

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting**

June 17, 2025

**4:00 p.m. Work Meeting
6:00 p.m. Regular Meeting**

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

I. WORK MEETING - 4:00 P.M.

1. 100 West Design - Preliminary Design Update & Discussion (Russ Funk, City Engineer)
- 30 min
2. Old Mill Village Affordable Housing Discussion (Jamie Baron, Planning Manager) - 45 min
3. Ordinance 2025-12 Short-Term Rental Code Amendment (Tony Kohler, Community Development Director) - 20 min
4. Potential Fencing Code Amendment for Sports Courts (Jamie Baron, Planning Manager) - 15 min

II. BREAK - 10 MIN

III. REGULAR MEETING - 6:00 P.M.

1. Call to Order
2. Pledge of Allegiance (Yvonne Barney, Council Member)
3. Prayer/Thought by Invitation (Sid Ostergaard, Commissioner)

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Oath of Office for Heber City Police Officer Bryan Cuthbertson
2. Mayor's Award Presented to Police Department Staff for the Annual Community Easter Egg Hunt and a Citizen Nomination for Building Department Staff

V. CONFLICT OF INTEREST DISCLOSURE:

VI. PUBLIC HEARINGS: (Council May Take Action Following Public Comment and Upon Conclusion of the Public Hearing)

1. Public Hearing and Possible Adoption of the Final Budget Amendment for Fiscal Year 24-25 Resolution 2025-10 (Sara Nagel, Finance Manager)
2. Public Hearing and Possible Adoption of the Consolidated Fee Schedule Ordinance 2025-15 (Sara Nagel, Finance Manager)

3. Public Hearing: Wasatch County Admin Building Annexation Ordinance 2025-19 (Jacob Roberts, Planner)

VII. CONSENT AGENDA:

1. Approval of May 20, 2025, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Reallocation of TAP Funds (J. Mark Smedley, Asst. City Manager)
3. Found Property Purge (Parker Sever, Chief of Police)
4. FY 2025 Fraud Risk Assessment (Sara Nagel, Finance Manager)

VIII. PUBLIC COMMENTS: (3 min per person/20 min max)

IX. GENERAL BUSINESS ITEMS:

1. Utah Department of Transportation (UDOT) Environmental Impact Statement (EIS) Update (Craig Hancock) - *20 min*

X. RECESS AS THE HEBER CITY COUNCIL AND CONVENE AS THE CRA BOARD:

1. Community Reinvestment Agency (CRA) Project Area Update (Matt Brower, City Manager) - *20 min*

XI. ADJOURN AS THE CRA BOARD AND RECONVENE AS THE HEBER CITY COUNCIL:

XII. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

1. Resolution 2025-09 Adopting Fiscal Year 2025-2026 Final Budget Including the CRA (Community Reinvestment Agency) Budget (Sara Nagel, Finance Manager, Cherie Ashe, Human Resources Manager) - *20 min*
2. Ordinance 2025-13 Text Amendment to Chapter 18.110 Telecommunications (Jamie Baron, Planning Manager) - *30 min*
3. Ordinance 2025-12 Short-Term Rental Code Amendment (Tony Kohler, Community Development Director) - *20 min*
4. Ordinance 2025-17 Water Dedication Requirements (Russ Funk, City Engineer) - *20 min*

XIII. COMMUNICATION:

XIV. CLOSED MEETING:

1. Purchase, Exchange, or Lease of Real Property

XV. ADJOURNMENT:

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 Trina Cooke at the Heber City Offices 435.657.7886 at least eight hours prior to the meeting.

Posted on June 12, 2025, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at www.heberut.gov, and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave.



Heber City 100 West – Roadway Renovation

600 South to 500 North

Project Overview

- Complete Street
 - Walkability
 - Safety
 - Aesthetics
- Future Development and Growth
 - Utilities
 - Access (Driveways)
 - Capacity (Intersections)

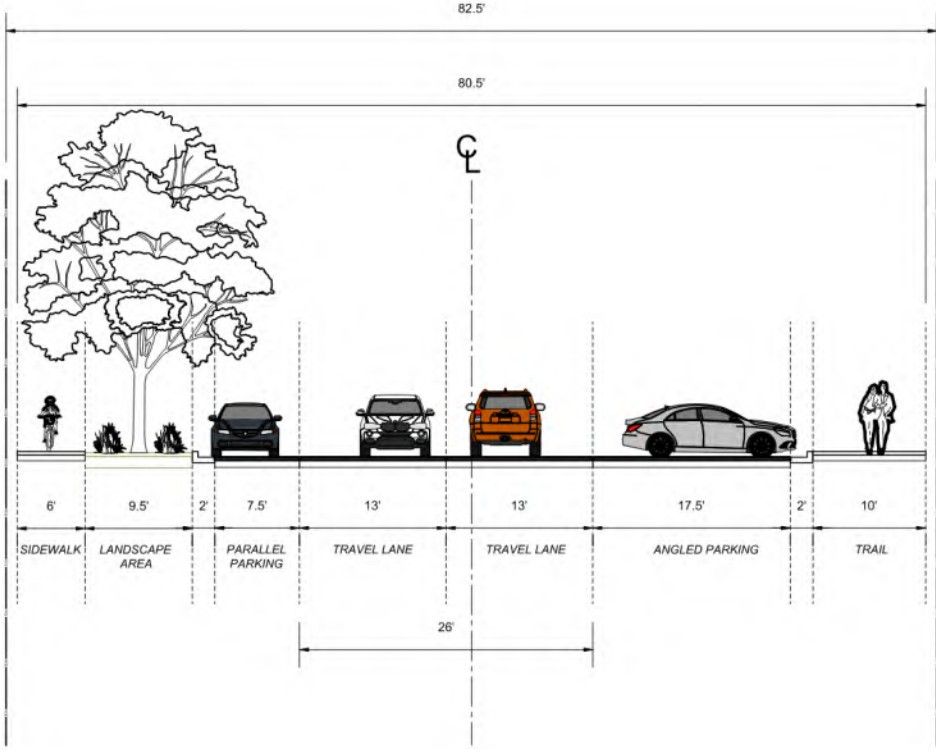




Project Location



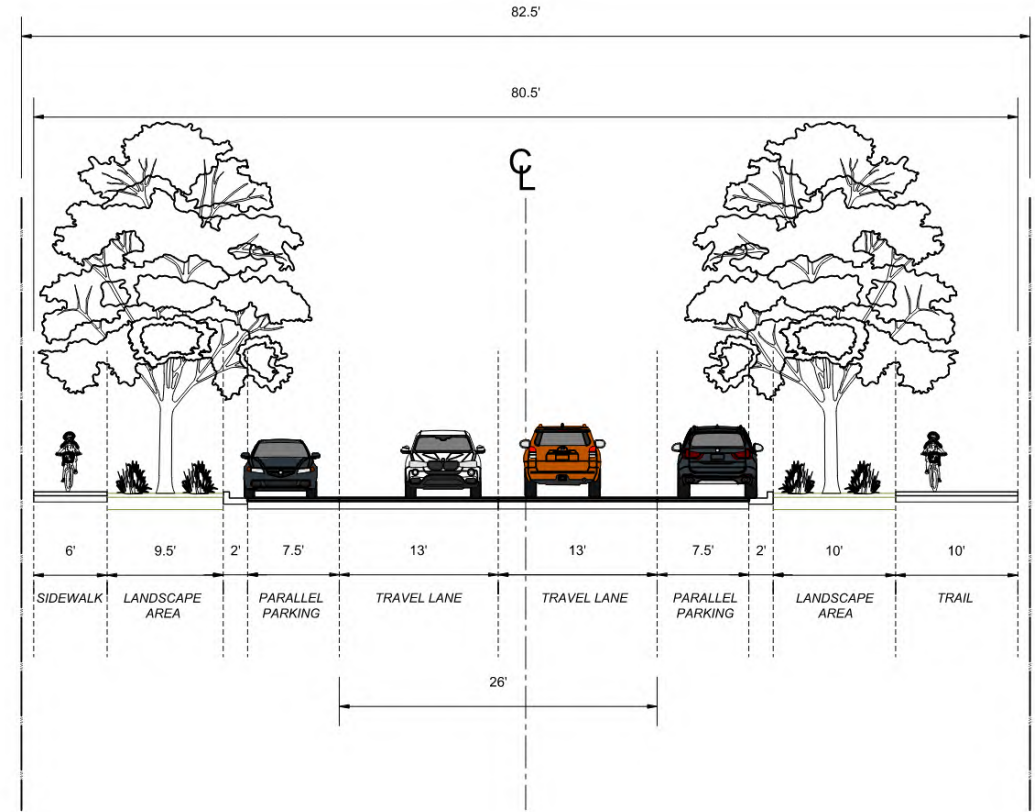
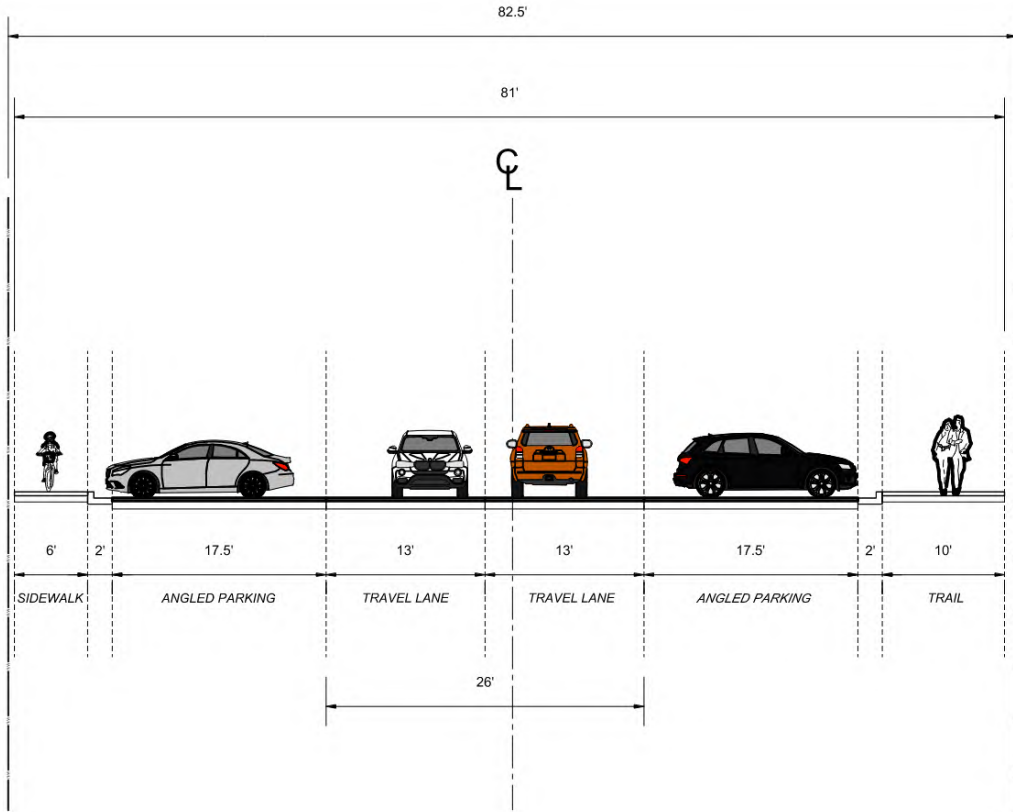
Typical Sections Mid-Block



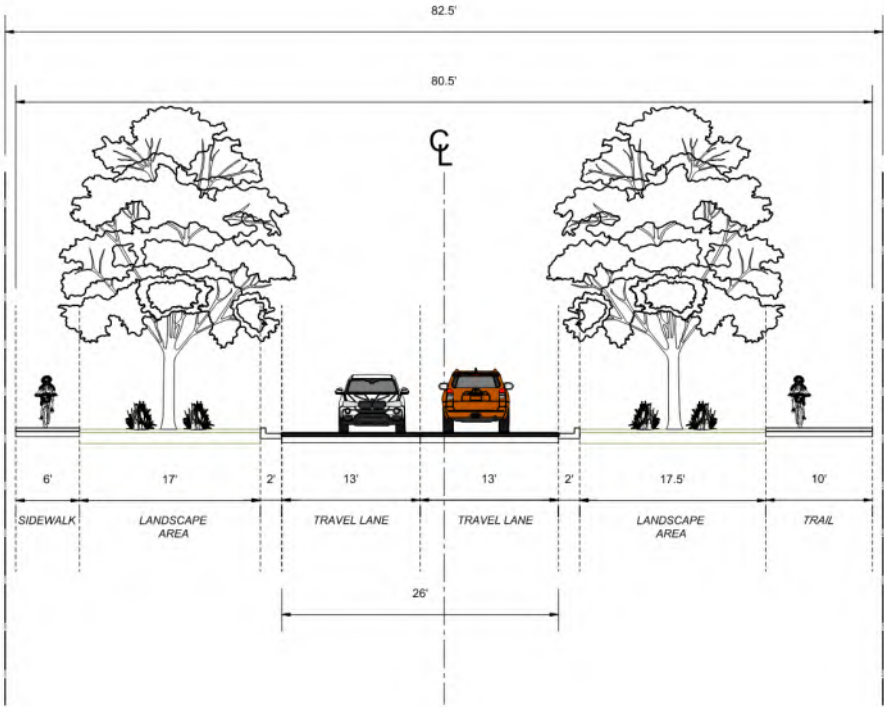
- 82.5' ROW typical throughout corridor.
- 26' Min. Asphalt width for fire access
- Combination of angled and parallel parking as conditions allow.
- Sidewalk and multi-use trail.
- Varying landscape areas for infill.



Typical Sections – Mid Block



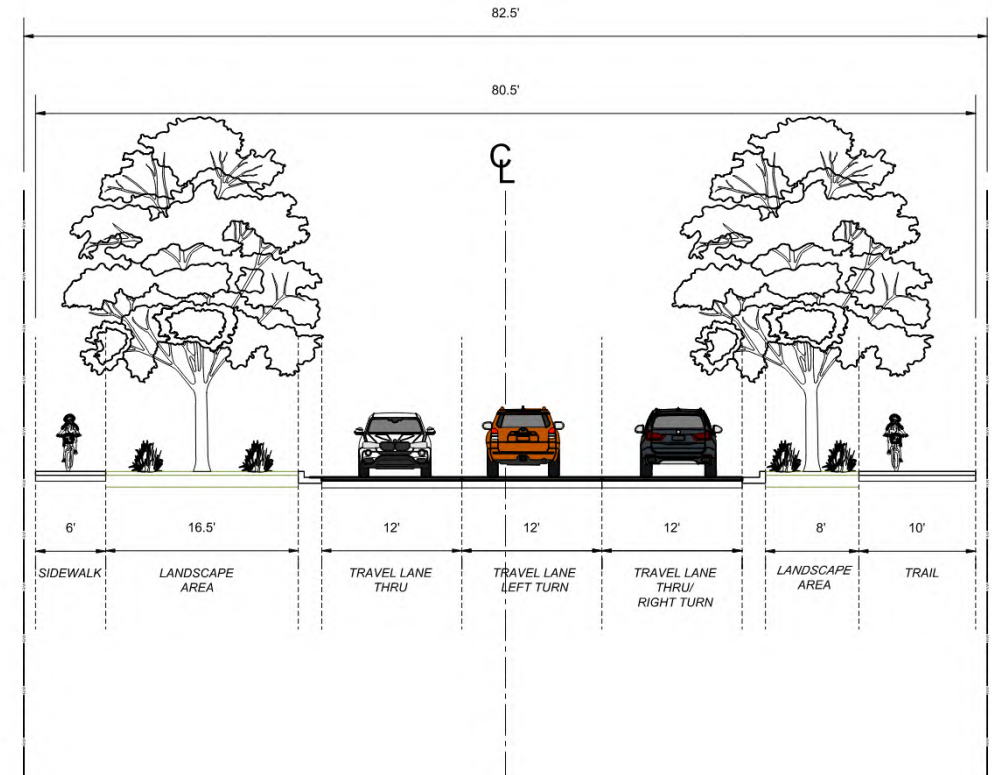
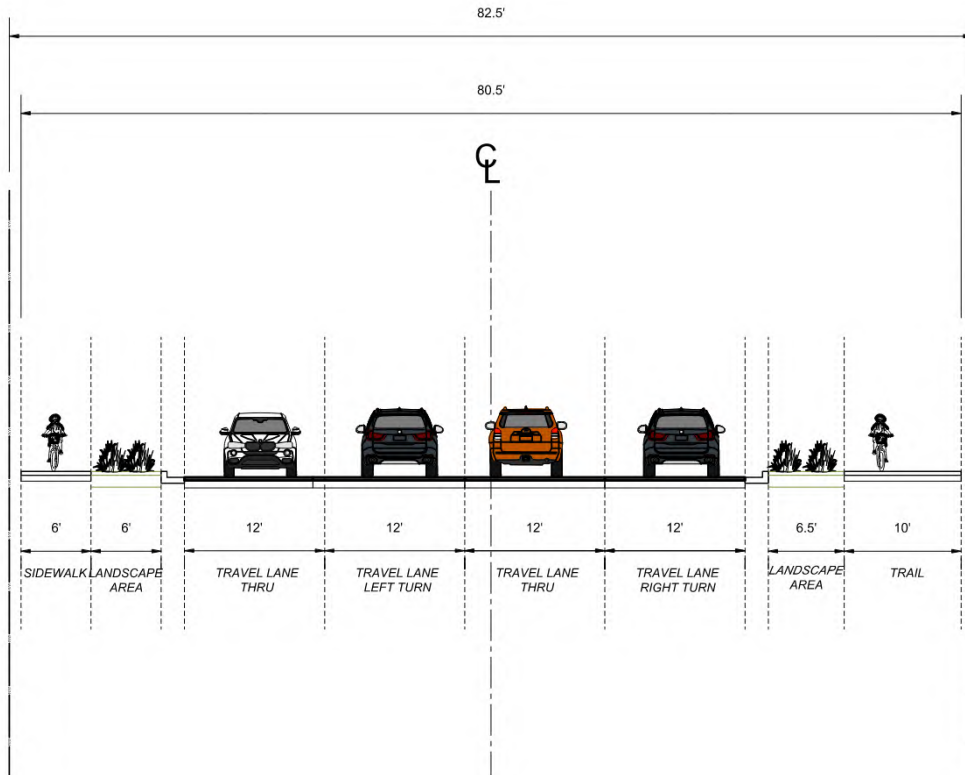
Typical Sections at Intersections



- 82.5' ROW typical throughout corridor.
- 26' Min. Asphalt width for fire access
- Landscape bulb-outs for protected crossings and traffic calming.



Typical Sections – Intersections



Concept Design Layout (600 S. to 500 S.)



Concept Design Layout (500 S. to 400 S.)



Concept Design Layout (400 S. to 300 S.)





Concept Design Layout (300 S. to 200 S.)





Concept Design Layout (200 S. to 100 S.)



Concept Design Layout (100 S. to Center St.)



Concept Design Layout (Center St. to 100 N.)





Concept Design Layout (100 N. to 200N.)



Concept Design Layout (200 N. to 300 N.)



Concept Design Layout (300 N. to 400 N.)



Concept Design Layout (400 N. to 500 N.)



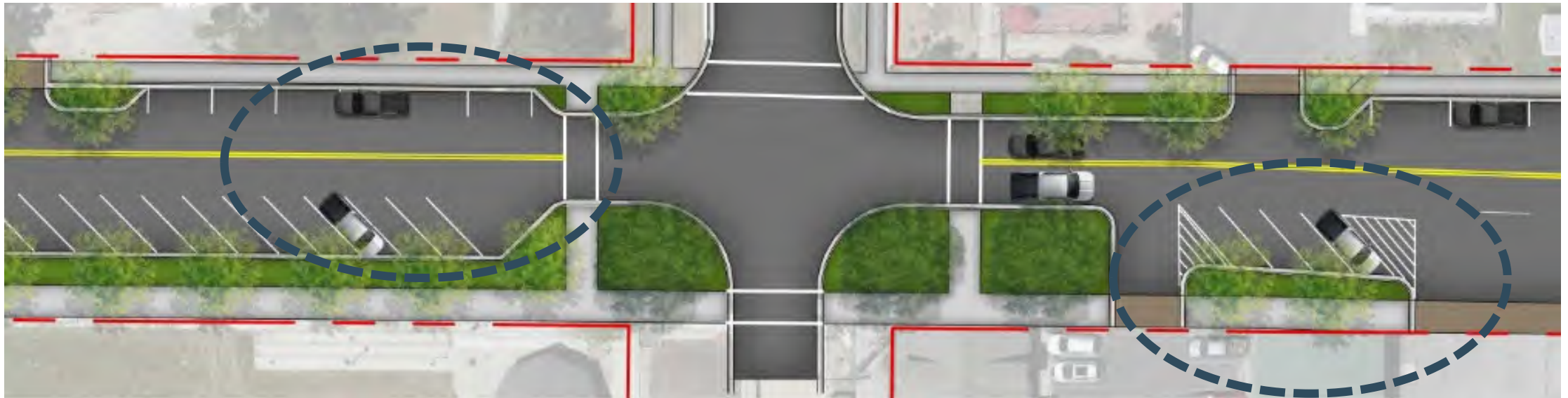
Design Considerations

- Utilities
 - Converting power to underground
 - Locations of power transformers
 - Servicing existing water, sewer, and PI connections while planning for future
 - Gas line locations
 - Irrigation Ditches/Control Structures



Design Considerations

- Parking
 - Parallel vs. Angled
 - Protected vs. Open
 - Quantity vs. Compromise



Design Considerations

- Access/Driveways
 - Storm Water
 - Snow Removal
 - Sidewalk Crossings
 - Visibility



Design Considerations

- Property Impacts
 - ROW Acquisitions
 - Temporary or Perpetual Easements
 - Cost to Cure
 - Individual Property Repairs



Public Involvement

- Public Open House
 - Outreach/Advertising
 - Materials
 - Meeting Format
- Communication Channels
 - Hotline
 - Email
 - Website Updates



Next Steps

- Refine Concept Design with City Staff
- Ongoing Coordination with Franchise Utilities
- Engage General Public
- Prepare Design Package for Initial Construction Phase





100 WEST ROADWAY RENOVATION

600 SOUTH TO 500 NORTH



HEBER CITY

HEART OF THE WASATCH BACK



Heber City Council Staff Report

MEETING DATE: 6/17/2025
SUBJECT: Old Mill Village Affordable Housing Discussion
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community and Economic Development

SUMMARY

Aura Ventures is requesting a modification to the Affordable Housing Requirements of the Old Mill Village MDA to remove the Owner Occupancy Requirement on 36 of the town homes in order to facilitate the completion of the project. The deed restriction of 90% AMI would remain in place.

Policy Questions:

1. Should the City remove the Owner Occupancy requirement on 36 of the Old Mill Village Town Homes to complete the project?

RECOMMENDATION

Staff and Aura Ventures are seeking feedback from the Council to see whether the Council will support an MDA Amendment.

BACKGROUND

Old Mill Village started with an MDA that allowed for the Commercially zoned land to develop with a significant amount of residential as the C-2 Commercial zone did not permit stand alone residential. The MDA was approved in 2021 and contained a 20% affordable housing requirement along with first offers to government and medical employees. The Residential portion was platted as a single phase.

In 2022, there was an amendment to the MDA to clarify the Affordable Housing and identify pricing. During the development of the project, Fig Development was not able to continue the development and was foreclosed on, leaving the development undone. There are buildings that are part way through the building process and some that have not been started. The club house and amenities have not been completed.

In 2024, the HOA assessed a special assessment on all of the owners, including the affordable units, to finish the club house. During this time, Fig accepted the assessment on the portions that they owned. Shortly after, the bank foreclosed.

Aura Ventures is under contract to purchase the remaining town homes. As part of their purchase is to pick up the additional assessments to complete the clubhouse and amenities. The town homes that Aura Ventures has under contract are deed restricted Owner Occupied at 90% AMI. Aura is seeking an MDA Amendment to remove the Owner Occupancy requirement in exchange for completing the development and paying the additional assessments. The 90% AMI would remain, however they could become rentals. Aura Ventures has expressed their concern about not being able to find buyers that meet the requirements as well as the owner occupancy. They would like the option of renting or selling to someone that would rent them out at the 90% AMI limits.

DISCUSSION

Owner Occupancy Vs Rentals

The Council has in the past have preferred Owner Occupancy over Rentals as owners care more for their properties and it allows for the gain of equity. Aura Ventures is seeking the ability to rent the homes or a portion of the homes to ensure the viability of their purchase.

Additional Assessments

Aura Ventures is ready to pick up all of the HOA assessments that the original developer committed to pay but failed to pay. This would allow for the development to be completed. The HOA has indicated that this includes assessments higher than what the affordable units were required to pay. Additionally, if Aura Ventures or another buyer does not pick up the original developer's assessments, the HOA would be required to place further assessments on all of the residents, including the affordable units, in order to complete the amenities. The HOA does desire to go down that path.

FISCAL IMPACT

N/A

CONCLUSION

Aura Ventures is requesting a modification to the Affordable Housing Requirements of the Old Mill Village MDA to remove the Owner Occupancy Requirement on 36 of the town homes in order to facilitate the completion of the project. The deed restriction of 90% AMI would remain in place. This would allow for some or all to be rentals. This change would allow for Aura Ventures to cover the remaining assessments needed to complete the amenities. If the assessments are not paid, a further assessment on all units, including the affordable units, would be charged. Aura Ventures and Staff are seeking whether the Council would be open to amending the MDA for these purposes.

ALTERNATIVES

Not an Action Item

POTENTIAL MOTIONS

Not an Action Item

ACCOUNTABILITY

Department: Planning
Staff member: Jamie Baron, Planning Manager

EXHIBITS

1. Old Mill Village - Request of City 05.22.25
2. Old Mill Village MDA 1st Amendment

May 23, 2025

Jamie Baron
Heber City Planner
75 North Main Street
Heber City, UT 84032
jbaron@heberut.gov
(435) 654-4830

Re: Request for Work Session – Old Mill Village Master Development Agreement Amendments

Dear Jamie,

On behalf of Aura Ventures (“Aura”) and the Old Mill Village HOA Board (“HOA”), we respectfully request a work session with the Heber City Council to discuss a key provision in the Master Development Agreement (MDA), as amended, for the Old Mill Village development. This provision is limiting the ability to complete the project and transition the community to long-term stability. A work session would allow for a collaborative dialogue between the City, Aura, and the HOA to address this issue constructively.

Background

Aura Ventures currently has under contract 36 of the 42 townhome units identified in the MDA as “For Sale Attainable Townhome Units.” These 42 units were originally owned by the previous developer, FIG Kollman Farms LLC (“FIG”), which defaulted on its construction loan with UFirst Credit Union (“UFirst”). Following foreclosure, six completed units were sold to a third party, and UFirst retained the remaining 36 units as part of a bulk offering. All 36 units are incomplete—approximately 8 are 80–90% finished, 12 are roughly 50% complete, and the rest are in earlier stages or have not been started.

Approximately nine months ago, several concerned owners recognized that the original developer had ceased making progress on the common area improvements, including the clubhouse, pool, and landscaping. After some unproductive discussions with FIG, a group of owners volunteered to serve on the HOA Board to help turn the development around. Since then, the Board has worked to initiate key improvements in the common areas.

To fund this work, the Board levied a \$6,000 special assessment on all units, along with a \$12,000 specific assessment on the declarant-owned townhomes—totaling \$18,000 per unit. The total amount to be raised through the assessment was just over \$1.5 million, to be

used for completing the pool, clubhouse, landscaping, sidewalks, and other common area improvements. Although FIG initially indicated it would pay its share of the assessment, it defaulted to the credit union before making any payments. The HOA's plan was dependent on receiving these funds, and the default placed the HOA—including the owners of the AMI-designated units—in a difficult position, unable to proceed with the improvements.

Aura Ventures, which has the 36 units under contract, is aware of the unpaid assessments and is prepared to fund the full \$18,000 per unit. This contribution would enable the HOA to complete a significant portion of the remaining work. However, a key provision in the MDA—specifically, the strict owner-occupancy requirement—presents a material obstacle to moving forward.

Request: Removal of Owner-Occupancy Requirement from the Development Agreement

Section 5.10 of the Amended MDA states:

“Developer shall include a requirement in the Declaration of Covenants, Conditions and Restrictions (the ‘Declaration’) governing the Project for each owner of a For Sale Townhome Unit that has been designated as Attainable Housing to occupy such For Sale Attainable Unit as the owner’s primary residence.”

This provision significantly limits the marketability and absorption of the 36 under-contract townhomes. Once construction resumes, Aura intends to complete and list the units within a relatively short timeframe. However, requiring that all buyers occupy the units as their primary residence imposes a constraint that could hinder sales and affect the viability of the project—not only for Aura, but for any other prospective purchaser of these units should Aura not proceed with the acquisition.

We are requesting that this owner-occupancy restriction be removed from the Development Agreement for these units. Doing so would allow Aura to market the homes to both owner-occupants and buyers who may choose to rent them, creating the flexibility necessary to complete the project and stabilize the community.

Summary

Aura is stepping in to complete the work left unfinished by the previous developer and is prepared to contribute significant funding to help restore the community. To move forward, we are asking the City to:

- Remove the owner-occupancy requirement for the 36 under-contract townhomes, allowing for both owner-occupant and investor purchases.

We've attached a copy of the Amended Development Agreement for reference. Please let us

know your availability for a work session and whether any additional materials should be submitted in advance.

Thank you for your time and consideration. We look forward to working together on a path forward.

Sincerely,

Mason Conley
Aura Ventures
mason@builtbyaura.com
801-245-0729

cc: Tom Howells, HOA West, HOA Management Representative
Old Mill Village HOA Board
Attachment: Amended Development Agreement – Old Mill Village

When Recorded Return to:
YORK HOWELL & GUYMON
Attn: Dawn J. Soper
10610 S. Jordan Gateway, Suite 200
South Jordan, Utah 84095

Ent 520091 Bk 1410 Pg 698-707
Date: 25-MAY-2022 1:11:28PM
Fee: \$260.00 Check Filed By: HP
MARCY M MURRAY, Recorder
WASATCH COUNTY CORPORATION
For: FIG KOLLMAN FARMS LLC

Parcel ID Nos.:
00-0021-2305 (OHE-2108-0-008-045) (North Parcel)

**FIRST AMENDMENT TO MASTER DEVELOPMENT AGREEMENT AND
AFFORDABLE HOUSING PLAN FOR THE OLD MILL VILLAGE DEVELOPMENT**

THIS FIRST AMENDMENT TO MASTER DEVELOPMENT AGREEMENT AND AFFORDABLE HOUSING PLAN FOR THE OLD MILL VILLAGE DEVELOPMENT (“**Amendment**”) is made effective as of the Effective Date (defined below), by and between, on the one hand, HEBER CITY, a political subdivision of the State of Utah (the “**City**”) and, on the other hand, JURA HOLDINGS, LLC, a Utah limited liability company (“**Jura Holdings**”) and FIG KOLLMAN FARMS, LLC, a Utah limited liability company (“**FIG**”, and together with Jura Holdings and their successors and assigns “**Developer**”), (the City and Developer are referred to individually as a “**Party**” and collectively as the “**Parties**”), with reference to the following:

A. Jura Holdings and the City are parties to that certain Master Development Agreement and Affordable Housing Plan for the Old Mill Village Development dated effective March 2, 2021 (the “**Development Agreement**”) and recorded with the Office of the Wasatch County Recorder on March 17, 2021 as Entry No. 495995, providing for the design and construction of a mixed use development consisting of commercial uses that are compatible with residential development in connection with certain property located in Heber City, Utah (the “**Project**”).

B. Jura Holdings conveyed a portion of the Project’s property which pertains the residential component of the project (the “**Residential Property**”) under the Development Agreement to FIG pursuant to that certain Corporate Warranty Deed recorded with the Office of the Wasatch County Recorder on July 9, 2021 as Entry No. 503611.

C. The Affordable Housing Plan (“**AHP**”) is established in Section 5 of the Development Agreement. Under Section 5.6 of the AHP, “[e]ach Affordable Housing Unit shall be deed restricted in perpetuity to the designated income group. This restriction shall not apply to Attainable Housing Units.” As the Parties have prepared the Affordable Housing Agreement with the Wasatch County Housing Authority (“**WCHA**”) and the Deed Restrictions applicable to the Affordable Housing Units, the Parties have identified certain provisions of the Development Agreement that require clarification in light of Section 5.6. In addition, the Parties have noted that certain unit counts and unit pricing figures should be revised to reflect updated information.

D. The Parties desire to amend the Development Agreement to clarify the Affordable Housing Plan portion of the Development Agreement, as set forth herein, and to update certain unit counts and pricing figures. The Development Agreement provides that modifications to the

Development Agreement shall be submitted as Administrative Amendments or Modification Applications. The Parties agree that, as this Amendment is a clarification and not a modification of the Development Agreement, it is proper to process the Amendment as an Administrative Modification under Section 14 of the Development Agreement.

NOW, THEREFORE, for good and valuable consideration, Developer and the City agree as follows:

1. Amendment; Conflict. This Amendment constitutes an amendment to the Development Agreement. In the event of any conflict or inconsistency between the terms of this Amendment and the terms of the Development Agreement, the terms of this Amendment control. In the event of any inconsistency between the definitions set forth in this Amendment and the Affordable Housing Ordinance or other applicable statutes and regulations, this Amendment shall control. Capitalized terms used herein and not defined shall have the meanings ascribed to them in the Development Agreement.

2. Clarifying Amendments. Consistent with Section 5.6 of the Development Agreement, the following definitions, terms and provisions are amended as follows for purposes of clarity:

(a) Qualified Applicant. The definition of Qualified Applicant set forth in Section 1.2.59 is replaced in its entirety with the following:

Qualified Applicant(s) means a Low Income household for purposes of purchasing or renting Affordable Housing.

(b) Affordable Housing. The definition of Affordable Housing, as set forth in Section 1.2.4 is replaced in its entirety as follows:

Affordable Housing means housing that is offered to Qualified Applicants. The Project will include twenty five (25) Affordable Housing units, as identified on **Revised Exhibit F-2.**

(c) Attainable Housing. The definition of Attainable Housing, as set forth in Section 1.2.11 is replaced in its entirety as follows:

Attainable Housing means housing that is initially offered for purchase or rental at prices ranging from ninety percent (90%) to one hundred percent (100%) of AMI, as set forth on **Revised Exhibit F-2.** The Project will include 143 Attainable Housing Units. The Attainable Housing units will not be subject to Deed Restrictions. After the initial offering of the Attainable Housing units, which will be subject to the requirements of Section 5.7 solely in connection with the priority of applicants, the Attainable Housing units will not be subject to any sale or rental restrictions, except for the condition set forth in (amended) Section 5.10 below for For Sale Attainable Townhome Units (defined below).

(d) Recital H. Recital H is replaced in its entirety as follows:

Developer intends to exceed the requirements of the Affordable Housing Ordinance and initially offer the entirety of the residential development for sale or

rent as Affordable or Attainable Housing without requiring any public funding or incentives, as set forth in the Affordable Housing Plan incorporated into this Agreement.

(e) For Rent Units. The definition of For Rent Units in Section 1.2.34 is replaced in its entirety as follows:

For Rent Units means the Apartment Units and Townhome Units offered for rent in the Project. The Project shall contain one hundred and four (104) For Rent Units comprised of fifty (50) Townhome Units and sixty-four (64) Apartment Units, as identified on Revised Exhibit F-2.

(f) For Sale Townhome Units. The definition of For Sale Units in Section 1.2.35 is replaced in its entirety as follows:

For Sale Townhome Units means the Townhome Units offered for sale in the Project. The Project shall contain fifty-four (54) For Sale Units, as shown on Revised Exhibit F-2.

(g) Townhome Units. Section 1.2.66 is revised to provide that there will be one hundred and four (104) Townhome Units constructed within the Project.

(h) For Rent Apartment Units. Section 1.2.69 is added as follows:

For Rent Apartment Units means the Apartment Units that are offered for rent in the Project. There will be sixty-four (64) For Rent Apartment Units.

(i) For Rent Townhome Units. Section 1.2.70 is added as follows:

For Rent Townhome Units means the Townhome Units that are offered for rent in the Project. There will be fifty (50) For Rent Townhomes Units.

(j) Unit(s). Section 1.2.71 is added as follows:

Units(s) means any Apartment or Townhome Unit(s) within the Project.

(k) Exhibits. Exhibit F-2, identified in Section 1.3.7 is replaced with the attached Exhibit, "**Revised Exhibit F-2**".

(l) Range of Housing Opportunities for Different Economic Segments of Population. Section 5.2 is amended as follows to clarify that Qualified Applicants for Affordable Housing Units shall have household incomes that range from sixty percent (60%) to eighty percent (80%) AMI:

The Project shall offer a variety of housing opportunities that will be made available to different economic segments of the population. The housing opportunities will include: (a) three-bedroom, two bathroom and 2 car garage For Sale Townhome Units, (b) For Rent Townhome Units, (c) one bedroom For Rent Apartment Units, and (d) two bedroom For Rent Apartment Units. In addition, Affordable Housing for certain Units will be offered to Qualified Applicants

having household incomes that range from sixty percent (60%) to less than or equal to eighty percent (80%) of AMI. **Revised Exhibit F-2**, attached to this Agreement, shows the number of each type of Unit that will be available to different economic segments of the population.

(m) Adjustments to Pricing and Rental Rates. Section 5.4 is replaced in its entirety with the following:

Adjustments to Pricing and Rental Rates for Affordable Housing.

Adjustments to the pricing of the For Sale Units and the rental rates of For Rent Units for the Affordable Housing units shall be made in accordance with the principles of the Affordable Housing Ordinance and the Affordable Housing Agreement with WCHA.

(n) Priority of Applicants. Section 5.7 is amended and restated in its entirety as follows to clarify that the order of priority shall apply to Qualified Applicants for Affordable Housing and the initial applicants for Attainable Housing for certain periods of time after the recordation (not approval) of the residential plat:

5.7 Priority of Applicants. For the initial offering of the Units, if all other requirements are equal, Qualified Applicants for Affordable Housing and other applicants for Attainable Housing will be given priority according to the criteria set forth in Section 5.7. After the initial offering, Qualified Applicants for Affordable Housing will be qualified in the manner set forth in the Affordable Housing Agreement with WCHA and the deed restrictions applicable to such Unit. No priority or qualification will be required for purchasers or renters of Attainable Housing units after the initial offering.

5.7.1 Rentals. For a period of one (1) year after the date of the recordation of the final residential plat, Developer shall accept applications from applicants for the For Rent Units (the "**Rental Reservation Period**").

5.7.2 For Sale Townhomes Units. For a period of one hundred eighty (180) days after the date of final residential plat recordation (the "**For Sale Reservation Period**") Developer shall accept applications from Qualified Applicants for the purchase of For Sale Townhome Units that have been designated as Affordable Housing. In addition, during the For Sale Reservation Period, Developer shall accept applications from other applicants for the purchase of For Sale Townhome Attainable Housing.

5.7.3 Order of Priority. At the expiration of the applicable Reservation Period, Developer shall rank the applicants for each category of housing in accordance with the criteria set forth in this Development Agreement. If all other requirements of applicants are equal, in selecting purchasers and renters who have applied during the applicable Reservation Period, first preference shall be given to City employees. Second preference shall be given to public service employees employed within Wasatch County, including municipal, hospital, school district, county, state and federal employees. Third preference shall be given to the general public. Developer shall provide written notice to the City

at least two (2) weeks in advance of the date the Developer intends to record the final residential plat. Notice to the City may be provided by email transmission to the email address in Section 13 of this Agreement.

5.7.4 Notice to Applicants/ Execution of Agreements. Within thirty (30) days of the expiration of the applicable Reservation Period, Developer shall provide written notice to the highest ranking applicants for the available Units in the applicable category of housing, which notice may be provided by e-mail transmission (“**Notice of Selection**”). The Notice of Selection shall provide additional information as to the process and requirements for closing on the purchase or entering into a lease agreement for the rental of the applicable Unit, including time limitations for each such requirement.

(o) Owner-Occupied Requirement for For Sale Attainable Townhome Units. A new Section 5.10 is added, as follows:

5.10 Owner-Occupied Requirement for For Sale Attainable Townhome Units. Developer shall include a requirement in the Declaration of Covenants, Conditions and Restrictions (the “**Declaration**”) governing the Project for each owner of a For Sale Townhome Unit that has been designated as Attainable Housing (“**For Sale Attainable Townhome Units**”) to occupy such For Sale Attainable Unit as the owner’s primary residence (the “**For Sale Attainable Unit Covenant**”). There are forty-two (42) For Sale Attainable Townhome Units in the Project, which are designated as Lot Numbers 63-104 on the Plat. The Declaration shall require the Board of Directors of the Homeowners’ Association (the “**Board**”) to promulgate such rules and regulations as are necessary to impose appropriate fines against any owner violating the For Sale Attainable Unit Covenant, which fines shall be treated as a Specific Assessment against such owner under the Declaration and shall be subject to all collection and lien procedures available to the Board for Special Assessments. To comply with this Section 5.10, the Declaration shall contain language substantially similar to the following (as the same may have minor changes to be consistent with the use of defined terms in the Declaration):

Each Owner of a For Sale Attainable Townhome Unit shall occupy such For Sale Attainable Townhome Unit as such Owner’s primary residence. Each Owner of a For Sale Attainable Townhome Unit shall be strictly prohibited from renting such Unit. The Board shall promulgate rules and regulations which shall include a schedule of fines that will increase for repeated violations, to be assessed as Specific Assessments against such For Sale Attainable Townhome Units. The Board shall be entitled to use all collection and lien procedures available for Specific Assessments in connection with this Section.

3. Exhibits. Exhibit F-2 of the Development Agreement is replaced in its entirety with the attached **Revised Exhibit F-2** such that the pricing for the twelve For Sale Townhome Units that are designated as Affordable Housing matches Exhibit F-3, as reflected thereon.

4. Authority. The execution, delivery, and performance of this Amendment has been duly authorized by all necessary action of the Parties, and when duly executed and delivered, will be a legal, valid and binding obligation, enforceable in accordance with its terms.

5. Effective Date. The effective date (the “**Effective Date**”) of this Amendment shall be the date of approval by the City.

6. Ratification. Except as set forth herein, all of the terms and conditions contained in the Development Agreement will remain the same and in full force and effect, and the Parties hereby ratify and reaffirm the Development Agreement.

7. Counterparts. This Amendment may be executed in multiple counterparts, each of which will be deemed an original and all of which when taken together, shall constitute a whole. It will be fully executed when each Party whose signature is required has signed at least one counterpart notwithstanding that all Parties have not executed the same counterpart. The Parties agree that signatures transmitted by electronic mail will be binding as if they were original signatures.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates set forth below to be effective as of the Effective Date.

DEVELOPER:

JURA HOLDINGS, LLC, a Utah limited liability company

Execution Date: ^{MAY RFB} ~~December~~ ^{RFB} 24, 2022

By: [Signature]
Print Name: KRIST BUIRZ
Title: MANAGER

FIG KOLLMAN FARMS, LLC, a Utah limited liability company

Execution Date: ^{MAY} ~~December~~ 24, 2022

By: [Signature]
Print Name: BRIAN SCHNELL
Title: MANAGER

CITY:

HEBER CITY, a political subdivision of the State of Utah

Execution Date: ^{MAY} ~~December~~ 24, 2022

By: [Signature]
Print Name: Heidi Franco
Title: Mayor

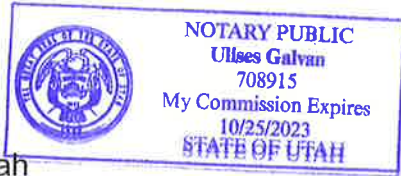
State of Utah

County of Salt Lake City

On this 25th day of May, in the year 2022, before me Ulises Galvan a notary public, personally appeared Robert Buie, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is (is/are) subscribed to this instrument, and acknowledged he (he/she/they) executed the same.

Witness my hand and official seal

(Seal)



Ulises Galvan
Notary Public

State of Utah

County of Utah

On this 24 day of May, in the year 2022, before me Karen Weeks a notary public, personally appeared Brian Schnell *, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is (is/are) subscribed to this instrument, and acknowledged he (he/she/they) executed the same.

Witness my hand and official seal

* Manager of FIG Kollman Farms, LLC

(Seal)



Karen Weeks
Notary Public

State of Utah

County of Wasatch

On this 24th day of May, in the year 2022, before me Trina Cooke a notary public, personally appeared Heidi Franco, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is (is/are) subscribed to this instrument, and acknowledged she (he/she/they) executed the same.

Witness my hand and official seal

(Seal)



Trina Cooke
Notary Public

Revised Exhibit F-2

AFFORDABLE HOUSING OFFER <=80% AMI

15% of ERU's to be deed-restricted inclusive housing = 25 units = 16.41 ERU's

For Sale Townhomes (12):

8 units (Lot Numbers 1 - 8) sold at 70% AMI pricing = \$311,500
4 units (Lot Numbers 9 - 12) sold at 60% AMI pricing = \$267,000

For Rent Townhomes (5):

3-bedroom: 5 rented (Lot Numbers 13 - 17) at 80% AMI = \$1659

For Rent Apartments (8):

2-bedroom: 3 rented (Apartment Lot J) at 80% AMI = \$1518
2-bedroom: 3 rented (Apartment Lot K) at 60% AMI = \$1076
1-bedroom: 1 rented (Apartment Lot J) at 80% AMI = \$1164
1-bedroom: 1 rented (Apartment Lot K) at 60% AMI = \$811

ATTAINABLE HOUSING OFFER <=100% AMI

85% of ERU's to be market rate attainable housing (not deed restricted) = 143 units = 91 ERU's

For Sale Townhomes: (42)

42 units (Lot Numbers 63-104) sold <= 90% AMI pricing

For Rent Townhomes (45)

3-bedroom: 45 rented (Lot Numbers 18-62) <= 100% AMI

For Rent Apartments (56)

2-bedroom: 42 rented (Apartment Lots A,B,C,D,E,F,G,H,I,L,M,N,O,P) <= 100% AMI
1 bedroom: 14 rented (Apartment Lots A,B,C,D,E,F,G,H,I,L,M,N,O,P) <= 100% AMI

BEGINNING AT A POINT WHICH IS NORTH 00°15'52" WEST ALONG THE SECTION LINE 1316.81 FEET AND WEST 509.05 FEET FROM THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE SOUTH 02°22'18" EAST 321.73 FEET; THENCE SOUTH 89°55'56" EAST 447.50 FEET; THENCE SOUTH 00°04'06" WEST 60.00 FEET; THENCE NORTH 89°55'54" WEST 444.06 FEET; THENCE SOUTH 02°18'35" EAST 279.15 FEET; THENCE NORTH 89°49'57" WEST 269.37 FEET THENCE SOUTH 17°09'53" EAST 186.17 FEET; THENCE SOUTH 88°43'29" WEST 191.85 FEET; THENCE NORTH 38°50'32" WEST 523.96 FEET; THENCE ALONG THE ARC OF A 25.00 FOOT RADIUS TO THE LEFT 6.90 FEET (CENTRAL ANGLE OF 15°49'26" AND A CHORD BEARING NORTH 46°45'15" WEST 6.88 FEET); THENCE ALONG THE ARC OF A 292.00 FOOT RADIUS TO THE LEFT 59.39 FEET (CENTRAL ANGLE OF 11°39'09" AND A CHORD BEARING SOUTH 57°50'08" WEST 59.28 FEET); THENCE SOUTH 52°00'34" WEST 89.94 FEET; THENCE ALONG THE ARC OF A 26.00 FOOT RADIUS TO THE LEFT 27.76 FEET (CENTRAL ANGLE OF 61°10'06" AND A CHORD BEARING SOUTH 21°25'31" WEST 26.46 FEET); THENCE NORTH 37°59'26" WEST 84.46 FEET; THENCE NORTH 52°00'34" EAST 112.71 FEET; THENCE ALONG THE ARC OF A 363.00 FOOT RADIUS TO THE RIGHT 62.16 FEET (CENTRAL ANGLE OF 09°48'42" AND A CHORD BEARING NORTH 56°54'55" EAST 62.09 FEET); THENCE NORTH 38°50'32" WEST 111.88 FEET; THENCE NORTH 00°12'54" WEST 279.22 FEET; THENCE NORTH 89°42'11" EAST 825.02 FEET TO THE POINT OF BEGINNING.

CONTAINING: 13.26 ACRES (TOWNHOME LOTS 1-104 AND VERTICALLY STACKED DWELLING LOTS 1-16)



Heber City Council Staff Report

MEETING DATE: 6/17/2025
SUBJECT: Ordinance 2025-12 Short-Term Rental Code Amendment
RESPONSIBLE: Tony Kohler
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community Development

SUMMARY

See Ordinance 2025-12 under Action Items for item materials and discussion.

RECOMMENDATION

N/A

BACKGROUND

N/A

DISCUSSION

N/A

FISCAL IMPACT

N/A

CONCLUSION

N/A

ALTERNATIVES

N/A

POTENTIAL MOTIONS

N/A

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

None



Heber City Council Staff Report

MEETING DATE: 6/17/2025
SUBJECT: Potential Fencing Code Amendment for Sports Courts
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning
STRATEGIC RELEVANCE:

SUMMARY

Wade Scroggins is seeking input from the Council on an exemption to the fence height limits for sports courts. He is proposing 10-foot fencing be allowed around sports courts. The Current Code allows for 6-foot tall fences.

RECOMMENDATION

Staff is seeking input from council on the potential text amendment.

BACKGROUND

Code Enforcement received a complaint about Mr. Scroggins' fence as it is taller than 6' in height. In the research of the complaint, staff identified that the fence is 10 feet tall on the end of a sports court. Mr. Scroggins is asking the council to consider changing the fencing ordinance to permit taller fences for sports courts.



DISCUSSION

Current Code

18.68.120 Heights Of Fences And Walls

A. Fences and Walls in Residential Zones. No fence or wall shall be constructed to a height greater

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Fax: 435-657-2543

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than four (4) feet in any front yard. **Any fence or wall along a side yard or rear yard shall be not be constructed to a height greater than six (6) feet.** However, a fence along a side or a rear property line of a residential lot, which side or rear property line borders a non-residential zone, may be constructed to the height allowed in the non-residential zone. The "thirty foot" setback may be reduced to the front wall line for legally non-conforming homes which are closer than thirty feet to the street right-of-way line.

Sports Courts

Sport Courts include but are not limited to, tennis, basketball, and pickle ball courts. With the sports, it is typical to see some sort of fencing or netting that maintain the balls within the sport court.

Some examples that are around the City would Valley Hills Park and Southfield Park.



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However, staff was unable to find any sports courts in the residential areas that had a similar fence.



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Staff believes this issue will become more prevalent with the changing demographics of the City.

FISCAL IMPACT

N/A

CONCLUSION

Mr. Scoggins is seeking input from the Council on a text amendment to permit a 10 foot fence for sports courts. In public areas, this is standard. In residential areas, there has not been a history of fences such as these. The intent of the fence is to ensure the balls stay within the sports court and protect property.

ALTERNATIVES

Not an Action Item.

POTENTIAL MOTIONS

Not an Action Item.

ACCOUNTABILITY

Department: Planning
Staff member: Jamie Baron, Planning Manager

EXHIBITS

None

HEBER CITY COUNCIL STAFF REPORT

MEETING DATE: 6/17/2025

**SUBJECT: Mayor’s Award nominated by Chief Sever
HCPD – Easter Egg Hunt and Citizen Nomination
To Building Division.**



RESPONSIBLE: Mayor Heidi Franco

STRATEGIC RELEVANCE: Necessary Administrative Item

RECOMMENDATION – Mayor’s Awards

Mayor is awarding **Sergent Josh Weishaar, Administrative Assistant Terra Budd, Detective Logan Bandoli, Detective Ty Cummings,** and **Officer Travis Price** for the Annual Community Easter Egg Hunt.

Plus the Mayor is awarding **Curt Davis, Jordan Moss and Kelly Rogers** in the Building Division from citizen, David Bohn’s email below.

Nomination from Chief Parker Sever:

In recognition of your outstanding leadership, dedication, and creative spirit in organizing the annual Community Easter Egg Hunt. Through your efforts thousands of dollars were raised to support this event.

Your efforts brought neighbors together, brightened the day for children and families, and exemplified the heart of true community service. Through thoughtful planning, tireless coordination, and a whole lot of Easter magic, you created a joyful event that will be remembered for years to come.

On behalf of the entire city, thank you for going above and beyond to build connection, spread happiness, and make our community stronger—one egg at a time.

Citizen Nomination to Building Department:

From: David Bohn

Sent: Tuesday, June 10, 2025 2:48 PM

To: Jordan Moss <jmoss@Heberut.gov>; Kelly Rogers <kr Rogers@Heberut.gov>;
Heber City Building Department <hcbuilding@heberut.gov>

Subject: Sincere Thanks to Heber City Building and Safety Division

Dear Heber City Building Department Team,

I wanted to extend my heartfelt gratitude for the outstanding support I received as we worked to expedite permit #####.

Jordan, your professionalism and accommodating approach made the inspection process smooth and reassuring. Thank you for going above and beyond in your role as Building Inspector. Your collaboration, responsiveness, and attention to safety made all the difference.

To the permit technician, Kelly, thank you for your swift responses and support in helping me *“cross the T’s and dot the I’s.”*

Curt, your leadership alongside Jordan was instrumental in helping us move our permit forward efficiently.

It’s clear that the Heber City Building and Safety Division operates with care and professionalism.

Please accept my deepest appreciation for your efforts to help keep our growing city safe.

With gratitude,

David Bohn

**HEBER CITY, UTAH
RESOLUTION NO. 2025-10**

A RESOLUTION APPROVING THE FOURTH AMENDMENT TO THE HEBER CITY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2025 (FY 2025).

WHEREAS, the Utah Uniform Fiscal Procedures Act provides for the legislative body to review and amend individual budgets of funds during the budget period as necessary to address changing circumstances (UCA § 10-6-127); and

WHEREAS, the Financial Director of Heber City has determined that amendments to the FY 2025 budget are necessary to address operational needs and priorities, as detailed in the attached Exhibit “A”; and

WHEREAS, in compliance with state law (UCA § 10-6-113), the City provided proper public notice and held a Public Hearing on Tuesday, June 17, 2025, to solicit feedback from residents regarding the proposed amendments to the FY 2025 budget;

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

The Heber City Budget for the fiscal year ending June 30, 2025, is hereby amended as outlined in the attached Exhibit “A,” which is incorporated by reference and made an integral part of this Resolution.

