

# **REGULAR MEETING**

**AGENDA  
AND  
STAFF MEMO**

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

**October 17, 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 Erik Rowland  
**Prayer/Thought:** Council Member Robert Patterson  
**Minutes for Approval:** October 3, 2013 Work and Regular Meetings

**OPEN PERIOD FOR PUBLIC COMMENT**

**APPOINTMENTS**

- (Tab 1)** Mayor's Recognition of Officer Xela Thomas for Outstanding Service  
**(Tab 2)** John Zimmerman, Request to Have Heber City Pay His Water and Sewer Impact Fees for His Home Located at 1070 South Mill Road

**ACTION ITEMS**

- (Tab 3)** Resolution 2013-15, Consideration for Adoption of a Resolution Authorizing the Issuance and Sale of its Water Revenue Bonds, Series 2013 in the Aggregate Principal Amount of \$900,000 and Related Matters

**DISCUSSION/ACTION ITEMS**

Discuss Swift Creek Subdivision Agreement

**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 October 10, 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](http://www.ci.heber.ut.us), and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave on October 10, 2013.

# Memo

To: Mayor and City Council  
From: Mark K. Anderson  
Date: 10/10/2013  
Re: City Council Agenda Items

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## REGULAR MEETING

**Mayor's Recognition of Officer Xela Thomas for Outstanding Service (Tab 1):** Mayor Phillips has asked that Officer Xela Thomas be recognized for the manner in which she handled an unexpected death with a family. See enclosed letter of commendation from Chief Booth and letter from the family. The City is fortunate to have employees who are recognized for the way they handle themselves under such unfortunate circumstances.

**John Zimmerman, Request to Have Heber City Pay His Water and Sewer Impact Fees for His Home Located at 1070 South Mill Road (Tab 2):** Enclosed is a letter from John and Davidene Zimmerman regarding their desire for the City to waive/pay their impact fees based on agreements that were made (and not lived up to) with the developer of the Majestic Mountain Subdivision. Mr. Zimmerman suggests that the City pursue the developer (Joe Spencer) to pay for the unpaid impact fees. It is our understanding that Mr. Spencer lost the subdivision to bankruptcy, thus the bond was pulled by the City to complete the final City improvements.

In discussing this matter with Bart Mumford and Mark Smedley, we do not see where Heber City should be pulled into this dispute. The City does not hold bond monies for the payment of the impact fees as this is not an item that the City would require the developer to bond for. The City is not a party to the agreement made between the developer and the previous home owner. The City does have the ability to waive impact fees for projects with broad public benefit, but the City is still required to pay the fees. This particular issue does not appear to meet the criteria of broad public benefit which is typically associated with affordable housing or public facilities.

The City acknowledges that a water right has been transferred to the City for the Zimmerman home as part of the subdivision process. This is customary for any lot that receives water service from the City. When the impact fees are paid, the City would offer water service without requiring the Zimmermans to provide water rights.

Although we are sympathetic to the Zimmerman's situation, staff does not see where Heber City should be responsible to allow the Zimmermans to connect to City services without the customary impact fee. We do acknowledge that the Zimmermans were allowed to connect onto the sewer because their septic tank failed. This was done in hopes that there would be quick resolution to the impact fee matter. When I became aware of it, we started charging for sewer service and asked that this item be brought to the Council for resolution.

Because the City allowed the Zimmermans to connect onto the sewer without paying an impact fee to the City or HVSSD, the Council should give staff direction on what they want us to do if City does not waive/pay the impact fee and the Zimmermans are unwilling to pay the impact fee.

**Resolution 2013-15 – Consideration for Adoption of a Resolution Authorizing the Issuance and Sale of its Water Revenue Bonds, Series 2013 in the Aggregate Principal Amount of \$900,000 and Related Matters (Tab 3):** Enclosed is a copy of the Bond Resolution that authorizes the Mayor and City Recorder to execute the \$900,000 bond agreement with the Bank of Southern Utah. Also enclosed is a debt amortization schedule that details the principal and interest payments the City will need to make during the next eight years. Staff would recommend approval.

**Discuss Swift Creek Subdivision Agreement:** At the last City Council meeting, Guy Haskell was given approval for the Swift Creek Subdivision. After the approval was granted he was directed to meet with staff if he had changes that he wanted made to the Subdivision Agreement. Staff has a meeting scheduled on Monday, October 14th to go over his proposed changes. Based on initial conversation, the requested changes appear to be significant enough that Council approval will be required. Once the meeting is held, staff will forward information regarding the proposed changes with staff recommendations. Staff was under the impression that the proposed terms were acceptable to Mr. Haskell and were surprised with the request to modify the agreement was made.

# MINUTES

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**Heber City Corporation  
City Council Meeting**

**October 3, 2013**

**6:30 p.m.**

**WORK MEETING**

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on October 3, 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

**Present:**

Mayor  
Council Members

David R. Phillips  
Robert Patterson (arrived at 7:27 p.m.)  
Alan McDonald  
Benny Mergist  
Jeffery Bradshaw  
Erik Rowland

**Also Present:**

City Manager  
City Engineer  
Planning Director  
Chief of Police  
Deputy Recorder

Mark K. Anderson  
Bart Mumford  
Anthony Kohler  
David Booth  
Amanda Anderson

**Others Present:** Rod Hopkins, Kelleen Potter, Connie Christensen, Stacey Mitchell, Michael Mitchell, Brian Baker, Guy M. Haskell, Todd Cates, Heidi Franco and others whose names were illegible.

Mayor Phillips opened the meeting, explained that Council Member Patterson would arrive shortly after 7:00 p.m. and welcomed those in attendance.

