

REGULAR MEETING

**AGENDA
AND
STAFF MEMO**

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

October 3, 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 Jeffery Bradshaw
Prayer/Thought: Mayor David Phillips

Minutes for Approval: September 19, 2013 Work and Regular Meetings

OPEN PERIOD FOR PUBLIC COMMENT

PUBLIC HEARING

(Tab 1) Public Hearing Regarding the Issuance and Sale of Not More Than \$1,000,000 Aggregate Principal Amount of Water Revenue Bonds, Series 2013 and to Allow Public Input Regarding Any Potential Economic Impact That the Project Described Herein to be Financed With the Proceeds of the Series 2013 Bonds May Have on the Private Sector

CONSENT AGENDA

(Tab 2) Approve Wasatch Back Grill and Deli, Request for Local Consent to Sell Alcohol, Located at 550 West 100 South

APPOINTMENTS

ACTION ITEMS

(Tab 3) Approve Swift Creek Subdivision, a 27 Lot Subdivision Located at Approximately 900 South to 1100 South and 800 East to 1000 East and Associated Subdivision Agreement

(Tab 4) Approve Red Ledges Phase 1 N, a 9 Lot Subdivision Located in the Red Ledges Planned Community

DISCUSSION/ACTION ITEMS

As Necessary

CLOSED SESSION AS NECESSARY – PURPOSE TO BE ANNOUNCED IN MOTION

Closed Session – Land Acquisition

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 September 26, 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://pnn.utah.gov>. Notice provided to the Wasatch Wave on September 26, 2013.

MINUTES

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**Heber City Corporation
City Council Meeting**

September 19, 2013

6:00 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on September 19, 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

Present:

Mayor
Council Members

David R. Phillips
Robert Patterson
Alan McDonald
Benny Mergist
Jeffery Bradshaw
Erik Rowland

Also Present:

City Manager
City Recorder
Planning Director
Chief of Police

Mark K. Anderson
Michelle Kellogg
Anthony Kohler
David Booth

Others Present: Larry Newhall, Rod Hopkins, and others whose names were illegible.

Mayor Phillips opened the meeting and welcomed those in attendance.

Discuss Retail Lock Box Service for Utility Payments: Mayor Phillips explained that this service would enable customers to mail their payments to a unique zip code and the payments would be processed and uploaded to the City database. Anderson stated if the City went with this program, new statements would need to be printed so the barcodes would be compatible with the processing center's system. He added that the service would free up time for other projects, and when other staff covered for that office, they would not need to spend as much time filling in and would be able to focus on their own work. Council Member Rowland asked how the charge for credit card use compared to the per check processing fee. Anderson indicated the check fee was cheaper than the credit card payment fee. Council Member Rowland asked if it was customary to charge a fee for the credit card and lockbox service because he felt these service fees could not be discriminative. Council Member McDonald stated money would be saved by freeing up staff time so new employees would not need to be hired. Anderson indicated all department heads felt that their resources were stretched thin, and this service could at least help in the Treasurer's office. The Council agreed to move forward with the lock box service.

Discuss Need to Replace the Hospital Well Cooling System: Anderson stated Tozier was concerned that the existing cooling unit was not adequately sized. He explained that a lot of grit comes up with the water, causing the pump to overheat and shut down. These shutdowns were becoming more frequent. It was indicated the cooling system was used to cool the motor which pumped out the water from the well. The Council agreed to have the cooling system replaced.

1 **Discuss Budget Amendment to Create Account for Undistributed Board Compensation:**

2 Anderson clarified that his staff report wasn't completely accurate, in that the decision on how to
3 spend this compensation would be determined by the Council. Council Member McDonald
4 preferred that the money stay in the General Fund but be earmarked, similar to other funds such
5 as the Legislative Fund or City Manager's Fund. Council Member Rowland preferred having a
6 separate account so the Council could see how much was available in the account for special
7 projects. Council Members Rowland, Bradshaw, and Mergist were in favor of having a separate
8 account. Council Member Rowland commented that the compensation could be added to the
9 Legislative Fund and the balance brought forward so the Council was aware of the available
10 balance.

11
12 **Discuss Mrs. Calls Sewer Lateral:** Anderson explained that when the City property was sold to
13 Mrs. Calls, the City indicated there was a sewer lateral. Upon commencement of construction, it
14 was determined the lateral was not in place. The work was done without consulting the City and
15 a bill was sent to the City in the amount of \$11,000+ for the installation of the sewer lateral.
16 Anderson felt that figure was too high and included other aspects of the construction. An
17 adjusted bill was then sent to the City for \$8,000+. Anderson, Tozier, and Mumford went out to
18 the property and felt there was still cause for concern with that amount.

19
20 Anderson asked if the Council would consider paying for the lateral. Council Member McDonald
21 felt the City should pay since it was sold with that assumption, but Mrs. Calls should have
22 notified the City before the work was done. The Council agreed. Anderson asked what amount
23 the City should be liable for. Council Member Rowland thought the City should have a policy in
24 place for situations such as this, since this put the City in a difficult situation. Anderson stated
25 the City had such a policy for contractors. Mayor Phillips commented people would still appeal
26 to the City Council, even if a generic policy was in place. Anderson noted there was not a big
27 expense for materials with this project, with most of the costs coming from labor and excavation.
28 Council Member Rowland was comfortable with staff creating a bid and paying from that bid.
29 Council Members Patterson and Bradshaw agreed.

30
31 **Discuss Police Vehicle Bids:** Anderson stated Chief Booth collected bids for new police
32 vehicles. Two pickup trucks from Spencer Auto would be purchased because they matched the
33 State bid. Chief Booth stated the State bid for an Interceptor SUV was \$26,300, and the local bid
34 came in at \$26,800 per vehicle. To purchase the four budgeted SUVs, it would cost an additional
35 \$2,000 to buy from the local dealer. The Council agreed to buy from the local dealer.

36
37 **Discuss Request for Right-of-Way Repair:** Anderson passed out an estimate from J. Carroll, a
38 pavement sealing company, and explained a property owner sent this bill to the City. While
39 asphaltting the City street, a trackhoe ran over this piece of right-of-way that the owner had paved
40 in front of his home, and damaged it. After discussing the issue with Mumford, Anderson felt it
41 was City property and the City shouldn't be held liable for the damage. Council Member
42 McDonald thought the contractor should be held liable. Council Members Rowland and
43 Patterson agreed. It was decided to have Mumford suggest that the property owner seek recourse
44 with the contractor.

45
46 In another issue, Anderson asked how the City could reach out to former Council members to get
47 a Heber Light and Power board payment to them reimbursed back to Heber Light and Power,
48 specifically from Nile Horner and the FICA tax from Eric Straddeck. Mayor Phillips felt that
49 these men should be notified by mail so there was an audit trail. It was decided that the City
50 attorney should sign the letter.

1 **Board Reports by Council Members:** No reports were given.