ADOPTED AND PASSED by the City Council of Heber City, Utah, on this _____ day of _____, 2025, by the following vote:

	AYE	NAY
Council Member Yvonne Barney	_____	_____
Council Member Aaron Cheatwood	_____	_____
Council Member Mike Johnston	_____	_____
Council Member Sid Ostergaard	_____	_____
Council Member Scott Phillips	_____	_____

APPROVED:

Mayor Heidi Franco

ATTEST:

_____ Date: _____

RECORDER

**Fund Balance Review for FY 2025: Final Budget Amendment
(Based on Budgeted Amounts)**

	FY 2025 Beginning Fund Balance	Total Budgeted Revenue	Revenue Adjustments	Total Budgeted Expenses	Proposed Amendment	FY 2025 Estimated Ending Fund Balance
General Fund (10)	7,058,448.00	15,095,238.00	796,814.00	15,762,771.00	2,547,434.00	4,640,295.00
Covid 19 Fund (22)	792,806.00	-	-	-	792,806.00	-
TAP Tax Fund (23)	444,937.00	600,000.00	-	622,500.00	311,000.00	111,437.00
Airport Capital Fund (41)	560.00	1,720,603.00	5,183,375.00	1,718,640.00	5,183,375.00	2,523.00
General Capital Fund (42)	3,335,905.25	1,451,000.00	2,977,700.00	6,085,300.00	684,000.00	995,305.25
Transportation Tax (48)	3,942,242.00	2,185,000.00	-	3,548,392.00	374,500.00	2,204,350.00
Class C Road Fund (49)	3,076,695.00	1,000,000.00	-	816,000.00	1,673,000.00	1,587,695.00
Culinary Water (51)	764,745.00	4,128,200.00	-	4,475,430.00	124,000.00	293,515.00
Sewer (52)	2,513,923.00	5,458,900.00	-	4,524,547.00	73,000.00	3,375,276.00
Storm Water (54)	502,768.00	1,096,300.00	-	1,164,708.00	26,000.00	408,360.00
Pressurized Irrigation (55)	(112,887.00)	4,353,000.00	792,806.00	4,242,204.00	77,000.00	713,715.00
Sewer Capital (67)	7,770,588.00	5,900,000.00	-	10,964,298.00	110,500.00	2,595,790.00
Storm Capital (68)	66,567.00	265,000.00	-	294,200.00	19,000.00	18,367.00
PI Capital (69)	2,738,728.00	4,713,000.00	-	7,288,793.00	74,500.00	88,435.00
Internal Service (61)	728,377.00	1,898,480.00	275,000.00	2,399,995.00	343,775.00	158,087.00

Note: Total Budgeted Revenue does not include the use of Fund Surplus

EXHIBIT "A"

GENERAL FUND (10)

Request: Legislative Department Professional Services, Meals and Discretionary Funds

Source:

Account Number	Account Name	Amount
10.3870 10R	General Fund Surplus	\$ 14,700.00
Total		\$ 14,700.00

Use:

Account Number	Account Name	Amount
10.4131 10E	Professional Services - Legislative	\$ 6,500.00
10.4135 10E	Meals - Legislative	2,700.00
10.4179 10E	Discretionary Funds - Legislative	5,500.00
Total		\$ 14,700.00

Request: Judicial Salaries and Miscellaneous

Source:

Account Number	Account Name	Amount
10.3870 10R	General Fund Surplus	\$ 15,000.00
Total		\$ 15,000.00

Use:

Account Number	Account Name	Amount
10.4211 10E	Salaries and Wages - Judicial	\$ 10,000.00
10.4262 10E	Miscellaneous - Judicial	5,000.00
Total		\$ 15,000.00

Request: Admin Salaries, OT, Benefits, Professional Services, Bank Fees, and CM Discretionary

Source:

Account Number	Account Name	Amount
10.3611 10R	Credit Card Fees	\$ 115,000.00
10.3870 10R	General Fund Surplus	168,000.00
Total		\$ 283,000.00

Use:

Account Number	Account Name	Amount
10.4311 10E	Salaries and Wages - Administrative	\$ 36,000.00
10.4312 10E	Overtime - Administrative	7,000.00
10.4313 10E	Employee Benefits - Administrative	20,000.00
10.4331 10E	Professional Services - Administrative	100,000.00
10.4354 10E	Bank Fees - Administrative	115,000.00
10.4379 10E	City Manager Discretionary	5,000.00
Total		\$ 283,000.00

Request: General Government Buildings Buildings and Grounds

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.3870	10R	General Fund Surplus	\$ 43,000.00
		Total	<u>\$ 43,000.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.4426	10E	Buildings and Grounds - GGB	\$ 43,000.00
		Total	<u>\$ 43,000.00</u>

Request: Building Department Professional Services

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.3220	10R	Building Permit Fees	\$ 272,414.00
		Total	<u>\$ 272,414.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.5131	10E	Professional Services - Building	\$ 272,414.00
		Total	<u>\$ 272,414.00</u>

Request: Information Services Professional Services

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.3870	10R	General Fund Surplus	\$ 30,000.00
		Total	<u>\$ 30,000.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.4731	10E	Professional Services - IT	\$ 30,000.00
		Total	<u>\$ 30,000.00</u>

Request: Police Department Salaries and Wages, OT and Benefits

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.3351	10R	School Resource Officer	\$ 25,800.00
10.3360	10R	Interagency	39,000.00
10.3870	10R	General Fund Surplus	585,200.00
Total			<u>\$ 650,000.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.5411	10E	Salaries and Wages - Police Department	\$ 260,000.00
10.5412	10E	Overtime - Police Department	160,000.00
10.5412	10E	Benefits - Police Department	230,000.00
Total			<u>\$ 650,000.00</u>

Request: Establish Midway Police Budget

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.3359	10R	Midway Police Services	\$ 344,600.00
Total			<u>\$ 344,600.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.5611	10E	Salaries and Wages - Midway	\$ 70,000.00
10.5612	10E	Overtime - Midway	83,000.00
10.5613	10E	Benefits - Midway	67,000.00
10.5614	10E	Uniform Allowance - Midway	1,500.00
10.5617	10E	FICA and Medicare - Midway	11,500.00
10.5624	10E	Office Supplies and Special Services - Midway	900.00
10.5625	10E	Equip Supplies - Midway	2,700.00
10.5626	10E	Firearms - Midway	5,500.00
10.5636	10E	Education - Midway	1,000.00
10.5651	10E	Insurance - Midway	1,500.00
10.5674	10E	Equipment - Midway	28,000.00
10.5676	10E	Internal Service Charge - Midway	72,000.00
Total			<u>\$ 344,600.00</u>

TRAILS, ARTS AND PARKS FUND (23)**Request: Wheeler Park Playground Equipment Replacement**

Source:

Account Number		Account Name	Amount
23.3870	23R	TAP Fund Surplus	\$ 11,000.00
			Total
			\$ 11,000.00

Use:

Account Number		Account Name	Amount
23.4073	23E	Improvements Other Than Buildings	\$ 11,000.00
			Total
			\$ 11,000.00

AIRPORT CAPITAL IMPROVEMENT (41)**Request: Required FAA Improvements and Land Purchases**

Source:

Account Number		Account Name	Amount
41.3330	41r	Federal Grants	\$ 5,073,340.00
41.3330	41r	State Grants	262,260.00
41.3870	41r	Fund Surplus	164,400.00
			Total
			\$ 5,500,000.00

Use:

Account Number		Account Name	Amount
41.4080	41e	Improvements Other Than Buildings	\$ 5,500,000.00
			Total
			\$ 5,500,000.00

CAPITAL IMPROVEMENT (42)**Request: Cemetery Dirt Haul Off for the Cemetery Admin Building Project funded by an Interfund Transfer from the General Fund**

Source:

Account Number		Account Name	Amount
10.3870	10R	General Fund Surplus	\$ 28,000.00
42.3910	42r	Transfer From General Fund	\$ 28,000.00
			Total
			\$ 56,000.00

Use:

Account Number		Account Name	Amount
10.7030	10E	Transfer to Capital Improvement Fund	\$ 28,000.00
42.4073	42e	Improvements Other Than Buildings	\$ 28,000.00
			Total
			\$ 56,000.00

Request: Timpanogos Valley Theater HVAC Installation funded by an Interfund Transfer from the General Fund

Source:

Account Number		Account Name	Amount
10.3870	10R	General Fund Surplus	\$ 90,000.00
42.3910	42R	Transfer From General Fund	\$ 90,000.00
Total			\$ 180,000.00

Use:

Account Number		Account Name	Amount
10.7030	10E	Transfer to Capital Improvement Fund	\$ 90,000.00
42.4073	42e	Improvements Other Than Buildings	\$ 90,000.00
Total			\$ 180,000.00

Request: 2nd Columbarium Niche, Miscellaneous Charges and Engineering and Architecture Costs funded by a Interfund Transfer from General Fund (10)

Source:

Account Number		Account Name	Amount
10.3870	10R	General Fund Surplus	\$ 566,000.00
42.3910	42R	Transfer From General Fund	\$ 566,000.00
Total			\$ 1,132,000.00

Use:

Account Number		Account Name	Amount
10.7030	10E	Transfer to Capital Improvement Fund	\$ 566,000.00
42.4073	42E	Improvements Other Than Buildings - 2nd Niche	\$ 300,000.00
42.4073	42E	Improvements Other Than Buildings - Miscellaneous	\$ 81,500.00
42.4073	42E	Improvements Other Than Buildings - Eng/Arch	\$ 184,500.00
Total			\$ 1,132,000.00

TRANSPORTATION TAX FUND (48)

Request: Cemetery Road Rebuild

Source:

Account Number		Account Name	Amount
48.3870	48r	Fund Surplus	\$ 374,500.00
Total			\$ 374,500.00

Use:

Account Number		Account Name	Amount
48.4073	48e	Road Maintenance and Construction	\$ 374,500.00
Total			\$ 374,500.00

INTERNAL SERVICE FUND (61)**Request: 2025 Ford F-350 Replacement Vehicle**

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
61.3645	61R	Insurance Proceeds	\$ 75,000.00
		Total	<u>\$ 75,000.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
61.4075	61E	Improvements Other Than Buildings	\$ 75,000.00
		Total	<u>\$ 75,000.00</u>

Request: Five F-150s Lease Buyout

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
61.3640	61R	Sale of Fixed Assets	\$ 200,000.00
61.3850	61R	Internal Service Fund Balance	68,775.00
		Total	<u>\$ 268,775.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
61.4075	61E	Improvements Other Than Buildings	\$ 268,775.00
		Total	<u>\$ 268,775.00</u>

CULINARY WATER FUND (51)**Request: 2024 Water Revenue Bond Issuance Costs**

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
51.3870	51R	Water Fund Surplus	\$ 39,000.00
		Total	<u>\$ 39,000.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
51.4725	51E	Paying Agent Fees	\$ 39,000.00
		Total	<u>\$ 39,000.00</u>

Request: Bank Fees

Source:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
51.3870 51R	Water Fund Surplus	\$ 30,000.00
	Total	<u>\$ 30,000.00</u>

Use:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
51.4054 51E	Bank Fees	\$ 30,000.00
	Total	<u>\$ 30,000.00</u>

Request: Irrigation Company Fees

Source:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
51.3870 51R	Water Fund Surplus	\$ 55,000.00
	Total	<u>\$ 55,000.00</u>

Use:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
51.4031 51E	Professional Services	\$ 55,000.00
	Total	<u>\$ 55,000.00</u>

SEWER FUND (52)

Request: 2024 Sewer Revenue Bond Issuance Costs

Source:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
52.3870 52r	Sewer Fund Surplus	\$ 38,000.00
	Total	<u>\$ 38,000.00</u>

Use:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
52.4725 52e	Paying Agent Fees	\$ 38,000.00
	Total	<u>\$ 38,000.00</u>

Request: Bank Fees

Source:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
52.3870 52r	Sewer Fund Surplus	\$ 35,000.00
	Total	\$ 35,000.00

Use:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
52.4054 52e	Bank Fees	\$ 35,000.00
	Total	\$ 35,000.00

STORM WATER (54)

Request: Bank Fees

Source:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
54.3870 54r	Storm Water Surplus	\$ 26,000.00
	Total	\$ 26,000.00

Use:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
54.4054 54e	Bank Fees	\$ 26,000.00
	Total	\$ 26,000.00

PRESSURIZED IRRIGATION FUND (55)

Request: Irrigation Company Fees

Source:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
55.3870 55R	Pressurized Irrigation Surplus	\$ 30,000.00
	Total	\$ 30,000.00

Use:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
55.4031 55E	Professional Services	\$ 30,000.00
	Total	\$ 30,000.00

Request: Bank Fees

Source:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
55.3870 55R	Pressurized Irrigation Surplus	\$ 11,000.00
	Total	<u>\$ 11,000.00</u>

Use:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
55.4054 55E	Bank Fees	\$ 11,000.00
	Total	<u>\$ 11,000.00</u>

Request: 2024 Pressurized Irrigation Revenue Bond Issuance Costs

Source:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
55.3870 55r	Pressurized Irrigation Surplus	\$ 36,000.00
	Total	<u>\$ 36,000.00</u>

Use:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
55.4725 55e	Paying Agent Fees	\$ 36,000.00
	Total	<u>\$ 36,000.00</u>

SEWER FUND CAPITAL IMPROVEMENT FUND (67)

Request: Sewer Line Extension and Upsize

Source:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67.3870 67R	Sewer Capital Fund Surplus	\$ 110,500.00
	Total	<u>\$ 110,500.00</u>

Use:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67.4073 67E	Improvements Other Than Buildings	\$ 110,500.00
	Total	<u>\$ 110,500.00</u>

STORM WATER CAPITAL IMPROVEMENT FUND (68)**Request: Annual Storm Drain Improvements (D-015)**

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
68.3870	68R	Storm Water Capital Fund Surplus	\$ 19,000.00
			Total
			<u>\$ 19,000.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
68.4073	68E	Improvements Other Than Buildings	\$ 19,000.00
			Total
			<u>\$ 19,000.00</u>

PRESSURIZED IRRIGATION CAPITAL IMPROVEMENT FUND (69)**Request: Cemetery Pump House Upgrade and Relocation**

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
69.3870	69R	Pressurized Irrigation Capital Fund Surplus	\$ 74,500.00
			Total
			<u>\$ 74,500.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
69.4073	69E	Improvements Other Than Buildings	\$ 74,500.00
			Total
			<u>\$ 74,500.00</u>

INTERFUND TRANSFERS**Request: Transfer from Covid-19 Fund (22) to PI Fund (55) to Closeout Covid-19 Fund**

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
22.3870	22R	Covid-19 Fund Surplus	\$ 792,806.00
55.3820	55R	Transfer From Covid-19 Fund	\$ 792,806.00
55.3870	55R	PI Fund Surplus	\$ (792,806.00)
			Total
			<u>\$ 792,806.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
22.4096	22E	Transfer to PI Fund	\$ 792,806.00
			Total
			<u>\$ 792,806.00</u>

Request: Transfer from Class C Road Fund (49) to Capital Improvement Fund (42) for the T-057a East Bypass (Heritage Farms Parkway)

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
49.3870	49R	Class C Road Fund Surplus	\$ 1,673,000.00
42.3910	42R	Transfer From Class C Road Fund	\$ 1,673,000.00
42.3870	42R	Capital Improvement Fund Surplus	\$ (1,673,000.00)
Total			<u>\$ 1,673,000.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
49.4090	49E	Transfer to Capital Improvement Fund	\$ 1,673,000.00
Total			<u>\$ 1,673,000.00</u>

Request: Transfer from General Fund (10) to Airport Special Fund (23) to correct for a prior year Airport Fuel Tax payment

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.3870	10R	General Fund Surplus	\$ 10,500.00
21.3860	21R	Transfer From Other Funds	\$ 10,500.00
21.3870	21R	Airport Fund Surplus	\$ (10,500.00)
Total			<u>\$ 10,500.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.7030	10E	Transfer to Airport Fund	\$ 10,500.00
Total			<u>\$ 10,500.00</u>

Request: Transfer from General Fund (10) to Capital Improvement Fund (42) for Council approved project P-091 Cove Park Bridge and Trail Connection

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.3870	10R	General Fund Surplus	\$ 300,000.00
42.3910	42R	Transfer From the General Fund	300,000.00
42.3870	42R	Fund Surplus	(300,000.00)
Total			<u>\$ 300,000.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.7030	10E	Transfer to Capital Improvement Fund	\$ 300,000.00
Total			<u>\$ 300,000.00</u>

Request: Transfer from General Fund (10) to General Capital Improvement Fund (42) for Railroad Study

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.3870	10R	General Fund Surplus	\$ 20,700.00
42.3910	42R	Transfer From the General Fund	20,700.00
42.3870	42R	Fund Surplus	\$ (20,700.00)
Total			<u>\$ 20,700.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
10.7030	10E	Transfer to Capital Improvement Fund	\$ 20,700.00
Total			<u>\$ 20,700.00</u>

Request: Transfer from TAP Fund (23) to Capital Improvement Fund (42) for Main Street Band Shell

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
23.3870	23R	TAP Fund Surplus	\$ 300,000.00
42.3910	42R	Transfer From TAP Tax	300,000.00
42.3870	42R	Capital Fund Surplus	(300,000.00)
Total			<u>\$ 300,000.00</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
23.4090	23E	Transfer to Capital Improvement Fund	\$ 300,000.00
Total			<u>\$ 300,000.00</u>

Request: Transfer from Sewer Fund (55) to Storm Water (54) for Canal Cleaning Budget Reallocation

Source:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
54.3620	54r	Transfer from Sewer	\$ 42,000.00
52.4031	52E	Professional Services	(42,000.00)
Total			<u>\$ -</u>

Use:

<u>Account Number</u>		<u>Account Name</u>	<u>Amount</u>
52.4090	52E	Transfer to Storm Water	\$ 42,000.00
54.4031	54E	Professional Services	42,000.00
Total			<u>\$ 84,000.00</u>

**Fund Balance Review for FY 2025: Final Budget Amendment
(Based on Budgeted Amounts)**

	FY 2025 Beginning Fund Balance	Total Budgeted Revenue	Revenue Adjustments	Total Budgeted Expenses	Proposed Amendment	FY 2025 Estimated Ending Fund Balance
General Fund (10)	7,058,448.00	15,095,238.00	796,814.00	15,762,771.00	2,667,914.00	5,519,815.00
Covid 19 Fund (22)	792,806.00	-	-	-	792,806.00	-
TAP Tax Fund (23)	444,937.00	600,000.00	-	622,500.00	311,000.00	111,437.00
Airport Capital Fund (41)	560.00	1,720,603.00	5,335,600.00	1,718,640.00	5,500,000.00	(161,877.00)
General Capital Fund (42)	3,335,905.25	1,451,000.00	2,977,700.00	6,085,300.00	684,000.00	995,305.25
Transportation Tax (48)	3,942,242.00	2,185,000.00	-	3,548,392.00	374,500.00	2,204,350.00
Class C Road Fund (49)	3,076,695.00	1,000,000.00	-	816,000.00	1,673,000.00	1,587,695.00
Culinary Water (51)	764,745.00	4,128,200.00	-	4,475,430.00	124,000.00	293,515.00
Sewer (52)	2,513,923.00	5,458,900.00	-	4,524,547.00	73,000.00	3,375,276.00
Storm Water (54)	502,768.00	1,096,300.00	-	1,164,708.00	68,000.00	366,360.00
Pressurized Irrigation (55)	(112,887.00)	4,353,000.00	792,806.00	4,242,204.00	77,000.00	713,715.00
Sewer Capital (67)	7,770,588.00	5,900,000.00	-	10,964,298.00	110,500.00	2,595,790.00
Storm Capital (68)	66,567.00	265,000.00	-	294,200.00	19,000.00	18,367.00
PI Capital (69)	2,738,728.00	4,713,000.00	-	7,288,793.00	74,500.00	88,435.00
Internal Service (61)	728,377.00	1,898,480.00	275,000.00	2,399,995.00	343,775.00	158,087.00

Note: Total Budgeted Revenue does not include the use of Fund Surplus

Heber City Corporation
FY 2025 Amended Interfund Transfers

Interfund Transfer Schedule			
	Description	Transfer From	Transfer To
General Fund (10)	Reclass PY Fuel Tax Revenue	10,500	
Airport Special Revenue Fund (21)			10,500
General Fund (10)	Cove Park Bridge	300,000	
Capital Improvement Fund (42)			300,000
General Fund (10)	Railroad Study	20,700	
Capital Improvement Fund (42)			20,700
General Fund (10)	Cemetery Dirt Hall Off	28,000	
Capital Improvement Fund (42)			28,000
General Fund (10)	TVT HVAC Installation	90,000	
Capital Improvement Fund (42)			90,000
General Fund (10)	2nd Columbarium and Other Charges	566,000	
Capital Improvement Fund (42)			566,000
ARPA Fund (22)	ARPA Fund Closeout	792,806	
Pressurized Irrigation Fund (55)			792,806
TAP Tax Fund (23)	Main Street Band Shell	300,000	
Capital Improvement Fund (42)			300,000
Class C Road Funds (49)	Heritage Farms Parkway	1,673,000	
Capital Improvement Fund (42)			1,673,000
Total Transfers		3,781,006	3,781,006

Heber City Corporation
FY 2025 Amended Interfund Transfers

Transfer Summary		
	Transfer From	Transfer To
General Fund (10)	1,015,200	
ARPA Fund (22)	792,806	
TAP Tax Fund (23)	300,000	
Class C Road Funds (49)	1,673,000	
Capital Improvement Fund (42)		2,977,700
Airport Special Revenue Fund		10,500
Pressurized Irrigation Fund (55)		792,806
 Total Transfers	 3,781,006	 3,781,006

HEBER CITY BUDGET AMENDMENT REQUEST FORM

Date of Request:

Department:

Requested By:

1. Amendment Summary

Project Title/ O&M Category:

GL Account:

Original Budget Allocation:

\$

Amount of Requested Amendment:

\$

Reason for Amendment:

(Briefly describe the reason for the amendment, the change in circumstances, or new information that has prompted this request.)

2. Financial Impact

Funding Source(s):

(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

3. Project Impact

Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

How will this amendment impact service delivery or project outcomes?

(Provide details on how the requested amendment will affect services or the community, including benefits or challenges.)

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Department:

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(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

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No

N/A

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- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

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Yes

No

N/A

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Department:

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Project Title/ O&M Category:

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Amount of Requested Amendment:

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2. Financial Impact

Funding Source(s):

(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

3. Project Impact

Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

How will this amendment impact service delivery or project outcomes?

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Date of Request:

Department:

Requested By:

1. Amendment Summary

Project Title/ O&M Category:

GL Account:

Original Budget Allocation:

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Amount of Requested Amendment:

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Reason for Amendment:

(Briefly describe the reason for the amendment, the change in circumstances, or new information that has prompted this request.)

2. Financial Impact

Funding Source(s):

(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

3. Project Impact

Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

How will this amendment impact service delivery or project outcomes?

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HEBER CITY BUDGET AMENDMENT REQUEST FORM

Date of Request:

Department:

Requested By:

1. Amendment Summary

Project Title/ O&M Category:

GL Account:

Original Budget Allocation:

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Amount of Requested Amendment:

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Reason for Amendment:

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2. Financial Impact

Funding Source(s):

(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

3. Project Impact

Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

How will this amendment impact service delivery or project outcomes?

(Provide details on how the requested amendment will affect services or the community, including benefits or challenges.)

HEBER CITY BUDGET AMENDMENT REQUEST FORM

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Department:

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1. Amendment Summary

Project Title/ O&M Category:

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(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

3. Project Impact

Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

How will this amendment impact service delivery or project outcomes?

(Provide details on how the requested amendment will affect services or the community, including benefits or challenges.)

HEBER CITY BUDGET AMENDMENT REQUEST FORM

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Department:

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Project Title/ O&M Category:

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(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

3. Project Impact

Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

How will this amendment impact service delivery or project outcomes?

(Provide details on how the requested amendment will affect services or the community, including benefits or challenges.)



Heber City Council Staff Report

MEETING DATE: 6/3/2025

SUBJECT: Authorization to Commence work on HVAC replacement for Heber City Social Hall (TVT Building)

RESPONSIBLE: Matt Brower

DEPARTMENT: Administrative

STRATEGIC RELEVANCE: Necessary Administrative Item

SUMMARY

The heating and air conditioning system in the Social Hall building has come to the end of its useful life. Steve Simpson, our facilities maintenance manager, is indicating the system was installed sometime in the 1980's, is on the fritz and parts are no longer available. Trudi Harter, Executive Director of TVT, has requested the City, as the landlord of the building, replace the system before summer heat arrives, as TVT has numerous rehearsals and several shows in the building this summer and the building gets extremely warm and can cause health concerns for occupants.

Staff has received three (3) quotes to replace the heating and air conditioning system. The cheapest quote is \$84,041.00 from Clyde HVAC LLC. Staff intends to use an exemption included in section 3.14.060 of the City's procurement policy to exempt the purchase of the new HVAC system from a formal bidding process, which would likely take 60 plus days to complete.

The question at hand is whether the Council is willing to allow work to replace the TVT HVAC system to commence immediately and to include this unanticipated cost in the year-end budget amendment that will come before you on June 17th.

RECOMMENDATION

Consent to allowing work to replace the HVAC system to commence immediately and include the cost in the year-end FY '25 budget amendment.

BACKGROUND

The heating and air conditioning system in the Social Hall building has come to the end of its useful life. Steve Simpson, our facilities' maintenance manager, is indicating the system was installed

sometime in the 1980's, is on the fritz and parts are no longer available. Trudi Harter, Executive Director of TVT, has requested the City, as the landlord of the building, replace the system before summer heat arrives, as TVT has numerous rehearsals and several shows in the building this summer and the building gets extremely warm and can cause health concerns for occupants.

Three informal quotes have been received for replacing the HVAC system. The quotes are attached to this staff report. The City Manager intends to utilize an exemption found in section 3.14.060 of the City's procurement policy to utilize the low informal quote for completing the work. The criteria for exempting this purchase from formal bidding is found in subsection C: "Emergency contracts which require prompt execution of the contract because of an imminent threat to the safety or welfare of the public, or public or private property; circumstances which place the city or its officers and agents in a position of serious legal liability; or circumstances which are likely to cause the city to suffer financial harm or loss, the gravity of which clearly outweighs the benefits of competitive bidding in the usual manner." Due to

DISCUSSION

The Social Hall HVAC system is nearly 40 years old and in need of immediate replacement. The temperatures in the Hall can get extremely warm during the summer months. Without the new HVAC system, summer programming may have to be scaled back considerably or potentially eliminated.

FISCAL IMPACT

Low quote total was in the amount of \$84,041.00. This bid was submitted by Clyded HVAC LLC.

CONCLUSION

Heber City is the owner and leaser of the Social Hall building. TVT is the current tenant. The building's HVAC system is old, unreliable and in need of replacement. Informal quotes were solicited with the low quote summing to \$84,041.00. Staff intends to use an exemption included in section 3.14.060 of the City's procurement policy to exempt the purchase of the new HVAC system from a formal bidding process, which would likely take 60 plus days to complete. TVT has intensive summer programming and a new HVAC system is critical for continuing the summer programming and minimizing health issues due to over heating.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the **item** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the **item** as amended, as follows.

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the **item** with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member:

EXHIBITS

1. Est_1243_from_Clyde_HVAC_LLC_25976
2. K and D Mechanical Bid for theatre
3. Authority bid for Theatre

HEBER CITY BUDGET AMENDMENT REQUEST FORM

Date of Request:

Department:

Requested By:

1. Amendment Summary

Project Title/ O&M Category:

GL Account:

Original Budget Allocation:

\$

Amount of Requested Amendment:

\$

Reason for Amendment:

(Briefly describe the reason for the amendment, the change in circumstances, or new information that has prompted this request.)

2. Financial Impact

Funding Source(s):

(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

3. Project Impact

Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

How will this amendment impact service delivery or project outcomes?

(Provide details on how the requested amendment will affect services or the community, including benefits or challenges.)

HEBER CITY BUDGET AMENDMENT REQUEST FORM

Date of Request:

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- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

3. Project Impact

Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

How will this amendment impact service delivery or project outcomes?

(Provide details on how the requested amendment will affect services or the community, including benefits or challenges.)

4. Approval

Requested by (Department Head Signature):

Date:

Reviewed by Finance Director:

Date:

Reviewed by City Manager:

Date:

Notes and Attachments

(Please attach any additional documentation, including cost estimates, contracts, or other relevant materials.)

HEBER CITY BUDGET AMENDMENT REQUEST FORM

Date of Request:

Department:

Requested By:

1. Amendment Summary

Project Title/ O&M Category:

GL Account:

Original Budget Allocation:

\$

Amount of Requested Amendment:

\$

Reason for Amendment:

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(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

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Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

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HEBER CITY BUDGET AMENDMENT REQUEST FORM

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Department:

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Project Title/ O&M Category:

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\$

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Funding Source(s):

(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

3. Project Impact

Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

How will this amendment impact service delivery or project outcomes?

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HEBER CITY BUDGET AMENDMENT REQUEST FORM

Date of Request:

Department:

Requested By:

1. Amendment Summary

Project Title/ O&M Category:

GL Account:

Original Budget Allocation:

\$

Amount of Requested Amendment:

\$

Reason for Amendment:

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Funding Source(s):

(Check all that apply)

- General Fund Surplus
- Additional Revenue
- Grants
- Capitol Projects Fund
- Special Revenue Fund
- Other:

Justification for Funding Source(s):

Will this amendment affect future budgets?

Yes

No

If yes, Please explain:

3. Project Impact

Is this amendment essential for the continued operation of the project or services?

Yes

No

N/A

How will this amendment impact service delivery or project outcomes?

(Provide details on how the requested amendment will affect services or the community, including benefits or challenges.)

HEBER CITY BUDGET AMENDMENT REQUEST FORM

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Department:

Requested By:

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GL Account:

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JOHNSON CONTROLS
Building Efficiency
Federal ID 39-0380010

ORIGINAL INVOICE

Invoice #:	1-135815362201	Invoice Date:	05/28/2025
PO #/Auth:		Service Request:	1-135194059906
Customer WO#:		SR Type:	L&M
Customer Acct:	3439243	Branch Name:	JOHNSON CONTROLS SALT LAKE CITY UT CB - 0N55

Bill To:
 HEBER CITY PUBLIC SAFETY
 301 S MAIN ST
 HEBER UT 84032

Service Site:
 HEBER CITY PUBLIC SAFETY
 301 S MAIN ST ,
 HEBER CITY UT 84032

Contractor/License Information :

Requested By: Steve Simpson
Phone: 4356711938

Service Requested: Poor cooling on Systems 1 & 2 & MAU not running

Service Provided: Arrived on site and met with Steve to begin work on HP-1. An investigation revealed the system was low on charge. Conducted a visual inspection for signs of a leak but found none. Planned to return with nitrogen to locate the leak and create a complete LATS file, as the existing file is incorrect. It is possible that the system is not low and that additional charge is needed from the previous system swap. HP-2 was operating effectively.

Proceeding to the MAU-1 unit, identified that it was short cycling on the burner. Inspected the belt and found it stretched; replaced it with a backup available on-site. Managed to run the system for approximately 10 minutes before it shut down without errors, with all safety mechanisms functioning properly and gas pressure confirmed as correct. A potential controls issue was noted, and a controls technician will be brought in to verify the setup. Communicated findings to Steve and developed a plan to return early next week. Arrived on site, Steve let me know that all the system were not maintaining temp when the Outdoor temps drop below 20. Degrees they struggle. Hp-3 was running hard but otherwise looked good. Hp-2 and Hp-1 looked low on charge I added 12lbs to Hp-2 and 13lbs to Hp-1. Both units looked way better. Will need to come back to do leak. Checks. On both system. Picked up supplies for project. Helped Garret figure out and adjust the temperature set point and then prove that it was operating correctly. Arrived on site and accessed the police station janitor closet where the MAU controller is located. Met with James to review system parameters. Inspected the unit and identified a broken belt. Replaced the broken belt with a new one. Verified that the unit was operating properly after the repair. Proceeded outside to the units and connected diagnostic equipment to HP-3 for further assessment. I did a full building and ODU reset after that I plugged into each unit one at a time and ran a refrigerant check. I found no issues. I verified they were all updated. Everything was looking good verified that the MAU was not in error and still working. Job complete Thank you for your business.

Qty	Description	UOM	Unit Price	Sub Total	Tax	Net Price
	Labor					
5	05/21/2025 Regular Mechanical Heavy	Hour	\$140.00	\$700.00	\$0.00	\$700.00
1.5	05/21/2025 Regular Controls	Hour	\$145.00	\$217.50	\$0.00	\$217.50
1	02/18/2025 Regular Mechanical Heavy	Hour	\$140.00	\$140.00	\$0.00	\$140.00
1.5	02/14/2025 Regular Mechanical Heavy	Hour	\$140.00	\$210.00	\$0.00	\$210.00



JOHNSON CONTROLS
Building Efficiency
Federal ID 39-0380010

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PO #/Auth: **Service Request:** 1-135194059906
Customer WO#: **SR Type:** L&M
Customer Acct: 3439243 **Branch Name:** JOHNSON CONTROLS SALT LAKE CITY UT CB - 0N55

1	02/14/2025 Overtime Mechanical Heavy	Hour	\$210.00	\$210.00	\$0.00	\$210.00
6.5	02/06/2025 Regular Mechanical Heavy	Hour	\$140.00	\$910.00	\$0.00	\$910.00
Sub-Total				\$2,387.50	\$0.00	\$2,387.50
Materials						
2	1/4 Sae 3 Cu In Male X F	Each	\$54.16	\$108.32	\$0.00	\$108.32
1	1 Qt Gas Leak Detector F	Each	\$77.17	\$77.17	\$0.00	\$77.17
1	80 Lb Capacity Recovery	Each	\$909.54	\$909.54	\$0.00	\$909.54
6	S 125 Cu Ft Nitrogen Con	Each	\$148.66	\$891.96	\$0.00	\$891.96
5	1/4 Female Flare X 3/8 M	Each	\$22.36	\$111.80	\$0.00	\$111.80
5	Gasket For 3/4 Fpt Drum	Each	\$3.93	\$19.65	\$0.00	\$19.65
1	3/8 In Male Flare Refrig	Each	\$28.76	\$28.76	\$0.00	\$28.76
25	R-410A R-410A HFC Refrigerant	Pound	\$43.20	\$1,080.00	\$0.00	\$1,080.00
Sub-Total				\$3,227.20	\$0.00	\$3,227.20
Fees						
5	Trip Charge	Each	\$20.00	\$100.00	\$0.00	\$100.00
Sub-Total				\$100.00	\$0.00	\$100.00
Invoice Sub-Total						\$5,714.70
Sales Tax						\$0.00
Total Due					USD	\$5,714.70

Direct Billing Inquiries: (866) 468-1486

Terms: Unless otherwise agreed in the contract between Johnson Controls and Customer, payment shall be due full upon receipt, and interest shall be due at a rate of 1.5% per month (18% annually) on invoices not timely paid along with any other recoverable costs of collection.

Disposable, Environmental & Usage (DEU) fee listed on this invoice may include charges for one or more of the following miscellaneous: Electrical, pneumatic, welding supplies, hardware materials, cleaning supplies, or refrigerant reclaim disposal. A lump sum charge was applied rather than itemizing usage.

We hereby certify that these goods are produced in compliance with all applicable requirements of sections 6, 7 and 12 of the Fair Labor Standards Act of 1938, as amended, and of regulations and orders of the Administrator of the Wage and Hour Division issued under section 14 thereof.



JOHNSON CONTROLS
Building Efficiency
Federal ID 39-0380010

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Customer Acct:	3439243	Branch Name:	JOHNSON CONTROLS SALT LAKE CITY UT CB - 0N55

Please reference our Invoice Number and amount with your payment and send ONLY to the address on this invoice.

Payment Terms: NET 30
Direct Billing Inquiries: (866) 468-1486

Remit Payment To:
 JOHNSON CONTROLS
 PO BOX 730068
 DALLAS, TX, 75373-0068

To Remit Via Credit Card:

Due to increasing credit card processing costs, we impose a surcharge* on the total transaction amount on credit card transactions of 2.6%, which is not greater than our credit card processing fee. We do not surcharge debit cards.

*Due to statutory restrictions, we do not impose a surcharge on customers located in Connecticut, Maine, Massachusetts, New York or Colorado.

To Remit Via ACH Wire Transfers:

JP Morgan Chase
 One Chase Manhattan Plaza
 New York, NY 10005
 Credit to: Johnson Controls Inc.
 ABA# 071-000013 Depositor Acct #55-14347
 Type of Account: Checking
 co-cashappusa@jci.com

INVOICE#: 1-135815362201
AMOUNT DUE: USD \$5,714.70

HEBER CITY BUDGET AMENDMENT REQUEST FORM

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- Other:

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Yes

No

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Is this amendment essential for the continued operation of the project or services?

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Midway Police Services

5611 SALARIES AND WAGES	5611	70,000.00
5612 OVERTIME	5612	83,000.00
5613 EMPLOYEE BENEFITS	5613	67,000.00
5614 UNIFORM ALLOWANCE	5614	1,500.00
5617 FICA AND MEDICARE	5617	11,500.00
5624 OFFICE SUPPLIES & SPECIAL SUPPLIES	5624	900.00
5625 EQUIP. SUPPLIES & MAINTENANCE	5625	2,700.00
5626 FIREARMS	5626	5,500.00
5636 EDUCATION	5636	1,000.00
5651 INSURANCE	5651	1,500.00
5674 EQUIPMENT	5674	28,000.00
5676 INTERNAL SERVICE CHARGE - FLEET	5676	72,000.00

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The wage request of \$260,000 includes retirement payouts over \$70K and full implementation of step increases during the year. Additionally, at the Council's request, the department added crossing guards. This cost is offset with \$9,000 from the school district to cover the crossing guards and SRO revenue that came in over budget.

The benefit request of \$230,00 is, in part, due to the retirement. Finance is reviewing the ClearGov model to ensure that rates are setup appropriately.

Staying within budget on this item was unlikely, as many OT hours are beyond PD's control. In FY24, OT totaled \$261K; in FY25, it rose to \$320K. OT includes mandatory holiday pay. Most OT is tied to training, special events (Fair Days, Market on Main, Charleston shifts), grant work, and report writing. We project Interagency revenue, which covers certain OT to be \$80K, \$30K over budget. When factoring in revenue, net OT cost is likely lower than the past two years.

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Exhibit A

Consolidated Fee Schedule

2025 - 2026 Fiscal Year

Administrative Fees.....2

Airport Fees.....3

Animal Services Fees.....4

Building Fees.....5

Business License Fees.....6-8

Cemetery Fees.....9-11

Elections Fees.....12

Engineering Fees.....13

Public Works Service Fees.....14-15

Franchise Tax.....16

Impact Fees.....17-18

Pressurized Irrigation Fees.....19

Planning Fees.....20

Police Fees.....21

Storm Water Fees22

Water/Sewer Fees.....23-24

ADMINISTRATIVE FEES

SERVICE	FEE
Copies	
Black and White	\$0.20 per sheet
Color	\$0.30 per sheet
Garden Plots	
Large, 12' x 24'	\$50.00 (\$10 refundable)
Medium, 12' x 11'	\$35.00 (\$10 refundable)
Small, 12' x 6'	\$20.00 (\$10 refundable)
Non-Resident Fee	\$25.00
Returning User Fee	\$10.00
Low-Income Discount	\$10.00
Park Reservations	\$30.00 (\$50.00 cleaning deposit required)
Return Check Fee	\$20.00
Title 17	\$5.00
Title 18	\$10.00
GRAMA Request	Actual Wage & Benefit Costs
Service Charge for Credit Cards	3% of amount charged on debit or credit Effective 02/01/2021
Convenience Fee	\$3.00 per transaction taken over the phone Effective 02/01/2021

AIRPORT FEES

SERVICE	FEE
Aviation Trailers, i.e. Glider Trailers	\$60.00 per year Effective 01/01/2021
Airport Hangar Ground Lease – Lease Entered Into After Feb. 2015	\$0.42 per sq. ft. with Annual Mountain Plains CPI Increase
Landing Fees (Transient Aircraft)* = to & > than 8,000 lbs. MTOW	\$4.00 per 1,000 lbs. MTOW equal to and greater than 8,000 lbs. Effective 04/02/2024
Landing Fees (Transient Aircraft)* <8,000 lbs. MTOW	\$4.00
Proximity Gate Access Card	\$0.00 - Hanger owners - (Additional requested access \$40/yr, i.e. employees) \$40.00/yr - Subtenants & Non-Hanger Owners (i.e. glider pilots, balloon pilots, etc.) \$20.00 - Short-term access (i.e. contractors, air attack crews, etc.) \$60.00 - Lost gate card/replacement (Registered based aircraft 1/2 off) Effective 01/01/2021
Special Service Operator Fee (Gross Sales)	1% Gross Income Effective 01/01/2021

*An aircraft that is not owned by a person having a lease of license agreement with the City is considered a transient aircraft.

ANIMAL SERVICES FEES

SERVICE	FEE
License (not sterilized)	\$40.00 <u>\$46.00</u>
License (spayed or neutered)	\$20.00
Life Time License (not sterilized)	\$60.00
Life Time License (spayed or neutered)	\$40.00
Rabies Verification (every three years from verification)	\$5.00
Impound Fee	
First Impound Fee	\$30.00
Second Impound Fee	\$50.00
Third Impound Fee	\$80.00
Daily Charge	\$10.00
Adoption Fee	
Dogs	\$50.00
Sterilized Dogs	\$30.00
Pups	\$30.00
Cats	\$30.00
Sterilized Cats	\$15.00
Relinquish Fee	
Dogs	\$50.00
Pups	\$20.00
Cats	\$25.00
Kittens	\$10.00
Livestock Pick Up	\$25.00 per head
Livestock Impound	\$30.00 per head/day

ANIMAL SERVICES FINES

<u>VIOLATION</u>	<u>FINE</u>
<u>Cat at Large Ord. 6.19.020</u>	<u>\$46.00</u>
<u>Dog at Large Ord. 6.19.010(A)</u>	<u>\$46.00</u>
<u>Aggressive Dog at Large Ord. 6.18.090(D)</u>	<u>\$150.00</u>
<u>Dog Fighting Ord. 6.19.030(F)</u>	<u>\$300.00</u>
<u>Public Nuisance Animals Ord. 6.18.040</u>	<u>\$140.00</u>
<u>Cruelty to Animals Ord. 6.18.110</u>	<u>\$225.00</u>
<u>More Than Three Animals Ord. 6.18.140</u>	<u>\$100.00</u>
<u>Dog Attacks (Animal Offence) Ord. 6.19.010(C)</u>	<u>\$300.00</u>
<u>Possession of Vicious Dog Ord. 6.19.010(D)</u>	<u>\$50</u>
<u>Possession of Vicious Animal Ord. 6.18.080</u>	<u>\$300.00</u>
<u>Dog in Prohibited Place Ord. 6.21.010</u>	<u>\$46.00</u>

BUILDING FEES

SERVICE	FEE
Plan Review	40% of building permit fee on Commercial; 25% of building permit fee on residential.
Minimum for all projects	\$60.00
Manufactured Homes Inspection (set up, in established parks)	\$100.00
Temporary Power Pedestal Inspection	\$60.00
Electrical Service Change-Out Inspection	\$60.00
Gas Line Inspection	\$60.00
Other (Electrical, Building, Mechanical, and Plumbing)	\$60.00
Plan Review	
Decks and Basements	25% of building permit fee
Detached garage/buildings under 1,000 sq. ft.	25% of building permit fee
Detached garage/buildings over 1,000 sq. ft.	25% of building permit fee
Third party examination (base on request for quick review)	64% of building permit fee or actual cost of review
Plans reviewed by City Staff	25% of building permit fee
Re-inspection Fee	\$60.00
Miscellaneous Permits	\$60.00
Building Permit	The Building Fee valuation figures, as listed in the BU

Double fees for buildings or installation without Plan Review and Permit.

Building Permit. The Building Fee valuation figures, as listed in the Building Safety Journal published by the ICC (International Code Council) and updated on a biannual basis are hereby adopted to be included in the Heber City Consolidated Fee Schedule and are subject to update on a biannual basis on the tables and formulas of the ICC.

BUSINESS LICENSE FEES

SERVICE	FEE
Processing Fee	\$50.00
Home Occupation Processing Fee	\$30.00 <u>30.75</u> w/out impact (Must have approval letter from City)
Commercial License Processing Fee	\$50.00 <u>51.50</u>
Duplicate/Replacement License	\$10.00 <u>10.25</u>
Automotive Service and Repair	\$125.00 <u>128.50</u>
Assisted Living/Care Centers	\$65.00 <u>66.75</u> \$4. 25 <u>00</u> per unit
Banks	\$250.00 <u>257.00</u>
Big Box	\$2,000 <u>2,056.00</u>
Convenience Store	
With Gas – Open 24 hours	\$800.00 <u>822.50</u>
With Gas – Not open 24 hours	\$500.00 <u>514.00</u>
Department Store	\$500.00 <u>514.00</u>
Entertainment	\$110.00 <u>113.00</u>
Heber Market on Main	
Full season with electricity (one outlet)	\$200.00 <u>205.50</u>
Full season without electricity	\$150.00 <u>154.25</u>
Extra electricity (per outlet)	\$25.00 <u>25.75</u>
Nonprofit, informational	\$150.00 <u>154.25</u>
Full season food trucks	\$300.00 <u>308.50</u>
Film Events	
Large	\$250.00 <u>257.00</u>
Small	\$150.00 <u>154.25</u>
Student	\$0.00
Fireworks	\$295.00 <u>303.25</u>
Food Truck/Motorized Street Vendor	\$120.00 <u>123.25</u>
General Services – (Business & Professional, Personal, Construction & Contracted Services)	\$65.00 <u>66.75</u>
Home Occupation	\$50.00 <u>51.50</u>

Home Occupation No Impact (Must have approval letter from City) <ul style="list-style-type: none"> - Shall be entirely conducted in the home - Shall not involve retail sales - Does not require signage - Does not involve customers or employees visiting the home - There will be no evidence from the exterior of the home that a business is being conducted - No specialty vehicles associated with the business such as dump trucks, tractors, skid steers, tractor trailers, boom trucks, tank trucks, backhoes, pump trucks, or other similar vehicles will be parked or stored at the home 	\$0.00
Large Grocery with Gas	
With Gas	\$2,000.00 <u>2,056.00</u>
Without Gas	\$1,000.00 <u>1,028.00</u>
Hotel/Motel	\$65.00 <u>66.75</u> + \$9.00 <u>9.25</u> per room
Extended Stay Motel	\$66.75 <u>66.00</u> + \$52.00 <u>53.50</u> per room
Manufacturing	\$65.00 <u>66.75</u>
Mobile Home Park	\$66.75 <u>65.00</u> + \$59.50 <u>58.00</u> per unit
Motorized Street Vendors	\$120.00 <u>123.25</u>
Nightly Rental	\$66.75 <u>65.00</u> plus \$13.00 <u>13.25</u> per room Effective upon adoption
Non-Depository Credit intermediation/ Pawn Brokers	\$225.00 <u>231.25</u>
Non-Profit Special Events	\$25.00 <u>25.75</u>
Restaurants	\$340.00 <u>349.50</u>
Seasonal	\$95.00 <u>97.75</u>
Sexually Oriented Business	\$900.00 <u>925.25</u>
Social Club	\$300.00 <u>308.50</u>
Special Events	
Large	\$325.00 <u>334.00</u>
Small	\$35.00 <u>36.00</u>
Specialty Foods	\$100.00 <u>102.75</u>
Sales/Rental/Wholesale	\$110.00 <u>113.00</u>
Solicitor	\$150.00 <u>154.25</u>
Solicitor Replacement Badge	\$15.00 <u>15.50</u>
Storage Units	\$65.00 <u>66.75</u>
Tobacco Store	\$1,000.00 <u>1,028.00</u>
Temporary	\$45.00 <u>46.25</u> + \$10.00 <u>10.25</u> per day
Transportation	\$65.00 <u>66.75</u>
Special Event (per vendor)	\$25.00 <u>25.75</u>
Class A Restaurant Alcohol License	\$260.00 <u>267.25</u>
Class B Package Alcohol License	\$100.00 <u>102.75</u>

Class C Tavern Alcohol License	\$260.00 <u>267.25</u>
Class D Bowling Alley Alcohol License	\$260.00 <u>267.25</u>
Temporary/ Single Event Alcohol License	\$50.00 <u>51.50</u>
1st Late Fee Assessed February 1st	25% of business license fee Business license process is required in addition to paying for a new license
2nd Late Fee Assessed March 1st	50% of business license fee. Business license process is required in addition to paying for a new license.
Administrative Citation may be issued on April 5th	Applicable charge as defined on Code Enforcement citation

Note: If a business license fits within 2 or more fee categories, the total business license fee will be the sum of each fee category.

CEMETERY FEES

SERVICE	FEE
Grave Purchase "Value"	
Resident	\$1,200.00 Effective 02/01/2021
Non-Resident	\$1,800.00 Effective 02/01/2021
Grave Purchase "Standard"	
Resident	\$1,400.00
Non-Resident	\$2,600.00
Grave Purchase "Premium"	
Resident	\$1,800.00 Effective 02/01/2021
Non-Resident	\$3,400.00 Effective 02/01/2021
Infant Grave – Infant Section Only	
Resident	\$175.00 Effective 07/01/2022
Non-Resident	\$300.00 Effective 07/01/2022
Opening/Closing (Weekdays)	
Resident	\$650.00
Non-Resident	\$850.00
Opening/Closing (Weekends)	
Resident	\$1,100.00
Non-Resident	\$1,300.00
Infant/Cremains Opening/Closing (Weekdays)	
Resident	\$350.00
Non-Resident	\$450.00
Infant/Cremains Opening/Closing (Weekends)	
Resident	\$800.00
Non-Resident	\$900.00
Disinterment	
Full Body	\$2,500.00 Effective 07/01/2022

Infant	\$1,000.00 Effective 07/01/2022
Cremins	\$500.00 Effective 07/01/2022
Niche	\$500.00 Effective 07/01/2022
Transfer Fee – Per Lot	\$200.00
Overtime Fee – Per ½ hour Any service arriving 3:30 pm or later = OT charge	\$100.00 Effective 07/01/2022
Quick Claim Deeds (per transfer)	\$200.00
Headstone Inspection Fee	\$25.00
Headstone Removal Fee*	
Flat or Wedge	\$200.00
Upright	\$400.00
Cremation Niche	
Rows A & B (top two rows) Resident	\$1,430.00 Effective 07/01/2022
Rows A & B (top two rows) Non-Resident	\$2,360.00 Effective 07/01/2022
Rows C & D (bottom two rows) Resident	\$1,100.00 Effective 07/01/2022
Rows C & D (bottom two rows) Non-Resident	\$1,815.00 Effective 07/01/2022
Opening & Closing (Weekdays)	
Resident	\$200.00 Effective 07/01/2022
Non-resident	\$300.00 Effective 07/01/2022
Opening & Closing (Weekends)	
Resident	\$450.00 Effective 07/01/2022
Non-Resident	\$550.00 Effective 07/01/2022
Columbarium Niche	Effective 09/03/2024

	Resident		Non Resident		Resident Companion		Non-Resident Companion	
	DISCOUNT	Pre-Sale	Price	Pre-Sale	DISCOUNT	Pre-Sale	Price	Pre-Sale
Row A Value	\$1600	\$1280	\$2000	\$1600	\$3200	\$2560	\$4000	\$3200
Row B Value	\$1600	\$1280	\$2000	\$1600	\$3200	\$2560	\$4000	\$3200
Row C Value	\$1600	\$1280	\$2000	\$1600	\$3200	\$2560	\$4000	\$3200
Row D Standard	\$1920	\$1536	\$2400	\$1920	\$3840	\$3072	\$4800	\$3840
Row E Premium	\$2240	\$1792	\$2800	\$2240	\$4480	\$3584	\$5600	\$4480
Row F Premium	\$2240	\$1792	\$2800	\$2240	\$4480	\$3584	\$5600	\$4480
Row G Premium	\$2240	\$1792	\$2800	\$2240	\$4480	\$3584	\$5600	\$4480
Row H Premium	\$2240	\$1792	\$2800	\$2240	\$4480	\$3584	\$5600	\$4480
Row I Premium	\$2240	\$1792	\$2800	\$2240	\$4480	\$3584	\$5600	\$4480
Row J Standard	\$1920	\$1536	\$2400	\$1920	\$3840	\$3072	\$4800	\$3840
Row K Standard	\$1920	\$1536	\$2400	\$1920	\$3840	\$3072	\$4800	\$3840
Row L Standard	\$1920	\$1536	\$2400	\$1920	\$3840	\$3072	\$4800	\$3840

*Large headstones may require removal through an outside contracting company. The fee amount will be determined by the contractor. Heber City and its employees will not be responsible for damage to headstones during the removal of headstones or the opening of graves.

Cemetery Information

- Niche Urns must be 10/5" x10.5 " or smaller.
- Cremations must be in a plastic, metal, or concrete container.
- No burials may be scheduled Friday - Tuesday of Memorial Day Weekend.
- No Sunday burials, unless there is a cultural or religious reason to do so.
- No double burials are allowed unless one or both are a cremation - only one headstone is allowed.
- Graveside services have a 90 minute time limit, after which an overtime fee will apply.
- All services must be completed by 4:00 pm to allow staff to close the grave.
- Upright headstones are only allowed in specific areas.
- Flat headstones must be flush with the ground, wedge stones are considered upright.
- Only those currently living within the Heber City limits are considered City residents.
- Those living in Wasatch County are considered non-residents, and must pay the non-resident rates.
- Headstone Dimensions:
Single grave - 48"x32" Double stone 96" x 32

ELECTIONS FEES

SERVICE	FEE
Declaration of Candidacy	\$50.00

ENGINEERING FEES

SERVICE	FEE
Subdivision Inspection Fee Initial Deposit*	5% to \$200,000.00
	2% next \$800,000.00
	1% above \$1,000,000.00
Standard Specification	\$20.00

*If the inspection costs exceed initial fee deposits listed above, an additional deposit will be required. Applicant is responsible for all inspection fees required for their project.

PUBLIC WORKS SERVICE FEES

SERVICE	FEE
Excavation Fee	
Paved Surfaces > 25 sq. ft.	\$300.00 + \$1.50 per sq. ft. for roads 0-3 years old
Paved Surfaces > 25 sq. ft.	\$300.00 + \$0.25 per sq. ft. for roads over 3 years old
Unpaved Surfaces (lengths less than or equal to 100 ft)	\$50.000
Paved Surfaces < 25 sq. ft.	\$100.00
Specialty Sign: Deaf or Blind Child in Area, etc.	\$500.00
Investigative Water Sample Fee	\$25.00
Banners	
Application	\$25.00
Per Week Displayed on Main Street	\$50.00
Snow Bird Policy Fees	
Base Rates	All Utility Base Rates are charged on residences requesting service shut-off without change of account holder.
Shut-off Service/Turn Service Back On	\$50.00 per time water is turned off or reconnected
Damaged Meter Fee	The full cost of the meter up to \$250.00, material cost and wage cost for replacement based on current rates.
Theft of Service/Accessing Meter Vault Fine	Up to \$500.00 plus the cost of services.
Fire Hydrant Meter Permit	
Deposit	\$4,000.00
Daily Rental Fee	\$10.00
Water Usage Charge	\$0.025 per gallon
Mandatory Minimum Usage Fee	\$25.00
Fats, Oils and Grease (FOG) Inspection Fees	
Three-month compliance inspection	\$100.00
One-Month compliance inspection	\$100.00
Weekly compliance inspection	\$100.00
FOGS Sampling Fees	

BOD (Biological Oxygen Demand)	\$90.00
O&G (Oil & Grease)	\$100.00
TSS (Total Suspended Solids)	\$39.00
COD (Chemical Oxygen Demand)	\$32.00
After hours inspection	\$150 Each call out
Blockage caused by FSE (Food Service Establishments)	
1st Blockage	\$1,000.00
2nd Blockage	\$1,500.00
3rd Blockage	\$2,000.00
Additional Violations	Increased by \$500.00 every additional violation
Violation of FOGS Ordinance 13.08	
1st Violation	Written warning
2 nd Violation	\$1,000.00
3rd Violation	\$1,500.00
Additional Violations	Increased by \$500.00 every additional violation
After hours inspection	\$150.00 Each call out

FRANCHISE TAX

SERVICE	FEE
Cable TV	5%
Telephone	4%
Municipal Energy Tax	6%
Transportation Tax	0.30%
Transient Room Tax	1%

IMPACT FEES

SERVICE	FEE
Parks and Trail (Residential Per Unit)	\$4,462.00 Single Family Dwellings/Residential-ERU \$3,414.00 Multi-Family Dwellings (Including mobile homes)
Streets and Transportation (Residential Per Unit)	
Single Family	\$2,153.00
Multi Family	\$1,252.00
Non Residential Per Trip	\$126.00
Culinary Water	
Residential (ERU) Per Unit	\$2,826.00
Fee Per .75" Meter (30 gpm max flow)	\$2,826.00
Fee Per 1.0" Meter (50 gpm max flow)	\$5,024.00
Fee Per 1.5" Meter (100 gpm max flow)	\$11,304.00
Fee Per 2.0" Meter (160 gpm max flow)	\$20,095.00
Fee Per 3.0" Meter (350 gpm max flow)	\$45,215.00
Fee Per 4.0" Meter (1,000 gpm max flow)	\$80,383.00
Pressurized Irrigation	
Residential Per Unit	\$1,131.00
Non Residential Per Irrigated Square Foot	\$0.16
Sewer (Per ERU)	\$2,207.00
Public Safety	
Single Family Residential Impact Fee (Per Unit):	\$254.00
Multi-Family Residential Impact Fee (Per Unit):	\$214.00
Non-Residential Impact Fee (Per Square Foot):	\$0.59
Total Per ERU (Typical Residential)	\$13,033.00
North Village Facility	
North Village Streets	
Single Family Dwelling Unit	\$3,498.00
Non-Residential Trip Generated	\$371.00
North Village Storm Drain (Per ERU)	

Everything	\$4,605.00
North Village Parks/Trails	
Residential Dwelling Unit	\$4,462.00
Multi Family Dwelling Unit	\$3,414.00
North Village Public Safety	
Single Family Dwelling Unit	\$254.00
Multi Family Dwelling Unit	
Total North Village Per ERS (Typical Resident)	\$12,819.00

Impact Fees are adjusted January 1st of each year based on prior year, December, ENR 20 City Index.

In addition to Heber City’s impact fees, the City also collects a \$4,170.00 per ERU sewer impact fee for the Heber Valley Special Service District.

PRESSURIZED IRRIGATION FEES

SERVICE	FEE
Ditch Irrigation	\$22.07 per share with \$10.00 minimum
Secondary Irrigation – By Lot Size	
Less than 6,000 sq. ft.	\$12.15 <u>12.76</u>
6,000 – 9,999 sq. ft.	\$20.25 <u>21.26</u>
10,000 – 14,999 sq. ft.	\$30.31 <u>31.83</u>
15,000 – 19,999 sq. ft.	\$40.38 <u>42.40</u>
More than 20,000 per IK sq. ft.	\$50.56 <u>53.09</u>
Non-Residential	\$0.01 per sq.ft.
Water Meter Transponder and Installation	
.75" Meter with Transmitter	\$599.37
1.0" Meter with Transmitter	\$699.78
1.5" Meter with Transmitter	\$1,662.49
2.0" Meter with Transmitter	\$3,141.17
3.0" Meter with Transmitter	\$3,709.75
4.0" Meter with Transmitter	\$5,666.12
5.0" Meter with Transmitter	\$8,164.68

PLANNING FEES

APPLICATION TYPE	ADMINISTRATIVE FEE	ESCROW*
Annexations	\$7,000.00	\$3,200.00
MDA Amendments	\$2,000.00	\$600.00
General Plan, Zoning Map Amendment, Zoning Test Amendment, General Plan Amendment, New Zone Adoption	\$3,000.00	\$2,300.00
Road Dedication or Vacation (not including infrastructure review)	\$1,000.00	
Concept (Commercial/Multi-Family)	\$2,500.00	
Site Plan (Commercial/Multi-Family)	\$7,500.00	
Subdivision Concept	\$2,000.00	
Subdivision Preliminary , RV Park Preliminary	\$7,500.00 + \$75.00/Unit	
Subdivision Final, RV Park Final	\$7,500.00 + \$100.00/Unit	
Subdivision Final Plan Renewal	\$2,000.00	
Small Subdivision	\$3,500.00	
Conditional Use	\$1,000.00	
Telecommunication	\$1,500.00	
Plat Amendment	\$2,000.00	
Lot Line Adjustment	\$750.00	
Development Review Meeting (App will not vest a project)	\$1,000.00	
Pre-Application Meeting (App will not vest a project)	\$250.00	
Pre-Development Meeting (App will not vest a project)	\$125.00	
Zoning Certification of Administrative Interpretation	\$75.00	
Sign	\$78.00	
Appeal Authority Application	\$750.00	
Other Applications	\$100.00 + Costs	

*Escrow is intended to cover costs for reviewing an application and will increase if application review costs increase.

Note: If processing, review, or special report review costs exceed application fees; applicant will be required to pay additional costs.

POLICE FEES

SERVICE	FEE
Finger Printing	\$35.00
False Alarms	
First Two	\$0.00
Third	\$50.00
Fourth	\$75.00
Fifth Through Ninth	\$100.00
Tenth and All Subsequent	\$200.00
Police Reports	
Up to 50 pages	\$10.00
51 Pages and Over	\$10.00 + \$0.25 per page after 50 pages
Fax	
First Page	\$2.00
Each Additional Page	\$1.00
Copies	
Black and White	\$0.20 per sheet
Color	\$0.30 per sheet
Notarized Copy	\$5.00 per signature
GRAMA/Discovery Request	Actual Wage & Benefit Cost
Multi Media Copying Fee	\$30.00
Body Camera/Car Camera Fee	\$30.00 per Officer
Body Camera/Car Camera Fee Redacted	\$30.00 Base fee plus actual wage & benefit cost
Sex Offender Registry	\$25.00
Special Events Late Fee*	\$100.00

*Late fee inflicted if special event is not scheduled at least one week in advance.

STORM WATER FEES

SERVICE	FEE
Single-Family Unit	\$16.26 <u>17.56</u>
Multi-Family ≤ 1 Acre	\$16.26 <u>17.56</u>
Multi Family > 1 Acre	\$12.66 <u>13.67</u>
Non – Residential ≤ 1 Acre	\$16.26 <u>17.56</u>
Non – Residential > 1 Acre	\$12.66 <u>13.67</u>
Maximum Fee for Any Parcel	\$134.71 <u>145.49</u> *

*Parcels shall not be combined.

WATER/SEWER FEES

SERVICE	FEES
Residential Water – Base Fee	
.75" Meter	<u>\$29.0332.51</u>
1.0" Meter	<u>\$29.0332.51</u>
Residential Water – Price Per Thousand Gallons	
0 – 7,000	<u>\$1.031.15</u>
7,001 – 12,000	<u>\$1.281.43</u>
12,001 – 19,000	<u>\$1.862.08</u>
19,001 – 35,000	<u>\$2.312.59</u>
35,001 – 70,000	<u>\$2.683.00</u>
70,001 – 999,999,999	<u>\$3.143.52</u>
Commercial Water – Base Fee	
.75" Meter	<u>\$29.0332.51</u>
1.0" Meter	<u>\$29.0332.51</u>
1.5" Meter	<u>\$133.54149.56</u>
2.0" Meter	<u>\$209.04234.12</u>
3.0" Meter	<u>\$487.38545.87</u>
4.0" Meter	<u>\$814.74912.51</u>
6.0" Meter	<u>\$1,502.361,682.64</u>
8.0" Meter	<u>\$2,615.562,929.43</u>
10.0" Meter	<u>\$2,606.822,919.64</u>
Commercial Water – Price Per Thousand Gallons	
0 – 7,000	<u>\$1.151.29</u>
7,001 – 999,999,999	<u>\$2.432.72</u>
Sewer	
Base Rate	<u>\$32.7035.64</u>
HVSSD Fee	\$14.65 per ERU plus \$0.65 per 1,000 gallons of winter water usage
Volume Charge	<u>\$1.862.03</u> per thousand gallons
Late Payment Penalty	5% or \$5.00, whichever is greater
Change of Ownership Fee	\$25.00
Reconnections	
First Time	\$50.00
Subsequent fee if disconnected within 12 months	\$100.00
Water Meter/Transporter and Installation	
.75" Meter with Transmitter	\$599.37
1.0" Meter with Transmitter	\$699.78
1.5" Meter with Transmitter	\$1,662.49
2.0" Meter with Transmitter	\$3,141.17

3.0" Meter with Transmitter	\$3,709.75
4.0" Meter with Transmitter	\$5,666.12
6.0" Meter With Transmitter	\$8,164.68

All fees are one and a half times for non-resident accounts.

Note: If a water meter will be necked down from a 2" to a 1 1/2" or a 1 1/2" down to a 1", an additional fee of \$191.84 will be added.

ORDINANCE NO. 2025-15

AN ORDINANCE AMENDING EXHIBIT "A" (CONSOLIDATED FEE SCHEDULE) ASSOCIATED WITH TITLE 3.15 OF THE HEBER CITY MUNICIPAL CODE, REVENUE AND FINANCE

WHEREAS, the Heber City Council finds it necessary and appropriate to periodically review and update the Consolidated Fee Schedule to ensure that City fees are fair, current, and reflective of the actual cost of providing services, and to maintain fiscal sustainability and service quality;

WHEREAS, a public hearing was duly noticed and held on June 17, 2025, in accordance with Utah State law, to receive public comment on the proposed amendments to the Consolidated Fee Schedule;

BE IT ORDAINED by the City Council of Heber City, Utah, that the Consolidated Fee Schedule in Exhibit A associated with Title 3.15 of the Heber City Municipal Code is amended and adopted as, and pursuant to the attached Exhibit A.

This Ordinance shall take effect on August 1, 2025, unless otherwise specified in the Consolidated Fee Schedule.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of _____ 2025.

	AYE	NAY
Council Member Yvon Barney	_____	_____
Council Member Aaron Cheatwood	_____	_____
Council Member Michael Johnston	_____	_____
Council Member Sid Ostergaard	_____	_____
Council Member D. Scott Phillips	_____	_____

APPROVED:

Mayor Heidi Franco

ATTEST:

RECORDER

Date: _____



Heber City Council Staff Report

MEETING DATE: 6/17/2025
SUBJECT: Public Hearing: Wasatch County Admin Building Annexation Ordinance 2025-19
RESPONSIBLE: Jacob Roberts
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community Development

SUMMARY

Wasatch County is seeking annexation of 20.8 acres of land directly west and north of the current Heber City Municipal Boundary and adjacent to Southfield Park, for the purpose of constructing a new Administration Building for Wasatch County.

Policy Questions

1. Should the City Annex the Wasatch County property?

On January 14th 2025 the Heber City Planning Commission unanimously passed a positive recommendation.

RECOMMENDATION

Staff recommends approval of the proposed annexation based on the findings and conditions outlined below.

BACKGROUND

The Wasatch County property is currently zoned A-20 in Wasatch County, which requires 20 acres per lot. The property does fall within the Annexation Policy Boundary. The county plans to build a new administration building on the site as well as parking that can be utilized by the admin building as well as patrons of Southfield Park. The City Council approved the annexation petition on August 20th, 2024. The property was purchased with corridor preservation funds and the County has worked with UDOT to preserve the needed land to accommodate future bypass routes.

DISCUSSION

General Plan

The General Plan designation for this area is Neighborhoods with Open Space (NOS) and Agricultural Preservation (AP).

Staff Findings: Inconsistent

While the General Plan does not identify this area for government or public facilities, the General Plan does not identify any areas in the city for public facilities. The city can adjust the General Plan if needed. It is also important to note that this annexation will very likely be annexed under the IPF Zone (Institutional and Public Facilities) which is consistent with the zoning of Southfield Park, the County Fair Grounds, Heber City Public works and Heber Light and Power, all located to the east of this specific property.

Zoning

The current zoning in the County is A-20, requiring 20 acres per lot. The proposed zone of IPFZ does not permit residential. The IPFZ is planned for the primary purpose of providing a location where public and community buildings and facilities can be located and promotes the current and future use of such facilities. The Annexation Agreement will determine the zoning.

Future Bypass Road

This property was originally purchased with corridor preservation funds. The county has coordinated with UDOT to ensure that all four of the currently proposed preferred routes are accommodated for. See annexation study provided by Wasatch County for maps and more info.

Process

The Planning Commission is a recommending body. Following a recommendation by the Planning Commission, the City Council will hold a public hearing and make a final decision.