**Review Draft Letter Regarding the Ernie Giles Special Service District:** Mayor Phillips asked Mark Anderson, City Manager, for his thoughts on the issue. Anderson stated some of his issues were the impact fee, the line capacity, connections to the outfall line, the pipe size and that allowing this connection could possibly open the door for other property owners in that area to approach the City for their own connections in the future. Anderson felt the existing contract was not practical with what currently existed at that location. Mayor Phillips asked if the Council had previously approved the connection at that property, which they had not. Bart Mumford, City Engineer, took the floor and explained to the Council that the contract was written for a larger Special Service District. Anderson explained the differences between Twin Creeks and this Special Service District as an example for the Council. Mumford stated that Mr. Giles approached this originally as a single home and was now approaching the City as a Special Service District. Mumford had explained to Mr. Giles that he could not continue to add connections to these properties by using his Special Service District as he was not set up to operate as a district at this time. For ease of administration, Anderson felt that if the City were to allow this connection, it should be handled the same way as other out of City boundary connections. Mumford stated that Mr. Giles had not seen the draft letter yet and that the purpose

1 of the letter was to help with future people who may ask for the same type of connection in the  
2 future. Anderson stated that through 2022 the City had obligations in these situations and after  
3 that time the City would not. Mayor Phillips asked for input from the Council members and  
4 asked them to review the draft letter. Anderson stated the Council should decide whether they  
5 wanted to continue to provide these connections or not. Mumford said the nature of this type of  
6 line at that particular property was not meant for that type of connection, but that he was fine  
7 with the proposed contract, other than he felt Mr. Giles should pay the regular impact fee, as he  
8 would pay 1 ½ times the regular rate for his monthly billing. Lastly, Mumford explained that the  
9 City was trying to tread carefully in the handling of these situations, as it would affect the area in  
10 the future.

11  
12 **Discuss Application for Community Impact Board (CIB) Loan for a Public Safety**

13 **Building:** Anderson informed the Council members that the City had been encouraged by the  
14 City's financial advisor to apply for this loan in order to gain the lower interest rate. If the  
15 Council was not in favor of the application, it could be withdrawn. An architect should be on  
16 board by November, with the presentation in January in St. George to the CIB board. There was  
17 some concern over the request for more than five million dollars which the City had done and  
18 whether they would fund the full amount was unknown. The City would need to scale back the  
19 project to meet the cost restraints if they were unable to get the full requested amount. Anderson  
20 stated the City had funds set aside for this project and that funding decisions were made in  
21 February at which point the City would know how the CIB had responded to the application.  
22 The proposed budget would build a public safety building that would meet the needs of the  
23 projected future population of Heber City.

24  
25 **Discuss John Zimmerman Impact Fee Matter (Majestic Mountain Subdivision):** Anderson  
26 stated he expected Zimmerman to attend a future meeting with regard to this agenda item and  
27 wanted to inform the Council of the situation. Zimmerman's agreement with his developer  
28 stated the developer would pay Zimmerman's impact fee to the City. The developer has since  
29 bankrupted and left Zimmerman to pay his own fees, etc. Under these circumstances  
30 Zimmerman had approached Bart Mumford, who was sympathetic to his circumstance, but  
31 ultimately explained to Zimmerman that the City did not have the finances to pay his impact fee  
32 and was under no obligation to do so. Anderson's intent was to inform the Council of the  
33 circumstances so they were better prepared to discuss the matter with Zimmerman if and when  
34 he approached the Council.

35  
36 **Discuss Committee to Review Architect Proposals for the Public Safety Building:** The City  
37 had received 11 proposals on October 2, 2013 for the design of the Public Safety Building.  
38 Anderson asked if there were Council members who were interested in reviewing those  
39 proposals, in order to narrow them down to a short list. Chief Booth would return October 14,  
40 2013 from vacation and a meeting was scheduled for October 14, 2013 to discuss the architect  
41 proposals. Council members Rowland and McDonald expressed interest.

42  
43 At this time the Council paused from the Work Meeting to begin the Regular City Council  
44 Meeting. Upon return, the following items were discussed.

45  
46 **Discuss Request for City Provided Garbage Service at the Heber City Airport:** Council  
47 Member McDonald asked whether garbage collection was in their agreements. Council Member  
48 Rowland asked the Council what they would recommend if there was no mention of garbage  
49 collection in the original agreements. The dumpsters that belonged to the FBO were being used

1 by the entire airport and the Airport Board felt it was appropriate to provide trash collection for  
2 the airport. Council Member McDonald felt they should each be responsible for their own trash.  
3 Council Member Mergist agreed that each hangar owner should be responsible for their own  
4 garbage collection. After some discussion, Council Members McDonald, Mergist and Bradshaw  
5 were not in favor of providing garbage collection services at the airport.  
6

7 **Review Proposed Furniture Purchase for the Airport SRE Building Pilot Lounge:** Council  
8 Members Patterson, McDonald, Mergist, Bradshaw and Rowland were in agreement with the  
9 proposed furniture purchase for the airport.  
10

11 With no further business, the meeting was adjourned.  
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Amanda Anderson  
Deputy Recorder

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

3  
4 **October 3, 2013**

5  
6 **7:04 p.m.**

7  
8 **REGULAR MEETING**

9  
10 The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on October 3, 2013,  
11 in the City Council Chambers at 75 North Main Street, Heber City, Utah.

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13  
14 **Present:** Mayor David R. Phillips  
15 Council Members Robert Patterson (arrived at 7:27 p.m.)  
16 Alan McDonald  
17 Benny Mergist  
18 Jeffery Bradshaw  
19 Erik Rowland

20  
21 **Also Present:** City Manager Mark K. Anderson  
22 City Engineer Bart Mumford  
23 Planning Director Anthony Kohler  
24 Chief of Police David Booth  
25 Deputy Recorder Amanda Anderson

26  
27 **Others Present:** Rod Hopkins, Kelleen Potter, Connie Christensen, Stacey Mitchell, Michael  
28 Mitchell, Brian Baker, Guy M. Haskell, Todd Cates, Heidi Franco and others whose names were  
29 illegible.

