WORK MEETING

AGENDA
AND
STAFF MEMO

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
City Council Meeting

August 15, 2013

Work Meeting 6:00 p.m.

DISCUSSION ITEMS

(Tab A) Discuss Local Bidder Incentive Ordinance 2013-08

(Tab B) Kim Tippetts, Wasatch Back Property Management, Discuss Request for Culinary Water Service to Property Located at approximately 2400 South and 1300 East

(Tab C) Discuss Providing Culinary Water to Strawberry Storage, Located at 2117 South Highway 40

Discuss Staffing Needs for Accounts Payable/Building Department

Board Reports by Council Members

OTHER ITEMS AS NECESSARY

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 Kellogg at the Heber City Offices (435) 654-0757 at least eight hours prior to the meeting.

Posted on August 9, 2013, 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 August 9, 2013.

Heber City Corporation

Memo

To: Mayor and City Council

From: Mark K. Anderson

Date: 08/08/2013

Re: City Council Agenda Items

WORK MEETING

Discuss Local Bidder Incentive Ordinance 2013-08 (Tab A): At the last Council meeting, Councilman Bradshaw asked that we provide some comments that had been received from other cities on this issue. Enclosed is a summary of responses I received from other City Managers/Administrators when I asked about local bidder preference. Councilman Mergist has also expressed a desire to have Brad Baird return to answer additional questions. Staff is looking for direction on how the Council would like to proceed.

Kim Tippetts, Wasatch Back Property Management, Discuss Request for Culinary Water Service to Property Located at approximately 2400 South and 1300 East (Tab B): Kim Tippetts, on behalf of Wasatch Back Property Management, is seeking permission to connect onto the City's culinary water system at approximately 2300 South 1200 East. See enclosed letter and plat map. The proposed connection would serve 5 lots that they are proposing to develop.

Staff would make the following observations:

- The property is within the Heber City Annexation Policy Plan boundary
- Ideally, the City would require annexation before services are offered
- Annexation of this property in the future is questionable
- The property would acquire sewer service from Twin Creeks SSD
- Twin Creeks and Center Creek water do not currently have water lines in the area
- The property owner is willing to pay a higher impact fee and enter into an agreement to support annexation when it became more practical
- Annexation of the property would require approximately 15 parcels to be brought into the City to avoid the creation of a peninsula
- The property is within the Twin Creeks Special Service District

Staff has mixed emotions about granting the request. The County has given us the impression that the Twin Creeks SSD would likely install a water line in the area in the next two to five years. The County Manager has indicated that the County would prefer that the City not offer services in the Twin Creeks SSD. If the City were to offer services in this area, staff would prefer the following be placed in an agreement:

- The water line be installed in a public right-of-way rather than an easement
- That subdivision improvements be installed to meet City standards if the City expects to see the property annexed in the future
- That an agreement be required indicating that the property owner/s would sign a petition for annexation if requested
- Impact fees and monthly fees would be paid at 150% of City resident rates
- Water rights would be transferred to the City equal to the demand placed on City services

The Council should discuss the likelihood of annexation of this area and whether or not it is beneficial to offer culinary water services to this property at this time without annexation.

Discuss Providing Culinary Water to Strawberry Storage, located at 2117 South Highway 40 (Tab C): Paul Berg is requesting that the City provide culinary water service / fire protection for Strawberry Storage located at 2117 South Highway 40. (See enclosed letter and map) The property is not within the City limits and needs fire protection in order to obtain a building permit for their proposed expansion.

Staff would make the following observations:

- The property is within the Heber City Annexation Policy Plan boundary
- Ideally, the City would require annexation before services are offered
- The likelihood of future annexation is high
- Fire protection is needed to obtain a building permit to expand the business
- The property owner is willing to pay a higher impact fee and enter into an agreement to support annexation when it became more practical
- Annexation of the property would require several parcels to be brought into the City to avoid the creation of a peninsula
- The property is not located in the Twin Creeks Special Service District
- The City has a waterline across Highway 40 and east of the property on 2400 South

The dilemma faced with this request is that the proposed future zoning of this area is not compatible with the current use of the property. Approval of this request would facilitate the expansion of a use that would be non-conforming when annexed unless the proposed zoning of this property or the proposed permitted uses of the property is changed at some point in the future.

If the City were to offer services in this area, staff would prefer the following be placed in an agreement:

- That the City determine the preferred route for the connection to the water system
- That an agreement be required indicating that the property owner/s would sign a petition for annexation if requested and agree to improve the property to meet City standards once annexed
- Impact fees and monthly fees would be paid at 150% of City resident rates
- Water rights would be transferred to the City equal to the demand placed on City services

The Council should discuss the likelihood of annexation of this area and whether or not it is beneficial to offer culinary water services to this property at this time without annexation.

Discuss Staffing Needs for Accounts Payable/Building Department: For the past month, the workload for the Building/Accounts Payable position has become unmanageable and based on my conversations with staff, I don't see this changing. I have discussed this issue with the department heads to see if any available resources could be diverted to assist this position. At this time, I do not see immediate/sustained sources of help for this position. The most viable options that have been discussed are as follows:

1. Hire a pool of temporary employees that could assist as needed. This may consist of retired persons or persons with children in school that could use a part-time job with flexible hours. Chief Booth indicated that this program was successful in Summit County and that they had some very qualified persons filling these flexible positions.
2. Hire a full-time person and split up the building duties and accounts payable duties. Prior to 2008 these duties were covered by two persons.

In either circumstance, a budget is needed to pay for the cost of additional personnel. The estimated cost of a part-time person who averages 10 hours per week would be approximately $8,500 per year with no benefits. A full-time employee with benefits would cost $55,000 - $60,000 per year.

The part-time option would likely get us through the year, but long term this position is becoming more than one person can handle. I suspect that if we had a pool of good part-time people we would want to use them in other departments as need arises. I will be seeking Council direction/approval to get additional help for this position.

Board Reports by Council Members:

DISCUSSION/ ACTION ITEMS

TAB A

Summary of Responses to Local Preference for Purchasing

Ephriam City:

SECTION 3 – GENERAL GUIDELINES

The general guidelines below should be considered administrative rules and are to be followed as closely as possible by all departments.

3.1 Local Buying

Whenever possible, purchases will be made from local vendors from Ephraim. This can be accomplished by ensuring that local vendors who have goods or services, which the City is in need of, are included in the competitive bidding process, which will precede most purchases. If a local vendor's bid is within 10% of the low bid from a non-local vendor, the local vendor shall be given preference in the acceptance of bids.

Regan Bolli

St. George

The City of St. George has a policy that a local vendor has the right to match the low bid if they are within 5%. We have had the policy for several years and never had a challenge and it has worked well.

Gary S. Esplin

Sandy:

In Sandy, we have considered this in the past and do not give preference to local vendors but keep with the lowest bid unless there are other factors that can be documented as to why we don't use the lowest bid. I don't believe there were problematic issues from a legal standpoint when we considered this, but rather, the philosophy was more one of the best way to serve all taxpayers in the city is to use the least expensive and most responsible vendor, regardless of location. That works great for us and in Salt Lake Valley, but in other communities, particularly where the difference between a local vendor and an out of town vendor is greater, the philosophy may be different.

Korban Lee

Pleasant View:

Pleasant View doesn't have anything, but when I worked for Casa Grande, AZ, they had a local preference in their procurement ordinance. When I wrote the procurement manual for the organization, we realized that a percentage gets to be problematic when large projects or costs come into play.
Example:
$100 @ 5% =$5
$50k@ 5% = $2,500
No one will complain much at $5, but $2,500 is another story. If you implement a %, you will want to look at doing some sort of a sliding scale.

Melinda Brimhall

Santa Clara:

Contact the mayor of North Ogden (Rich Harris). When I was in north Ogden we used the choosing by advantage system and it would factor in local firms and past jobs for city etc. we would award the firm that showed best advantage to city regardless of cost. Very defendable and never had any problems.
Ed Dickie

I have sent an email to Mayor Harris, but have not yet received a response. North Ogden's purchasing policy provided to me by staff did not note any local vendor preference.

Washington City:

Here is Washington City's policy:

Local Vendor Preference:
1. In awarding bids for public work or for the procurement of supplies or services,.

A "local vendor" is defined as a business having:
a. A commercial office, store, distribution center or other place of business located within the boundaries of Washington City, with an intent to remain on a permanent basis;
b. A current Washington City business license; and
c. At least one employee physically present at the local business outlet.
2. All three (3) criteria must be met in order to qualify as a local vendor. If there are no bidders who qualify as a local vendor, the same preference may then be extended to Washington County under the conditions below. If a low bid is submitted by a nonpreferred (nonlocal vendor) bidder, the bid may be awarded to a local vendor, if the local vendor's bid is within five percent (5%) of the low nonpreferred bid, and if the local vendor agrees, in writing, within seventy two (72) hours after notification that it is the qualified preferred bidder, to meet the low bid. Such notice shall contain the exact bid submitted by the nonpreferred bidder, and the purchasing agent shall enter into no contract until seventy two (72) hours have elapsed after notification to the local vendor. The principal place of business of a local vendor may be elsewhere as long as a local branch meeting the above criteria is present. The domicile of one or more partners, owners, associates, directors, employees or agents shall not qualify for constituting a local vendor in the absence of an actual local business outlet. (Ord. 2011-02, 2-9-2011)

Roger Carter

Draper City:

Draper City considered this a few years ago. Several of our larger local businesses did not support this concept because they worried that other cities would follow suit and consequently put them at a bidding disadvantage. Based on that, our city council did not approve it.

David Dobbins

Brigham City:

Brigham has the following language in our purchasing policy and it is used mainly for purchasing vehicles or items already under state contract. We request bids from state contract holders and the local auto dealers at the same time and if the local vendor meets the requirements of the policy we award the bid to them, if not it goes to the state vendor. Depending on what we are buying, I think it works out to be about a 50/50 split. All other bid items are awarded to the lowest responsible bidder or rejected for cause. If you want the entire document let me know.

Bruce Leonard

Farmington Utah:

No local preference established in our purchasing policies.

David Millheim

Mark Achen ICMA:

Grand Junction considered exactly the same policy proposal twice during my years as manager. Each time the Council came to the same conclusion as did Draper: such a policy might result in a bidding war with neighboring communities which could end up hurting, rather than helping, our local suppliers, contractors, etc. Hope this of some help.

Centerville:

Centerville has not considered this, but we did in Colorado where I managed a rural community. We ultimately did not adopt such a policy there. I believe it is a dangerous idea that is hard to justify in a taxpayer climate and I think implementation issues would ultimately kill the idea (at least that is my 2 cents). In an urban area, it is particularly problematic because the definition of "local" becomes so blurred, but I think you would have trouble defining that practically even in Heber City.

Steve Thacker

South Salt Lake:

We have some experience in South Salt Lake. Paul Roberts, our deputy City Attorney, can discuss it with you. Yes, we have some legal concerns.

Lyn Creswell

Our City Attorney spoke with Paul Roberts and Paul indicated that he believed the practice was legal, but shared the same concerns expressed by Sandy and Draper.

Roosevelt:

Here is the local preference as it reads in our policy. We have not exercised this option since the policy was written in 2008. I'm not sure if the attorney has reviewed the document. Brad wrote it and Council approved it.

SECTION 9. LOCAL VENDOR PREFERENCE

A. This directive establishes guidelines in order to provide preference to local vendors in comparison with bids and quotations from non-local vendors.

B. This section does not apply to purchases equal to or greater than $25,000 where competitive sealed bidding is required.

C. In all purchases, Roosevelt City shall within guidelines established by the purchasing ordinance and its policies and regulations, prefer supplies, equipment, services, or materials sold in Roosevelt City to the extent set forth in the following subsections and based on quality, suitability, and economy:

1. When a quotation or bid for supplies, equipment, services, or materials from a non-local provider (from outside Roosevelt City corporate boundaries) submitted in response to a quote invitation or bid request is the low bid price, AND there is a local

bidder whose bid or quote is within five (5%) percent of the lowest bid of the non-local bidder(s), the purchase shall be awarded to the local bidder provided he/she agrees to meet the low quote or bid of the lowest non-local bidder within 48 hours after notification.

2. In the event that more than one local bidder (within the corporate boundaries of Roosevelt City) shall notify Roosevelt City of his/her willingness to meet the low quote or bid of the lowest non-local bidder, the purchase shall be awarded to the willing local bidder who was the lowest local bidder originally. If there are two or more equally low local bidders, then the local bidder to which the purchase is awarded shall be the local bidder whose original bid was first received by the City.