FISCAL IMPACT

N/A

CONCLUSION

Wasatch County is seeking annexation of 20.8 acres of land directly west of Southfield Park, for the purpose of constructing a new administration building at the site. Staff is recommending the Planning Commission forward a positive recommendation to the City Council with the following findings and conditions:

Findings

1. The Annexation is within the Annexation Policy Boundary.
2. The Annexation meets the requirements of Utah State Code.
3. The Annexation is not consistent with the General Plan, but is consistent with the current surrounding zoning.

Conditions

1. Zoning to be IPFZ.
2. An MDA will be adopted alongside the Annexation Agreement.
3. Applicant(s) and any successors shall comply with all City policies, processes, ordinances, standards, and specifications.
4. All Master Planned infrastructure elements on or adjoining the property shall be designed and installed by the applicant.
5. All City Engineer Requirements shall be met prior to any final development plans being approved.
6. All conditions of the comment summary page shall be met.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to adopt Ordinance 2025-19 to **approve The Wasatch County Administration Building Annexation** as presented, with the findings and conditions as presented in the conclusion above.

ACCOUNTABILITY

Department: Planning
Staff member: Jacob Roberts, Planner

EXHIBITS

1. Ord 2025-19 Wasatch County Administration Annexation
2. Wasatch County Admin Building Annexation (June 17th 2025 City Council)
3. Vicinity Map
4. Anexation-Policy-Plan-PDF-MAP
5. Utah State Code Regarding Annexation Acceptance
6. Typical Annexation Process
7. Petition - Received 7.30.2024
8. WCAB Planning Commission Feasibility Report
9. County Development Agreement - 4901-4718-3668 - County edits

ORDINANCE NO. 2025-18

AN ORDINANCE ANNEXING PROPERTY KNOWN AS THE WASATCH COUNTY ADMINISTRATION BUILDING ANNEXATION LOCATED AT APPROXIMATELY 100 S SOUTHFIELD RD, HEBER CITY, WASATCH COUNTY, STATE OF UTAH.

WHEREAS, The Wasatch County Administration Building Annexation is within the Heber City Annexation Policy Plan.

WHEREAS, The Wasatch County Administration Building Annexation furthers the Envision Heber 2050 General Plan, adopted by Heber City.

BE IT ORDAINED by the City Council of Heber City, Utah, that the property known as the Wasatch County Administration Building Annexation, as described in Exhibit A, attached hereto and incorporated herein, is hereby annexed into the City of Heber City and zoned as the IPFZ Institutional & Public Facilities Zone. The agreement outlined in Exhibit B is hereby adopted as part of this ordinance.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of _____ 2025.

	AYE	NAY	ABSENT	ABSTAIN
Yvonne Barney	_____	_____	_____	_____
Aaron Cheatwood	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____
D. Scott Phillips	_____	_____	_____	_____

APPROVED:

Mayor Heidi Franco

ATTEST:

Date: _____
RECORDER

Exhibit A

Beginning at the intersection of the south line of Highway 113 and the west line on South Field Road, said intersection also being South 00°12'42" East 197.93 feet along the section line to a point on said south line and South 89°15'42" East 195.90 feet along said south line from the Northeast Corner of Section 1, Township 4 South, Range 4 East, Salt Lake Base and Meridian and running:

thence South 00°55'06" West 1,297.85 feet along said west line of said South Field Road;
thence South 89°55'55" West 680.30 feet;
thence North 00°42'43" East 819.02 feet;
thence North 00°09'02" West 488.46 feet to a point on said south line of said Highway 113;
thence South 89°15'42" East 692.26 feet along said south line to the point of beginning.

Contains 890,927 square feet or 20.453 acres

Exhibit B

HEART OF THE WASATCH BACK



Wasatch County Administration Building Annexation

Public Hearing

Date: 6/17/2025

Summary

1. Wasatch County Manager Dustin Grabau is seeking annexation of 20.8 acres of land directly west and north of the current Heber City Municipal Boundary and adjacent to Southfield Park, for the purpose of developing a new Administration Building for Wasatch County.

Policy Questions: Should the City Annex the Wasatch County property?

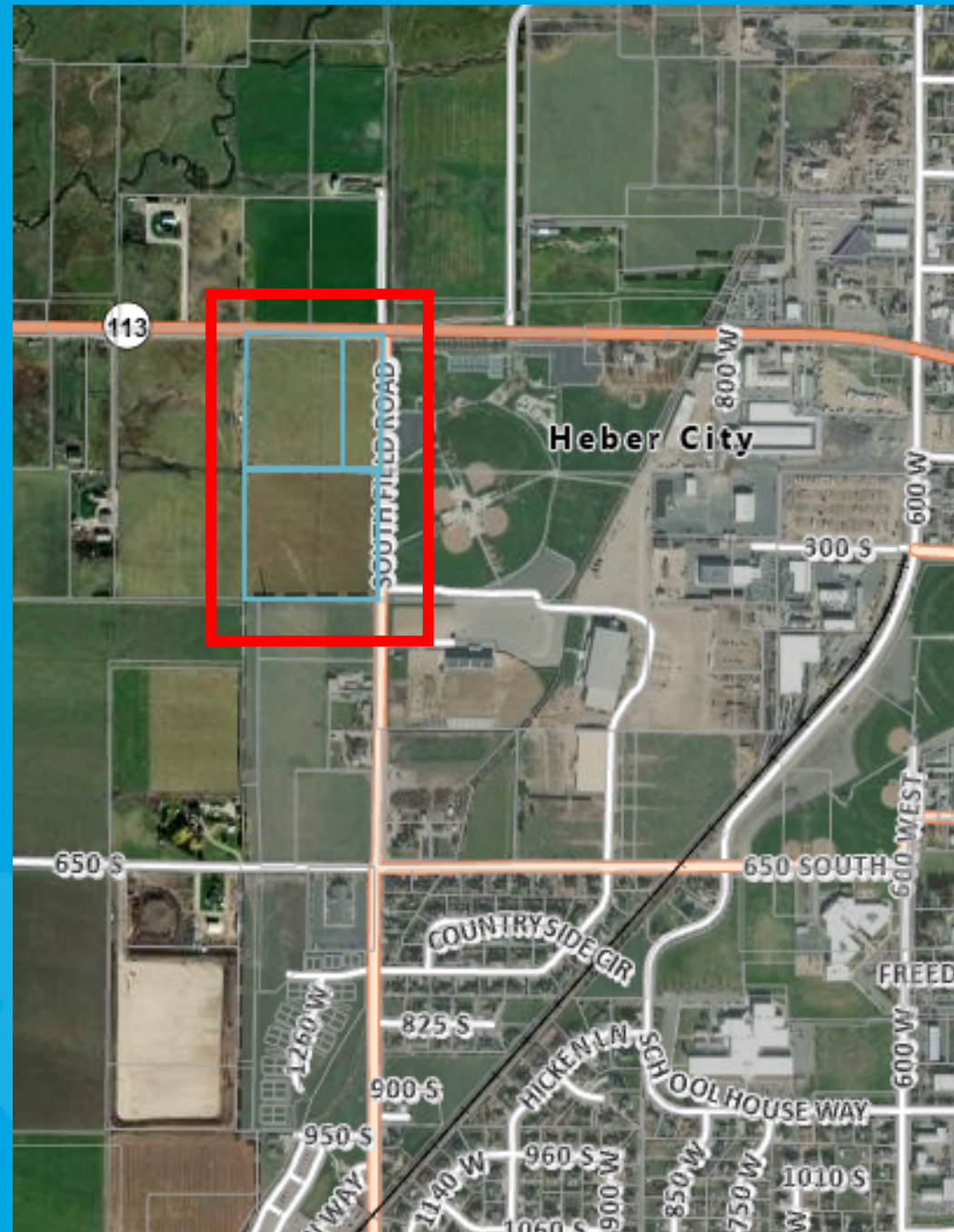
2. The Planning Commission unanimously passed a positive recommendation on January 14th, 2025

Area Map

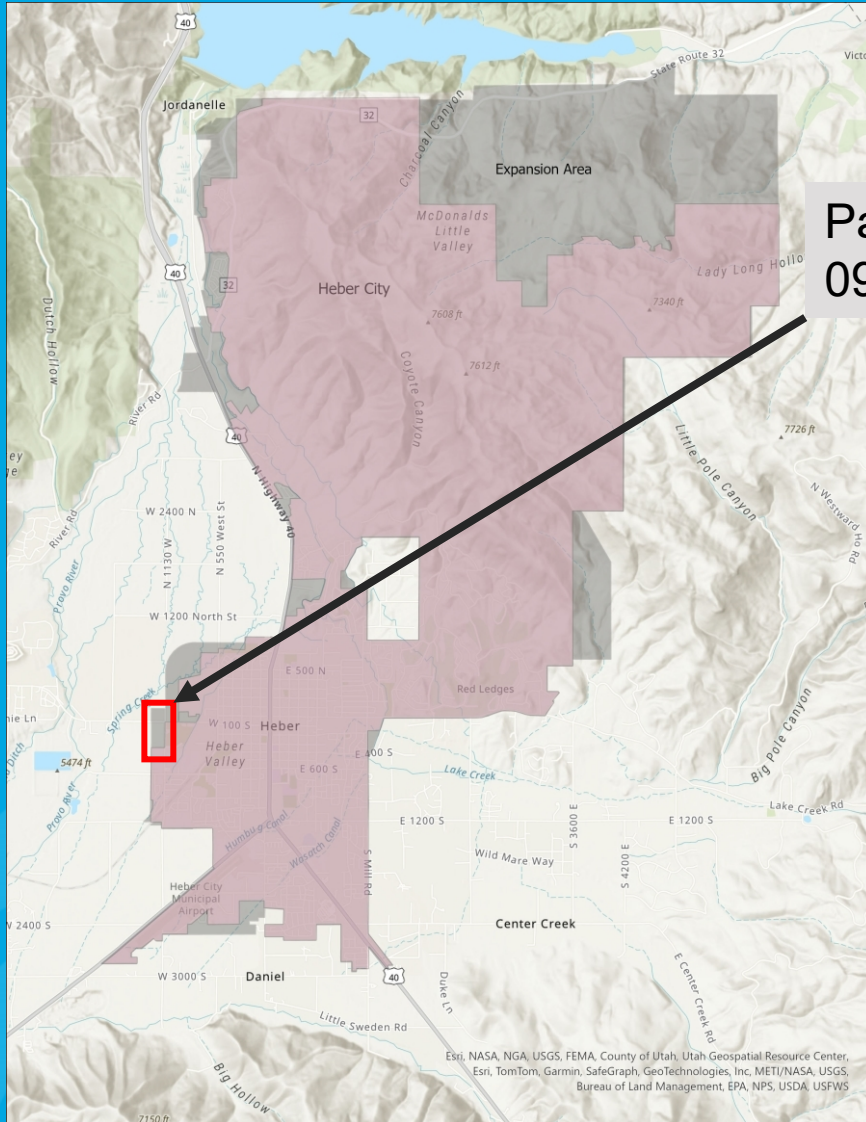
Located at approx. 3725 Lake Creek Rd.

This annexation constitutes three individual parcels: 08-4298, 09-0529, 20-9116.

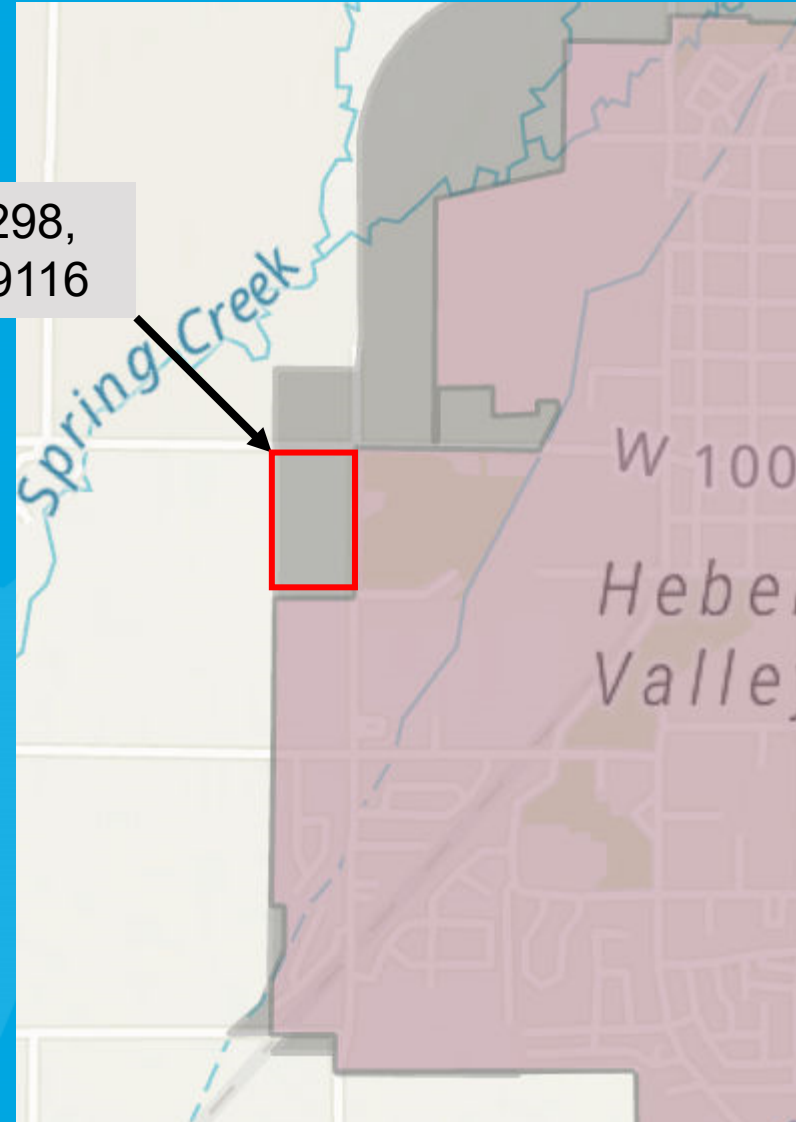
All parcels are owned by Wasatch County.



Annexation Policy Plan



Parcels 08-4298,
09-0529, 20-9116

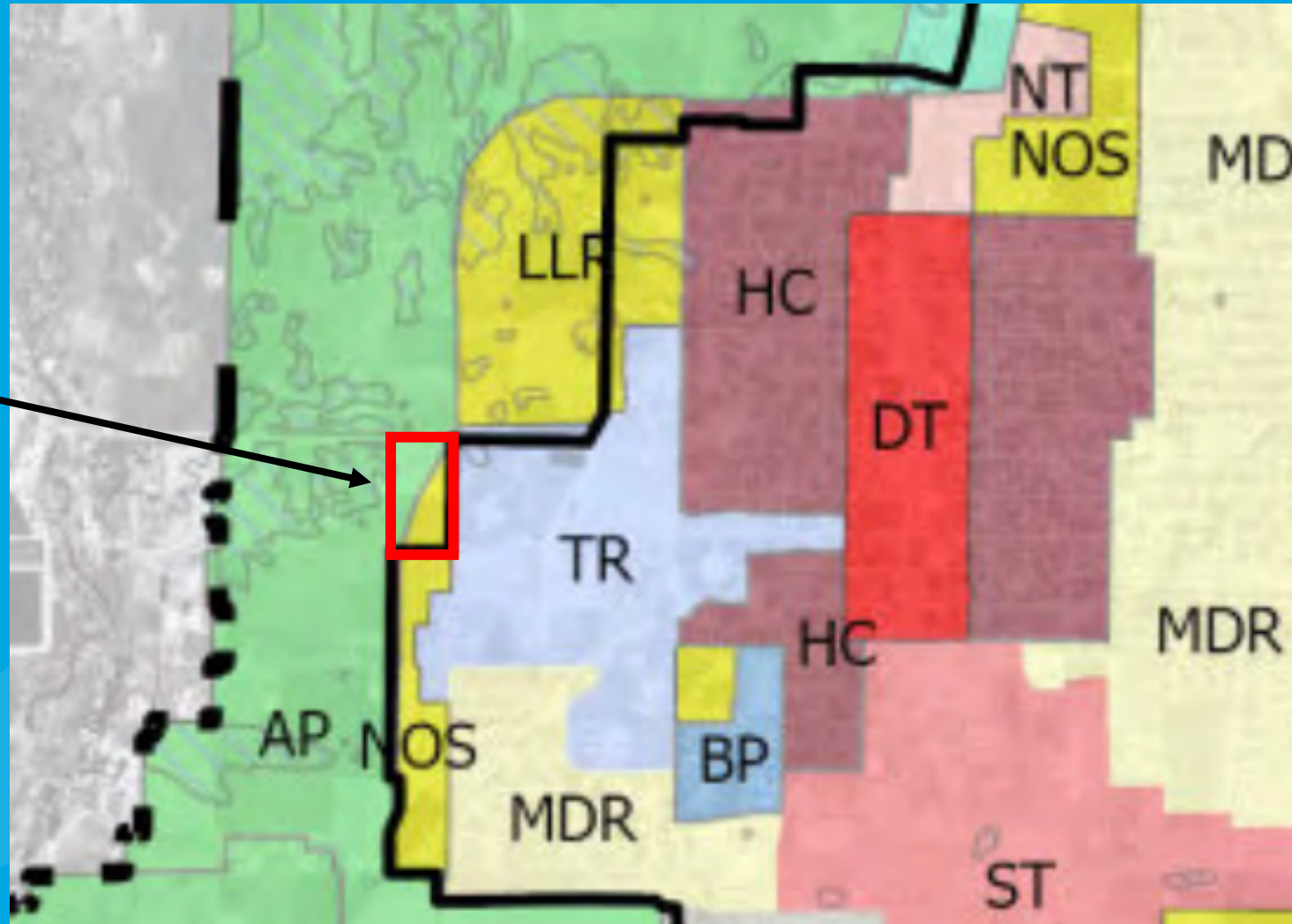


Future Land Use Designation

General Plan Designation:
Agricultural Preservation/
Neighborhoods with Open Space

General Area
of Parcels in
Question

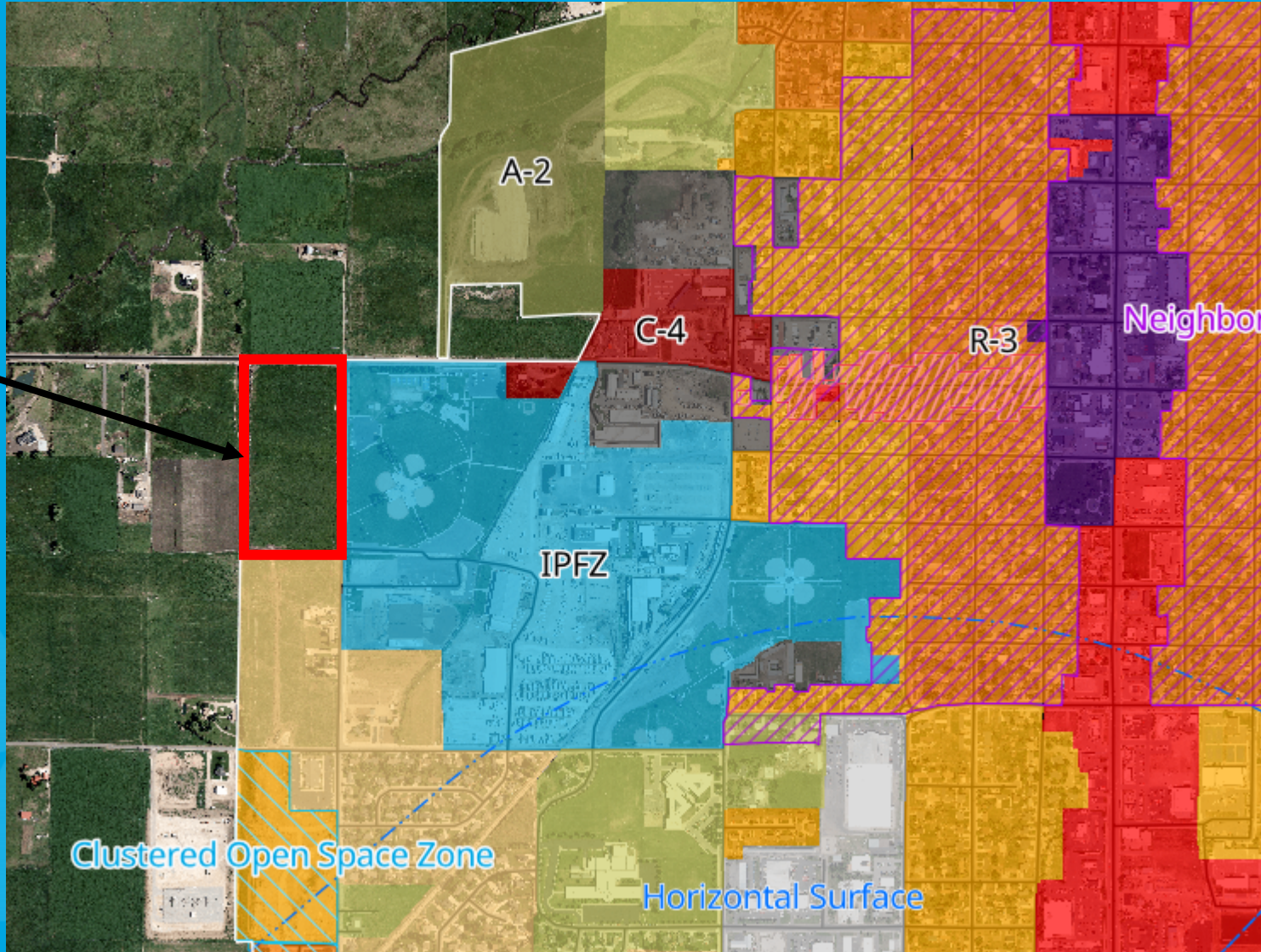
The General Plan
does not consider
locations of future
Public Facilities



Future Zoning Designation

This annexation is proposed to be zoned IPFZ (Institutional and Public Facilities Zone) if approved.

General Area of Parcels in Question

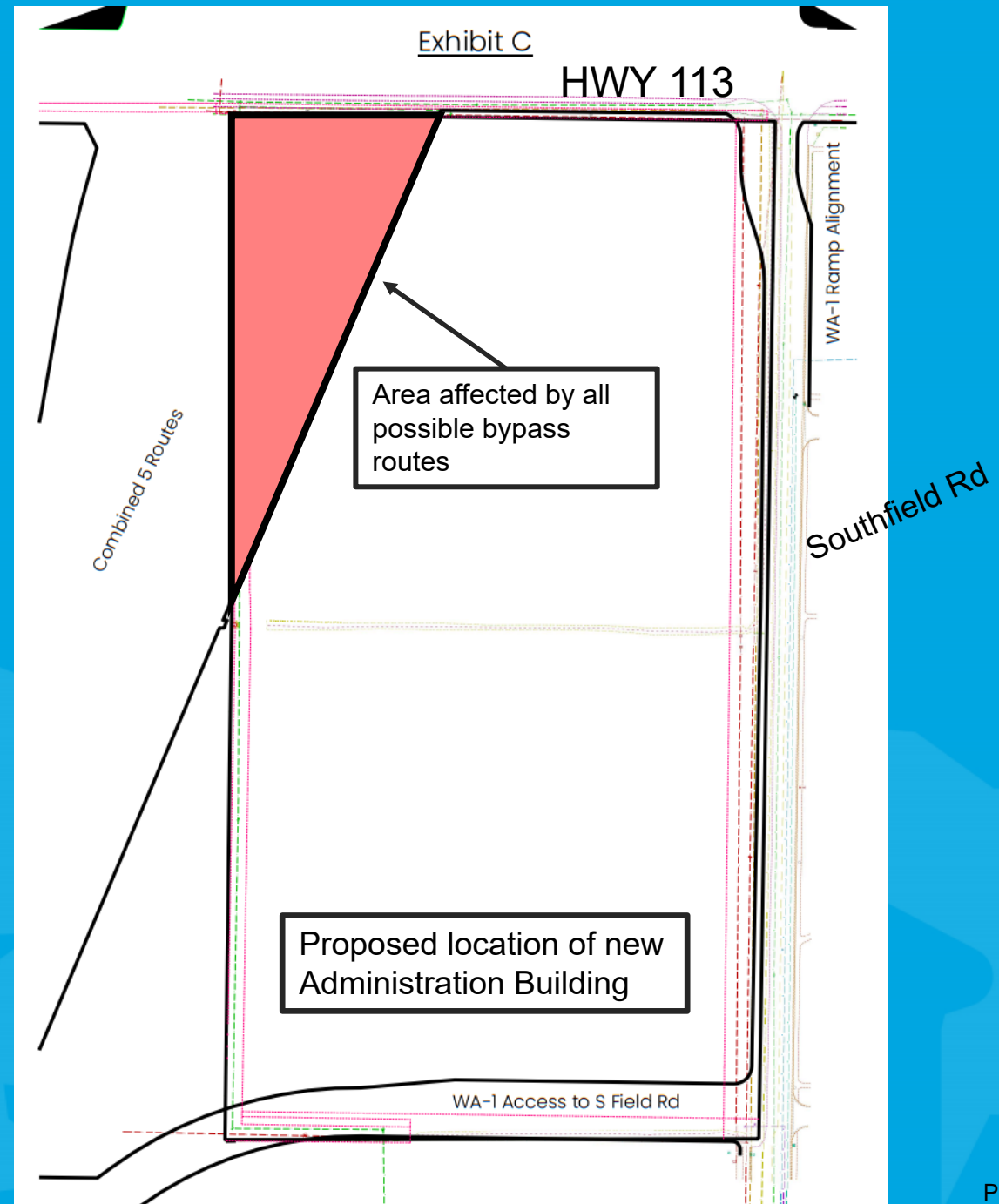


Future Bypass Road

All currently proposed alignments of the potential Heber Valley Bypass Road were used to create this map.

Wasatch County is anticipating to build the new administration building on the southernmost parcel.

UDOT and Wasatch County Officials have been coordinating closely and will continue to do so.



Summary

1. Wasatch County Manager Dustin Grabau is seeking annexation of 20.8 acres of land directly west and north of the current Heber City Municipal Boundary and adjacent to Southfield Park, for the purpose of developing a new Administration Building for Wasatch County.

Policy Questions: Should the City Annex the Wasatch County property?

2. The Planning Commission unanimously passed a positive recommendation on January 14th, 2025

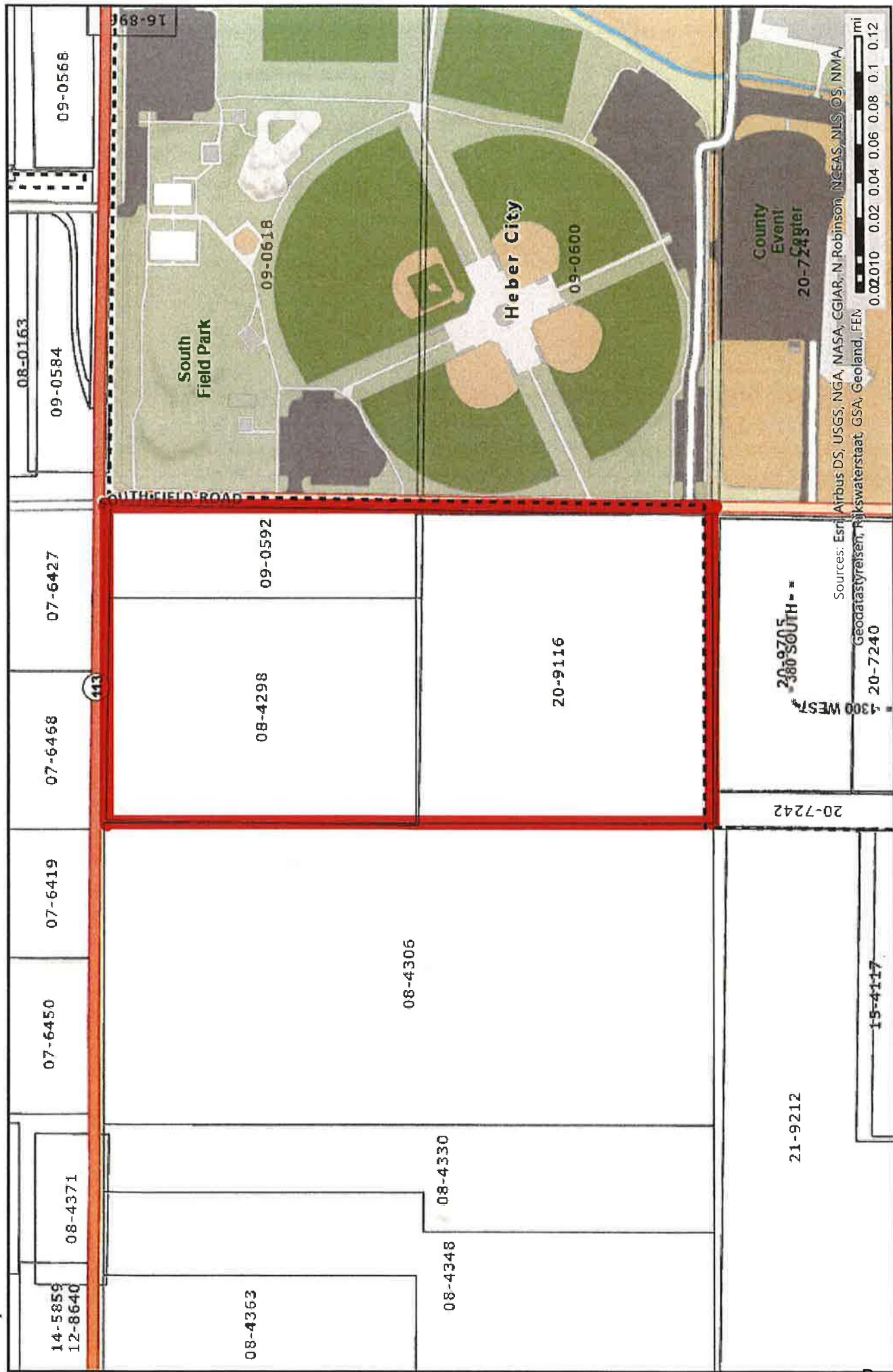
HEART OF THE WASATCH BACK



Wasatch County Administration Building Annexation

Public Hearing

Date: 6/17/2025



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Pixwaterstaat, GSA, Geoland, FEN

0.02 0.10 0.02 0.04 0.06 0.08 0.1 0.12 mi



The boundary lines shown here have been generated for the internal use of Wasatch County and should only be used for general reference purposes. Questions concerning ownership boundary locations should be directed to a title company, attorney, or licensed land surveyor. Wasatch County makes no warranty as to the accuracy or usefulness of this information. The end user of this information assumes all responsibility concerning this information's appropriate use.

Expansion Area Map

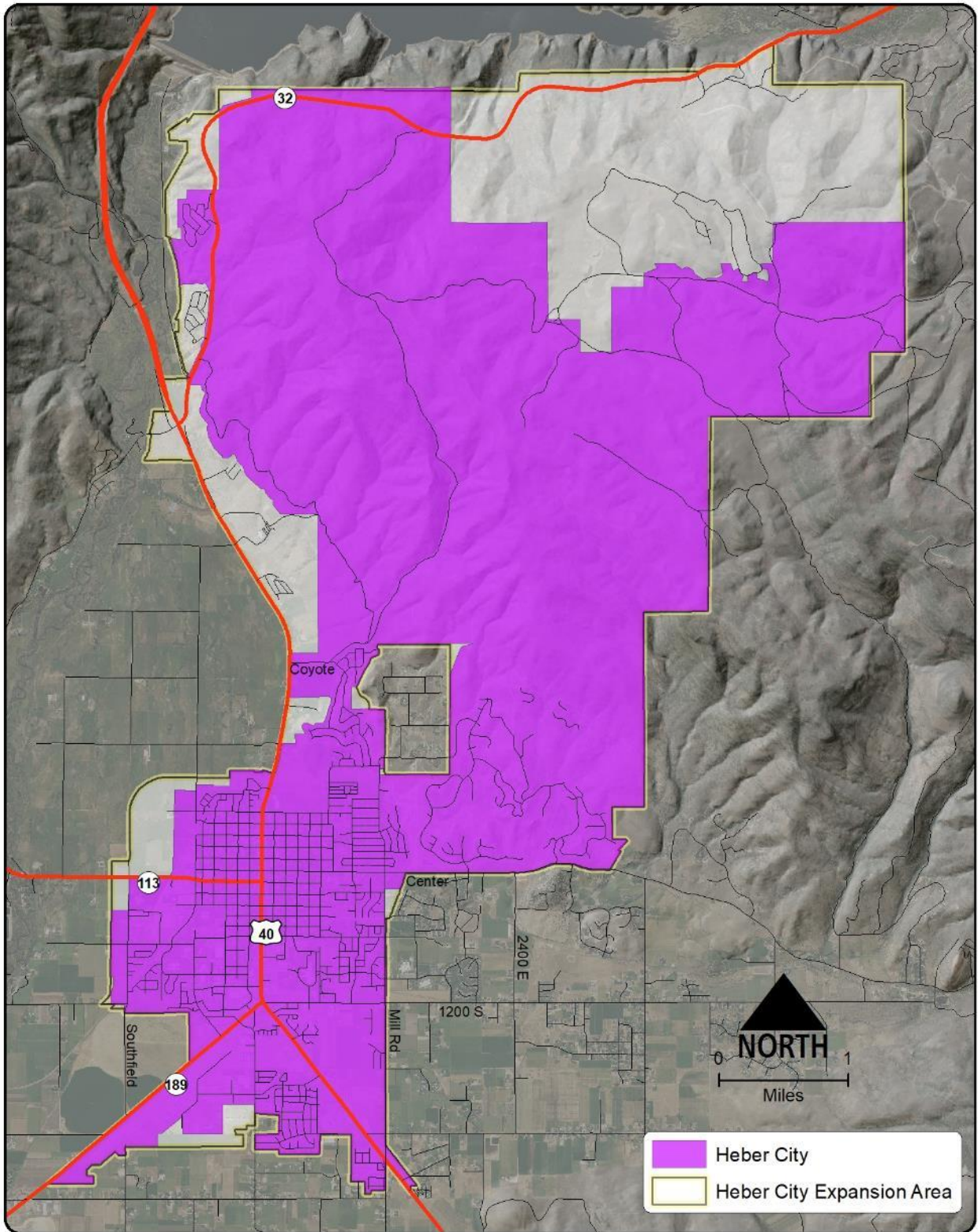


Exhibit 1: Utah State Code Regarding Annexation Acceptance

10-2-405. Acceptance or denial of an annexation petition -- Petition certification process --
Modified petition.

(1)(a) (i) A municipal legislative body may:

(A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or

(B) accept the petition for further consideration under this part.

(ii) A petition shall be considered to have been accepted for further consideration under this part if a municipal legislative body fails to act to deny or accept the petition under Subsection (1)(a)(i):

(A) in the case of a city of the first or second class, within 14 days after the filing of the petition; or

(B) in the case of a city of the third, fourth, or fifth class, a town, or a metro township, at the next regularly scheduled meeting of the municipal legislative body that is at least 14 days after the date the petition was filed.

(b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall, within five days after the denial, mail written notice of the denial to:

(i) the contact sponsor; and

(ii) the clerk of the county in which the area proposed for annexation is located.

(2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) or is considered to have accepted the petition under Subsection (1)(a)(ii), the city recorder or town clerk, as the case may be, shall, within 30 days after that acceptance:

(a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the area proposed for annexation is located the records the city recorder or town clerk needs to determine whether the petition meets the requirements of Subsections 10-2-403(3) and (4);

(b) with the assistance of the municipal attorney, determine whether the petition meets the requirements of Subsections 10-2-403(3) and (4); and

(c) (i) if the city recorder or town clerk determines that the petition meets those requirements, certify the petition and mail or deliver written notification of the certification to the municipal legislative body, the contact sponsor, and the county legislative body; or

(ii) if the city recorder or town clerk determines that the petition fails to meet any of those requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the municipal legislative body, the contact sponsor, and the county legislative body.

(3)(a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii), the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the city recorder or town clerk, as the case may be.

(ii) A signature on an annexation petition filed under Section 10-2-403 may be used toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as modified under Subsection (3)(a)(i).

(b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a newly filed petition under Subsection 10-2-403(1).(4) Each county assessor, clerk, surveyor, and recorder shall provide copies of records that a city recorder or town clerk requests under Subsection (2)(a).

Exhibit 2: Typical Annexation Process

Typical Annexation Process

Process	Month								
Month	1	2	3	4	5	6	7	8	9
Notice of Intent									
Submittal									
Acceptance									
Certification									
Protest Period									
Plan. Commission									
Public Hearing									
MDA									
Approval									
Lieutenant Governor									
Record Plat									

PETITION FOR ANNEXATION INTO HEBER CITY

Annexation Name: Wasatch County Administration Building Project

We, the undersigned owners of certain real property lying contiguous to the present municipal limits of Heber City hereby submit this Petition for Annexation and respectfully represent the following:

1. This petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated:
2. The property subject to this petition is an unincorporated area contiguous to the boundaries of Heber City and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. The signatures affixed hereto are those of the owners of private real property that:
 - a. is located within the area proposed for annexation;
 - b. covers a majority of the private land area within the area proposed for annexation;
 - c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation; and
 - d. lies contiguous to the present boundary of Heber City's corporate limits, located at the approximate address: **Corner of South Field Road and Midway Lane
100 S South Field Road, Heber City, Utah 84032**
4. The petitioners have caused an accurate plat or map of the above-described property to be prepared by a licensed surveyor, which plat or map is filed herewith in Exhibit A;
5. Title to the property by those signing this petition is as shown in the deeds or title report attached hereto as Exhibit B.
6. The manner in which it was established that at least 1/3 of the value of all the private property sought to be annexed and at least a majority of the acreage is owned by the signers of this petition is shown in the attached Exhibit C (value and acreage spreadsheet) and Exhibit D (copies of all tax notices).

7. Land values and acreage within the annexation are as follows:

a. Total acreage within annexation:	<u>20.8 acres</u>	
b. Total private property acreage within annexation:	<u>20.8 acres</u>	
c. Petitioner's acreage within annexation:	<u>20.8 acres</u>	100%
		% of Total Private Area
d. Total Assessed Land Value within annexation:	<u>Tax Exempt</u>	
e. Petitioner's Assessed Land Value within annexation:	<u>Tax Exempt</u>	100%
		% of Total Value

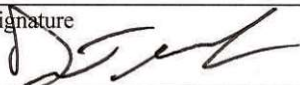
8. This petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
9. This petition does not propose annexation of all or a part of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 U.C.A. or a petition under Section 10-2-125, U.C.A. if:
 - a. the request or petition was filed before the filing of the annexation petition, and
 - b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;
10. The names and mailing addresses of all the owners of the parcels of land located within 300 feet of the area proposed to be annexed as shown in Exhibit E.
11. A vicinity map showing the City's current boundaries in relation to the proposed annexation in Exhibit F.
12. Per the Heber City Annexation Policy Plan, a Concept Plan is attached as Exhibit G. This Concept Plan is a very preliminary plan -- the petitioner is not strictly bound by it. However, it is the hope of the Heber City Council that the Concept Plan submitted is the primary intention of the developer at the time annexation is being requested.

PETITION SIGNATURE PAGE 1

WHEREFORE, the Petitioners hereby request that this Petition be considered by the Heber City Council at its next regular meeting, or as soon thereafter as possible; that a resolution or motion be adopted or passed as required by law accepting this Petition for Annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation herein petitioned.

Name of Annexation: Wasatch County Administration Building Project

Petitioner 1

Petitioner Name Dustin Grabau, representing Wasatch County	Phone Number (435) 657-3180
Mailing Address 25 N Main Street Heber City, UT 84032	Email Address DGrabau@wasatch.utah.gov
Parcel Numbers 08-4298, 09-0592, 20-9116	
Signature 	Date 7/30/24

Petitioner 2

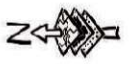
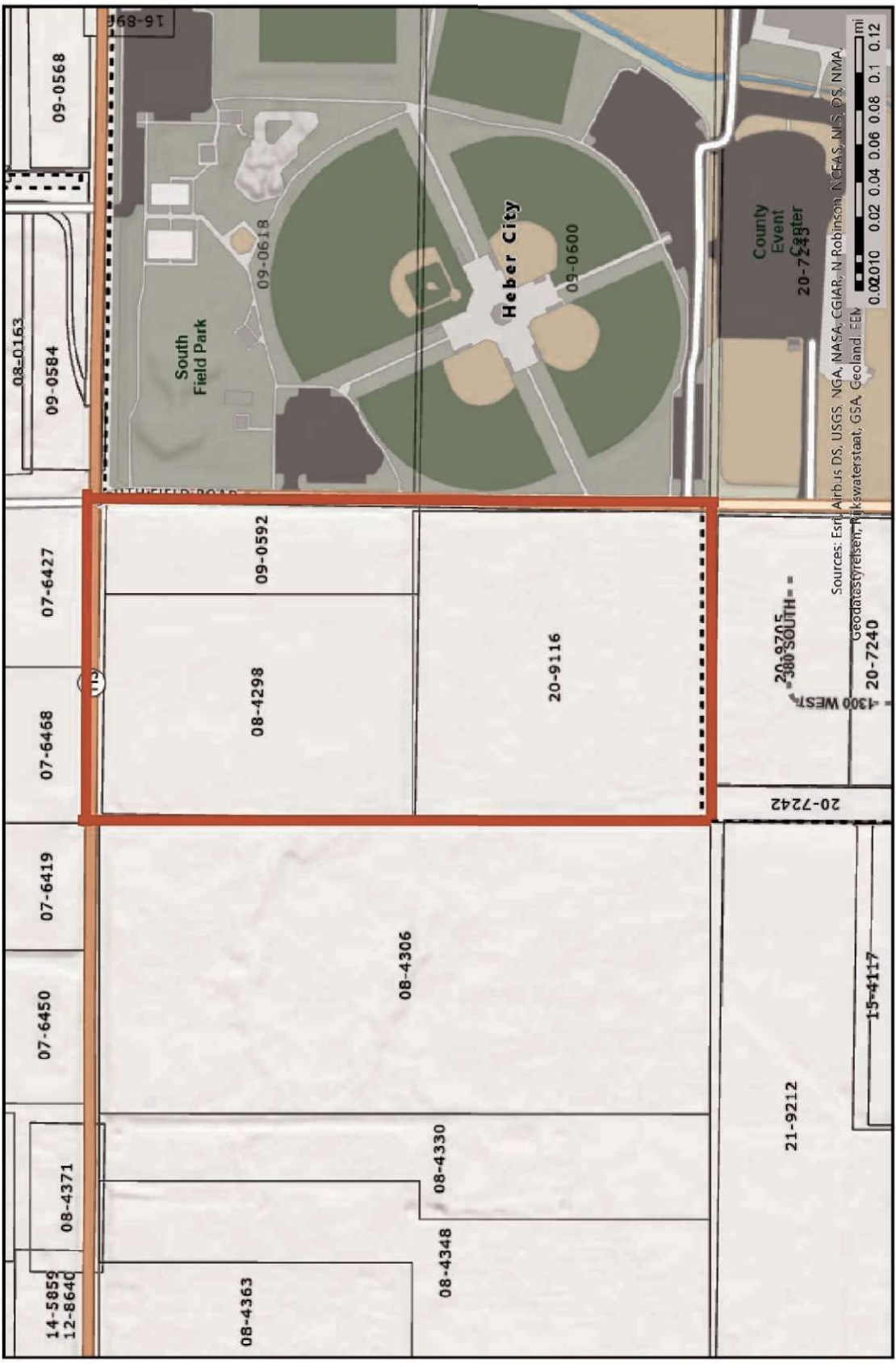
Petitioner Name Richard Breitenbeker	Phone Number (435) 657-3181
Mailing Address 25 N Main Street Heber City, UT 84032	Email Address rbreitenbeker@wasatch.utah.gov
Parcel Numbers 08-4298, 09-0592, 20-9116	
Signature 	Date 7/30/24

NOTICE

There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election. If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Heber City. If you choose to withdraw your signature, you shall do so no later than 30 days after Heber City receives notice that the petition has been certified.

EXHIBIT A: ANNEXATION MAP

Map Title



The boundary lines shown here have been generated for the internal use of Wasatch County and should only be used for general reference purposes. Questions concerning ownership, boundary locations should be directed to a title company, attorney, or licensed land surveyor. Wasatch County makes no warranty as to the accuracy or usefulness of this information. The end user of this information assumes all responsibility concerning this information's appropriate use.

EXHIBIT B: PROPERTY DEEDS

Ent 395742 Bk 1094 Pg 211-212
Date: 04-NOV-2013 1:46:03PM
Fee: \$13.00 Check Filed By: JP
ELIZABETH PALMIER, Recorder
WASATCH COUNTY CORPORATION
For: ATLAS TITLE INSURANCE HEBER

Special Warranty Deed

Parkside Holdings LLC, A corporation organized and existing under the laws of the State of UTAH
As Grantor

hereby **CONVEY AND WARRANT, against those claiming by, through or under the Grantor** to:

Wasatch County
Grantee, 25 North Main Street Heber City, UT 84032

FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION
the following described tract of land within Wasatch County, State of UTAH to wit:


SEE ATTACHED LEGAL DESCRIPTION:

Grantor does covenant with the Grantees and their assigns that the above-described Real Estate is not subject to any encumbrances made by Grantor and that Grantor will warrant and defend the same to the said Grantees and their assigns forever against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS OF WAY OF RECORD, AND TO GENERAL PROPERTY TAXES FOR 2012 AND THEREAFTER.

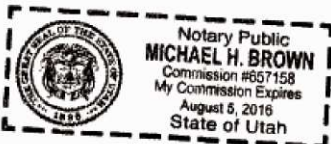
The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.


WITNESS THE HAND OF SAID GRANTOR THIS 29 DAY OF OCTOBER, 2013

) 
) **Parkside Holdings LLC**
)
By: Dave Garner, Managing Member
)

STATE OF UTAH)
) §.
County of WASATCH)

On this 29 day of October, 2013, personally appeared before me Dave Garner, whose identity is personally known to me (or proved to me on the basis of satisfactory evidence) and who by me duly sworn (or affirmed), did say that Dave Garner is the Managing Member of Parkside Holdings LLC, the Corporation that executed the foregoing instrument and that said document was signed by Dave Garner in behalf of said corporation by authority of its bylaws (or of a Resolution of its Board of Directors), and said Dave Garner acknowledged to me that said corporation executed the same.





Notary Public

Parcel 1:

Beginning 2.69 chains South of the Northeast corner of the Northeast quarter of Section 1, Township 4 South, Range 4 East, Salt Lake Base and Meridian; running thence South 10.50 chains; thence North 89°12' West 7.58 chains; thence North 0°48' East 10.50 chains; thence South 89°12' East 7.43 chains to the point of beginning.

Tax id no. OWC-1022

Parcel 2:

Beginning 2.69 chains South of the Northwest corner of Section 6, Township 4 South, Range 5 East, Salt Lake Base and Meridian; running thence South 10.50 chains; thence South 89°12' East 2.93 chains; thence North 00°48' East 10.50 chains; thence North 89°12' West 3.07 chains to the point of beginning.

Tax id no. OWC-1544

WARRANTY DEED

Ent 359401 Bk 1014 Pl 1509-1509
Date: 18-MAY-2010 11:22:37AM
Fee: \$ 0.00 Check Filed By: EMP
ELIZABETH PALMIER, Recorder
WASATCH COUNTY CORPORATION
Frm: WASATCH COUNTY

THE DON L. HICKEN FAMILY TRUST, with principal place of operation at 165 West 200 South, Heber City, State of Utah, GRANTOR, for an in consideration of one payment in the amount of \$36,000.00, the execution of THE PROMISSORY NOTE WITH WASATCH COUNTY, and other good, adequate and valuable consideration, HEREBY CONVEYS AND WARRANTS to WASATCH COUNTY, a political subdivision of the State of Utah, GRANTEE, fifty [50] shares of Spring Creek Irrigation Company Stock and the following-described real property located in Wasatch County, State of Utah:

Commencing at a point 52 rods South from the Northeast corner of said Section 1, Township 4 South, Range 4 East, and running West 30 rods; thence South 40 rods; thence West 40 rods; thence North 40 rods; thence West 11.20 rods to the place of beginning.


This property is located in Wasatch County and is part of Tax ID # OWC-1023.

WITNESS the hand of said GRANTOR this 11 day of May, 2010,

Don L. Hicken
Don L. Hicken, Trustee

State of Utah)
):
County of Wasatch)

On this 11 day of May, 2010, personally appeared before me Don L. Hicken the signer of the foregoing WARRANTY DEED, who duly acknowledged before me that they signed the same personally and as trustee of the Don L. Hicken Family Trust and that the Trust executed the same.

 LESLIE J RABY
NOTARY PUBLIC * STATE OF UTAH
Commission #579333
COMM. EXP. JUNE 11, 2013

Leslie J Raby
Notary Public

EXHIBIT C: VALUE & ACREAGE

Property Value & Acreage Within Annexation Area

Name	Parcel ID	Acres	Value	Petitioner (yes/no)
Wasatch County	08-4298	7.5	Exempt	Yes
Wasatch County	09-0592	3	Exempt	Yes
Wasatch County	20-9116	10.3	Exempt	Yes
Totals		20.8	Exempt	
Private Property Total		20.8	Exempt	
Petitioner Totals		20.8	Exempt	
Petitioner Percent of Private Total		51% min Actual: 100%	1/3 min Actual: 100%	

EXHIBIT D: PROPERTY TAX NOTICES

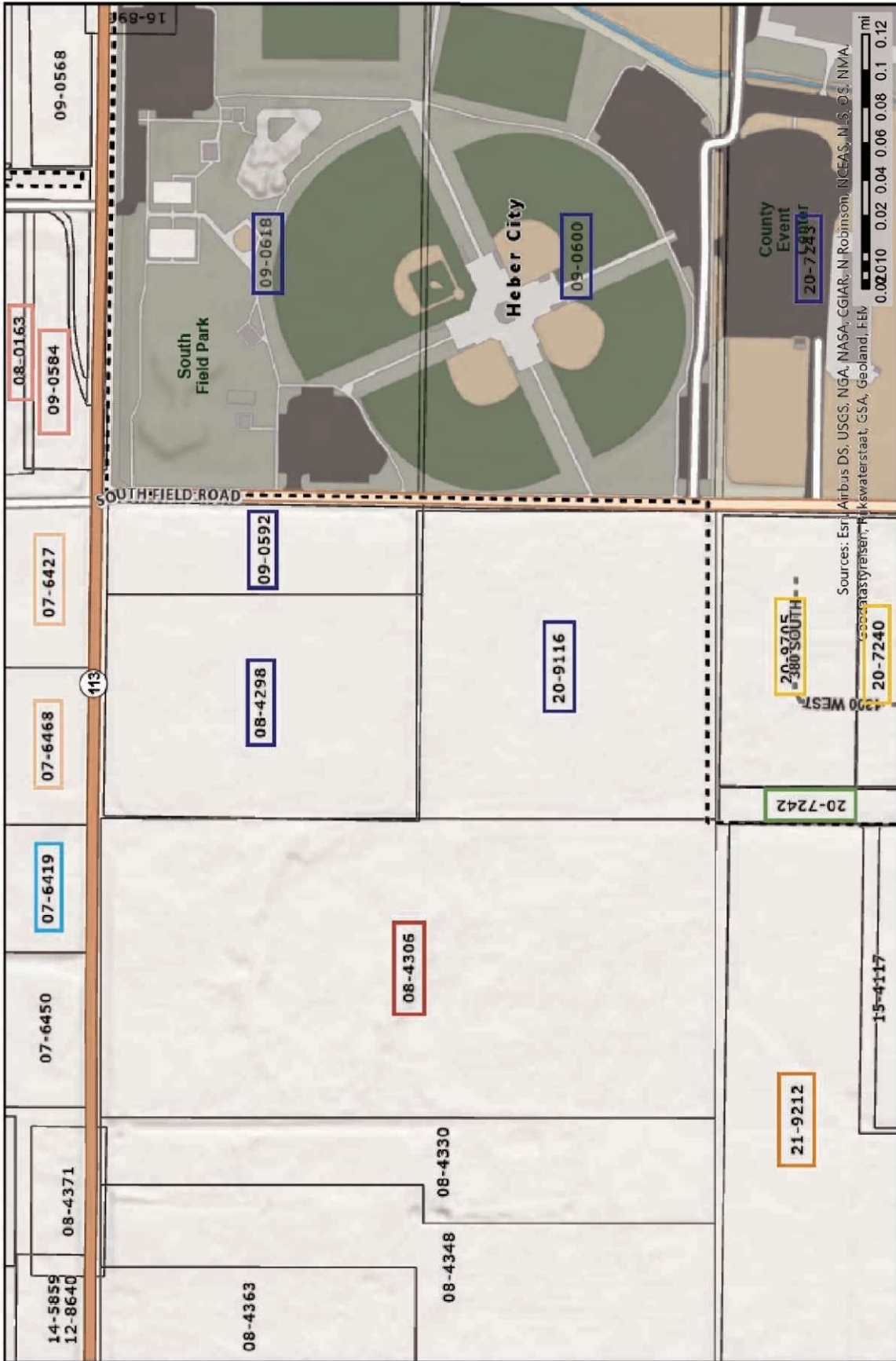
**Exhibit D is not applicable.
All parcels are tax exempt.**

EXHIBIT E: LIST OF ALL PROPERTY OWNERS WITHIN ANNEXATION AND WITHIN 300 FEET OF ANNEXATION

PROPERTY OWNERS WITHIN ANNEXATION AND WITHIN 300 FEET				
Name	Street Address	City	State	Zip
Wasatch County	25 N Main St	Heber City	Utah	84032
	Parcel #08-4298, #09-0592, #20-9116, #09-0618, #09-0600, and #20-7243			
Heber City	75 N Main St	Heber City	Utah	84032
	Parcel #20-7242			
Rural Housing Development Corporation	63 N 400 W	Provo	Utah	84601
	Parcel #20-9705 and #20-7240			
Jay Butterfield LTD	12256 S 4000 W	Riverton	Utah	84096
	Parcel #21-9212			
Ed Houston	3300 S HWY 40	Heber City	Utah	84302
	Parcel #08-4306			
SK&M Investments Inc	PO Box 3878	Kingman	AZ	86402
	Parcel #07-6419			
Laren Gertsch	1221 Canyon View Rd	Midway	Utah	84032
	Parcel #07-6468 and #07-6427			
Timpview Investment Holdings LLC	38 Frontier Court	Saratoga Springs	Utah	84045
	Parcel # 09-0584 and #08-0163			

EXHIBIT F: VICINITY MAP

Map Title



The boundary lines shown here have been generated for the internal use of Wasatch County and should only be used for general reference purposes. Questions concerning ownership boundary locations should be directed to a title company, attorney, or licensed land surveyor. Wasatch County makes no warranty as to the accuracy or usefulness of this information. The user of this information assumes all responsibility concerning this information's appropriate use.

EXHIBIT G: CONCEPT PLAN

E D
A



Conceptual Site Plan - Est. Fit
Wasatch County Administration Building
June 24, 2024
STATE: UT



October 31, 2024

Heber City Planning Commission
75 N Main Street
Heber City, Utah 84032

Dear Heber City Planning Commission,

Wasatch County filed an annexation petition on August 5, 2024, which was accepted by Heber City Council on August 20, 2024. The Heber City Guide to Annexation indicates that we should now submit an application to the Planning Commission, including a feasibility report. Wasatch County respectfully submits the following feasibility report as supplemental information to the annexation petition.

The unique nature of a county government annexing property for a public facility into a city obviates some typical feasibility considerations, notably those related to tax impacts. Wasatch County's primary annexation goals are to enhance government services and infrastructure, align with Heber City's long-term downtown development goals, and to comply with Utah Code Section 17-16-9 related to offices of county officers. After careful consideration on the feasibility of the development for all involved parties, Wasatch County believes this plan achieves those goals.

Respectfully submitted,

Richard Breitenbeker
Management Analyst
Wasatch County Manager's Office





Administration Building Feasibility Report

In accordance with the Heber City Annexation Policy Plan and associated Guide to Annexation, applications for Heber City Planning Commission review should include a feasibility report addressing items listed therein. The listed items broadly fall into categories of population density, geography, and fiscal impacts. This report discusses land use and then these categories to provide additional context regarding the annexation petition and to facilitate Planning Commission review.

The scope of the Wasatch County Administration Building (WCAB) Annexation Petition includes three parcels surveyed to be 20.45 acres on the western border of Heber City. Parcels 08-4298, 09-0592, and 20-9116, hereafter “the property,” are located at the approximate address 100 S South Field Road, Heber City, Utah 84032. Wasatch County purchased parcel 20-9116 in 2010 and parcels 08-4298 and 09-0592 in 2013. All three parcels are still owned by Wasatch County.

Wasatch County intends to build a new administration building on the site, envisioning it as a new expression of the County’s role and mission. The current administrative facility was built as a courthouse in 1968. Its architecture and role as a bomb shelter reflect the pragmatism of its day. It is hoped a new building will last another 60 years and be a place the community sees as a landmark worthy of preservation. Design teams are directed to match Wasatch County’s brand personality of being rural, friendly, and understated. The building itself will complement the agricultural scale and public service provision of nearby properties while remaining a performative and pragmatic facility.

Better By Nature

Wasatch County brings out the best in people by making it easy to share and enjoy a beautiful natural setting in high mountain valleys. Since 1859, our pioneering families have built a sense of community and connection that continues today. We invite everyone to serve their families and neighbors, spend time outdoors, respect the land and one another, and honor the heritage of the place we call home.

Land Use

“The County should have growth policies that reinforce and are complementary to the City’s growth policies so that a cooperative and coordinated development within the County and City occur.” – Heber City Annexation Policy Plan

Zoning

The property is located within the boundary of Heber City’s current expansion area (Exhibit A) adjacent to projected public and residential land use designations within Heber City (Exhibit B). No islands or peninsulas would be created by the proposed annexation. Current County zoning is A-20 Agricultural, and the parcels are currently being farmed through lease arrangements. Surrounding parcels are currently zoned County A-20 Agricultural to the north and west, Heber City IPFZ to the east, and Heber City R-1 Residential to the south.

Development plans include construction of a new administration building on the northern half of the petition property while leaving the southern half undeveloped. Future development of the southern half of the property is expected at some point, but awaits further Wasatch County and partner agency master planning. The parcels are anticipated to be combined as part of the development process. Annexation is expected under Heber City’s Institutional and Public Facilities Zone (IPFZ) to both comply with the intended use of the parcels and the adjacent zoning. Development plans will also seek opportunities for interconnectivity and extension of adjacent park facilities across Southfield Road, including things like recreation event overflow parking, pedestrian walkways, and trail extensions.

Corridor Preservation

The property was originally purchased by Wasatch County for the purpose of preserving a hopeful route for a future bypass. This was part of the community’s collective effort to guide a future bypass route by facilitating a community-planned path. At that time this community-planned bypass route ran the full North-to-South length of the west side of the property.

UDOT’s Heber Valley Environmental Impact Study (EIS) process is ongoing, but all five of its alternate routes involve utilizing portions of the property. A combination of the five EIS routes has been created to set limits for design. Exhibit C overlays this combination of EIS routes onto the area. This method and its results were created with direct input from UDOT. Because construction of a new administration building will almost certainly precede construction of

any bypass, continued cooperation will be essential to plan development that doesn't impede future bypass options.

As of the time of writing, UDOT's EIS process has resumed revising alternate routes to account for Mountainland Association of Governments (MAG) projections for growth east of Highway 40 and north of 900 North. UDOT believes all five alternate routes will be insufficient to accomplish their purpose and will thus need to be revised. This has in turn delayed conservation easements in the North Fields that overlap with any of the five EIS routes. UDOT has maintained, however, that routes are unlikely to meaningfully change in the area immediately surrounding these annexation parcels. Wasatch County will continue to seek UDOT's endorsement regarding this project in the development process. The establishment of a bypass route will ultimately provide the boundary clarification as well as the agricultural separation desired by the Heber City Annexation Policy Plan.

Population Density

Growth

There is no current population associated with these parcels (unless you count cows) and this development thus represents no net change in Heber City population. Daytime visitors would shift from the location of the current Wasatch County Administration Building to the new location, discussed more fully below. Wasatch County does not intend for this public facility to spur further development generally or within the immediate area. Like most government services, this plan is a response to public needs. In this instance, the needs are results of a rapidly growing populace.

Recent census data estimates Wasatch County's current 2024 population at 37,144. A 2022 study from the Kem C. Gardner Institute (Exhibit D) projects Wasatch County's population to be 44,904 by 2030 and 81,022 by 2060. This varies only slightly from the 2023 MAG *Socioeconomic Forecast* and would make Wasatch the second fastest growing county in Utah. Projected median household income in the county will trend upward despite employment growth not keeping pace with population. Notably, county population will exceed 40,000 within the next 4 years, triggering a state reclassification as a third-class county, which is no longer defined as rural. Net migration to Utah outpaced natural population increase in 2021 and will drive nearly three-quarters of Wasatch County population growth by 2060. The statewide working age population is expected to contract.

Each of these factors in isolation indicates an increase in demand for County services. Together they illustrate a future demographic that is less local, wealthier, and even more likely to commute. Wasatch County anticipates both growth in demand for services, and also changes in the types of services needed. A new location provides for direct service growth now and in the future, an increase in capacity to address future changes in services, and relocating the public's access to these services.

Access

The current administration building is located at the origin point of the north-south and east-west transportation axis at the traditional heart of the city. As the city and its transportation network have grown, that prominence is no longer central. It is not now known whether the EIS bypass can successfully reroute US40, but the new location would maintain strong north-south access using expected bypass routes. Through good City foresight, South Field Road is prepared to connect traffic to and from a future bypass. The current east-west axis is misaligned at the location of the administration building, with Center Street acting as the main corridor to the east and 100 S/SR113/Midway Lane to the west. It is not clear which of these two corridors would provide the most ideal access for public services.

