Public Works facility expansion.

Item 4 – Resolution 2015-17 – A Resolution Authorizing Heber City Staff to Solicit and Receive Property Appraisals for Certain Real Property Desired for Purchase: Rather than establish a budget for the acquisition of this property within the Runway Protection Zone (RPZ), it was recommended that staff first be authorized to have the property appraised. In the proposed budget amendment, funds are being requested to appraise the property, do a required environmental assessment and use a consultant to assist us with the Federal grant application and land acquisition process. Staff would recommend approval. (See enclosed Resolution and plat of how the existing Runway Protection Zone impacts the property) There are actually three avigation easements that the City has obtained in this area, which are highlighted on the enclosed plat. The easement shown in blue is actually on property currently owned by Heber City.

Item 5 – Approve Stone Creek Subdivision Modified Subdivision Agreement for Phase 1A and 1B: The City has not yet been successful in obtaining the waterline easement that we would like to have to serve the Stone Creek development and enhance water pressures in Valley Hills. In work meeting, this issue will be discussed to see how the Council wants to proceed with the acquisition of the needed easement.

Stone Creek is requesting that the Council approve the enclosed modified agreement to remove any potential roadblocks from construction starting on this subdivision in the spring of 2016.

As previously reported, Bart Mumford, City Engineer, has evaluated the water pressures this development would have if they were only able to connect onto existing water lines on Millroad and 1300 East. At this time, Bart is comfortable with allowing Stone Creek to access water from these two sources rather than hold up the development of this property. To that end, staff drafted a proposed amendment to the agreement that was approved by the City Council on October 1st. See enclosed redline/strikeout.

Staff would recommend approval of the amended agreement, but would recommend that the approval only become effective if, within 60 days, the City is unable to obtain the needed right-of-way easement from Red Ledges that the water line would be placed in. Staff would prefer to separate the acquisition of the easement from the requirement Red Ledges has to construct the eastern bypass.

Item 6 - Closed Meeting as Needed:

MINUTES

Heber City Corporation
City Council Meeting
November 5, 2015
5:30 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on November 5, 2015, in the City Council Chambers in Heber City, Utah

I. Call to Order
City Manager Memo

Present: Mayor Alan McDonald
Council Member Robert Patterson
Council Member Jeffery Bradshaw
Council Member Erik Rowland
Council Member Heidi Franco
Council Member Kelleen Potter

Excused: None

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

Others present: Dave Nelson, Brad Lyle, James Doolen, Darryl Glissmeyer, Mel McQuarrie, Scott and Cori Ann Sweat, Dennis Jensen, Jeff Smith, Rob Heywood, David Eldredge, Nadim AbuHaidar, Brian Balls, Ron Crittenden, Tracy Collett, Wes Bingham, Dian Roberts, Michelle Holmes, Jonathan Holmes, Rick McCloskey, and others whose names were illegible

1. Discuss Heber City Capital Improvement Plan Portion of the MAG Consolidated Plan Summary of Capital Improvement Projects

Council Member Franco asked whether the budgeted local funds were in place for the short term projects listed. Anderson responded that for the most part, funding was in place. As for the 2400 West connection, the recent passage of the school bond could affect funding arrangements for that area, however Anderson was not certain when construction on the proposed new school would commence. The $1.45 million for the proposed airport land purchase for the runway protection zone represented the total grant amount, of which the FAA would provide approximately 90.54 percent, and the City would still be responsible for 4.685 percent.

Council Member Franco asked whether the City had a plan to address the aging infrastructure in the downtown area over the next five to ten years. Anderson explained that presently the City was only covering its debt service cost with the depreciation expense, and unless the City were more aggressive on rate increases, there were not many options available to proactively address aging water lines. Mayor McDonald noted that UDOT was scheduled to repave all of Main Street in the spring of next year, and suggested any projects that could be identified prior to the UDOT project be prioritized before that time. Anderson stated staff intended to come to the Council to discuss the UDOT paving projects, as well as other Main Street projects in the first meeting of December. He added that the primary purpose of the Consolidated Plan was to ensure the City identified projects for which it could seek CDBG or CIB funding. The rest was intended as a good planning document.

2. Discuss Bassett-Ritchie Annexation and Associated Annexation Agreement - A 94.8 Acre Proposed Annexation Located Between North Highway 40 and 550 East and Valley Hills Estates

Staff Memo re Ritchie-Bassett Annexation
Annexation Agreement
Amended Annexation Agreement

Anderson reviewed that a revised version of the annexation agreement was posted earlier in the day. He, Kohler and Mumford reviewed it and had no strong objections to any of the proposed changes. Rob Heywood explained that the annexation was much larger than the property his group proposed to develop, but he was speaking on behalf of all of the annexation participants. The annexation proposed two zones: MURCZ and PCMU. The PCMU zone was originally drafted for the annexation years ago, and was a form based zone that included open space.

Heywood confirmed their understanding concerning their obligation with regard to the proposed eastern bypass road and connecting streets. He stated they proposed to build the roads as the development and growth proceeded based on need, but agreed that if by October 15, 2022, they hadn't developed the road, they would dedicate the right-of-way to the City if it needed to be constructed prior to the course of development.

With respect to water service in the area, Brian Balls explained that the loop from 550 to Highway 40 was a critical part of the infrastructure, and they anticipated installing it as a function of the development process.

Heywood confirmed that the proposed open space would be dedicated to the city and would remain open. Further, the concept proposed connecting walking trails along the open area that would connect with the eastern trail system.

The first area to be developed would be the commercial area north of King's, up to the wetlands area, excluding the area referred to as "Blue Ox", as it was not a part of the land owned by the annexation group.

Kohler noted that while the Bassett family had been part of the process all along, they indicated they were not interested in developing their property as long as they were alive, and wanted to keep farming the area.

Mayor McDonald noted this would be moved to the next meeting. Council Member Franco requested that Kohler work with the Ritchie group on adding a provision to the agreement concerning maintaining the open space area in its pristine state.

3. Discuss Amendment to Heber City Municipal Code Section 18.42 Mixed-Use Residential Commercial Zone (MURCZ), Section 18.42.040 B. 2. Site Design - Building Setbacks and Section 18.42.100 Residential Standards

James Doolen, representing Vollkommen Construction presented a PowerPoint, and explained that the project proposed a 40 townhome, two acre subdivision and would include a 1600 square foot retail space on the corner of 1000 South and 300 West. It would be a walkable, safe, multi-family housing development within the Valley Station subdivision, and would include a skate park, meandering trail and gazebo. The proposed modification to the setback would provide a more urban streetscape, allow parking behind the units, and would provide a greater buffer between the development and the residential neighborhood to the north of the development.

The project proposed 20 units per acre on the two acres, of which 31% would be open space. There would also be a minimum 10 foot landscape buffer between the parking and the residential neighborhood to the north. Doolen projected sample elevations, and stated they were looking to create a downtown old Heber feeling to the project.

Scott Sweat, the homeowner in the residential area directly to the north, expressed his concerns regarding the project. Sweat felt the project went against the Planning Commission's intent, explaining that the proposed 40 unit project would not look residential and it would be too dense. Sweat also mentioned that when the Walmart was constructed, the area on 1000 South was promised to be a park for the City. He asked the Council not to change the code to accommodate one developer.

Anderson explained that when Valley Station was built, there were discussions concerning what to do with the parcel on 1000 South, and various options were discussed, including granting the parcel to the city and designating it as a park. In recent discussions with Wade Williams, Williams indicated the donation of the property to the City was not financially feasible, and so they did not pursue it. Nothing had been committed to writing.

With no further comments, Mayor McDonald stated this item would be moved to the next regular meeting.

7. Discuss Need to Acquire Land on Heber Parkway for the Heber City Airport Runway Protection Zone (RPZ)

Email From Kristin Brownson, FAA

Anderson explained that on Heber Parkway at the old Heber log site, a proposed gas station was looking to acquire the property. The City held two avigation easements on the parcel, a significant portion of which was within the runway protection zone ("RPZ"). The FAA expressed concern with a gas station going into the RPZ, and said indicated it would provide grant money to the City next summer to reimburse the City for the acquisition of the parcel. Anderson then replayed a voice mail he received that day from Kristen Brownson of the FAA concerning its position. Brownson stated the FAA's priority was to acquire all land situated within RPZs to protect people from potential dangers within those zones, where the majority of accidents occurred. Anderson also noted that if the City were to move forward with the purchase of this property, then the airport master plan update would need to be deferred to the following year.