Justin Johnson

Tremonton:

Attached is Tremonton City's purchase policy with highlighted sections that may be of interest. Essentially, our policy allows the person making the decision to purchase to ask if the local vendor will match the lowest price. Additionally, our policy states that the decision to purchase may not be made solely on the lowest price so that preference may be given to local businesses. I would be interested to see what other cities' policy state regarding this issue.

SECTION II: PURCHASING POLICY & CONTRACTS

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1. POLICY OBJECTIVES. The underlying purpose of this policy is the balancing of the following objectives. It is understood that some of the objectives may be in conflict with other objectives. It is the final decision making body's prerogative to find the appropriate balancing of the objectives within this General Policy when making a Procurement.

   C. Strengthen Local Economy. To strengthen Tremonton City's economy by supporting independently owned Businesses in Tremonton City and the Bear River Valley.

4. AUTHORIZATION FOR EXPENDITURES.

   A. Basis for Making Procurement Decisions and Authorizing the Expense. The position/body that has been granted authority to authorize an expense by signature of a Purchase Order shall make the decision upon requirements set forth in the Purchase Description, Request for Bids, Request for Proposal, and Request for Qualifications and balancing the policy objectives of Section 1 Policy Objectives. It is not requisite that the position/body who has authority to make Procurement decisions select the Vendor based upon the lowest possible price except as specified in UCA 11-39 for Building Improvement and Public Works Projects. Additionally, the position/body making the Procurement decision may, after receiving the bids, inquire to see if an independently owned Vendor in Tremonton City or the Bear River Valley may match the lowest bid received.

Shawn Warnke

Midvale City:

We do address this in our purchasing ordinance. The problem that we've had is that the term "local" in our case could mean the Wasatch Front or the State. The following is the wording out of the ordinance:

I. Evaluating Bids. The bids shall be evaluated within a reasonable time by the department head to determine the lowest responsible bidder based upon the following objectively measurable criteria as set forth in the invitation for bids:

1. Price: The total price of the bid.

2. Quality: The overall quality of the goods or work to be provided and/or the ability, capacity and skill of the bidder to provide any services or work required.

3. Conditions: The number and scope of any conditions or qualifications set forth in the bid.

4. Time: The time limit within which the bidder shall provide the goods, services, or work.

5. Reputation: The character, integrity, reputation, judgment, experience, and efficiency of the bidder and the quality of previous goods, services, or work obtained from the bidder.

6. Compliance: The previous and existing compliance by the bidder with laws and ordinances relating to the goods, services or work.

7. Financial Resources: The sufficiency of the financial resources and ability of the bidder to provide the goods, services, or work.

8. Future Service: The ability of the bidder to provide future maintenance and service and the local availability of parts, materials, etc.

9. Local Bidder: When possible, preference shall be given to local bidders.

Kane Loader

ORDINANCE NO. 2013 ____

AN ORDINANCE ESTABLISHING PREFERENCIAL PROCEDURES FOR LOCAL SOLICITATION AND AWARD OF MUNICIPAL PURCHASE OR CONTRACT

General 1.06.01: **Procedures For Solicitation and Award of Purchase or Contract.**

A. Preference For Local Businesses: It is the policy of the City to support local businesses in an effort to support the City's economy and tax base.

B. For purposes of this Section only, "Responsible Local Bidder" is defined as:

A local business bidder whose reputation, past performance and business and financial capabilities are
such that the bidder would be judged by appropriate authority to be capable of satisfying the City's needs for a specific purchase order or contract.

C. For purposes of this Section only, a "Local Business" is defined as a business having:

1. A commercial office, store, distribution center or other place of business located within the boundaries of the county, with an intent to remain on a permanent basis;
2. A current business license within the county; and
3. At least one employee physically present at the local commercial office, store, distribution center or other place of business in Wasatch County.

D. All three (3) of the above criteria must be met in order to qualify as a responsible local bidder (local bidder). If a low bid is submitted by a nonpreferred (nonlocal bidder) bidder, the bid may be awarded to a local bidder, if the local bidder's bid is within five percent (5%) of the low nonpreferred bid, and if the local bidder agrees, in writing, within seventy two (72) hours after notification that it is the qualified preferred bidder, to meet the low bid. Such notice shall contain the exact bid submitted by the nonpreferred bidder, and the purchasing agent shall enter into no contract until seventy two (72) hours have elapsed after notification to the local business. The principal place of business of a local business may be elsewhere as long as a local branch meeting the above criteria is present. The domicile of one or more partners, owners, associates, directors, employees or agents shall not qualify for constituting a local business in the absence of an actual local business outlet.

E. Preference to local businesses will not be offered if it violates the provisions of any federal, state or other grant agreement the City enters into.

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 or a complete copy has been posted in three public places within Heber City but not prior to the _____ day of _____, 2013.

ADOPTED AND PASSED by the City Council of Heber City, Utah this _____ day of _____, 2013, by the following vote:

	AYE	NAY
Councilman Robert L. Patterson	_____	_____
Councilman Benny Mergist	_____	_____
Councilman Alan W. McDonald	_____	_____
Councilman Erik Rowland	_____	_____
Councilman Jeffery Bradshaw	_____	_____

APPROVED:

_____

Mayor David R. Phillips

ATTEST:

_____

RECORDER

Date of First Publishing:

_____

HEBER CITY - CAPITAL PROJECT LOCAL BIDDER COMPARISON

PROJECT	DATE	BIDDER	AMOUNT	%DIFF
Main Street Park Strip Replacement	**5/8/2013**	Goran	$195,144.20	
		Hidden Peak Electric	$225,855.36	16%
		Quicksilver Concrete, Inc.	$264,596.00	36%
2013 Sewer and Water Improvements	**4/23/2013**	Lance Excavating	$246,026.50	
		BD Bush Excavation	$277,527.00	13%
100 South Sidewalk	**4/10/2013**	Quicksilver Concrete	$106,994.15	
		B&G Contractors	$111,407.00	4%
		ZPSCO Contractors, Inc.	$111,659.80	4%
		Bowen Construction	$117,519.10	10%
		Concrete Concrete	$123,417.75	15%
		B. Hansen Construction	$131,528.50	23%
		TKL Construction	$151,820.50	42%
		Wells Barker Construction	$152,756.25	43%
		Acme Construction	$167,480.60	57%
300 W Street Improvements	**7/26/2012**	Acme Construction	$795,414.00	
		Kilgore Paving	$914,536.90	15%
		Vancon	$919,775.00	16%
		Lyndon Jones Const.	$945,955.50	19%
		Staker Parson	$963,843.00	21%
Mill Road Estates Park Playground	**7/25/2012**	Solar Design	$69,789.55	
		B&G Contractors	$77,435.40	11%
		RASCO Constuction	$79,835.70	14%
		MCSI	$82,693.54	18%
		Acme Construction	$92,183.80	32%
Muirfield Park Bridge	**4/30/2012**	B&G Contractors	$39,462.00	
		Lance Excavating Inc	$43,094.00	9%
		North Ridge Construction	$51,410.00	30%
		Lydon Jones Construction	$67,400.00	71%
600 S Sidewalk Improvements	**4/12/2012**	B&G Contractors	$20,550.00	
		Wells Barker Construction	$22,593.50	10%
		Kent Bethers Construction	$25,125.00	22%
		DG Concrete	$25,350.00	23%
		ADO M&C LLC (turned in late)	$31,498.00	53%
		Miller Paving	$33,434.75	63%
		Lance Excavating	$38,835.00	89%
SR 113 Water Line and PRV	**4/12/2012**	DG Concrete	$131,275.00	
		Lance Excavating	$179,840.50	37%
		TNT General Contractors	$205,100.00	56%
		Terry Larson Excavating	$232,603.96	77%
		BD Bush	$241,982.00	84%
		Brinkerhoff Excavating	$245,159.00	87%
		Spade Excavating	$305,820.00	133%

650 S Storm Drain & First Flush Pond	**6/30/2011**	BD Bush Excavation	$222,980.00	
		Stevens Construction	$276,076.50	24%
		Kriser Excavating	$279,841.00	26%
		VanCon	$289,865.00	30%
		Lance Excavating	$309,246.00	39%
		Kilgore	$314,908.00	41%
2011 City Road Improvements	**6/17/2011**	Staker Parson	$3,391,003.00	
		Kilgore	$3,671,610.44	8%
		Geneva Rock	$4,186,108.20	23%
2010 300 W. CDBG Water Improvements	**6/9/2011**	TNT General Contractors	$252,100.00	
		Spade Excavating	$279,725.00	11%
		Kriser Excavation	$293,458.00	16%
		BD Bush Excavation	$297,995.00	18%
		Barton Excavating	$312,346.82	24%
		Asso. Brigham Contractors	$315,072.00	25%
		Lance Excavating	$320,914.00	27%
		VanCon	$339,160.00	35%
Valley Hills Retaining Wall	**5/12/2011**	Greg Allen Excavating	$79,717.60	
		Kent Bethers Construction	$96,711.20	21%
		Lance Excavating	$99,123.50	24%
		B&G Contractor	$112,000.00	40%
2010 Crack Seal	**10/14/2010**	Bonneville Asphalt	$101,990.00	
		Superior Asphalt	$105,040.00	3%
		M & M Asphalt	$133,200.00	31%
		Hardrives Construction	$199,945.30	96%
SR-113 Sewer Outfall Line	**3/30/2009**	Regency Excavation	$955,681.79	
		Terry Larsen Excavating	$1,043,687.00	9%
		VanCon, Inc	$1,054,955.50	10%
		KW Robinson	$1,062,466.39	11%
		Silver Spur Construction	$1,156,750.00	21%
		Hughes General Contractors	$1,173,642.00	23%
		DC Transport & Excavating	$1,233,354.00	29%
		Lance Excavating	$1,235,670.20	29%
		Johnston and Phillips	$1,278,248.00	34%
		Condie Construction	$1,302,457.44	36%
		MVC Construction	$1,339,683.90	40%
		Whitaker Construction	$1,379,525.00	44%
		Extreme Excavating	$1,387,303.28	45%
		Hadco Construction	$1,436,068.50	50%
		Lyndon Jones	$2,011,677.00	110%
2008 Crack Seal Project	**5/8/2008**	Hot Asphalt	$40,443.00	
		Superior Asphalt	$40,880.00	1%
		Ridge Rock Inc	$51,229.20	27%
		Kilgore Paving	$55,700.00	38%
		Intermountain Slurry Seal	$81,380.00	101%
		Preferred Paving	$93,640.00	132%

Ordinance No. 2013 _____

n Ordinance to Amend the Purchasing Rules and Regulations of the Heber City Municipal code to Provide for a Local Business Vendor Preference, Pertaining to Purchases of Equipment, Goods, Supplies and Services.

Whereas ,The City of Heber purchases significant goods and services with public funds for the benefit of its citizens and desires in the public interest for the benefit of the citizens in the City of Heber to use its purchasing power to means to increase employment and economic development within the City: and

Whereas, Heber City Council desire to further its support of local businesses when awarding contracts for the provision of goods, services, supplies, and construction to the City through its established purchasing procedures; and

Whereas, the City Council of the City of Heber has determined and does hereby find that it is in the best interest of the City of Heber, its citizens and the business community of Heber City and Wasatch County to create and establish a new local business Vendor preference with regard to the procurement of products, materials and services;

Whereas, the City has a substantial interest in encouraging businesses to locate and remain in the City, and thereby enhance employment opportunities for persons living in the City, and an increase in expenditures and sales tax revenues in the local private sector: Therefore be it

Ordained, the city Council of the City of Heber, in Council duly assembled, that the Purchasing Rules and Regulations for the City of Heber be amended to add the following Section 1.06 Local Business Vendor Preference.

Section 1.06.01 –

_ **A- Definitions:** For the purpose of this Article, the following definitions apply;

1- "Awarding Authority" means the City Council or any officer or employee of the City authorized to award or enter into any Contracts, as defined in this Article, on behalf of the City.

2- "Bid" – means any response to a City solicitation for bids.

3- Budget Cost – shall mean the estimated cost of the project as determined by the appropriated Department Head and certified to the Purchasing Manger after a proposal is submitted to the City but prior to the opening of said proposal

4- "City" – means Heber City

5- "Contract" – for purposes of this Article only, means a written agreement for the purchase of equipment, goods, supplies or services by or for the benefit of the City or its residents.

6- " Contractor" – means a person, business, or entity submitting a bid, seeking to be awarded a City Contract by the Awarding Authority.