Access to the current building is most often achieved off a congested Main Street. In short to intermediate timeframes, the shift will likely have mildly positive impacts to Main Street traffic. The new administration building will, however, also bring state Driver's License Division services from their location at 600 S and Center Street onto a main corridor. This will remove some traffic from largely residential streets. In longer timeframes, access to County services should be more convenient for residents without also driving traffic into downtown Heber. Changes to internal staffing in response to demand could include up to 100 individuals across all partners and departments over the next 20 years. A report of estimated trip generation at this location is attached as Exhibit E.

The Heber City Annexation Policy Plan anticipates needing an additional 645 acres of public land in the next 20 years. Recognizing most of that will need to be accomplished through careful Heber City planning, this annexation represents a modest contribution. The addition of public land into Heber City and the realignment of County services both open up areas to facilitate the stated goals of Envision Heber 2050.

Geology, Geography, and Topography

Geotechnical investigation was performed by AGEC on July 22, 2024. It found layers of top soil, lean clay, clayey sand, and then gravel with silt. A map of the investigations is attached as Exhibit F. Investigation results vary minimally across the property. No serious construction concerns appear in their report. A generally flat topography can be seen in Exhibit G and similarly raises no concerns for construction. The property is also not close enough to the Provo River for flood zones or environmental protections to raise development concerns. No other related issues present feasibility obstacles, but the site is geographically proximate to areas of interest to Heber City.

The Annexation Policy Plan informs the future expansion area within the Annexation Boundary Map. As stated, these parcels are contained within the current expansion area. The Annexation Policy Plan further identifies specific areas within a half mile of city limits and provides justification for excluding those areas from the expansion map. The “North Fields” and “South Fields” are both listed with justification for exclusion. The property would most likely be considered part of the South Fields, but is adjacent across Midway Lane to what would likely be considered North Fields.

“Heber City desires a separation between itself and other municipalities with agricultural and/or open lands. ... The City opposes expansion of municipal services west of the canal.”

Preliminary conversations with Heber Light & Power indicate no concerns connecting to existing nearby infrastructure. Design anticipates connecting to an oversized wastewater pipe within a sewer easement that runs along the west side of the property. The property is actively irrigated for agricultural use. Culinary water is currently delivered to properties immediately east and south. Wasatch County owns more than sufficient shares to supply planned and future development. Municipal services are proximate and feasible to deliver.

“Consistent with the General Plan, Heber City will not annex properties in the North Fields. ... The Expansion Area Map utilizes the future Main Street Bypass as the future north and northwest municipal boundary adjoining the North Fields. The City will only entertain annexations of property up to and including the bypass upon condition of dedication of the requisite right of way for the bypass according to current UDOT requirements.”

While the property is not located within the North Fields, Wasatch County and Heber City share an interest in preserving them. Wasatch County is proactively interested in locating bypass right of way on the property to protect the North Fields to the greatest extent possible.

Fiscal Impacts

The current and future status of the property as tax exempt preempts analysis of tax base implications for both City and County. Most remaining potential fiscal impacts come from logistical topics previously addressed in this report. Heber residents should be insulated from service provision costs that could be incurred to the City, and County WCAB project costs could impact all County residents.

Heber Impacts

“The potential revenue and benefits may include 1) Property Tax; 2) Sales tax; 3) Utility hookup fees; 4) Utility Franchise Fees; 5) Impact Fees; and 6) exaction or related fees based on rough proportionality to city and county costs; 7) Intangible benefits that accomplish a stated goal of the General Plan or other City planning document. The City Council will weigh these factors in determining whether or not to grant a petition for annexation.”

Construction sales taxes will be relatively minor. Other one-time Heber City revenues, like hookup fees and impact fees, will be offset by the cost to connect service. Because utility infrastructure exists nearby, regular fee calculations can cover those one-time connection costs. Similarly, ongoing municipal services are addressed according to their regular fee rates. Heber City is likely to see only a very minor change in total ongoing revenues and costs. Intangible benefits mentioned in other sections can be summarized as making way for Heber City’s Envision Heber 2050 project to develop their main street in financially beneficial ways.

Countywide Impacts

The WCAB Finance Plan was presented to Wasatch County Council on September 18, 2024. The total \$43 million budget will be paid from a combination of existing capital savings, development fees originating within the MIDA area, and a lease revenue bond leveraging new types of future intergovernmental revenue from MIDA. This will spare existing county residents, including current and future Heber City residents, from paying into the WCAB financing. To reiterate, no property tax increase related to this development is planned.

Like fiscal impacts to Heber City, the financial impact to County residents will be minimal. Even future residents in the MIDA area will be minimally impacted because future MIDA revenues will be generated from tourism industries and out-of-state visitors. Wasatch County does anticipate inflationary and growth-related staffing costs generally, but not in relation to this development project. Moreover, all operating funds can be more efficiently used in a more purpose-built facility.

List of Exhibits

Exhibit A – Heber City Expansion Area Map

Exhibit B – Heber City 2017 Land Use Map Analysis

Exhibit C – UDOT EIS Route Overlay

Exhibit D – Utah Long-Term Planning Projections, Kem C. Gardner Institute

Exhibit E – Hales Engineering Trip Generation Study Memorandum

Exhibit F – AGEC Geotechnical Investigation Locations

Exhibit G – Ensign Engineering ALTA Survey

Exhibit A

Expansion Area Map

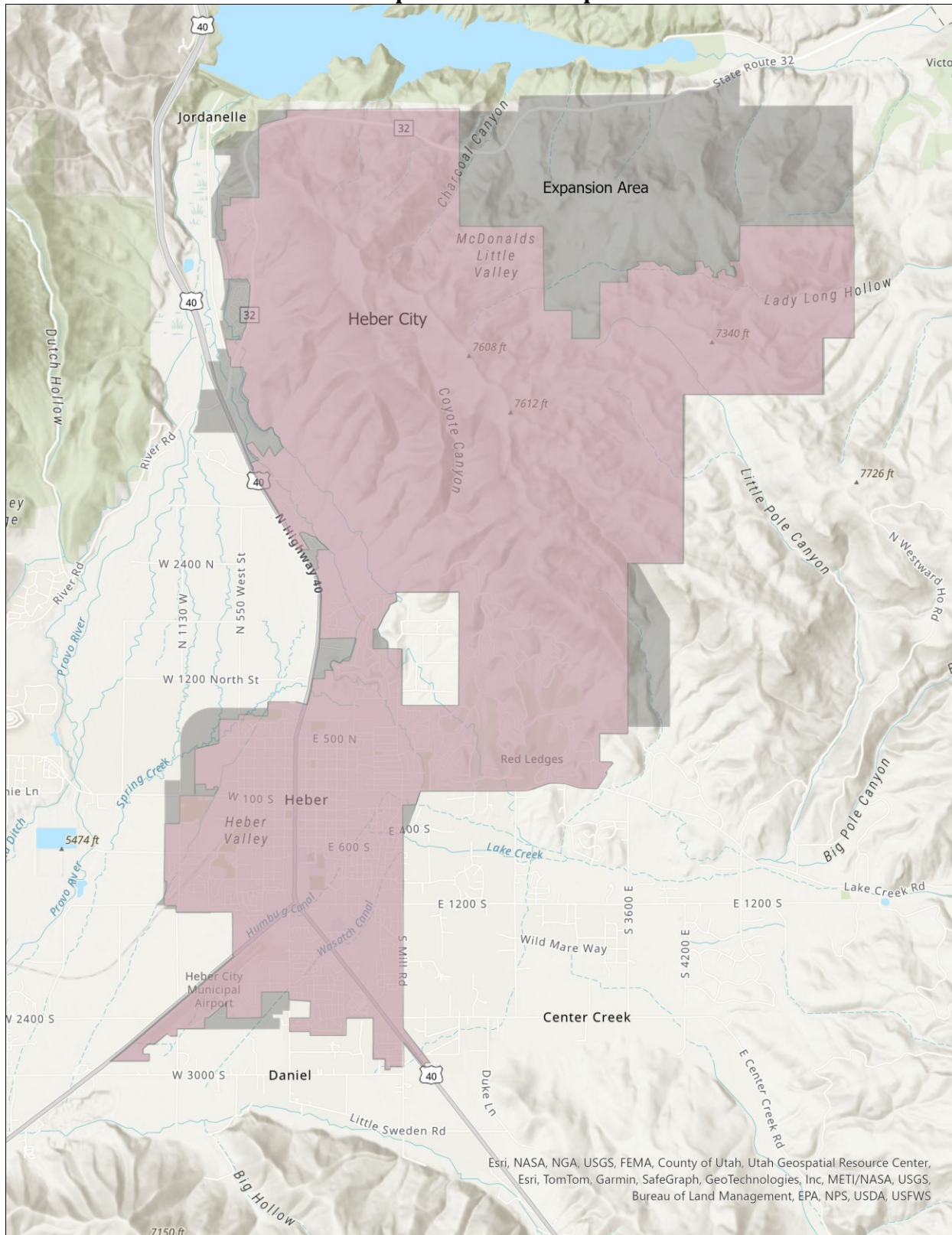


Exhibit B

2017 Land Use Map Analysis

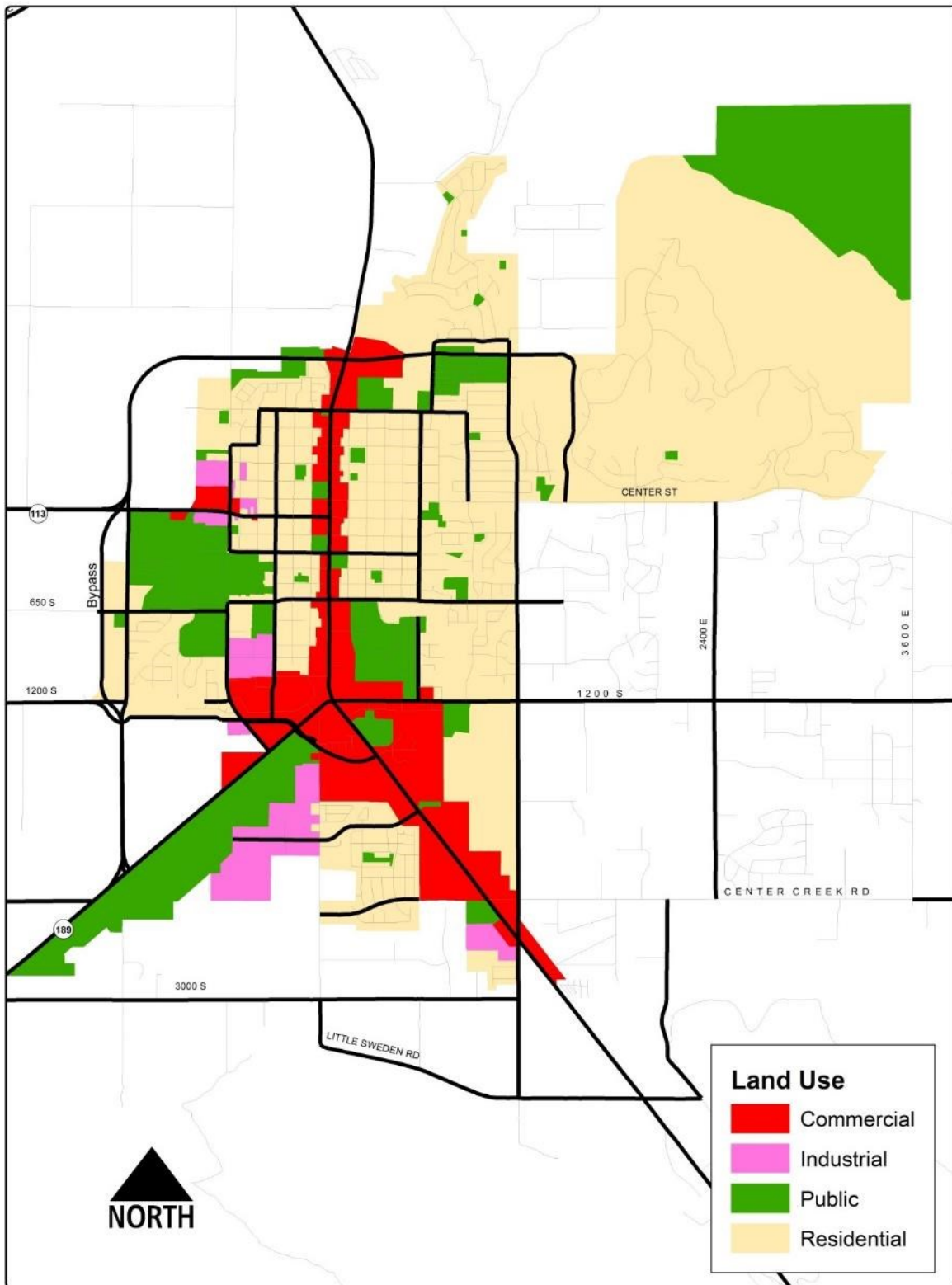
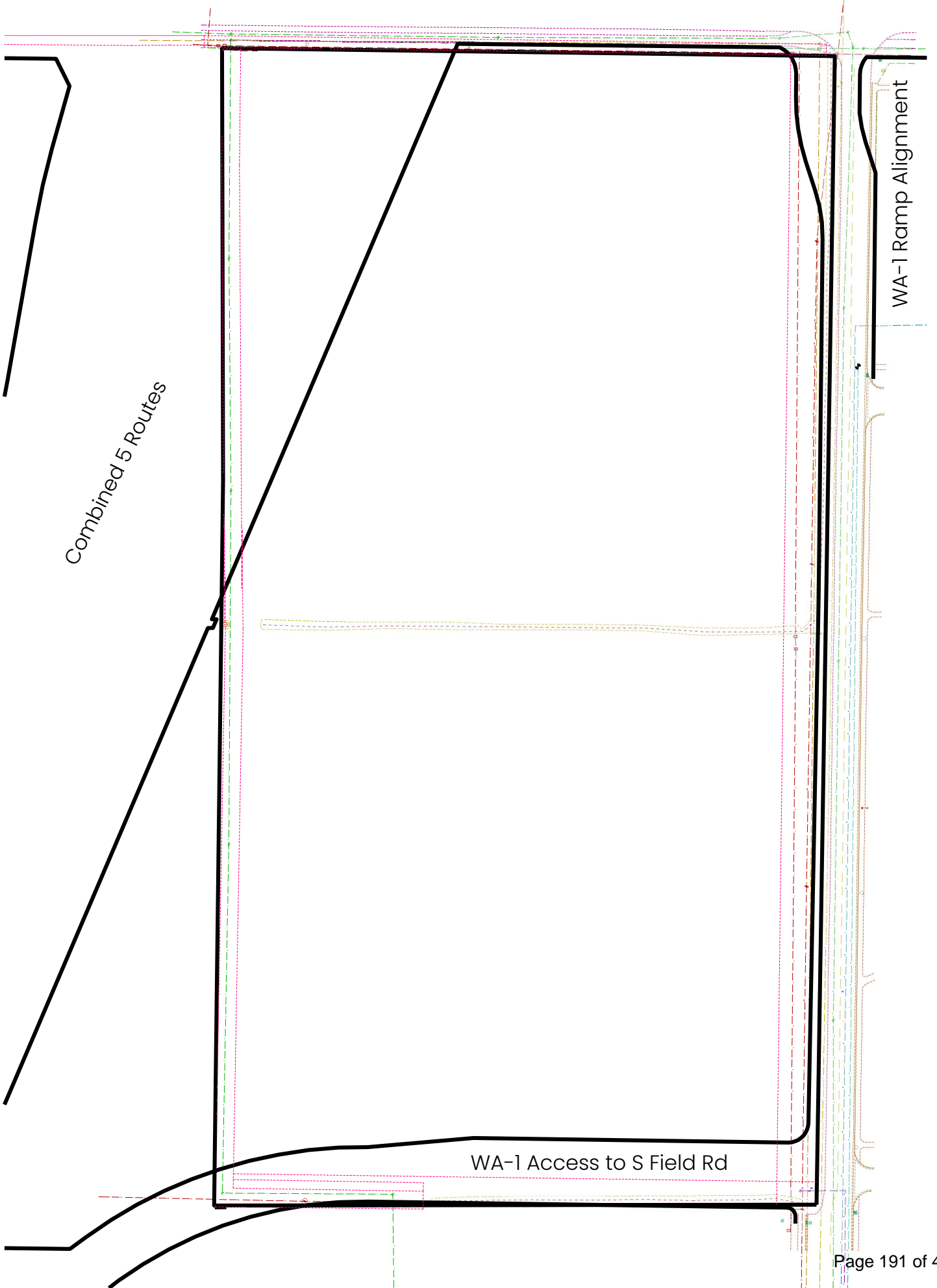


Exhibit C



Combined 5 Routes

WA-1 Ramp Alignment

WA-1 Access to S Field Rd

Data Tables

Table 5: Utah Population by County, 2010-2060

County	2010	2020	2030	2040	2050	2060	Absolute Change 2020-2060	Percent Change 2020-2060	Rank
Beaver County	6,645	7,076	8,008	8,777	9,397	10,181	3,105	43.9%	14
Box Elder County	50,084	57,886	67,637	75,494	83,130	89,997	32,111	55.5%	10
Cache County	113,307	133,743	163,345	185,948	207,094	226,084	92,342	69.0%	8
Carbon County	21,390	20,449	21,098	20,689	21,475	22,422	1,973	9.6%	25
Daggett County	1,076	943	905	910	942	1,009	67	7.1%	28
Davis County	307,712	363,419	411,564	472,344	529,711	580,155	216,736	59.6%	9
Duchesne County	18,689	19,608	18,796	19,351	20,807	23,133	3,525	18.0%	23
Emery County	10,991	9,824	9,862	9,674	10,066	10,731	907	9.2%	27
Garfield County	5,167	5,084	5,071	5,294	5,499	5,941	857	16.9%	24
Grand County	9,227	9,664	9,920	11,375	12,474	14,119	4,455	46.1%	13
Iron County	46,241	57,658	77,312	85,248	91,299	98,098	40,440	70.1%	7
Juab County	10,260	11,831	14,438	17,586	20,617	23,331	11,500	97.2%	5
Kane County	7,113	7,692	8,834	9,769	10,511	11,433	3,741	48.6%	12
Millard County	12,513	13,010	13,378	12,777	12,304	11,739	-1,271	-9.8%	29
Morgan County	9,516	12,353	15,080	18,184	21,301	24,207	11,854	96.0%	6
Piute County	1,548	1,442	1,577	1,625	1,663	1,708	267	18.5%	22
Rich County	2,280	2,517	2,795	3,059	3,311	3,534	1,018	40.4%	17
Salt Lake County	1,032,281	1,188,213	1,316,739	1,451,869	1,572,359	1,672,102	483,889	40.7%	15
San Juan County	14,715	14,541	14,712	16,186	17,280	18,923	4,382	30.1%	20
Sanpete County	27,834	28,560	31,839	34,693	37,100	40,096	11,536	40.4%	18
Sevier County	20,793	21,571	22,739	23,044	23,326	23,650	2,079	9.6%	26
Summit County	36,573	42,394	47,079	52,303	56,493	59,603	17,210	40.6%	16
Tooele County	58,369	73,149	96,600	115,253	133,001	148,890	75,742	103.5%	3
Uintah County	32,722	35,679	37,260	39,112	42,971	46,446	10,767	30.2%	19
Utah County	518,707	664,258	853,711	1,021,077	1,185,679	1,338,222	673,964	101.5%	4
Wasatch County	23,689	34,933	44,904	57,112	69,483	81,022	46,089	131.9%	2
Washington County	138,435	182,111	265,865	337,326	401,757	464,528	282,417	155.1%	1
Wayne County	2,775	2,490	2,556	2,712	2,850	3,028	538	21.6%	21
Weber County	232,015	262,727	295,538	331,771	366,031	396,265	133,539	50.8%	11
State of Utah	2,772,667	3,284,823	3,879,161	4,440,560	4,969,929	5,450,598	2,165,775	65.9%	0

Source: Kem C. Gardner Policy Institute, 2020-2060 Projections

Exhibit D - 2

Table 7: Utah Employment by County, 2010-2060

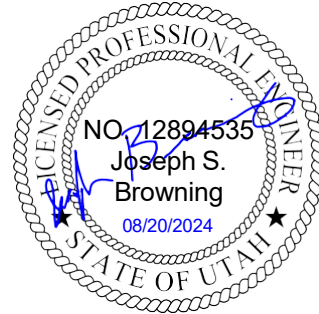
County	2010	2020	2030	2040	2050	2060	Absolute Change 2020-2060	Percent Change 2020-2060	Rank
Beaver County	3,612	4,030	4,388	4,676	5,069	5,406	1,376	34.1%	18
Box Elder County	24,827	29,826	35,753	38,514	41,233	42,807	12,981	43.5%	12
Cache County	66,052	82,979	97,811	109,684	120,531	126,714	43,735	52.7%	10
Carbon County	11,867	11,174	10,945	10,937	11,728	12,600	1,426	12.8%	25
Daggett County	599	525	647	680	704	736	212	40.3%	16
Davis County	149,652	196,858	236,180	260,029	288,350	310,889	114,031	57.9%	7
Duchesne County	11,083	11,669	12,180	12,325	12,705	12,924	1,255	10.8%	27
Emery County	5,595	4,980	5,038	4,661	4,478	4,595	-385	-7.7%	28
Garfield County	3,426	3,352	3,869	3,849	3,907	3,855	503	15.0%	24
Grand County	6,452	7,534	9,348	9,657	10,176	10,634	3,100	41.1%	15
Iron County	22,221	30,263	36,443	41,287	45,726	49,603	19,339	63.9%	5
Juab County	4,774	5,553	6,742	7,563	8,333	8,956	3,402	61.3%	6
Kane County	4,381	5,130	6,078	6,385	6,934	7,346	2,215	43.2%	13
Millard County	6,558	7,428	7,849	8,082	8,290	8,349	922	12.4%	26
Morgan County	4,028	5,262	6,314	6,975	7,621	7,881	2,619	49.8%	11
Piute County	631	639	615	591	576	568	-71	-11.2%	29
Rich County	1,290	1,629	1,833	1,899	2,017	2,079	449	27.6%	22
Salt Lake County	735,647	945,896	1,140,373	1,264,859	1,398,926	1,491,496	545,599	57.7%	8
San Juan County	6,311	6,508	7,223	7,647	8,028	8,476	1,968	30.2%	20
Sanpete County	11,308	13,369	15,259	16,396	17,021	17,392	4,022	30.1%	21
Sevier County	11,209	12,638	12,958	13,386	14,475	15,413	2,775	22.0%	23
Summit County	33,292	38,852	52,424	56,784	59,582	60,046	21,194	54.5%	9
Tooele County	21,321	23,890	30,286	34,572	38,715	41,676	17,786	74.4%	3
Uintah County	18,016	18,213	19,679	20,883	22,687	24,083	5,869	32.2%	19
Utah County	255,012	374,457	479,028	549,051	640,493	721,028	346,572	92.6%	2
Wasatch County	10,971	17,609	23,185	26,219	28,752	29,396	11,787	66.9%	4
Washington County	70,274	104,797	143,157	172,488	196,373	214,794	109,997	105.0%	1
Wayne County	1,736	1,917	2,240	2,347	2,525	2,688	771	40.2%	17
Weber County	118,657	144,624	166,113	178,639	193,749	205,921	61,297	42.4%	14
State of Utah	1,620,802	2,111,604	2,573,957	2,871,064	3,199,703	3,448,350	1,336,746	63.3%	0

Source: Kem C. Gardner Policy Institute, 2020-2060 Projections

Exhibit E

MEMORANDUM

Date: August 20, 2024
To: Heber City
From: Hales Engineering



Subject: Heber Wasatch County Administration Building Trip Generation Study

UT24-2813

Introduction

This memorandum discusses the trip generation study completed for the proposed Heber Wasatch County Administration Building development in Heber, Utah. A vicinity map of the proposed development is shown in Figure 1.



Figure 1: Vicinity map of the proposed development in Heber, Utah

Background

The proposed development is located at the Southwest corner of South Field Rd / 100 S (Midway Ln) in Heber, Utah. The project includes a 60,000 sq. ft. government administration building which will be the new primary offices for the County.

Trip Generation

Trip generation for the development was calculated using trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation (11th Edition, 2021)*. Trip generation for the proposed project is included in Table 1.

As shown in Table 1, it is anticipated that the proposed development will generate approximately 1,356 trips on an average weekday, including 202 trips during the morning peak hour, and 104 trips during the evening peak hour.

Table 1: Trip Generation

Trip Generation Heber - Wasatch County Administration Building								
Land Use ¹	# of Units	Unit Type	Trip Generation			New Trips		
			Total	% In	% Out	In	Out	Total
Weekday Daily								
Government Office Building (730)	60	KSF	1,356	50%	50%	678	678	1,356
AM Peak Hour								
Government Office Building (730)	60	KSF	202	75%	25%	152	50	202
PM Peak Hour								
Government Office Building (730)	60	KSF	104	25%	75%	26	78	104
1. Land Use Code from the Institute of Transportation Engineers (ITE) <i>Trip Generation</i> , 11th Edition, 2021.								
SOURCE: Hales Engineering, August 2024								

Access

The County could consider placing their access locations along South Field Road across from the accesses for Southfield Park. The North Access would be approximately 400 feet south of South Field Road / 100 South intersection and on the west side of the South Field Road. The South Access would be approximately 1,280 feet south of South Field Road / 100 South intersection and on the west side of the South Field Road. The recommended North and South accesses would eliminate offsets and therefore conflicting lefts with the existing accesses along South Field Road. Alternatively, an access could be considered in between the North and South locations if one of the other accesses is not feasible.

Regional Project Evaluation

The UDOT Heber Bypass EIS purposes five alternatives for the Heber Valley Corridor project, as described below:

- Alternative one: West Bypass Limited- Access Grade-Separated (WA1)
 - This option proposes an interchange that will require significant right-of-way acquisition on the northwest corner of the proposed project parcel.
 - There will also be right-of-way acquisition on the northeast corner and the south end of the proposed project parcel.
 - South Field Road / 100 South will be used as the main interchange intersection for the northbound traffic entering the freeway.
 - The suggested South Access would not work with this alternative due northbound traffic exiting the freeway. The off-ramp for the northbound traffic will be using the suggested South Access location to intersect with South Field Road. In this scenario, an access between the North and South access locations should be considered.

- Alternatives two through five: West Bypass Parkway At-Grade (WB1, WB2, WB3, WB4)
 - This option purposes a signalized intersection and will require right-of-way acquisition on the northwest corner of the proposed project parcel.
 - The South Field Road / 100 South intersection would be approximately 0.1 miles away from the proposed 100 South / West Bypass Parkway intersection.
 - It may be difficult to coordinate signals at the South Field Road / 100 South and 100 South / West Bypass Parkway intersection due to the proximity of the two intersections.

Conclusions

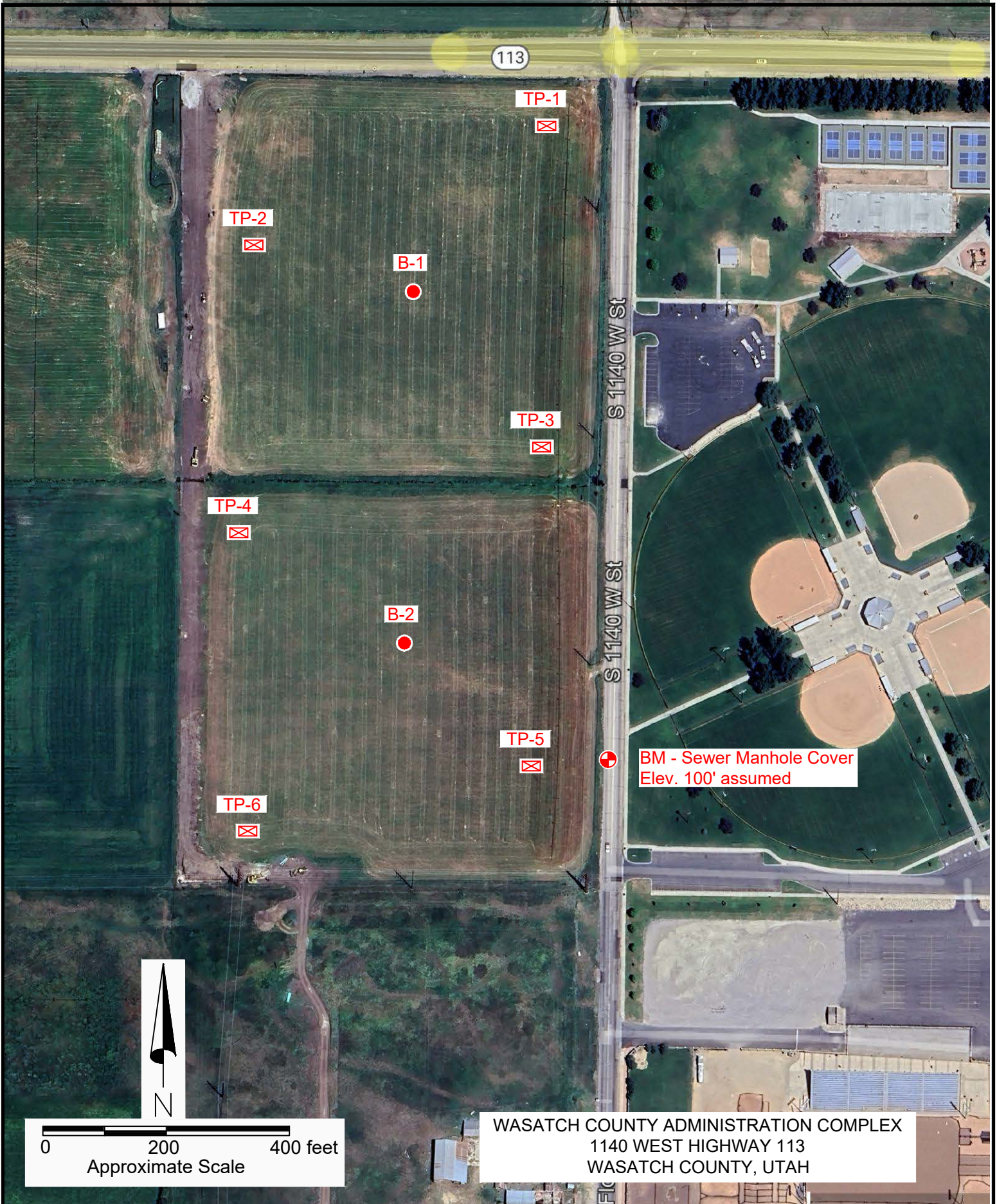
The findings of this study are as follows:

- The proposed development includes a 60,000 sq. ft. administration building. It is anticipated that the project will have up at least two accesses.
- It is anticipated that the proposed project will generate approximately 1,356 trips on an average weekday, including 202 trips during the morning peak hour, and 104 trips during the evening peak hour.
- The County could consider placing their access locations along South Field Road across from the accesses for Southfield Park, and/or potentially an access in between those locations.
- Interchange Impact (Alternative WA1): The proposed interchange will necessitate significant right-of-way acquisition, particularly on the north and south ends of the proposed project parcel. Additionally, the suggested South Access would not be feasible due to the conflict with the northbound off-ramp location.
- Signalized Intersection Impact (Alternatives WB1, WB2, WB3, WB4): The signalized intersection will require right-of-way acquisition on the northwest corner of the proposed project parcel, with additional acquisition potentially needed along the 100 South frontage. These alternatives may present challenges in signal coordination due to the close

proximity (approximately 0.1 miles) between the South Field Road / 100 South intersection and the proposed 100 South / West Bypass Parkway intersection.

If you have any questions regarding this memorandum, please contact us at 801.766.4343.

Exhibit F



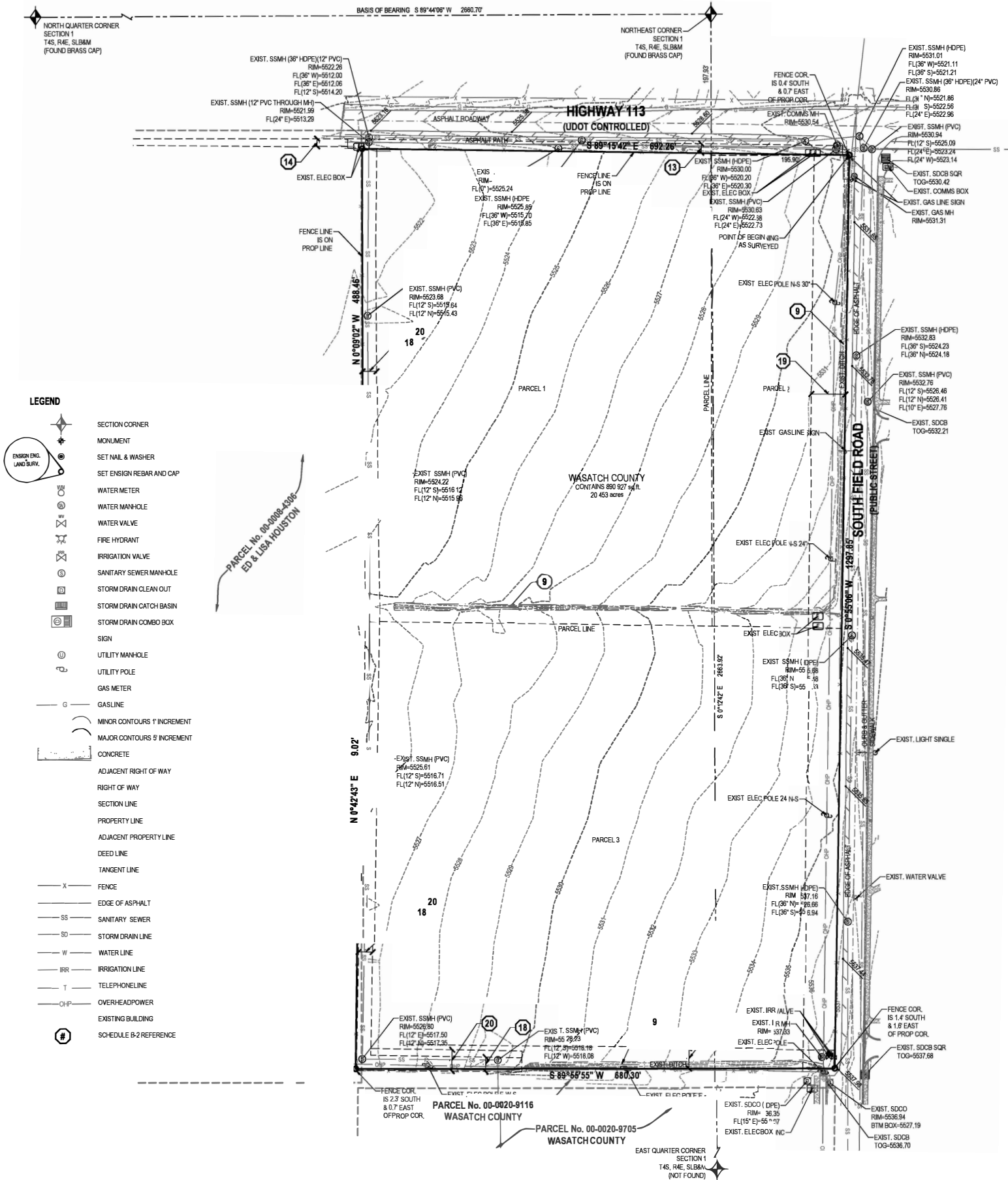
1240402

AGEC

Test Pit and Exploratory Boring Locations

Figure 1

Exhibit G



When recorded return to:

Heber City
Attention: City Recorder
75 North Main Street
Heber City, Utah 84032

Parcel No. 08-4298, 09-0592, & 20-9116

**ANNEXION AND DEVELOPMENT AGREEMENT
(Wasatch Administration Building Site)**

THIS AGREEMENT entered into as of May 1, 2025 (the “Effective Date”), by and between HEBER CITY (the “City”) and WASATCH COUNTY (the “County”). County and City are, from time to time, hereinafter referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, the County is the owner of approximately 20.8 acres of real property described in Exhibit A, located at approximately 100 S Southfield Road, Heber City, Utah (the “Property”); and

WHEREAS, the County has submitted a draft site plan to the City for development of the site; and

WHEREAS, the County has requested that the City annex the Property, and the City has agreed to annex the Property subject to the terms and conditions of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the promises, covenants and provisions set forth herein, the Parties agree as follows:

1. **Definitions.** Any capitalized term or phrase used in this Agreement has the meaning given to it below or in the section where the definition of such term is given.
 - a. **City’s Future Laws** means the ordinances, policies, standards, procedures and processing fee schedules of the City that will be in effect as of a particular time in the future when a Development Application is submitted for a part of the Project and that may, in accordance with the provisions of this Agreement, be applicable to the Development Application.

- b. **City's Vested Laws** means the ordinances, policies, standards, procedures and processing fee schedules of the City related to zoning, subdivisions, development, public improvements and other similar or related matters that are in effect as of the Effective Date.
- c. **Impact Fees** means those fees, assessments, exactions or payments of money imposed by the City as a condition on development activity as specified in Utah Code Ann. §§ 11-36a-101, *et seq.* (2023), as amended.
- d. **System Improvement** means those elements of infrastructure that fall within the definition of System Improvements pursuant to Utah Code Ann. § 11-36a-102(21).

2. **Zoning.** Concurrently with its execution of this Agreement, the City has annexed the Property to the City and zoned the Property under the Institutional and Public Facilities Zone (IPFZ). Except as otherwise set forth herein, development of the Property shall be in accordance with the IPFZ zone and the ordinances, policies, standards, procedures and processing fee schedules of the City related to zoning, subdivisions, development, public improvements and other similar or related matters that are in effect as of the Effective Date.

3. **General Vested Rights.** Subject to paragraphs 4 and 5, and except as specifically provided herein, the Parties intend that this Agreement grants to County all rights to develop the Property in fulfillment of this Agreement, the City's Vested Laws, and the zoning of the Property. The Parties specifically intend that this Agreement grant to County the "vested rights" identified herein as that term is construed in Utah's common law and pursuant to Utah Code Ann. § 10-9a-509 (2024).

4. **Compliance with City Requirements and Standards.** County expressly acknowledges that nothing in this Agreement shall be deemed to relieve County from its obligations to comply with all [lawfully imposed](#) applicable requirements of the City necessary for approval and recordation of subdivision plats for the Project, which are in place at the time of a complete and approved application, including the payment of unpaid fees, the approval of subdivision plats, the approval of building permits and construction permits, and compliance with all applicable ordinances, resolutions, policies and procedures of the City except as otherwise provided in this Agreement.

5. **Exceptions to Vested Rights.** The vested rights and the restrictions on the applicability of City's Future Laws are subject to the following exceptions:

5.1 **Agreed to Regulations.** City's Future Laws or other regulations to which the County agrees in writing;

5.2 **State and Federal Compliance.** City's Future Laws or other regulations that are enacted or required to comply with State or Federal laws or regulations [that are required by the State or Federal law to be ~~retroactive~~](#);

5.3 **Development Review Processes.** Amendments or changes to the City's application processes, review criteria, required application materials or submittal

checklists that are generally applicable [and are procedural rather than substantive](#).

5.4 Safety Codes. Any City's Future Laws that are updates or amendments to building, fire, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are enacted to meet legitimate concerns related to public health, safety or welfare;

5.5. ~~Engineering Standards. Amendments or changes to the City's Engineering Standard Drawings and Specifications.~~

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

5.7. Fees. Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law;

5.8 Impact Fees. Impact Fees or modifications thereto which are lawfully adopted, and imposed by the City pursuant to Utah Code Ann. Section 11-36a-101 (2025) et seq.;

5.9. Compelling, Countervailing Interest. Laws, rules or regulations that the City's land use authority finds, on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(ii)(A) (2025) [subject to claims for previously incurred expense](#).

6. **Infrastructure Requirements.** All master planned infrastructure elements on or adjoining the subject property need to be designed and installed by County. County shall comply with the following additional requirements:

- a. County shall ~~continue coordinating with UDOT to preserve any~~ land identified as potentially needed by UDOT for the ~~Heber Valley Corridor by-pass corridor~~ until such time as UDOT completes ~~engineering refinements to the two remaining alternates considered in~~ the EIS and identifies the preferred route alternative.
- b. The City's Regional Transportation Plan calls for widening of 100 South (Midway Lane). County shall coordinate with UDOT ~~in good faith to and~~ dedicate land as necessary for ~~existing road ROW and~~ future widening.
- c. County shall design, construct, and pay for widening of Southfield Road to collector road standards ~~to and match grade and width of the~~ already constructed road cross section to the south of the Property.

Commented [RB1]: We are happy to comply with any engineering standards and specifications in effect at the time of any development application, as is stated in the definition of City's Future Laws (1a). Our reading of 5.5 is that excepting these standards here from the vested rights and applicability of City's Future Laws would make developments perpetually subject to retroactively comply with all future changes to engineering standards, even outside the limits of development applications. We'd ask this be struck from this section or rewritten to resolve this concern.

Commented [RB2]: This coordination has included the UDOT-provided Exhibit C submitted with the feasibility report to Heber Planning Commission and working commitments to accommodate "engineering refinements" to the two remaining alternatives. They are not now ready to pursue any specific mechanism for preserving what might be needed. We are happy to provide further language here on what this coordination has or should entail if necessary.

Commented [RB3]: The ALTA survey indicates sufficient existing ROW and the trail provides enough buffer that we don't anticipate any conflict with UDOT's future needs even though they are not now ready to commit to specifying exactly what that might be.

Commented [RB4]: If Heber will provide these details we can include them here. Otherwise we can commit to details during the permitting process.

- d. County shall continue the irrigation water line in South Field Road along the frontage of the Property and tie into the existing irrigation water line located on the north side of 100 South Street installed by new high school project to complete the loop and provide adequate water pressure. UDOT's refusal to grant required permission to cross their right of way shall be deemed to exempt County from performing this work to an extent beyond the Property.
- e. County shall design and construct the Master Planned regional trail along east side of property with anticipation that this trail section will integrate with the planned trail section associated with UDOT's Heber Valley Corridor project. As such, a trail along the east side of the property shall be designed to be compatible with UDOT's requirements and preferences.
- f. The City owns and operates two existing parallel sewer lines along 100 South (Midway Lane). County shall provide a sewer easement extending at least 10 feet beyond the existing sewer lines in both directions using City standard easement language according to Exhibit D.
- g. County shall verify that the existing sewer easement is correctly located and recorded and connect to the sewer line on West side of Property indicated in note #18 within Exhibit E for sewer service.
- h. County shall comply with any pioneering agreements made known to the County in place for any infrastructure reimbursements that City is obligated to enforce and collect.

Commented [RB5]: If the tie-in on the north side exists and is located within the PUE, this is fine. If additional private easements are required, we can't negotiate them on Heber City's behalf. Also, we are willing to do this at Heber City's request, but this connection would lie directly within the proposed ROW for the Heber Valley Corridor. In keeping with the spirit of items a & b, we recommend Heber integrate their planned water line with UDOT's alternates. If UDOT refuses to grant permission because of pending corridor requirements, we can't be held at fault.

Commented [RB6]: Neither we nor UDOT now know specifics of the master planned trail that they will construct with the Heber Valley Corridor. We understand this language to require us to comply with the specifics of their plan at such time as they make them known. In the meantime, we agree to construct the trail in a way we believe will be compatible. We are open to language that holds us to the trail commitment without infringing on the spirit of items a & b.

Commented [RB7]: I have also sent in email the legal description of a sewer easement that would conform to these 10ft specifications for clarity and suggest it be attached as an Exhibit D.

Commented [RB8]: I suggest including the ALTA survey as Exhibit E which indicates this easement more specifically in Note 18.

Commented [RB9]: Our understanding is that no pioneering agreements exist. If there are existing agreements, please make this information available so we can know how we might comply with them.

7. **Default.** Any failure by any party to perform any term or provision of this Agreement, which failure continues uncured for a period of ten (10) calendar days following the receipt of written notice of such failure from the other party shall constitute a "Default" under this Agreement.

7.1 **Notice.** Any notice of default ("Default Notice") shall: (1) specify the claimed event of Default; (2) identify with particularity the provisions of any applicable law, rule, regulation or provision of this Agreement that is claimed to be in Default; (3) identify why the claimed Default is claimed to be material; and (4) specify the manner in which said failure may be satisfactorily cured.

7.2 **Cure.** Following receipt of a Default Notice, the defaulting Party shall have thirty (30) days in which to cure such claimed Default (the "Cure Period"). If more than 30 days is required for such cure, the defaulting Party shall have such additional time as is reasonably necessary under the circumstances in which to cure such Default so long as the defaulting Party commences such cure within the Cure Period and pursues such cure with reasonable diligence. City may, in City's sole discretion, withhold permits or approvals during any Cure Period.

7.3. **County's Remedies Upon Default.** County's sole and exclusive remedy under this Agreement shall be specific performance of the rights granted in this Agreement and City's obligations under this Agreement. IN NO EVENT SHALL HEBER CITY BE LIABLE TO COUNTY, ITS SUCCESSORS OR ASSIGNS, FOR ANY INDIRECT, SPECIAL, PUNITIVE, INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS, COSTS OF DELAY, OR LIABILITIES TO THIRD PARTIES.

7.4 **City's Remedies Upon Default.** In addition to all other remedies available at law or in equity, City shall have the right to withhold all further reviews, approvals, licenses, building permits and other permits for development of the Property in the case of a Default by County, until the Default has been cured. City shall further have the right to draw on any security posted or provided in connection with the Property and relating to remedying of the particular Default.

8. **Entire Agreement.** This Agreement, including its Exhibits, 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. All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the City and of the County.

9. **No Third-Party Beneficiary Rights.** This Agreement is not intended to and shall not be construed to give any third party any interest or rights (including, without limitation, any third-party beneficiary rights) with respect to or in connection with any agreement or provision contained herein or contemplated hereby.

10. **Notices.** Any notice or communication required hereunder between the City and the County must be in writing and may be given either personally or by registered or certified mail, return receipt requested. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (a) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (b) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United State mail. If personally delivered, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. Any Party may at any time, by giving ten (10) days written notice to the other Party, designate any other address to which notices or communications shall be given. Such notices or communications shall be given to the Parties at their addresses as set forth below:

The City:

Heber City Manager
75 N Main Street
Heber City, UT 84032

County

Wasatch County [Manager](#)

[25 North Main Street](#)
[Heber City, UT 84032](#)

10. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the Parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.

11. **Covenants Running with the Land and Manner of Enforcement.** The provisions of this Agreement shall constitute real covenants, contract and property rights which shall run with all of the land subject to this Agreement. The burdens and benefits of this Agreement shall bind and inure to the benefit of each of the Parties, and to their respective successors, heirs, assigns and transferees. The City may look to the County, its successors and/or assigns, for performance of the provisions of this Agreement relative to the portions of the Property owned or controlled by such Party. The City may, but is not required to, perform any obligation of the County that the County fails adequately to perform.

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 _____, 2025.

HEBER CITY:

By: _____
Heidi Franco, Mayor

ATTEST:

Heber City Recorder

Wasatch County

By: _____

ATTEST:

County Recorder

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
AMENDED AGENDA
May 20, 2025

DRAFT Minutes

5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. WORK MEETING - 5:00 P.M.

Mayor Heidi Franco called the meeting to order at 5:09 p.m. and welcomed everyone present.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney - arrived 5:12 p.m.
Council Member Aaron Cheatwood
Council Member Mike Johnston
Council Member Sid Ostergaard

City Council Absent: Council Member Scott Phillips

Staff Present: City Manager Matt Brower
Assistant City Manager Mark Smedley
Community Development Director Tony Kohler
Planning Manager Jamie Baron
City Engineer Russ Funk
City Attorney Jeremy Cook
City Recorder Trina Cooke
Chief of Police Parker Sever
Airport Manager Travis Biggs

Staff Participating Remotely: Planner Jacob Roberts, Planning Manager Jamie Baron, Human Resources Manager Cherie Ashe, Finance Manager Sara Jane Nagel, Accounts Payable Administrative Assistant Wendy Anderson, Public Works Director Matthew Kennard, and IT Director Anthon Beales.

Also Present: Michael Plowman, David Neban, Russ Watts, Ryan Miller, Lonny Reed, Rachel Kahler, Kurt Hoffman, Kent Shelton, Tori Broughton, Andrew Weber, Kendall Crittenden, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed-in online) DM, H, Andy Dorobek, Mike, Melissa Grote, Grace KPCW, Sam Elder, B B, Shortcake5, Lonny Reed, and Jen.

1. Water Policy Discussion (Russ Funk, City Engineer) - 30 min

City Engineer Russ Funk informed Council that he wished to review water usage, irrigation use, the City Water Policy in general, and water rights reduction for outdoor water use. He wanted to have a discussion with Council regarding proposed updates to the Water Policy and planned return with an updated policy for Council approval at a later date. Mr. Funk further outlined the information in the draft policy as included in the meeting materials. He explained how the culinary water usage was calculated. He recommended different percentages to charge for water by ERU (Equivalent Residential Units). Mr. Funk explained the updated development approval process and the requirement to dedicate water rights up front before beginning to build.

2. Harvest Village Public Infrastructure District (PID) No 1 and No 2 (Tony Kohler, Community Development Director) - 15 min

Community Development Director Tony Kohler reviewed the details within the proposed Public Infrastructure District (PID) agreement that the Harvest Village Development was seeking with the City. Council discussed the details within the governing document as outlined in the attached meeting materials. A PID served as a finance mechanism for the development and amenities therein, and was paid for by the property owners over a predetermined timeframe, who purchased property within the PID boundary .

II. BREAK - 10 MIN

III. REGULAR MEETING - 6:00 P.M.

1. Call to Order

Mayor Heidi Franco called the meeting to order at 6:21 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Sid Ostergaard, Commissioner)

Council Member Ostergaard led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Heidi Franco, Mayor)

Mayor Franco shared a prayer.

IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts disclosed.

V. CONSENT AGENDA:

Council Member Barney recognized the Rules of Order and Procedure indicated the meeting should conclude by 10:00 p.m., permitting one extension, if necessary, to end no later than 10:30 p.m. She felt the Council discussion was imperative to the transparency of the meeting and proposed to postpone all remaining agenda items to the following meeting if unable to complete discussion before 10:30 p.m.

Motion: Council Member Johnston moved to approve the Consent Agenda as presented.

Second: Council Member Ostergaard made the second.

Voting Yes: Council Members Ostergaard, Barney, and Johnston.

Voting No: None.

Absent: Council Members Phillips and Cheatwood.

The **Motion Passed 3-0.**

1. Approval of April 29, 2025, Fiscal Year 2026 Budget Workshop #1 Special City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Resolution 2025-08 Amending the Rules of Order and Procedure to Adjust the Agenda Order to Prioritize Public Hearings and Make Additional necessary Agenda Outline Adjustments (Trina Cooke, City Recorder)

VI. PUBLIC COMMENTS: (3 min per person/20 min max)

No one from the public came forward to comment.

VII. GENERAL BUSINESS ITEMS:

1. Monthly Development Report (Jamie Baron, Planning Manager) - *10 min*

Planning Manager Jamie Baron provided the monthly development report as included in the meeting materials. He shared the department's proposal to have a booth at the Heber Market on Main two Thursdays a month in July and August to answer questions from community members. The intent was to offer free information to the public for educational purposes.

2. Public Safety Report (Parker Sever, Chief of Police) - *10 min*

Chief of Police Parker Sever reported survey results received by the department. The majority of responses to the survey were positive. He listed the numbers and types of call-outs the officers had responded to. The Police Department's Easter Egg Hunt and Pancake Breakfast had been a huge success with estimated thousands of community members turning out.

3. Unity Week Events and Council Assignments (J. Mark Smedley, Asst. City Manager) - 10 min

City Manager Matt Brower reviewed the planned activities for Unity Week as included in the Staff Report. Unity Week would kick off the season's Heber Market on Main; there would be two ribbon-cuttings for new parks opening and one for the new bandshell; the flower planting would take place that Saturday.

The Red, White, and Blue Festival would be on July 4th and the Council was invited to help serve the lunch sponsored by the City. He invited Council to join in the freedom walk as well.

4. Envision Central Heber Policy Priority: Initiatives Update (Matt Brower, City Manager) - 30 min

Mr. Brower explained the purpose of the agenda item was to review the Council's top priorities and provide an update of Staff's progress. Envision Central Heber was an idea to regenerate the vibrancy of downtown Heber to create a destination for the existing community and visitors alike.

Executive Director of CAMS (Community Alliance for Main Street) Rachel Kahler shared proposed community activities to be hosted at the Main Street Park throughout the summer. Activities included free yoga, music, and more. CAMS continued to encourage Main Street businesses to join the beautification efforts. June 7th would be the summer flower planting. A new mural would be installed on the bedroom building wall next to Granny's Drive-in. Ms. Kahler shared the summer programming line-up as outlined in the presentation included in the meeting materials. She shared additional programming ideas such as a possible ghost tour, a winter outdoor market, and provided an update on the historic preservation efforts in the valley. Ms. Kahler presented a redevelopment design concept for Block 103 to install parking for the businesses. She noted that eight of the eight business owners on the block supported the project and needed more parking.

Matt Brower, Tony Kohler, and Rachel Kahler continued the presentation attached to the meeting materials including downtown parking possibilities and the potential for shared public parking. Mr. Kohler provided an overview of the proposed C Street alleyway through the middle of the block located between 100 and 200 South. City Engineer Russ Funk shared proposed road improvements for 100 West between 500 South and 100 North to make it more pedestrian-friendly, provide angled street parking, install curbing with bulb-outs, and landscape beautification. There would be a public outreach project for the impacted property owners. Mr. Kohler listed downtown zoning updates still needed. Mr. Brower shared images of the bandshell project's progress.

Mr. Brower recalled the County and School District's denial of the City's request to sign an Interlocal Agreement for a CRA (Community Reinvestment Agency). Council wished to see the numbers for the dollar amount proposed to be generated within the updated CRA boundary.

VIII. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

1. Annual Support for Children's Justice Center (Kurt Hoffman, Director Wasatch County Children's Justice Center) - *10 min*

Executive Director of Children's Justice Center (CJC) Kurt Hoffman provided the annual report from the Center. The mission of the Children's Justice Center was to provide a comfortable, neutral, child-friendly atmosphere for children to receive coordinated services during the child abuse investigative process. Seventy percent of the children brought to the CJC were Heber City residents. Heber City Police Sergeant Rick Keel was present to describe the importance of having a forensic interviewer for the children that were brought to the CJC. He was trained as a forensic interviewer and could attest to the importance of the work. Forensic interviewers worked with the children to get as much information as possible to take to court in order to put perpetrators away. The center was asking for the continued financial support of Heber City to assist with the cost of retaining a forensic interviewer.

Motion: Council Member Cheatwood moved to approve the requested contribution of \$11,000.00 and include it in the 2026 budget.

Second: Council Member Ostergaard made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

Absent: Council Member Phillips.

The **Motion Passed 4-0.**

2. Resolution 2025-07 Harvest Village Public Infrastructure District (PID) No 1 and No 2 (Tony Kohler, Community Development Director) - *15 min*

City Attorney Jeremy Cook advised that he had spoken with the developers for Harvest Village during the break and they had agreed to enter into another agreement, separate from the PID (public infrastructure agreement). The separate agreement would commit the developer to additional improvements and 100% completion within one year of the certificate of occupancy (C of O) of the hotel. Mr. Cook further explained the bonds that would be used for the funding of the project.

Council Member Cheatwood expressed concern that the new homeowners would be informed of the financial obligation of the PID when purchasing a home in the area.

Mayor Franco opened the discussion for public comment at 8:18 p.m. With no one coming forward to comment, the comment period was closed.

Motion: Council Member Johnston moved to adopt Resolution 2025-07, Harvest Village Public Infrastructure District (PID) number one and number two, with the following added requirements: 1. to include in the CC&R's (covenants, conditions, and restrictions) that all property purchasers would be notified that they would be subject to the benefits, costs, and conditions of the PID, including contact information for the PID board, and 2. contingent upon an added agreement with the City that the developer committed to completing the five PID improvements listed within one year of obtaining a certificate of occupancy for the hotel.

Second: Council Member Ostergaard made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, and Johnston.

Voting No: Council Member Barney.

Absent: Council Member Phillips.

The **Motion Passed 3-1.**

3. Repeal of outdated ordinances and approval of Ordinance 2025-11, Amending Title 6, Chapter 2 of Heber City's Animal Control Regulations (Parker Sever, Chief of Police)

Chief of Police Parker Sever described some of the outdated and antiquated laws in the existing code that the proposed ordinance would remand or repeal as outlined in the attached Staff Report and meeting materials.

Mayor Franco opened the meeting for public comment at 8:27 p.m.

County Council Member Kendall Crittenden came forward to state that he would share the information with the County Council.

Council Member Cheatwood noted the following errors or typos in the ordinance: the word "replaces" should be "replaced" for the sentence to read "The following sections of the Heber City Code are hereby repealed and replaced." The word "call" should be "shall" to read "shall be guilty of a class B misdemeanor," in section 6.17.010.

Motion: With the two changes listed, Council Member Cheatwood moved to adopt Ordinance 2025-11 repealing the list of ordinances and replacing the second list of ordinances in section two.

Second: Council Member Barney made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

Absent: Council Member Phillips.

The **Motion Passed 4-0.**

4. Ordinance 2025-09 Adopting Code Amendment to Allow City to Retain Fees-in-Lieu for Affordable Housing (Jeremy Cook, City Attorney) - 15 min

City Attorney Jeremy Cook recalled the City's efforts to obtain affordable housing commitments from developers in his time with Heber City. The intent of the proposed ordinance was to give the City funding assistance to seek its own affordable housing if a project were to present itself. There would be a significant amount of fee-in-lieu funds dedicated to the Wasatch County Housing Authority (WCHA), but the intent of the proposed ordinance was to allow the City the opportunity to seek its own solutions. The State had taken away the ability for cities and counties to require affordable housing from developers. Heber City negotiated with developers to obtain affordable housing or a fee-in-lieu. Council Member Ostergaard advised that he and the City Manager, Matt Brower, had shared the information with the Housing Authority the previous night at their meeting.

Kent Shelton served on the WCHA Board. He felt it was premature for the City to pull funding away from the WCHA. They had discussed the appropriate location of affordable housing to be built near transportation hubs and shopping amenities. He felt the withdrawal of fees from WCHA by Heber City would effectively dissolve the Housing Authority. They had hoped to acquire a full-time director, and he felt they would not be able to do so without the contributions from Heber City. He also felt the other local entities needed to be included in the discussion. Mr. Shelton reviewed the down payment assistance offered by the Housing Authority and the self-help partnership. He said that Brad Bishop, the director of Self-Help Homes, had been in attendance at the WCHA meeting the previous evening and informed the board that 84% of the move-ins still occupied their Self-Help Homes. WCHA had been heavily involved in the Prestige one and two projects, and more. Mr. Shelton felt the WCHA had a good track record and hoped the Council would put the brakes on pulling the fee-in-lieu funding and work with WCHA towards acquiring a much-needed director.

County Council Member and WCHA Chair Kendall Crittenden informed the City Council that County funds had paid for much of the affordable housing in Heber City that specifically benefited the community. He read from the Staff Report and said he did not care for the wording. Heber City Attorney Jeremy Cook further explained the City's intent was only to allow the option for Heber City to utilize some of the fee-in-lieu funds it collected for independent projects.

Council discussion followed regarding the need for all of the local entities to participate in the effort to provide affordable housing in the community; the need for a full-time employee at WCHA; how to obtain additional assistance from the State for the provision of affordable housing in Heber Valley; and brainstorming ideas and solutions to provide affordable housing locally.

Motion: Council Member Johnston moved to adopt Ordinance 2025-09, adopting code amendments to allow the City to retain fees-in-lieu for affordable housing, which just affected 18.102.080(E), and to correct the grammar in the ordinance.

Second: Council Member Cheatwood made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

Absent: Council Member Phillips

The **Motion Passed 4-0.**

IX. COMMUNICATION:

City Manager Matt Brower provided an update on the cemetery columbarium. He asked for Council's support to proceed with two fountains at the new Cemetery Admin Building site. There would need to be a budget amendment. Council asked to have a visual of the columbarium with the fountains provided when the fountain approval was returned for a vote.

Mr. Brower asked for Council direction regarding moving forward with the installation of the irrigation line for the Valley Hills Drive residents to landscape and maintain the City's easement land. Council Member Johnston proposed a community garden in the larger section on the north end. Council further discussed uses for the area. Majority of the Council agreed that the City should wait to install the irrigation line in the fall, when the City's Public Works Department could do the work, thereby keeping the cost down.

Mr. Brower extended an invitation from the County Council to hold a combined meeting on Thursday, June 12, 2025.

Mr. Brower congratulated the Heber City Public Works Department for winning the Back-hoe Rodeo during Public Works Week.

Council Member Barney shared her fear of children running into Lake Creek Canal where a fence had been removed on 1530 South Industrial Way.

Council Member Cheatwood read an email from Nick Lopez regarding locks that had been put on fire hydrants throughout the City. Mr. Brower explained the concern of water theft from the City through the hydrants. Public Works had placed the locks and delivered keys to the Fire Department for removal of the locks when needed.

Mayor Franco shared that Council Member Cheatwood would be offering a speech at the Monuments of the Americas in her absence, and that Council Member Barney and County Council Member Kendall Crittenden would be attending a housing summit at the Governor's mansion the following week.

X. CLOSED MEETING:

Motion: Council Member Barney made the motion to enter Closed Meeting for the strategic discussion of pending litigation and the purchase, exchange, or lease of real property.