2

3 With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder

1 **Heber City Corporation**
2 **City Council Meeting**

3
4 **September 19, 2013**

5
6 **7:00 p.m.**

7
8 **REGULAR MEETING**

9
10 The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on September 19,
11 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

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13
14 **Present:**

14 Mayor
15 Council Members

14 David R. Phillips
15 Robert Patterson
16 Alan McDonald
17 Benny Mergist
18 Jeffery Bradshaw
19 Erik Rowland

20
21 **Also Present:**

21 City Manager
22 City Recorder
23 Planning Director
24 Chief of Police
25 City Attorney

21 Mark K. Anderson
22 Michelle Kellogg
23 Anthony Kohler
24 David Booth
25 Mark Smedley

26
27 **Others Present:** Larry Newhall, Maddie Kirby, Amanda Buchmuller, Nick Buchmuller, Danny
28 Goode, and others whose names were illegible.

29
30 Mayor Phillips opened the meeting and welcomed those in attendance.

31
32 **Pledge of Allegiance:** Council Member Benny Mergist

33 **Prayer:** Council Member Erik Rowland

34
35 **Minutes:** September 5, 2013 Work and Regular Meetings

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

39
40 ***OPEN PERIOD FOR PUBLIC COMMENT***

41
42 Mayor Phillips invited any member of the audience who so desired, to come forward and address
43 the Council on a topic that would not be covered on the agenda. No comments were given.

44
45 ***PUBLIC HEARING***

46
47 **Ordinance 2013-09 – An Ordinance Considering the Annexation of a 4.014 Acre Parcel**
48 **known as the Gardner Annexation, a Parcel Located at Approximately 2530 South**
49 **Southfield Road:** Mayor Phillips opened the public hearing to the members of the audience for

1 comments. No comments were given. Mayor Phillips closed the open portion of the hearing, and
2 stated the Planning Commission recommended annexing this parcel of land.

3
4 Council Member Patterson moved to approve Ordinance 2013-09, an ordinance considering the
5 annexation of a 4.014 acre parcel known as the Gardner Annexation. Council Member Bradshaw
6 made the second.

7
8 Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

9
10 ***ACTION ITEMS***

11
12 **Adoption of Ordinance 2013-06, An Ordinance Amending Section 10.16.030, Unlawful**

13 **Types of Parking:** Mayor Phillips commented that this was a follow-up from a few prior
14 meetings. He reviewed this item had been under discussion for semi-truck parking time limits
15 and prohibiting parking on Main Street all together. Council Member Bradshaw and Council
16 Member Patterson were in favor of doing nothing. Council Member McDonald was in favor of
17 the ordinance as written with a 30 minute time limit for semi-trucks. Council Member Rowland
18 was concerned with the safety issue connected with limited visibility due to parking on Main
19 Street, and felt shorter parking setbacks were better than no setbacks. Chief Booth stated he was
20 not in favor of painting curbs because of maintenance needs and snow covering the paint during
21 the winter months, and was also concerned about an overload of signs that would need to be
22 erected along the designated areas of Main Street. He indicated that as much as government tried
23 to mandate safety, there were always unintended consequences resulting from the mandates.
24 Council Member Rowland felt there were areas of the City that had more likelihood of accidents,
25 but he respected staff's perspective.

26
27 Council Member Bradshaw moved to keep the parking issues on Main Street status quo and not
28 adopt this ordinance. Council Member Patterson made the second.

29
30 Voting Aye: Council Members Patterson, Bradshaw, and Rowland. Voting Nay: Council
31 Members McDonald and Mergist.

32
33 **Adoption of Ordinance 2013-08, Beekeeping:** Council Member Mergist indicated at the recent
34 Utah League of Cities and Towns (ULCT) roundtable, there was a beekeeping discussion by an
35 attorney from Midvale, who was a professional beekeeper. The attorney did not think an
36 ordinance was needed, and that complaints could be addressed under a nuisance law. Council
37 Member Mergist related that bees would become a nuisance if there was no water. He stated the
38 attorney giving the presentation recommended two hives per residence be allowed within the
39 City limits of Heber. Council Member Rowland stated he had a conflict of interest with this
40 issue, in that he was a beekeeper. He asserted he would not be recusing himself from a vote, but
41 because there were concerns with neighbors about his beehives, he would move the hives to St.
42 George. With that said, he felt he could judge this issue impartially.

43
44 Maddie Kirby, Valley Hills, spoke to the Council and indicated Council Member Mergist had
45 addressed some issues concerning bees. Her neighbor two doors down had three hives and there
46 were so many more bees that the neighbors had begun to notice. She preferred that the number of
47 hives in the ordinance be reduced from five to one or two, or that this proposed ordinance be
48 eliminated altogether. She was concerned that with so many more bees, it could be dangerous to

1 children and elderly people. She also commented that it was difficult to tend her flower garden
2 now since they were thickly covered with bees.

3
4 Council Member Rowland clarified that he was the neighbor Kirby was talking about. He
5 commented that he notified his neighbor before bringing in the hives. He also didn't think Kirby
6 should assume that all the residents in the City would get bees if this ordinance was passed. He
7 asked if it would be illegal to have bees in the City limits if the City didn't have a beekeeping
8 ordinance. Kohler indicated that it would be illegal to keep bees within the City limits without
9 such an ordinance. People could keep bees, but if there was a complaint, the City would insist
10 that the owner relocate the bees to an area outside the City limits.

11
12 Council Member Mergist stated he could not support this ordinance. Council Member McDonald
13 indicated this ordinance concerned him because of high density housing. The five hives per
14 residence seemed to be a high number. He could see neighborly friendships being lost over the
15 nuisance of bees. He would like to see permission from neighbors given before people could
16 have hives. Anderson stated the goal of the ordinance was to permit beekeeping because if
17 something wasn't permitted in the City, then it was automatically prohibited.

18
19 Council Member Rowland did not have a problem with reducing the number of hives per
20 property. He did want to alter the language with regard to property barriers. Mayor Phillips
21 wanted to know if there was support for the ordinance before it was fine-tuned.

22
23 After some discussion, Kohler stated the ordinance came from a model ordinance in Florida, and
24 was adopted by several cities in Utah. He felt that if people were going to keep bees, there should
25 be an ordinance to allow that.

26
27 Council Member Bradshaw felt the City should not have an ordinance, but that any problems
28 could be covered under the nuisance ordinance. Council Member McDonald didn't favor an
29 ordinance at this time because it would create more situations that the City would have to
30 monitor and control. Council Member Patterson was against the ordinance, but he stated he
31 would like to make beekeeping reasonably accessible to those that wanted to make that
32 endeavor. Kohler asserted that bees were not pets, agriculture, or farm animals, so there was
33 nothing in the Code that bees would fall under.

34
35 Council Member McDonald moved to not adopt the ordinance. Council Member Mergist made
36 the second. Council Member Rowland clarified that beekeeping was illegal. Kohler said this had
37 never been an issue in the past, but now he knew four or five people with hives, so there would
38 be issues and he had hoped to have something in place before the issues came forth.

39
40 Amanda Buchmuller stated if an ordinance was considered in the future, the Council should be
41 aware that some people were allergic and could die from a bee sting.

42
43 Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

44
45 **Adoption of Resolution 2013-13, a Resolution Amending Section 1.5, Definition of Terms;**
46 **Section 6.1, Educational Assistance; Section 13.4, Total Compensation; Section 14.13,**
47 **Benefits For Part-Time Employees of the Heber City Personnel Policy;** Council Member
48 McDonald stated it was unfortunate that the City had to lower the minimum work hours to 30 in

1 order to comply with the federal mandate for employers offering health insurance benefits
2 because this could adversely affect hours worked by part-time employees.