7- " County " – means the County of Wasatch.

8- " Local Business " means a business entity that meets all of the criteria established under this Article.

9- " Local Subcontractor " – means a subcontractor that meets the same criteria as a " Local Business " as defined in this Article.

10- " Proposal " – means any response to a City solicitations for Proposals .

11- " Responsible Local Bidder " – is defined as: A local business bidder whose reputation, past performance and business and financial capabilities are such that the bidder would be judged by appropriate authority to be capable of satisfying the City's needs for a specific purchase order or contract.

B- Qualified Local Business – To qualify as a Local Business, a Contractor must satisfy all of the following criteria;

1- The Business must have valid Heber City or Wasatch County business license for at least six months (6).

2- The Business must have a physical business address located with the limits of Wasatch County, and the Contractor must have been lawfully conducting its business primarily from that location for at least (6) six months prior to the intimal solicitation of Bids or Proposals for the Contract at issue. The Contractor must submit proof of local occupancy by supplying evidence of a lease, deed or other documentation satisfactory to the City that the business is located within the County. A post office box shall not be used or considered for purposes of qualifying as a Local Business or establishing said physical address;

3- The business must submit proof to the City Demonstrating that the business is in compliance with all applicable laws relating to licensing and is not delinquent on any Heber City or Wasatch County taxes, fees, or other amounts owed ;

4- A commercial office, store, distribution center or other place of business located within the boundaries of the County, with intent to remain on a permanent basis and at least one employee physical present at the local business location.

C - Application of the Preference to Bids.

The Local Business Preference shall apply to Bids and Proposals in the Following manner:

1- The City is authorized to give Local Business Preference to a responsive, responsive Local Business, when awarding a Contract for the purchase of equipment, goods, supplies or services. The Local Business must be able to provide the equipment, goods, supplies or services in a manner which meets the City's Bid specifications.

2- Purchases or Contracts under $ 15,000. 00. Departments purchasing supplies, services procured under bid and construction items for less than $ 15,000.00, must solicit at least one quote from a Wasatch County based business unless no Wasatch County-based business providing the service, supply or construction item can be identified.

3- In the event of a tie-bid between a local vendor and an out –of-area vendor, the contract shall be awarded to the local vendor.

2- (Option #1 for the council to look at)

For the purpose of determining the low bidder, local bidders who been pre-qualified by Subsection B, shall be granted preference on the amount of their bid by the applications of a discount of (5%) five percent. Specifically, the process will follow that, after the close of bids, the City Administrator or his designee will evaluate the offers of all bidders. Each Final Bid amount by a local vendor will be discounted by five percent (5%) price advantage in the evaluation of a Businesses total Bid price, not to exceed a maximum benefit of fifty thousand dollars ($50,000.00). The Local Business Preference shall be used for the sole purpose of determining the lowest bid. Next

a- If the local vendor bid (without the discount adjustment) is the lowest bid, the contract will awarded to the local vendor.

b- If the net bid (after making the local preference adjustment) is not the lowest bid but is within five percent (5%) of the lowest bid submitted by a non-local vendor, the following process will apply:

1- The local bidder must notify the City Administrator or his designee within two (2) business days of notification by the City of final bid results that the local vendor intends to submit a bid matching the lowest bid.

2- If a local vendor fails to advise the City Administrator or his designee, within the designated time period, of the vendor's intent to match, the contact will be award to the lowest non-local vendor.

3- Upon the receipt of the initial notification by the City Administrator or his designee, the local bidder will be given two business days to submit a matching bid equal to the lowest non-local bid.

4- In case of extenuating circumstances and at the request of the local bidder, the City Administrator or his designee may extend the time allowed for submission of the matching bid up to three (3) additional business days for a maximum total of five (5) business days.

3- (Option # 2 for the Council to look at)

a- The person or business submitting the lowest bid shall be deemed the lowest bidder. If, however, the lowest bidder is not a Wasatch County based business, any Wasatch County-based business with a bid within 5 % of the lowest bid that has been deemed responsive and responsible under the purchasing ordinances shall be deemed the lowest bidder if it agrees to reduce its bid to match the bid of the lowest bidder. Upon the receipt of the initial notification by the City Administrator or his designee, the local bidder will be given two business days to submit a matching bid equal to the lowest non-local bid.

b- If a Wasatch County-based business declines to reduce its bid to match the lowest bid, then the next lowest responsible and responsive Wasatch County-based business with a bid within the established percentage of the lowest bid shall be given the opportunity to reduce its bid to match the bid of the lowest bidder, it will be deemed the lowest bidder and awarded the contract. Within two business day upon the receipt of the initial notification from the City to submit a matching bid equal to the lowest non-local bid.

c- If no responsive and responsible Wasatch County-based business within the established percentage of the lowest bid agrees to reduce its bid to that of the lowest bidder, then the contract shall be awarded to the person or business with the lowest, most responsive and responsible bid.

4- (Option # 3 – for the council to look at)

Local Preference applies to Wasatch County persons, firms and/ or corporations which meet the established criteria set forth in this Article. The local preference is subject to the policies and procedures as established by the City of Heber City purchasing policy. In all purchase or acquisitions of products, materials and services by the City of Heber, qualified Wasatch County persons, firms and /or corporations shall receive a local vendor preference. The local preferences as set forth herein shall apply and shall result in the otherwise qualified local vendor being awarded the contract, at the amount of the submitted bid, if the local vendor's bid is the next lowest bid and the bid amount is within the applicable percentage of the lowest bid submitted by a non-local vendor, as set forth below.

a- Five percent (5%) of the net bid price up to $ 249,999.99, as referenced on the bid price schedule.

b- Four percent (4%) of the net bid price from $ 250,000 to $ 499,999.99, as referenced on the bid price schedule.

c- Three percent (3%) of the net bid price from $ 500,000.00 to $749,999.99, as reference on the bid price schedule.

d- Two percent (2%) of the net bid price from $ 750,000,00 to $ 1million, as reference on the bid price schedule. One million is the maximum allowed for the local vendor preference policy .

D – Public Notice of the City of Heber local vendor preference program, rules and procedures shall be included in all official public solicitations for bids by the City of Heber.

E- The Local Vendor Preference shall not apply to the following, but not limited to:

1- Purchases that are funded in whole or in part by funds from any federal, state or local agency whose laws or regulations prohibit local procurement preference.

2- Purchases that are funded in whole or in part by funds from any federal, state or local agency whose laws or regulations require that those contracts are awarded to the lowest responsible bidder.

3- Purchases requires as a result of an emergency where a delay would jeopardize the public health, safety, or welfare of the residents of the City.

4- The businesses submit a proposal that exceeds the projected Budget Costs.

5- Local Business Preference shall not be granted on a sole source purchases or contract;

6- Cooperative purchasing agreements or utilization of other agency contracts. (i.e. one or more agencies combining requirements in order to benefit from discounts that may be obtained through volume purchasing);

7- The Business is determined to be unqualified to perform the work as determined by the City.

8- Notwithstanding anything contained herein to the contrary, the City reserves its right to reject any bid received as non-responsive at any time prior to the award of a contact.

9- This Article neither creates a right to receive a Bid preference, not the duty to grant a Bi preference;

10- The proposal or bid is in excess of one million ($1,000,000.00)

D- Effect or Failure to Maintain Status as Local Business:

a- Any Contractor granted a Local Business Preference must continue to maintain its qualifications as a Local Business for the duration of the Contract for which the preference was granted. Contractors shall have an affirmative duty to notify City Administration if facts change, such that the Contractor no longer qualifies as a Local Business.

b- If a Contractor fails to maintain its qualifications under the Article, the Awarding Authority shall be entitled to withhold or recover from the Local Business an amount equal to the value of the Local Business Preference granted. The Awarding Authority may also withhold or recover any other costs reasonably incurred by the City as a result of the Contractor's failure o maintain its qualifications under this Article. Prior to seeking to withhold or recover func City must provide fifteen (15) days prior written notice and opportunity to cure the violation to the Contractor.

E- Should any provision of the Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to by unlawful,, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are servable.

TAB B

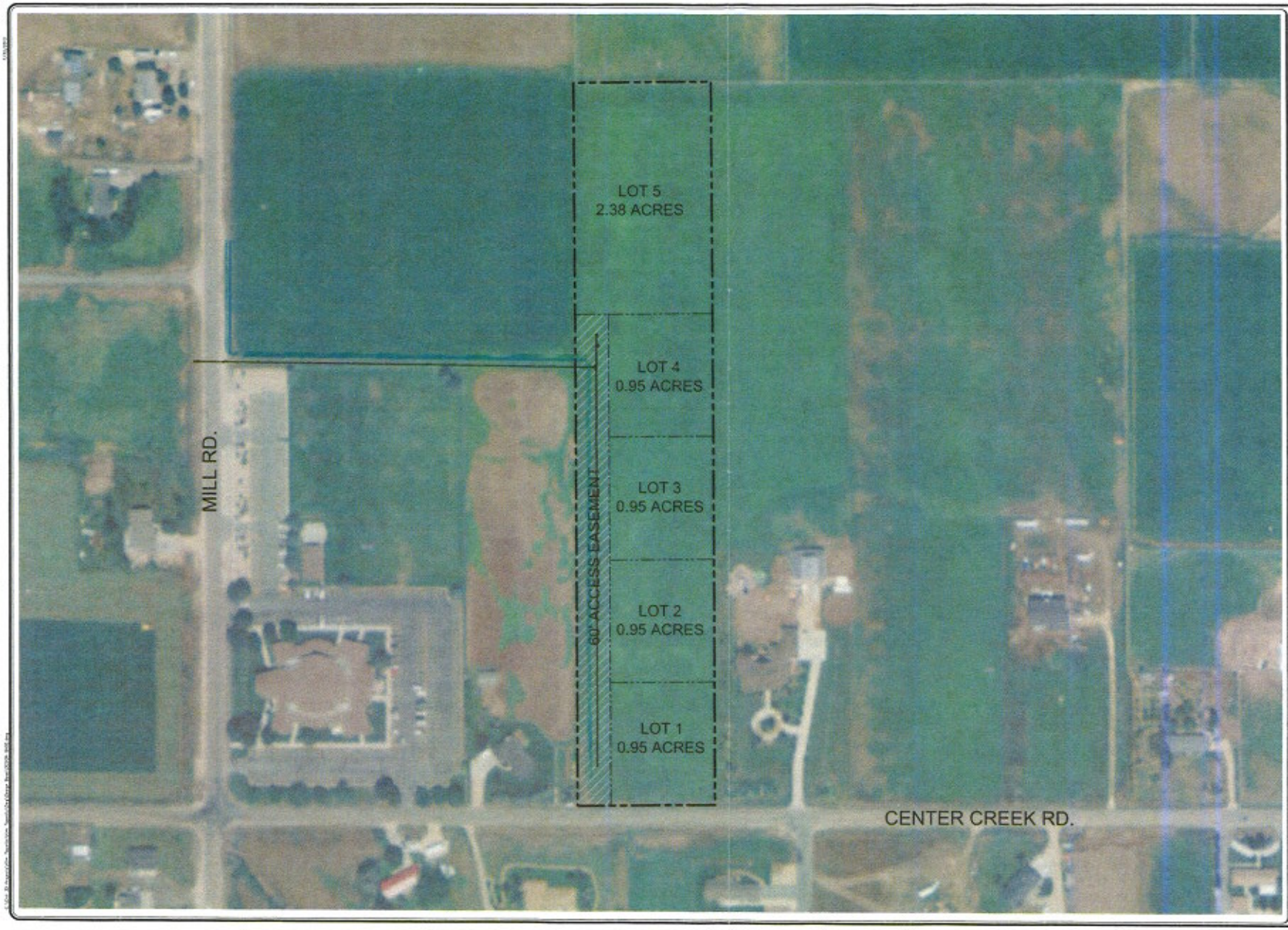
To Mark Anderson / Heber City

Wasatch Back Property Management / David Fife manager and Kim TIppetts Kim tippets Construction is requesting permission to connect to the 16" water main located in mill road in order to service a five lot subdivision located 660 feet east of mill road located on center creek road. The said water line would run east from Mill Road up through the Property owned by Todd & Lynette Berg connecting to the subdivision near lot 4 the sewer will also run in the same area maintaining a ten foot separation.

We agree to sign a non-dispute agreement with Heber City in case of annexation into the city and understand the cost increase for not being part of the city at this time.