Second: Council Member Cheatwood made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

Absent: Council Member Phillips

The **Motion Passed 4-0.**

The City Council entered Closed Meeting at 9:52 p.m.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Aaron Cheatwood
Council Member Mike Johnston
Council Member Sid Ostergaard

City Council Absent: Council Member Scott Phillips

Staff Present: City Manager Matt Brower
Community Development Director Tony Kohler
City Engineer Russ Funk
City Attorney Jeremy Cook
City Recorder Trina Cooke

1. Pending or Reasonably Imminent Litigation
2. Potential purchase, exchange, or lease of real property

XI. ADJOURNMENT:

Motion: Council Member Ostergaard moved to exit the Closed Meeting and adjourn.

Second: Council Member Cheatwood made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

Absent: Council Member Phillips

The Closed Meeting ended and Regular Meeting adjourned at 10:34 p.m.

Trina Cooke, City Recorder



Heber City Council Staff Report

MEETING DATE: 6/17/2025
SUBJECT: Reallocation of TAP Funds
RESPONSIBLE: J. Mark Smedley
DEPARTMENT: Administrative
STRATEGIC RELEVANCE:

SUMMARY

In May 2025, following the Arts Advisory Committee's recommendations, the City Council awarded a \$9,500 TAP Tax grant to *Dancing with Traditions: The Pow Wow at River's Edge*. However, the event was later canceled.

The Executive Director of Community Alliance for Main Street (CAMS) has requested that the City Council reallocate these funds to support technical sound needs for CAMS' Sunday and Monday night music series at Main Street Park for the 2025 season. Some Council members have requested that this matter be placed on the City Council Consent Agenda for consideration.

RECOMMENDATION

It is recommended that the Council reallocate the \$9,500 TAP Tax grant originally awarded to *Dancing with Traditions: The Pow Wow at River's Edge* to CAMS, to enhance the technical sound support for the Sunday and Monday night live music series at Main Street Park.

BACKGROUND

Beginning in June 2025, CAMS launched its *Soulful Sunday* event series at Main Street Park, with the first performance featuring the Utah Harp Festival – Wasatch County Chapter. This event drew over 70 attendees.

Previously, CAMS applied for and received \$4,830 from the TAP Tax Grant to support sound system needs for the *Monday Night Locals Show*, funding six performances during the summer. However, due to high community interest, the series was expanded to run every Monday from June 2 through August 18. CAMS now seeks to integrate the Sunday *Soulful Series* with the Monday night concert series to serve the growing audience better

DISCUSSION

The rapid growth in attendance has revealed the limitations of CAMS' current sound system. The equipment, provided by Winston Lee of Lee Music, is insufficient for the increasing audience sizes, particularly as performances transition to the Main Stage. The existing PA system struggles to project clear audio across the park, raising concerns that attendees may have difficulty fully experiencing the concerts.

To address this challenge, CAMS has formally requested the reallocation of the \$9,500 TAP Tax grant to hire a professional sound technician from Atkinson Sound for the Sunday and Monday live music series. This adjustment will ensure appropriate audio coverage, enhance audience experience, and improve overall event quality.

Specifically, CAMS requests that the City Council consider reallocating the \$9,500.00 funds originally awarded to the said Pow Wow at River's Edge, to CAMS, to support the technical sound needs for said 2025 Sunday and Monday night live music series at the park.

FISCAL IMPACT

This reallocation would utilize existing TAP Tax grant funds and would not require additional budgetary allocations.

CONCLUSION

Approving this reallocation will allow CAMS to strengthen the sound infrastructure for its expanding concert series, ensuring the performances remain accessible and enjoyable for the community

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve the item** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve the item** as amended, as follows.

Alternative 3 - Continue

I move to **continue the item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member: J. Mark Smedley, Asst. City Manager

EXHIBITS

None



Heber City Council Staff Report

MEETING DATE: 6/17/2025
SUBJECT: Found Property Purge
RESPONSIBLE: Parker Sever
DEPARTMENT: Police Department
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
-

- 3. Continue
 - 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the **item** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the **item** as amended, as follows.

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the **item** with the following findings.

ACCOUNTABILITY

Department: Police Department
Staff member:

EXHIBITS

- 1. June 2025 Found Property Purge

Record List - Total:81

Number	Incident	Property number	Type	Description
16637	1508-0780	H15834	FP	ID CARD
16638	1508-0780	H15835	FP	HOME DEPOT CARD
21740	1802-1169	H20997	OTH	RIFLE BOX
27109	2008-1082	H25958	FP	3 BB CASING
32036	2301-0115	H30581	OTH	BLUE BACK PACK
32994	2306-0745	H31671	EIS	BLACK & YELLOW FOLDING KNIFE
33180	2306-1194	H31722	EIS	BRN GOLD SILVER FOLDING KNIFE
33181	2306-1194	H31723	EIS	RED SILVER BOX FOLDING BX CUTT
33985	2311-1490	H32602	FP	SPECIALIZED BIKE
34566	2402-0732	H32983	FP	BIKE
34601	2402-0895	H33092	EIS	INSURANCE INFO
34597	2403-0445	H33082	EIS	3 CONTAINERS AND A BAG
34851	2403-0976	H33166	FP	GOOGLE PHONE IN SILVER CASE
34979	2404-0029	H33237	EIS	APPLE AIR TAG
34978	2404-0116	H33239	FP	FOUND SYRINGES - UNUSED
35080	2404-0551	H33261	FP	ROADMASTER BIKE
35093	2404-0752	H33277	FP	SEVERAL RINGS, MENS WEDDING
35092	2404-0752	H33278	FP	BLACK MK WALLET
35088	2404-0752	H33279	FP	VISA CARD
35086	2404-0775	H33280	FP	BAG W/ FLOWERS & ID
35335	2405-0757	H33436	FP	BLACK TRI FOLD WALLET
35394	2405-1141	H33466	FP	FOUND PASSPORT
35419	2405-1617	H33509	FP	LARGE FIXED BLADE KNIFE
35537	2406-0339	H33643	FP	AIR PODS
35468	2406-0557	H33586	FP	GIANT BIKE FRAME
35489	2406-0974	H33632	FP	1-RING 3 BRACELET, 1-NECKLACE
35486	2406-0974	H33630	FP	BLACK WALLET
35487	2406-0974	H33624	FP	CLEAR WALLET INSERT W/PILOT LI
35488	2406-0974	H33633	FP	CREDIT CARDS - WALMART L&F
35490	2406-0974	H33635	FP	EARBUDS, MP3, WALLET
35491	2406-0974	H33631	FP	15 SETS OF KEYS
35494	2406-0974	H33627	FP	TEMP UT DL
35500	2406-1358	H33655	EIS	PASSPORT
35564	2407-0253	H33724	FP	SAMSUNG
35557	2407-0253	H33719	FP	BLACK BI FOLD WALLET
35565	2407-0253	H33725	FP	SAMSUNG PEACH/MAUVE CASE
35555	2407-0253	H33732	FP	BLACK TRI-FOLD
35558	2407-0253	H33722	FP	67 DEBIT CARDS,VAIOUS OWNERS
35553	2407-0253	H33721	FP	MULTIPLE DL'S
35544	2407-0253	H33723	FP	SAMSUNG POWER BANK
35545	2407-0253	H33728	FP	BLACK POUCH
35554	2407-0253	H33727	FP	VARIOUS CARDS
35546	2407-0253	H33715	FP	GREEN WALLET
35641	2407-0387	H33738	FP	UT PLATES
35664	2407-0934	H33827	FP	BIKE W/ 2 STICKERS & EAR PIECE
35687	2407-1120	H33862	FP	COLORADO ID
35688	2407-1278	H33870	FP	BLUE/ SILEVER ADULT MNT BIKE
35708	2407-1598	H33885	FP	IPAD IN LAVENDER CASE
35703	2407-1598	H33892	FP	KEY WITH CORONA BOTTLE OPENER
35705	2407-1598	H33891	FP	VARIOUS CREDIT CARDS
35700	2407-1598	H33888	FP	BLACK WALLET
35702	2407-1598	H33887	FP	VERIZON FLIP PHONE
35706	2407-1696	H33886	FP	BROWN COACH WALLET
35735	2408-0423	H33954	FP	BROKEN IPAD - FOUND PROPERTY
35891	2409-0109	H34106	FP	BLACK BACK PACK
35949	2409-0391	H34143	FP	BLUE SPECIALIZED W/PAINT
35951	2409-0489	H34156	FP	WHITE BIKE BLUE&PINK LETTERS

35979	2409-0613	H34160	FP	LADIES ZIPPERED WALLET
35981	2409-0613	H34161	FP	GRAY MAURICES CLUTCH NO ID
36037	2409-0981	H34214	FP	YOUTH REDLINE BIKE
36035	2409-0981	H34213	FP	RED AND SILVER MONGOOSE BIKE
36036	2409-0981	H34212	FP	BLUE SCHWINN LADIES BIKE
36072	2409-1515	H34228	FP	BIFOLD LV WALLET
36168	2409-1515	H34319	FP	ID INFO
36174	2410-0754	H34367	FP	FOUND OLD CASING
36205	2410-1051	H34401	FP	RED MOUNTAIN BIKE
36247	2410-1452	H34467	FP	BACKPACK
36255	2410-1562	H34474	FP	BROWN WALLET W/CARDS
36273	2411-0178	H34514	FP	BLACK PHONE RED/GRAY SCREEN
36276	2411-0217	H34516	FP	RED/BLUE SCHWINN MNT BIKE
36405	2411-1398	H34723	FP	2 FOUND WATCHES
36404	2411-1398	H34726	FP	BLUE WALLET
36403	2411-1398	H34727	FP	SPIDERMAN WALLET W/CARDS
36399	2411-1398	H34724	FP	COSTUME JEWELRY FOUND PROP
36401	2411-1398	H34728	FP	ID CARD
36400	2411-1398	H34725	FP	BLACK GUESS WALLET
36406	2411-1398	H34720	FP	VARIOUS EARPHONES
36402	2411-1398	H34722	FP	VARIOUS FOUND KEYS
36407	2411-1398	H34719	FP	MULTIPLE CARDS
36426	2412-0338	H34744	FP	BLACK/BLUE GIRLS MONGOOSE BIKE
36538	2501-1107	H34938	FP	RED MONGOOSE BIKE

Fraud Risk Assessment

Continued



*Total Points Earned: 370/395 *Risk Level: Very Low Low Moderate High Very High
 > 355 316-355 276-315 200-275 < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	X	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?	X	5
b. Procurement?	X	5
c. Ethical behavior?	X	5
d. Reporting fraud and abuse?		5
e. Travel?	X	5
f. Credit/Purchasing cards (where applicable)?	X	5
g. Personal use of entity assets?	X	5
h. IT and computer security?	X	5
i. Cash receipting and deposits?	X	5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?	X	20
a. Do any members of the management team have at least a bachelor's degree in accounting?	X	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?	X	20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training (training.auditor.utah.gov) within four years of term appointment/election date?	X	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	X	20
7. Does the entity have or promote a fraud hotline?	X	20
8. Does the entity have a formal internal audit function?		20
9. Does the entity have a formal audit committee?	X	20

*Entity Name: Heber City Corporation

*Completed for Fiscal Year Ending: June 30, 2025 *Completion Date: June 1, 2025

*CAO Name: Matt Brower *CFO Name: Sara Nagel

*CAO Signature:  *CFO Signature: 

*Required

Heber Valley Corridor



ENVIRONMENTAL IMPACT STATEMENT

Heber City Council

June 17, 2025

Completed Activities

Local Government Coordination

- Did not present in May
- Provided updates in April
 - [Daniel Town Council](#) on April 7 (UDOT update begins at 50:41)
 - [Wasatch County Interlocal Meeting](#) on April 9 (UDOT update begins at 1:16:25)
 - [Midway City Council](#) on April 15 (UDOT update begins at 4:58)
 - [Heber City Council](#) on April 15 (UDOT update begins at 2:40:02)

Public Outreach

- Sent letters to potentially impacted property owners, responded to inquiries

Alternatives Design

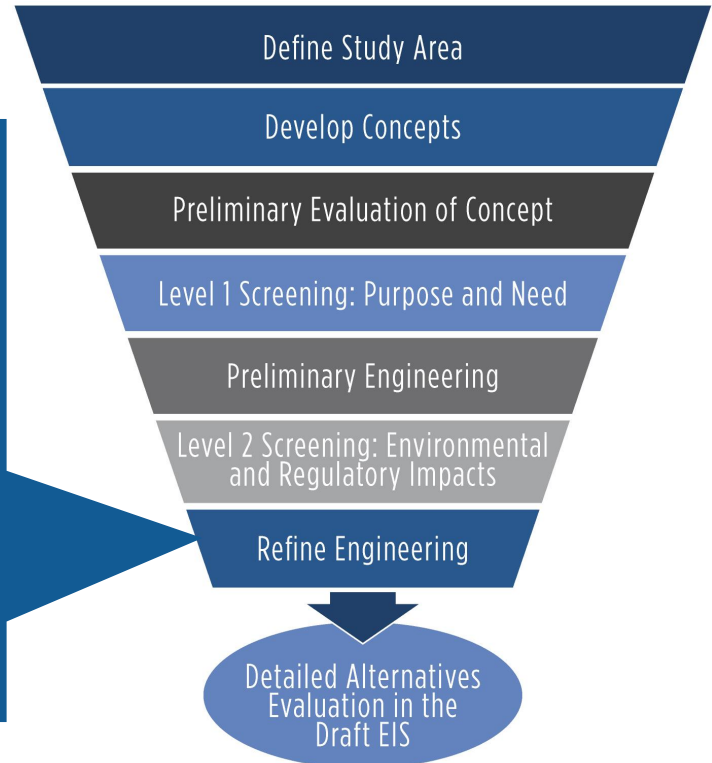
- Design refinements complete

Completed Activities

Alternatives Design Refinements

Design elements will address:

- Non-motorized transportation
- Drainage and Stormwater management
- Access and connectivity to local road networks
- Conflict with major infrastructure and utilities



Ongoing Activities

Public Outreach

- Coordinating with potentially impacted property owners
- Coordinating with Utah Open Lands to ensure there is no conflict between the proposed bypass and proposed conservation easements

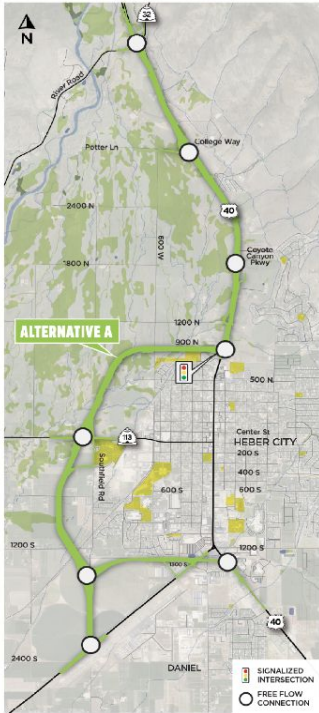
Alternatives Analysis

- Field surveys in select areas (owners have been notified via letter)
- Evaluating benefits and impacts from project alternatives
- Preparing Draft EIS

Local Government Coordination

- Monthly coordination meetings with Heber City and Wasatch County staff

Alternatives for Draft EIS

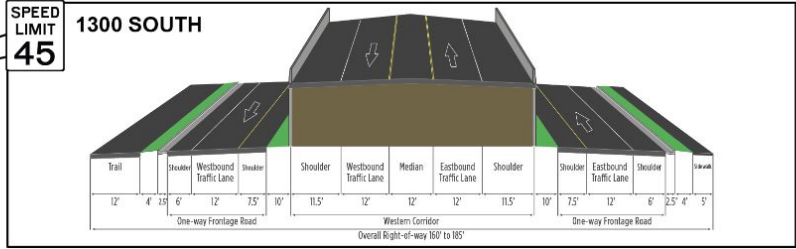
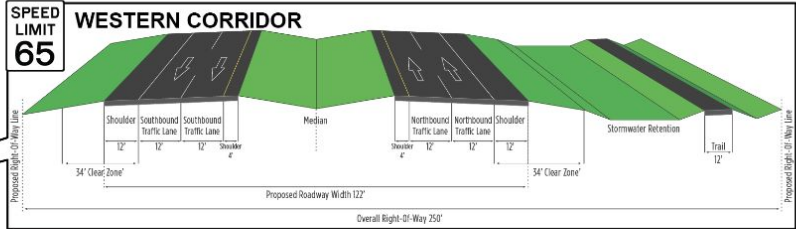
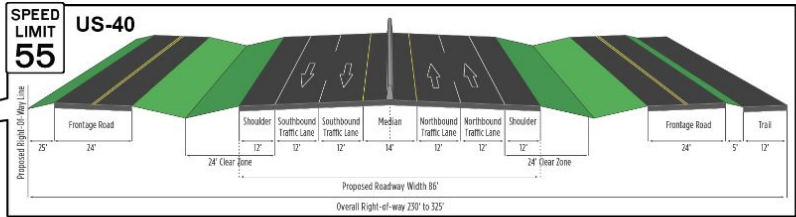
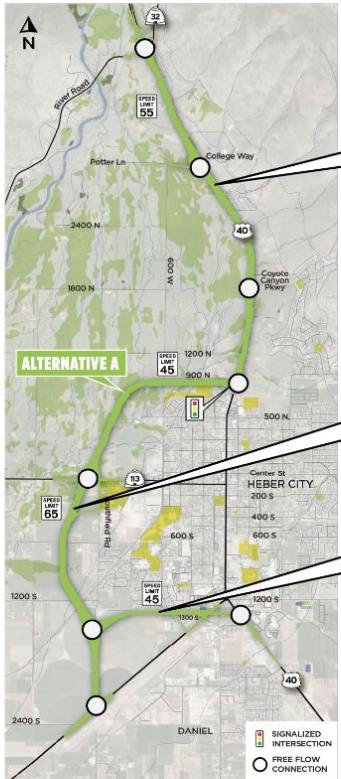


⇒ **Alternative A (on US-40)**

⇒ **Alternative B (off US-40)**

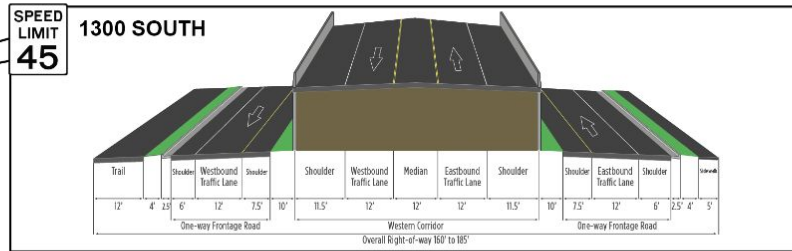
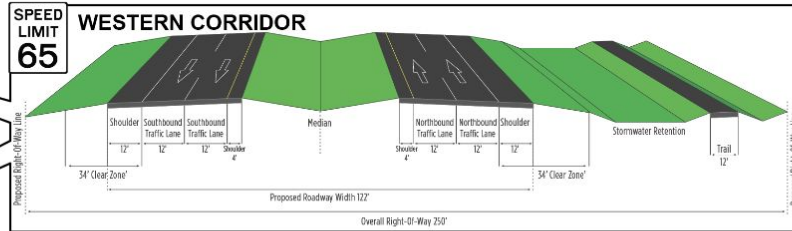
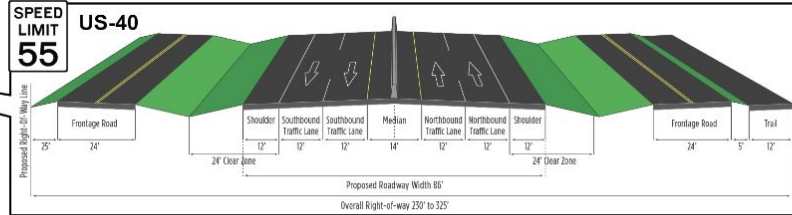


Alternative A



- Freeway facility (similar to US-40 north of SR-32)
- Uses existing US-40
- Requires frontage roads on US-40 for local connectivity
- Everything south of 900 N is the same for both alternatives

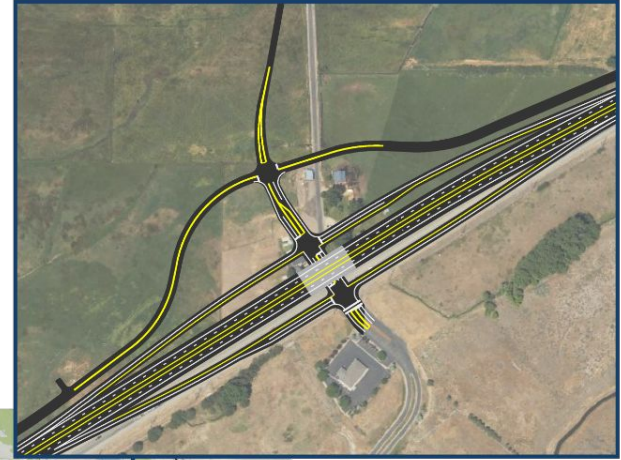
Alternative B

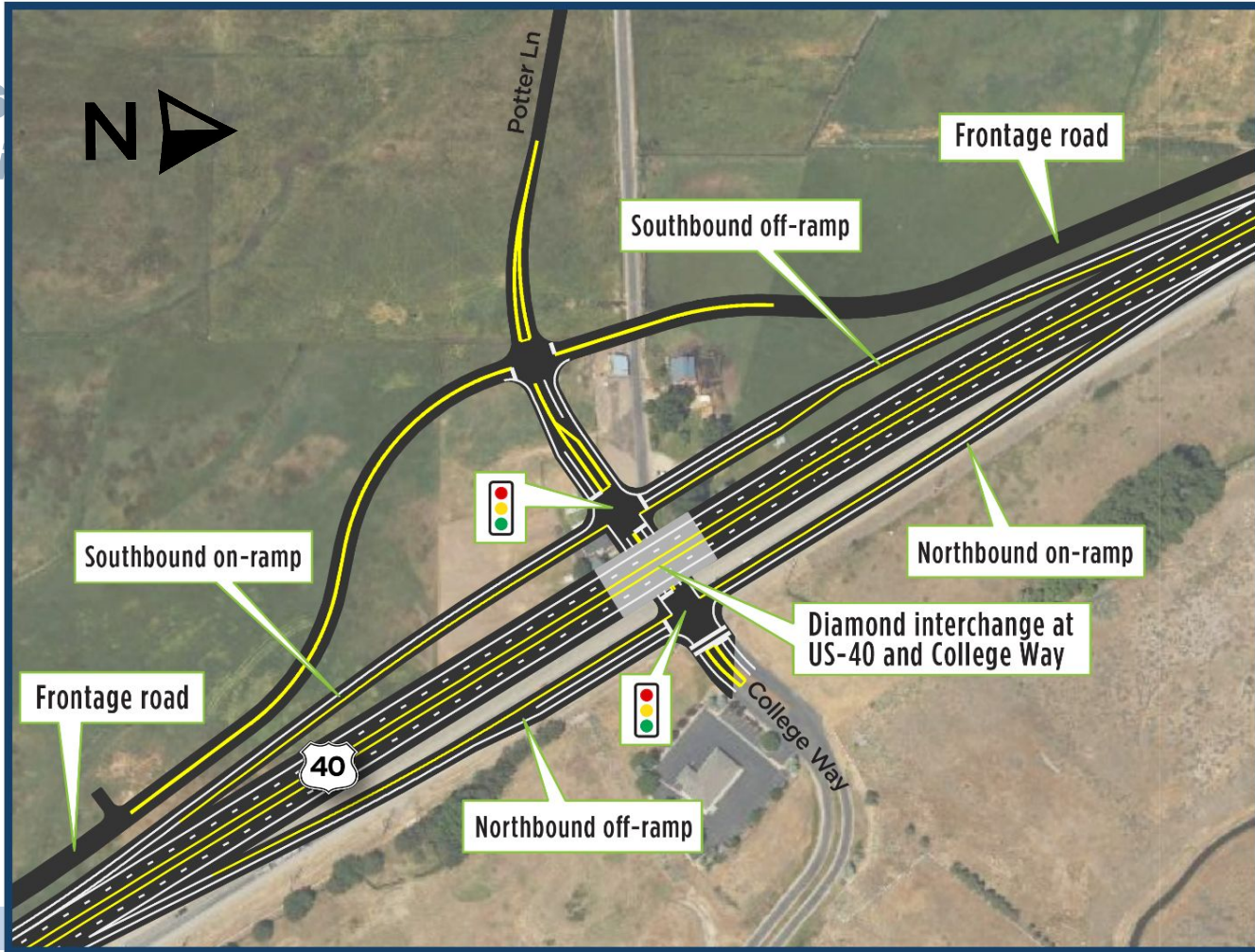


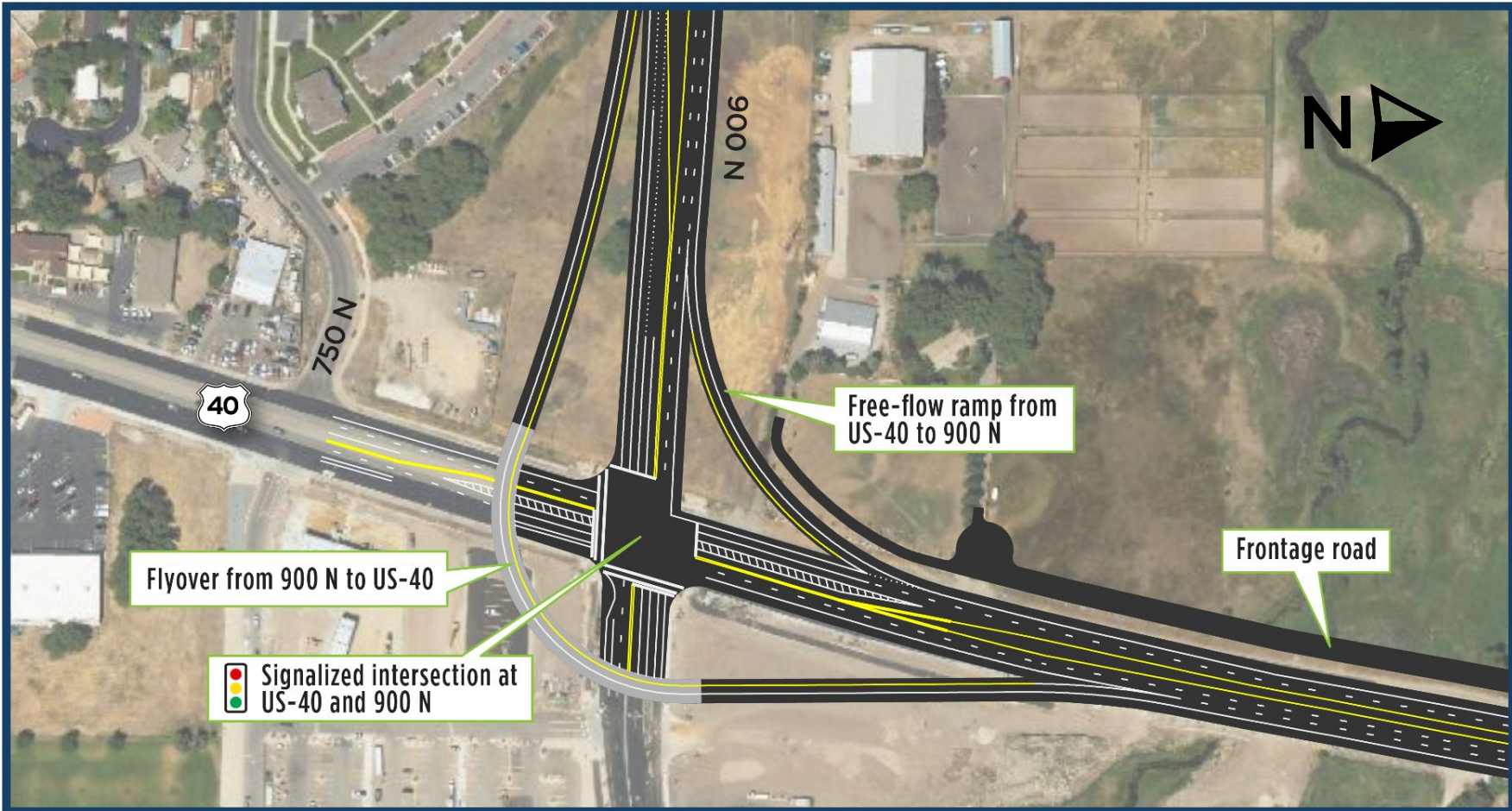
- Freeway facility (similar to US-40 north of SR-32)
- New corridor through North Fields
- US-40 remains similar to existing conditions south of College Way

Access and Connectivity

Alternative A - College Way to Heber Valley Corridor

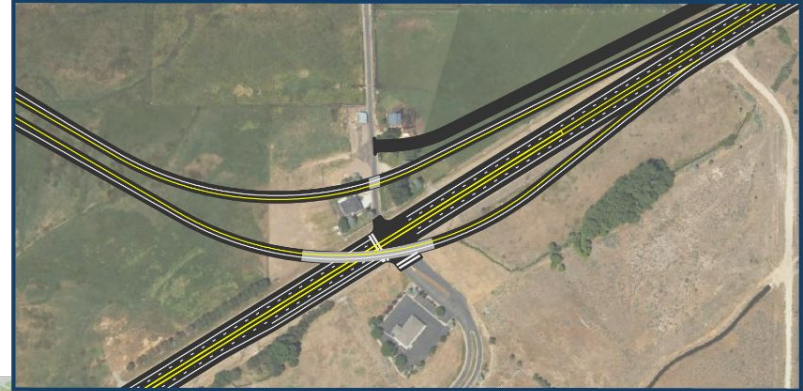
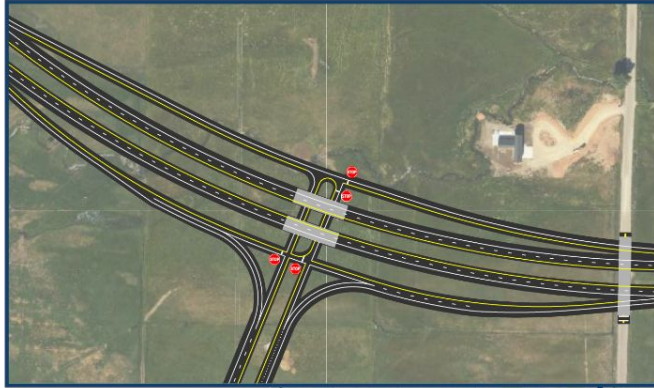


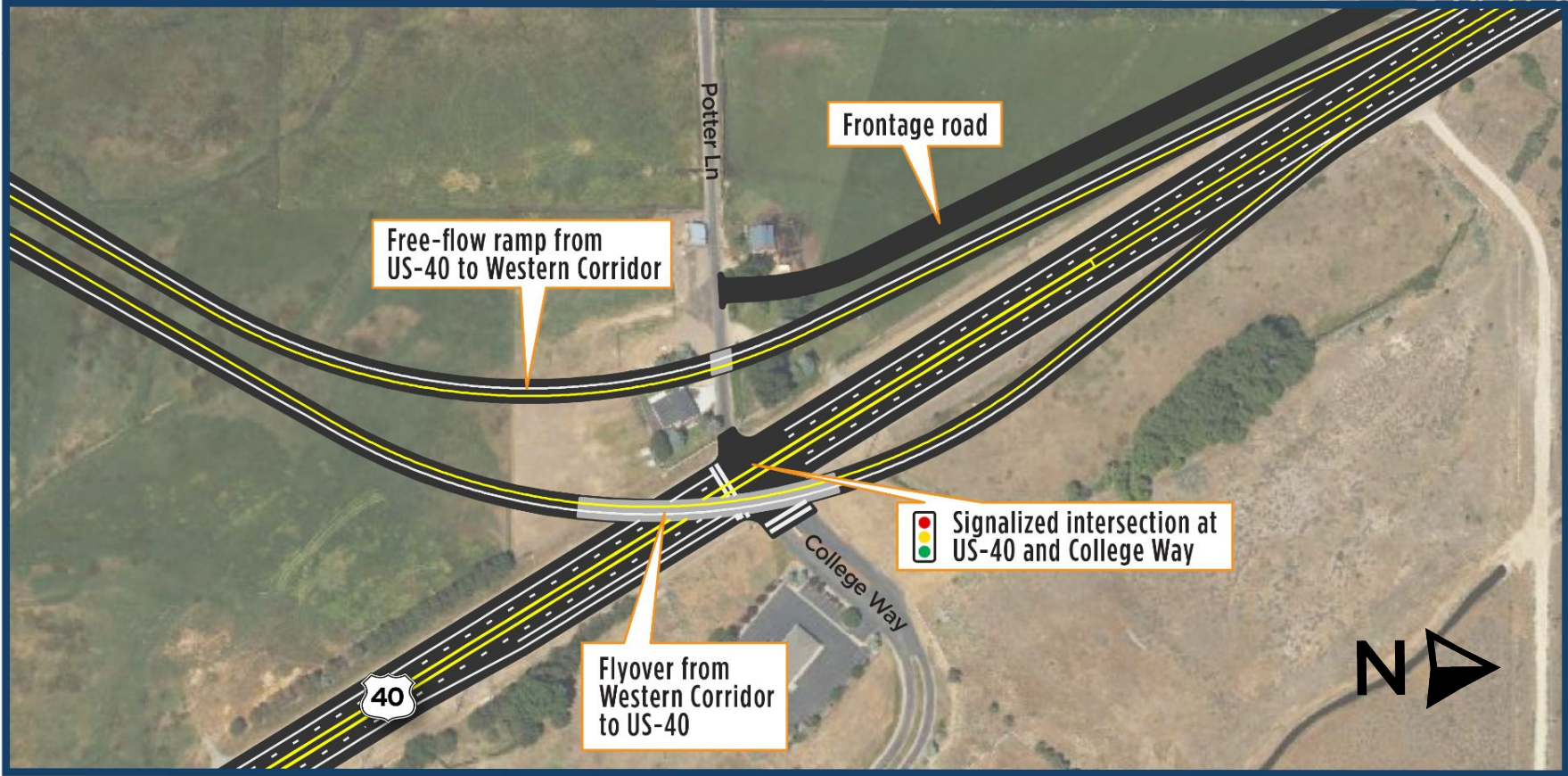


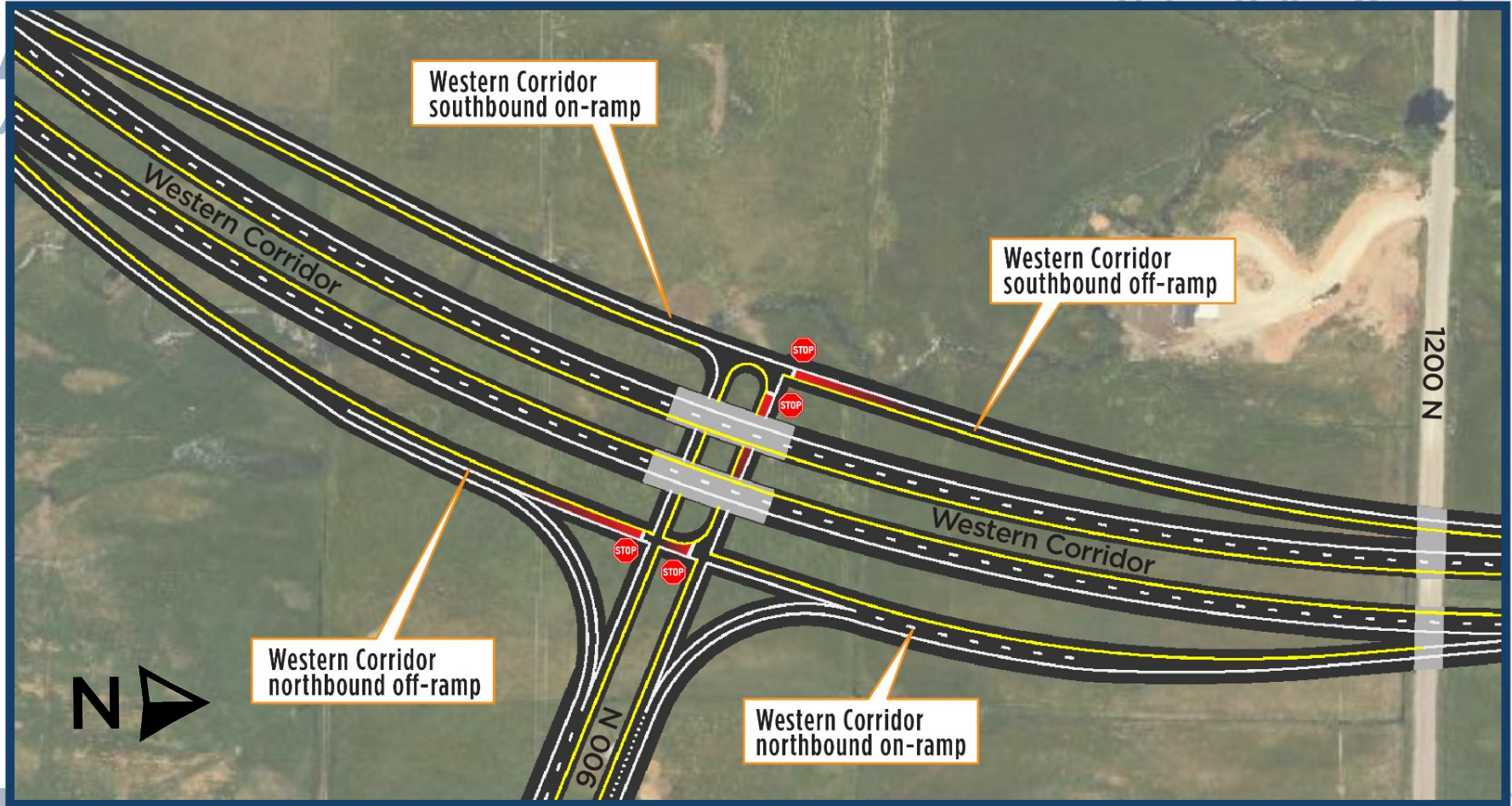


Access and Connectivity

Alternative B - College Way to Heber Valley Corridor





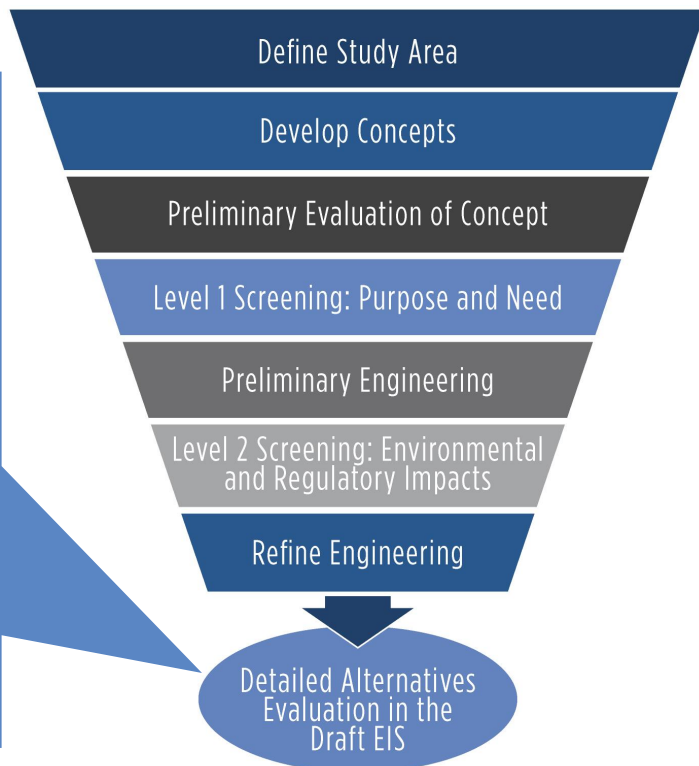


Current Activities

Detailed Evaluation of Alternatives (Draft EIS)

Impacts that will be evaluated include:

- Land use (including open space)
- Farmland
- Water quality
- Wildlife
- Visual resources
- Social and community resources
- Economics



What to Expect Next

Local Government Coordination

- Update at Wasatch County Council work session (June 11, 4 p.m.)
- Update at Heber City Council General Session (June 17, 6 p.m.)
- Updates to other local governments if requested

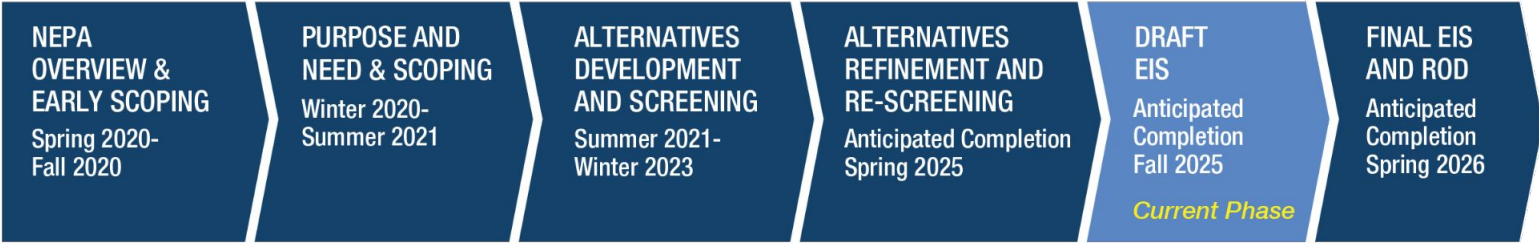
Public Outreach

- Schedule meeting with North Fields Irrigation Board and HVSSD
- Respond to property owner inquiries
- Heber Valley UDOT Projects website: udotinput.utah.gov/HeberValleyProjects

Detailed Evaluation of Alternatives

- Evaluate benefits and impacts from alternatives
- *More information on resources that are commonly evaluated in EISs for highway projects:*
https://www.environment.fhwa.dot.gov/legislation/nepa/guidance_preparing_env_documents.aspx
- Identify preferred alternative and publish Draft EIS (anticipated this fall)

Schedule



ONGOING STAKEHOLDER ENGAGEMENT

- | | | | | | |
|---|--|---|--|---|--|
| <ul style="list-style-type: none"> • Virtual public meeting • 30-day comment period | <ul style="list-style-type: none"> • File Notice of Intent to begin NEPA process • 45-day comment period | <ul style="list-style-type: none"> • Development alternative concepts • 30-day comment period (concepts) • 45-day comment period (screening) | <ul style="list-style-type: none"> • Revise and screen alternatives • Publish revised screening report with refined alternatives | <ul style="list-style-type: none"> • Public hearing • 45-day comment period • Preferred alternative identified | <ul style="list-style-type: none"> • Respond to comments • Revise EIS • Publish decision • Public engagement |
|---|--|---|--|---|--|

MONTHLY COORDINATION WITH LOCAL GOVERNMENT AND REGULAR STAKEHOLDER WORKING GROUP MEETINGS



Heber Valley Corridor



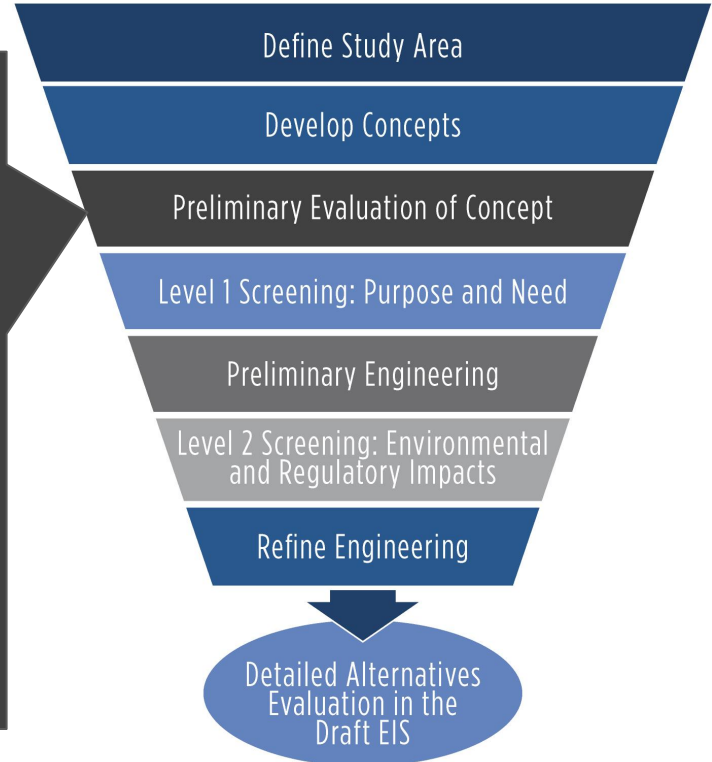
ENVIRONMENTAL IMPACT STATEMENT

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being or have been carried-out by UDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated May 26, 2022, and executed by FHWA and UDOT.

Alternative Screening Process

The process started with a preliminary evaluation of alternatives. To be advanced to the next level of screening, alternatives needed to:

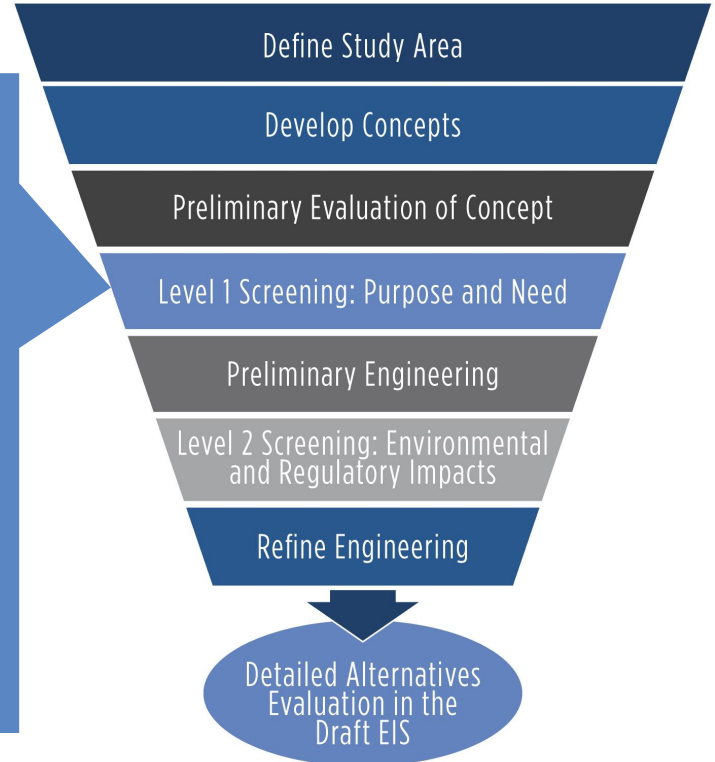
- ✓ Meet project objectives
- ✓ Not be redundant with other alternatives
- ✓ Be within the project study area
- ✓ Be technically and economically feasible
- ✓ Not be planned as a separate project
- ✓ Not be part of a larger alternative



Level 1 Screening Process

Transportation considerations evaluated include:

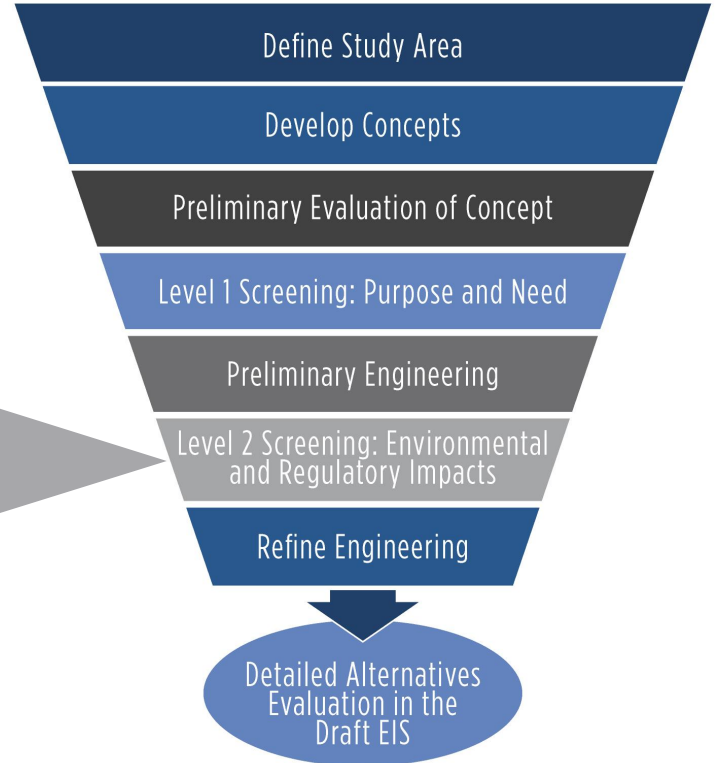
- Improve regional and local mobility on US-40 through 2050
- Provide opportunities for non-motorized transportation
- Allow Heber City to meet their vision for the historic town center



Level 2 Screening Process

Environmental and regulatory impacts include:

- Wetlands
- Section 4(f) resources
- Property impacts
- Cost





Heber City Council Staff Report

MEETING DATE: 6/17/2025
SUBJECT: Community Reinvestment Agency (CRA) Project Area Update
RESPONSIBLE: Matt Brower
DEPARTMENT: Administrative
STRATEGIC RELEVANCE: Community Vibrancy

SUMMARY

The Heber City Community Reinvestment Agency (CRA) was created in 2021. The CRA's adopted project area encompasses nearly all of downtown central Heber along Hwy 40, specifically encompassing the area between Heritage Farms Parkway in the north to State Highway 189 in the south. Two interlocal agreements have been approved and generate tax increment on the adopted project area. The Agency, however, was not successful in obtaining interlocal agreements with the School District and County. Staff was requested to explore utilizing a smaller project area for possible reconsideration of interlocal agreements with the District and County. This agenda item explores the feasibility of utilizing smaller project areas, including possible increment that could be generated from a smaller area.

RECOMMENDATION

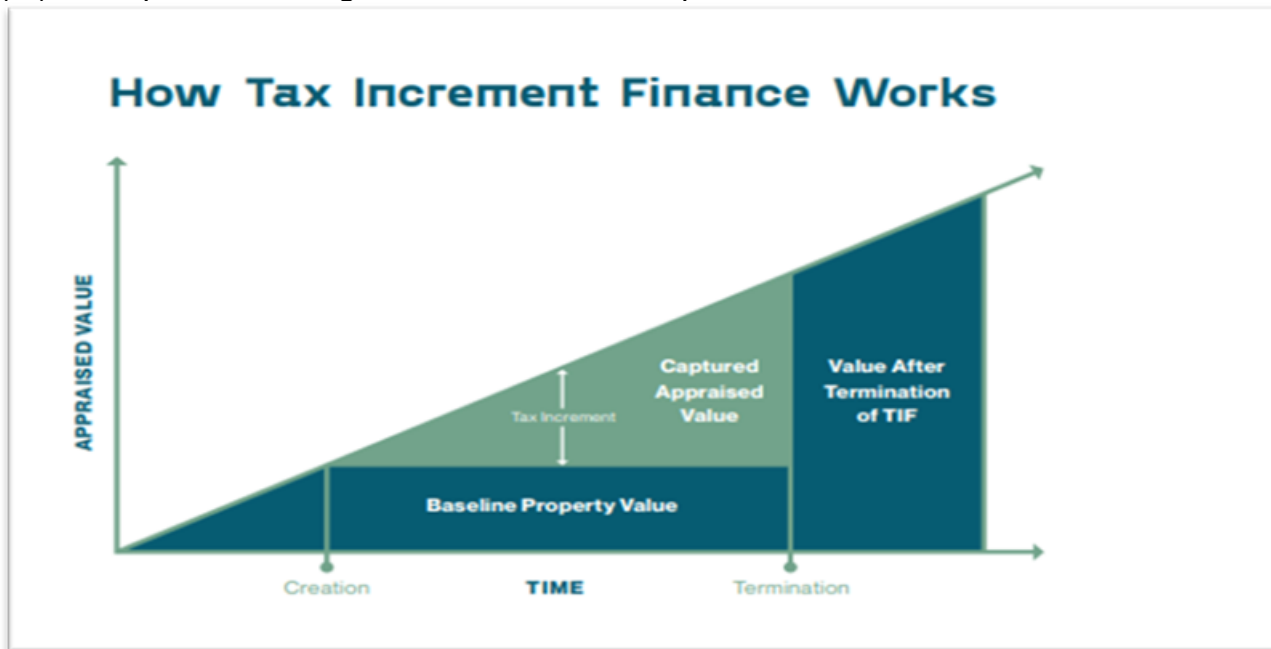
Provide feedback on a proposed smaller project area while considering such factors as possible tax increment and the viability of executing interlocal agreements with the District and County.

BACKGROUND

Upon the creation of the Downtown CRA in 2021, the Agency became authorized to engage in redevelopment activities within the project area and implement the project area plan. The Agency's powers to engage in such activities are established (and limited) by statute. In order to engage in such activities and promote development within the Project Area, the Agency needs sufficient funding. Agency funding can come from a variety of sources, including City general fund expenditures. Most funding for redevelopment activities throughout Utah comes through taxing entities sharing a portion of the tax increment generated within the project area with the redevelopment agency. Tax increment generally refers to new property tax revenues (from both real and personal property) generated by taxable value growth within the project area. Taxing entities can also share sales taxes (and even other revenues) with a redevelopment agency; however, this is

less common than sharing property tax increment.

Tax increment is essentially the new tax revenues generated within a redevelopment project area. These new revenues are created by increased taxable values within a project area from (re)development. The figure below is a visual representation of the tax increment calculation.



An effective CRA requires the participation of the taxing entities that have taxing authority within the project area. These entities continue to receive base taxes (taxes that are existing prior to creation of a CRA), as well as a negotiated portion of the generated increment for some number of future years. At the end of the tax increment collection period as established by interlocal agreements, taxes return to the entities in full. All generated tax increment is required to be spent within the project area (with certain exceptions for expenditures outside the project area that are necessary for development within the project area). A CRA does not result in increased property tax rates for area residents. It merely allows for a capture of property taxes that are generated from increased values due to new investment in the area, with that capture to be spent within the area.

Participation from all taxing entities allows for much greater impact to the area than would be possible if funding were solely through the city. All taxing entities likewise receive the benefits of increases in taxable value from development within the project area.

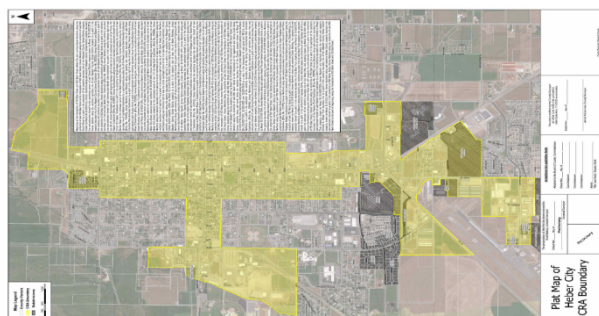
The Heber City Community Reinvestment Agency was successful in negotiating interlocal agreements with the Central Utah Water Conservancy District (CUWCD) and Heber City. In the fall of '24, Wasatch County voted 3-3-1 not to approve an interlocal agreement with the Agency; and the Wasatch County School District elected not to place the City's request on an agenda for consideration.

Staff has been working with Zions Public Finance on a smaller project area. This work includes identifying a strategic project area that would encourage District and County participation, calculating

base values, and projecting possible tax increment scenarios.

DISCUSSION

The two illustrations below are of 1) the approved Heber City Community Reinvestment Agency project area and 2) the estimated tax increment that was projected from the project area for each participating taxing jurisdiction (based on a 20-year term).

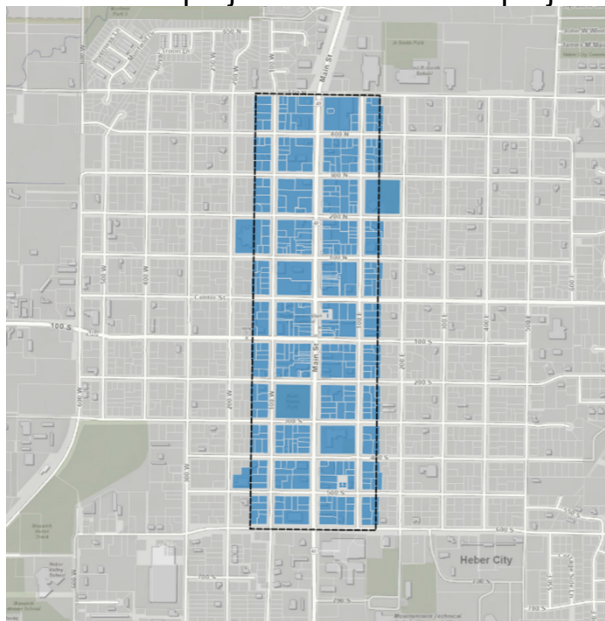


Estimated Tax Increment					
(Zions Bank)					
Entity	Increment to	Increment to	Increment to	Split	Status
	Agency	Entities	End of CRA Life		
Wasatch County	\$3,200,000	\$1,100,000	\$4,300,000	75/25	N
Wasatch County School District	\$16,000,000	\$5,250,000	\$21,000,000	75/25	N
Heber City	\$2,000,000	\$500,000	\$2,500,000	80/20	A
CUWCD	\$1,000,000	\$325,000	\$1,300,000	75/25	A
	\$22,200,000	\$7,175,000	\$29,100,000		

A=Approved
N=Negotiating

During the Council's January retreat, staff was asked to research the feasibility of utilizing a smaller project area for interlocal agreements with the District and County.

The smaller project area has been projected to include the following area:



The estimated tax increment from the smaller project area is projected as follows:

AGENCY BUDGET

Revenues	TOTAL	NPV
Revenues to Agency	\$13,856,011	\$8,871,797
Expenditures		
<i>Administrative Percent</i>		
Administrative Costs - City RDA	(\$346,400)	(\$221,795)
Administrative Costs - County???	(\$43,039)	(\$27,557)
<i>Housing Percent</i>		
Housing Costs	(\$1,385,601)	(\$887,180)
Remaining Increment for Projects	\$12,080,971	\$7,735,265

Legality

The Agency's attorney, Adam Long, has opined that the Agency can negotiate interlocal agreements that encompass areas that are smaller than the Agency's adopted project area, provided that the smaller area is fully contained in the adopted project area. Further, use of the smaller area would not require an amendment to the Agency's project area, plan or budget.

Administration

The County auditor has indicated her system can handle calculating different tax increment areas (i.e. entire project area for the two entities where you already have interlocal agreements and smaller areas for the County and School District).

Staff's research indicates that the tax roll data for 2025 is now available. The City would need to negotiate the base year with the remaining taxing entities and then update the area budget based on the decided base year.

Projecting tax increment in the smaller project area requires projecting growth in retail, office and residential. The increment projections for the smaller area are based on the following initial private investments:

Retail:

- 1st year: 5,000 sq. ft. (new commercial near Hub)
- 2nd year: 205,700 sq ft (Views phase 1)
- 3rd year: 15,000 sq. ft (Ace expansion); 10,000 sq. ft (Malone remodel)
- 4th year: 134,050 sq ft (Views phase 2)
- 5th year: 10,000 sq. ft. (Motel redevelopment)
- 6th year: 15,000 sq. ft. (block between Midway Lane and 200 S)

Office

1st year: 5,000 sq. ft. (new office near Hub)
2nd year:
3rd year:
4th year:
5th year:
6th year: 3,000 sq. ft. (block between Midway Lane and 200 S)

Residential:

1st year: 5,000 sq. ft. (George B. new home on 100 west)
2nd year:
3rd year:
4th year:
5th year:
6th year: 15,000 sq. ft. (block between Midway Lane and 200 S)

It's difficult to project with great accuracy beyond the initial five (5) years. Negotiations of the interlocal agreement would include, split/cut, term, project area, and any other items of interest to the counterparties.

FISCAL IMPACT

CONCLUSION

Staff is seeking Council feedback on the proposed project area to be used in negotiating interlocal agreements with the District and County. Increment projections have been provided but may change based on the actual area that is negotiated in the interlocal agreements.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve the item** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the **item** as amended, as follows.

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the **item** with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member: Matt Brower, City Manager

EXHIBITS

1. May 20 CC Envision Central Heber Update
2. School District April 23 Presentation 7
3. Wasatch County Joint Work Meeting 110624



Heber City Council Policy Priority: Envision Central Heber

May 20, 2025



Envision Central Heber: Realizing the Vision

Imagine 2050...





...connect destinations





...increased living and working opportunities on Main Street
...support shopping, dining, gathering & entertainment





...enliven the streets in the Main Street area

...features that provide interest and comfort

...add amenities





Partnership with Community Alliance for Main Street (CAMS)



CAMS partnering to Enhance Downtown May 2025

Main Street Beautification

Spring Clean-up: May 17 - 9 to noon

Summer Flower Planting: June 7 - 9
am to noon

15 returning businesses

19 new planters in 2025, including 12
new planters with Heber City's help

Beautification Goals for Main Street:

- **Enhance existing light poles** by adding **3 flower pots per block** to improve the overall streetscape.
- Utilize **existing large planters from last year** and add new ones as needed to meet this goal.