Anderson and Mayor McDonald met with the Maverik representatives on November 3. Maverik was not interested in negotiating at that time, and they didn't see any other sites in the area that met their criteria. Maverik also understood the City had a right to acquire the property if necessary through condemnation.

The FAA made it clear that regardless whether the airport moved to a CII airport, it was important to acquire this property because it was located in the RPZ.

Council Member Franco felt the City needed to tighten up its easement agreements with other property owners around the airport area to avoid this situation in the future. Anderson said staff could meet with the FAA to explore whether they could provide any input in this regard and what other development could be considered more incompatible than what currently exists.

After further discussion, the Council was favorable to acquiring the property. Anderson said he would look into the specifics, and noted it would require a vote at a regular Council meeting to proceed further.

8. Discuss Whether to Proceed With an RFP on Future Airport FBO Lease Applicants, and Potential Scope of RFP

Airport Advisory Board Chairman McQuarrie explained that the Board received an application for a second FBO on the airport. The Board determined the application was neither clear nor complete. The Board then discussed the possibility of putting out an RFP to gauge interest from other major players and to establish the market value of the proposed FBO site. The Board was seeking the Council's approval to put out an RFP for the potential second FBO.

Council Member Rowland expressed concern with the sustainability of a second FBO. He felt the Board should first examine the model for a second FBO, how it would work, and what the business plan would look like. He wanted the Board to return to the Council with some conclusions and recommendations.

Chairman McQuarrie recommended that this item be put on the December Airport Advisory Board agenda. Council Member Rowland also requested the Board explore whether there was a correlation between adding a second FBO and more airport traffic, adding that he had heard

more people would in fact be more comfortable with less traffic at the airport. The Council was in favor of having the Airport Board explore the issues concerning a potential second FBO and to report back with its findings and recommendations.

6. Discuss FBO Lease Negotiations
January 8, 1995 Amended Agreement
July 8, 1996 Assignment
July 31, 2000 Assignment
May 8, 2012 Addendum
January 26, 2015 Addendum

The Council was favorable to having the Airport Board explore how to approach the lease negotiations with the FBO, obtain input from the FBO, and report back. Airport Board Chairman McQuarrie agreed to put this item on the December agenda.

4. Discuss Amendment to Heber City Municipal Code Chapter 18.103 Signs
Staff Memo re Sign Ordinance Amendment
City Attorney Memo re Sign Ordinance Amendment

Kohler explained that the proposed amendment addressed only the moveable text digitized signs, because they were typically the brightest signs.

City Attorney Smedley explained that his original legal opinion on the issue was cautionary. After subsequent discussions with the Park City legal counsel, Jodi Burnett and Darryl Glissmeyer, Smedley found that a complete ban on digitized signs was legal, and was probably less of a legal threat than he originally perceived. However, Smedley added that the action to ban could be challenged, and the test would be the rational basis for imposing such a ban. Smedley was informed that neither Park City nor Summit County's ban had been challenged, but they never allowed digitized signs, unlike Heber City.

Smedley expressed his concern with the amortization proposal, explaining that while legal, there would likely be a difference of opinion with property owners concerning value of loss which could bring the issue before a court for determination, and whatever value the court determined, the City would need to pay. The other option would be to not amortize and to let the existing signs live out their useable lives. Smedley again stated that prior to making its decision, it was important for the Council to understand that his original legal opinion was conservative and cautionary, and since he spoke further with Jodi Burnett, he believed the risk was less than he originally thought.

Darryl Glissmeyer of the Planning Commission stated he recently attended a land use conference where part of the discussion concerned signs. He recommended the Council send this issue back to the Planning Commission for further discussion based on his experience at the land use conference.

The Council was favorable to sending this item back to the Planning Commission for further discussion and recommendation.

Anderson suggested that as the Planning Commission reviewed this issue, they also look at other cities that had successfully implemented the amortization system.

5. Discuss Resolution 2015-16, a Resolution to Amend the Personnel Policy Section 4.1, Hiring Procedures, Section 13.19, Workers' Compensation, Section 13.14, Sick Leave and Section 13.29 Instant Award Policy

Resolution 2015-16

The Council was in favor of moving this item to the next regular meeting.

Other Items

Chief Booth updated the Council concerning preserving the cupola from the old high school building. It was estimated that it would cost about $20,000 to put it in the front of the new public safety building. The plan was to use original refurbished stone from the old building. The project would start in the spring of 2016, and budget amendment would be necessary to fund the cost.

Anderson stated that Scott Lythgoe expressed interest in removing and restoring the cupola. The discussions with Lythgoe were not detailed, but Anderson told him the City would be in favor of him removing and restoring the cupola.

Anderson suggested they consider approaching Delta Stone for a possible trade, given the City held a long right-of-way that would benefit Delta Stone. He thought Delta had the ability to refurbish the original stone that was being contemplated for the project.

The Council was still in favor of pursuing the project. Anderson said he would continue discussions with Scott Lythgoe.

Mayor McDonald noted that a County Council meeting was scheduled for December 10 at 6:00 pm. at the Senior Citizens Center.

Anderson raised one final issue concerning the asphalt project on 300 South. The sub-base was determined to be inadequate and needed replacement. The added cost would be $17,000, and staff would be submitting a budget amendment to request these additional funds.

With no further business, the meeting was adjourned.

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Allison Lutes, Deputy City Recorder

Heber City Corporation
City Council Meeting
November 5, 2015
7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on November 5, 2015, in the City Council Chambers in Heber City, Utah.

I. Call to Order
City Manager Memo

Present: Mayor Alan McDonald
Council Member Robert Patterson
Council Member Jeffery Bradshaw
Council Member Erik Rowland
Council Member Heidi Franco
Council Member Kelleen Potter

Excused: None

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

Others present: Darryl Glissmeyer, Dennis Jensen, Jeff Smith, David Eldredge, Brad Balls, Ron Crittenden, Tracy Collett, Wes Bingham, Dian Roberts, Michelle Holmes, Jonathan Holmes, Rick McCloskey, Rich Hansen, Margaret Bartholomew, Carson Bartholomew, Landon North, Ricardo Mena, Samuel Dummar, Parker Webb, Kaleb Weekes, Jacob Busch, Robby Fredericks, Aaron Hughes, Ed Parkinson, Tracy Taylor, and others whose names were illegible.

Mayor McDonald welcomed the Boy Scouts in attendance and asked each Boy Scout to stand and introduce themselves. He also acknowledged the presence of newly elected Council Members Jeff Smith and Ron Crittenden, and congratulated Council Member Jeff Bradshaw on his re-election.

II. Pledge of Allegiance: Council Member Jeffery Bradshaw

III. Prayer/Thought: By Invitation (Default Mayor Alan McDonald)

IV. Minutes for Approval: October 1, 2015 Regular Meeting; and October 15, 2015 Work and Regular Meetings

October 1, 2015 Draft Regular Meeting Minutes
October 15, 2015 Draft Work Meeting Minutes
October 15, 2015 Draft Regular Meeting Minutes

Council Member Patterson moved to approve the October 1, 2015 Regular Meeting Minutes and the October 15, 2015 Work and Regular Meeting Minutes. Council Member Franco made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

V. Open Period for Public Comments

Mayor McDonald asked for comments from the audience on items not addressed on the agenda. No comments were given.

1. Ricardo Mena, Mazatlan Mexican Grill, Request Local Consent to Serve Alcohol located at 458 North Main Street

Staff Memo re On-Premise Beer License Application
Application for Local Consent

Council Member Bradshaw moved to approve Ricardo Mena, Mazatlan Mexican Grill's Request Local Consent to Serve Alcohol, located at 458 North Main Street. Council Member Patterson made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, and Kelleen Potter. Council Member Franco abstained from the vote.

2. Approve Stone Creek Subdivision Modified Subdivision Agreement for Phases 1A and 1B

Stone Creek Phase 1A and 1B Subdivision Agreement

Mumford summarized the current revisions to the Subdivision Agreement, which basically eliminated the tying of the first phase to the waterline that would come from the eastern bypass off of Center Street. This would be a temporary solution until the higher pressure line was constructed, however he believed it would have minimal impact on the existing homes' water pressure. Mumford added he didn't have a problem implementing this temporary solution to the lower houses in the first phase, but he did feel it would be problematic for the higher elevation homes. This solution would provide the same pressure as the residents in Valley Hills were receiving. The ultimate goal was to construct the high pressure line to serve all of the area, and if they could get it in immediately, it would be ideal, but he believed they shouldn't hold up this first phase of development if a temporary solution was available.