3
4 Council Member Rowland moved to approve Resolution 2013-13, a resolution amending Section
5 1.5, Definition of Terms; Section 6.1, Educational Assistance; Section 13.4, Total
6 Compensation; Section 14.13, Benefits For Part-Time Employees of the Heber City Personnel
7 Policy. Council Member Bradshaw seconded the motion.

8
9 Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

10
11 **Approve Swift Creek Subdivision, a 27 Lot Subdivision Located at Approximately 900**

12 **South to 1100 South and 800 East to 1000 East:** Anderson stated the developer asked to have
13 this item continued. Council Member Mergist moved to continue the Swift Creek Subdivision
14 request for approval. Council Member Patterson seconded the motion. Council Member
15 McDonald asked if CUP signed off on the subdivision agreement. Anderson stated CUP was fine
16 with the relocation of the water main to the road, and they would abandon their easement.
17 Council Member McDonald asked that the City have a letter of consent from CUP.

18
19 Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

20
21 **Approve the Sale of .2 Acre of City Owned Land Located on the Southwest Corner of 600**

22 **South 300 West to Activa Plaza:** Council Member Bradshaw moved to approve the sale of .2
23 acre of City owned land located on the Southwest corner of 600 South 300 West to Activa Plaza.
24 Council Member Rowland seconded the motion. Council Member McDonald clarified that the
25 offer of \$5,000 was accepted by the City. Anderson indicated the Council could accept this offer
26 without holding a public hearing because it was not considered a significant parcel of land.

27
28 Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

29
30 **Select Consultant to Perform the Business License Fee Update Study:** Mayor Phillips
31 reviewed that the recommended consultant was Zions Bank Public Finance because they had the
32 most experience and were also the lowest bid. Council Member Rowland moved to approve
33 Zions Bank Public Finance for the Business License Study. Council Member Patterson seconded
34 the motion. Anderson asked if the Council was interested in having Zions perform a rental study
35 as well. The Council was not in favor of having a rental study done at this time.

36
37 Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

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39 With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder

Public Hearing

TAB 1

ZIONS BANK



PUBLIC FINANCE

HEBER CITY, UTAH

Request for Bids

\$900,000

Water Revenue Bonds

Series 2013



Heber City (the "City") is interested in issuing Water Revenue Bonds (the "2013 Bonds") with the purpose of completing several necessary improvements to the City's water system. The City is interested in receiving bids for \$900,000 with a final maturity of either 8, 10, or 12 years. The term of the bond issue will be determined after bids are received. The City is requesting bids for any and all of the contemplated terms, and will accept bids that don't provide rates for all three lengths.

PROPOSAL SUBMISSION REQUIREMENTS

Parties interested in purchasing the Bonds should submit proposals to the following individuals (email preferred) on or before Thursday, October 3, 2013 at 3:00 pm (MT).

Mark Anderson, City Manager
Heber City
435.654.0757 ext 12
manderson@ci.heber.ut.us

Brian Baker, Financial Advisor
Zions Bank Public Finance
801.844.7381
brian.baker@zionsbank.com

This document provides interested bidders with a description of the proposed terms and structure of the Bonds. It also contains pertinent information relating to this transaction and the issuer. The required Bid Sheet is included as **Attachment A**. Please contact the City's Financial Advisor, Brian Baker at Zions Bank Public Finance (801) 844-7381 or brian.baker@zionsbank.com if additional information is required. Zions Bank will not submit a bid.

The City reserves the right to accept or reject any or all bids. Bids must be an all or nothing bid. As mentioned, all interested purchasers should respond by submitting the attached Bid Sheet to the above-listed location **on or before Thursday, October 3, 2013 at 3:00 pm (MT). Faxed or emailed bid sheets are acceptable.**

NEW MONEY ISSUE

Water Revenue Bonds

The City is considering issuing \$900,000 of Water Revenue Bonds to finance several water system projects within the City. The City adopted a reimbursement resolution on May 16 allowing it to use the 2013 Bonds to recapture some costs for water system improvements that have already occurred.

The City has no current water revenue bonds. The 2013 bonds will be structured to generate level debt service payments over the life of the bonds.

The City plans to adopt a final bond resolution at its Meeting on Thursday, October 17, 2013 and close the bonds approximately Thursday, October 24, 2013.

The City will not seek a rating on the proposed Series 2013 Water Revenue Bonds.

ATTACHMENTS

Attachment A – Direct Purchaser Response Form

SUMMARY OF TERMS

HEBER CITY WATER REVENUE BONDS, SERIES 2013	
Par Amount:	\$900,000
Principal Payment Dates:	October 15
Interest Payment Dates:	April 15 and October 15, beginning April 15, 2014
Final Maturity Date:	To be determined—either 8, 10, or 12 years
Rate/ABT Coverage:	1.25x
Dated and Delivered Date:	Thursday, October 24, 2013
Tax Exemption:	The Bonds will be tax-exempt
Call Provisions:	The City would prefer flexible call provisions
Debt Service Reserve Fund:	It is anticipated that the City will not fund a Debt Service Reserve Fund (DSRF). Please indicate if you will require a funded DSRF
Bank Qualification:	The bonds will be bank qualified
Insurance:	The bonds will not be insured
Rating:	The bonds will not be rated

BOND INFORMATION

PROPOSED MATURITY SCHEDULE – SCENARIO 1

September 1	Principal Amount*	September 1	Principal Amount*
2014	\$98,000	2018	\$114,000
2015	102,000	2019	119,000
2016	106,000	2020	123,000
2017	110,000	2021	128,000
		Total	\$900,000

PROPOSED MATURITY SCHEDULE – SCENARIO 2

September 1	Principal Amount*	September 1	Principal Amount*
2014	\$75,000	2019	\$91,000
2015	78,000	2020	95,000
2016	81,000	2021	99,000
2017	84,000	2022	103,000
2018	87,000	2023	107,000
		Total	\$900,000

PROPOSED MATURITY SCHEDULE – SCENARIO 3			
September 1	Principal Amount*	September 1	Principal Amount*
2014	\$59,000	2020	\$76,000
2015	61,000	2021	79,000
2016	64,000	2022	82,000
2017	67,000	2023	86,000
2018	69,000	2024	90,000
2019	73,000	2025	94,000
		Total	\$900,000

*Preliminary, subject to change

REVENUES TO BE PLEDGED

The Series 2013 Bonds are special limited obligations of the Issuer payable from the net revenues of the Issuer's Water system.

AUTHORITY AND PURPOSE

The City adopted a parameters resolution to authorize the issuance of the proposed bonds on September 3, 2013. A reimbursement resolution was adopted relative to water system improvements and a possible public safety facility in the total amount of \$6 million on May 16, 2013.

CALL FEATURES

The City prefers flexible call options.

STRUCTURE OF BONDS

The City plans to issue bonds structured with level principal and interest payments, amortized over a period of 8, 10, or 12 years.

AUTHORIZING RESOLUTION

The City intends to adopt a final bond resolution on Thursday, October 17, 2013. It is anticipated that the Bonds will be closed delivered on October 24, 2013.