Main Street Beautification Mural

May 23 - 28

Artist: Cheyenne Reese

HEBER CITY TAP TAX

AWARD: \$1,875

Year 6 of Arts in Public Places



Building Owner: Melanie North
Granny's Owner: Armando Quinones

Summer Programming at Main Street Park/ Main Stage

Monday Night Talent Show: 6:30 - 8 pm

To celebrate the completion of the new
Main Stage at Heber Main Street Park

June 2 - Canyon Cottle & Hollow Hill

June 9 - Lee Music Rock Bands

June 23- Luke Dillon Drums

July 14 - Craig Jameson Open Mic

July 28 - Craig Jameson Open Mic

August 11 - Stacy Despain

August 18 - Lee Music Rock Bands

**Soulful Sundays 9 am yoga & Live
Music 6 - 7 pm June, July and
August**



Heber City TAP TAX Grant Award: \$4,830

Fall & Winter Programming Ideas

October Ghost Tours- partnering with Heber Valley Entertainment to create a ghost tour to increase visibility of the historic properties on Main Street

Christmas Outside Market on 200 South
10x10 built booths that can be powered to include light and heaters

Christmas on the Square with lighted tunnels, walkways and light display



Steps towards Historic Preservation

1. Heber City Historic Tour Launch
 - a. 35 properties on the tour + 4 monument signs to be install this summer with \$18,000 of contributed funds from Heber City Council
 - b. Preservation Utah - Website + App
2. Heber City Council funding the Reconnaissance Level Survey \$40,000
2025/26 Budget starts July 1
3. Hire a professional historian to complete study (6 - 9 months)
4. Area of 500 N to 600 S, 600 W to 600 E
5. Recommend Central Heber as a National Historic District
6. If approved home owners could receive 30% tax credit for residential or 40% tax credit for commercial if they meet criteria.
7. Recommend Proposing a Historic Overlay Zone for Central Heber in 2026
 - a. Identity potential buildings that could be at risk : St. Lawrence Mission

Block 103 Redevelopment

Rural Communities Opportunity Grant up to \$600,000 with a 30% match required

- 8 property owners are interested in redevelopment rear parking area
- Several property owners are also interesting in improving their own properties with the parking improvement
- Opens: Sept. 15, 2025
- Closes: Oct. 31, 2025





Downtown Transformation

Downtown Parking

Downtown Parking



Development Data:
Parking:
126 Stalls

Potential for Shared Public Parking



C Street

Initial Path for C Street (pedestrian alley)



Initial C Street Improvements

Street Name Sign (4)



Ped. Xing Sign (4)



Wayfinding Map (2)



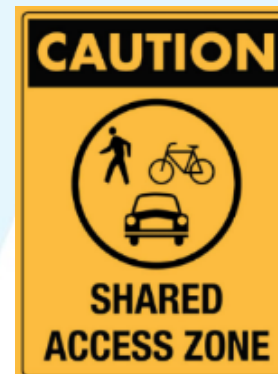
Pavement Marking



Pavement Marking



Shared Path Sign (6)



Wayfinding Sign (4)

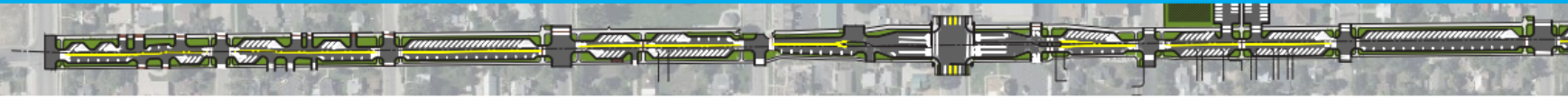


C Street Next Steps

1. Obtain parking and walkway easements
2. Finalize Design
3. Obtain Quotes
4. Install improvements

100 West Improvements

DEVELOPING HEBER CITY'S VISION FOR DOWNTOWN



Horrocks' proposed approach for the design and reconstruction of 100 West offers a comprehensive solution that aligns seamlessly with Heber City's vision of creating a vibrant, pedestrian-friendly downtown corridor. Our plan reflects a deep understanding of the City's goals and demonstrates our flexibility in bringing this vision to life. We have outlined key sections with thoughtfully designed options that address critical factors and potential challenges. These options will be reviewed collaboratively with the City and other stakeholders to determine the most effective solutions for each segment of the project. Our approach emphasizes the following key priorities:

ALIGNMENT WITH THE CITY:

- ▶ **Pedestrian-Friendly Corridor:**
 - Incorporates widened walkways, mid-block bulb-outs, and crosswalks to foster a safe and walkable environment.
 - A multiuse trail supports alternative transportation options, connecting parks and public spaces while improving walkability and cyclist safety.
- ▶ **Downtown Aesthetic and Functionality:**
 - Zero lot line buildings, street furniture, and landscaping create an inviting streetscape.
 - Integration with public spaces like Main Street Park and the Tabernacle Square ensures the redesign complements existing cultural and community hubs.

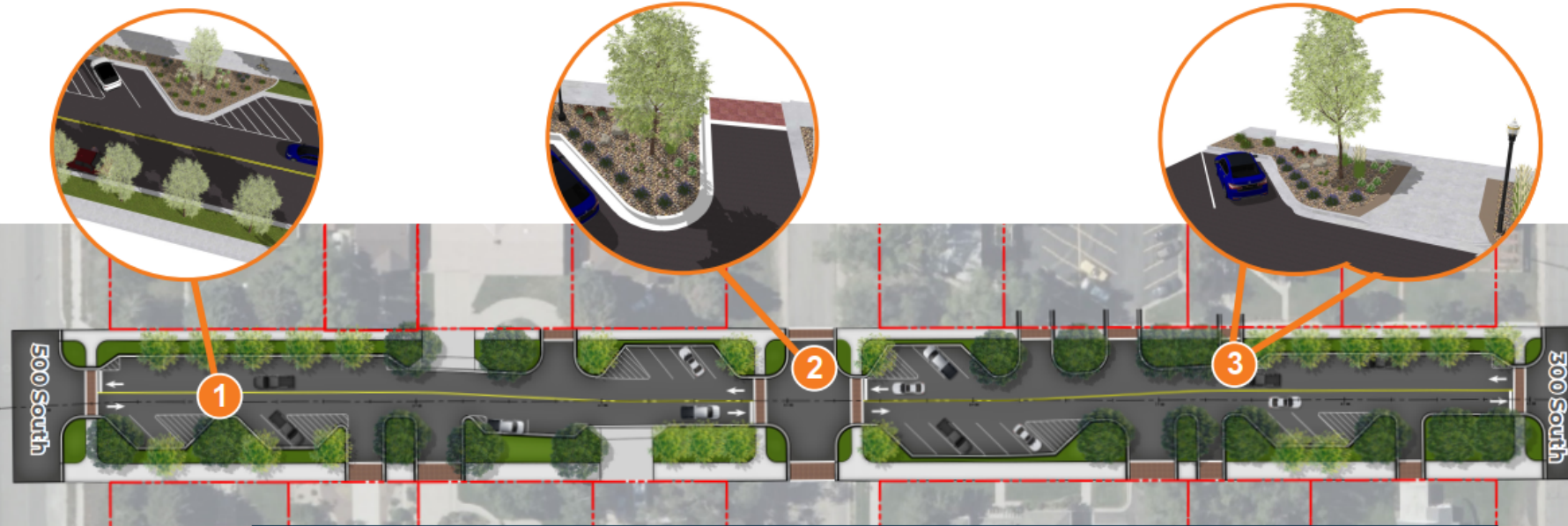
- ▶ **Traffic and Utility Upgrades:**
 - Thoughtful intersection designs improve traffic flow while maintaining the pedestrian-friendly focus.
 - A robust utility overhaul modernizes outdated systems, ensuring reliable water, sewer, and stormwater management decades.

BENEFITS TO HEBER CITY:

- ▶ **Phased Design Approach:**
 - Design will incorporate areas that are currently residential and use a phased approach in a way that allows for future angled parking but keeps residential areas as bump outs or parallel parking. As development progresses in the residential areas the City can work with the developer to obtain contributions to the project to help offset the project cost. The design will be created so it can act as guide for the development of the future frontage areas.
- ▶ **Community-Centric Development:**
 - Extensive public and business outreach ensures that stakeholder concerns are addressed, fostering community buy-in.
 - Accommodations for park activities and business access minimize disruption during construction.
- ▶ **Economic Growth:**
 - Improved downtown appeal is poised to attract new businesses, visitors, and investment, stimulating the local economy.
 - Enhanced infrastructure prepares Heber City for future growth, accommodating parking and increased urban density.
- ▶ **Sustainability and Resilience:**
 - Incorporation of Low Impact Development (LID) features supports sustainable water management.
 - ADA-compliant designs promote inclusivity, ensuring access for all community members.
- ▶ **Efficient and Strategic Planning:**
 - A phased approach and clear milestones allow seamless execution while minimizing impact on residents and businesses.
 - Collaboration with utility providers and preemptive risk mitigation strategies reduce potential project delays and cost overruns.

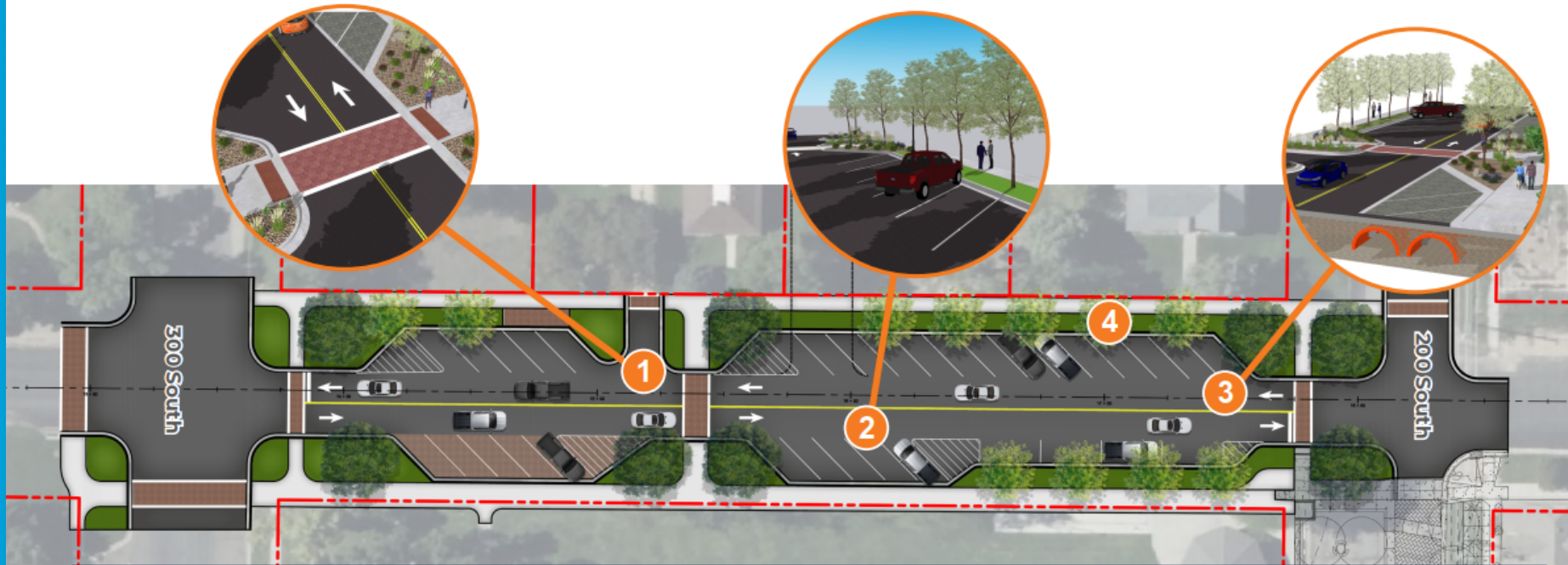
RESULTS:

Collaboration will result in an improved downtown area that meets the City's current needs and is adaptable for future growth and demands.



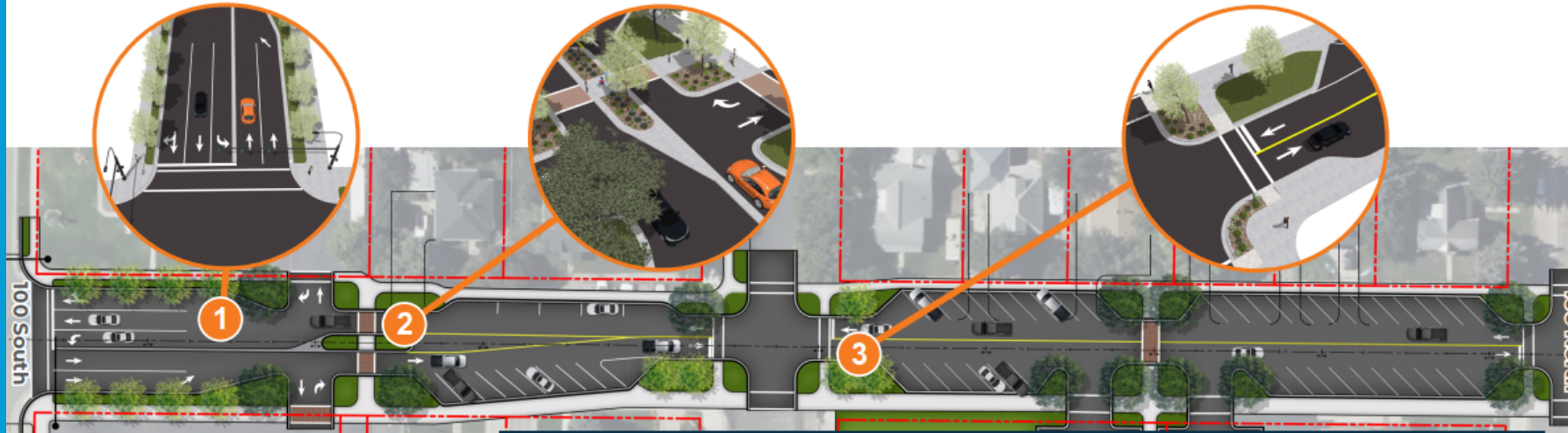
500 SOUTH TO 300 SOUTH

- 1 Landscape Design:** The landscape design features wide pedestrian walkways, thoughtfully placed street furniture, and lush greenery to create an inviting and cohesive streetscape. These elements seamlessly connect with community spaces such as Main Street Park, fostering a vibrant environment for gatherings and events. Crucially, the design is future-ready, with the flexibility to accommodate zero lot line commercial buildings and anticipated downtown growth. Utility layouts and streetscape plans are structured to support scalable upgrades, ensuring that Heber City's evolving needs can be met without significant disruptions. This forward-thinking approach ensures a balance of immediate improvements and long-term adaptability, aligning with the City's vision for a sustainable and thriving downtown area.
- 2 Business Accessibility:** The completed design ensures seamless business accessibility with improved shared parking entrances, widened pedestrian corridors, and efficient traffic flow. These enhancements make it easier for customers to reach local businesses, fostering increased foot traffic and supporting economic vitality in Heber City's downtown corridor. The result is a more inviting and accessible environment that promotes sustained growth for the local business community.
- 3 Residence Driveway Access:** By incorporating thoughtful layouts and efficient traffic management, the project provides safe, convenient, and aesthetically integrated access to private properties. These enhancements not only address current needs but also allow flexibility for future developments, ensuring long-term accessibility for residents accommodate future redevelopment of the properties.



300 SOUTH TO 200 SOUTH

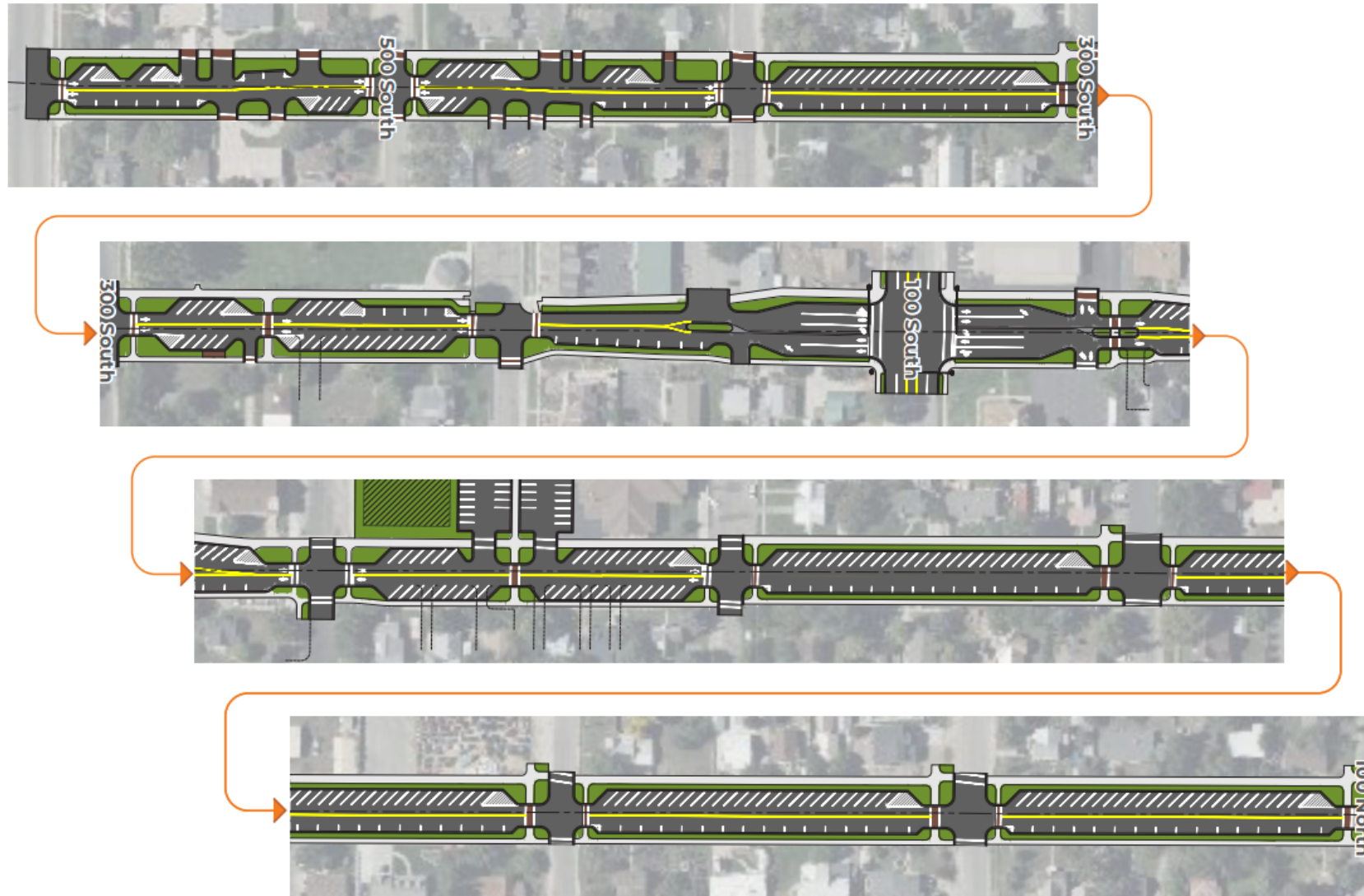
- 1 Pedestrian Crossings:** The completed design enhances pedestrian safety and convenience with improved crossings, including shortened distances and strategically placed mid-block bulb-outs. These features ensure safe and efficient navigation across 100 West, including individuals with disabilities, promoting walkability and reducing potential conflicts with vehicles. These considerations will be carefully integrated into the overall streetscape design to create an inclusive and welcoming environment for all users. The result is a vibrant, pedestrian-friendly corridor that aligns with Heber City's vision for a connected and accessible downtown.
- 2 Streetside Parking:** The design incorporates the use of angled and parallel parking, optimizing the use of available space while enhancing accessibility for visitors and residents. Angled parking increases capacity along the corridor, while parallel parking provides flexibility and ensures smooth traffic flow. These well-integrated parking solutions support the vibrant downtown atmosphere envisioned for Heber City, balancing functionality and aesthetic appeal.
- 3 Storm Drain System:** The completed storm drain system will ensure effective water management by incorporating modern infrastructure designed to handle both current and future needs. Enhanced collection, detention, and conveyance systems meeting the 100-year storm plan that mitigate flood risks and support water quality through Low Impact Development (LID) features where feasible. These upgrades provide a resilient and sustainable solution that integrates seamlessly with the overall corridor design, safeguarding Heber City's infrastructure and environment.
- 4 Parking Strips:** Park strips can be added to increase aesthetics, green space, and snow storage; or removed to increase angled parking over parallel parking.



100 SOUTH TO 100 NORTH

- 1 Major Intersections:** The high traffic intersections, including those that book-end the project at 100 S and 600 S, will be optimized with turning lanes with stacking length according to recent traffic study, and seamless transitions to neighboring corridors, reducing congestion and provide a smooth travel experience for drivers and pedestrians alike.
- 2 Aesthetics:** The roadway design emphasizes a cohesive and modern aesthetic, with features such as well-integrated bulb-outs, improved pedestrian crossings, and smooth transitions between parking and travel lanes. These design elements create a visually appealing and functional corridor that enhances Heber City's downtown identity while supporting accessibility and traffic flow.
- 3 Multiuse Trail and Safe Routes to School:** The completed multiuse trail along 100 West provides a safe and accessible corridor for pedestrians, cyclists, and other non-motorized users, seamlessly connecting downtown parks, open spaces, and key community destinations. Designed with safety and functionality in mind, the trail incorporates features that align with Heber City's Safe Routes to School initiative, ensuring children and families have secure and convenient pathways to local schools. These enhancements promote active transportation and create a cohesive, family-friendly environment that supports the City's vision for a connected and walkable downtown.
- 4 Public Parking:** A key aspect of the redevelopment plan includes the potential purchase of properties on the east side of 100 West—specifically the Wasatch County Fire and Heber Light & Power buildings—located between Center Street and 100 South. By converting these properties into surface lots or a parking structure, the project addresses growing parking demands while ensuring accessibility for residents and visitors supporting the City's vision for improved convenience and accessibility to downtown.

PROJECT AREA - 500 SOUTH TO 100 NORTH



Downtown Zoning Updates

Downtown Zoning Updates

- Adopt a code in the Zoning Ordinance requiring C Street
- Adopt a C Street Initial Cross Section Design
- Adopt the C Street/Downtown Brand
- Designate a Parking District
- Adopt a Parking Fee-in Lieu
- Adopt Central Heber Overlay Zone (CHOZ)
- Adopt Flexible Historic Building Use Ordinance
- Modify Angled Parking Standards
- Adopt a financial policy that incentivizes:
 - Locally owned businesses to locate in the downtown
 - The use of the Downtown Brand
 - The installation of blade signs

Main Stage & Festival Street: Phase I of Main Park Investments





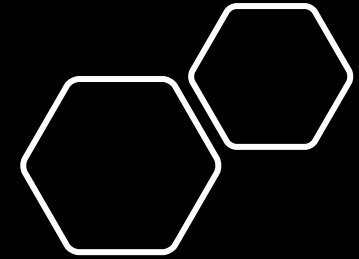




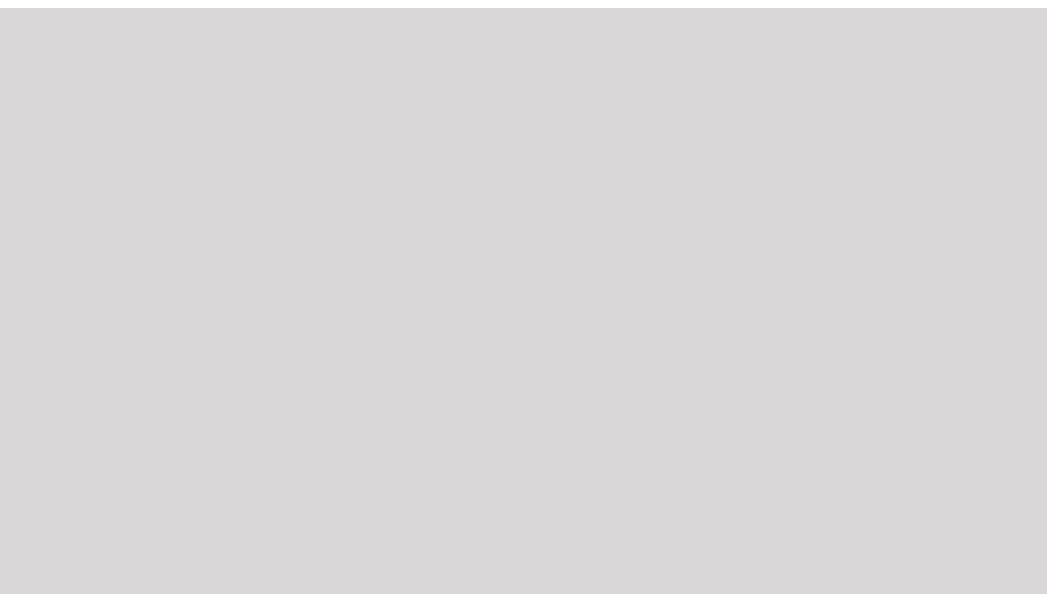
Amended CRA Project Boundary



WASATCH

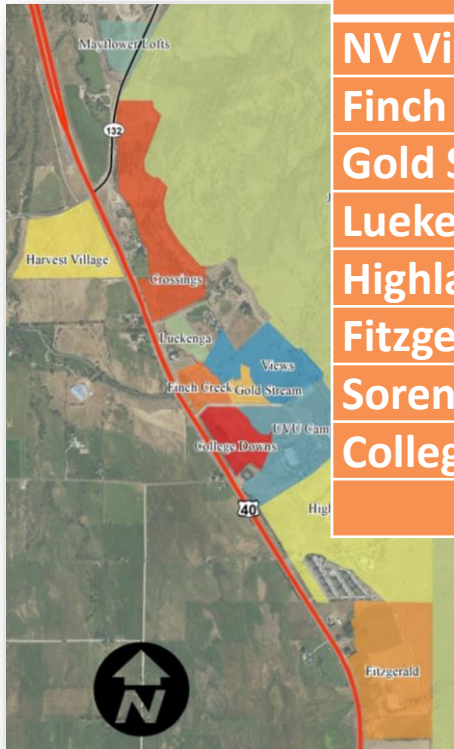


April 23, 2024



Affordable Housing: Projects Prioritizing District

April 2024



Development	60% AMI	80% AMI	Owner Occ.	Subtotal
NV Views (ERU)	11 (100%)		5.5 (50%)	11
Finch Creek (ERU)	3.5 (100%)		1.75 (50%)	3.5
Gold Stream (ERU)	1.75 (100%)		0.88 (50%)	1.75
Luekenga (ERU)	1.25 (100%)		0.63 (50%)	1.25
Highlands (ERU)	14.74 (20%)	58.96	18.43 (25%)	73.7
Fitzgerald (unit)	5.72 (20%)	22.88	7.15 (25%)	28.6
Sorenson (unit)		577	289 (50%)	577
College Downs (ERU)	5 (100%)		2.5 (50%)	5
TOTALS	42.96	658.84	325.84	701.8

Heber City Negotiated MDA Amendment and Discounted Price for Elementary School Site in Sawmill Development

LEGEND

-  PROPOSED TWIN HOME
-  ORIGINAL TWIN HOME
-  PROPOSED SINGLE FAMILY LOT
-  ORIGINAL SINGLE FAMILY LOT
-  PROPOSED TOWN HOME
-  ORIGINAL TOWN HOME
-  PROPOSED CONDO
-  ORIGINAL CONDO
-  PROPOSED APARTMENT
-  PROPOSED COMMERCIAL BUILDING
-  PROPOSED SCHOOL
-  PROPOSED 10' TRAIL
-  PROPOSED CLUB HOUSE & POOL

TABULATIONS

ORIGINAL OPEN SPACE	27.00 AC			
ORIGINAL WEST OF SAWMILL BLVD	19.88 AC			
PROPOSED OPEN SPACE	26.85 AC			
PROPOSED WEST OF SAWMILL BLVD	19.73 AC			
SCHOOL SITE	10.01 AC			
SCHOOL OPEN SPACE:	4.29 AC			
UNIT TYPE	EAST UNIT NO.	WEST UNIT NO.	PARKING	ADD. PARKING
TOWN HOMES	11 UNITS	152 UNITS	268	150
TWIN HOMES	16 UNITS		36	
SINGLE FAMILY LOTS	65 LOTS		136	
CONDOS		240 UNITS	480	91
APARTMENT		108 UNITS	270	27
COMMERCIAL			144	
CLUB HOUSE & PARK			70	
TOTAL:	92	500	1417	288

PROJ-011
SAWMILL SUBDIVISION MASTER PLAN EXHIBIT



Engin
Ben
K

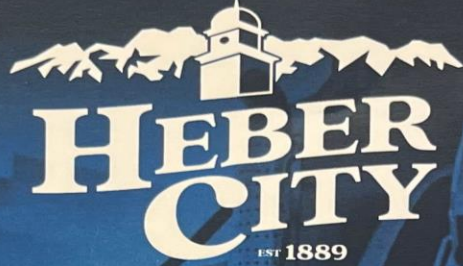
Team
nsen
Lake





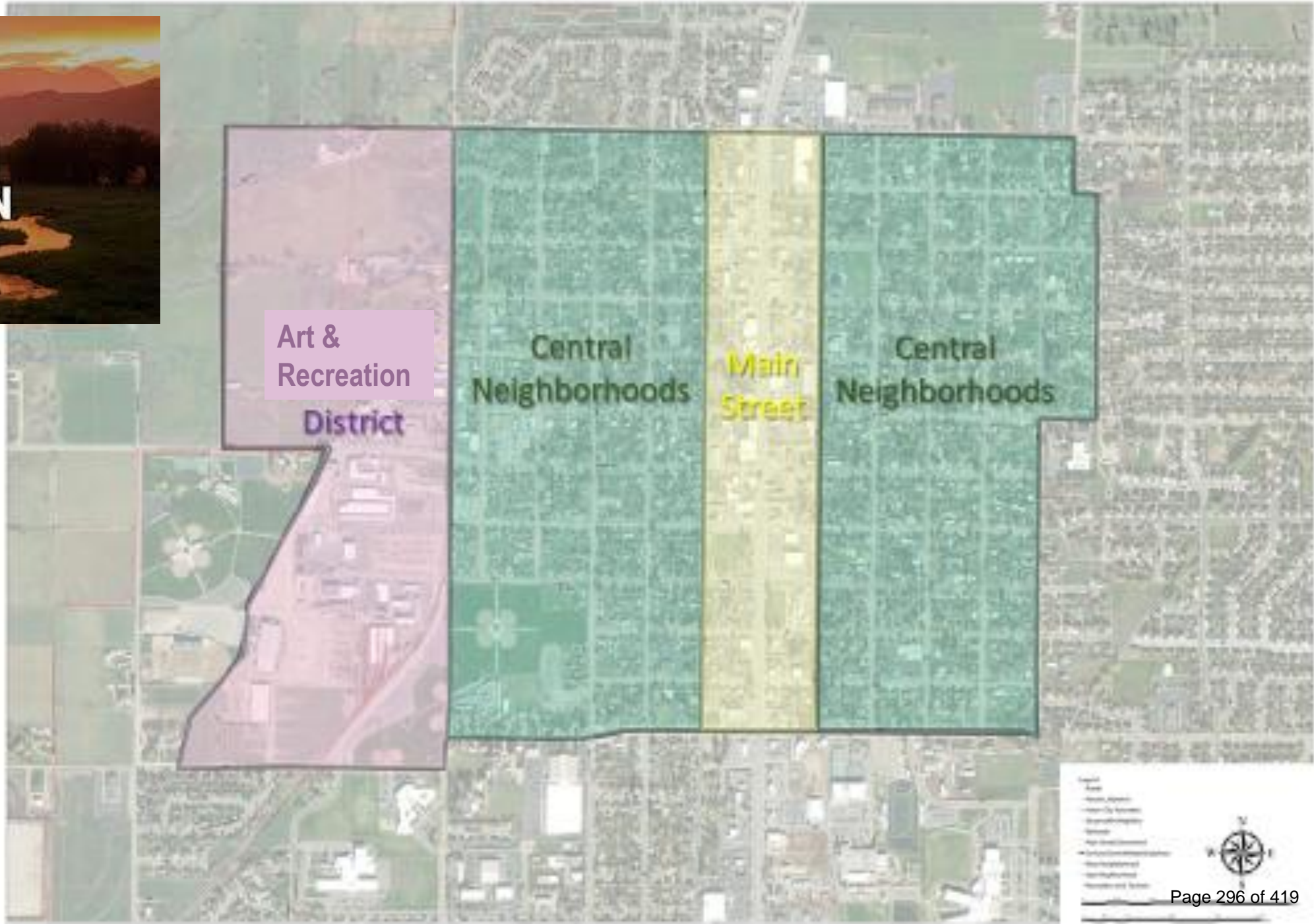


HEART OF THE WASATCH BACK



DOWNTOWN TRANSFORMATION UNDERWAY





Scale
North Arrow
Legend

Page 296 of 419



- Walkable
- Improved Safety
- Family-Friendly
- Social & Economic City Center
- Thriving Businesses
- Gathering Spaces
- Job & Housing Opportunities

What will Heber City look like?

Imagine 2050...



401K ► Investing in the Future...

Strategic investment of tax increment = greater tax revenues for District

* District continues to receive base revenues

* No growth = no increment = no impact

* Growth from strategic investments = District receives 25% of growth that otherwise would not occur without investment...growth expected to exceed historic property tax growth

* End of CRA...District receives 100% of increment growth

District Wins in the short game...

District Wins in the long game...

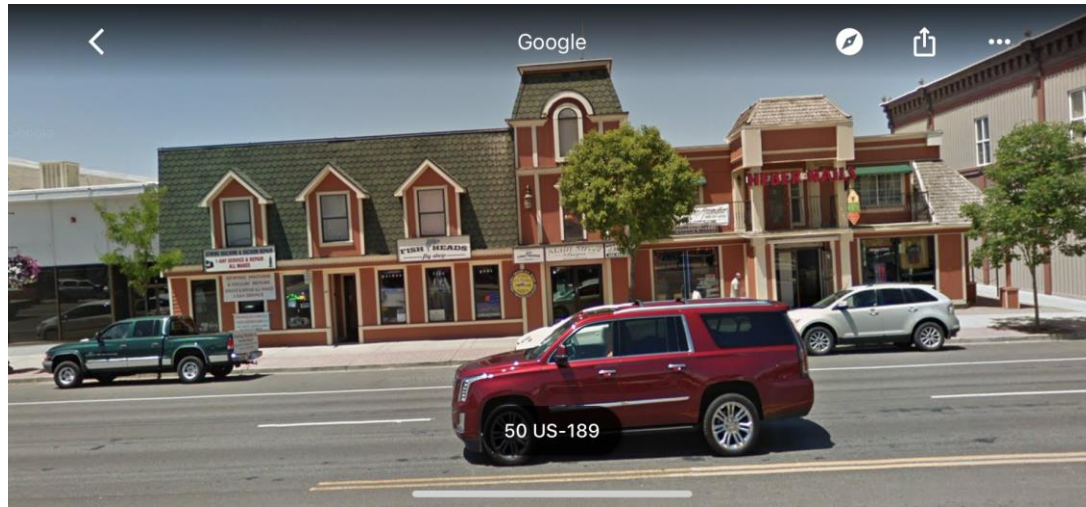
District school children win...

Increment Primer: Smiths Marketplace

- Initial Heber City investment: \$1,600,000.00
- Smith's Investment: \$40,000,000.00
- Increased revenue to School District (approx.): \$190,000.00



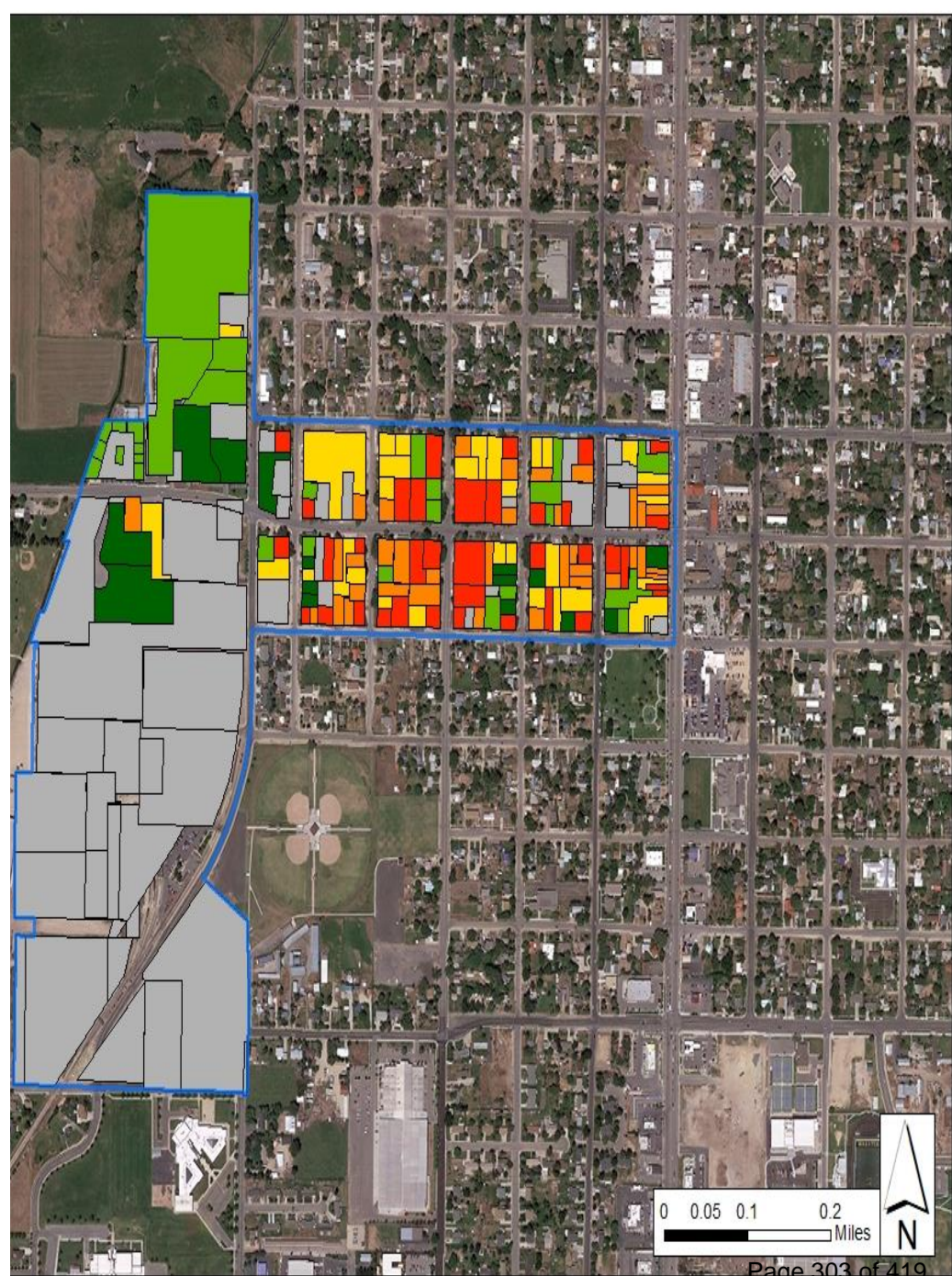
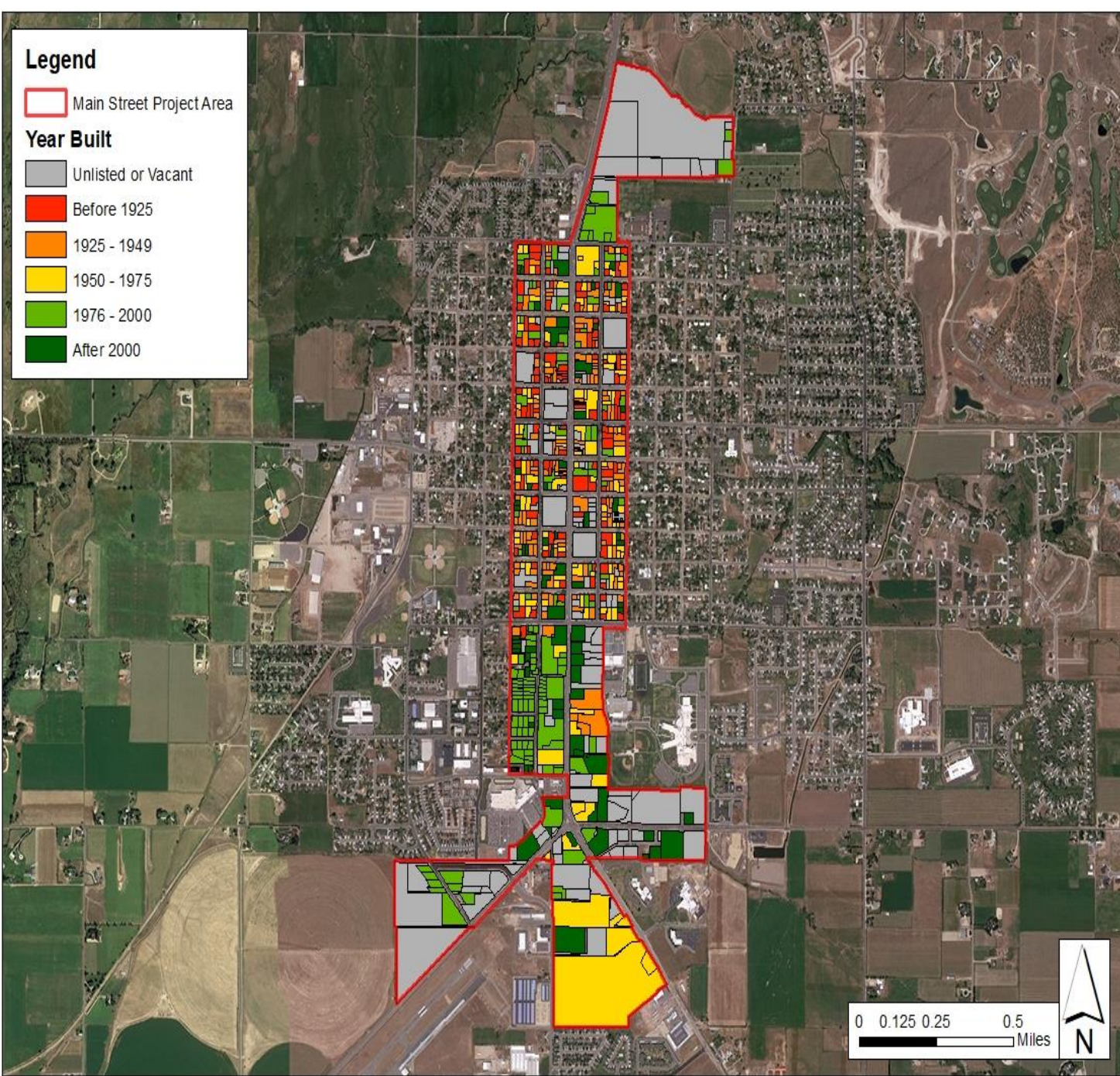
Olde Town Square—175 N. Main



Pre redevelopment value '21: \$358,309
Pre redevelopment revenue '21: \$4,563.42
School District Portion '21: \$1,909.43



Post redevelopment value '23: \$3,600,000
Post redevelopment revenue '23: \$34,965.42
School District Portion '23: \$17,531.00
Difference: \$15,622



2022 Property Tax Value: 550,263
2022 District Tax Revenue: 3,633

2023 Property Tax Value: 1,888,762
2023 District Tax Revenue: 12,007



2022 Property Tax Value: 598,990
2022 District Tax Revenue: 3,956

2023 Property Tax Value: 750,000
2023 District Tax Revenue: 4,131



2022 Property Tax Value: 399,501
2022 District Tax Revenue: 2,638

2023 Property Tax Value: 399,501
2023 District Tax Revenue: 2,540



2022 Property Tax Value: 76,833
2022 District Tax Revenue: 507

2023 Property Tax Value: 605,130
2023 District Tax Revenue: 3,846



2022 Property Tax Value: 282,575
2022 District Tax Revenue: 1,866

2023 Property Tax Value: 237,542
2023 District Tax Revenue: 1,510



2022 Property Tax Value: 108,536
2022 District Tax Revenue: 717

2023 Property Tax Value: 559,281
2023 District Tax Revenue: 3,555



2022 Property Tax Value: 322,403
2022 District Tax Revenue: 2,129

2023 Property Tax Value: 852,604
2023 District Tax Revenue: 5,420



2022 Property Tax Value: 611,270
2022 District Tax Revenue: 4,036

2023 Property Tax Value: 850,467
2023 District Tax Revenue: 5,406



CRA Case Study

Bountiful and Kaysville
Utah

Distance from Kaysville, UT to Bountiful, UT

DISTANCE

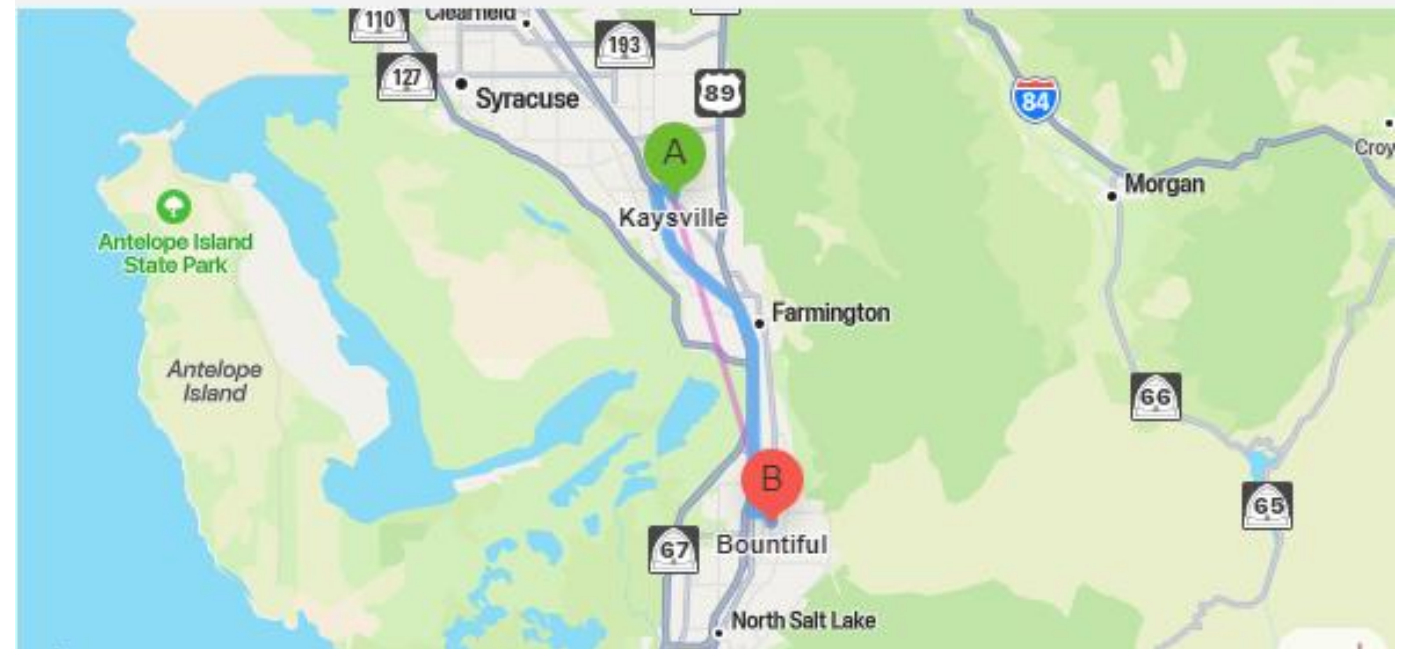
13 mi

TIME

15 minutes

GAS COST

\$1 - \$3





- Population: 33,000
- School District: Davis School District
- CRA/RDA History: No existing CRA.
- Downtown Kaysville suffers from run down buildings, vacant offices, underutilized shops, low property values and limited private investment.

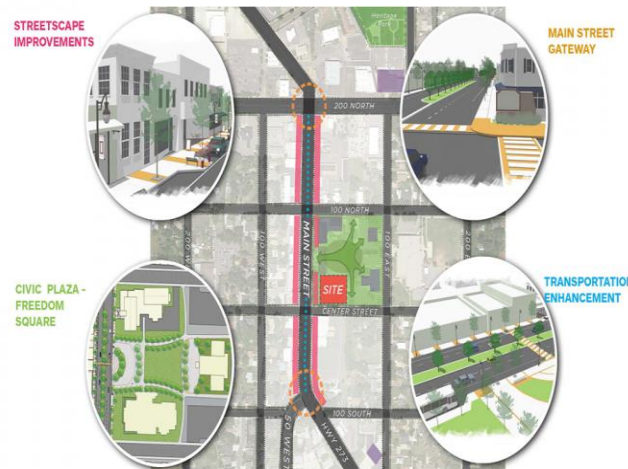
- Population: 45,000
- School District: Davis School District
- CRA/RDA History: The original 100 acre Redevelopment Project Area was adopted in the early 1980s. While this RDA project was set to expire in 2015, the need for redevelopment continued.
- Representing the RDA board, the city petitioned taxing entities for a renewal of that RDA project; extending it for 20 years. Unanimous approval was required and given. This unanimous approval is a confirmation of the viability of the goals of the Redevelopment Agency.







Working to Reverse Downtown Course...



Kaysville Main Street Vision

TRACK RECORD OF SUCCESS...

UTAHBUSINESS

Bountiful's Vito: a one-man cheesesteak band

For 3 hours in the heart of every weekday, Vito's eatery reigns supreme in downtown Bountiful

Published: Feb 4, 2024, 9:00 p.m. MST

FOX NEWS

'Philly King of Bountiful' serves up cheesesteaks with a twist in Utah

THE DAVIS JOURNAL

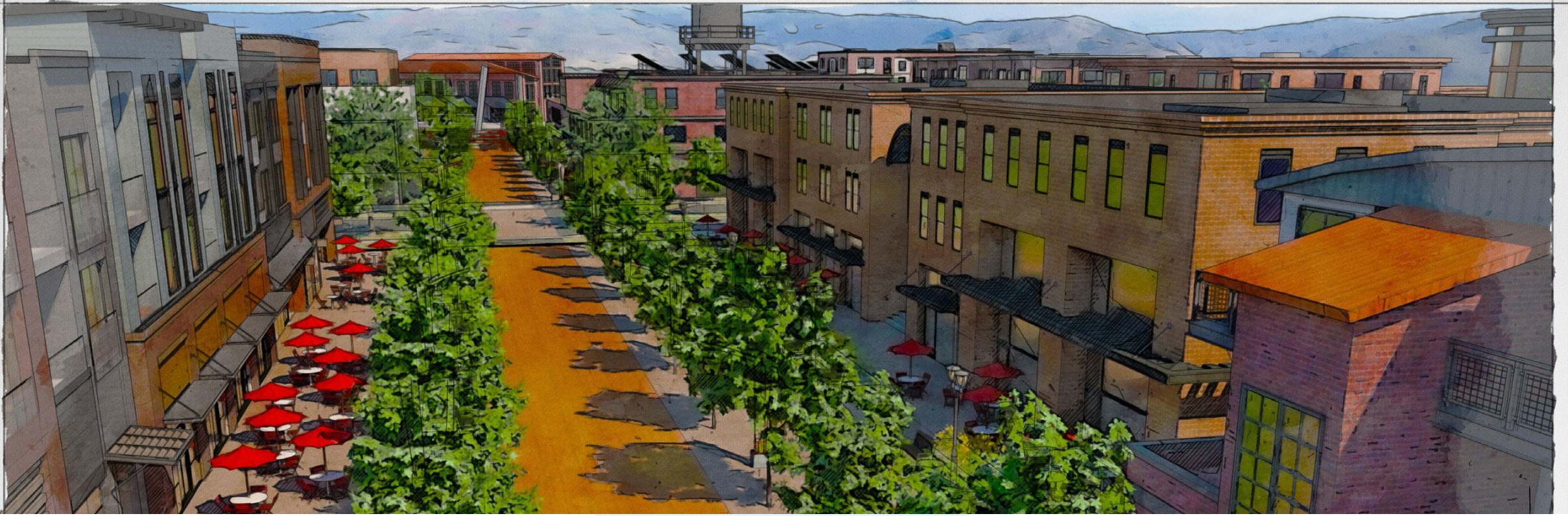
Bountiful bake shop offers hope and help to the community

Mar 28, 2024 08:29AM • By Braden Nelsen

Bountiful City Manager

"As a result of this investment we have seen other businesses looking to relocate to Main Street."





Heber City Improvements from CRA Funds
Will Create Opportunities for Our Entire Community.

Together We Rise



CRA

Access to funds will directly improve local and visitor downtown experience.

LOCAL BUSINESS

Increased opportunity for financial success will expand into the community.

COMMUNITY

Increased opportunity for jobs, mentorship (CAPS), team/club fundraising, school sponsorships, safe and social gathering places, and affordable housing opportunities will flow back into the community.

Estimated Tax Increment

(Zions Bank)

Entity	Increment to Agency	Increment to Entities	Increment to End of CRA Life	Split	Status
Wasatch County	\$3,200,000	\$1,100,000	\$4,300,000	75/25	N
Wasaatch County School District	\$16,000,000	\$5,250,000	\$21,000,000	75/25	N
Heber City	\$2,000,000	\$500,000	\$2,500,000	80/20	A
CUWCD	\$1,000,000	\$325,000	\$1,300,000	75/25	A
	\$22,200,000	\$7,175,000	\$29,100,000		
					A=Approved
					N=Negotiating

Increment Primer: Smiths Marketplace

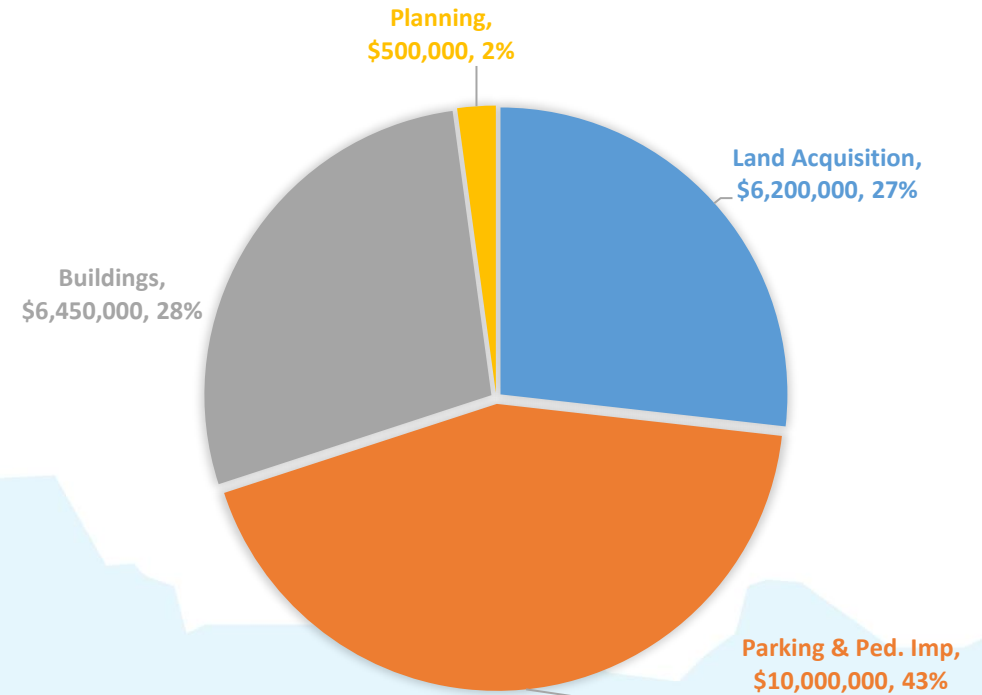
- Initial Heber City Investment in Off-Site Improvements: \$1,600,000
- Expected Opening Date: June '24
- Value Established: January 1, '25
- Need interlocals adopted by December '24



CRA Projected Projects and Outlay

CRA Funding Categories		Cost	Timing
Land Acquisition		Projections	Projections
>	Wasatch County Fire Station	\$1,800,000	24
^	Heber Light & Power Adm Building	\$1,300,000	24
>	Wasatch County Adm. Building	\$3,100,000	25-26
#	Mid-Block Pedestrian Path (plan details forthcoming)		TBD
Sub Total:		\$6,200,000	
Parking & Pedestrian Improvements			
^	Surface Parking (Fire Station/HL&P)	\$1,000,000	25-30
^	Parking Structure and/or Acquisition of add. Surface Parking	\$5,000,000	TBD
^	Art & Recreation District Investments (Wasatch County Vision)	\$4,000,000	TBD
Sub Total:		\$10,000,000	
Buildings			
^	Commercial Incubators	\$250,000	25-26
^	Affordable Housing (state mandate 10%)	\$2,200,000	TBD
^	"But-for" Improvements for Private Investment	\$4,000,000	TBD
Sub Total:		\$6,450,000	
Planning			
^	Idea Formation & Design for Wasatch County Adm. Bldg Lot	\$100,000	25
^	Ideas Formation & Design for 600 W Near RR	\$100,000	24
^	Design for Hwy 40 Streetscape Through Historic District	\$300,000	25
Sub Total:		\$500,000	
Grant Total:		\$23,150,000	
Estimated Agency CRA Increment:		\$22,200,000 *	
Difference:		-\$950,000	
Notes:			
*Does not include independent Heber Investments of 4M +			
*Assumes City covers Agency administration costs			
^ Estimated Cost			
# Cost TBD			
> Appraisal Value			