30  
31 Mayor Phillips opened the meeting, explained that Council Member Patterson would arrive  
32 shortly after 7:00 p.m., and welcomed those in attendance.

33  
34 **Pledge of Allegiance:** Council Member Jeffery Bradshaw

35 **Prayer/Thought:** Mayor David Phillips

36  
37 **Minutes for Approval:** September 19, 2013 Work and Regular Meetings

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

41  
42 ***OPEN PERIOD FOR PUBLIC COMMENT***

43  
44 Mayor Phillips invited those from the audience who wished to address the Council to come  
45 forward. No comments were given.

*PUBLIC HEARING*

**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:**

Mayor Phillips turned the time to Mark Anderson, City Manager, who explained that the purpose of this hearing was to receive public input regarding these bonds. The primary use of the funds would be to pay for the Main Street water main and vault replacement, would help to fund the 300 West work and the 300 South work, and finally would be used to replace the lid of the Broadhead water storage tank.

Mayor Phillips opened the hearing to the public for comments on the proposed bonds. No comments were made and the Public Hearing was closed at 7:07 p.m.

Bids for the bonds were closed at 3:00 p.m. October 3, 2013. Copies of the bid proposals were provided to the Council members. Anderson stated he would like the Council to identify the party the City would like to purchase the bonds from in the amount of \$900,000.00. Brian Baker, from Zion's Bank Public Finance, stated that the bids received had lower interest rates than were projected originally. He explained the sheet provided the bond proposals, the length of each bond and the interest rates as well. Baker explained the legal fees in the Key Bank bid versus the Chase proposal. He discussed which proposals had prepayment penalties and which did not. He felt that the difference in cost between the first and second place bids were so close that he recommended the third place bid as an option. *Please refer to "\$900,000 Water Revenue Bonds Series 2013, Bid Summary" handout in extra materials.* He recommended the eight year term from the State Bank of Southern Utah bid.

Anderson stated the third option would save about \$30,000.00 in interest by paying it over eight years vs. ten years. Anderson also explained the likelihood of the loan being paid early and stated he felt now was the best time to borrow and build as costs were likely to go up in all aspects. Council Member McDonald asked about the money spent on various past projects and the current balance in the water fund. He asked if the City was trying to bond to replace the money spent in the water fund, to which Anderson stated yes and added it would build the City's reserve in this fund back up to where the City felt it should be. Council Member McDonald asked if the City should use the General Reserve Fund to place the money back in the Water Fund and not bond for this. Council Member Patterson arrived at 7:27 p.m. Council Member McDonald stated he would like to the use General Fund money rather than bond. Anderson stated a resolution was adopted in May to borrow up to six million dollars and also stated that a year down the road if they wanted to borrow money for operating costs, they would be unable to do so as the bank would not loan money under those circumstances as there would not be an actual project to tie the money to. Anderson noted that the Water Fund was an Enterprise Fund and that it should be self sustaining. He also noted some of the General Fund reserve would be used to construct the Public Safety building. Brian Baker concurred with Anderson and stated they had to have a project in order to borrow money and the City could not borrow money for operations. Council Member McDonald stated he did not want to bond for \$900,000.00. Council Member Bradshaw stated he would prefer the bond, as the City's Enterprise Fund should be able to sustain itself and the bond monies would cover the future projects. He was not in favor of shifting General Fund money to cover these proposed projects.

1 Council Member Bradshaw made a motion to accept the bid from the State Bank of Southern  
2 Utah for eight years at the rate of 2.134%. Council Member Rowland made the second.

3  
4 Council Member Rowland asked for further explanation on the Max Payment column of the bid  
5 summary and Brian Baker explained this column, as to the penny, i.e. home loans vs. to the  
6 thousands. Council Member Rowland clarified that there was no prepayment penalty.

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

### 10 11 *CONSENT AGENDA*

12  
13 **Approve Wasatch Back Grill and Deli, Request for Local Consent to Sell Alcohol, Located**  
14 **at 550 West 100 South:** Council Member McDonald made a motion to approve the request for  
15 local consent to sell alcohol at the Wasatch Back Grill and Deli located at 550 West 100 South.  
16 Council Member Mergist made the second.

17  
18 Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland. Voting  
19 Nay: None.

### 20 21 *ACTION ITEMS*

22  
23 **Approve Swift Creek Subdivision, a 27 Lot Subdivision Located at Approximately 900**  
24 **South to 1100 South and 800 East to 1000 East and Associated Subdivision Agreement:**

25 Mark Anderson stated the developer and Ms. Christensen were both in attendance. Ms.  
26 Christensen passed around a handout to the Council. Mayor Phillips explained that Ms.  
27 Christensen's fields were bordered by homes with and without fences. Grass clippings had been  
28 tossed into her fields and there were complaints about overspray from her sprinkling system from  
29 some of the homeowners bordering her farm fields. Ms. Christensen was asking for language to  
30 be placed on the subdivision plat that protected her property and gave her recourse if the  
31 agreement was not kept.

32  
33 Council Member Rowland said he had often heard from the citizens of Heber City that they  
34 wanted to maintain the rural feel of our City and felt this was an opportunity to preserve that and  
35 was in favor of doing what he could to protect the farming community. Council Member  
36 McDonald stated he would like to meet with Ms. Christensen and possibly the developer to work  
37 out a solution that protected both parties and would like more time to look into it.