Thank You

Kim TIppetts



CONSTRUCTION NOTES

1

Water

Sewer

WARNING

CALL BLUE STAKES

epic

REVISIONS

1

DRAWN: KIM

DESIGNER: XXX

REVIEWER: XXX

PROJECT #

SCALES

HORIZ: 1"=40'

VERT: 1"=0'

(24" x 36" SHEET)

0 1"

PROJECT NAME

KIM TIPPETTS

SHEET TITLE

LOT SPLIT

PLAN SET: CONCEPT

SHEET: 1.1

TAB C

BERG ENGINEERING
RESOURCE GROUP, P.C.
380 E. Main St. Suite 204, Midway, Ut 84049 • ph 435.657.9749 • fax 435.657.9730
civil engineering land planning landscape architecture

July 31, 2013

Mark Anderson
Heber City Manager
75 North Main
Heber City, Utah 8432

Re: Strawberry Storage
Request for Culinary Water Service

Dear Mr. Anderson:

Strawberry Storage is located adjacent to Heber City at 2117 South Highway 40. The property owner has submitted an application to Wasatch County that, if approved, would allow the existing storage facility to be improved with covered storage buildings and paved access driveways. A connection to a municipal culinary water system would be needed to provide adequate fire protection for the new storage buildings.

Heber City has a culinary water pipeline on the west side of Highway 40 across the road from Strawberry Storage. A culinary water pipeline is also located on the east side of Highway 40 at 2400 South. Either pipeline could provide adequate service to Strawberry Storage.

On behalf of Strawberry Storage we request a will serve letter from Heber City for culinary water service. We request that this item be placed on the next available City Council agenda for discussion. The property owner understands that water connections outside of the city limits are charged rates 1.5 times higher than user rates within the city. The property owner also understands that cooperation with a future annexation into Heber City may also be condition of obtaining water service.

If you have any questions concerning this request for water service please call (435) 657-9749.

Respectfully,

Paul Berg

Paul Berg, P.E.

Heber City, Utah

N W E S

0 250 500 1,000 Feet

REGULAR MEETING

AGENDA
AND
STAFF MEMO

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
City Council Meeting

August 15, 2013
7:00 p.m.
Regular Meeting

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

Pledge of Allegiance: Council Member Alan McDonald
Prayer/Thought: Council Member Jeffery Bradshaw

Minutes for Approval: July 18, 2013 Work and Regular Meetings

OPEN PERIOD FOR PUBLIC COMMENT

CONSENT AGENDA

None

APPOINTMENTS

None

ACTION ITEMS

(Tab 1) Ordinance 2013-06, An Ordinance Amending Section 10.16.030, Unlawful Types of Parking

(Tab 2) Adopt Resolution 2013-11, Credit Card Payment Policy

(Tab 3) Ordinance 2013-07, An Ordinance Amending Heber City Code Section 18.103.080, Political or Campaign Signs

(Tab 4) Award Contract for Broadhead Water Tank Lid Replacement

DISCUSSION/ACTION ITEMS

As Necessary

CLOSED SESSION AS NECESSARY – PURPOSE TO BE ANNOUNCED IN MOTION

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 Kellogg at the Heber City Offices (435) 654-0757 at least eight hours prior to the meeting.

Posted on August 9, 2013, 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 August 9, 2013.

Heber City Corporation

Memo

To: Mayor and City Council

From: Mark K. Anderson

Date: 08/08/2013

Re: City Council Agenda Items

REGULAR MEETING

Ordinance 2013-06, An Ordinance Amending Section 10.16.030, Unlawful Types of Parking (Tab 1): At the last Council meeting, the Council expressed support for an Ordinance that would place parking restrictions on semi-trucks parking at certain locations on Main Street. As we looked for similar Ordinances, staff spoke with Doug Bassett of UDOT Region 3 regarding what signage UDOT would provide. Doug asked if the City had talked with the business owners that would be impacted by the restrictions and suggested that it would be wise to speak with them so we don't have complaints in the future that would cause the City to not want to enforce the Ordinance. Councilman McDonald has visited with some business owners who have requested the signs, but we have not had contact with all of the affected businesses.

A draft Ordinance has been prepared by Mark Smedley which would place a 45 minute limit on parking of semi-trucks/trailers from 600 South Main to 1200 South Main and from 300 North Main, north to the City limits between 6:00 a.m. and 10:00 p.m. I am of the opinion that we should have staff visit with the affected property owners to get their feedback before the Ordinance is adopted.

Adopt Resolution 2013-11, Policy Regarding Credit Card Payments (Tab 2): Several weeks ago I inquired about the acceptance of all payments by Credit Card. The Council indicated they would allow all fees/fines to be paid by credit card provided the transaction amount did not exceed $1,000. It was also noted that fine payments were assessed a 3% service fee when payments were made by credit card through the state system. The enclosed Resolution is being presented by staff to formalize this policy.

Ordinance 2013-07, An Ordinance Amending Heber City Code Section 18.103.080, Political or Campaign Signs (Tab 3): Based on recent emails regarding political signs, staff is bringing back the recommendation that was made by the Planning Commission in 2010 to amend Section 18.103.080 of the sign Ordinance. Tony Kohler has prepared the enclosed staff report with the recommendations of the Planning Commission and accompanying Ordinance. I

have also provided a copy of an article regarding Draper City and this issue. Staff would recommend approval of the proposed Ordinance.

Lastly, it has been suggested that the City consider allowing the placement of political/campaign signs in the public right-of-way. Staff believes that this opens a can of worms that would create safety and community appearance problems that are not desirable.

Award Contract for Broadhead Water Tank Lid Replacement (Tab 4): Enclosed is a staff report prepared by Bart Mumford regarding the bids received for the replacement of the Broadhead Water Tank lid. The apparent low bidder is Gerber Construction in the amount of $439,200. The budget for the project (including engineering is $513,000). Staff would recommend approval.

MINUTES

Heber City Corporation
City Council Meeting
July 18, 2013

6:00 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on July 18, 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

Present:	Council Members	Robert Patterson
		Alan McDonald
		Benny Mergist
		Jeffery Bradshaw
		Erik Rowland
Excused:	Mayor	David R. Phillips
Also Present:	City Manager	Mark K. Anderson
	City Recorder	Michelle Kellogg
	City Engineer	Bart Mumford
	Planning Director	Anthony Kohler
	Chief of Police	David Booth

Others Present: Kyle Baird, Bradley Baird, Anissa Wardell, Rod Hopkins, Kendall Crittenden, Kelleen Potter, and others whose names were illegible.

Council Member Rowland excused Mayor Phillips and indicated he would be serving as Mayor Pro Tempore for this meeting.

Discuss Local Bidder Incentive Ordinance: Council Member McDonald stated he drafted an ordinance in addition to the one drafted by staff. He felt the City should buy from local businesses first, and had asked some business people to come talk on this subject.

Brad Baird stated he owned a local tree farm and worked on loan from Questar to the Economic Development Corporation of Utah where he worked state-wide with communities to bring businesses in and cultivate the existing businesses within the communities. He had seen cities that were business-friendly, and the growth and vitality reflected that. He also had seen business-unfriendly communities, and noted the business climate struggled. A study estimated that in areas where purchases were made from locally owned businesses, 55% of the money was recirculated within the community, compared to 13% of money that recirculated within communities where non-locally owned business purchases were made. He was a firm believer that local business owners could bid aggressively and be the low bidder while offering the same quality of service.

Baird stated most residents that moved to Heber had primary jobs outside of the County. Council Member Bradshaw stated in theory he agreed that it would be wise to purchase items locally, but in reality so many business owners didn't live in Heber, but most commuted or there were national franchises here. Heber was a bedroom community and the City couldn't resolve that without bringing in well paying industry that would keep people in the valley. He thought it was good to buy from local businesses, but there was not much that the City would need on a constant basis. Baird said he had seen communities change.

Council Member Mergist asked what the markers of business-unfriendly communities were, and how would the Council change citizens' minds that it would be good to spend more tax dollars to buy local. He felt it would be difficult to change perception since he saw angry citizens when the City brought in a big box company to provide jobs.

Baird stated the majority of industry in Summit and Wasatch Counties were retail and tourism. The proposed policy allowed the local business bidder to match the low bid. Council Member Mergist was concerned that other bidders would no longer bid when all the projects went to the local business bidder because of this incentive. Baird indicated the Council should look at other communities to see how things were done there.

Mayor Pro Tempore Rowland commented that he felt government should be as small as possible, and this policy crossed the line when it forces the City to buy from local contractors. There was discussion on what constituted local business, whether it was from being established in Heber or from being owned by a local resident.

Baird indicated the community would need to be educated on the benefits of buying local. Successful communities had leaders with vision, and they stepped on a lot of toes and had enemies. But ultimately the residents had seen the vision and they reelected the leaders. Ogden was used as an example of this. Twenty years ago the city was almost dead and now it was known as the outdoor arena of the world. Council Member Mergist asked where the other local business owners were because they weren't here tonight. He asked if the absent business owners perceived that they were doing poorly and needed an incentive. He didn't see the support from the other owners for this incentive. Baird also asserted that fees charged to businesses for licensing should never be a revenue center, but should only cover the costs associated with the license.

Mayor Pro Tempore Rowland commented that from this discussion, it solidified his opinion that he could not support this proposed policy. He felt the City needed to be perceived as fair and honest, and not showing any preferences. The City needed to focus on making the Business License Department more efficient, ie., easier to complete the application, and the Council should focus on determining impact fee fairness, etc. The City should not invoke policies that would affect the free market. Council Member McDonald stated the local bidder policy was good and wasn't for good-ole-boys, but it would generate new revenue in the City and expand the tax base. He looked at other cities and found the benefits of having a policy like this would outweigh the negatives.

It was indicated that a study could be done before passing the ordinance. Council Member Bradshaw said he was involved with local businesses since the 1970s, and trying to convince the public of certain things had always been very difficult. The public wasn't loyal to any business. People wanted inexpensive products so they could survive financially. Rowland felt time would

be better spent looking at business licensing and impact fees, where he knew there would be an immediate effect.

Kyle Baird, real estate agent, observed a lack of confidence in opening new businesses in Heber. He felt this ordinance would help give the perception to Heber business owners that the City was on the owners' side, with local government looking out for the business' best interest. Studies had been done in Salt Lake City, Ogden, and Wayne County, and Baird thought if a "buying local" policy worked in those areas, it should reasonably work in Heber.

Council Member Bradshaw stated Wayne County was more isolated and smaller so local businesses would be healthier there than here. Mayor Pro Tempore Rowland felt a study would do due diligence before making a decision of this sort. Kyle Baird stated in talking with local business owners, it was commonly felt that when the City needed volunteers they went to the local businesses, but when they made purchases, they went out of town.

Kendall Crittenden stated the County passed an ordinance similar to the proposed ordinance in order to keep the work local.

At this time the meeting was suspended to move into the Regular City Council Meeting. After the Regular Meeting adjourned, the discussion continued.

Council Member Mergist stated he would like to visit with Brad Baird again before moving this item from Work Meeting. Council Member McDonald indicated the Council members could research this on their own time. Mayor Pro Tempore Rowland commented that the valley and demographics of Heber were very unique, so time should be taken to evaluate this with those things in mind. A short break was taken at this time.

Council Member Mergist wanted to keep studying this issue, Council Member Patterson wanted to leave the policy as it currently stood, Council Member Bradshaw felt if changes were made, they should be kept simple to start with and continue with further discussion. Council Member McDonald stated the City could try the policy for a year or two and then come back and evaluate it. Council Member Bradshaw noted once a policy went on the books, it would be hard to take it off. Council Member Mergist thought the Council had implemented and revoked items in the past, such as building permit fees. Council Member McDonald stated if this was implemented, the City should widen the 5% allowance, but stay within the guidelines for the business owners to be able to match the low bid. Council Member Mergist noted this item was geared to contractors for big projects and the conversation had been split into different business related issues.

Mayor Pro Tempore Rowland asked if the Council wanted to bring this item back at the next work meeting. Council Member Mergist wanted to put a time limit on the ordinance. Mayor Pro Tempore Rowland wanted to further discuss with staff the ordinance with the sunset clause. Council Member Bradshaw asked if staff could look at different cities. Anderson said he surveyed other cities and gave the feedback to the Council from the comments of those cities in former packet materials. Council Member McDonald stated the differences between staff's ordinance and his were definitions and a preamble. This item was moved to the next work meeting for further review.