RESERVE FUND

The City does not anticipate funding a debt service reserve fund for the Series 2013 bonds.

NO TRUSTEE

City would prefer to do this financing by resolution, with no master indenture or trustee. The requirement of a trustee will factor into the bid evaluation.

HISTORICAL SUMMARY COVERAGE RATIOS

The following table shows the historical revenues and debt service coverage of the Water System for the Fiscal Years, as shown:

Historical Schedule of Revenues and Debt Service Coverage
(pertaining to the Water Revenue Bonds)

	Fiscal Year Ended June 30				
	2008	2009	2010	2011	2012
Revenues:					
Charges for Services.....	\$ 1,163,932	\$ 1,201,869	\$ 1,153,805	\$ 1,164,655	\$ 1,230,022
Connection Fees.....	\$ 22,478	\$ 8,666	\$ 16,743	\$ 11,409	\$ 23,019
Miscellaneous.....	414	1,617	-	4,398	1,847
Total revenues.....	1,186,824	1,212,152	1,170,548	1,180,462	1,254,888
Expenses:					
Salaries and wages.....	522,163	583,697	568,938	539,554	615,194
Operations.....	475,279	414,049	443,688	396,650	417,823
Depreciation.....	379,055	467,698	524,207	535,864	548,456
Total operating expenses.....	1,376,497	1,465,444	1,536,833	1,472,068	1,581,473
Total Operating Income.....	\$ (189,673)	\$ (253,292)	\$ (366,285)	\$ (291,606)	\$ (326,585)
Impact Fees.....	322,394	134,496	171,932	146,446	654,988
Depreciation.....	379,055	467,698	524,207	535,864	548,456
Total Net Income excluding Impact Fees.....	189,382	214,406	157,922	244,258	221,871
Total Net Income including Impact Fees.....	511,776	348,902	329,854	390,704	876,859
Debt service (water revenue bonds)					
Estimated 2013 Bonds (1).....	\$ 109,000	\$ 109,000	\$ 109,000	\$ 109,000	\$ 109,000
Debt service coverage (Excluding Impact Fees)...	1.74X	1.97X	1.45X	2.24X	2.04X
Debt service coverage (Including Impact Fees).....	4.70X	3.20X	3.03X	3.58X	8.04X

(1) Debt estimated at 4% over 10 years.

PAYMENT DATES

Principal of the Bonds will be payable every October 15 commencing October 15, 2014 with an estimated final maturity in either 2022, 2024 or 2026. Interest on the Bonds will be paid semi-annually on April 15 and October 15, beginning April 15, 2014.

PROPOSED FUNDING DATE

The anticipated funding date for the 2013 Bonds is on or about Thursday, October 24, 2013.

BANK QUALIFICATION

The Bonds will be "bank qualified" under the IRS Code.

TAX OPINION

Mr. Randall Larsen of Ballard Spahr LLP will act as Bond Counsel and give the opinion regarding the tax-exempt status of the Bonds.

ADDITIONAL INFORMATION

2012 billing records show that the number of residential and non-residential water service connections totaled 3,863, an increase of about 116 connections over the previous year.

The Governor's Office of Management and Budget estimates that Heber City will grow at an average annual rate of 2.3% over the next decade.

Please contact Brian Baker of Zions Bank Public Finance at (801) 844-7381 for additional information.

ISSUER INFORMATION

FINANCIAL INFORMATION

The audited financial statements of City for 2012, 2011 and 2010 are available for viewing and printing at the following website:

Fiscal Year 2012: <http://financialreports.utah.gov/auditedfinancialstatements/2012/HeberCity.pdf>

Fiscal Year 2011: <http://financialreports.utah.gov/auditedfinancialstatements/2011/HeberCity.pdf>

Fiscal Year 2010: <http://financialreports.utah.gov/auditedfinancialstatements/2010/HeberCity.pdf>

OUTSTANDING DEBT OF THE CITY

The City currently has no outstanding Water Revenue debt.

TAXABLE, FAIR MARKET AND MARKET VALUE OF PROPERTY

<u>Year</u>	<u>Taxable Value</u>	<u>% Change Over Prior Year</u>	<u>Fair Market/ Market Value (1)</u>	<u>% Change Over Prior Year</u>
2012.....	\$736,340,745	(2.6)%	\$1,044,116,524	(3.2)%
2011.....	755,612,148	(5.0)	1,078,181,501	(4.7)
2010.....	795,615,082	(15.3)	1,131,403,832	(13.5)
2009.....	938,943,455	(13.1)	1,308,450,146	(9.2)
2008.....	830,345,098	28.3	1,197,720,951	25.1

(1) Estimated fair market values were calculated by dividing the taxable value of primary residential property by 55%, which eliminates the 45% exemption on primary residential property granted under the Utah Property Tax Act.

MULTI-YEAR FINANCIAL SUMMARIES OF THE WATER SYSTEM

Heber City Balance Sheet Water Fund					
June 30,					
	2012	2011	2010	2009	2008
Assets:					
Current Assets					
Cash and cash equivalents.....	\$ 1,431,916	\$ 1,821,652	\$ 1,493,028	\$ 1,293,845	\$ 1,499,137
Accounts receivable, net of allowance for uncollectibles.....	127,102	84,142	95,406	106,221	100,035
Total assets:	1,559,018	1,905,794	1,588,434	1,400,066	1,599,172
Noncurrent Assets					
Restricted Assets					
Cash and cash equivalents.....	1,819,808	1,337,187	1,200,188	1,200,449	1,594,540
Capital assets					
Land.....	364,819	364,819	364,819	364,819	364,819
Water Shares.....	7,259,520	7,127,070	7,024,749	6,999,646	6,903,597
Buildings.....	530,620	530,620	530,620	530,620	530,620
Improvements.....	19,952,845	18,836,707	18,804,440	17,541,446	15,359,228
Machinery and Equipment.....	209,045	210,585	210,585	210,585	158,329
Less Accumulated Depreciation.....	(6,214,479)	(5,695,973)	(5,160,109)	(4,635,902)	(4,168,203)
Other Assets					
Investment in joint venture.....	-	-	-	-	-
Total noncurrent assets	23,922,178	22,711,015	22,975,292	22,211,663	20,742,930
Total Assets	25,481,196	24,616,809	24,563,726	23,611,729	22,342,102
Liabilities:					
Accounts payable.....	50,133	81,599	5,245	86,182	77,518
Due to other fund.....	-	-	-	-	-
Compensated absences.....	16,496	15,772	13,565	13,304	14,815
Total Current Liabilities	66,629	97,371	18,810	99,486	92,333
Total liabilities	66,629	97,371	18,810	99,486	92,333
Net Assets:					
Investment in capital assets, net of related debt.....	22,102,370	21,373,828	21,775,104	21,011,214	19,148,390
Restricted					
Investment in joint venture.....	-	-	-	-	-
Impact fees.....	1,819,808	1,337,187	1,200,188	1,200,449	1,594,540
Unrestricted.....	1,492,389	1,808,423	1,569,624	1,300,580	1,506,839
Total net assets	25,414,567	24,519,438	24,544,916	23,512,243	22,249,769
Total liabilities and net assets	\$ 50,829,134	\$ 49,038,876	\$ 49,089,832	\$ 47,024,486	\$ 44,499,538

Source: Information taken from the City's audited basic financial statements for the indicated years.