38  
39 Guy Haskell, representing the developer of the subdivision, stated he was sympathetic to the  
40 circumstances as he was on the other side of the situation at a property in Bountiful. He had  
41 taken Ms. Christensen's document to his attorney who felt there were items in it that they could  
42 absolutely not agree to or with. Mayor Phillips stated the City Attorney, Mark Smedley, did not  
43 recommend any language on the plat, aside from what was noted in the Regular Meeting staff  
44 memo from Mark Anderson. Mr. Haskell brought a proposed document with him that his  
45 company would agree to.

46  
47 Council Member McDonald made a motion for the Council to continue this at a later date in  
48 order to feel more comfortable making the decision. Council Member Mergist made the second.

1 Haskell asked if extending the decision would delay the approval of the subdivision, to which  
2 they answered yes it would delay the subdivision. Tony Kohler, Planning Director, stated the  
3 City Attorney's recommendations should be followed. Haskell stated he wanted to help Ms.  
4 Christensen as much as he could, but stated he also needed to protect himself and follow the  
5 recommendations of his attorney. Tony Kohler stated that the Planning Commission was in the  
6 process of drafting a right-to-farm document and as the farming season was ending, perhaps the  
7 City could work with Ms. Christensen over the winter months to develop an ordinance.

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9 Voting Aye: Council Members McDonald and Mergist.

10 Voting Nay: Council Members Patterson, Bradshaw and Rowland.

11 Motion failed.

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13 Council Member Rowland made a motion to approve the subdivision plat with the addition of  
14 the statement provided by Mr. Haskell. Council Member Patterson seconded the motion.

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16 Voting Aye: Council Members Patterson, Bradshaw and Rowland.

17 Voting Nay: Council Member Mergist.

18 Council Member McDonald abstained from voting.

19  
20 Haskell asked to speak to the Council about changes to his subdivision agreement. Mayor  
21 Phillips stated that it would be appropriate for Haskell to meet with the City's staff and then staff  
22 would provide their recommendations with regard to his requests.

23  
24 Mark Anderson noted the subdivision was approved subject to the subdivision agreement, and  
25 any significant change to the agreement would have to be brought back to the City Council for  
26 approval.

27  
28 **Approve Red Ledges Phase 1 N, a 9 Lot Subdivision Located in the Red Ledges Planned**  
29 **Community:** Council Member McDonald made a motion to approve the Red Ledges 1 N, a 9  
30 lot subdivision. Council Member Rowland made the second. Voting Aye: Council Members  
31 Patterson, McDonald, Mergist, Bradshaw and Rowland. Voting Nay: None.

32  
33 With no further business to discuss in the Regular Meeting, Council Member Mergist made a  
34 motion to move into Closed Session at 8:12 p.m. to discuss land acquisition. Council Member  
35 Patterson made the second. Voting Aye: Council Members Patterson, McDonald, Mergist,  
36 Bradshaw and Rowland. Voting Nay: None.

37  
38 Mark Anderson asked the Council if Tony Kohler and Bart Mumford could stay for the closed  
39 session and the Council was in agreement with this.

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41 The Council adjourned from closed session at 8:28 p.m.

42  
43 With no further business to discuss, the meeting was adjourned.

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45  
46 \_\_\_\_\_  
47 Amanda Anderson  
Deputy Recorder

# APPOINTMENTS

# TAB 1

# TAB 2

John B. Zimmerman  
Davidene Zimmerman  
1070 S. Mill Rd.  
Heber City, UT 84032

801 361-3719 (John)  
801 368-3910 (Davidene)

October 10, 2013

Mark Anderson  
City Manager, Heber City  
75 North Main  
Heber City, Utah 84032  
[manderson@ci.heber.ut.us](mailto:manderson@ci.heber.ut.us)

Mark,

As you know, my wife and I are Heber City residents, and live in our home on Mill Road. We would like to be on the agenda for the next City Council meeting to be held on Thursday, October 17<sup>th</sup>.

We are requesting that the impact fees involving our property, relating to the sewer and water hook-up be waived, or pursued from a different party than ourselves. Our home is currently hooked up to the Heber City sewer, but not to the culinary water.

We purchased this home in 2008 from Mrs. Toni Coombs, and at that time we were made aware that all of these fees were contractually the responsibility of the developer of the Majestic Meadows subdivision, of which we are a part. This developer is Sage Holdings and the representative is Joe Spencer. These fees weren't paid at the time of our purchase, because these utilities weren't available to the front of our property, at that time. However, our attorney at the time of our closing assured us that the contract stipulations, specifying the responsibility for these fees, remained in effect independent of the purchase by a different property owner, and were transferred with our purchase contract. (i.e. The responsibility of Sage Holdings.)

For the purpose of historical context, we have also been fighting a property line dispute, stemming from actions by this same developer, Sage Holdings, in conjunction with Heber City personnel, as they together initially set up the neighborhood plan. They set our north property line to be within approximately 6 feet of our home, which is a violation of Heber City's own code. It essentially eliminated any vehicular access to the rear of our property. Because this was kept from Mrs. Coombs, it wasn't discovered until we checked the plat plan ourselves, after our purchase. We have been fighting this issue for over three years, and have only recently reached a resolution. However, the cost of this mistake has been

significant in the form of lost time, and over \$38,000 in attorney fees.

At the same time the property line debacle was being created, the developer (Sage Holdings) negotiated with Heber City personnel regarding the water shares required to allow the number of housing lots that they were trying to create. At that time, a single full water share was transferred from the rights connected to this home at 1070 South Mill Road, with its well, to Heber City. The agreement, according to those to whom I have spoken with personally, was that; Sage Holdings would give Heber City this water share, and in return, they were able to gain approval for his subdivision. And, at the same time, Sage Holdings was required to contractually agree to supply hook up and pay impact fees for our specific home. (The existing home from which the water share was taken.)