Stone Creek would install the water line from Center Street to the development opening, but it required Red Ledges granting an easement. Mumford explained that Red Ledges agreed to the waterline going into the bypass road, and had agreed that if Stone Creek needed that easement, they would grant it. Because Red Ledges was responsible for the bypass, they would be responsible for grading the area to the right elevation for installation of the water line if they granted the easement before constructing the bypass. Red Ledges was currently delaying; and if they didn't grant the easement, then they could delay the water line installation.

Council Members Potter and Rowland felt the City should pursue a plan to work out the issue with Red Ledges before implementing this temporary solution. Mumford stated Red Ledges had been invited to come and discuss their reasoning, but they had been postponing. Anderson added that part of the impasse was due to staff's desire to see more guarantees, such as interim time deadlines concerning the road construction. He indicated Todd Cates would be meeting individually with each of the Council members over the next few weeks. Anderson said he encouraged Cates to come before the Council to try and work the issue out by December.

Council Member Rowland asserted he was not in favor of putting the interests of a developer before the community, especially since there were so many who have expressed their concerns.

Mumford stated he was trying to be consistent with everyone. He gave Millstream as a comparative example, whereby the City allowed them to temporarily hook into the existing water system during initial development while the City worked through the next year or two to get the high pressure system in place.

Rick McClosky, one of the owners of the property, noted that the temporary proposal would actually cost more to require they hook into existing lines and then later construct the permanent water line. He indicated the earliest any home would be online with water would be at least one year from now, and added their hope would be that this easement issue would be resolved long before the one year mark. He believed Red Ledges was using this impasse as leverage for an extension to complete the bypass road, the deadline for which was currently set for next year. McClosky felt that if this temporary proposal were granted, it may cause pressure on Red Ledges to uphold their agreement concerning the easement.

McClosky added they felt it was the City's responsibility to get the right of way. He referred to the Interlocal Agreement, pursuant to which Red Ledges agreed to grant a 66 foot easement to the City for the bypass road. The extensions that had been granted under the Interlocal Agreement did not grant an extension for the easement. Stone Creek granted their 66 foot easement in 2008, and McClosky questioned why Red Ledges did not do the same as they agreed to in the Interlocal Agreement.

McClosky reiterated his strong belief that Red Ledges was using this as leverage against the City for an additional extension on the bypass road. He felt by issuing this temporary solution, it would force Red Ledges to come to the table, because currently, Red Ledges would be obligated to build the entire road within the next year.

City Attorney Smedley stated he would need to review the Interlocal Agreement and the extensions.

After further discussion, the Council was favorable to continuing this agenda item to further discussions with Red Ledges.

Council Member Franco moved to continue this agenda item to the next meeting, to allow Council and staff work to with Red Ledges to see if the easement issue could be resolved.

Council Member Potter made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

3. Approve Resolution 2015-15, a Resolution Allowing Potential Incentives the City May Offer to Encourage Development of Hotels

Resolution 2015-15

Council Member Rowland reviewed that he received some comments from the public expressing concerns regarding allowing incentives, and he recommended continuing this item to for further review and to ensure those concerns were addressed.

Council Member Rowland moved to continue this agenda item to explore the concerns of the public regarding the matter. Council Member Potter made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

Mayor McDonald invited those in the audience wishing to comment on this item to come forward. Darryl Glissmeyer of the Planning Commission cautioned the Council to be very careful in what they granted, and to never give up impact fees. He indicated the best solution would be to develop around the hotel to bring in more guests to the hotel.

Council Member Franco stated she was very much against this resolution, and she felt they would be opening a pandora's box if this resolution were granted. She added that growth needed to pay its own way.

Anderson solicited the Council regarding what they would want the staff to address concerning this issue. Council Member Rowland stated he was still in favor of providing incentives, and had seen them work in other areas. He requested staff look into why incentives hadn't worked in certain cities, and why they did work in other cities, with a goal of responding to public concerns in a more educated and informed manner. Rowland requested that staff obtain more data concerning the economic impact of a hotel on a community. Anderson stated Ryan Stark could help in some regard with this data.

Mayor McDonald noted that because Anderson would be unavailable for the following 10 days, the item should be moved to the December 3 work meeting. The Council was favorable to scheduling the agenda item as noted.

4. Approve Agreement with Sun Star, LLC, Regarding Water Connections from the Lindsay Hill Water Tank

Sun Star and Pollock Amended Real Estate Contract

Anderson stated he had worked with City Attorney Smedley to draft an agreement to integrate comments from the last meeting. He asked for comments from SunStar, but had not as yet received any meaningful feedback.

Council Member Patterson moved to continue this agenda item until feedback from SunStar had been received. Council Member Franco made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

5. Approve Land Purchase Agreements with Gifford Hickey and Fat Trout, LLC for Right-Of-Way property located at 650 South 1200 West

Gifford Hickey Real Estate Purchase Agreement
Fat Trout Real Estate Purchase Agreement
Proposed Right of Way

At 8:05 p.m., Council Member Franco moved to enter into a closed session to discuss land purchase agreements with Gifford Hickey and Fat Trout LLC for right-of-way property. Council Member Patterson made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

At 8:50 p.m., the Council returned to the Regular Session.

Council Member Patterson moved to continue agenda item number 5 until the December meeting. Council Member Franco made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

With no further business, the meeting was adjourned.

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Allison Lutes, Deputy City Recorder

DRAFT

TAB 1

Planning Commission

Jeff Patton – current member of board

Board of Adjustments

Dallin Koecher – Current board member

Airport Advisory Board

Kari McFee – Current board member

TAB 2

ORDINANCE NO. 2015-31

AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION REGARDING DIGITAL SIGNS.

WHEREAS, Heber City pursuant to Utah State Code Annotated 10-9a-504 has the authority, without prior consideration or recommendation, to enact an ordinance establishing a temporary land use regulation (Moratorium) for any area within the City; and

WHEREAS, the Planning Commission has recommended a prohibition on new digital reader board signs with an amortization process for non-conforming digital reader board signs; and

WHEREAS, the City is in the process of adopting a form based zoning ordinance and a brand for the city that will provide vision and direction for future amendments to the sign ordinance; and

WHEREAS, significant financial investment is required for the installation of digital reader board signs, and such signs may be inconsistent with the new city brand and form based codes; and

WHEREAS, the City Council has determined that a compelling, countervailing public interest exists in enacting this temporary land use ordinance to allow the Planning Commission and City Council to reexamine the sign ordinance; and

WHEREAS, the City Council of Heber City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of Heber City to enact this Temporary Land Use ordinance as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Heber City, Utah, as follows:

As of the effective date of this Ordinance, no electronic or digital signs capable of changeable graphics or text shall be approved or erected, and no such signs shall be approved, installed or erected to replace existing signs or existing changeable reader boards.

This Ordinance and Moratorium do not involve any development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor, pursuant to Utah Code, ***10-9a-504, (3)(a)(b).***

This Ordinance shall become effective as set forth below and shall remain in effect for six months from the effective date. This Ordinance shall take effect immediately upon posting in the manner required by law.

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 Bradshaw	_____	_____
Council Member Erik Rowland	_____	_____
Council Member Heidi Franco	_____	_____
Council Member Kelleen Potter	_____	_____

APPROVED:

_____

Mayor Alan W. McDonald

ATTEST:

_____ Date:_____

RECORDER

TAB 3

Resolution 2015-18

A RESOLUTION AMENDING THE 2015-2016 OPERATING BUDGET

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

WHEREAS, a public hearing was held on December 3, 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 pursuant to Utah State Code 10-6-128, the 2015-16 Heber City Budget is amended as set forth below:

General Fund

Roads: This proposed amendment would fund the wages, benefits and equipment needs of an Assistant City Engineer that would be hired in January 2016. This position would also be partially funded by the Water, Sewer and Utility Funds.

- $10,000 – Wages (106011)
- $4,500 – Benefits (106013)
- $2,000 – Equipment (106074)

Parks

In the Parks Department, funding is being requested to remove and replace portions of the retaining wall and sidewalk on the west side of the City Park to reduce congestion that we see in this area during Farmers Market. Lighting improvements are also anticipated as part of this project.

- $30,000 — Improvements Other than Buildings (106473)

The above General fund expenditures are proposed to be funded with additional anticipated Sales Tax Revenue.

- ($46,500) – Sales Tax Revenues (103130)

Capital Improvements – Airport

The Capital Improvement Fund associated with the Airport will need an additional increase to fund the upgrade of the taxiway lighting ($80,000) and to fund the engineering consultant fees, appraisal and environmental assessment of property the City has interest in acquiring in the Runway Protection Zone ($30,000). It is anticipated that most of these two projects will be funded through Federal and State Grants.