This summary itself has not been audited.

Heber City
Statement of Revenues, Expenditures and
Changes in Fund Balance
Water Fund

	June 30,				
	2012	2011	2010	2009	2008
Operating Revenues:					
Charges for services.....	\$ 1,230,022	\$ 1,164,655	\$ 1,153,805	\$ 1,201,869	\$ 1,163,932
Connection fees.....	23,019	11,409	16,743	8,666	22,478
Miscellaneous.....	1,847	4,398	-	1,617	414
Total operating revenues.....	1,254,888	1,180,462	1,170,548	1,212,152	1,186,824
Operating expenses:					
Cost of sales.....	-	-	-	-	-
Salaries, wages and benefits.....	615,194	539,554	588,938	583,697	522,163
Operations.....	417,823	396,650	443,688	414,049	475,279
Total operating expenses.....	1,033,017	936,204	1,012,626	997,746	997,442
Operating income (loss).....	(326,585)	(291,606)	(366,285)	(253,292)	(189,673)
Non-operating revenues (expenses):					
Intergovernmental revenue.....	150,000	-	-	-	-
Gain (loss) on sale of equipment.....	-	-	-	-	(2,247)
Impact fees.....	654,988	146,446	171,932	134,496	322,394
Interest income.....	22,366	15,861	18,429	64,297	132,730
Interest expense.....	-	-	-	-	-
Change in joint venture equity.....	-	-	-	-	-
Total non-operating revenues (expenses).....	827,354	162,307	190,361	198,793	452,877
Income before contribution.....	500,769	(129,299)	(175,924)	(54,499)	263,204
Capital contributions.....	394,360	103,821	938,597	1,316,973	5,051,948
Transfers from other funds.....	-	-	270,000	-	-
Change in net assets.....	895,129	(25,478)	1,032,673	1,262,474	5,315,152
Total net assets-beginning of year.....	24,519,438	24,544,916	23,512,243	22,249,769	16,934,617
Total net assets-end of year.....	\$ 25,414,567	\$ 24,519,438	\$ 24,544,916	\$ 23,512,243	\$ 22,249,769

Source: information taken from the City's audited basic financial statements for the indicated years.
This summary itself has not been audited.

Heber City
Water Revenue Bonds, Series 2013

**ATTACHMENT A
BID SHEET**

PROPOSED MATURITY SCHEDULE

Scenario 1			Scenario 1			Scenario 3		
YEAR SEPTEMBER 1	PRINCIPAL AMOUNTS	INTEREST RATE	YEAR SEPTEMBER 1	PRINCIPAL AMOUNTS	INTEREST RATE	YEAR SEPTEMBER 1	PRINCIPAL AMOUNTS	INTEREST RATE
2014	\$98,000		2014	\$75,000		2014	\$59,000	
2015	102,000		2015	78,000		2015	61,000	
2016	106,000		2016	81,000		2016	64,000	
2017	110,000		2017	84,000		2017	67,000	
2018	114,000		2018	87,000		2018	69,000	
2019	119,000		2019	91,000		2019	73,000	
2020	123,000		2020	95,000		2020	76,000	
2021	128,000		2021	99,000		2021	79,000	
Total	\$900,000		2022	103,000		2022	82,000	
			2023	107,000		2023	86,000	
			Total	\$900,000		2024	90,000	
						2025	94,000	
						Total	\$900,000	

OTHER TERMS AND CONDITIONS

**HEBER CITY
WATER REVENUE BONDS, SERIES 2013**

Your Response

Quote Duration:

Call Provisions:

Purchase Fees:

Will you require a Debt
Service Reserve
Fund?:

Will you require a
Trustee?

Other Terms and
Conditions:

Dated Date:

We anticipate the Bonds will be delivered on or about Thursday, October 24, 2013.

BIDDER INFORMATION

Purchasing Institution:

Contact Address:

Contact Individual:

Telephone:

Fax:

Email:

Signature:

CONSENT AGENDA

TAB 2



**HEBER CITY CORPORATION
BUSINESS LICENSE DIVISION**
75 North Main, Heber City, Utah 84032
(435) 654-4830

**APPLICATION for LOCAL CONSENT:
BEER, WINE AND ALCOHOL ESTABLISHMENTS**

To appear before the City Council, please file this application with the City Recorder's Office.

- A. Business Name** Wasatch Back Grill & Deli
Proposed local business address: 550 W 100 S Heber City Utah, 84032
- B. Ownership Type:** Corporation Partnership Proprietorship LLC
If Corporation list Corp. name Wasatch Back Grill & Deli, LLC
(Attach a copy of Certificate of Incorporation)
- C. Information on:** President General Partner Sole Proprietor
Name Michael Mitchell Home Phone 435-654-3369
Home Address 1949 S 4800 E Heber City Utah, 84032
Mailing Address Same
(Street Number) (City) (State) (Zip)
- D. Information on:** Local Manager Partner Representative Responsible for Business
Name Same Home Phone _____
Home Address _____
Mailing Address _____
(Street Number) (City) (State) (Zip)
Date of Birth 10-02-1958 Place of Birth Salt lake City

A Bureau of Identification criminal background check may be required for each local manager as part of the application approval process

- E. Give a brief description of the proposed establishment and alcohol license requested, and check the appropriate box or boxes.** Causal Dinning Restaurant Grill & Deli, Limited service Restaurant liquor license.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Restaurant License | <input checked="" type="checkbox"/> Limited Restaurant License | <input type="checkbox"/> Off-premise Beer Retailer's License |
| <input type="checkbox"/> Tavern License | <input type="checkbox"/> Private Club License | <input type="checkbox"/> State Store |
| <input type="checkbox"/> Package Agency | <input type="checkbox"/> On-premise Banquet License | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Single Event Permit | <input type="checkbox"/> Manufacturers and Wholesale Facilities | <input type="checkbox"/> Liquor Warehousing License |
| <input type="checkbox"/> Temporary Special Event Beer Permit | | <input type="checkbox"/> On-premise Beer Retailer License |

- F. Attach a copy of a plat map from the County Recorder's office showing the proposed facility, as well as all other properties within 500 feet of the proposed facility.**
- G. Attach a certified Bureau of Criminal Identification background check of the applicant current within 30 days.**

H. Verification of Accuracy - Acknowledgment of Responsibility

I hereby consent to grant an irrevocable license to the City permitting any authorized representative of the City or any law enforcement officer unrestricted right to enter and inspect the premises. I verify by oath that I am the executive officer or the person specifically authorized by the corporation, business or association to sign this application, and have attached written evidence of said authority.

Authorized Business Owner

Date

Heber City Council
Meeting date: October 3, 2013
Report by: Anthony L. Kohler

Re: Local Consent for Wasatch Back Grill & Deli

Michael Mitchell, owner of Wasatch Back Grill and Deli, is requesting local consent for a limited restaurant license to serve wine and beer at 550 West 100 South, in the business complex next to Mountain America Credit Union. Mr. Mitchell has submitted a clean background check. The code requires a 600 foot setback as a pedestrian walks from the entrance of the facility to the property lines of churches, public or private schools, libraries, playgrounds, or parks. 2 churches exist to the east at 400 and 500 West Center 600 feet of the proposed facility. Section 5.08.060 3, provides the criteria for the Council to grant a variance to the church setback, namely, a. The proposed location does not front upon the same side of the street, share access or parking with, or adjoin property lines with a church, school, library, park or playground; b. The proposed location does not pose a threat to the health, peace, safety, and welfare of surrounding land uses; c. The proposed location will not create an undue concentration of alcohol dispensing establishments; d. The proposed location will not create an undue burden in controlling and policing illegal activities in the vicinity; and e. The proposed facility will not create a nuisance to the community.