It is our position that whatever contract that Heber City required of Sage Holdings at the time of the initial subdivision approval, with regards to this water right, this has not changed from then until present day. The entity responsible for the payment of these fees has also not changed. It has never been the homeowner of 1070 S Mill Rd who was to pay these fees. Requiring this payment of us now represents a change in the initial agreements, unilaterally by Heber City, and it also represents what we believe to be unfair treatment towards us.

We sympathize with the probability that Mr. Spencer and Sage Holdings have proven to be elusive concerning this and several other areas regarding completion of this development. We are aware that bonds have had to be called in to finish the infrastructure of this development. But, these issues should not affect us, or our home situation. We simply wish to be treated fairly by Heber City, and suggest that if there are remaining fees that need to be collected, that the city should pursue whatever remedy that they can with Joe Spencer, as long as it does not involve us.

I appreciate the council hearing of our dilemma, and considering our request for relief from these fees. We have some extra concern regarding our continuing use of well water. It seems that upon testing our home we have at least double the radon gas than the level that is suggested as safe. So, we would like to see this issue solved, and we will appreciate continuing from this point on, being allowed to utilize Heber City water.

Sincerely,

John B. Zimmerman

# **ACTION ITEMS**

# TAB 3

Heber City, Utah

October 17, 2013

The City Council (the "Council") of Heber City, Utah (the "Issuer"), met in regular public session at the regular meeting place of the Council in Heber City, Utah, on October 17, 2013, at the hour of 7:00 p.m., with the following members of the Council being present:

David Phillips	Mayor
Jeffery Bradshaw	Councilmember
Alan W. McDonald	Councilmember
Benny Mergist	Councilmember
Robert Patterson	Councilmember
Erik Rowland	Councilmember

Also present:

Michelle Kellogg	City Recorder
Mark K. Anderson	City Manager
Mark Smedley	City Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this October 17, 2013, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in written form, was fully discussed, and pursuant to motion duly made by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_, was adopted by the following vote:

AYE:

NAY:

The resolution is as follows:



RESOLUTION NO. 2013-14

A RESOLUTION OF THE CITY COUNCIL OF HEBER CITY, UTAH (THE "ISSUER"), AUTHORIZING THE ISSUANCE AND SALE OF ITS WATER REVENUE BONDS, SERIES 2013 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$900,000 PROVIDING FOR THE PLEDGING OF CERTAIN REVENUES FOR THE PAYMENT OF SAID BONDS; AUTHORIZING THE EXECUTION BY THE ISSUER OF A MASTER RESOLUTION, A BOND PURCHASE AGREEMENT, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the City Council (the "Council") of Heber City, Utah (the "Issuer"), has authority to issue its Water Revenue Bonds, Series 2013 (the "Series 2013 Bonds") payable from the net revenues of its existing water system (the "System") for the municipal purposes set forth therein; and

WHEREAS, subject to the limitations set forth herein, the Issuer desires to issue its Series 2013 Bonds to (a) water treatment facility and other related improvements (the "Project"), and (b) pay costs of issuance of the Series 2013 Bonds, pursuant to this Resolution and a Master Resolution dated as of October 1, 2013 (the "Master Resolution"), in substantially the form presented to the meeting at which this Resolution was adopted and which is attached hereto as Exhibit B; and

WHEREAS, by resolution adopted September 5, 2013 (the "Parameters Resolution"), the Issuer approved the issuance of the Series 2013 Bonds, established parameters therefore and directed the publication of a "Notice of Public Hearing and Bonds to be Issued" (the "Notice"); and

WHEREAS, the Issuer has negotiated the purchase of the Series 2013 Bonds with, and desires to sell the Series 2013 Bonds to State Bank of Southern Utah (the "Purchaser") pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement") dated October 17, 2013, to be entered into by and between the Issuer and the Purchaser substantially in the form presented at the meeting at which this Resolution was adopted and which is attached hereto as Exhibit C; and

WHEREAS, in the opinion of the Council, it is in the best interest of the Issuer that the offer of the Purchaser be accepted and the Series 2013 Bonds be sold to the Purchaser pursuant to the terms of the Bond Purchase Agreement; and

WHEREAS, the Series 2013 Bonds shall be payable solely from the Revenues and other moneys pledged therefor in the Master Resolution, and shall not constitute or

give rise to a general obligation or liability of the Issuer or constitute a charge against its general credit or taxing powers.

NOW, THEREFORE, it is hereby resolved by the City Council of Heber City, Utah, as follows:

Section 1. The terms defined or described in the recitals hereto shall have the same meanings when used in the body of this Resolution.

Section 2. All actions heretofore taken (not inconsistent with the provisions of this Resolution), by the Council and by the officers of the Issuer directed toward the issuance and sale of the Series 2013 Bonds, are hereby ratified, approved and confirmed.

Section 3. The Master Resolution attached hereto as Exhibit B is in all respects hereby authorized and approved, and the Mayor and City Recorder are hereby authorized and directed to execute and deliver the same on behalf of the Issuer.

Section 4. For the purpose of (i) financing the Project and (ii) paying issuance expenses to be incurred in connection with the issuance and sale of the Series 2013 Bonds, the Issuer hereby authorizes the issuance of the Series 2013 Bonds which shall be designated "Heber City, Utah Water Revenue Bonds, Series 2013".

Section 5. The Issuer hereby authorizes the issuance of the Series 2013 Bonds in the aggregate principal amount of \$900,000. The Series 2013 Bonds shall bear interest, shall be dated, shall be issued as fully registered Bonds, and shall mature as provided in the Master Resolution.

Section 6. The form, terms and provisions of the Series 2013 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption and number shall be as set forth in the Master Resolution. The Mayor and City Recorder are hereby authorized and directed to execute and seal the Series 2013 Bonds. The signatures of the Mayor and the City Recorder may be by facsimile or manual execution.