- $80,000 – Buildings and Improvements (414072)
- $30,000 – Professional Services (414031)
- ($99,693) -- Federal Grants (413330)
- ($5,153) – State Grants (413340)
- ($5,154) – Contribution Airport Surplus (413870)

Capital Improvements – Transportation Tax

The Capital Improvement Fund associated with Transportation Tax will need an additional increase of $25,000 to cover the cost of rebuilding the road subbase in 300 and 400 South from Main Street to 100 East. When the road was being widened for the Public Safety Building it was determined that there was not adequate subbase in the roadway. Additionally, the City needs to establish a $90,000 budget for the purpose of purchasing land for road right-of-way on the corner of 650 South 1200 West.

- $115,000 — Road Maintenance and Construction (485976)
- ($115,000) – Appropriated Surplus (483870)

Enterprise Fund – Water: This proposed amendment would cover a portion of the wage, benefit and equipment costs of hiring an Assistant City Engineer as noted above.

- $16,000 – Wages (544011)
- $7,300 – Benefits (544013)
- $3,200 – Equipment (544074)

Engineering and Public Works is requesting that a $422,000 capital budget be established to replace two sections of undersized failing water lines on Main Street. The proposed project would replace the water line from 400 South to 550 South Main and 500 North to 750 North Main. UDOT will be resurfacing Main Street in 2016 and it is important that these water lines be replaced prior to UDOT's proposed improvements. Because this project will be capitalized, no specific income statement related budget is affected.

Enterprise Fund – Sewer: This proposed amendment would cover a portion of the wage, benefit and equipment costs of hiring an Assistant City Engineer as noted above.

- $10,000 – Wages (544011)
- $4,500 – Benefits (544013)
- $2,000 – Equipment (544074)

Engineering Staff is also recommending that the capital budget for the Northwest Sewer Line Project be amended from $1,224,000 to $2,800,000. Because this project will be capitalized, no specific income statement related budget is affected.

Enterprise Fund – Utility: This proposed amendment would cover a portion of the wage, benefit and equipment costs of hiring an Assistant City Engineer as noted above.

- $4,000 – Wages (544011)
- $1,800 – Benefits (544013)
- $800 – Equipment (544074)

Transfer from Department to Department – General Fund: With the movement of Code Enforcement to the Police Department from the Planning Department, it is necessary to transfer the wage and benefit budget that funded this position from the Planning Department to the Police Department:

Police:

- $26,750 -- Wages (105411)
- $12,950 -- Benefits (105413)

Planning:

- ($26,750) -- Wages (105411)
- ($12,950) -- Benefits (105413)

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

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

ADOPTED and PASSED by the City Council of Heber City, Utah, this _____day of _____, 2015, by the following vote:

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

APPROVED:

_____

Mayor Alan W. McDonald

ATTEST:

_____

City Recorder

TAB 4

RESOLUTION NO. 2015 - 17

A RESOLUTION AUTHORIZING HEBER CITY STAFF TO SOLICIT AND RECEIVE PROPERTY APPRAISALS FOR CERTAIN REAL PROPERTY DESIRED FOR PURCHASE.

BE IT RESOLVED by the City Council of Heber City, Utah, that, under the express direction and request of the City Council, Heber City Staff, under the direction of the City Manager is authorized to solicit and accept appraisals within a reasonable and timely manner, not expected to exceed 6 months, to help determine value of real property that the City may have interest in purchasing.

Whereas, Heber City desires to investigate the potential purchase of certain real property located within the Heber City Airport Runway Protection Zone; the purpose of acquiring the property would be to promote and enhance airport safety, and

Whereas, as a preliminary investigatory step in that process, the City believes it prudent, and that it would be helpful to the Council and City Staff to obtain appraisals to assist in determining the value of said property, and

Whereas, the Council desires to have City Staff attend to the details of this preliminary aspect of the investigatory, fact finding process.

NOW THEREFORE, BE IT RESOVLED, that the City Council authorizes, commencing December 3, 2015, for the following 6 months, and gives full authority and consent to Heber City Staff, under the direction of the City Manager to solicit and accept appraisals to help determine value of said specific real property located within the Heber City Airport Runway Protection Zone, that the City has potential interest in purchasing.

This Resolution shall take effect and be in force from and after its adoption and publication, for a period of 6 months.

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 Bradshaw	_____	_____
Council Member Erik Rowland	_____	_____

Council Member Heidi Franco _____ _____

Council Member Kelleen L. Potter _____ _____

APPROVED:

_____

Mayor Alan W. McDonald

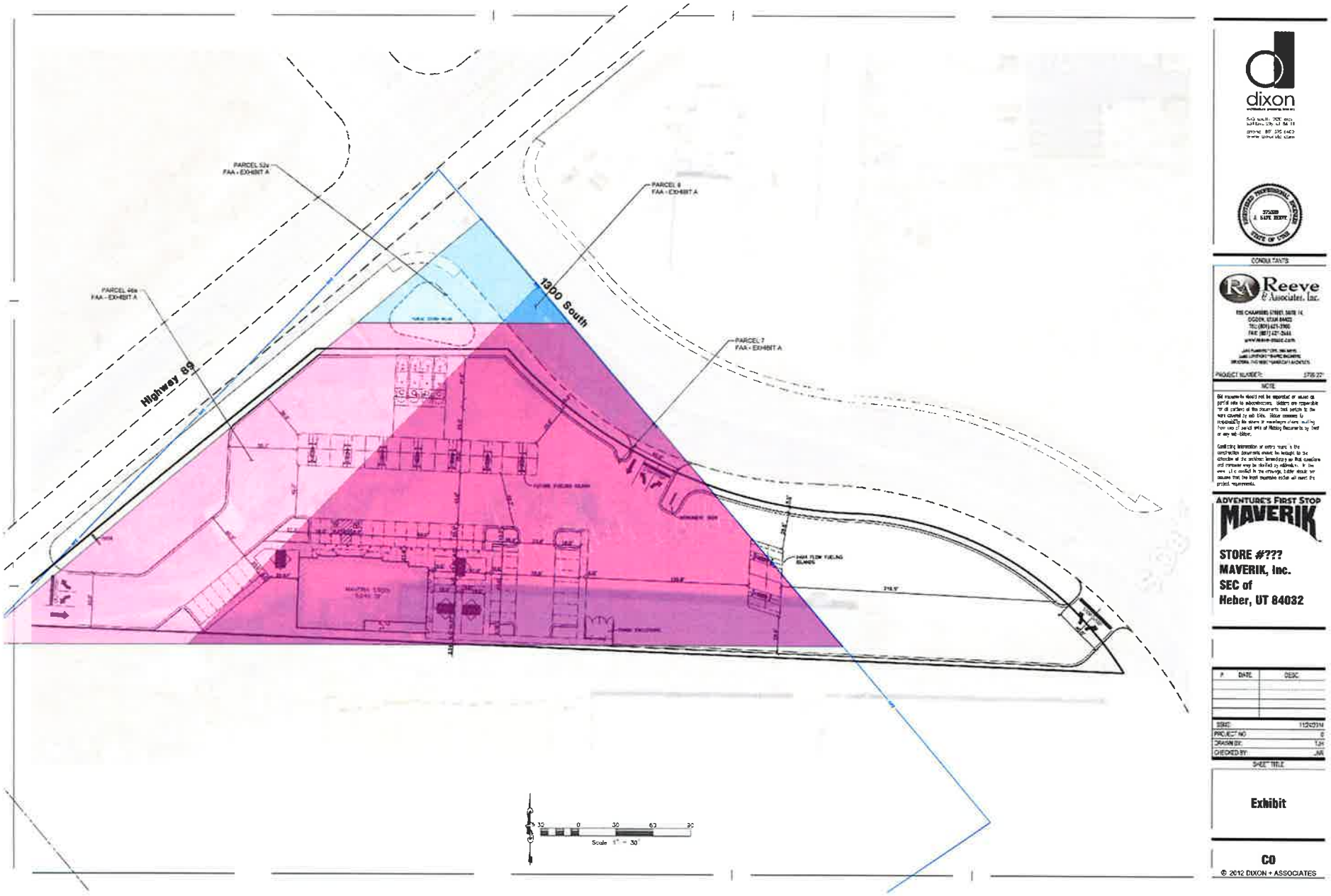
ATTEST:

_____

RECORDER

Date of First Publishing: _____

Avigation Easement



TAB 5

STONE CREEK PHASE 1A and 1B
SUBDIVISION AGREEMENT

This agreement entered into this _____ day of _____, 2015 by and between Blackstone Creek, LLC (Developer) and Heber City (City) as required by Section 18.61.060.001.E of the P.C. Zone.