Discuss No Parking Along 1200 West and Midway Lane to 650 South, West Side of the Road: Mayor Pro Tempore Rowland noted that the Council couldn't vote on this. Chief Booth stated the Council needed to give the nod but the ordinance was already in place. The Council agreed to install the No Parking signs at this location.

Discuss No Semi-Truck Parking on Main Street Longer than 45 Minutes from 6:00 a.m. to 10:00 p.m. Except for Delivery and Pick Up: Council Member Mergist asked if the City could legally pass this no parking ordinance. Chief Booth affirmed that it was legal, and if the City gave UDOT a copy of the ordinance, UDOT would provide the signs. Mayor Pro Tempore Rowland stated this item would require an ordinance. The Council agreed to move this ordinance to the next regular meeting.

Discuss City Council Meeting Cancellation August 1, 2013 for Wasatch County Fair Days: The Council agreed to cancel the August 1st meeting.

Anderson stated that Mumford had to award two contracts the last week of July. He felt that the bids could be sent out via email, and the Council could approve the award via email.

Anderson also stated he drafted a letter to the city council and mayoral candidates about political signs, and needed the Council's approval. Mayor Pro Tempore Rowland stated that he was not comfortable saying the City didn't support its own ordinance. Council Members McDonald and Mergist did not have a problem with the letter. It was decided to not address the 45 day sign issue, but only the park strip issue.

Anderson asked the Council for direction in awarding the prize money for the City Logo Contest since one person had two winning entries. The Council agreed to give two hundred to that winner.

Anderson noted that Jviation stated the scope of work had been expanded so the budget was expanded to $9,600. Mayor Pro Tempore Rowland reviewed that this was the study to determine appropriate hangar lease rates and extensions. Anderson stated originally he estimated the project to cost $6,000-$8,000. He asked UDOT Aeronautics if they would like to participate and they indicated they would think about it. Mayor Pro Tempore Rowland, speaking as an Airport Board member, said the Board needed to understand what other airports were doing and other areas of the study that had been vague. For these reasons the scope was expanded. Anderson stated the bid increased $2,600. The Council agreed to increase the budget for the expanded study.

Anderson stated that the Council needed to move forward with how to proceed with the public safety building. He thought it was time to get an architect and start the application process for CIB funding. Council Members Mergist and McDonald asked for a local architect. Anderson stated he would send out an RFP for architects.

Mumford noted that the Public Works Department installed secondary irrigation on Mill Road from Valley Hills Drive to 600 South. It was noted that October 1, 2013, the 11 residents now connected to the system would get billed whether they hooked onto secondary irrigation or not.

Council Member Mergist moved to go into Closed Session at 8:40 p.m. to discuss the purchase or sale of real estate. Council Member Bradshaw made the second. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Council Member Mergist moved to adjourned from Closed Session at 8:47 p.m. Council Member Bradshaw seconded the motion. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

With no further business, the meeting was adjourned.

_____

Michelle Kellogg, City Recorder

DRAFT

Heber City Corporation
City Council Meeting
July 18, 2013

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on July 18, 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

Present:	Council Members	Robert Patterson Alan McDonald Benny Mergist Jeffery Bradshaw Erik Rowland
Excused:	Mayor	David R. Phillips
Also Present:	City Manager	Mark K. Anderson
	City Recorder	Michelle Kellogg
	City Engineer	Bart Mumford
	Planning Director	Anthony Kohler
	Chief of Police	David Booth

Others Present: Anissa Wardell, Rod Hopkins, Kendall Crittenden, Kelleen Potter, James Lane, Todd Cates, Blake Allen, Janine McKenty, Darryl Glissmeyer, Liz Lewis, Ted Budd, Jay Neiderhauser, Charles R. Zuercher, Mike Johnston, Mike Bardole, Tom Romano, and others whose names were illegible.

Council Member Rowland excused Mayor Phillips and indicated he would be serving as Mayor Pro Tempore at this meeting.

Minutes: June 20, 2013 Work and Regular Meetings
July 8, 2013 Special Meeting

Council Member Patterson moved to approve the above listed minutes. Council Member Bradshaw seconded the motion. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

OPEN PERIOD FOR PUBLIC COMMENT

James Lane, the owner of local theatres, stated he had seen businesses in the City come and go from hard times during the last five years. He thought the downtown area wasn't attracting customers, and one reason was not being able to safely cross the street. Lane had observed other cities that had a speed limit of 25 mph and stop lights at every intersection. Also, these other cities' streets were spotless and beautiful. Lane noted that lack of parking was another issue which deterred customers from downtown shopping. He suggested adding public parking behind

the County building. He felt that if the City implemented some of these measures, people would come downtown more. He also suggested implementing a fine for the Main Street commercial building owners that left their buildings empty over a certain time period. The fine would give them incentive to get businesses in the buildings.

Janine McKenty, owner of Sidetrack Café, stated she agreed with James Lane, and asked that trash cans be placed along Main Street so the sidewalks could be kept clean. She also suggested making a bypass for trucks only and charging them a toll.

Mumford stated UDOT told the City that Main Street was a federal highway, and therefore trucks could not be prohibited from using the road. The speed limit was also set by UDOT, but it wouldn't hurt for a local agency to ask for a speed reduction. UDOT's goals were not always the same as the city's goals. Council Member Bradshaw stated UDOT came and talked about speed limits, but law enforcement didn't want to reduce it.

Charles "Chuck" Zuercher, a broker for Prudential Real Estate, stated a study had been done by Utah State University students, and it gave suggestions that addressed all these concerns. Council Member Mergist stated he was not in favor of the bypass, but unless the City could convince UDOT to give the City Highway 40 (Main Street), the City could not be in control and would not be able to install medians in middle of the road, parallel parking, angled parking, etc. The City would also have to buy the parcels as they were made available for sale before constructing a bypass. Lane noted the speed signs flashing the speed limit and how fast cars were actually travelling would help drivers slow down.

Mike Bardole asked the audience how many had seen vehicles speeding, and noted he and others did not see speeding cars on Main Street being ticketed by police officers. McKenty commented that she saw many accidents in front of her business on Main Street and 100 South, and observed the accidents were due to fast driving.

CONSENT AGENDA

Approve Janine McKenty, dba Sidetrack Café, Request for Local Consent for Restaurant License to Sell Alcoholic Beverages: Council Member Patterson asked if Kohler had any concerns with this request. Kohler stated he had no concerns and noted McKenty met the requirements as the City code specified. McKenty explained the difference between a restaurant license and a club license; a restaurant would have to sell 60% food to get an alcohol license, but a Club would not require food sales.

Council Member Bradshaw moved to approve the request from McKenty for local consent for a restaurant license to sell alcoholic beverages. Council Member Patterson made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Council Member McDonald asked how many restaurants in the City had liquor licenses. Kohler estimated half a dozen. McKenty asked if the consent was granted for both a restaurant and a club license. It was indicated both were approved.

APPOINTMENTS

Liz Lewis, The Good Neighbors Project Presentation and Request for Funds: Lewis indicated she was the Interim Executive Director for the Good Neighbors Project while the board looked for a director from this valley. She stated youth were facing more challenges than ever before, and then presented a PowerPoint explaining the program and indicated this was an agricultural based program. Youth would work to produce products and gain experience to help them succeed, which would make a difference in their lives by finding and maintaining gainful employment. She stated the high school had recruited the students, and the board was soliciting help from local businesses and individuals in the community. Lewis explained the Arrows Reward Program which would give incentives to the students for the work they did. The youth would also focus on serving seniors as well. She noted this program was designed for youth ages 15-19 years old. The youth would receive points based on their performance, but would not receive money for their work. The points would accumulate to a level where a reward would be redeemed.

Council Member Mergist commented that this was a great program. He moved to approve $3,000 from the Council's discretionary fund to support this project. Council Member McDonald made the second and asked for the City's contribution to also include departmental help to further gain community support for this project.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

ACTION ITEMS

Resolution 2013-09, Proposed Changes to Personnel Policy: Mayor Pro Tempore Rowland reviewed the proposed changes to the Personnel Policy. Anderson stated at the last meeting, the Council asked the Personnel Policy Committee to readdress the per diem GSA rate. The committee addressed that issue and the proposed policy was submitted in the packet.

Council Member Mergist moved to approve Resolution 2013-09, Changes to the Personnel Policy. Council Member Bradshaw seconded the motion. Council Member Patterson asked about Anderson's concern with the military leave proposal. Anderson stated there would be a fiscal impact with two employees serving in the National Guard.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Resolution 2013-10, Adopt Certified Tax Rate: Anderson stated the budget projected $792,000 in sales tax revenue and $791,000 was the projected number with the new rate. Anderson explained the Utah State Tax Commission and the County set this rate every year so local governments could have sustained income plus new growth. It did not constitute a raise in property taxes.

Council Member Patterson moved to approve Resolution 2013-10, Certified Tax Rate. Council Member Bradshaw made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Approve/Deny the Annexation Petition for the Gardner Annexation – 4.014 Acres of Land Owned by Heber City at 2530 South Southfield Road: Anderson stated this annexation represented a piece of ground the City acquired years ago that was not in Daniels Township nor the City limits, but was adjacent to the airport. If the Council accepted the petition, the City would notify the various affected entities of the action.

Council Member Bradshaw moved to approve the annexation petition for the Gardner Annexation. Council Member Patterson made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Approve Neil Muir, Small Subdivision/Lot Split – 188 East 500 South: Mike Johnston stated Muir couldn't be here, but there was a buyer that wanted to build next to his house. Council Member McDonald moved to approve the Muir Two Lot Subdivision with the recommendations of the Planning Commission. Council Member Mergist made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Approve Red Ledges Plat Amendment, Plat K, Lots 405 and 406: Council Member Patterson moved to approve Red Ledges Plat Amendment, Plat K, Lots 405 and 406. Council Member McDonald seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Approve Blake Allen, Small Subdivision/Lot Split – 211 South 200 West: Council Member Bradshaw moved to approve Heber Homes #7 Subdivision. Council Member Patterson seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Approve FAA Grant AIP-025 for Engineering Design for Runway and Apron Rehab, and Runway Lighting Replacement: Anderson stated he originally sent a draft agreement to the Council with the packet, but then sent the final agreement to the Council later. The grant increased in order to cover the engineering fee estimate. Council Member Mergist clarified that the grant was only for maintenance and not to change the class of the airport.

Council Member Patterson moved to approve the FAA Grant AIP-025 for engineering design for runway and apron rehab, and runway lighting replacement. Council Member Bradshaw made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Approve Election Judges for the Primary and General Municipal Elections: Anderson noted the addition of Alonna Cook as an alternate election judge. Council Member Mergist moved to approve the election judges for the Primary and General Municipal Elections. Mayor Pro Tempore Rowland seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Council Member McDonald asked if background checks were performed on the election judges. Kellogg stated the only requirement to be an election judge was that the person needed to be a registered voter.

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

DRAFT

CONSENT AGENDA

APPOINTMENTS

ACTION ITEMS

TAB 1

ORDINANCE NO. 2013-06

AN ORDINANCE AMENDING Section 10.16.030 "Unlawful Types of Parking" OF THE HEBER CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Heber City, Utah, that Section 10.16.030 of the Heber City Municipal Code is amended to read as follows:

~~F. Except when under the direction of a peace officer or authorized traffic controller.~~

Section 10.16.030 Unlawful Types of Parking.

F. It shall be unlawful for any person to park or leave standing on Highway 40/Main Street Heber City, Utah, between 600 South, south to Highway 189, and from 300 North, north to the Heber City boundaries, a semi-truck or trailer, except for the commercial delivery or loading of cargo, and for such purpose the parking or standing shall be limited to a period not in excess of forty-eight (45) minutes. "Semi-truck" is defined as any vehicle/trailer combination that has at least three (3) axles and is of the type commonly used for commercial transport purposes; "trailer", as used herein, refers to a carrier used for cargo or commercial purposes and intended to be used in tandem with a tractor or motorized vehicle.

The chief of police, or an authorized representative or designee, after making reasonable effort to locate the owner, is empowered to effect removal and impoundment of a semi-truck or trailer that is in violation of this section, and the cost of removal and impoundment shall be charged to the owner or person claiming the impounded vehicle or trailer.

Nothing herein shall be construed to abrogate the provisions of the uniform fire code as may be adopted by the City in its application to semi-trucks or trailers hauling flammable products, and the parking of such vehicles shall be prohibited in the manner set forth therein.

G. Except when under the direction of a peace officer or authorized traffic controller.

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 _____, 2013.