The Wasatch Dance is located next door to the Grill, but the state code does not define a dance center as a school requiring a setback (see attached definitions). Section 5.08.050 of the City Code allows the Council to consider the proximity of the facility to any educational, religious, and recreational facility, including nursery schools, infant day care centers, trade and technical schools, and teen/youth facilities or other relevant factors in reaching a decision on whether to issue an alcohol license for on-premise or off-premise consumption. If Local Consent is given by the City, the State Alcoholic Beverage Control will need to hold a public hearing to address the facility being within 600 feet of the 2 churches.

RECOMMENDATION

Local Consent can be granted consistent with the City Code, provided the City Council makes the Variance Findings of Section 5.08.060 3. a through e.

Section 5.08.050 Restrictions on Location

A. No alcohol license shall be granted to any facility for on-premise consumption of alcohol if such facility is located within 600 feet of any public or private school, church, public library, public playground, or park, as measured from the nearest entrance of the facility by following the shortest route of ordinary pedestrian travel to the property boundary of the public or private school, church, public library, public playground, or park.

B. No alcohol license shall be granted to any facility for on-premise consumption of alcohol if such facility is located within 200 feet of any public or private school, church, public library, public playground, or park, measured in a straight line from the nearest entrance of the facility to the nearest property boundary of the public or private school, church, public library, public playground, or park.

C. The City Council may consider the proximity of the facility to any educational, religious, and recreational facility, including nursery schools, infant day care centers, trade and technical schools, and teen/youth facilities or other relevant factors in reaching a decision on whether to issue an alcohol license for on-premise or off-premise consumption.

Section 5.08.060 License Restrictions

3. A variance to the siting provisions of section 5.08.050 may be granted by the City Council for a restaurant or limited restaurant, upon the City Council making the following findings:
- a. The proposed location does not front upon the same side of the street, share access or parking with, or adjoin property lines with a church, school, library, park or playground;
 - b. The proposed location does not pose a threat to the health, peace, safety, and welfare of surrounding land uses;
 - c. The proposed location will not create an undue concentration of alcohol dispensing establishments;
 - d. The proposed location will not create an undue burden in controlling and policing illegal activities in the vicinity; and
 - e. The proposed facility will not create a nuisance to the community.

Section 5.08.030 Grounds for Granting, Denying, Suspending, or Revoking of License

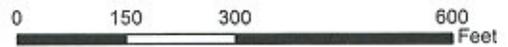
- B. The following shall be considered in granting or denying a license:
1. Previous business or personal record, either within or outside of Heber City;
 2. Criminal record of the applicant. No person shall be granted a retail license unless he qualifies as provided in the State of Utah Alcoholic Beverage Control Act. The City may not grant any alcohol license or consent to any person who has been convicted of:
 - a. A felony under any Federal or State law;
 - b. Any violation of any Federal or State law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages;
 - c. Any crime involving moral turpitude; or
 - d. On two or more occasions within the five years before the day on which the license is granted, driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug.
 3. Location of the facility in relation to the community; and
 4. No licenses, permits or consents provided for in this Chapter shall be issued to any applicant who is in arrears in the payment to the City of business license fees, or is otherwise indebted to the City for past due payments owing. (Ord. 2004-06, 2004; Ord. 83-002 §14, 1983)

32B-1-102 Definitions Utah State Code

- (17) "Church" means a building:
- (a) set apart for worship;
 - (b) in which religious services are held;
 - (c) with which clergy is associated; and
 - (d) that is tax exempt under the laws of this state.
- (21) "Community location" means:
- (a) a public or private school;
 - (b) a church;
 - (c) a public library;
 - (d) a public playground; or
 - (e) a public park.
- (35) "Educational facility" includes:
- (a) a nursery school;
 - (b) an infant day care center; and
 - (c) a trade and technical school.
- (96) (a) "School" means a building used primarily for the general education of minors.
- (b) "School" does not include an educational facility.



Heber City, Utah



APPOINTMENTS

ACTION ITEMS

TAB 3

HEBER CITY COUNCIL

Staff report by: Anthony L. Kohler

Meeting Date: September 5, 2013

Item: Swift Creek Final Subdivision

The applicant is proposing final approval for the Swift Creek Subdivision. The subdivision received final approval in 2007 and the final approval has since lapsed, necessitating this request. The development is nearly identical to the original proposal, excepting some minor engineering details for utilities to meet updated engineering standards. Swift Creek contains 27 lots and is zoned R-2 Residential Zone. This property was annexed in 2007 as part of the McNeil Schneider Annexation and is subject to an annexation agreement with Heber City. Many of the annexation conditions have been met as surrounding development has been constructed.

Since approved in 2007, the subdivisions to the north and east, notably Aspen Pointe and Browning Estates, have finalized construction and provided street access to Swift Creek. Offsite sewer flowing towards 1200 South and the waterline in Mill Road have been completed and can provide service to this subdivision. Majestic Mountain Estates to the south has also been completed and provides the necessary street frontage for lots 24 through 27. There is a Master Planned trail along the canal; an easement should be provided to connect the trail to the street on Lot 5 so the trail doesn't dead end. The irrigation easement along the west side of the subdivision is intended to be abandoned when the irrigation line is moved; the subdivision plat should make note of this issue.

At the Planning Commission meeting on August 8, the neighboring property owner, Connie Christensen, presented proposed language to be put on the subdivision plat that notifies the subdivision owners that the neighboring farm can create smells, sounds, etc. Ms. Christensen asked for the developer/new lot owners to respect and not destroy her fence.

RECOMMENDED MOTION

On August 8, 2013, the Planning Commission found the proposed Swift Creek Final Subdivision consistent with Chapter 17.16 General Subdivision Procedures, Section 17.20.010 Concept Plans, Chapter 17.24 Street Design Standards, Chapter 17.32 Lot Design Standards, Chapter 17.40 Improvements, Chapter 18.56 R-2 Residential Zone, conditional upon the final plat noting the irrigation easement will eventually be abandoned, the plat designate a trail easement connecting through Lot 5 from the canal trail to the street, the City Attorney review the right to farm language to be put on the final subdivision plat, and the final plat make note of those lots that are affected by the FEMA 100 Year Flood Plain.



Recommended Swift Creek Plat Language
Farm Operation Protection
Heber City

Right to Farm:

Purchasers of lots in this subdivision are hereby notified that Heber City has determined to protect and preserve agricultural land uses and will protect the right to farm of adjoining and nearby property owners. Purchasers are advised that farm hours run late and begin early and that farm operations and animals create noises and odors which may be objectionable to some purchasers. The irrigation of these lands may have frequent overspray that can saturate or dampen adjacent lots and stock or other farm animals may encroach on adjacent properties if not properly fenced.