WHEREAS, the Developer has proposed two plats for a 37 lot subdivision, Stone Creek Phases 1A and 1B in the Planned Community Mixed Use Zone (PCMU) in Heber City;

NOW, THEREFORE, the Parties hereby agree as follows:

1. Area Description. Stone Creek is a phased planned community development (Development) located at approximately 1300 East and 700 North, Heber City, Utah, and described in Exhibit A.

2. Compliance with Master Plan. The Development shall comply with the approved Master Plan (Exhibit B) and Master Plan Agreement, in regard to total number of units, density, general configuration, phasing, open space requirements and uses, and improvements, and shall develop the property pursuant to these provisions as well as all other agreements, provisions or requirements associated but not in conflict with this Agreement and Development. The approved master plan for Stone Creek consists of 60 Acres, 125 residential units, and minimum of 30% total open space, pursuant to the PC Zone Amendment, Section 18.61.090 D.8. The 125 unit calculation derives from an allowable density of 2 units per acre, or 120 units total, plus 5 permitted bonus lots pursuant to Section 18.61.020 E.3.

3. The parties hereby agree as follows:

   a. Developer and Owner shall be given five (5) bonus residential units, for a total of 125 residential.
   b. Developer shall, prior to recording each phase of the Phase 1 Subdivision Plat, transfer to the City all required water rights necessary for that phase.
   c. Developer shall bear the cost for and install, prior to Phase 1A acceptance, the connection to the stub road on 1300 East and 675 North. Developer shall arrange and be responsible for ~~will~~ connecting to the 320 North stub when the adjacent phase is developed.

d. Developer shall bear the cost for and install the planned road improvements to connect 1240 East to the North Connector/Bypass road at the time the Connector road is constructed. Improvements shall also include ~~landscaping from Mill Road to the development's north entryway, and~~ enhanced landscaping at Mill Road as agreed upon with the neighboring property owners (Wilcox and Piscitelli) to the north and south of Sage Acres Lot 1, per separate letter agreements dated October 25, 2007 and April 18, 2008 respectively.

e. City shall provide a 66-foot right of way access to the development through Sage Acres Lot 1 for Phase 1 of the development.

~~f. Upon acceptance of any portion of the North Connection public road, the Stone Creek Home Owners Association (SCHOA) shall assume responsibility for maintenance of the landscaping and associated irrigation system within the road. The City shall assume responsibility for maintenance of the street, trail, storm drainage, and other public utilities in the road. The City shall also pay for irrigation water used to maintain the landscaping within the public right of way.~~

~~g.~~f. All storm drainage facilities within and serving the development shall be private and maintained by the SCHOA, including swales, ponds, berms, pipes, manholes, street inlet boxes, etc.

~~h.~~g. SCHOA will create an impound account, prior to acceptance of Phase 1A, for road and storm drain maintenance within the development, with an initial amount of $??? ~~($??? per lot per year for the first 3 years)~~ deposited in the account. SCHOA will include a specific amount in the monthly HOA fee for each homeowner that will be contributed to the impound account for ongoing road maintenance.

~~i.~~h. City will operate and maintain all irrigation, culinary water, and sewer facilities within the private development, up to and including the water meter vaults, irrigation boxes, and sewer cleanouts on the road right of way line serving each lot per City Standards and Code.

~~j.~~i. City shall have unrestricted easements and the right of travel along all city utilities for operation,

maintenance, and replacement of said utilities. The City shall not be liable for any damages to private structures resulting from lack of maintenance or plowing of private streets which would prohibit City's timely repair of damaged utilities. The City agrees that all repair work will conform to city standards including street repairs. The Developer and SCHOA agree not to charge the City a fee for access, maintenance, and repair of said utilities, such as a road cut fee.

~~k.~~j. Developer and SCHOA will prohibit structures, fencing, and grade changes along or across all utility easements without written City approval.

~~l.~~k. Developer is responsible, as part of the Phase 1A construction, to design and install a 16-inch master planned water line within the alignment of the eastern portion of the Bypass Road, and coordinate the offsite water line construction with the Bypass grading by Red Ledges. Prior to recording the Phase 1A and 1B plat, Developer and City will cooperate to secure an easement or right-of-way for the construction of the off-site portion of the water line. ~~City will secure from Red Ledges the easement in the Bypass Road for construction of the water line and the easement for connection of the water line into Stone Creek.~~ Developer will connect the water system in the development to the City's existing system in Lake Creek Road and Mill Road. City will reimburse Developer for over sizing the waterline from 8-inches to 16-inches, payable upon final acceptance and upon receiving invoices demonstrating actual cost incurred by the developer to install the improvements.

~~m.~~l. Developer and SCHOA shall disclose to prospective purchasers and include on each recorded plat the following soils information. "A geotechnical report for the subdivision is available in the Heber City Planning Office. This report provides recommendations for construction to address specific soils in the area. Builders are advised to review this report and follow those recommendations, and to consult with a geotechnical engineer if soil conditions are different than described in the report."

~~n.~~m. Development shall provide City with a noxious weed control plan approved by the Wasatch County Weed Control Board prior to recording the Phase 1A subdivision plat

and implement approved measures prior to project acceptance by the City.

~~o. Developer will dedicate any remaining property on the northeast corner of the development (north east of the bypass connector) as open space maintained by the SCHOA.~~

~~p.~~n. Developer shall, prior to issuance of building permits on Phase 1A, provide a sign at the Mill Road entry way with contact information for access to the subdivision.

~~q.~~o. Landscaping of open space within each phase of the development shall be constructed as shown on the landscaping improvement plans, including top soil, ground cover, irrigation systems, and trees. Landscaping of the open space shall be completed for each phase by the developer prior to issuing more than 50 percent of the building permits for said phase.

~~r. Developer shall implement CCR's that require street tree planting in the development for each respective building lot.~~

~~s.~~p. ~~Trails within Stone Creek Subdivision will be open to the public. The subdivision plat designate trails as maintained by the SCHOA and available for general public use.~~SCHOA shall maintain its designated trails within the subdivision, and have the right to make its trail system open for public use at its discretion.

~~t.~~q. If agreed to by Red Ledges, ~~Amajor~~primary access during construction of the subdivision shall be through the Red Ledges Bypass road at 580 North on the east side of the subdivision, with secondary access through the 675 North stub road. Developer shall inform contractors and subcontractors of the construction access locations, and place appropriate construction access signs at these entrances ~~Red Ledges Bypass~~; a "construction access prohibited" sign shall be placed at the north end of 1300 East.

~~u.~~r. Developer shall repay, prior to starting Phase 1A, an outstanding balance of $1,952.94 owed to the City for inspection and other construction services performed in the past on this subdivision.

4. The parties agree that the Phase 1A plat (Exhibit C) will be constructed prior to or at the same time as Phase 1B

(Exhibit D), and that no building permits shall be issued for each phase until all improvements are completed and the phase is accepted by the City.

5. 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.

6. 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 prior to recording a plat.

7. 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 public improvements identified in paragraph 3.h, and acceptance of the subdivision as complete, which shall not be unreasonably withheld, the City agrees to take over and assume responsibility for those improvements and begin issuing building permits. 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.

8. 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.

9. 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.

10. 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.

DATED this _____ day of _____, 2015.

HEBER CITY, UTAH

By: _____
ALAN MCDONALD, Mayor

ATTEST:

By: _____
Heber City Recorder

BLACKSTONE CREEK,LLC

By: _____
Rich Hansen ~~-~~ ~~Manager~~Vice President

STATE OF UTAH)
:ss.
COUNTY OF WASATCH)

On this _____ day of _____, 2015, personally appeared before me the above named Owner, who duly acknowledged to me that he is the Owner in fee, and Developer, and executed the same as such.

_____
NOTARY PUBLIC

~~**Vested Rights Granted by Approval of this MDA.** To the maximum extent permissible under the laws of Utah and the United States and at equity, the City, Owners and Master Developer intend that this MDA grants Owners and Master Developer all rights to develop the Project as set forth in the Preliminary Approval. The Parties intend~~

that the rights granted to Owners and Master Developer under this MDA are contractual and also those rights that exist under statute, common law and at equity. The parties specifically intend that this MDA and the Preliminary Approval grant to Owners and Master Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann. § 10-9a-509 (2015).