ADOPTED and PASSED by the City Council of Heber City, Utah this _____ day of _____, 2013, by the following vote:

	AYE	NAY
Council Member Robert L. Patterson	_____	_____
Council Member Alan W. McDonald	_____	_____

Council Member Benny Mergist	_____	_____
Council Member Jeffery Bradshaw	_____	_____
Council Member Erik Rowland	_____	_____

APPROVED:

_____

Mayor David R. Phillips

ATTEST:

_____

RECORDER

Date of First Publishing:

_____

TAB 2

HEBER CITY RESOLUTION 2013-11

RESOLUTION ADOPTING POLICY REGARDING CREDIT CARD PAYMENTS FOR CITY FEES

WHEREAS, Heber City, Wasatch County, Utah (Heber City) desires to adopt a policy allowing payment of City fees and fines by credit card.

NOW, THEREFORE, it is hereby resolved by the City Council of Heber City, Wasatch County, Utah, that Heber City hereby adopts the following policy allowing the payment of City fees and fines by credit card, pursuant to the following conditions.

1. City fees and criminal fines may be paid by credit card, except that non-criminal, city fees exceeding $1,000.00 shall not be allowed to be paid by credit card. Any such fee exceeding $1,000.00 shall be paid by cash, money order or check. Credit card payments for any such fees that exceed $1,000.00 shall not be an option.

2. Any payments for Heber City Justice Court criminal fines paid by credit card may exceed $1,000.00 and may be paid in installments for fines above and beyond $1,000.00. Such fine payments shall be charged a three (3%) service fee.

ADOPTED AND PASSED by the City Council of Heber City, Utah this _____ day of _____, 2013, by the following vote:

	AYE	NAY
Council Member Robert L. Patterson	_____	_____
Council Member Alan W. McDonald	_____	_____
Council Member Benny Mergist	_____	_____
Council Member Jeffery M. Bradshaw	_____	_____
Council Member Erik Rowland	_____	_____

APPROVED: _____

Mayor David R. Phillips

ATTEST:

_____

RECORDER

TAB 3

Heber City Council
Meeting date: October 21, 2010
Report by: Anthony L. Kohler

Re: Political Sign Public Hearing

Section 18.103.080 13. of the city's sign ordinance restricts political signs to within 45 days of an election. Mapleton recently settled a free speech lawsuit over their sign ordinance which restricted political signs to a certain time frame within an election (see article below) similar to Heber City's ordinance. The proposed sign ordinance amendment removes the time limitation of political signs and limits the possibility of the city being sued over free speech issues for political signs.

On August 26, 2010, the Planning Commission held a public hearing and recommended approval of the proposed amendment, but recommended that the city leave language in the amendment that signs must be removed within a reasonable time after the voting is complete.

PROPOSED AMENDMENT

13. Political or Campaign Signs. In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows: ~~Said signs for all candidates or other referenda, may not be erected earlier than 45 days prior to the voting date and all signs shall be removed by the Monday following the voting date.~~ Signs may not be placed within 45 feet of an intersection, nor in any other location that creates a vehicular or pedestrian traffic visibility hazard. Political and campaign signs may be placed only with the approval of the property owner and must be placed on private property and not on public property or in a public right-of-way.

DESERET NEWS ARTICLE JULY 23, 2010

MAPLETON, Utah County — Some residents want to know why city officials agreed to pay $9,000 to settle a First Amendment lawsuit with an anonymous plaintiff.

"We questioned the right to know our accuser," Mayor Brian Wall said at Tuesday's City Council meeting.

The city could have discovered who the mysterious "C. Johnson" is, Wall said, but it would have cost the city as much as $40,000 to learn his identity. The city recently settled the federal lawsuit brought by Johnson and attorney Brian Barnard for $9,000 in legal fees, while agreeing to caution other Utah County cities to look at their political sign ordinances. The council also must modify its ordinance.

Barnard brought the suit after warning the city twice that its political sign ordinance restricted free speech by setting time limits on when political signs could be displayed on private property.

"This came out of the blue," Wall said. "(Johnson) never came before us."

Had the accuser come to the city first, the outcome could have been the same, but it wouldn't have cost the city attorney fees, the mayor said.

Officials say they have never enforced the ordinance.

"It seems like (Barnard) is picking on unsophisticated cities," Councilman Mike Nelson said.

Councilman Jim Lundberg dubbed the litigation a nuisance lawsuit in which cities are willing to pay to make it go away. At least one councilman questioned whether C. Johnson even existed.

The council continued a public hearing on rewriting the ordinance until after the Planning Commission looks at it in August.

AUGUST 26, 2010 PLANNING COMMISSION MINUTES

Public Hearing to repeal a portion of Section 18.103.080 13. regarding the permitted time frame for political or campaign signs

The Planning Commission had been asked by the City Attorney and City Manager to review Section 18.103.080 13. This particular portion of the ordinance restricts political signs to within 45 days of an election. The City of Mapleton recently settled a free speech lawsuit over their sign ordinance which restricted political signs to a certain time frame within an election. The proposed amendment to this section of Heber City Municipal Code would remove the time lime limitation of political signs.

Chairman Rawlings opened the item for questions and discussion from the Commission. Commissioner Hansen asked if after so much time after the election the political sign must be taken down. Anthony Kohler indicated research could be done by the City Attorney as to this and this could be part of the motion. Chairman Rawlings pointed out to those in the audience the situation with Mapleton City which violated the right to free speech under the First Amendment.

Chairman Rawlings then opened the public hearing to public comment. He waited a reasonable period of time for the public's comments and there were no comments forthcoming. Chairman Rawlings then closed the public hearing to public comment. There was brief discussion from the Commission and then a motion was made.

Commissioner Hansen moved that the proposal recommended by the City Attorney to amend Section 18.103.080 13 and remove the limitation on when political signs can be put up be approved with the caveat that we get legal advice on when that sign can be taken down and that we try to leave language in that amendment that signs must be removed within a reasonable time after the voting is complete; whether the Monday following the voting date as is in there now is reasonable or not we can review later. Commissioner Hansen stated this is contingent on approval on the advice of the Counsel. Commissioner Zane seconded the motion. Commissioner Nelsen arrived to the meeting at 7:14 p.m. Brief discussion after this on the motion.

Voting Aye: 7
Commissioner Zane
Commissioner Schindler
Chairman Rawlings
Commissioner Hansen
Commissioner Thurber
Voting Nay: None

ORDINANCE NO. 2013-07

AN ORDINANCE **AMENDING** SUBSECTION 18.103.080 13. OF THE HEBER CITY MUNICIPAL CODE, POLITICAL OR CAMPAIGN SIGNS.

BE IT ORDAINED by the City Council of Heber City, Utah, that Subsection 18.103.080(13) of the Heber City Municipal Code is **amended**, as follows:

> 13. Political or Campaign Signs. In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows: ~~Said signs for all candidates or other referenda, may not be erected earlier than 45 days prior to the voting date and all signs shall be removed by the Monday following the voting date.~~ Signs may not be placed within 45 feet of an intersection, nor in any other location that create a vehicular or pedestrian traffic visibility hazard. Political and campaign signs may be placed only with the approval of the property owner and must be placed on private property and not on public property or in a public right-of-way.

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 _____, 2010.

ADOPTED and PASSED by the City Council of Heber City, Utah this _____ day of _____, 2010, by the following vote:

	AYE	NAY
Council Member Robert L. Patterson	_____	_____
Council Member Alan W. McDonald	_____	_____
Council Member Benny Mergist	_____	_____
Council Member Jeffery Bradshaw	_____	_____

Council Member Erik Rowland _____ _____

APPROVED:

_____

Mayor David R. Phillips

ATTEST:

_____

RECORDER

Date of First
Publishing: _____

Draper City Repeals Unconstitutional Sign Ordinance

FOR IMMEDIATE RELEASE
October 22, 2004

PDF version >>

SALT LAKE CITY -- In a settlement agreement filed in federal court, Draper City agreed to repeal an ordinance that the American Civil Liberties Union of Utah claimed unconstitutionally restricted residents' political speech by limiting the posting of political signs on private property. As part of the agreement, the Draper City attorney will write to city attorneys in all other cities in Salt Lake County suggesting they review and repeal similar ordinances. The city also agreed to pay the plaintiffs' attorney fees and court costs.

The settlement agreement ended a federal lawsuit brought by the ACLU of Utah and cooperating civil rights attorney Brian Barnard on behalf Robert Latham, Heather Rice, and political candidate Ken Larsen, who wanted to display political signs in Draper.

Latham and Rice wished to display campaign signs in yards more than thirty days prior to Election Day, an action expressly prohibited by the Draper ordinance unless the signs were left over from a primary election. Larsen, running for governor under the People's Choice Party, was prohibited from posting signs before October 3, whereas under Draper's ordinance, signs supporting the Republican candidate were allowed any time after May 22, thirty days prior to the Republican primary election.

In a complaint filed on September 14 in Federal Court, the ACLU of Utah and Barnard argued that by placing durational time limits on political campaign signs, the ordinance prohibited Draper residents from engaging in otherwise lawful and protected political expression. The suit also claimed a discriminatory classification of candidates based on participation in a primary election. Two days after the suit was filed, Draper City agreed not to enforce the ordinance before Election Day on November 2.

Margaret Plane, staff attorney for the ACLU of Utah, was pleased with the settlement decision. "Salt Lake County residents are very politically active this election year and cities should encourage residents' right to exercise their freedom of speech rather than enact laws to restrict it," she said.

Barnard hopes that other cities will read the letter from the Draper city attorney. "Perhaps cities will heed advice from a city attorney more than from the ACLU of Utah. The First Amendment is too often ignored by legislative bodies. I won"t shy away from an opportunity to re-educate them. However, suits like this (and the related attorney fees) can be easily be avoided. As well they should be," Barnard said.

--end--

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TAB 4

HEBER CITY CORPORATION

STAFF REPORT

MEETING TYPE:	Regular Council Meeting	**MEETING DATE:**	August 15, 2013
SUBMITTED BY:	Bart L Mumford	**FILE NO:**	11025
APPROVED BY:	Mark K. Anderson		
SUBJECT:	BROADHEAD TANK ROOF REPLACEMENT - CONTRACT AWARD		

PURPOSE

To obtain Council approval to award a construction contract to Gerber Construction for Heber City's Broadhead Tank Roof Replacement project.

RECOMMENDED ACTION

That the City Council authorize the City Manager to execute an agreement with the apparent low bidder, Gerber Construction, for an amount not-to-exceed $439,200.00.

BACKGROUND/HIGHLIGHTS

The FY 2014 City Budget includes funds for removing and replacing the concrete roof on the Broadhead Water Storage Tank. The budget for these items is $513,000.00. This action is for the approval to award a construction contract for this work. The engineering design and construction services are being provided by Horrocks Engineers.

The project was advertised for bid July 17, 24 and 31, 2013 in the Wasatch Wave and in the Intermountain Contractor. A pre bid meeting was held on July 30, 2013. A public bid opening was held on August 7, 2013 at the Heber City offices. The engineers estimate for the project was $434,428. The following bids were received:

1. Gerber Construction	$439,200.00
2. Absolute Concrete	$452,600.00
3. Probuild Construction	$466,950.00
4. B&G Contractors	$490,245.00

The bid tab is attached showing the bid details. The apparent low bidder was Gerber Construction. Staff reviewed the bids and found that Gerber Construction provided all information required in Section 200 of the contract documents. Gerber has done similar work before and their references were checked and found to be acceptable. Staff recommends awarding the contract to Gerber Construction for $439,200.00.

FISCAL IMPACT

The Budget approved for this project in the current Fiscal Year is $513,000 coming from the Water Operating fund. Approximately $35,000 has been spent to date on the project for engineering planning and design.

Total engineering design, construction and inspection services are estimated to be $56,000. The construction cost, if awarded to Gerber Construction, is estimated to be $439,200.00. Total project cost is estimated to be $495,200.