CRA PROJECTED OUTLAY BY CATEGORY

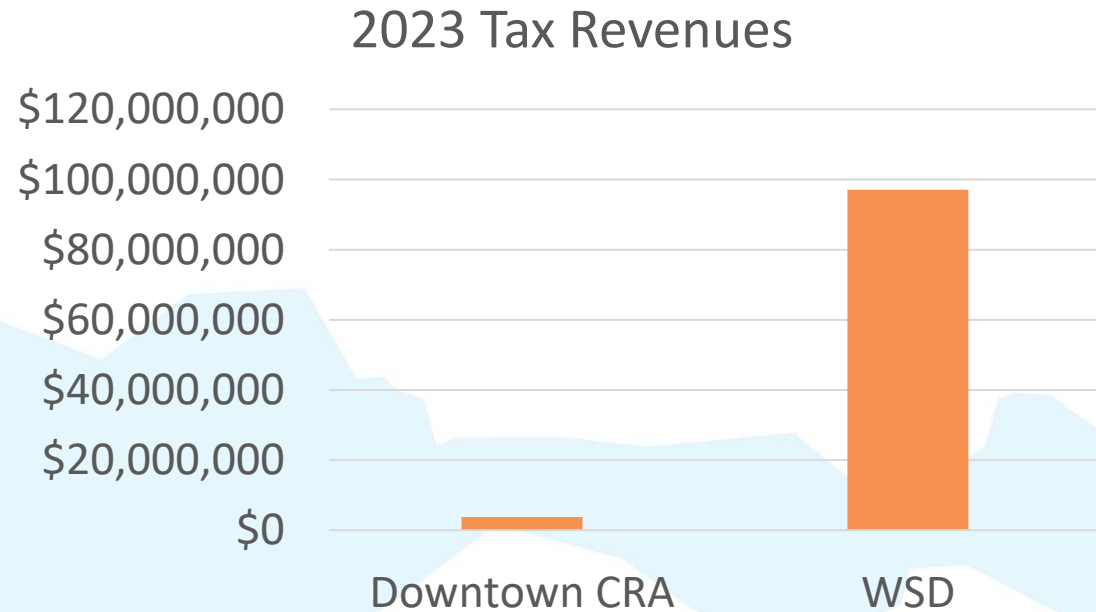


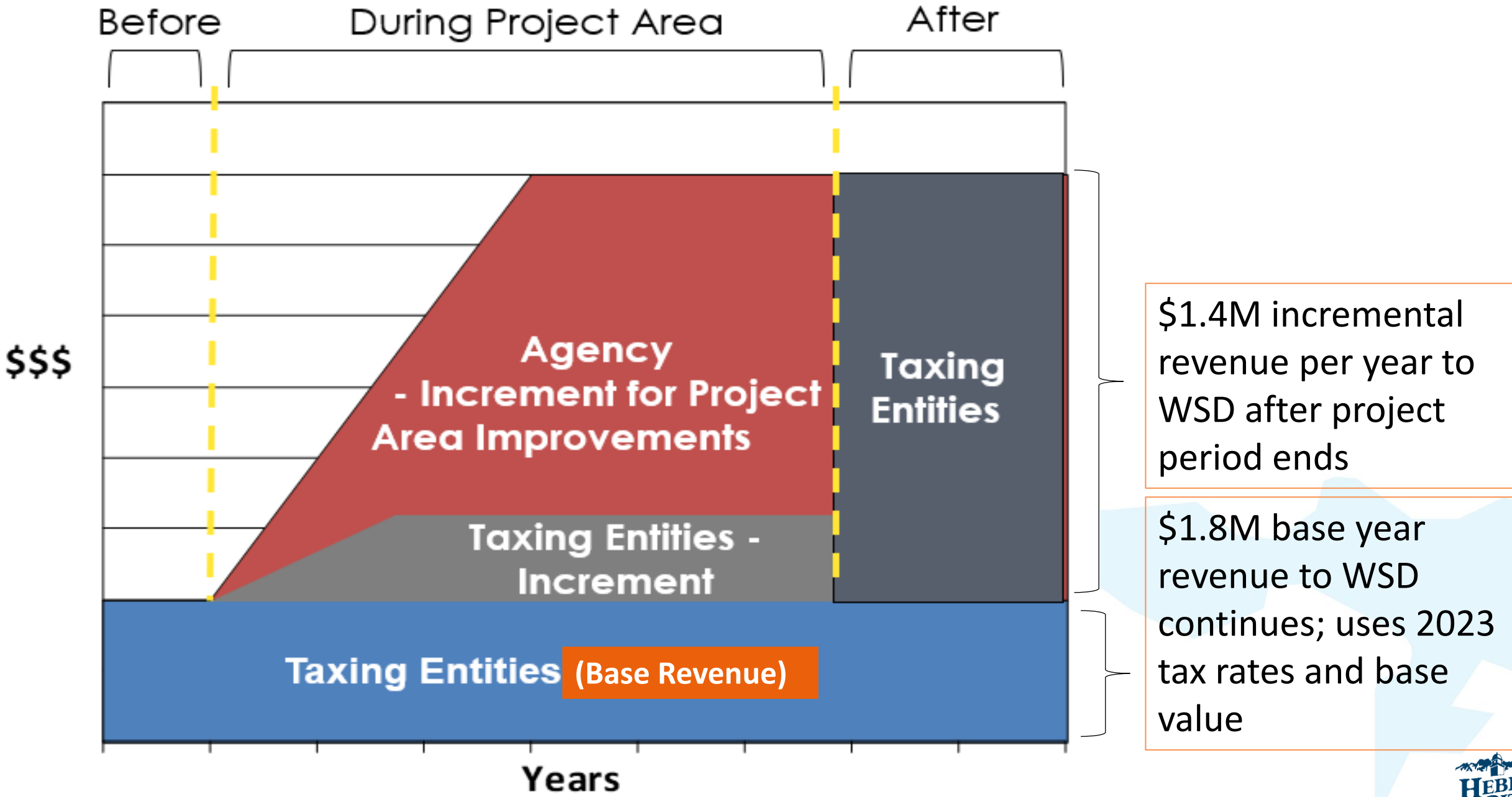
2023 Property Tax Revenue Comparison

Downtown - \$3.8M

Wasatch School District - \$97.1M

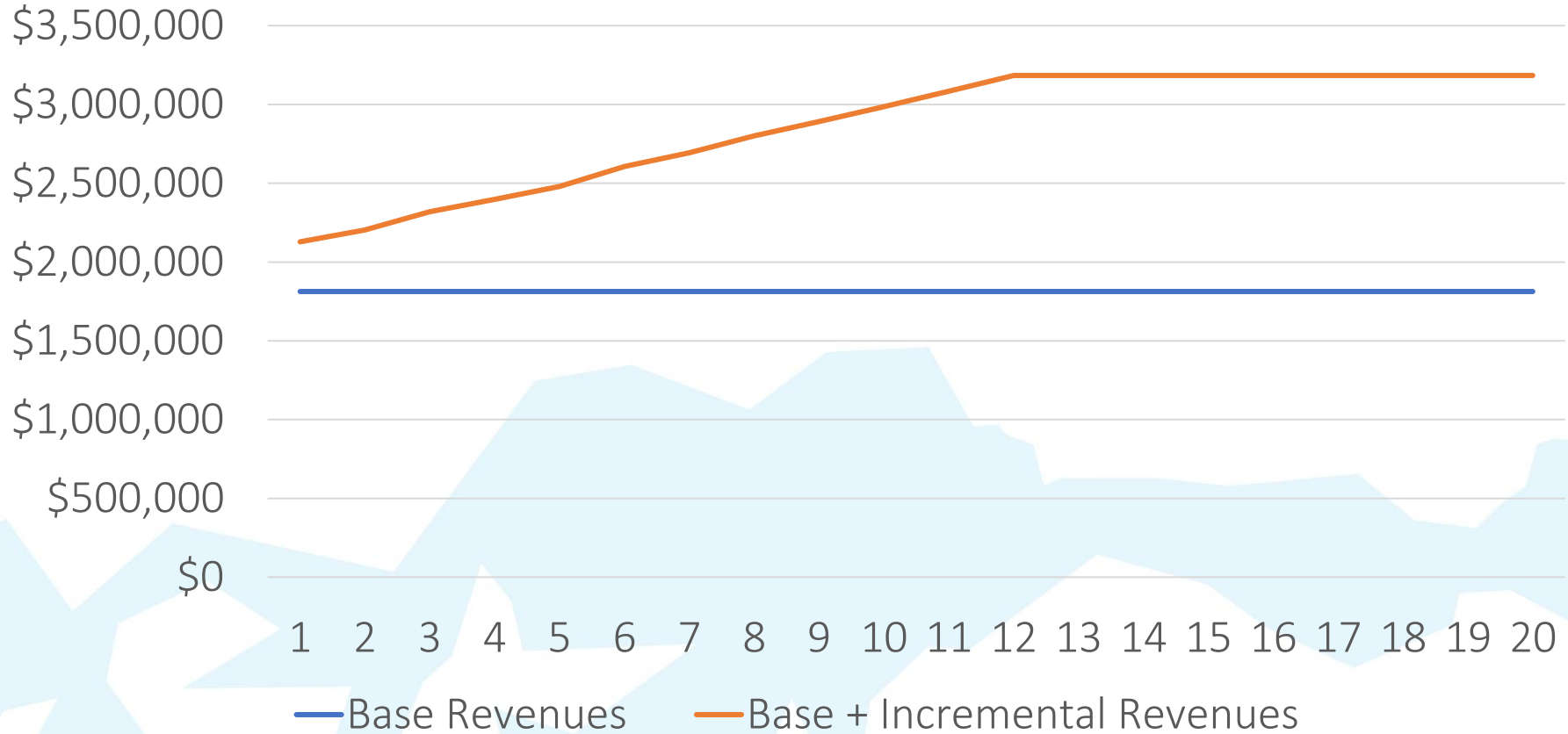
Downtown CRA = 3.9% of County



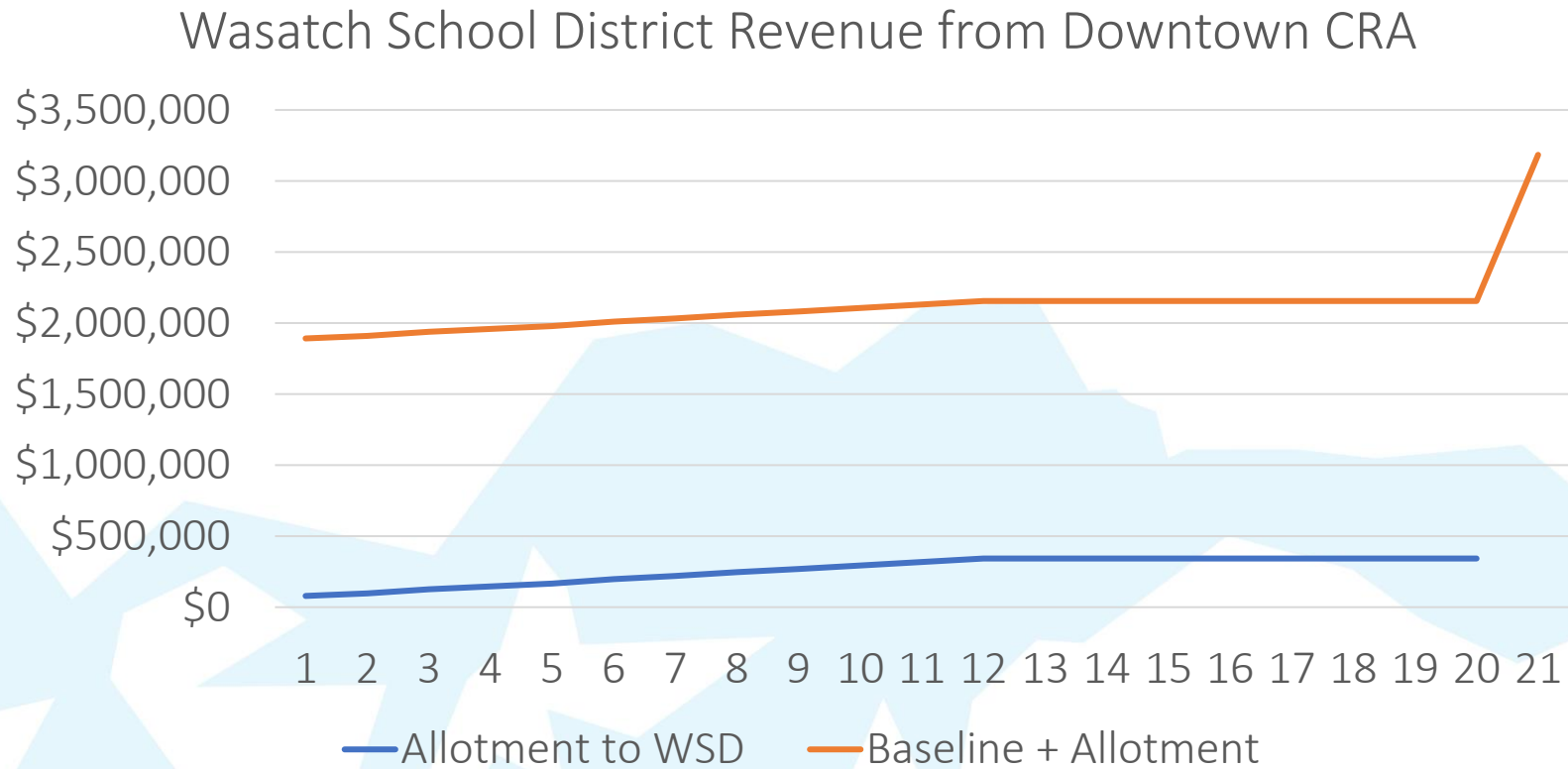


CRA Tax Revenues Generated

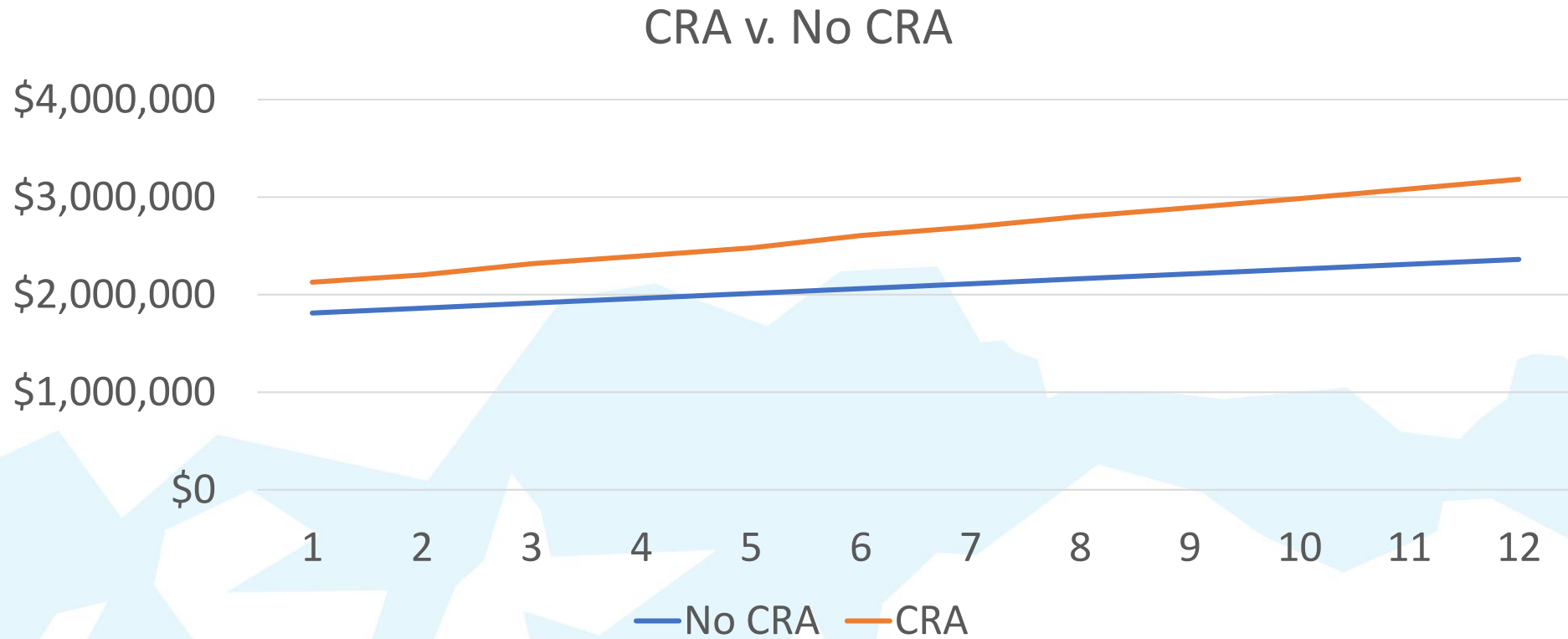
CRA Tax Revenue Benefits



WSD Revenue from Downtown with CRA



WSD – CRA v. No CRA



Key Interlocal Agreement Terms

- 1) 75/25 Increment Split
- 2) 20 Year Term (2045)
- 3) Direct Payment to CRA (not counted in State formula)
- 4) Return of unused tax increment
- 5) Formation of **Two** Advisory Committees--to review, prioritize, & make investment recommendations (details would have to be worked out and agreed to by both parties)
 - Downtown Heber CRA Advisory Board
 - Membership: County, School District, CUWCD, CAMS, City (5 total)
 - Art & Recreation District CRA Advisory Board (focused on “District” investments-\$4.1M budgeted)
 - Membership: County, County Rec. District, Railroad, City (4 total)
- 6) Affordable Housing—10% prioritized for District work force

Wasatch County School District Benefits....

- Financial Benefits:
 - Base revenue will increase by nearly 77% during CRA term (from \$1.8M/yr to \$3.2M/yr)
 - Annual increment in “Project Area” estimated to grow faster with CRA, should exceed District’s annual property tax growth in “Project Area”
 - Representation on CRA Advisory Committee
 - 10% of tax increment earmarked for affordable housing to support school teachers
 - Grow strength of downtown businesses, major supporters to District

Wasatch County School District Benefits

- Other Benefits:

- Partner with City and business community to realize community's vision for downtown and Art & Recreation District (destination for visitors, locals and private investment)

- Leverage



- Affordable housing—10% set-a-side

- Heber City has prioritized affordable housing for District work force



Questions...

Next Steps...

Property Tax Allocation (2023)



Downtown Vision & Initial Investments



HEART OF THE WASATCH BACK



Wasatch County/Heber City Joint Meeting

November 13, 2024



Imagine 2050...



Increment Primer: Smiths Marketplace

- Initial Heber City investment: \$1,600,000.00
- Smith's Investment: \$40,000,000.00
- Increased Annual Property Tax: \$376,000.00



Key Interlocal Agreement Terms

As Requested by Wasatch County Council



**1) 75/25 Increment Split
(1a)**



**2) 20 Yr Term (2045) or Cap
on Increment (\$4.2M)-
whichever reached first
(1a)**



**3) Formation of two
Advisory Committees--to
review, prioritize, & make
recommendations to
Agency (3a, b, c)**



**4) Changes to initial list of
projects requires super
majority (two-thirds) vote
of the relevant Advisory
Committee and Agency
(2b)**

Key Interlocal Agreement Terms

As Requested by Wasatch County Council



5) Project details must be presented to Advisory Committee prior to executing contracts (3d)



6) Return of unused tax increment (4)



7) Affordable Housing—10% prioritized for County, City and District work force (1e)

EXHIBIT A

CRA Projected Projects and Outlay

CRA Funding Categories		Cost	Timing
Land Acquisition		Projections	Projections
>	Wasatch County Fire Station-100 South 100 W	\$1,800,000	25
>	Heber Light & Power Adm Building--31 South 100 West	\$875,000	25
>	Wasatch County Adm. Building--25 North Main	\$3,100,000	26 or '27
^	Land Assembly	\$3,000,000	Ongoing
Sub Total:		\$8,775,000	
Parking Improvements			
^	100 South 100 West Parking Structure/Initial Surface Improvements	\$17,150,000	25-30
Sub Total:		\$17,150,000	
Downtown (Supportive) Infrastructure Improvements			
*DBF	100 West Road Improvements	TBD	TBD
*DBF	100 South (Midway Lane) Between Hwy 40 & 100 West Improvements	TBD	TBD
*DBF	Center Street Between Hwy 40 & 100 West Improvements	TBD	TBD
*DBF	Underground Overhead Power Lines in Mainstreet Area	TBD	Ongoing
Sub Total:		\$0	
Buildings & Amenities			
^	Affordable Housing (State Mandate 10%)	\$2,200,000	TBD
^	Main City Park (City Square) Improvements	\$17,000,000	26-30
*DBF	25 North Main Improvements (County Adm. Bldg Site)	TBD	TBD
^	"But-for" Grant Improvements	\$2,000,000	25.00
Sub Total:		\$21,200,000	
Grant Total:		\$47,125,000	
Notes:			
^ Estimated Cost			
> Appraised Value			
TBD = To Be Determined			
*DBF = Details Being Finalized			



The Ask...

Adoption of Interlocal Agreement before
December 31, 2024

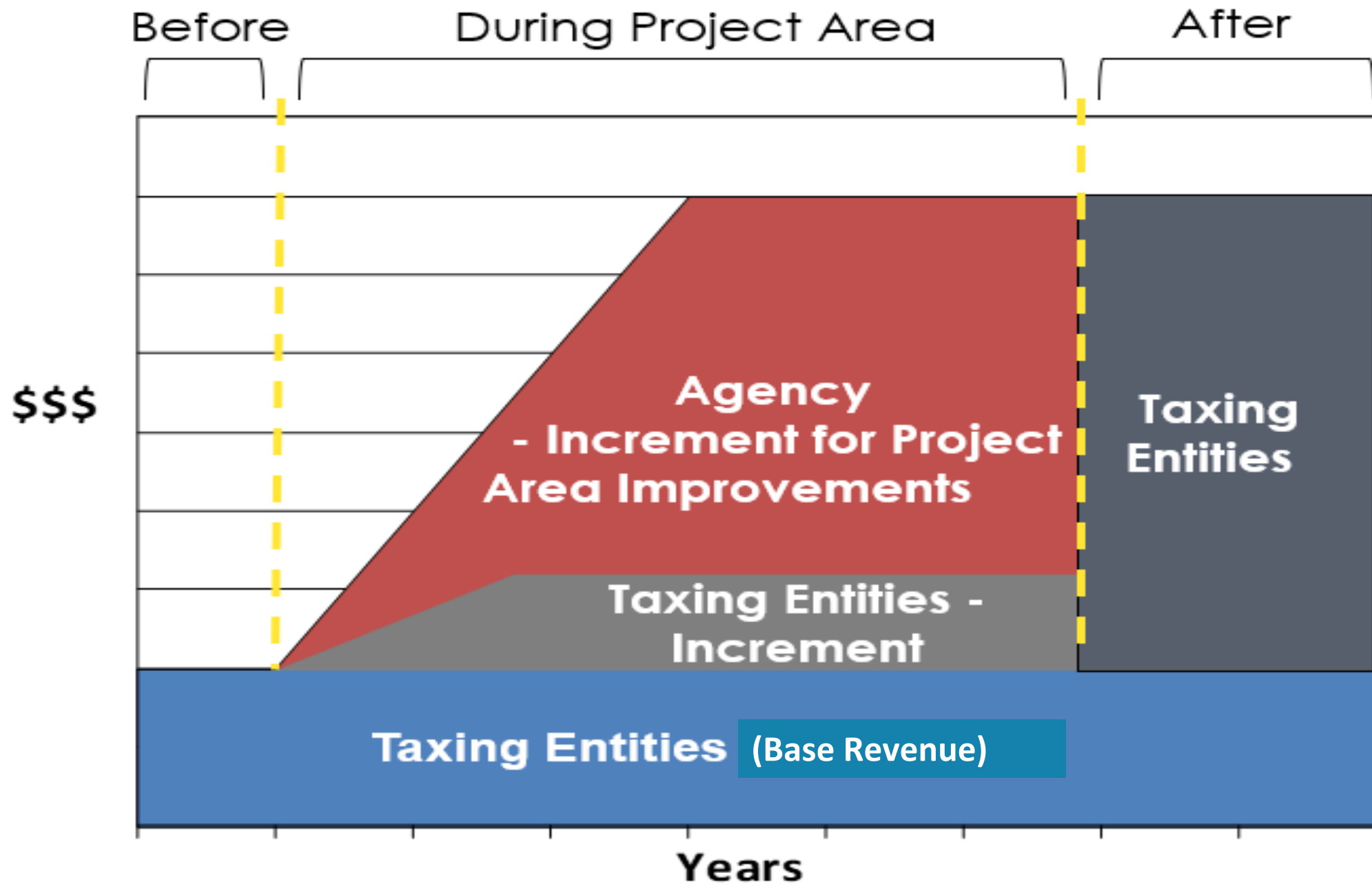


Heber Station 51
80 West 100 South
Heber City Utah
84032

Heber City Purchase of County Owned Parcels

- Appraisals completed by Wasatch County;
- Term sheets submitted to Wasatch County;
- Properties are critical to realizing Central Heber initiative;
- The Ask: Commitment from Wasatch County to sell properties to Heber City.

Next Steps?





Heber City Council Staff Report

MEETING DATE:	6/17/2025
SUBJECT:	Resolution 2025-09 Adopting Fiscal Year 2025-2026 Final Budget Including the CRA (Community Reinvestment Agency) Budget
RESPONSIBLE:	Sara Nagel, Cherie Ashe
DEPARTMENT:	Finance
STRATEGIC RELEVANCE:	Necessary Administrative Action

SUMMARY

Resolution 2025-09 adopts the final budget for Fiscal Year 2025–2026, including the budget for the Heber City Community Reinvestment Agency (CRA). This budget reflects Council priorities, public input, and staff recommendations, ensuring the City's continued fiscal stability and support for strategic initiatives. The budget complies with all applicable state statutes and has been publicly vetted through a transparent and participatory process.

RECOMMENDATION

Staff recommends the City Council adopt Resolution 2025-09, approving the FY 2025–2026 Final Budget and the CRA Budget, as presented.

BACKGROUND

The budget process for FY 2025-2026 included several phases of strategic planning, staff development, and Council deliberation. Key steps in the process included:

- January: Council held a two-day strategic retreat to set priorities.
- January: The City Manager and Finance Director prepared revenue projections.
- January: Departments began work on operating and capital budgets.
- February: Departments submitted personnel requests.

- March: Departments submitted operating and capital budget requests.
- March: The City Manager and Finance Director conducted budget interviews with each Department Director.
- April: A tentative budget was submitted to Council.
- April–May: Council held two budget workshops.
- May 6: Council held the first public hearing and tentatively adopted the budget.
- June 3: Council held the second public hearing.
- June 17: Council will adopt the final budget.

DISCUSSION

The adopted budget reflects strategic decisions made to address ongoing service needs, maintain infrastructure, and align with community priorities. Key decisions incorporated into the final FY 2025–2026 budget include:

- Continued TAP Tax allocation: 10% to Grants, 25% to Trails Maintenance, and 65% to Park Projects and Infrastructure
- Approval of two additional FTEs: one Office position and one Storm Water Lead
- Transition to a city-wide 9-step wage schedule to support equitable compensation
- Transition to PEHP for health insurance, including an automatic renewal in year two with a 7.2% increase
- Modification of the Safety Incentive Bonus to \$500/year for qualifying employees
- Implementation of the Capital Improvement Plan (CIP)
- 2.8% increase to Business License Fees based on Mountain Plains February CPI
- Implementation of Zions Bank’s recommended utility rate adjustments
- Removal of the Heber Light & Power \$250,000 dividend for FY 2025 and FY 2026
- No property tax increase for FY 2026

Details of the 9-step wage schedule are attached.
Budget details can be found at Heberut.gov.

FISCAL IMPACT

This resolution formally appropriates funding for all City operations, debt obligations, and capital investments for FY 2025–2026. It ensures legal compliance with Utah Code Title 10, Chapter 6 and provides financial capacity for core services and infrastructure investment. The budget is balanced and reflects prudent financial planning without requiring a property tax increase.

CONCLUSION

The City Council has fulfilled all statutory requirements for adopting the Fiscal Year 2025–2026 Final Budget by:

1. Holding a duly noticed public hearing on [June 3, 2025](#), in accordance with Utah State Code.
2. Providing proper public notice for all hearings related to the budget process.

Guided by Council’s priorities established during the January strategic retreat and further refined through budget workshops in April and May, Staff has prepared a balanced budget that reflects both the City’s long-term goals and current economic conditions.

Staff recommends that the Council adopt the Fiscal Year 2025–2026 Final Budget, including the Community Reinvestment Agency (CRA) Budget, by resolution.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve the item** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the **item** as amended, as follows.

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the **item** with the following findings.

ACCOUNTABILITY

Department: Finance
Staff member: Sara Nagel, Finance Manager
Cherie Ashe, Human Resources Manager

EXHIBITS

1. Resolution 2025-09 Adopting the Final FY 2025 - 2026 Budget
2. Policy for Safety Incentive Program
3. 9Steps

RESOLUTION NO. 2025-09

A RESOLUTION ADOPTING THE FISCAL YEAR 2025–2026 FINAL OPERATING AND CAPITAL BUDGET, INCLUDING THE COMMUNITY REINVESTMENT AGENCY BUDGET

WHEREAS, in accordance with Utah State law, a tentative budget was submitted to the Heber City Council on May 6, 2025; and

WHEREAS, State law authorizes the governing body to revise, amend, and adopt a final budget following review and public input; and

WHEREAS, a duly noticed public hearing was held on June 3, 2025, during the City Council’s regularly scheduled meeting to receive comment on the proposed budget;

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

1. BUDGET ADOPTION

The Fiscal Year 2025–2026 Final Budget, including all operating, capital, and Community Reinvestment Agency (CRA) funds, is hereby adopted as the official budget of the Heber City Municipal Corporation.

2. PROPERTY TAX REVENUE

Property tax revenue, based on the certified tax rate, is anticipated to total \$3,830,134.

This Resolution shall take effect immediately upon adoption.

ADOPTED and PASSED by the City Council of Heber City, Utah, this ____ day of _____, 2025, by the following vote:

	AYE	NAY
Council Member Yvonne Barney	_____	_____
Council Member Aaron Cheatwood	_____	_____
Council Member Michael Johnston	_____	_____
Council Member Sid Ostergaard	_____	_____
Council Member Scott Phillips	_____	_____

APPROVED:

Mayor Heidi Franco

ATTEST:

City Recorder



Section 8.10 Safety Incentive

Start of Program: Q2 of the fiscal year

Developing and maintaining a workplace safety culture is a high priority for Heber City. A strong safety culture leads to fewer accidents and injuries. Further, a safer workplace translates to lower costs associated with injuries, accidents, and lost productivity. Heber City plans to implement a safety incentive program to encourage and reward employees for practicing safe behaviors and adhering to established safety protocols in the workplace.

The City Council will establish a safety incentive program, which will be reviewed annually and amended as needed to ensure its effectiveness. At the discretion of the City Council, the program may be amended or eliminated. Funding for the program is contingent on the City's ability to identify and include funds in each fiscal year's budget. Details of the Safety Incentive program will be maintained as a separate document from the Personnel Policies and Procedures Manual.

Safety Incentive Program

I. Incentive Details

- a. The City's Safety Committee is responsible for reviewing all accidents and determining the general compliance with the City's safety policy and safety incentive program.
- b. The Safety Incentive Program is available to City employees classified under workers' compensation codes 5509, 9417, and 8810. The program has two parts: one designed for employees who work in high-risk jobs and are classified under workers' compensation codes 5509 and 9417, and the second for employees classified under workers' compensation code 8810.

Safety Incentive Program for Employees Classified Under Workers' Compensation Codes 5509 and 8810 with inherently dangerous job duties.

- c. The City Council determines the amount of the safety incentive bonus annually. If all safety qualifications are met, this amount is paid in December of each year.
- d. To qualify for the full value of the incentive, employees must 1) remain accident free, 2) complete two (2) approved safety training courses per quarter; and 3) comply with Article 8, of the City's Personnel Policy entitled



Safety and Health, including the timely reporting of all accidents and near misses.

- e. The safety committee's findings that an employee's actions are contrary to items in section 2 above can and will reduce the safety incentive.

II. The safety incentive determinants:

a. Accidents At Fault

The safety committee will review the incident to determine degree of preventability if any. Half of the safety incentive value is tied to this determinant. Subsequent incidents in the same year will leverage one-half of any remaining bonus value to the employee.

The safety committee will assign a fault percentage to each accident ranging from 100% at-fault to 0% of not being preventable or at fault For example:

100% of incident determined to be preventable: safety incentive reduced by 50%.

0% of incident determined to be preventable: safety incentive not reduced by any percentage.

- III.** Loss: The safety committee will review the incident to determine the amount of loss. The loss value will include, but not be limited to, physical damage, lost time, legal costs, etc. Half of the safety incentive's value is tied to this determinant. Subsequent incidents in the same year, will leverage one half of any remaining bonus value available to the employee.

The safety committee will assign a loss value to each accident ranging from greater than \$25,000 to \$0. For example:

Loss of \$25,000 or greater: safety incentive reduced by 50% depending on the degree of at fault.

Zero (\$0) loss would not reduce the safety incentive.

IV. Complete Safety Courses

Employees who do not complete the review of the required safety courses in any quarter are ineligible to receive a safety bonus for the year.

Compliance with Article 8 of the City's Personnel Manual

Employees who are found by the safety committee not to have complied with any provision of Article 8, including the delay or non-reporting of an incident or near-miss, are ineligible to receive a safety bonus for the year.



Safety Incentive Program for Employees Classified Under Workers' Compensation Code 8810.

The initial safety incentive value is \$50.00 per quarter or \$200.00 per year. If all qualifications are met, this bonus is paid quarterly.

To qualify for the full value of the incentive, employees must 1) remain accident free, 2) complete two (2) approved safety training courses per quarter; and 3) comply with Article 8, of the City's Personnel Policy entitled Safety and Health, including the timely reporting of all accidents and near misses.

The safety incentive can be eliminated by the findings of the safety committee in any quarter that an employee's actions are found contrary to items in section 2 above.

Prorated Safety Incentive Bonus Value

The amount will be prorated if:

An employee is hired or becomes eligible partway through the year.

An incident partially affects the employee's eligibility, excluding gross negligence or at fault, which would disqualify the employee based on fault or preventability.

Prorated Calculation

Partial-Year Eligibility: Employees hired or classified under the mid-year will earn the incentive based on the number of eligible months worked (prorated).

Incident Impact: For incidents where the fault is determined NOT the employee's, and the loss value or missed workdays are below disqualifying thresholds, a prorated incentive may be awarded based on the severity and impact of the incident.

V. Safety Committee Responsibilities

The safety committee will meet at least monthly to review incidents, make findings, document recommendations, and make suggestions to the safety incentive bonus.

All employees involved in an incident must appear before the safety committee to review the incident, determine its fault or preventability and loss, and, most importantly, make recommendations to practices and policies to reduce the incidence of similar accidents.

The safety committee will assign an AT-fault preventability percentage and loss value to each incident. The committee will make findings and document its conclusions.



If necessary, the personnel committee hears an appeal of a safety committee's recommendation. The committee's decision is final.



Heber City Council Staff Report

MEETING DATE:	6/17/2025
SUBJECT:	Ordinance 2025-13 Text Amendment to Chapter 18.110 Telecommunications
RESPONSIBLE:	Jamie Baron
DEPARTMENT:	Planning
STRATEGIC RELEVANCE:	Community and Economic Development

SUMMARY

APC is proposing a text amendment to 18.110 Telecommunications to increase the height of Cell Towers and permit monopole throughout the City to improve the cell coverage in the area. The proposed amendment increases the height in non-residential areas, prohibits poles in the down town area of the City, and maintains the stealth requirements.

The Policy Questions are as follows:

1. Should the City increase the height of cell towers in non-residential areas?
2. Should cell towers be restricted in the down town?
3. Does the City support the use of Stealth poles?

RECOMMENDATION

The Planning Commission forwarded a positive recommendation. Staff is recommending approval with the finding and conditions in the conclusion.

BACKGROUND

APC Towers approached the City about a tower site on the south side of town, as their client is looking to increase cellular coverage in this area. During that process, APC raised the issue of the current height limit of 35' as being problematic, as it would only allow for a single provider and would require more poles to serve the growing population. APC initially proposed (see Exhibit 2) a text amendment that would allow cell towers of 120 feet in height in all areas of the City, including residential zones. Additionally, the proposal removed the stealth requirements. Staff has been working with the applicants to refine the amendment as the planning commission recently received considerable public opposition to a 69-foot tower in a residential neighborhood. Staff and the applicant have worked together on the proposed text amendment (exhibit 3), with the applicant

requesting the removal of the stealth requirements.

The Planning Commission held a public hearing on April 8, 2025. During the public hearing, the public raised concerns about health. The Planning Commission asked for additional information regarding health issues from the state or county health department.

DISCUSSION

Height

The current height limit on Cellular towers is 35'. A 35' tower would only allow for a single provider on the pole. By collocating additional providers, the number of poles is reduced. Each provider needs 15.

In researching other municipalities, most range from 60'-100'.

Other Municipalities	Height Limit	Process	Where
Heber City	35'	Permitted and Conditional Use	All Zones
Spanish Fork	60'	Permitted	Commercial and Industrial
Saratoga Springs	Zone Maximum - 100', depending on size of property.	Permitted	All Zones
Herriman	50' - 100'	Conditional Use	Most Zones
Midway	40' - 60', up to 80' variance	Conditional Use	All Zones
Wasatch County	60' - 100'	Conditional Use	Industrial, Preservation, Mountain, and Highway Services Zones

The Proposed Heights are as follows:

Commercial, Mixed Use, and Industrial Zones								
C2	C3	C4	MURCZ	NVOZ	I1	I2	BMP	IPF
80'	-	80'	65'	35'	80'	80'	65'	65'

Residential, Mountain, and Agricultural Zones							
R1	R2	R3	PC	MCZ	A2	RA1	RA2
35'	35'	35'	35'	35'	65'	35'	35'

Uses

Commercial, Industrial, and Mixed Use Zones Permitted Use Table
P – Permitted, N – Not Permitted (Prohibited), C – Conditional Use

Telecom Uses	C-2	C-3	C-4	MURCZ	NVOZ	I-1	I-2	BMP	IPF	Limitations
Monopoles	C*	N	C*	C	C	P	P	C	C	Must use stealth when a conditional use. *Not permitted between 500 North and 600 South, and 600 West and 600 East
Lattice Tower	N	N	N	N	N	N	N	N	N	
Guy Tower	N	N	N	N	N	N	N	N	N	
Freestanding - Other	N	N	N	N	N	N	N	N	N	
Roof Mounted	C	C	C	C	C	P	P	P	P	Antenna not to exceed 5' in height when conditional
Wall Mounted	C	N	C	C	C	P	P	C	C	
Stealth Antenna	C	N	C	C	C	P	P	C	C	
Co-Location on Existing Facilities	P	P	P	P	P	P	P	P	P	Facility must be legally constructed, including legal non-conforming facilities that meet the FCC definition of an Eligible Facility
Eligible Facilities Modification	P	P	P	P	P	P	P	P	P	Facilities defined as an Eligible Facility by the FCC

Residential and Agricultural Zones Permitted Use Table
P – Permitted, N – Not Permitted (Prohibited), C – Conditional Use

Telecom Uses	R-1	R-2	R-3	PC	MCZ	A-2	RA-1	RA-2	Limitations
Monopoles	C	C	C	C	C	C	C	C	Must use stealth and be located on government land or private with non-residential uses
Lattice Tower	N	N	N	N	N	N	N	N	
Guy Tower	N	N	N	N	N	N	N	N	
Freestanding - Other	N	N	N	N	N	N	N	N	
Roof Mounted	N	N	N	N	N	N	N	N	
Wall Mounted	N	N	N	N	N	N	N	N	

Stealth Antenna	C	C	C	C	C	C	C	C	Must be located on government land or private land with non-residential uses
Co-Location on Existing Facilities	P	P	P	P	P	P	P	P	Facility must be legally constructed, including legal non-conforming facilities that meet the FCC definition of an Eligible Facility
Eligible Facilities Modification	P	P	P	P	P	P	P	P	Facilities defined as an Eligible Facility by the FCC

Stealth

The City amended the code in 2022 to add stealth requirements to cellular towers. APC is requesting to remove the stealth tower requirements, claiming that the stealth causes the tower to be more noticeable than the regular tower, as well as that some types of stealth reduce the effectiveness of the Cell Towers.

Process

Text Amendments require a mailed summary of the text change to all property owners within the zones the amendment affects. Notices were mailed to all property owners in the C2, C-3, C-4, MURCZ, I-1, I-2, BMP, IPF, MCZ, A2 Zones.

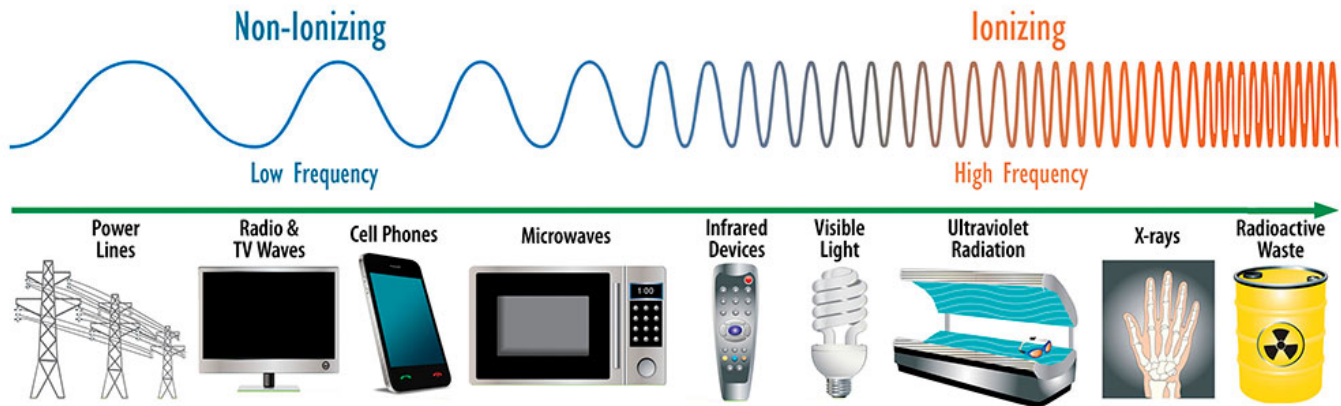
Health Concerns

Staff was able to find information from the Utah Department of Environmental Quality from the Division of Waste Management and Radiation Control. See link below.

[https://deq.utah.gov/waste-management-and-radiation-control/non-ionizing-radiation#:~:text=To%20date%2C%20the%20National%20Cancer,\(801\)%20536%2D0200.](https://deq.utah.gov/waste-management-and-radiation-control/non-ionizing-radiation#:~:text=To%20date%2C%20the%20National%20Cancer,(801)%20536%2D0200.)

The site references national organizations and makes the finding that there is not enough evidence that would warrant additional regulation by the state and that the National Cancer Institute found that "no consistent evidence for an association between any source of non-ionizing EMF and cancer has been found."

Electromagnetic Spectrum



Additionally, the FCC does regulate Radio Frequency at a national level. The FCC has issued statements on health issues. See attached RF Safety FAQ.

FISCAL IMPACT

N/A

CONCLUSION

ACP Towers is requesting a text amendment to allow for taller cell towers. The amendment only amends the height in the commercial, industrial, and mixed use zones. This item has been noticed as a public hearing. Staff is recommending the approve the ordinance with the following findings and conditions:

Findings

1. The Planning Commission held a public hearing on April 8, 2025.
2. The Planning Commission forwarded a positive recommendation on April 22, 2025.
3. The text amendment allows for additional cellular service to support the community, while preserving residential areas.

Conditions

1. Any conditions or changes by the City Council _____.

ALTERNATIVES

Staff Recommended Option - Approval

75 N Main Street
Heber City, UT 84032

Phone: 435-657-0757
Fax: 435-657-2543

heberut.gov

I move to **approve** Ordinance 2025-11 as presented, with the findings and conditions as presented in the conclusion of the staff report.

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning
Staff member: Jamie Baron, Planning Manager

EXHIBITS

1. UT-1863 - Text Amendment
2. Zoning Covg Template - SL03641D RAD Diff - v3
3. Ord 2025-13 Cell Tower Height
4. 18.110 Staff Recommendations
5. RF Safety FAQ
6. 2025-04-21 APC Towers Letter

Proposed Changes to Heber City's Code

Heber City Public Hearing
4/8/2025

 APC Towers

*Existing APC Towers
Telecommunications
Facility in West
Jordan, UT

What Are We Proposing?

- APC Towers is working with T-Mobile to build a new telecommunications facility in Heber City, UT
- The telecommunications facility would improve cell signal on the south side of Heber City and will allow for other carriers to collocate
- Currently, Heber City's zoning code only allows for 35' tall telecommunications facilities in all zones and has language saying that all telecommunications facilities must be stealth
- APC Towers proposes the following changes to the zoning code:
 - Allow for taller telecommunications facility heights (120' is preferred by APC and T-Mobile) in Commercial Zones
 - Allow for non-stealth telecommunications facilities in Commercial Zones

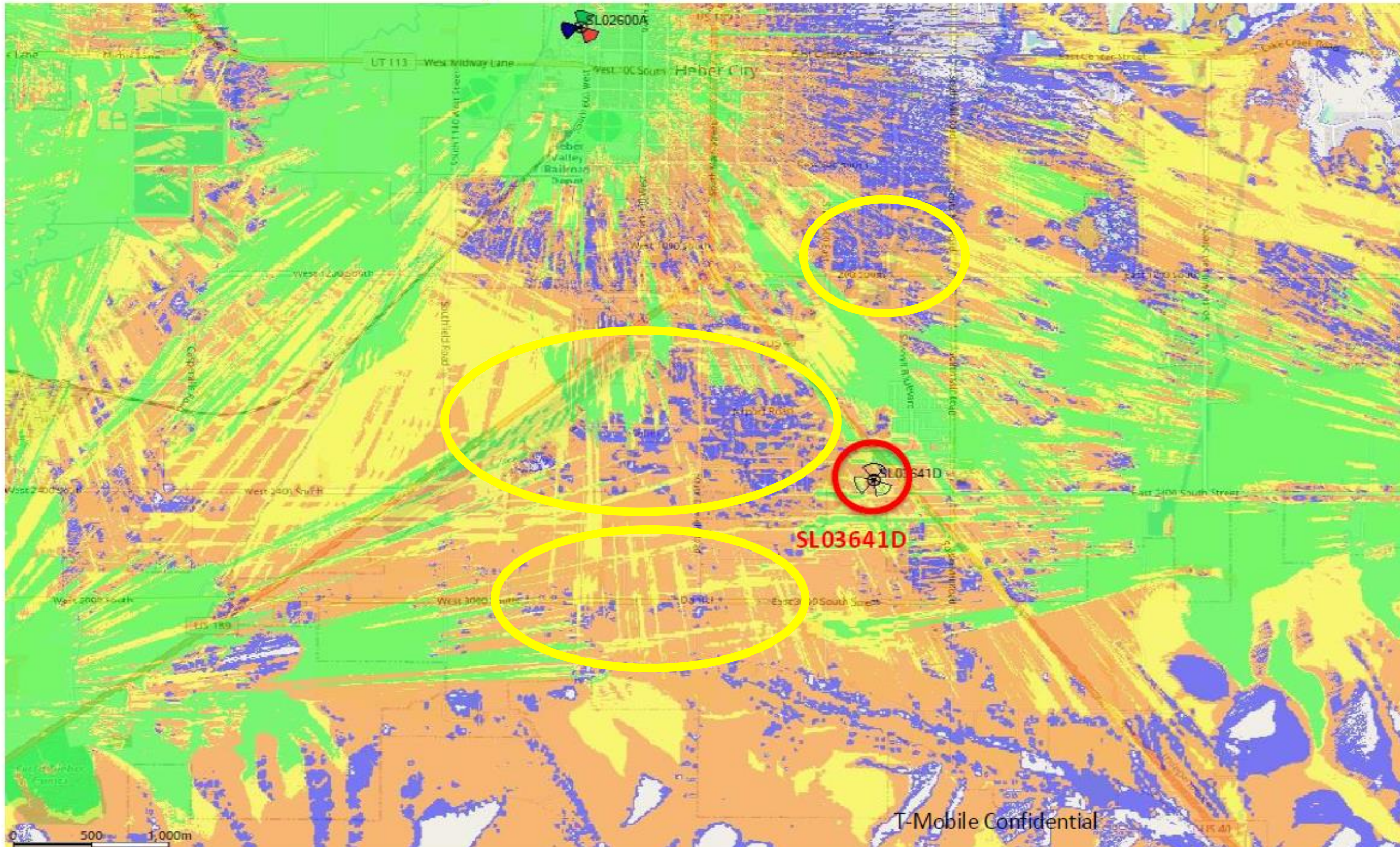
Why Do We Need Taller Telecommunications Facilities?

- The taller the telecommunications facility the further the signal can travel without being blocked by buildings, trees, hills, etc.
- Allows for additional carriers to collocate rather than building their own telecommunications facility
- Reduces the need for additional telecommunications facilities to be built within the same area due to the higher height
- Carriers have stopped supporting development of multiple short telecommunications facilities in areas with strict ordinances that prohibit the regular height facilities. Instead, they will invest in communities that have more business-friendly ordinances and policies that allow them to deploy fewer towers to cover the same areas
- Better coverage and faster data speeds for customers!

Current T-Mobile Coverage in Heber, UT

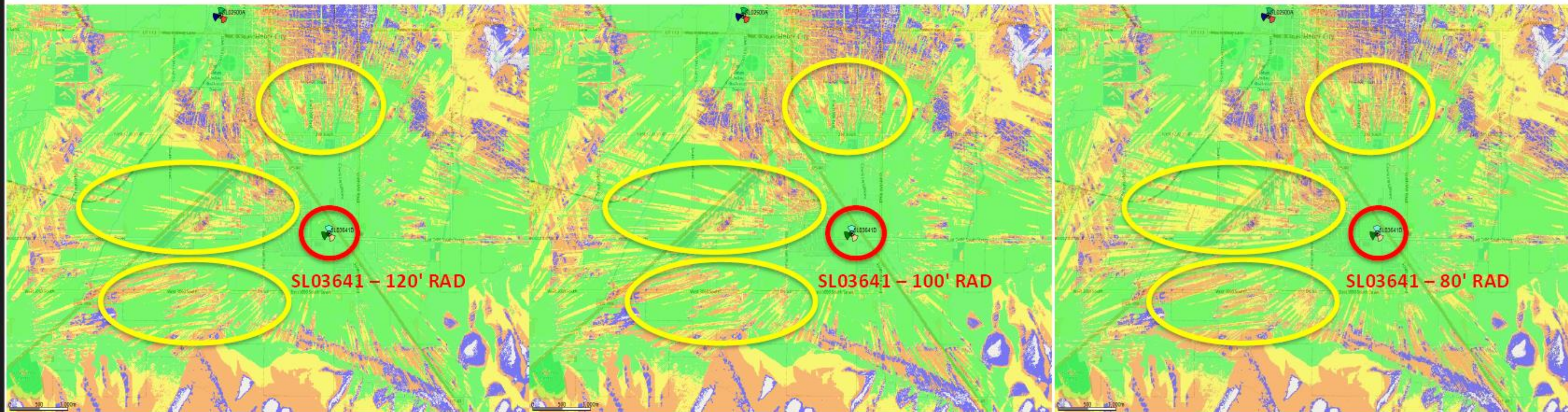
Current coverage without proposed site SL03641D

As the coverage Map shows, in the Blue & Orange areas, Customers experience low/weak signal levels resulting in poor quality calls (garble, sounding like a robot), slow text & SMS messaging, very slow-to-no data speeds. A new site is needed to improve the in-building signal level in this area of Heber, UT



- In-Building Commercial Coverage
- In-Building Residential Coverage
- In-Vehicle Coverage
- Outdoor Coverage

New T-Mobile Coverage showing RAD differences



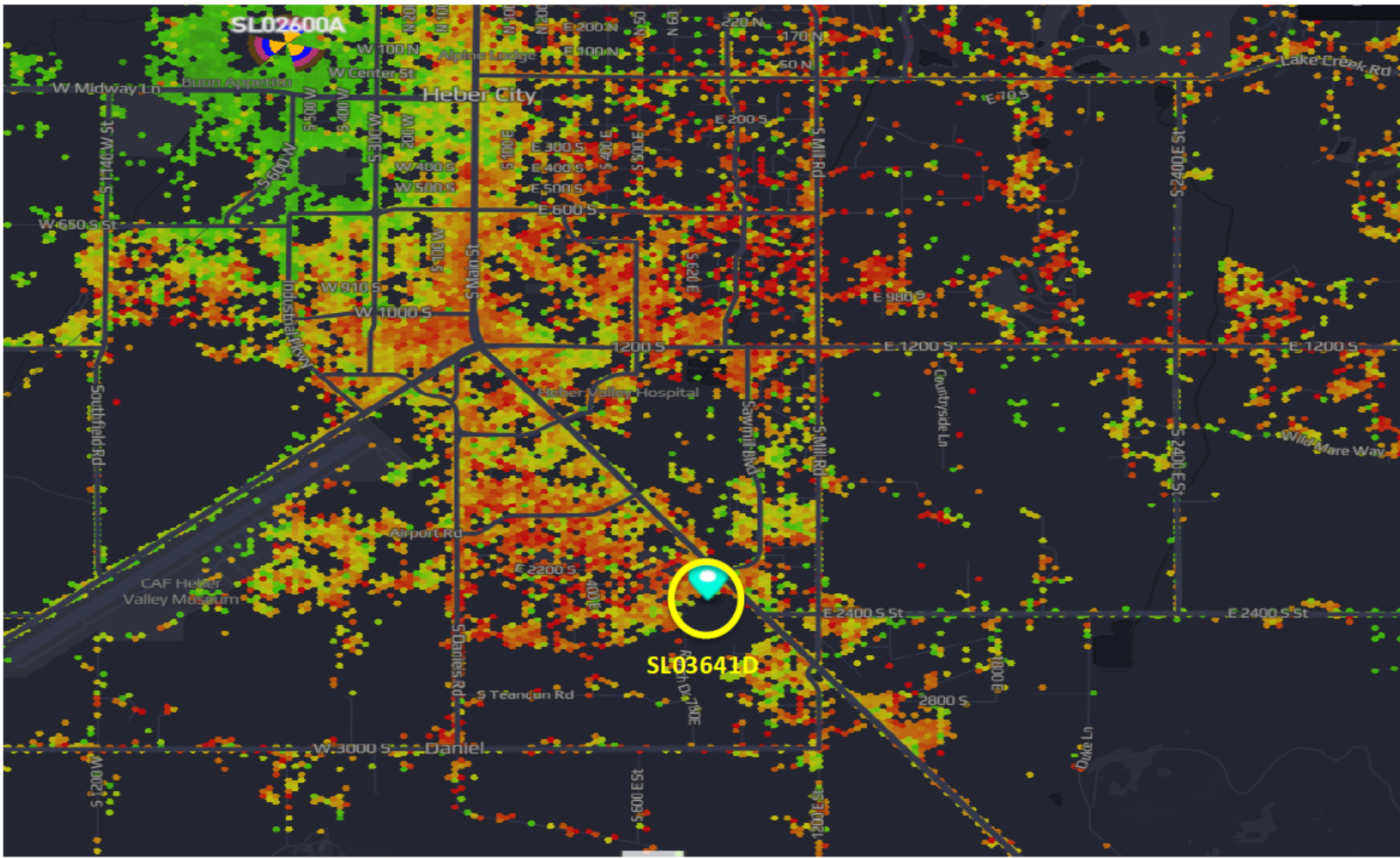
120' RAD will provide In-Building coverage (Green & Yellow) to 1340 more Population and 2.75 sq miles of In-Building level signal than the 80' RAD
120' RAD will provide In-Building coverage (Green & Yellow) to 824 more Population and 1.2 sq miles of In-Building level signal than the 100' RAD

T-Mobile prefers the 120' RAD to cover the most population and sq miles at an in-building signal level within Heber without the need for another site in the southern part of Heber. This will allow more of our customers to make & receive higher quality calls, have faster data speeds and be able to add T-Mobile's Home Internet service.

- In-Building Commercial Coverage
- In-Building Residential Coverage
- In-Vehicle Coverage
- Outdoor Coverage

Current T-Mobile Customer Experience in Heber, UT

Actual Customer Experience in the SL03641D area of Southern Heber

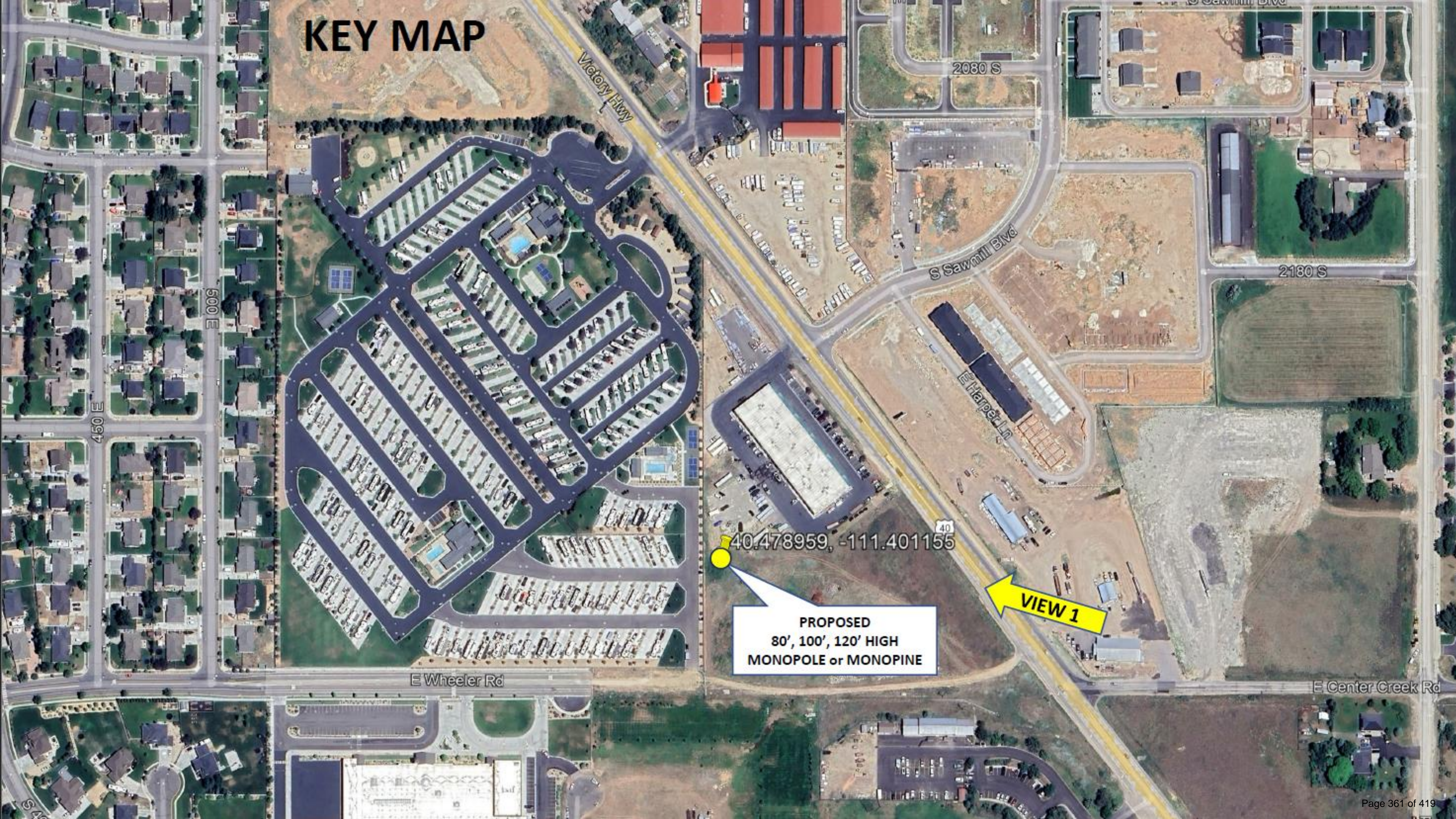


The Orange & Red dots indicate low to very low signal. This means current customers will experience low/weak signal levels resulting in poor quality calls (garble, sounding like a robot), slow text & SMS messaging, very slow-to-no data speeds. A new site is needed to improve the in-building signal level in this part of Heber, UT

Why Are Non-Stealth Telecommunications Facilities Better?