Exceptions. The restrictions on the applicability of the City's Future Laws to the Project as specified in Section 4.2 are subject to only the following exceptions:

Master Developer Agreement. City's Future Laws that Master Developer agrees in writing to the application thereof to the Project;

State and Federal Compliance. City's Future Laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

Codes. City's Future Laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare;

Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated; or,

Fees. Changes to the amounts of fees (but not changes to the times provided in

~~the City's Vested Laws for the imposition or collection of such fees) for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.~~

~~Planning and Zoning Modification. Changes by the City to its planning principles and design standards such as architectural or design requirements, setbacks or similar items so long as such changes do not work to reduce the Maximum Residential Units, are generally applicable across the entire City to the respective Zones within the Project and do not materially and unreasonably increase the costs of any Development.~~

~~Compelling, Countervailing Interest. Laws, rules or regulations that the City's land use authority finds, on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i) (2015).~~

~~Impact Fees. Impact fees that are lawfully adopted and lawfully assessed.~~

~~Development Standards. City's Future Laws that are updates or amendments to existing standards with respect to private roads and a ½ width road standards.~~

EXHIBIT A: LEGAL DESCRIPTION

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 0°02'25" EAST 2666.17 FEET ALONG A SECTION LINE AND EAST 441.20 FEET FROM THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

THENCE NORTH 00°32'29" EAST 527.33 FEET; THENCE NORTH 00°41'27" WEST 804.50 FEET; THENCE NORTH 89°58'44" EAST 252.13 FEET; THENCE SOUTH 00°47'00" EAST 65.57 FEET; THENCE NORTH 89°59'13" EAST 90.18 FEET; THENCE SOUTH 00°01'17" EAST 174.58 FEET; THENCE SOUTH 05°48'38" EAST 50.00' FEET; THENCE SOUTH 03°08'08" WEST 462.87 FEET; THENCE SOUTH 02°36'38" EAST 84.55 FEET; THENCE SOUTH 39°49'09" EAST 127.43 FEET; THENCE SOUTH 09°59'24" EAST 93.99 FEET; THENCE SOUTH 51°22'52" EAST 77.57 FEET; THENCE SOUTH 63°40'24" EAST 72.31 FEET; THENCE SOUTH 20°59'19" WEST 135.01 FEET; THENCE ALONG THE ARC OF 485.00 FOOT RADIUS CURVE 97.95 FEET TO THE RIGHT (CURVE HAS A CENTRAL ANGLE OF 11°34'17" AND A CHORD BEARING SOUTH 75°13'25" EAST 97.78 FEET); THENCE SOUTH 16°25'19" WEST 50.00 FEET; THENCE ALONG THE ARC OF 15.50 FOOT RADIUS CURVE 27.53 FEET TO THE LEFT (CURVE HAS A CENTRAL ANGLE OF 101°45'28" AND A CHORD BEARING SOUTH 55°32'35" WEST 24.05 FEET); THENCE ALONG THE ARC OF 37.50 FOOT RADIUS CURVE 25.43 FEET TO THE RIGHT (CURVE HAS A CENTRAL ANGLE OF 38°51'34" AND A CHORD BEARING SOUTH 24°05'38" WEST 24.95 FEET); THENCE ALONG THE ARC OF 20.00 FOOT RADIUS CURVE 4.39 FEET TOO THE RIGHT (CURVE HAS A CENTRAL ANGLE OF 12°33'47" AND A CHORD BEARING SOUTH 37°14'31" WEST 4.38 FEET); THENCE WEST 693.99 FEET TO THE POINT OF BEGINNING.

CONTAINING: 11.42 ACRES

BOUNDARY DESCRIPTION

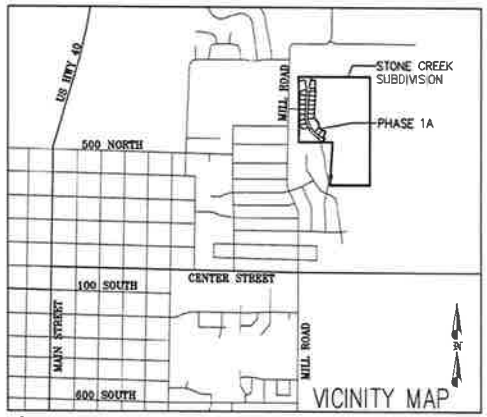
BEGINNING AT A POINT WHICH IS SOUTH 0°02'25" EAST 2666.17 FEET ALONG A SECTION LINE AND EAST 494.97 FEET FROM THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.
THENCE ALONG THE ARC OF 20.00 FOOT RADIUS CURVE 4.39 FEET TO THE RIGHT (CURVE HAS A CENTRAL ANGLE OF 12°33'47" AND A CHORD BEARING SOUTH 37°14'31" WEST 4.38 FEET); THENCE ALONG THE ARC OF A 37.50 FOOT RADIUS CURVE TO THE RIGHT 25.43 FEET (CURVE HAS A CENTRAL ANGLE OF 38°51'34" AND A CHORD BEARING SOUTH 24°05'38" WEST 24.95 FEET); THENCE ALONG THE ARC OF A 15.50 FOOT RADIUS CURVE 27.53 FEET TO THE RIGHT (CURVE HAS A CENTRAL ANGLE OF 101°45'28" AND A CHORD BEARING SOUTH 55°32'35" WEST 24.05 FEET); THENCE NORTH 16°25'19" EAST 77.57 FEET; THENCE ALONG THE ARC OF A 485.00 FOOT RADIUS CURVE 35.05 FEET TO THE RIGHT (CURVE HAS A CENTRAL ANGLE OF 4°08'25" AND A CHORD BEARING NORTH 71°30'29" WEST 35.04 FEET); THENCE NORTH 20°59'19" EAST 135.01 FEET; THENCE SOUTH 72°33'22" EAST 80.07 FEET; THENCE EAST 178.94 FEET; THENCE SOUTH 78°16'11" EAST 369.97 FEET; THENCE SOUTH 89°12'37" EAST 95.30 FEET; THENCE SOUTH 02°54'21" WEST 62.46 FEET; THENCE ALONG THE ARC OF A 2025.00 FOOT RADIUS CURVE 57.23 FEET TO THE RIGHT (CURVE HAS A CENTRAL ANGLE OF 01°37'09" AND A CHORD BEARING NORTH 02°05'46" EAST 21.94 FEET); THENCE NORTH 89°09'43" EAST 50.04 FEET; THENCE ALONG THE ARC OF A 15.50 FOOT RADIUS CURVE 24.44 FEET TO THE RIGHT (CURVE HAS A CENTRAL ANGLE OF 90°20'33" AND A CHORD BEARING SOUTH 43°49'52" EAST 21.99 FEET; THENCE SOUTH 00°01'41" EAST 50.04 FEET; THENCE ALONG THE ARC OF A 15.50 FOOT RADIUS CURVE 24.60 FEET TO THE RIGHT (CURVE HAS A CENTRAL ANGLE OF 90°56'04" AND A CHORD BEARING SOUTH 44°26'16" WEST 22.10 FEET); THENCE NORTH 89°22'15" WEST 50.02 FEET; THENCE ALONG THE ARC OF A 2025.00 FOOT RADIUS CURVE 46.20 FEET TO THE LEFT (CURVE HAS A CENTRAL ANGLE OF 01°18'26" AND A CHORD BEARING NORTH 01°38'32" WEST 46.20 FEET); THENCE SOUTH 02°17'45" EAST 250.59 FEET; THENCE SOUTH 87°42'15" WEST 135.00 FEET; THENCE SOUTH 47°48'58" WEST 220.62 FEET; THENCE SOUTH 89°29'53" WEST 227.52 FEET; THENCE SOUTH 36°36'52" WEST 84.03 FEET; THENCE SOUTH 03°33'41" WEST 80.78 FEET; THENCE SOUTH 68°04'28" WEST 33.23 FEET; THENCE NORTH 03°33'41" EAST 685.47 FEET; THENCE WEST 211.43 FEET TO THE POINT OF BEGINNING. CONTAINING: 9.48 ACRES