LEGAL IMPACT

None

BID TAB
Heber City
Broadhead Tank Roof Replacement

Bid Date: 8/7/2013

LOW BID

No.	Item / Description	Qty / Bid	Unit	Engineers Estimate		Gerber Construction		Absolute Constructors		Probuild Construction		B&G Contractors	
				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	1	LS		$22,650.00		$38,000.00		$12,000.00		$46,000.00		$33,990.00
2	Excavation and Backfill	1	LS	$7,100.00	$7,100.00	$19,000.00	$19,000.00	$29,000.00	$29,000.00	$20,000.00	$20,000.00	$33,000.00	$33,000.00
3	8 Inch Ductile Iron Water Pipe	35	LF	$98.50	$3,447.50	$180.00	$6,300.00	$400.00	$14,000.00	$250.00	$8,750.00	$253.00	$8,855.00
4	8 Inch Gate Valve	1	EA	$1,500.00	$1,500.00	$1,100.00	$1,100.00	$2,100.00	$2,100.00	$1,600.00	$1,600.00	$7,150.00	$7,150.00
5	12 Inch Gate Valve	2	EA	$2,000.00	$4,000.00	$2,500.00	$5,000.00	$3,350.00	$6,700.00	$3,000.00	$6,000.00	$7,700.00	$15,400.00
6	Drain & Clean Water Tank	1	LS	$5,200.00	$5,200.00	$14,000.00	$14,000.00	$8,000.00	$8,000.00	$21,000.00	$21,000.00	$18,150.00	$18,150.00
7	Remove & Dispose of Exisiting Roof Structure	1	LS	$51,000.00	$51,000.00	$26,000.00	$26,000.00	$65,000.00	$65,000.00	$50,000.00	$50,000.00	$47,850.00	$47,850.00
8	Remove Existing Bearing Plates	1	LS	$7,800.00	$7,800.00	$13,000.00	$13,000.00	$10,000.00	$10,000.00	$12,000.00	$12,000.00	$15,250.00	$15,250.00
9	Install Elastomeric Bearing Pads	1	LS	$13,600.00	$13,600.00	$2,800.00	$2,800.00	$4,500.00	$4,500.00	$6,000.00	$6,000.00	$2,700.00	$2,700.00
10	Fabricate & Install Double Tees	1	LS	$215,000.00	$215,000.00	$204,000.00	$204,000.00	$213,000.00	$213,000.00	$200,000.00	$200,000.00	$203,000.00	$203,000.00
11	Cast-in-Place Concrete Roof Topping	1	LS	$98,330.00	$98,330.00	$88,000.00	$88,000.00	$78,000.00	$78,000.00	$90,000.00	$90,000.00	$93,500.00	$93,500.00
12	Disinfection of Tank	1	LS	$1,300.00	$1,300.00	$3,900.00	$3,900.00	$2,300.00	$2,300.00	$3,200.00	$3,200.00	$6,400.00	$6,400.00
13	Cold Weather Protection	1	LS	$3,000.00	$3,000.00	$16,000.00	$16,000.00	$5,200.00	$5,200.00	$1,200.00	$1,200.00	$3,500.00	$3,500.00
14	Relocate Telemetry Control Box	1	LS	$500.00	$500.00	$2,100.00	$2,100.00	$2,800.00	$2,800.00	$1,200.00	$1,200.00	$1,500.00	$1,500.00
				TOTAL BID	$434,427.50	TOTAL BID	$439,200.00	TOTAL BID	$452,600.00	TOTAL BID	$466,950.00	TOTAL BID	$490,245.00

LOW BID

DEPARTMENT REPORTS

TAB 5

MEMORANDUM

To: City Council

Cc: Mark Anderson

From: Karen Tozier

Subject: July Monthly Report

Date: July 22, 2013

- **Public Hearing to consider adoption of proposed Beekeeping Ordinance**

  The Commission unanimously recommended approval of the proposed beekeeping ordinance with the exception that under Item B Hive Location, the requirement for the hives to be at least six inches above the ground should not be waived under any circumstances.

  Discussion on the subject had brought out that the reasons for the six inch buffer to the ground was for purposes of providing adequate ventilation to the hive and also so that the bees can defend their hive from vermin-type animals.

- **Watts Enterprises requests a Master Plan Amendment / Concept Approval for the Ranch Landing Development located at 500 East and approximately 800 South**

  The Commission unanimously recommended approval of Watt's Enterprises' request of Master Plan Amendment / Concept Approval.

  Administrative Items:

  There was brief discussion on what land was left in the City that is zoned R-3 Residential that has not yet been developed.

8/6/13

MONTHLY REPORT - JUSTICE COURTS

Report of: All Judges

HEBER CITY JUSTICE COURT Report Period: 07/01/2013 - 07/31/2013 Location #: 2607

Signature of Judge

I. TRAFFIC

1a. Total Traffic Cases Filed: 155

1b. Total Traffic Cases Disposed: 186

Charges Filed State	Charges Filed Local		CHARGE DISPOSITIONS Bail Forf	Guilty Plea	Non-Jury Trial Acquit	Non-Jury Trial Convict	Jury Trial Acquit	Jury Trial Convict	Dis-missed	Trans-ferred	Warrants of Arrest
4		Driving Under Influence		3					1		1
		Impaired Driving DUI Reduced									
36		Drivers License Violations	4	18					8		10
85		Moving Violations	61	16					5		6
67		Non-Moving Violations	38	10					44		14
1		Parking Tickets	1								
		Failure to Appear Informations									

II. CRIMINAL MISDEMEANORS AND INFRACTIONS

2a. Total Misdemeanors/Infractions Filed: 36

2b. Total Misdemeanors/Infractions Disposed: 27

1		Assault							2		
3		Theft							2		1
		Failure To Appear Informations									
1		Public Intoxication		1					2		
		Illegal Sale-Alcohol									
3		Other Liquor Violations including Open Container							1		1
7		Controlled Substance/Narcotics		7					1		1
		Bad Checks									
	15	Domestic Animal Ordinances	6	5					16		1
		Wildlife Resources									

2	Parks Recreation					
	Planning/Zoning/Fire or Health					
1	Domestic Violence					
21	Other Misdemeanors/Infractions	2	7		4	5

III. FELONIES

Felonies Filed: Preliminary Hearings Held: Initial Appearances:
Dismissed: Bound Over: Transfered:

IV. SMALL CLAIMS

Cases Filed: 1 Settled / dismissed: 18 Default Judgement: Trials:

V. APPEALS FILED

Small Claims: Criminal: Traffic:

VI. REVENUE COLLECTED

	Total Collected	85/90%	35%	No Surcharge
1. Fines and Forfeitures Collected	20,467.48	7,758.25	5,435.73	7,273.50
1a. Surcharge Collected	7,854.09	6,145.60	1,708.49	
2. Traffic Mitigation (SL Co.)	0.00			
3. Fees/Costs/Contempt Fines	4,222.23			
4. Overweight Court Costs	0.00			
5. Security Surcharge Collected - 100%	4,258.64			
6. Total Revenue Collected	36,802.44			

VII. REVENUE DISBURSED

7. Fine/State for DWR	0.00		
8. Fine/State for Boating Act	0.00		
9. Fine/State for Off-hwy Veh	0.00		
10. Fine/State for Surcharge	7,854.09	6,145.60	1,708.49
11. Fine/State for Overweight	0.00		
12. Fine/State for Higher Ed	0.00		
13a. Security Surcharge to St (80% of $32)	2,733.66		
County - 62.5%	1,708.54		
Court Security - 25%	683.42		
Technology - 12.5%	341.70		
13b. $8 Court Security Account	841.55		
14. Fine/LEA for 41-1a-1303(2)	0.00		
15. Fine/State for Transportation Fund	0.00		
16. Total Disbursed	11,429.30		

VIII. REVENUE RETAINED

17. Fines & Forfeitures Retained	20,467.48
18. Traffic Mitigation Retained (SL Co)	0.00
19. Fees/Costs/Contempt Fines Retained	4,222.23
20. Security Surcharge (20% of $32)	683.43
21. Total Revenue Retained	25,373.14

IX. MISCELLANEOUS INFORMATION

Total Criminal and Traffic Cases this time period with:

Surcharge/Fines paid by Partial Payment	0
Judgment fulfilled by Alternate Order	0

Amount this month of:

Waived Surcharge	1,029.24
Uncollected Surcharge	1,776.46

July Code Enforcement Activity Report

July 1, 2013 through July 30, 2013

14 residential weed complaints addressed.

6 parking problems addressed.

1 business license issue resolved.

87 snipe signs removed from city property. This number includes 11 political signs that were put in the PD for retrieval by the candidates.

4 dead tree hazards addressed. 3 resolved.

1 traffic visibility issue resolved

1 chronic parking/visibility issued in progress (100 S 100 E)

3 junk nuisance cases in progress.

1 very vocal complaint, that the city does not actively encourage any recycling efforts.

Liberty Station became the first Crime Free Certified multi-housing unit in Utah. They successfully evicted the Subway robbery suspect.

Law Search

Nature	Area	Agency	Officer	When Reported	Disposition	Address
PUBLIC NUISANCE	HCSW1	HCPD	RAMONA PACE	15:09:56 07/30/2013	ACT	275 W 500 S
PUBLIC NUISANCE	HCSW1	HCPD	RAMONA PACE	13:29:06 07/30/2013	ACT	15 S 200 W
PUBLIC NUISANCE	HCSW1	HCPD	RAMONA PACE	13:20:59 07/30/2013	ACT	344 S 200 W
PUBLIC NUISANCE	HCSW1	HCPD	RAMONA PACE	13:14:09 07/30/2013	ACT	290 W 400 S
SAFETY HAZARD	HCNW1	HCPD	RAMONA PACE	15:41:38 07/29/2013	ACT	575 W 200 N
PUBLIC NUISANCE	HCSE1	HCPD	RAMONA PACE	10:25:32 07/29/2013	ACT	340 S 300 E
PUBLIC NUISANCE		HCPD	RAMONA PACE	10:18:23 07/29/2013	COM	
SAFETY HAZARD	HCSE1	HCPD	RAMONA PACE	16:06:44 07/26/2013	ACT	448 E 200 S
PUBLIC NUISANCE	HCSW2	HCPD	RAMONA PACE	14:36:33 07/25/2013	ACT	886 W HICKEN CT
PUBLIC NUISANCE	HCNE1	HCPD	RAMONA PACE	16:18:33 07/23/2013	ACT	490 E 500 N
PUBLIC NUISANCE		HCPD	RAMONA PACE	16:12:40 07/23/2013	COM	
PARKING PROBLEM	HCNE3	HCPD	RAMONA PACE	16:04:18 07/23/2013	CBE	1140 N VALLEY HILLS BLVD
PARKING PROBLEM	HCSW2	HCPD	RAMONA PACE	15:58:30 07/23/2013	CBE	599 W 1250 S
PUBLIC NUISANCE	HCSW2	HCPD	RAMONA PACE	15:49:28 07/23/2013	CBE	713 W 1250 S
PUBLIC NUISANCE	HCSW2	HCPD	RAMONA PACE	14:12:42 07/23/2013	ACT	910 S HICKEN LN
PUBLIC NUISANCE	HCNW1	HCPD	RAMONA PACE	12:58:54 07/23/2013	COM	160 W 300 N
PUBLIC NUISANCE	HCNW1	HCPD	RAMONA PACE	12:52:05 07/23/2013	COM	188 W 200 N
PUBLIC NUISANCE	HCNW1	HCPD	RAMONA PACE	12:48:32 07/23/2013	COM	183 W 400 N
PARKING PROBLEM	HCNW2	HCPD	RAMONA PACE	13:55:13 07/22/2013	CBE	601 N 200 W
PUBLIC NUISANCE	HCSE1	HCPD	RAMONA PACE	11:55:36 07/17/2013	ACT	540 E 200 S
PUBLIC NUISANCE	HCSW2	HCPD	RAMONA PACE	16:56:22 07/16/2013	CBE	669 W 1250 S
PUBLIC NUISANCE	HCNE2	HCPD	RAMONA PACE	16:27:26 07/16/2013	ACT	430 N MILL RD
PUBLIC NUISANCE		HCPD	RAMONA PACE	16:26:09 07/15/2013	COM	
PUBLIC NUISANCE	HCSE1	HCPD	RAMONA PACE	16:23:19 07/15/2013	ACT	285 E 600 S
SAFETY HAZARD	HCSW1	HCPD	RAMONA PACE	14:49:26 07/11/2013	ACT	46 W 500 S
SAFETY HAZARD	HCSW1	HCPD	RAMONA PACE	14:08:03 07/11/2013	ACT	141 S 200 W
PARKING PROBLEM	HCNE1	HCPD	RAMONA PACE	09:59:36 07/08/2013	ACT	508 E 500 N
PARKING PROBLEM	HCNW1	HCPD	RAMONA PACE	16:45:33 07/02/2013	CBE	200 N 200 West
PUBLIC NUISANCE	HCNE1	HCPD	RAMONA PACE	16:21:35 07/02/2013	CBE	350 N Main St
PARKING PROBLEM	HCNE3	HCPD	RAMONA PACE	15:16:02 07/01/2013	CBE	1386 N Callaway Dr
SAFETY HAZARD	HCSW1	HCPD	RAMONA PACE	15:13:08 07/01/2013	CBE	500 S 100 West
BUSINESS/LIC PB	HCSW1	HCPD	RAMONA PACE	14:15:06 07/01/2013	CBE	650 W 650 South
PUBLIC NUISANCE		HCPD	RAMONA PACE	14:00:13 07/01/2013	COM	

HEBER CITY CORPORATION

STAFF REPORT

MEETING TYPE:	Regular Council Meeting	MEETING DATE:	August 15, 2013
SUBMITTED BY:	Bart L Mumford	FILE NO.:	00000
APPROVED BY:	Mark K. Anderson		
SUBJECT:	**CITY ENGINEER MONTHLY REPORT – July 2013**		

CIP AND OTHER CITY PROJECTS

Broadhead Tank Roof Repair: Percent Complete: 5%
Began advertising for construction. Held pre bid meeting on July 30, 2013.