Devin Mikrola, P.E.
WCWEP Manager
Central Utah Water Cons. District

SUBDIVISION AGREEMENT
AND
COVENANT RUNNING WITH THE LAND
(Swift Creek Subdivision)

THIS AGREEMENT entered into this _____ day of _____, 2013, by and between Heber City, hereinafter referred to as "City" and the undersigned as "Developer".

WHEREAS, the petitioner has proposed the Swift Creek Subdivision, consisting of 27 lots;

WHEREAS, the City annexed the property subject to certain conditions; and

WHEREAS, unique conditions exist resulting from the features on and around the property and the layout and design proposed by the developer; and

NOW, THEREFORE, the parties hereby agree as follows:

1. With respect to Exhibit A (the approved final subdivision plat), the developer shall, prior to recordation of that subdivision plat, transfer to the City all required water rights necessary for development, which shall include but not be limited to 27.25 Acre-Feet of diversion water rights.
2. A 75-foot strip of land underlying the Humbug Canal, and a master planned trail, must be dedicated to the City. Developer shall be responsible for constructing that portion of the 8-foot wide asphalt trail along the canal through the development. Also for installing a 6-foot high fence along the west side of the trail as approved by the Planning Department.
3. Heber city will reimburse the Developer the cost of installing the initial 6 foot width of asphalt trail and roadbase along the Humbug Canal right of way, payable upon final acceptance and upon receiving invoices demonstrating actual cost incurred by the developer to install the improvements.
4. A temporary culdesac shall be constructed at the south end of 820 East. Developer will provide necessary temporary turn around easements dedicated to Heber City.
5. Acceptance of this subdivision is conditional upon offsite improvements. This subdivision will not be deemed complete until the applicable offsite reimbursement agreements with Sage Acres for water, sewer, and/or irrigation improvements have been satisfied.

6. The final plat shall provide written notation as follows:
"The retention area easement on Lot 13 accommodates storm drainage for the subdivision. Heber City has the right of access through this lot to maintain and repair said facilities. No cuts, fills, changes to topography, structures above or below ground; including but not limited to fences, decks, sheds, or footings of any kind, are allowed in the easements. Any obstacles erected within these easements will be removed at the current lot owner's expense. The owner of this lot is responsible for landscaping and irrigation of the area. Fences constructed around the easements shall contain a 12 foot wide gate to accommodate access by Heber City Corporation."
7. The final plat shall note that Lots 10 and 11 are prohibited from establishing driveway access from 820 East.
8. The final plat shall note that Lots 14 and 23 are prohibited from establishing driveway access from Old Mill Drive.
9. Developer shall provide City with a noxious weed control plan approved by the Wasatch County Weed Control Board prior to recording the subdivision plat and implement approved measures prior to project acceptance by the City.
10. All streets, utilities, and improvements will be constructed to property lines.
11. Public streets shall be dedicated to Heber City.
12. All aforementioned improvements shall consist of frontage improvements of curbs, sidewalks, pavements, inlets, and placing of monuments, as required and consistent with Heber City Standards, including but not limited to required subdivision improvement requirements.
13. Said improvement costs will be paid by the Developer, their assigns, transferees or successors as owners or developers. The Developer shall be obligated to disclose and notify in writing its immediate successors in ownership or developers of the requirements of this Agreement.
14. Developer shall execute a performance agreement and provide a cash bond or letter of credit acceptable to the City, guaranteeing the improvements related to subdivision.
15. The parties agree that the improvements will be required at the time of development, and that no building permits shall be issued thereto without the completion of said improvements.

16. Upon the full and complete performance of all of the terms and conditions of this Agreement by the Developer, their assigns, transferees or successors, and upon approval of the improvements, the City agrees to take over roads as shown on the filed map and those areas shown on the recorded subdivision plats as dedicated to the public, and maintain them as public works and public highways of the City without assessment for the construction of improvements as set out in the plans and specifications. Nothing contained here shall be construed in any way to render the City liable for any charges, costs, or debts for material, labor, or other expenses incurred in the making of these improvements.
17. In the event there is a Failure to Perform under this Agreement and it becomes reasonably necessary for any party to employ the services of an attorney in connection therewith (whether such attorney be in-house or outside counsel), either with or without litigation, on appeal or otherwise, the losing party to the controversy shall pay to the successful party reasonable attorney's fees incurred by such party and, in addition, such costs and expenses as are incurred in enforcing this Agreement.
18. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties.
19. Time is of the essence of this Agreement. In case any party shall fail to perform the obligations on its part at the time fixed for the performance of such obligations by the terms of this Agreement, the other party or parties may pursue any and all remedies available in equity, at law, and/or pursuant to the terms of this Agreement.
20. This Agreement shall be a covenant running with the land, and shall be binding upon the parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder.

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

DATED this _____ day of _____, 2013.

EXHIBIT A

TAB 4

September 12, 2013

Re: Red Ledges Phase 1N

Red Ledges is proposing Phase 1N with 9 single family lots. The road traverses a ridge to the north. The County Planner and I visited the site to review ridgelines and visibility. The City/County interlocal agreement asks that Red Ledges comply with the county's ridgeline ordinance. The proposed plat does not violate the ridgeline ordinance.

RECOMMENDATION

On September 12, 2013, the Planning Commission found the proposed final plat for phase 1N consistent with the adopted Red Ledges Master Plan, Preliminary Approval, and the PC Zone, conditional upon the following: 1. Construction of a year round maintained graded road along the waterline connecting from Phase 1 N to the access road to the northwest along the future proposed road alignment with a temporary culdesac at the north of Phase 1N; and 2. Developer provide an updated title report for all lands proposed to be subdivided and a tax clearance from county assessor.

Vicinity Map



DEPARTMENT REPORTS

TAB 5

HEBER CITY CORPORATION

STAFF REPORT

MEETING TYPE:	Regular Council Meeting	MEETING DATE:	October 3, 2013
SUBMITTED BY:	Bart L Mumford	FILE NO.:	00000
APPROVED BY:	Mark K. Anderson		
SUBJECT:	CITY ENGINEER MONTHLY REPORT - September 2013		

CIP AND OTHER CITY PROJECTS

Broadhead Tank Roof Repair: Percent Complete: 5%
Began advertising for construction. Held preconstruction meeting with Gerber Construction on 9/18/13. Did final check of reservoir interior dimensions. Evaluating if booster pump modifications will push reservoir roof start to early spring.

City Office/Public Safety Complex: Percent Complete: 1%
Staff prepared draft RFP for architectural services to begin design of new public safety building on Central School block. Advertising began 9/11/13. Proposals are due 10/2/13.

Main St. Pavers / Util - 200S to 200N: Percent Complete: 99%
Goran finished reconstructing work and are finishing punchlist items.

Road Striping 2013: Percent Complete: 99%
Done Rite completed striping and are finishing punchlist items.

Road Crack Sealing 2013: Percent Complete: 5%
Held preconstruction meeting with Bonneville on 9/25/13. Work will begin in October.

Sewer/Water Replacements 2013: Percent Complete: 99%
Lance Excavating completed water and sewer improvements. Working on punch list items.

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.