PARCEL SERIAL NUMBER: OHE-1988-0-033-035

EXHIBIT B: STONE CREEK MASTERPLAN

Scale 1" = 100'
SCALE 1"=200' FOR 11"x17" PLANS
PHASING NOTE:
1. PHASE 1 INCLUDES LOTS 1-37.
LAND USE CALCS
TOTAL AREA 60 ACRES
TOTAL LOTS 125 LOTS
OPEN SPACE 18.67 AC (31.10%)
AVERAGE LOT SIZE 12,140 SF
MAXIMUM LOT SIZE 14,259 SF
MINIMUM LOT SIZE 10,182 SF
PHASE 1
FUTURE PHASES
HEBER CITY ENGINEER APPROVAL
BLACKSTONE CREEK LLC
STONE CREEK SUBDIVISION
MASTER PLAN
BERG ENGINEERING
RED LEDGES BY-PASS TO BE CONSTRUCTED BY RED LEDGES
PAVE PORTION OF INTERSECTION FOR HAMMERHEAD TURNAROUND
RED LEDGES BY-PASS
RED LEDGES
1490 EAST
1420 EAST
1390 EAST
1310 EAST
1240 EAST
1300 EAST
1320 EAST
580 NORTH
670 NORTH
675 NORTH
830 NORTH
WOLLING HILLS LANE
WATERSIDE COURT
WASATCH CANAL
MILL ROAD
WILCOX
STORM WATER RETENTION POND
10' ASPHALT TRAIL FOR UTILITY ACCESS
FUTURE CONNECTION TO BYPASS ROAD FOR STONE CREEK ONCE CONSTRUCTED BY RED LEDGES

EXHIBIT C: PHASE 1A



LOCATED IN THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

ADDRESS TABLE

LOT	ADDRESS	LOT	ADDRESS
1	803 NORTH 1240 EAST	9	814 NORTH 1240 EAST
2	781 NORTH 1240 EAST		1256 EAST 830 NORTH
3	761 NORTH 1240 EAST	10	788 NORTH 1240 EAST
4	743 NORTH 1240 EAST	11	772 NORTH 1240 EAST
5	725 NORTH 1240 EAST	12	754 NORTH 1240 EAST
6	705 NORTH 1240 EAST	13	728 NORTH 1240 EAST
7	687 NORTH 1240 EAST	14	712 NORTH 1240 EAST
8	671 NORTH 1240 EAST	15	616 NORTH 1240 EAST
		16	588 NORTH 1240 EAST

STONE CREEK PHASE 1 - JUNE 11, 2015

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING	CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	35.05'	485.00'	04°08'25"	35.04'	S71°30'29"E	C19	97.59'	625.00'	08°56'46"	97.49'	N89°39'45"E
C2	27.53'	15.50'	101°45'28"	24.00'	S62°33'35"W	C20	24.35'	15.50'	90°00'00"	21.92'	S48°08'08"W
C3	25.43'	37.50'	38°51'34"	24.95'	S24°05'38"W	C21	106.89'	485.00'	12°37'38"	106.67'	S03°10'41"E
C4	4.39'	20.00'	12°33'47"	4.38'	S37°14'31"W	C22	300.74'	485.00'	35°31'40"	295.94'	S27°15'20"E
C5	51.53'	533.00'	05°32'00"	51.51'	N84°51'04"E	C23	97.70'	485.00'	11°32'31"	97.53'	S50°47'25"E
C6	68.99'	500.00'	07°54'19"	68.93'	N86°02'04"E	C24	109.00'	485.00'	12°52'36"	108.77'	S62°59'58"E
C7	4.47'	533.00'	00°28'49"	4.47'	N82°58'19"W	C25	832.08'	510.00'	93°28'46"	594.45'	S32°36'42"E
C8	57.28'	467.00'	07°01'37"	57.24'	N85°35'43"E	C26	197.47'	510.00'	22°11'07"	196.24'	S76°15'09"E
C9	24.74'	15.50'	91°27'32"	22.20'	S45°09'43"E	C27	44.55'	125.00'	20°25'06"	44.31'	N11°07'53"E
C10	76.04'	225.00'	19°21'44"	75.67'	S09°06'49"E	C28	10.46'	20.00'	29°57'38"	10.34'	N16°08'00"W
C11	65.50'	186.00'	20°17'11"	70.76'	S07°49'46"E	C29	45.72'	38.50'	68°31'22"	42.94'	N07°48'53"E
C12	44.82'	1,000.00'	02°34'02"	44.82'	S01°31'06"W	C30	27.53'	15.50'	101°45'28"	24.05'	N12°08'10"W
C13	24.19'	15.50'	89°26'10"	21.81'	S45°16'38"W	C31	305.75'	535.00'	32°44'40"	301.61'	S46°38'34"E
C14	63.03'	225.00'	21°08'38"	62.66'	S11°06'23"W	C32	91.83'	535.00'	09°50'03"	91.72'	S25°21'12"E
C15	23.40'	175.00'	07°40'37"	23.43'	S17°52'21"W	C33	90.39'	535.00'	09°40'50"	90.29'	S15°35'45"E
C16	27.30'	15.50'	100°32'36"	23.90'	S36°24'54"E	C34	90.59'	535.00'	09°42'06"	90.48'	S05°54'17"E
C17	89.79'	575.00'	08°56'46"	89.69'	N86°39'45"E	C35	39.12'	535.00'	04°11'23"	38.89'	S01°02'46"W
C18	93.68'	600.00'	08°56'46"	93.59'	N89°39'45"E	C36	5.61'	186.00'	01°43'37"	5.61'	S02°16'19"W
						C37	23.50'	15.50'	273°08'08"	21.31'	S48°34'04"W
						C38	24.20'	15.50'	90°08'08"	22.51'	S41°25'56"E

LINE TABLE

LINE	LENGTH	BEARING
L1	13.01'	N00°41'27"W
L2	112.05'	N89°58'44"E
L3	38.84'	S21°20'26"W

NOTES AND CONDITIONS:

PRIVATE STREETS ARE OWNED AND MAINTAINED BY THE STONE CREEK HOME OWNERS ASSOCIATION.

AN EASEMENT ON ALL PRIVATE STREETS IS DEDICATED TO HEBER CITY FOR THE PURPOSES OF OPERATING, MAINTAINING INSPECTING, REPAIRING AND REPLACING WATER, SEWER, PRESSURIZED IRRIGATION AND STORM DRAIN UTILITIES.

ALL COMMON AREAS SHALL BE MAINTAINED BY THE STONE CREEK HOME OWNERS ASSOCIATION. COMMON AREAS ARE GOVERNED BY THE COVENANTS, CONDITIONS AND RESTRICTIONS OF THE STONE CREEK HOME OWNERS ASSOCIATION.

LOT OWNERS SHALL COMPLY WITHIN THE COVENANTS, CONDITIONS AND RESTRICTIONS OF THE STONE CREEK HOME OWNERS ASSOCIATION.

USE OF THE PRIVATE ROADS WITH STONE CREEK IS LIMITED TO LOT OWNERS, THEIR GUESTS AND INVITEES, EMERGENCY SERVICES, HEBER CITY, WASATCH COUNTY PUBLIC WORKS (TRASH COLLECTION) AND PUBLIC UTILITY COMPANIES. THE STONE CREEK HOME OWNERS ASSOCIATION RESERVES THE RIGHT TO CONTROL THE USE OF PRIVATE ROADS WITHIN THE DEVELOPMENT.

COMMON AREAS ARE ALSO DEDICATED AS STORM DRAIN EASEMENT.

A GEOTECHNICAL REPORT FOR THE SUBDIVISION IS AVAILABLE IN THE HEBER CITY PLANNING OFFICE. THIS REPORT PROVIDES RECOMMENDATIONS FOR CONSTRUCTION TO ADDRESS SPECIFIC SOILS IN THE AREA. BUILDERS ARE ADVISED TO REVIEW THIS REPORT AND FOLLOW THOSE RECOMMENDATIONS, AND TO CONSULT WITH A GEOTECHNICAL ENGINEER IF SOIL CONDITIONS ARE DIFFERENT THAN DESCRIBED IN THE REPORT.