City Office/Public Safety Complex: Percent Complete: 1%
Council directed staff to prepare RFP for architectural services to begin design of new public safety building on Central School block.

Main St. Pavers / Util - 200S to 200N: Percent Complete: 50%
Goran finished reconstructing 2 blocks on east and west sides of Main St., starting at 200 North and began on the next two blocks.

Road Striping 2013: Percent Complete: 5%
Held pre bid meeting July 16, 2013. Held bid opening July 23, 2013. Will discuss award with council in August.

Road Crack Sealing 2013: Percent Complete: 5%
Held pre bid meeting on July 16, 2013. Held bid opening July 23, 2013. Will discuss award with council in August.

Subdivision Bond Work: Percent Complete: 5%
Council directed staff to call outstanding subdivision bonds at 2/17/11 Work meeting. Evaluating HOG subdivision developer proposal to complete some of remaining work separate from bond. ACME Construction completed Majestic Mountain improvements. City Attorney is evaluating options to response to surety claim denial on Gateway 1.

Sewer/Water Replacements 2013: Percent Complete: 80%
Lance Excavating completed water line replacements. Began working on various sewer repairs.

Veterans Memorial: Percent Complete: 5%
Worked with Lythgoe Architects and Horrocks Engineering to finish design, develop specifications, and advertise project. Bids were opened on June 26th. City Council held a special meeting and agreed to cancel project due to cost.

Water Main Replacement - 300W CDBG 12: Percent Complete: 99%

BD Bush substantially completed water line replacement work.

CITY PROJECTS UNDER WARRANTY

*Sewer Outfall - 100 S.:	Expires 12/23/12
Valley Hills Park - Wall Repair:	Expires 09/06/13
Water Main Replacement - 300 W (CDGB):	Expires 12/05/13
Storm Drain & Pond - 650 S:	Expires 12/23/13
Mill Road Estates Park Playground:	Expires 10/19/13
Sidewalk Improvements - 600 S (200E-270E)	Expires 07/25/14
Water Main - SR113 & PRV:	Expires 08/27/14
Muirfield Park Bridge/Trail:	Expires 08/23/14
Road Improvements - 300 W. (100S to 1000S)	Expires 01/28/15
Sewer Maintenance 2010 - Manhole Sealing:	Expires 09/15/21

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

ENGINEERING MONTHLY PROJECT BUDGET vs CONTRACTS REPORT

July 2013

PROJECT NAME	CITY BUDGET Approved	CITY BUDGET Amt	CONTRACTS Approved	CONTRACTS Amt	CHANGE ORDERS Approved	CHANGE ORDERS Amt	TOTAL	Notes
Broadhead Tank Roof Repair	07/01/13	$513,000						
1. Horrocks Engineers			Prior Year					- Evaluation & Structural Report ($8,000)
2. Horrocks Engineers			AsNeeded	$51,018.00				- Design, CM, & Insp
Subtotal:				$51,018.00		$0.00	$51,018.00	
City Office/Public Safety Complex		$0						
1. None								
Subtotal:				$0.00		$0.00	$0.00	
Main St. Pavers / Utilities	02/07/13	$279,317						- Pavers $223k + Meters $40k + Park/Off Sidewalk $16k
1. Horrocks			AsNeeded	$34,000.00				- Design / Bid / CM / Insp
2. Goran			05/16/13	$195,144.20				- Construction Contract
3. Public Works			02/07/13	$40,000.00				- Meter Can Replacements
Subtotal:				$269,144.20		$0.00	$269,144.20	
Majestic Mtn - Bond Work	09/30/12	$262,784						
1. Horrocks Engineers			AsNeeded	$13,522.00				- Bid doc prep / Inspection
2. ACME Construction			09/20/12	$173,148.75				- Construction Contract
- CO #1					10/30/12	$3,380.00		- Replace Curb box, ball valve, & washers
- CO #2					12/03/12	$0.00		- Extend schedule to complete by 5/1/13
- CO #3					06/10/12	$2,391.75		- Sink hole repair/add trail sub-base material
- CO #4					06/10/12	$5,191.88		- Light Conduit/Wire Conn (1/2 Reimb)
3. Blake Allen Fire Hydrant Relocate			10/02/12	$1,350.00				- Reimbursed for relocating misconstructed FH
4. Heber City			Pending	$34,990.00				- Lots 23&24 Util Escrow
4. Heber City			Pending	$19,577.00				- Temp CulDeSac Escrow ($12,790-), LotA ImpFees ($6,787+)
5. Wheeler Park			Pending	$9,846.00				- 16" Water Reimbursment
6. Summit Engineering			Pending	$5,650.00				- Record Dwgs
Subtotal:				$258,083.75		$10,963.63	$269,047.38	
Sewer/Water Replacements - 2013	07/01/12	$343,000						- Sewer $195k + Water $148k
1. Horrocks			AsNeeded	$36,000.00				- Design / Bid / CM / Insp
2. Lance Excavating			05/02/13	$246,026.50				- Construction Contract
- CO #1					06/10/13	$479.36		- cut steel casing/wrap ditch pipe/credit for 6" gate valves/repair existing wtrline
- CO #2					07/18/13	$4,429.89		- repair corrugated metal pipe/repare sewer main and lateral
Subtotal:				$282,026.50		$4,909.25	$286,935.75	
Sidewalk Replacement - 100 S.	07/01/12	$149,000						
1. Horrocks			AsNeeded	$21,306.00				- Design / Bid / CM / Insp
2. Quicksilver Concrete			04/18/13	$106,994.00				- Construction Contract
Subtotal:				$128,300.00		$0.00	$128,300.00	
Water Main Replace - 300W CDBG 12	07/01/12	$371,000						
1. Horrocks			AsNeeded	$48,637.00				- Design / Bid / CM / Insp
2. BD Bush			04/04/13	$261,855.00				- Construction Contract
Subtotal:				$310,492.00		$0.00	$310,492.00	

DEVELOPER CONSTRUCTION PROJECTS

RESIDENTIAL

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

Davis Lot Split (485 S 100 E): 3 lot subdivision approved 07/19/07. Plat recorded 04/08/08. Construction is 0% complete. Council approved deed restricting curb, gutter, and sidewalk which recorded on 4/21/09. On 5/6/10 Council approved substituting Surety bond for cash bond.

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

Heber Homes 6 - Clyde Lot Split (494 E. Center): 2 lot subdivision approved May 2, 2013. Construction is 0% complete. Waiting for agreements to record plat.

Heber Homes 7 (211 S. 200 W.): 3 lot subdivision approved July 18, 2013. Waiting for agreements to record plat.

Heber Meadows - Ph2 (2600 S. 1200 E.): 23 lot subdivision approved 10/04/07. Construction is 0% complete. Waiting for approvals from Planning Commission and Council to record revised plat. Construction was partially completed in Phase 1. Phasing needs to be corrected.

King - Plat A (200 S. 550 E.): 2 lot subdivision approved 09/06/07. Plat recorded 12/19/07. Construction is 0% Complete. Council approved amended plat and construction drawing 10/15/09. Amended plat recorded 09/11/11.

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

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

Mill Road Estates 4 (Mill Road and 400 S.): 32 lot subdivision. Subdivision phasing was approved 08/21/08. Extended plat approval expired 08/21/10. Project was resubmitted to the Planning Commission and approved 5/26/11. Construction is 0% complete.

Mountain Meadows 2 (E. Airport Rd. 111 E.): 2 lot subdivision approved 10/18/07. Plat recorded 04/24/08. Construction is 0% complete.

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

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

Red Ledges - Ph1E (Abajo Peak Way): 8 lot subdivision approved 03/21/13. Construction is 100% complete. Plat was recorded 06/10/13.

Red Ledges - Ph1G (1820 E. Center): 3 lot subdivision approved 4/05/12. Plat was recorded 08/10/12. Construction is 0% complete.

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

Red Ledges - Ph1J (Flat Top Mountain Drive): 2 lot subdivision approved 06/21/12. Plat was recorded 08/10/12. Construction is 0% complete.

Red Ledges - Ph1K (Explorer Peak Dr.): 12 lot subdivision approved 01/17/13. Plat was recorded 03/15/13. Construction is 0% complete.

Red Ledges - Ph1L (Copper Belt Dr.): 14 lot subdivision approved 01/17/13. Plat was recorded 03/15/13. Construction is 0% complete.

Red Ledges - Ph1M (Red Knob Way): 12 lot subdivision approved 03/21/13. Plat was recorded 03/26/13. Construction is 0% complete.

Red Ledges - Ph2A (2400 E. Lake Creek Road): 11 lot subdivision approved 10/06/11. Plat was recorded 12/15/11. Construction is 0% complete.

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

Stone Creek 1 (800 N. 1300 E.): 125 lot subdivision approved 12/06/07. Extended plat approval expired 12/06/09. Met with developer and project is going to be resubmitted for approval. Construction is 2% complete.

NON-RESIDENTIAL

AutoZone (805 S. Main): 1 Commercial lot and building approved 10/06/11. Plat recorded 03/27/12. Development construction is 99% complete. Working on punchlist items.

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

High School (800 S. 500 E.): Construction is 99% complete on road, water, sewer, and storm water improvements surrounding new facility. Impact fees, water rights, and record drawings have been tentatively agreed to. Discussions continue on bringing closure to the canal grate cleaning. Impact fees are still outstanding on Heber Valley Elementary.

HOG Business Park (1600 S. Daniel Rd.): 4 lot commercial subdivision. Construction is 85% complete. Subdivision has been taken over by new owners. Working on alternate plan to complete remaining work.

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

Millstream RV Park (2120 S Highway 40): 151 Unit RV Park approved 05/03/12. Onsite construction is 90% complete. Hwy 40 sewer, water, and fiber optic construction are 99% complete. Working on punchlist itmes.

Ranch Landing Plat B Assisted Living (500 E. 1200 S.): Commercial lot improvement approved 12/06/12. Construction is 0% complete. Waiting for building permit.

Zion's Bank (20 N. Main): Commercial building approved 09/13/12. Construction is 1% complete.

Wasatch Orthodontics (493 S. Main): Commercial building. Construction is 95% complete.

DEVELOPMENTS UNDER WARRANTY

- *Silver Ridge (500 E.309 S.)(Punchlist) Expires 06/25/11
- *Red Ledges - Ph1B Cabins (2000 S. Ctr) Expires 09/20/12
- *Red Ledges - Ph2 (2500 S. Ctr) Expires 09/20/12
- Miller (300 S. 100 W.) Expires 06/02/13
- Nordgran (94 N. 500 E.) Expires 08/22/13
- Aspen Pointe (600 S. 1200 E.)(1yr) Expires 08/27/13
- Elmbridge (705 N 100 W) Expires 09/20/13
- Ranch Landing Plat C Sr.Center (500 E.1200 S.) Expires 09/28/13
- Head/Telestar (Hawbrook 850 S. 115 W.) Expires 10/09/13
- **Birmingham Commercial (100 S. 801 W.) Expires 12/07/13
- Rooftop Anchors (800 S. 430 W.) Expires 12/07/13
- Valley Station Ph1 (Pads A-F) Expires 12/22/13
- Red Ledges - Ph1C (2000 S. Ctr) Expires 01/26/14
- Red Ledges - Ph1D (2000 S. Ctr) Expires 01/26/14
- Red Ledges - Ph2B (607 N. Haystack Mtn Dr.) Expires 11/02/14
- Majestic Mountain (1040 S. 1200 E.) Expires 07/29/15

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

OTHER HIGHLIGHTS

Training: None