CITY PROJECTS UNDER WARRANTY

▫ *Sewer Outfall - 100 S.:	Expires 12/23/12
▫ 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
▫ Sidewalk Replacement - 100 W.	Expires 07/17/15
▫ Water Main Replacement - 300 W CDBG 12:	Expires 07/31/15
▫ 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.

ENGINEER MONTHLY PROJECT BUDGET vs CONTRACTS RE RT Sep. ber 2013

PROJECT NAME	CITY BUDGET		CONTRACTS		CHANGE ORDERS		TOTAL	Notes
	Approved	Amt	Approved	Amt	Approved	Amt		
Broadhead Tank Roof Repair	07/01/13	\$513,000	Prior Year					- Evaluation & Structural Report (\$8,000)
1. Horrocks Engineers			AsNeeded	\$56,000.00				- Design, CM, & Insp
2. Horrocks Engineers			08/15/13	\$439,200.00				- Construction Contract
3. Gerber Construction				\$495,200.00		\$0.00	\$495,200.00	
Subtotal:		\$0						
City Office/Public Safety Complex								
1. None				\$0.00		\$0.00	\$0.00	
Subtotal:								
Main St. Pavers / Utilities	02/07/13	\$279,317	AsNeeded	\$34,000.00				- Pavers \$223k + Meters \$40k + Park/Off Sidewalk \$18k
1. Horrocks			05/16/13	\$195,144.20	07/23/13	\$4,342.00		- Design / Bid / CM / Insp
2. Goran					08/08/13	\$312.00		- Construction Contract
- CO #1					08/27/13	\$3,883.58		- Replace red flagstones with stamped colored concrete City Office
- CO #2								- Sprinkler pipe needed to be lower
- CO #3								- Additional work
3. Public Works			02/07/13	\$40,000.00		\$8,537.58	\$277,681.78	- Meter Can Replacements
Subtotal:				\$269,144.20				
Majestic Mtn - Bond Work	09/30/12	\$262,784	AsNeeded	\$13,522.00				- Bid doc prep / Inspection
1. Horrocks Engineers			09/20/12	\$173,148.75	10/30/12	\$3,380.00		- Construction Contract
2. ACME Construction					12/03/12	\$0.00		- Replace Curb box, ball valve, & washers
- CO #1					06/10/12	\$2,391.75		- Extend schedule to complete by 5/1/13
- CO #2					06/10/12	\$5,191.88		- Sink hole repair/add trail sub-base material
- CO #3					06/10/12			- Light Conduit/Wire Conn (1/2 Reimb)
- CO #4								- Reimbursed for relocating misconstructed FH
3. Blake Allen Fire Hydrant Relocate			10/02/12	\$1,350.00				- Lots 23&24 Ull Escrow
4. Heber City			Pending	\$34,990.00				- Temp CulDeSac Escrow (\$12,790-), LotA ImpFees (\$6,787+)
4. Heber City			Pending	\$19,577.00				- 16" Water Reimbursement
5. Wheeler Park			Pending	\$9,846.00				- Record Dwgs
5. Wheeler Park			08/27/13	\$420.00		\$10,963.63	\$263,817.38	
6. Summit Engineering				\$252,853.75				
Subtotal:		\$45,000		\$39,808.00				
Road Striping			08/01/13	\$5,000.00				- Design, CM, & Insp
1. Done Rite			AsNeeded	\$44,808.00		\$0.00	\$44,808.00	
2. Horrocks Engineers								
Subtotal:								
Road Crack Sealing		\$250,000	08/01/13	\$162,100.00				
1. Bonneville			AsNeeded	\$25,000.00				- Design, CM, & Insp
2. Horrocks Engineers				\$187,100.00		\$0.00	\$187,100.00	
Subtotal:								
Sewer/Water Replacements - 2013	07/01/12	\$343,000	AsNeeded	\$36,000.00				- Sewer \$195k + Water \$148k
1. Horrocks			05/02/13	\$246,026.50	06/10/13	\$479.36		- Design / Bid / CM / Insp
2. Lance Excavating					07/18/13	\$4,429.89		- Construction Contract
- CO #1					09/17/13	\$1,790.31		- Casing/Culvert wrap/ Valve credit
- CO #2								- Culvert repair / 100W Swr main lateral repair
- CO #3								- Lateral repairs 581 E Cente
Subtotal:				\$282,026.50		\$6,699.56	\$288,726.06	

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 30% Complete. Council approved amended plat and construction drawing 10/15/09. Amended plat recorded 09/11/11. Currently working on improvements along with new home.

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.

Coordinated with developer. Need to install irrigation, water and sewer services to 2nd lot.

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 - Ph1G (1820 E. Center): 3 lot subdivision approved 4/05/12. Plat was recorded 08/10/12. No additional public improvements were required for this subdivision and it will be closed out.

Red Ledges - Ph1H (Flat Top Mountain Drive): 5 lot subdivision approved 05/03/12. Plat was recorded 08/03/12. Construction is 0% complete. Work will begin Spring 2014.

Red Ledges - Ph1J (Flat Top Mountain Drive): 2 lot subdivision approved 06/21/12. Plat was recorded 08/10/12. Construction is 50% complete. Will finish Spring 2014 along with 1K.

Red Ledges - Ph1K (Explorer Peak Dr.): 12 lot subdivision approved 01/17/13. Plat was recorded 03/15/13. Inspection deposit is needed. Construction is 0% complete. Work will begin Spring 2014 with 1J.

Red Ledges - Ph1L (Copper Belt Dr.): 14 lot subdivision approved 01/17/13. Plat was recorded 03/15/13. Inspection deposit is needed. Construction is 0% complete. Work will begin Spring 2014.

Red Ledges - Ph1M (Red Knob Way): 12 lot subdivision approved 03/21/13. Plat was recorded 03/26/13. No additional public improvements were required for this subdivision and it will be closed out.

Red Ledges - Ph1N (Explorer Peak Dr.): 9 lot subdivision waiting council approval in October.

Red Ledges - Ph2A (2400 E. Lake Creek Road): 11 lot subdivision approved 10/06/11. Plat was recorded 12/15/11. Construction is 20% complete. Anticipate completion in October 2013.

Red Ledges - Ph2D (Red Ledges Blvd): 8 lot subdivision approved September 5, 2013. Construction is 10% complete. Work will be done prior to recordation. Anticipate completion in October 2013.

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. Waiting for developer and project 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 (Light replacement).

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 100% complete.

Ranch Landing Plat B Assisted Living (500 E. 1200 S.): Commercial lot improvement approved 12/06/12. Construction is 10% complete. Working on public improvements.

Zion's Bank (20 N. Main): Commercial building approved 09/13/12. Construction is 5% complete. Working on building improvements.

Wasatch Orthodontics (493 S. Main): Commercial building. Construction is 100% complete. One year warranty period began 9/5/13.

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
- **Birmingham Commercial (100 S. 801 W.) Expires 12/07/13
- Rooftop Anchors (800 S. 430 W.) Expires 12/07/13
- Red Ledges - Ph1C (2000 S. Ctr) Expires 01/26/14
- Red Ledges - Ph1D (2000 S. Ctr) Expires 01/26/14
- Red Ledges - Ph1E (Abajo Peak Way) Expires 05/30/14
- 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