COUNTY SURVEYOR'S CERTIFICATE

APPROVED AS TO FORM ON THIS_____ DAY OF _____, 20___

ROS# _____

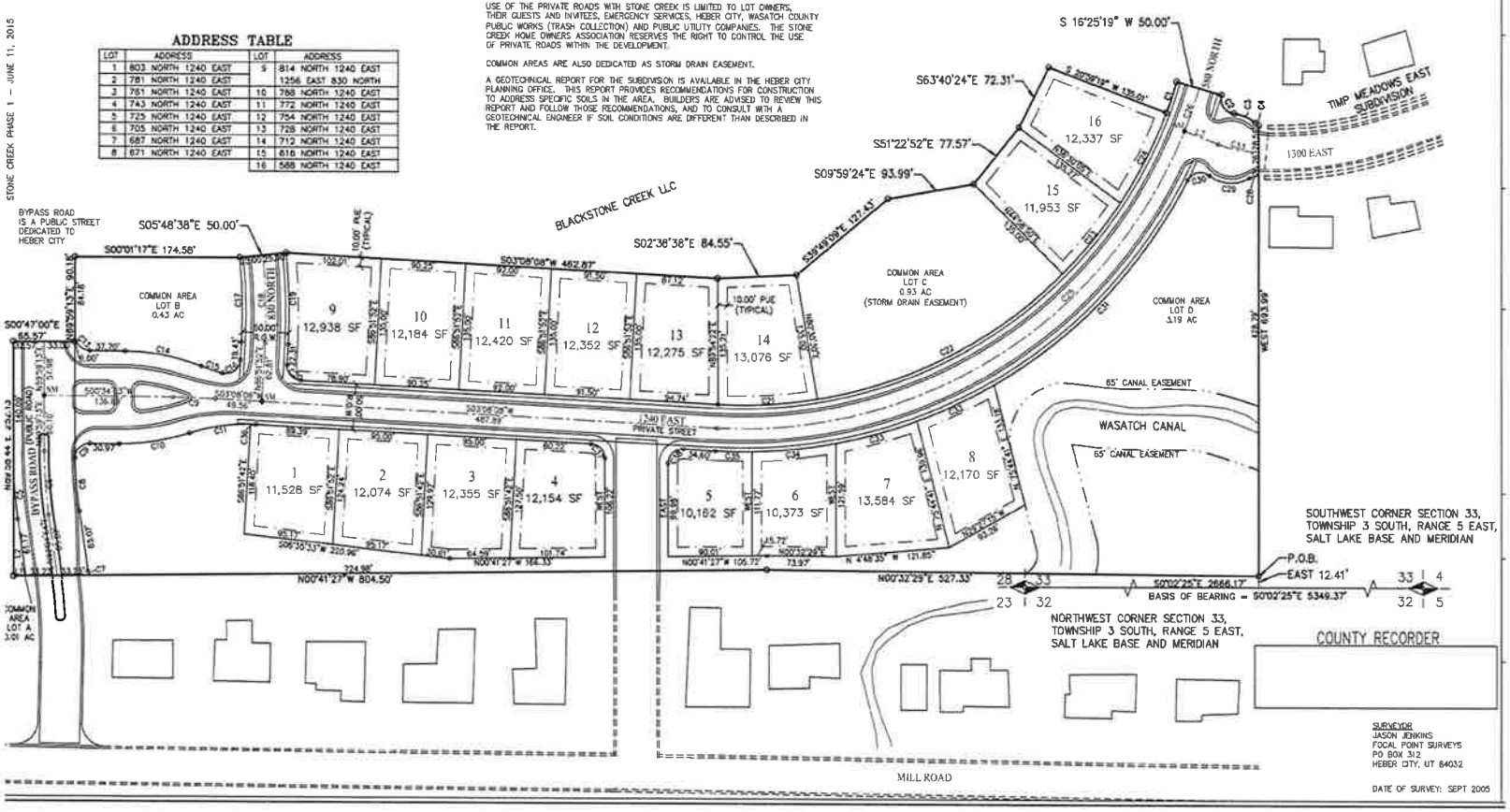
_____
COUNTY SURVEYOR

Scale 1" =60'

LEGEND

SEWER EASEMENT TO HEBER CITY

SM SURVEY MONUMENT

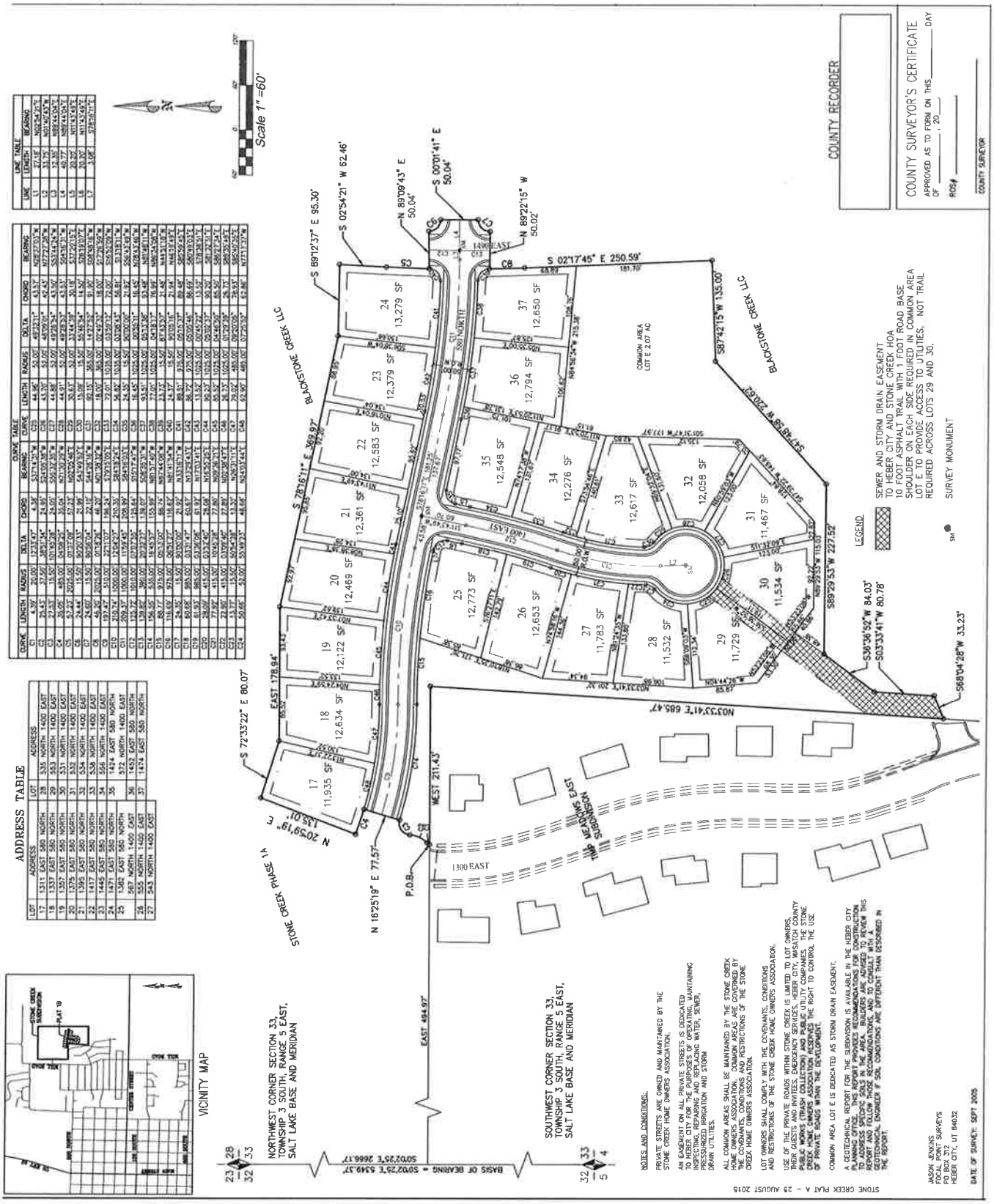


COUNTY RECORDER

SURVEYOR
JASON JENKINS
FOCAL POINT SURVEYS
PO BOX 312
HEBER CITY, UT 84032

DATE OF SURVEY: SEPT 2005

EXHIBIT D: PHASE 1B



ADDRESS TABLE

LOT	ADDRESS	LOT	ADDRESS
17	1311 EAST 580 NORTH	28	535 NORTH 1400 EAST
18	1337 EAST 580 NORTH	29	553 NORTH 1400 EAST
19	1357 EAST 580 NORTH	30	531 NORTH 1400 EAST
20	1379 EAST 580 NORTH	31	532 NORTH 1400 EAST
21	1395 EAST 580 NORTH	32	534 NORTH 1400 EAST
22	1417 EAST 580 NORTH	33	538 NORTH 1400 EAST
23	1445 EAST 580 NORTH	34	556 NORTH 1400 EAST
24	1471 EAST 580 NORTH	35	1424 EAST 580 NORTH
25	1365 EAST 580 NORTH		372 NORTH 1400 EAST
	567 NORTH 1400 EAST	36	1452 EAST 580 NORTH
26	555 NORTH 1400 EAST	37	1474 EAST 580 NORTH
27	543 NORTH 1400 EAST		