Section 7. The Series 2013 Bonds shall be sold to the Purchaser in accordance with the Bond Purchase Agreement presented to the Issuer. Said Bond Purchase Agreement in the form attached hereto as Exhibit C is hereby authorized and approved, and the Mayor and City Recorder are hereby authorized to execute said Bond Purchase Agreement on behalf of the Issuer.

Section 8. Upon their issuance, the Series 2013 Bonds will constitute special limited obligations of the Issuer payable solely from and to the extent of the sources set forth in the Series 2013 Bonds and the Master Resolution. No provision of this Resolution, the Master Resolution, the Series 2013 Bonds or any other instrument, shall be construed as creating a general obligation of the Issuer, or as creating a general obligation of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Issuer or its ad valorem taxing powers.

Section 9. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein (including, but not limited to tax compliance procedures).

Section 10. After the Series 2013 Bonds are delivered to the Purchaser, and upon receipt of payment therefor, this Resolution shall be and remain irrevocable until the principal of, premium, if any, and interest on the Series 2013 Bonds are deemed to have been duly discharged in accordance with the terms and provisions of the Master Resolution.

Section 11. The forms of Master Resolution, and Bond Purchase Agreement are hereby authorized and approved with such additions, modifications, deletions and changes thereto as may be deemed necessary or appropriate to correct errors or omissions therein, to remove ambiguities therefrom, to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Issuer, or the provisions of the laws of the State of Utah or the United States, or to carry out, give effect to and consummate the transactions as contemplated by this Resolution, and approved by the Mayor, whose execution thereof on behalf of the Issuer shall conclusively establish such necessity, appropriateness and approval with respect to all such additions, modifications, deletions and changes incorporated therein.

Section 12. It is hereby declared that all parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.

Section 13. All resolutions, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation or part thereof heretofore repealed.

Section 14. This Resolution will replace and supersede the Prior Resolution and shall take effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this October 17, 2013.

(SEAL)

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

ATTEST:

By: \_\_\_\_\_  
City Recorder

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

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

ATTEST:

By: \_\_\_\_\_  
City Recorder



EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH  
OPEN MEETING LAW

I, Michelle Kellogg, the undersigned City Recorder of Heber City, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the October 17, 2013, public meeting held by the City Council of the City (the "City Council") as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the City on October \_\_\_\_, 2013, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Wasatch Wave on October \_\_\_\_, 2013, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this October 17, 2013.

(SEAL)

By: \_\_\_\_\_  
City Recorder

SCHEDULE 1  
NOTICE OF MEETING

EXHIBIT B

MASTER RESOLUTION

(See Transcript Document No. \_\_\_\_)

EXHIBIT C

BOND PURCHASE AGREEMENT

(See Transcript Document No. \_\_\_\_)

# Heber City, Utah

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\$900,000 Water Revenue Bonds

Series 2013

(Final Numbers)

## Table of Contents

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### Report

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Debt Service Schedule	1
Pricing Summary	2
Sources & Uses	3

## Heber City, Utah

\$900,000 Water Revenue Bonds

Series 2013

(Final Numbers)

### Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
10/24/2013	-	-	-	-	-
03/01/2014	-	-	5,758.39	5,758.39	5,758.39
09/01/2014	107,000.00	0.900%	8,161.50	115,161.50	-
03/01/2015	-	-	7,680.00	7,680.00	122,841.50
09/01/2015	108,000.00	1.050%	7,680.00	115,680.00	-
03/01/2016	-	-	7,113.00	7,113.00	122,793.00
09/01/2016	109,000.00	1.300%	7,113.00	116,113.00	-
03/01/2017	-	-	6,404.50	6,404.50	122,517.50
09/01/2017	110,000.00	1.600%	6,404.50	116,404.50	-
03/01/2018	-	-	5,524.50	5,524.50	121,929.00
09/01/2018	112,000.00	1.950%	5,524.50	117,524.50	-
03/01/2019	-	-	4,432.50	4,432.50	121,957.00
09/01/2019	115,000.00	2.250%	4,432.50	119,432.50	-
03/01/2020	-	-	3,138.75	3,138.75	122,571.25
09/01/2020	118,000.00	2.500%	3,138.75	121,138.75	-
03/01/2021	-	-	1,663.75	1,663.75	122,802.50
09/01/2021	121,000.00	2.750%	1,663.75	122,663.75	-
03/01/2022	-	-	-	-	122,663.75
<b>Total</b>	<b>\$900,000.00</b>	<b>-</b>	<b>\$85,833.89</b>	<b>\$985,833.89</b>	<b>-</b>

### Yield Statistics

Bond Year Dollars	\$4,001.50
Average Life	4.446 Years
Average Coupon	2.1450429%
Net Interest Cost (NIC)	2.1450429%
True Interest Cost (TIC)	2.1341675%
Bond Yield for Arbitrage Purposes	2.1341675%
All Inclusive Cost (AIC)	2.8933835%

### IRS Form 8038

Net Interest Cost	2.1450429%
Weighted Average Maturity	4.446 Years

## Heber City, Utah

\$900,000 Water Revenue Bonds

Series 2013

(Final Numbers)

### Pricing Summary

<b>Maturity</b>	<b>Type of Bond</b>	<b>Coupon</b>	<b>Yield</b>	<b>Maturity Value</b>	<b>Price</b>	<b>Dollar Price</b>
09/01/2014	Serial Coupon	0.900%	0.900%	107,000.00	100.000%	107,000.00
09/01/2015	Serial Coupon	1.050%	1.050%	108,000.00	100.000%	108,000.00
09/01/2016	Serial Coupon	1.300%	1.300%	109,000.00	100.000%	109,000.00
09/01/2017	Serial Coupon	1.600%	1.600%	110,000.00	100.000%	110,000.00
09/01/2018	Serial Coupon	1.950%	1.950%	112,000.00	100.000%	112,000.00
09/01/2019	Serial Coupon	2.250%	2.250%	115,000.00	100.000%	115,000.00
09/01/2020	Serial Coupon	2.500%	2.500%	118,000.00	100.000%	118,000.00
09/01/2021	Serial Coupon	2.750%	2.750%	121,000.00	100.000%	121,000.00
<b>Total</b>	-	-	-	<b>\$900,000.00</b>	-	<b>\$900,000.00</b>

### Bid Information

Par Amount of Bonds	\$900,000.00
Gross Production	\$900,000.00
Bid (100.000%)	900,000.00
Total Purchase Price	\$900,000.00
Bond Year Dollars	\$4,001.50
Average Life	4.446 Years
Average Coupon	2.1450429%
Net Interest Cost (NIC)	2.1450429%
True Interest Cost (TIC)	2.1341675%

## Heber City, Utah

\$900,000 Water Revenue Bonds

Series 2013

(Final Numbers)

### Sources & Uses

Dated 10/24/2013 | Delivered 10/24/2013

#### Sources Of Funds

Par Amount of Bonds	\$900,000.00
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<b>Total Sources</b>	<b>\$900,000.00</b>
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#### Uses Of Funds

Deposit to Project Construction Fund	872,000.00
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Costs of Issuance	28,000.00
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<b>Total Uses</b>	<b>\$900,000.00</b>
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# **DEPARTMENT REPORTS**

# TAB 4

# September Code Enforcement Activity Report

September 1, 2013 through September 30, 2013

See photos of weed complaints that have been completed.

18 vehicles parked for sale addressed in connection with Kings.  
2 of these vehicles were impounded from this area that had been abandoned since May. Request a no parking sign in the area.

48 snipe signs removed from city property.

6 additional parking problem warnings (unattached trailers)

2 derby car, junk nuisance cases resolved.

6 right-of-way cases involving low hanging tree limbs and basketball hoops addressed in Timp Meadows.

1 Light pollution case under investigation

1 noise complaint resolved

1 power line issue resolved

1 rooster problem resolved

Viking Lodge property cleaned up at last!

448 E. 2008

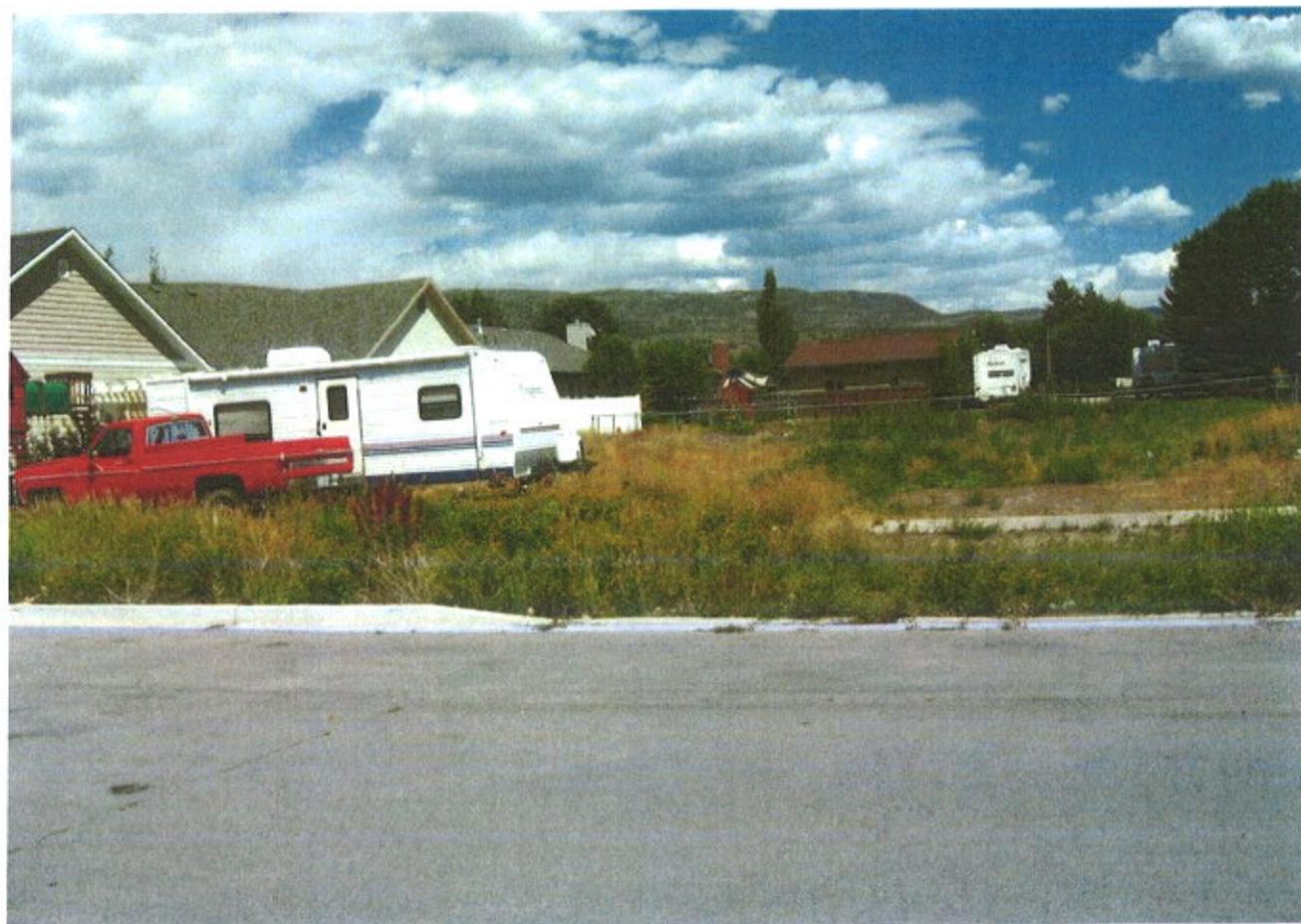
















10/9/13  
[Signature]

MONTHLY REPORT - JUSTICE COURTS  
HEBER CITY JUSTICE COURT  
Journal: 2013134 - 2013148  
Report Period: 09/01/2013 - 09/30/2013 Location #: 2607

Signature of Judge  
[Signature]

I. TRAFFIC	
Total Traffic Cases Filed:	105
arges Filed	109
ate Local	
Driving Under Influence	1
Impaired Driving DUI Reduced	3
Drivers License Violations	4 11 1
Moving Violations	33 4 1
Non-Moving Violations	22 8 1
1 Parking Tickets	20

II. CRIMINAL MISDEMEANORS AND INFRACTIONS	
Total Misdemeanors/Infractions Filed:	21
Total Misdemeanors/Infractions Disposed:	25
1 Assault	1
7 Theft	3
Failure To Appear Informations	5
Public Intoxication	
Illegal Sale-Alcohol	
1 Other Liquor Violations including Open Container	
4 Controlled Substance/Narcotics	2
Bad Checks	1
8 Domestic Animal Ordinances	5
Wildlife Resources	3

Parks Recreation

1 Planning/Zoning/Fire or Health

2 Domestic Violence

15 2 Other Misdemeanors/Infractions

Initial Appearances:  
Transferred:

1 Settled / dismissed:

all Claims: Criminal:

VI. REVENUE COLLECTED

	85/90%	35%	No Surchage
Total Collected	4,457.29	2,637.71	5,180.08
Fines and Forfeitures Collected	5,341.48	1,067.71	
a. Surchage Collected	0.00		
b. Traffic Mitigation (SL Co.)	5,305.87		
c. Fees/Costs/Contempt Fines	0.00		
d. Overweight Court Costs	2,757.97		
e. Security Surchage Collected - 100%	26,748.11		
f. Total Revenue Collected			

VII. REVENUE DISBURSED

a. Fine/State for DWR	0.00
b. Fine/State for Boating Act	0.00
c. Fine/State for Off-hwy Veh	0.00
d. Fine/State for Surchage	6,409.19
e. Fine/State for Overweight	0.00
f. Fine/State for Higher Ed	0.00
g. Security Surchage to St (80% of \$32)	1,780.18
County - 62.5%	1,112.61
Court Security - 25%	445.05
Technology - 12.5%	222.52
h. \$8 Court Security Account	532.77
i. Fine/LEA for 41-1a-1303(2)	0.00
j. Fine/State for Transportation Fund	0.00
k. Total Disbursed	8,722.14

VIII. REVENUE RETAINED

. Fines & Forfeitures Retained	12,275.08
. Traffic Mitigation Retained (SL Co)	0.00
. Fees/Costs/Contempt Fines Retained	5,305.87
. Security Surcharge (20% of \$32)	445.02
. Total Revenue Retained	18,025.97

IX. MISCELLANEOUS INFORMATION

tal Criminal and Traffic Cases this time period with:	
Surcharge/Fines paid by Partial Payment	0
Judgment fulfilled by Alternate Order	0
ount this month of:	
Waived Surcharge	744.18
Uncollected Surcharge	294.71

<b>Business Name</b>	<b>Business Type</b>	<b>Physical Address 1</b>	<b>Physical City</b>
A Guy & His Wife Grilled Cheese truck	Temporary Vendor: Retail food for immediate consumption	Wasatch County Event Center	Heber City
Big O Tires/ State of Utah	Motion Picture & Video Production	Snake Creek Grill	Heber City
Blendtec	Street Vendor; Temporary retail merchandise	Wasatch County Event Center	Heber City
Clean Em Up Professional Cleaning	Janitorial Services	646 North 200 West	Heber City
Darren Tidwell	Solicitor/ Door to door retail merchandise	Door to door solicitor	Heber City
Jo Jo Juice	Temporary Vendor: Retail food for immediate consumption	Wasatch County Event Center	Heber City
Man Games	promoters of performing arts, sports, fairs etc w/facilitie	Wasatch County Event Center	Heber City
Michael Fortin	Solicitor/ Door to door retail merchandise	1464 North Main Street	Heber City
Mimi Market	Supermarkets & Other Grocery (except convenience) Stores	37 West 100 South	Heber City
Play Unplugged, Inc	Nonclassifiable	45 South Main	Heber City
Prestige Services	Janitorial Services	629 Glen Livet Ln	Heber City
Simmons Handyman	Landscape Services/No Contractor License	170 South 100 East	Goshen
Simon B Mattson	Solicitor/ Door to door retail merchandise	Door to Door Solicitor	Heber City
St Lawrence Fall Festival	Drinking Places (Alcoholic Beverages)	5 South 100 West	Heber City
Steven Cale Reeves	Solicitor/ Door to door retail merchandise	Door to door solicitor	Heber City
Terry Allred	Solicitor/ Door to door retail merchandise	Door to door solicitor	Heber City
Tour of Heber	Organizers of Sports Events	various Heber City toads	Heber City
Wasatch Back Grill & Deli	Deli Services Restaurant	550 West 100 South	Heber City
Wasatch Tattoo Company	Tattoo Parlor	1490 South Hwy 40	Heber City
Woman of Steel Relay Run	Organizers of Sports Events	Various Heber City Roads	Heber City
Wynful Salon & Spa	Beauty Salon	312 South Main	Heber City