- Stealth telecommunications facilities attract more attention than non-stealth telecommunications facilities
- Monopines (faux trees) will stand out in areas where there's not a lot of trees
- Eyesores
- Stealth sites require additional:
 - Upkeep
 - Construction constraints

KEY MAP



40.478959, -111.401155

**PROPOSED
80', 100', 120' HIGH
MONOPOLE or MONOPINE**

VIEW 1

VIEW 1 - BEFORE



VIEW 1 – 80' HIGH MONPOLE



VIEW 1 – 100' MONOPOLE



VIEW 1 – 120' MONOPOLE



VIEW 1 – 80' MONOPINE



VIEW 1 – 100' MONOPINE



VIEW 1 – 120' MONOPINE

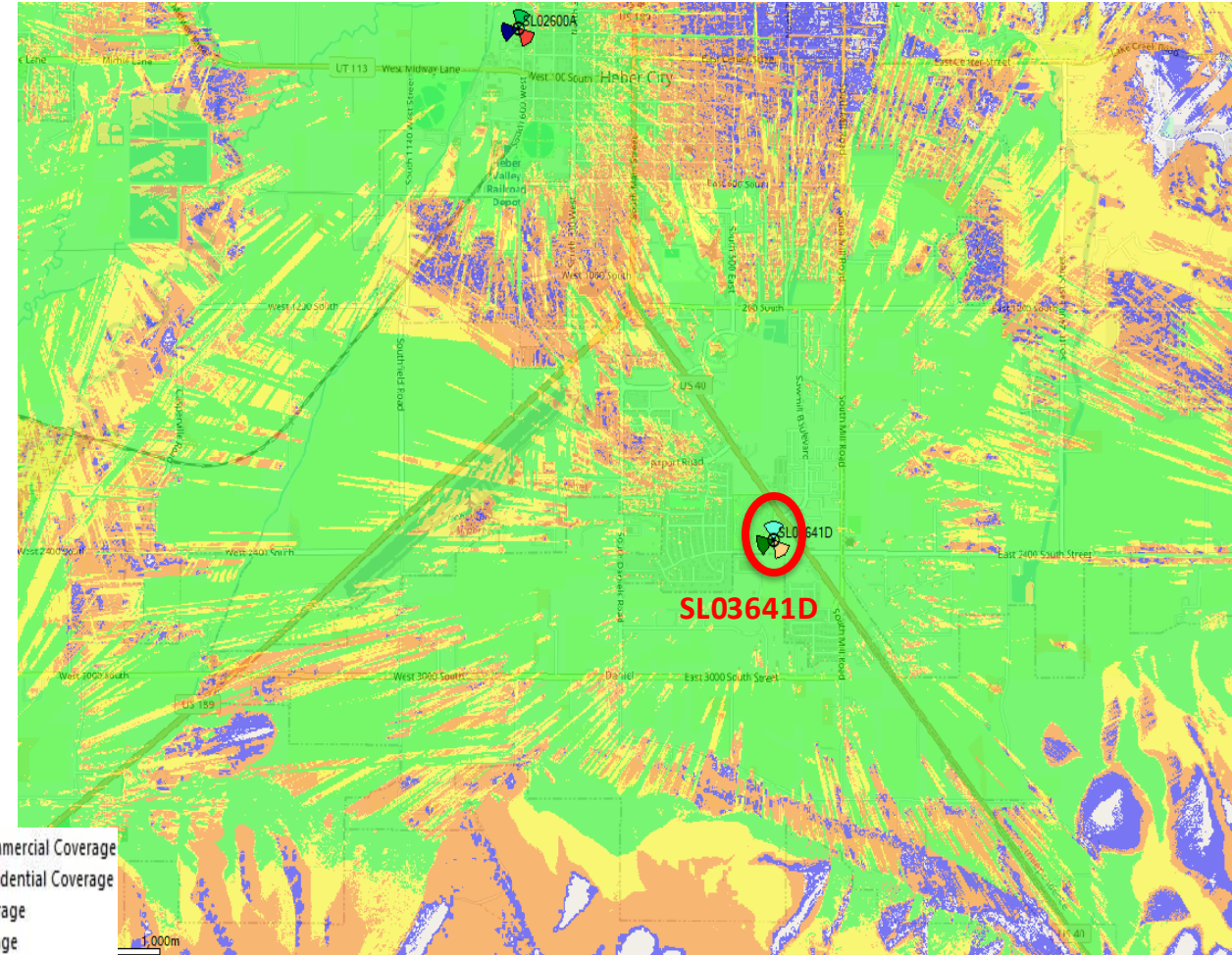
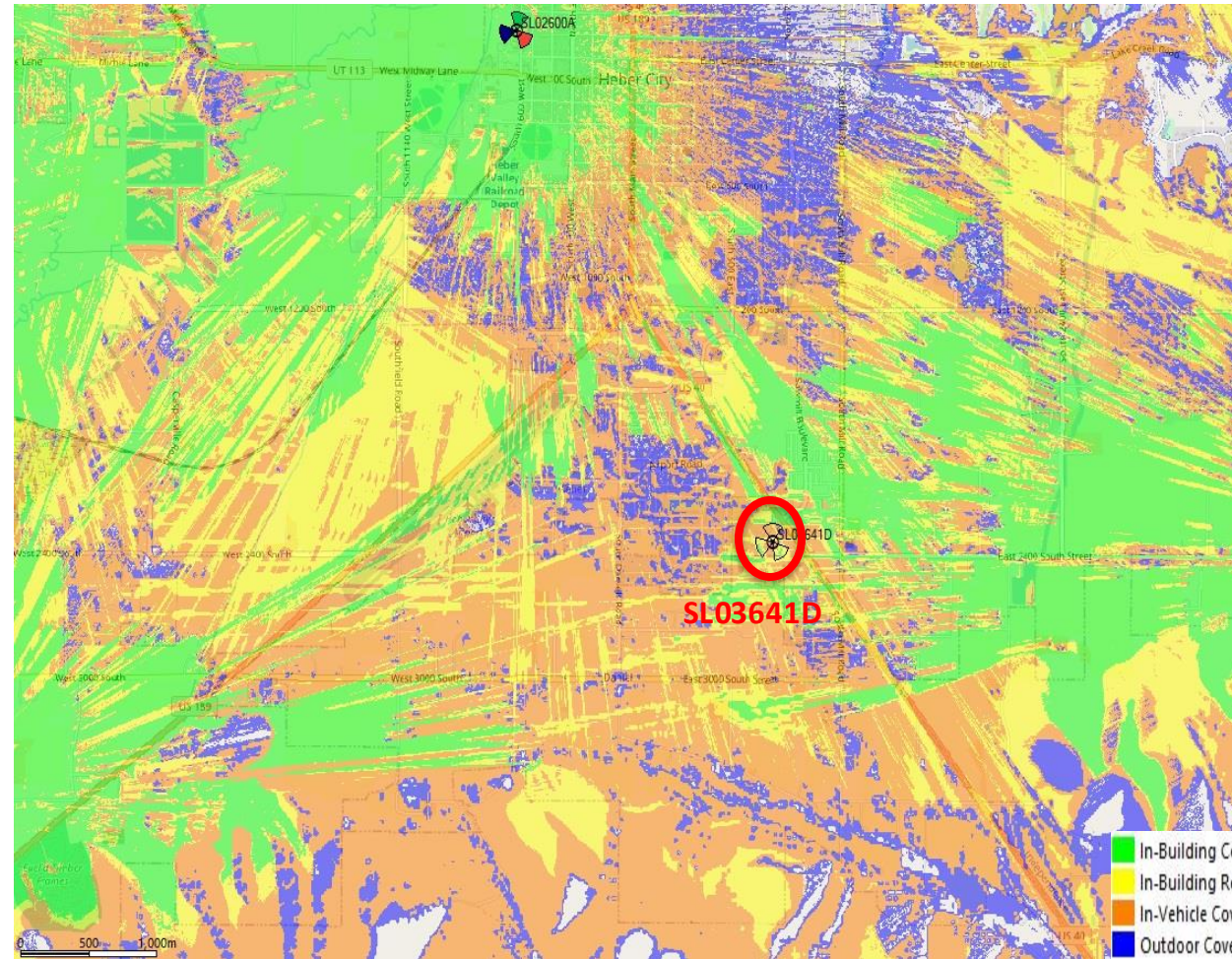


SL03641 Coverage Comparison Plots

Comparing Current T-Mobile Coverage with 120' RAD

Current coverage without proposed site SL03641D

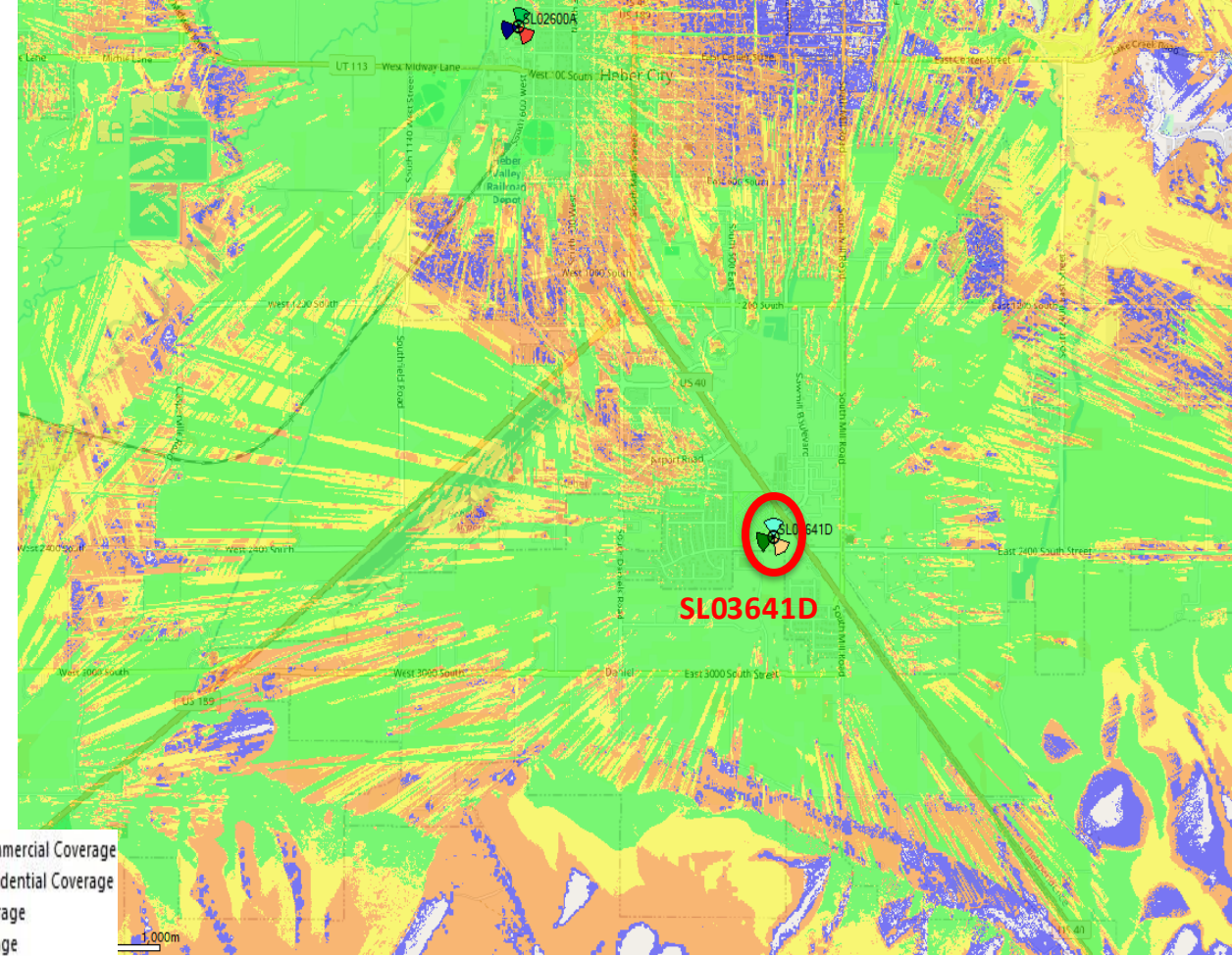
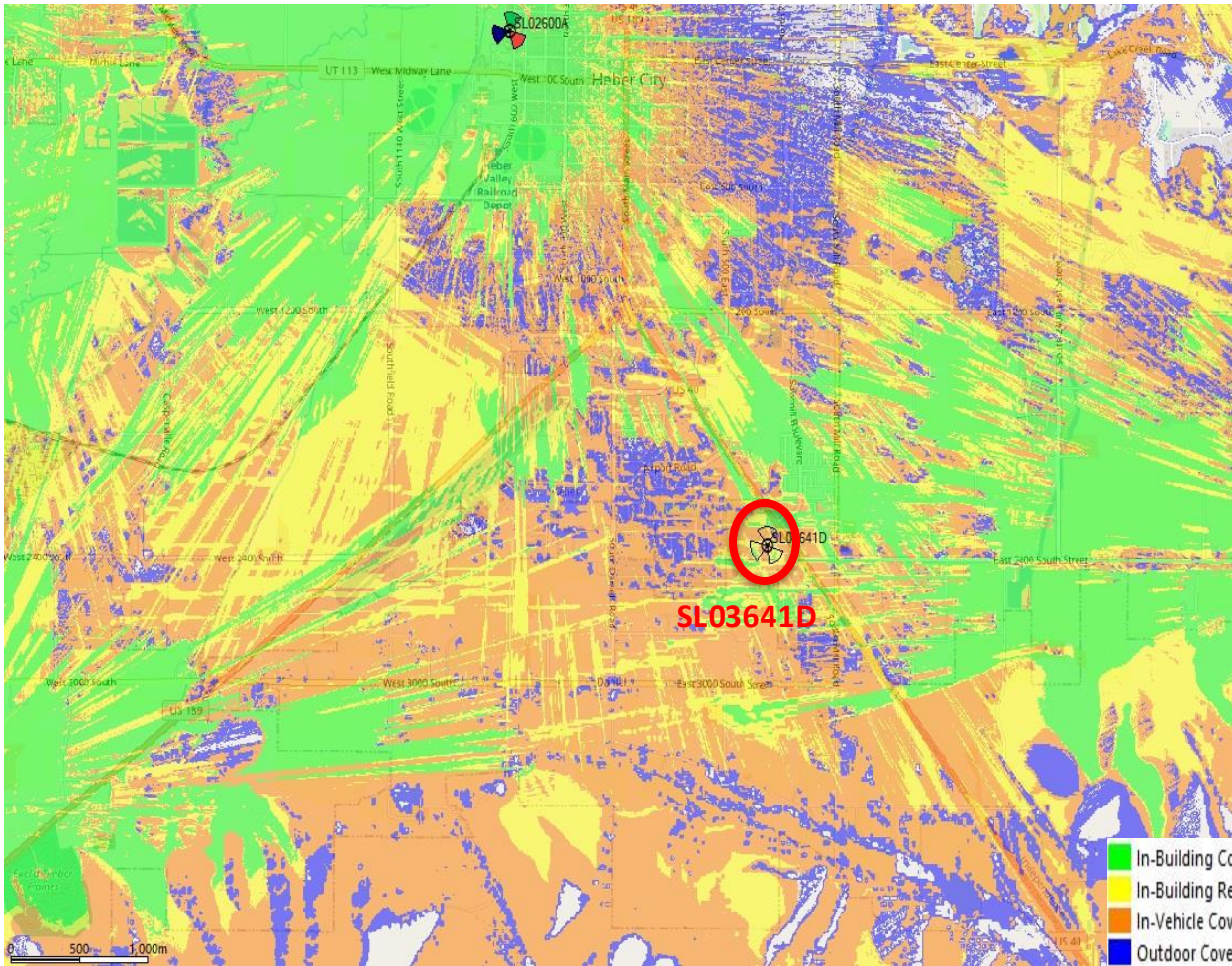
Current coverage with 120' RAD at proposed site SL03641D



Comparing Current T-Mobile Coverage with 100' RAD

Current coverage without proposed site SL03641D

Current coverage with 100' RAD at proposed site SL03641D



New T-Mobile RAD difference coverage advantages

120' RAD will provide In-Building coverage (Green & Yellow) to 5,855 more Population and 6.93 sq miles of In-Building level signal than current signal levels

100' RAD will provide In-Building coverage (Green & Yellow) to 5,513 more Population and 6.55 sq miles of In-Building level signal than current signal levels

120' RAD will provide In-Building coverage (Green & Yellow) to 342 more Population and 0.4 sq miles of In-Building level signal than the 100' RAD

T-Mobile prefers the 120' RAD which improves coverage to the most population and sq miles at an in-building signal level within the southern part of Heber.

This will allow more of our customers to make & receive higher quality calls, have faster data speeds and be able to add T-Mobile's Home Internet service.

ORDINANCE NO. 2025-13

AN ORDINANCE MODIFYING THE PERMITTED HEIGHT OF CELL TOWERS IN COMMERCIAL, INDUSTRIAL, AND MIXED USE ZONES.

WHEREAS, there is an increase demanded for cellular service as the population of the City has grown and the City finds it in the public interest to facilitate access to cellular service.

WHEREAS, The City Council finds that the current permitted height of towers is insufficient to effectively and efficiently allow for cellular service.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 18.110 Telecommunication Facilities is AMENDED, as described in Exhibit A.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of _____ 2025.

	AYE	NAY	ABSENT	ABSTAIN
Yvonne Barney	_____	_____	_____	_____
Aaron Cheatwood	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____
D. Scott Phillips	_____	_____	_____	_____

APPROVED:

Mayor Heidi Franco

ATTEST:

Date: _____
RECORDER

Exhibit A

18.110 Telecommunication Facilities

18.110.010 Purpose

18.110.020 Findings

18.110.030 Definitions

18.110.040 Applicability

18.110.050 Application Requirements

18.110.060 Approval Process

18.110.070 Location

18.110.080 Uses

18.110.090 Co-Location

18.110.100 Lease Agreement

18.110.110 Development Standards

18.110.120 Additional Regulation For Monopoles And Towers

18.110.130 Area Limitations For Wall And Roof Mounted Antennas

18.110.140 Safety

18.110.150 Site Requirements

18.110.160 Site Disturbance

18.110.170 Signs

18.110.180 Subdivision And Condominium Covenants

18.110.190 Related Provisions

18.110.200 REPEALED Expansion, Alteration, And Nonconforming Uses

18.110.210 REPEALED Telecommunication Facilities To Permit, As A Conditional Use, A Radio Antenna

18.110.010 Purpose

The purposes of this ordinance are:

- A. To regulate wireless services antennas and related electronic equipment and structures.
- B. To provide for the orderly establishment of wireless services facilities in the City.
- C. To minimize the number of antenna support structures by encouraging the use of stealth facilities, by encouraging the co-location of multiple antennas on a single structure, by encouraging the location of antennas on pre-existing support structures, and by encouraging the use of City and Government-owned property for antenna support structures.
- D. To establish siting, appearance, and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of wireless services facilities.
- E. To comply with the Telecommunications Act of 1996 by establishing regulations that (1) do not prohibit or have the effect of prohibiting the provision of wireless services, (2) do not unreasonably discriminate among providers of functionally equivalent services, and (3) are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.

18.110.020 Findings

The City Council makes the following findings: A. Wireless services devices are an integral part of the rapidly growing and evolving telecommunications industry and present unique zoning challenges and concerns for the City. B. The City needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the City, against the sometimes differing interests and desires of others concerning health, safety, welfare,

aesthetics, and orderly planning of the community. C. The City has experienced an increased demand for wireless services facilities to be located in the City and expects the increased demand to continue into the future. D. It is in the best interests of the City to have quality wireless services available, which necessarily entails the erection of wireless services facilities in the City. E. The unnecessary proliferation of wireless services facilities throughout the City creates a negative visual impact on the community. F. The visual effects of wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use. G. The City and other government entities own parcels of property spread throughout the City where wireless services facilities can be located so as to be as inoffensive as possible to the residents and businesses of the City. H. Spacing wireless services facilities evenly throughout the city reduces the negative impact created by the proliferation of telecommunication towers. I. Because of the height and appearance of some wireless services facilities, surrounding properties bear a disproportionate share of the negative impacts of a telecommunications tower. J. A private property owner who leases space for a wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility. K. Encouraging wireless services facilities to be located on City and Government property, with lease payments paid to the City or other Governments instead of an individual property owner, indirectly compensates all citizens of the community for the adverse impacts of the facilities and is therefore the fairest method of distributing burden and benefit. L. Locating antennas on existing buildings and structures, or constructing an antenna as a stealth facility, creates less of a negative visual impact on the community than the erection of lattice or guy towers. M. Buildings and structures on public property are capable of being used to provide support for antenna arrays, thus reducing the proliferation of towers in all areas of the City. N. The public policy objectives to reduce the proliferation of telecommunication towers and to mitigate their impact can best be facilitated by encouraging the use of less visually intrusive antennas and permitting the locating of wireless communication systems on telecommunication towers and antenna support structures that are located on property owned, leased, or used by the City or other Governments. O. The requirements set forth in this ordinance for the placement of wireless services facilities on property owned, leased or used by the City or other Governments are necessary to protect the health, safety and general welfare of the community. P. The Utah Code grants cities the authority to create or acquire sites to accommodate the erection of telecommunication towers in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the City to require the owner of any tower to accommodate the multiple use of the tower by other companies where feasible and to pay the City or other Governments the fair market rental value for the use of any City or other Government-owned site.

18.110.030 Definitions

- A. ANTENNA. A device that transmits and/or receives telecommunications and/or radio signals for telecommunications and communication equipment that transmits or receives an electromagnetic radio frequency signal used in the provision of wireless service.
- B. ANTENNA SUPPORT STRUCTURES. Any structure that can be used for the purpose of supporting an antenna(s).
- C. ANTENNA, DRIVE TEST. A temporary antenna which is used for field testing of telecommunications signals and possible locations but does not provide telecommunications to customers.
- D. ANTENNA, ENCLOSED. An antenna or series of individual antennas entirely enclosed inside a structure including but not limited to a cupola or wall of a building or chimney.
- E. ANTENNA, FREESTANDING. An antenna mounted on or within a stand-alone support structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.

F. ANTENNA, ROOF MOUNTED. An antenna or series of individual antennas mounted on a roof of a building.

G. ANTENNA, TEMPORARY. An antenna used for a time period of less than thirty (30) days.

H. ANTENNA, WALL MOUNTED. An antenna or series of individual antennas mounted fully against the exterior face of a building including on the face of a chimney or penthouse. A wall or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.

I. APPLICABLE CODES: The International Building Code, the International Fire Code, the National Electrical Code, the International Plumbing Code, and the International Mechanical Code, as adopted and amended under Utah Code Annotated, title 15A, State Construction and Fire Codes Act.

J. APPLICABLE STANDARDS: The structural standards for antenna supporting structures and antenna, known as ANSI/TIA-222, from the American National Standards Institute and the Telecommunications Industry Association.

K. APPLICANT: A wireless provider or their authorized agent who submits an application.

L. APPLICATION: A request submitted by a wireless provider for a permit to co-locate a small wireless facility in a right-of-way or to install, modify or replace a utility pole or a wireless support structure.

M. CITY. The City of Heber, Utah.

N. CITY-OWNED PROPERTY. Real property that is owned, leased or controlled by the City.

O. CO-LOCATION. The location of telecommunication facility on an existing structure, tower or building in a manner that precludes the need for that telecommunications facility to be located on a free-standing structure of its own.

P. DIRECTOR. The Planning Director or designee.

Q. ELIGIBLE SUPPORT STRUCTURE: Any monopole, utility pole, wireless support structure or related accessory equipment, as defined in this chapter, provided that it is existing at the time the relevant application is filed with the City.

R. EQUIPMENT SHELTER. A cabinet or building used to house equipment for telecommunications facilities.

S. GOVERNMENT-OWNED PROPERTY. Real property that is owned, leased or controlled by an agency of State, Federal, or Local government other than Heber City.

T. LATTICE TOWER. A self-supporting three or four-sided, open steel frame structure used to support telecommunications equipment.

U. MONOPOLE. A ~~structure in the right of way erected by an applicant or provider specifically to support SWFs and a~~ single, self-supporting, cylindrical pole constructed without guy wires or ground anchors, that acts as the support structure for antennas.

V. MONOPOLE ANTENNA WITH PLATFORM. A monopole with antennas and antenna support structure exceeding two feet (2') in width, but not exceeding fifteen feet (15') in width or eight feet (8') in height.

W. MONOPOLE ANTENNA WITH NO PLATFORM. A monopole with antennas and antenna support structure not exceeding two feet (2') in width or ten feet (10') in height.

X. PERMIT. Written authorization from the City allowing the provider to perform work pursuant to the installation of a small wireless facility.

Y. PERMITTED. An application that is permitted pursuant through the standard building permit process.

Z. Personal Wireless Services. Commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.

AA. Personal Wireless Services Antenna. An antenna used in connection with the provision of personal wireless services.

BB. Personal Wireless Services Facilities. Facilities for the provision of personal wireless services. Personal wireless services facilities include transmitters, antennas, structures, supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.

CC. RIGHT-OF-WAY. Refers to any area within, on, below, or above a public road, highway, street or alley, and may include sidewalks, park-strips and other areas associated with them and controlled by the City.

DD. STEALTH TELECOMMUNICATIONS FACILITY. A telecommunications facility which is disguised as another object or otherwise concealed from public view.

EE. TELECOMMUNICATIONS. The transmission between or among points specified by a user of information of the user's choosing without change in the form or content of the information as sent or received.

FF. TELECOMMUNICATIONS FACILITY. A Telecommunications Facility consists of antenna, equipment shelters and related structures used for transmitting and/or receiving telecommunications and/or radio signals.

GG. TOWER. A free-standing structure, such as a monopole tower, lattice tower, or guy tower, that is used as a support structure for antenna(s).

HH. WHIP ANTENNA. An antenna that is cylindrical in shape. Whip antennas can be directional or omni directional and vary in size depending on the frequency and gain for which they are designed.

II. TECHNICAL NECESSITY. A particular design, placement, construction, or location of a telecommunications facility that is technically necessary for telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

JJ. UTILITY METERING INFRASTRUCTURE. Towers and other infrastructure owned or operated by public entities that provide public utilities.

18.110.040 Applicability

This ordinance applies to both commercial and private low power radio services and facilities, such as “cellular” or PCS (personal communications system) communications and paging systems, and to wireless Internet service providers. This ordinance shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies:

A. Amateur Radio. Any antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission. B. Satellite/television antenna. Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service. C. Cable. Any cable television head-end or hub towers and antennas used solely for cable television services.

18.110.050 Application Requirements

Any person desiring to develop, construct or establish a personal wireless services facility in the City shall submit an application for site plan approval to the City. The City shall not consider the application until all required information has been included. A complete application shall include all elements of the proposed telecommunications facility and shall produce all information required by the telecommunications facility application. Applicants shall provide the following submittal requirements.

A. Fee. As adopted by the Heber City Consolidated Fee Schedule. B. Site Plan. A site plan meeting the City's standard requirements for site plans. C. Written Information.

1. Environment. A full description of the environment surrounding the proposed facility, including a description of adjacent uses, any adjacent residential structures, and any structures and sites of historic significance. 2. Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance. 3. Service Area. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity. 4. Location. A map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into the service network.

a. An Applicant proposing to erect a new telecommunications facility shall provide documentary evidence that a legitimate attempt has been made to locate the new telecommunications facility on City or Government owned properties, existing buildings or structures or co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures or co-location sites in the radio frequency coverage area for the proposed telecommunications facility. Efforts to secure such locations shall be documented through correspondence between the applicant and the property owner(s) of the existing buildings, structures or co-location sites. b. Applicants proposing to construct new telecommunications facilities shall document the locations of all of the applicant's existing telecommunications facilities that provide telecommunications within the City, as well as any changes proposed within the following twelve (12) month period, including plans to discontinue or replace such existing telecommunications facilities. Applicants shall provide competent testimony from a radio qualified professional regarding the suitability of potential telecommunications facility locations in relation to the applicant's existing telecommunications facilities. c. Each application shall include a site location alternative analysis describing the location of other sites considered for the proposed telecommunications facility, the availability of those sites, the extent to which other sites do or do not meet the applicant's telecommunications needs and the reason the subject site was chosen for the proposed telecommunications facility. The analysis shall address the following issues:

1) How the proposed location and telecommunications facility relate to the object of providing full telecommunications services within the City area; 2) How the proposed telecommunications facilities relates to the location of the applicant's existing telecommunications facilities that provide telecommunications within and near the City; 3) How the proposed telecommunications facility relates to the applicant's anticipated need for additional telecommunications facilities that provide telecommunications within and near the City; 4) If applicable, how the applicant's plans specifically relate to, and are coordinated with, the needs of all other telecommunications providers within and near the City.

5. Licenses and Permits. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the antenna. 6. Radio Frequency Emissions. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations. 7. Visibility Impact. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed telecommunications facility and indicating its view from at least five (5) locations around and within one

(1) mile of the proposed telecommunications facility will be most visible. 8. Liaison. The name of a contact person who can respond to questions concerning the application and the proposed facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable. 9. Additional information requirements for monopoles. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures. 10. Additional information requirement for facilities not located on highest priority site. If the applicant desires to locate antennas on a site other than the highest priority site (as described in Section 18.110.070), the applicant shall provide the following information to the approving authority:

a. Higher priority sites. The identity and location of any higher priority sites located within the desired service area. b. Reason for rejection of higher priority sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible. c. Justification for proposed site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

18.110.060 Approval Process

All telecommunication facilities shall be reviewed by the Planning Director or designee, pursuant to its standard site plan and building permit approval process. Permitted uses are reviewed and approved but the Planning Director or Designee, Conditional Use Permits are approved by the Planning Commission as regulated in Chapter 18.70. It shall be unlawful to install any telecommunication facility without first having a permit from the Planning and Building Departments of the City.

18.110.070 Location

A. Priority of antenna site locations. Personal wireless services antennas shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall make a good faith effort to locate antennas on sites in the following order of priority:

1. Structures located on City-owned property. Existing buildings, structures and antenna support structures located on City-owned property.
2. Structures located on Government-owned property. Existing buildings, structures and antenna support structures located on Government-owned property.
3. Monopoles located on City or Government-owned property.
4. Existing Structures. Lawfully existing buildings, structures and antenna support structures on private property, provided that the buildings, structures or support structures are either: (1) located in a non-residential zone, or (2) located in a residential zone on property that is being used for non-residential uses (e.g. government, school or church).
5. Monopoles on Non-residential Private Property. Monopoles constructed on private property, provided that the private property is (1) located in a non-residential and non-C-3 commercial zone, or (2) located in a residential zone on property that is used for a non-residential use (e.g. government, school or church).
6. Other. Sites other than those listed above.

B. Burden of Proof. The applicant shall attempt to locate its antennas on sites in the order of priority set forth above. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the approving authority why it could not locate antennas on sites with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information to the approving authority.

1. Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area

2. Reason for rejection of higher priority sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible. The applicant must make a good faith effort to locate antennas on a higher priority site. The City may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.

3. Justification for proposed site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

18.110.080 Uses

~~A. Permitted Telecommunication Uses are as outlined in the following tables. Any use not listed is prohibited.~~ Uses

~~1. Existing Structures on City-owned property. Existing buildings, structures and antenna support structures located on City-owned property.~~

~~2. Industrial Zone. Monopoles, roof mounted, wall mounted, and stealth antenna on City, Government, or private property.~~

~~3. Commercial C-2 and C-4 Zones. Roof mounted antenna located on private or public property when the antenna is 5 feet or less in height.~~

~~B. Prohibited Uses. The following antenna types and antenna locations are not permitted:~~

~~1. Residential Zones. All telecommunications facilities, including freestanding antenna, roof mounted antenna, wall mounted antenna, and stealth antenna on private property in residential zones~~

~~2. Lattice Towers and Guy Towers. All freestanding towers, including lattice towers, guy towers, and other towers, with the exception of monopoles, are prohibited in any zone.~~

~~3. Monopoles in Residential Zones on Private Property. All freestanding towers and monopoles located on residentially zoned private property, if the residentially zoned property has a residential use (as opposed to a school, church, or other non-residential use).~~

~~4. Freestanding towers and monopoles in the C-3 Commercial Zone. All freestanding towers and monopoles are prohibited in the C-3 Commercial Zone.~~

~~C. Conditional Uses. The following are conditional uses:~~

~~1. Stealth Monopoles located in residential and commercial zones on City and Government-owned property.~~

~~2. Stealth Monopoles located in commercial zones (except C-3 Commercial Zone) on private property.~~

~~3. Roof mounted antenna located in commercial zones on City, Government, and private property when the roof antenna exceeds 5 feet in height.~~

~~4. Wall mounted antenna located in commercial zones on City, Government, or private property.~~

~~5. Enclosed/Stealth antenna located in residential zones on City, Government, and private property containing non-residential uses.~~

~~6. Enclosed/Stealth antenna located in commercial zones on public and private property.~~

~~7. Antennas proposed for any other location, provided that the use is not prohibited by this ordinance, and the applicant complies with other applicable laws and regulations.~~

Commercial, Industrial, and Mixed Use Zones Permitted Use Table

P – Permitted, N – Not Permitted (Prohibited), C – Conditional Use

<u>Telecom Uses</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>MURCZ</u>	<u>NVOZ</u>	<u>I-1</u>	<u>I-2</u>	<u>BMP</u>	<u>IPF</u>	<u>Limitations</u>
<u>Monopoles</u>	<u>C*</u>	<u>N</u>	<u>C*</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>Must use stealth when a conditional use. *Not permitted between 500 North and 600 South, and 600 West and 600 East.</u> <u>Utility Metering Infrastructure does not require stealth.</u>
<u>Lattice Tower</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Guy Tower</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Freestanding - Other</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Roof Mounted</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Antenna not to exceed 5' in height when conditional</u>
<u>Wall Mounted</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Stealth Antenna</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Co-Location on Existing Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Facility must be legally constructed, including legal non-conforming facilities that meet the FCC definition of an Eligible Facility</u>
<u>Eligible Facilities Modification</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Facilities defined as an Eligible Facility by the FCC</u>

Residential and Agricultural Zones Permitted Use Table

P – Permitted, N – Not Permitted (Prohibited), C – Conditional Use

<u>Telecom Uses</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>PC</u>	<u>MCZ</u>	<u>A-2</u>	<u>RA-1</u>	<u>RA-2</u>	<u>Limitations</u>
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<u>Monopoles</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Must use stealth and be located on government land or private with non-residential uses. Utility Metering Infrastructure does not require stealth.</u>
<u>Lattice Tower</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Guy Tower</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Freestanding - Other</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Roof Mounted</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Wall Mounted</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Stealth Antenna</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Must be located on government land or private land with non-residential uses</u>
<u>Co-Location on Existing Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Facility must be legally constructed, including legal non-conforming facilities that meet the FCC definition of an Eligible Facility</u>
<u>Eligible Facilities Modification</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Facilities defined as an Eligible Facility by the FCC</u>

18.110.090 Co-Location

Every new monopole shall be designed and constructed to be of sufficient size and capacity to accommodate at least ~~two~~three additional wireless telecommunications providers on the structure in the future. In no instance does this requirement override or permit monopoles to be taller than allowed in 18.110.110. Any conditional use permit for a monopole may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry. Co-location on a lot may be permitted by the Planning Director or designee, if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

- A. Structural capacity of the antenna towers;
- B. Geographic telecommunications area requirements;
- C. Mechanical or electrical incompatibilities;

D. Inability or ability to locate equipment on existing antenna towers; and

E. Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the antenna tower.

18.110.100 Lease Agreement

Applicants for telecommunication facilities on public facilities shall sign and agree to a development agreement with the public agency addressing items including, but not limited to access and security, maintenance of site and facilities, utility costs, and a fee for use of the public facility. The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The lease shall contain the condition that the site plan and/or conditional use permit must first be approved by the designated land use authority before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

18.110.110 Development Standards

Standards for Antennas and Antenna Support Structures. Personal wireless services facilities are characterized by the type or location of the antenna structure. There are four general types of antenna structures allowed by this ordinance: wall mounted antennas; roof mounted antennas; monopoles with no platform; and monopoles with a platform. If a particular type of antenna structure is allowed by this ordinance as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

A. Wall Mounted Antennas.

1. Maximum Height. Wall mounted antennas may not extend above the roof line of the building or structure or extend more than twelve (12) inches from the face of the building. 2. Setback. Wall mounted antennas shall not be located within one hundred feet (100') feet of any residence. 3. Mounting Options. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room. 4. Color. Wall mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structure on the building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.

B. Roof Mounted Antennas.

1. Maximum Height. Roof mounted antenna, placed on a flat roof, may extend up to ten (10) feet above the existing structure, provided that the antenna setback from the edge of the roof is a minimum distance equal to or greater than the height of the antenna. Roof mounted antenna, placed on a pitched roof, may extend a maximum of five (5) feet above the existing structure. 2. Setback. Roof mounted antennas shall be located at least five feet (5') from the exterior wall of the building or structure, and at least fifty (50') feet from any residence. 3. Mounting options. Roof mounted antennas may be mounted on top of existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structure may not extend more than eight (8') feet above the existing roof line of the penthouse or mechanical equipment room. 4. Color. Roof mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.

C. Monopoles ~~with no Platform.~~

~~1. Maximum Height and Width Antenna Height. The maximum height of the monopole or monopole antenna shall be thirty five (35) feet. The entire antenna structure mounted on the monopole shall not exceed two feet (2') in width. The antenna itself shall not exceed ten feet (10') in height.~~

2. Setback. Monopoles shall be set back a minimum of 115% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

3. Color. Monopoles, antennas, and related support structures shall be stealth and painted a neutral color or a color intended to match the stealth concept.

~~D. Monopoles with Platform:~~

~~1. Maximum Height and Width. The maximum height of the monopole or monopole antenna shall be thirty five (35) feet. The antennas and antenna mounting structures on the monopole shall not exceed eight feet (8') in height or fifteen feet (15') in width. The antenna itself shall not exceed ten feet (10') in height. 2. Setback. Monopoles shall be set back a minimum of 115% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line. 3. Color. Monopoles, antennas, and related support structures shall be stealth and painted a neutral color or a color intended to match the stealth concept.~~

D. Tower Height by Zone. The maximum height for any tower shall be as follows:

<u>Commercial, Mixed Use, and Industrial Zones</u>								
<u>C2</u>	<u>C3</u>	<u>C4</u>	<u>MURCZ</u>	<u>NVOZ</u>	<u>I1</u>	<u>I2</u>	<u>BMP</u>	<u>IPF</u>
<u>80'</u>	<u>-</u>	<u>80'</u>	<u>65'</u>	<u>35'</u>	<u>80'</u>	<u>80'</u>	<u>65'</u>	<u>65'</u>
<u>Utility Metering Infrastructure may utilize a tower up to 100' in any zone.</u>								

<u>Residential, Mountain, and Agricultural Zones</u>							
<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>PC</u>	<u>MCZ</u>	<u>A2</u>	<u>RA1</u>	<u>RA2</u>
<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>65'</u>	<u>35'</u>	<u>35'</u>
<u>Utility Metering Infrastructure may utilize a tower up to 100' in any zone.</u>							

18.110.120 Additional Regulation For Monopoles And Towers

A. Distance from other Monopoles. Monopoles and towers shall be located at least ~~two thousand feet (2000)~~ one mile (5,280 feet) from each other, except upon a showing of necessity by the applicant, or upon a finding by the City Council that a closer distance would adequately protect the health, safety and welfare of the community. This distance requirement shall not apply to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.

B. Location on Parcel. Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area or parking area.

18.110.130 Area Limitations For Wall And Roof Mounted Antennas

Any building may have a combination of wall and roof mounted antennas. The total area for all wall and roof mounted antennas and supporting structures on any one building shall not exceed the lesser of sixty (60) square feet or 5 percent (5%) of each exterior wall of the building.

18.110.140 Safety

A. Regulation Compliance.

1. Compliance with FCC and FAA Regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval. 2. Other Licenses and Permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.

B. Protection Against Climbing. Monopoles shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the monopole.

C. Fencing. Monopoles and towers shall be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the Planning Director or designee unless the Director determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.

D. Security Lighting Requirements. Monopoles and towers shall comply with the FAA requirements for lighting. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.

E. Abandonment. The applicant, or the applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused telecommunications facilities within ninety (90) days of abandonment of use. If such tower is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

1. Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address. 2. Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter. The City may seek a civil injunction requiring the removal of any structures on the site in accordance with this Chapter. Any lease agreement with the City may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings and all other structures on the site to the City. 3. Nuisance. Abandoned, unmaintained, or telecommunication devices that pose an immediate threat to public health and safety are hereby declared to be a nuisance.

18.110.150 Site Requirements

A. Setbacks. The placement of telecommunications facilities on a lot shall comply with the setbacks of the underlying zone as stated herein. Telecommunications facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.

B. Regulations for Accessory Structures.

1. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on the site. 2. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. 3. Accessory Buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed 350 square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.

C. Parking. The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is no parking available on the site.

D. Maintenance Requirements. All personal wireless services facilities shall be maintained in a safe, neat and attractive manner.

E. Landscaping. All sites with a personal wireless services facility shall be landscaped in accordance with the zone requirements where the facility is located.

F. Height. The height shall be measured from the grade or roof beneath to the top of the antenna or mounting hardware, whichever is higher. G. Design

1. Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding area. Stealth telecommunications in the commercial zones C2 and C4, Chapter 18.28. Stealth design includes structures that look like trees, church steeples, art, large light poles or ones that blend with the building they are located on and are designed in a manner to blend with the existing and natural environment. Monopoles, antennas, and any associated buildings or equipment shall be painted to blend with their surroundings and/or the stealth concept being used. 2. Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face.

18.110.160 Site Disturbance

Any application, temporary or permanent, which requires the removal of significant vegetation or proposes any new, or improvements to driveways or roads a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide, shall require a conditional use permit. As used herein, "Significant Vegetation" includes trees six inch (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty (20) feet of a proposed telecommunications facility. The Planning Director or designee shall determine the Limits of Disturbance.

18.110.170 Signs

Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the telecommunications facility application and subject to review by the Planning Department for compliance with Chapter 18.103 Sign Regulations.

18.110.180 Subdivision And Condominium Covenants

Many Subdivision and Condominium Covenants may address the location of telecommunications facilities within Condominium units and the lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforceability of such covenants which might be

more restrictive than this ordinance. Applicants for the installation of telecommunications facilities are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the application submitted is not in the name of the Home Owner's Association or management committee, the applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the telecommunications facilities within the Common Area has been granted as a part of the permit application filed with the City.

18.110.190 Related Provisions

• Chapter 18.12 Administration • Chapter 18.08 Definitions • Chapter 18.108 Conditional Use Permits • Chapter 18.72 Off Street Parking and Loading • Chapter 18.103 Sign Regulations • Chapter 18.78 Lighting • Chapter 18.174 Enforcement • Chapter 17 Subdivisions • Heber City C-2/C-4 Zone Design Standards and guidelines



RF Safety FAQ - Federal Communications Commission

Frequently asked questions about the safety of radiofrequency (RF) and microwave emissions from transmitters and facilities regulated by the FCC. For further information, contact the FCC's RF Safety Program at rf-safety@fcc.gov or 1-888-225-5322 (under the topic below) www.fcc.gov

ARE WIRELESS CELLULAR AND PCS TOWERS AND ANTENNAS SAFE?

Cellular wireless radio services transmit using frequencies between 824 and 894 megahertz (MHz). Transmitters in the Personal Communications Service (PCS) use frequencies in the range of 1850-1990 MHz. More recently, advanced wireless services have been or are being introduced that transmit at frequencies in the 600, 700, 800, 1695-1780, 1915-1920, 1995-2020, 2110-2200 MHz spectrum ranges. Antennas used for cellular and PCS transmissions are typically located on towers, water tanks or other elevated structures including rooftops and the sides of buildings. The combination of antennas and associated electronic equipment is referred to as a cellular or PCS "base station" or "cell site." Typical heights for free-standing base station towers or structures are 50-200 feet. A cellular base station may utilize several "omni-directional" antennas that look like poles, 10 to 15 feet in length, although these types of antennas are less common in urbanized areas.

In urban and suburban areas, cellular and PCS service providers commonly use "sector" antennas for their base stations. These antennas are rectangular panels, *e.g.*, about 1 by 4 feet in size, typically mounted on a rooftop or other structure, but they are also mounted on towers or poles. Panel antennas are usually arranged in three groups of three each. It is common that not all antennas are used for the transmission of RF energy; some antennas may be receive-only.

At a given cell site, the total RF power that could be radiated by the antennas depends on the number of radio channels (transmitters) installed, the power of each transmitter, and the type of antenna. While it is theoretically possible for cell sites to radiate at very high power levels, the maximum power radiated in any direction usually does not exceed 500 watts.

The RF emissions from cellular or PCS base station antennas are generally directed toward the horizon in a relatively narrow pattern in the vertical plane. In the case of sector (panel) antennas, the pattern is fan-shaped, like a wedge cut from a pie. As with all forms of electromagnetic energy, the power density from the antenna decreases rapidly as one moves away from the antenna. Consequently, ground-level exposures are much less than exposures if one were at the same height and directly in front of the antenna. Measurements made near typical cellular and PCS installations, especially those with tower-mounted antennas, have shown that ground-level power densities are hundreds to thousands of times less than the FCC's limits for safe exposure. This makes it extremely unlikely that a member of the general public could be exposed to RF levels in excess of FCC guidelines due solely to cellular or PCS base station antennas located on towers or monopoles.

When cellular and PCS antennas are mounted at rooftop locations it is possible that a person could encounter RF levels greater than those typically encountered on the ground. However, once again, exposures approaching or exceeding the safety guidelines are only likely to be encountered very close to and directly in front of the antennas. For sector-type antennas, RF levels to rear are usually very low.

[\(Back to Index\)](#)

For further information on cellular services go to <https://www.fcc.gov/general/cellular-service>.

ARE CELLULAR AND OTHER RADIO TOWERS LOCATED NEAR HOMES OR SCHOOLS SAFE FOR RESIDENTS AND STUDENTS?

As discussed above, radiofrequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits. These safety limits were adopted by the FCC based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.

Other antennas, such as those used for radio and television broadcast transmissions, use power levels that are generally much higher than those used for cellular and PCS antennas. Therefore, in some cases there could be a potential for higher levels of exposure to persons on the ground. However, all broadcast stations are required to demonstrate compliance with FCC safety guidelines, and ambient exposures to nearby persons from such stations are typically well below FCC safety limits. ([Back to Index](#))



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April 21, 2025

VIA E-MAIL AND FIRST-CLASS MAIL

Heber City Council
Heber City Planning Commission
75 North Main Street
Heber City, Utah 84032

Re: APC Towers

Dear City Councilors and Planning Commissioners:

We are counsel to RAGE Development, who submitted an application for a wireless telecommunications facility on behalf of APC Towers. It is our understanding that during a recent meeting to discuss APC Towers' ("APC") application, several residents made comments about the alleged health effects of radiofrequency ("RF") emissions, urging you to consider these as a basis to deny APC's application. We write to provide you with context regarding how the City Council and Planning Commission should consider these claims in order to comply with the duties the federal Telecommunications Act of 1996 (the "TCA") imposes upon Heber City in handling APC's application.

The TCA, in particular 47 U.S.C. § 332(c)(7)(B), imposes a number of limitations on the bases by which a municipality may deny an application for a wireless facility, in order to preserve the regulatory authority of the Federal Communications Commission (FCC) and provide for the deployment of beneficial technology to as many Americans as possible. One of these restrictions, subsection (iv), states that "[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent such facilities comply with the Commission's regulations concerning such emissions."

The reason behind such a prohibition is because wireless service providers must comply with these federal regulations in order for their facilities to be licensed and permitted to operate, and the FCC carefully determines the safe levels of RF emissions they will allow for facilities such as the facility APC proposes building. *See* 47 C.F.R. § 1.1310. And through the TCA, Congress has "occupied the field," solely designating the FCC as the proper authority to regulate the design and safety of wireless facilities, to the exclusion of state and local authorities, as it is

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entitled to do under its Constitutional authority. As such, Congress places the technical and scientific expertise of the FCC over the opinions of ordinary citizens who, while certainly intelligent, do not contain the expertise of the FCC in order to ensure uniformity in technological standards across the country. *See Farina v. Nokia Inc.*, 625 F.3d 97, 125-26 (3d Cir. 2010). And federal courts have consistently made clear that decisions by state and local authorities in contravention of this provision – denying a wireless facility application based on the supposed environmental effects of that facility – is unlawful and would render such a decision subject to reversal. *See, e.g., T-Mobile Ne. LLC v. Town of Ramapo*, 701 F. Supp. 2d 446, 460 (S.D.N.Y. 2009) (concluding that “any decision actually based on environmental effects is a violation, whether other legitimate reasons factored into the decision or not.”)

Similarly, 47 U.S.C. § 332(c)(7)(B)(iii) requires that a state and local authority denying an application support its denial with “substantial evidence contained in a written record.” Critically for the City’s consideration, federal courts recognize that a decision violates the TCA not only when the substantial evidence offered by those objecting to the site is inadmissible evidence relating to RF emissions, but also when the findings supporting that decision are mere opinions, without and merely pretextual, chosen to conceal the true motivation of RF emissions. *See, e.g., T-Mobile Ne. LLC v. Loudoun Cnty. Bd. of Sup’rs*, 903 F. Supp. 2d 385, 410 (E.D. Va. 2012), *aff’d*, 748 F.3d 185 (4th Cir. 2014) (reversing denial and ordering approval of application when “it is clear from the Board’s written decision on the ... application, as well as the transcript of the hearing on the application, that the Board’s decision was based at least in part on concerns about the environmental effects of RF emissions.”). We ask that the City take this into account in determining the weight it gives to the claims of residents who transparently wish for the City to take action based on RF emissions but offer generalized concerns about other issues, such as views, aesthetics, or property values, in an attempt to give the City an excuse for incorporating their views into the City’s decision.

We understand that local government officials can feel beholden to the opinions of their citizens. However, preserving the rule of law is paramount when, if not upholding the law would exceed authority and result in a decision not supported by the rule of law. Accordingly, we urge you to expressly identify in your hearings on APC’s application that you are legally prohibited from considering evidence concerning alleged effects of RF emissions; and then we ask you to determine, based on the evidence APC provides in support of its application, that the application is appropriate and should be approved.

Please feel free to contact us at your convenience if you have any questions regarding anything in this letter. Thank you very much for your consideration.

Heber City Council
Heber City Planning Commission
April 21, 2025
Page 3

Sincerely,

Taft Stettinius & Hollister LLP



Mark W. Williams
Utah Bar No. 10009

MWW/ljk

cc: (via e-mail)
Rocky Schutjer
Ryan T. Shaffer, Esq.



Heber City Council Staff Report

MEETING DATE:	6/17/2025
SUBJECT:	Ordinance 2025-12 Short-Term Rental Code Amendment
RESPONSIBLE:	Tony Kohler
DEPARTMENT:	Planning
STRATEGIC RELEVANCE:	Community Development

SUMMARY

In late 2024, the City initiated a proposed change to the Short Term Rental (STR) Code in Chapter 5.26 of the Municipal Code that attracted significant attention from operators of STRs. The change came about in an attempt to improve enforcement abilities in neighborhoods with STRs, where neighbors have expressed concern with the impacts STRs have on their neighborhoods. Since then, Staff has been meeting with that group to modify the ordinance in a way that addresses concerns of neighbors, isn't punitive to STR operators and makes code enforcement easier and more effective.

RECOMMENDATION

Staff recommends Council adopt Ordinance 2025-12.

BACKGROUND

The City has been working with an STR Code steering committee, including STR operators Jeff Harris & Michelle Mounter; Code Enforcement Officer Travis Price, Police Chief Parker Sever, Police Sergeant Josh Weishar, City Attorney Jeremy Cook, City Planner Jacob Roberts, Community Development Director Tony Kohler and Councilmembers Mike Johnston and Aaron Cheatwood. In review of the proposed amendment, the group had the following aims:

1. Simplify the ordinance;
2. Ensure enforcement provisions are aligned with existing municipal code and not specific to STRs;
3. Make the ordinance more enforceable and less subjective; and
4. Provide notice to STR occupants about the municipal codes regarding STRs.

DISCUSSION

The proposed amendment is simpler and easier to understand than the current code. Here are the key parts of the amendment.

- Put STR operators on notice of Civil and Criminal penalties in the ordinance. These are the same penalties applicable to other types of code violations and are not unique to STRs. Operators expressed concern about having unique fines and fees for STRs, as they felt it unfairly targeted them.
- Code standards in most respects were tied to existing City Code for noise and nuisance code, as operators felt creating new standards specific to STRs was unfairly targeting them. Some code requirements are unique to STRs, including: 1) the no on-street parking limitation; 2) no use of tents and RVs; and 3) occupancy limits. These need to be unique standards for STRs, as neighbor's common complaints about STRs usually involve parking on the street.
- A Notice will be required to be placed in a conspicuous place near the front door of the STR so occupants understand the laws regarding STRs. This notice will be provided to new and renewing STRs.
- Simplifying the code so there is only one type of STR, no separate revocation, denial or suspension provision and rely upon the standard business licensing approval/denial process found in Title 5 of the code.
- Provide a maximum of 1 person per sf, up to 16 during quiet hours. During daylight hours, the maximum occupants will be 16 to accommodate additional guests.
- Removed the guest loophole that permitted the number of guests to exceed the maximum occupancy of the STR.
- The manager location was reduced from 20 miles to a 10 mile radius from the STR to increase responsiveness of the manager.
- Added the requirement for the owner to live onsite if only a portion of the dwelling is rented as an STR.
- Amends Chapter 8.04 of the City's Nuisance Code to declare that operating an STR without a license or contrary to the municipal code is a public nuisance. This permits the City to pursue enforcement through civil methods instead of criminal proceedings, which could include \$200/day fines for every date the facility is out of compliance with the city's code. Often civil enforcement can be an easier path to compliance than criminal enforcement.

FISCAL IMPACT

The Ordinance has no fiscal impact on the City.

CONCLUSION

The proposed amendment:

1. Simplifies the ordinance and removes loopholes in regulation of STRs;
2. Aligns enforcement provisions primarily with existing municipal code;
3. Improves enforceability of STR standards with less subjectivity; and

4. Ensures STR occupants are on notice about the municipal codes regarding STRs.

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the **item** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the **item** as amended, as follows.

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the **item** with the following findings.

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

1. Ord 2025-12 STRs
2. STR Notice
3. Existing STR Code

ORDINANCE 2025-12

An Ordinance updating the City’s Short Term Rental Code.

WHEREAS, Heber City’s Short Term Rental Code has been complex and subjective and difficult to enforce;

WHEREAS, Heber City residents have expressed a desire for more consistent City enforcement of the Short Term Rental Code;

WHEREAS, Short Term Rental Operators have expressed a desire for a fair and non-subjective strategy for Short Term Rental regulation;

WHEREAS, Law Enforcement has expressed a need for a simplified code that is easier to enforce and contains less subjectivity.

NOW, THEREFORE, the City Council finds it in the public interest to adopt a modified Short Term Rental Code.

BE IT ORDAINED by the City Council of Heber City, Utah, that Heber City Municipal Code, Subsection 8.04.030 B. 35. is hereby adopted, and Chapter 5.26 is hereby modified as shown in Exhibit A.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

To the extent that any ordinances, resolutions, or policies of Heber City materially conflict with the provisions of this Ordinance, they are hereby amended to comply with the provisions hereof.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of 2025.

	AYE	NAY	ABSENT	ABSTAIN
Aaron Cheatwood	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____

Scott Phillips

Yvonne Barney

APPROVED:

Mayor Heidi Franco

ATTEST:

_____ Date: _____ RECORDER

EXHIBIT A

8.04.030 B. 35. The operation of a Short Term Rental business without a business license and/or in violation of the municipal code.

CHAPTER 5.26 SHORT TERM RENTALS

- 5.26.010 Purpose
- 5.26.020 Definitions
- 5.26.030 Licenses Required
- 5.26.040 Rental Conditions and Regulations

5.26.010 Purpose

The purpose of this chapter is to provide a process for the licensing and administration of STR licenses in Heber City and to establish rules and regulations related to properties licensed as a Short Term Rental.

5.26.020 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- A. "Lodger" means any person who, individually or as part of a group, reserves and resides in a Short Term Rental.
- B. "Short Term Rental (STR)" means the rental of any single family detached residential dwelling, or any portion thereof, for a period of less than 30 days.

5.26.030 Licenses Required & Potential Penalties

- A. It is unlawful to engage in the operation of an STR business without first receiving a business license from Heber City for the STR. See Heber City's Standard Business License Application.
- B. All STR operators shall pay the applicable sales tax, property tax, personal property tax and transient room tax.
- C. STR Licenses are non-transferable between property owners or business owners. Upon the change of business or property ownership, a new license will be required.
- D. Operation of an STR without a license and/or in violation of the municipal code is declared to be a public nuisance enforced through Chapter 8.04 of the municipal code. Violations are strictly enforced and may include civil penalties of up to \$200 per day until the nuisance is abated and/or criminal penalties of up to \$750 and up to 90 days in jail as a Class C Misdemeanor.

5.26.040 Rental Conditions and Regulations

All STR licensees shall comply with the following:

- A. STRs are only permitted within Detached Single Family Dwellings, except in areas with development agreements specifically approved for such by the City Council
- B. All STRs must have a rental manager who resides within a 10-mile radius of the STR. STR managers must be available at all times the property is in use as an STR. The property owner may be the rental manager. Contact information for the individual owner and STR manager shall be on file with the City Business Licensing Department and the Heber City Police Department.
- C. Rentals are subject to passing an inspection by the following:
 - 1. Wasatch County Health Department
 - 2. Wasatch County Fire District
- D. Heber City and its Departments maintain the right to inspect any STR for the purpose of determining compliance with state, local, health and safety codes and compliance with this Chapter 5.26.
- E. Exterior signs associated with STRs are prohibited.
- F. The following shall be posted in a conspicuous place inside the dwelling near the front door:
 - 1. The Official Heber City Notice of Potential Fines and Criminal Penalties (available from the Business License Administrator).
 - 2. Contact information for the homeowner or rental manager.
 - 3. Overnight occupancy limit & daylight hours occupancy limit.
 - 4. Parking requirements & limitations.
- G. Recreational vehicles, campers, or other travel trailers associated with the STR are not allowed to be parked on any public street or allowed to be occupied during the STR.
- H. Tents or other temporary structures intended for sleeping are prohibited.
- I. No commercial activity is permitted onsite without a current Heber City business license.
- J. Only one STR reservation is permitted at a time per property. The property owner must live onsite if only a portion of the dwelling is rented as an STR.
- K. The overnight occupancy shall be limited to 1 lodger per 200 square feet of livable area, or 16 lodgers, whichever is the lesser amount.
- L. The total number of people present on the property at any time shall not exceed 16 individuals, which includes any visitors.
- M. All vehicles associated with the STR, including any visitors, shall not be parked on a public street. Parking shall only be onsite and located upon approved hard surfaced parking (paved driveways).

Notice Of Potential Fines and Criminal Penalties



Heber City Municipal Code 5.26 requires this notice be posted and maintained in a conspicuous location near the front door in all Short-Term Rental Properties.

WELCOME! Heber City, hopes you enjoy your stay at this Short-Term Rental Dwelling. While you are here, please remember this property is part of a larger residential neighborhood where full-time residents live and have expectations of peace, quiet and privacy. Please respect this home and neighborhood just as you would your own.

The Heber City Police Department (HCPD) aggressively enforces the law to maintain a high quality neighborhood that residents proudly call their home. HCPD has the authority to enter this property to conduct investigations and will issue citations for violations of the law, potentially resulting in a criminal record and/or arrest for you and your guests, as well as the loss of privilege for the owner to operate this facility, resulting in a loss to their livelihood.

LAWS

Some local laws you should be aware of:

- **Quiet Hours:** 10 pm to 7 am. Municipal Code 9.22.020 prohibits the creation of noise that can be heard within 25 feet of a property line between these hours.
- **Quiet Hours Max Occupancy:** _____ People, including guests
- **Non-Quiet Hours Max Occupancy:** 16 People, including guests
- **Camping:** No RV, camper, trailer, tent or other temporary structure shall be used for sleeping.
- **Parking:** No vehicle shall be parked upon the public street, sidewalk, or any landscaped area at any time, including your vehicles and your guests' vehicles.

BE A GOOD NEIGHBOR

Your neighbors are watching you. The following types of behaviors will likely result in your neighbors calling the Police.

- **Law violations.** In addition to laws referenced on this document, other state, federal and municipal laws still apply.
- **Gatherings.** Gathering of groups outdoors during quiet hours.
- **Alcohol, drugs & tobacco.** Consuming alcoholic beverages, drugs, or smoking/vaping in any outdoor area that is near or visible from any neighboring property.
- **Noise.** Playing live or recorded music, or yelling, swearing or creating other noise that can be heard outside of a building or structure.
- **Illegal fireworks & litter.** Establishing bon-fires and illegal use of fireworks.

Property Address: _____ Heber City, Utah

Property Manager: _____

Manager Phone: _____

HEBER CITY POLICE DEPARTMENT: 435-654-3040
WASATCH COUNTY SHERIFF DISPATCH: 435-654-1411
EMERGENCIES: 911
HEBER CITY WEBSITE: HEBERUT.GOV

5.26 Short Term Rentals

[5.26.010 Purpose](#)

[5.26.020 Definitions](#)

[5.26.030 Licenses Required](#)

[5.26.040 Application Form](#)

[5.26.050 Maintenance Of Registry](#)

[5.26.060 Non-Transferability](#)

[5.26.070 No Property Rights Conferred](#)

[5.26.080 Denial, Suspension Or Revocation](#)

5.26 Short Term Rentals 5.26.010 Purpose 5.26.020 Definitions 5.26.030 License Required
5.26.040 Application Form 5.26.050 Maintenance Of Registry 5.26.060 Non-Transferability
5.26.070 No Property Rights Conferred 5.26.080 Denial, Suspension Or Revocation

HISTORY

Approved by Ord. [2019-26](#) Adopting Short Term Rentals on 9/15/2020

5.26.010 Purpose

The purpose of this chapter is to provide a fair process for the licensing and administration of Short Term Rental Licenses in Heber City.

HISTORY

Adopted by Ord. [2019-26](#) Adopting Short Term Rentals on 9/15/2020

5.26.020 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- A. Lodger means any person who, individually or as part of a group, reserves and resides in a Short-term Rental.
- B. Owner Occupied means a dwelling in which the property owner, whether an individual, couple, or principle of an LLC or Trust, as listed on the County records, currently and permanently resides for no less than 6 months of the year.
- C. Short Term Rental means Short-term Rental. The rental of any single family residential dwelling, or any portion thereof, for a period of less than 30 days to a single entity or person.
- D. Room Rental means the short-term rental of a portion of a single residential dwelling that is owner occupied.
- E. Home Rental means the short-term rental of an entire dwelling that is owner occupied.
- F. Vacation Rental means the short-term rental of an entire dwelling that is not owner occupied.

HISTORY

Adopted by Ord. [2019-26](#) Adopting Short Term Rentals on 9/15/2020

5.26.030 Licenses Required

It is unlawful to engage in a Short Term Rental business without first receiving a Business License from the City. All Short Term Rental Licenses shall comply with the following:

- A. Rental owners shall be onsite or be managed by a rental manager located within 10 miles of the rental property. Contact information for said rental managers shall be on file with the City and the Heber City Police Department.
- B. Rentals are subject to passing an inspection by the following:

1. Wasatch County Health Department 2. Wasatch County Fire District
C. Heber City and its departments maintain the right to inspect any Short-Term Rental for the purpose of determining compliance with State, Local, Health, and Safety codes, upon the City's request.

D. Modifications to buildings that include, but are not limited to, remodels, basement finishes, pools, and accessory buildings, require a building permit.

E. Exterior signs associated with rentals are prohibited.

F. The following shall be posted inside the dwelling:

1. Heber City Business License 2. Fire and Health Department certifications 3. Rental Manager Contact information 4. Occupancy limit 5. Parking plan 6. Summary of Quiet Hours and Noise Restrictions as outlined in Section 9.22.020.

G. Commercial activities are prohibited.

H. Recreational Vehicles, Campers, or other travel trailers are prohibited.

I. Tents or other temporary structures intended sleeping are prohibited.

J. Room Rental. Room Rentals are permitted in any single family detached residential dwelling so long as the following provisions have been met.

1. Room Rentals are limited to no more than one reservation at a single time. 2. Room Rentals are limited to no more than two bedrooms in the dwelling. 3. Property owners shall be present during the hours of 10 PM – 7 AM for the entirety of the reservation period. 4. Lodgers shall be limited to no more than one vehicle. 5. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area. 6. Owner Occupied Accessory Apartments are considered a Room Rental and shall comply with these provisions. Occupancy of the apartment is as permitted in Section 18.108.110.

K. Home Rental. Home Rentals are permitted in any single family detached residential dwelling so long as the follow provisions have been met.

1. The entire dwelling shall be rented with a single reservation. Occupancy shall not exceed that of a Family as defined in Section 18.08.200, or 8 individuals, whichever is more. 2. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area. 3. Lodgers shall be limited to no more than 4 cars, based upon off street parking availability.

L. Vacation Rental. Vacation Rentals are permitted in any single family detached residential dwelling so long as the following provisions have been met.

1. The entire dwelling shall be rented with a single reservation. Occupancy shall be limited to 1 lodger per 200 square feet, not to exceed 12 lodgers. 2. Lodgers shall not park on the street. Garages shall be clear and available to patrons for parking. All cars shall be located in a garage, driveway, or permitted parking area. 3. Lodgers shall be limited to no more than 4 cars, based upon off street parking availability. 4. The following shall be posted on the exterior of the property:

a. Property Manager name, phone number, address, and email address b. Business License number

HISTORY

Adopted by Ord. [2019-26](#) Adopting Short Term Rentals on 9/15/2020

Amended by Ord. [2022-01](#) on 2/1/2022

[5.26.040 Application Form](#)

The Licensing Officer shall provide a standard Application Form for Short Term Rental Licenses. Each Application Form shall require the following information, documentation, and fee:

A. Review of Written Disclosures. An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.

B. Contact Information. 1. Applicant's name, telephone number, home address, mailing address, and email address. 2. Applicant's business name, telephone number, business address, mailing address, and email address.

C. Proof of Identity. An in-person verification by the Licensing Officer of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant: 1. A valid driver's license issued by any State; 2. A valid passport issued by the United States; 3. A valid identification card issued by any State; and 4. A valid identification issued by a branch of the United States military. Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the Applicant.

D. Rental Manager Information

1. Manager name 2. Managing company name 3. Manager contact address, phone number, and email

E. Proof of Registration with Department of Commerce. The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce. F. Properties list. A list of all Short-Term Rental properties owned and/or operated by the business, including address and parcel id number.

F. Site and Floor Plans. A site plan and floorplan including the following shall be required for each property listed under the license. 1. Layout of property 2. Designated parking areas. 3. Floor plan of building with area in square feet that will be used for short-term rentals.

G. Fee. The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the Certificate and/or Identification Badge. Refer to the Consolidated Fee Schedule for current fees.

H. Execution of Application. The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful and accurate.

HISTORY

Adopted by Ord. [2019-26](#) Adopting Short Term Rentals on 9/15/2020

Amended by Ord. [2023-45](#) on 12/19/2023

[5.26.050 Maintenance Of Registry](#)

All Short Term Rentals shall maintain a register of lodgers and individual bookings. This register shall be available to the City or Police Department upon written request.

HISTORY

Adopted by Ord. [2019-26](#) Adopting Short Term Rentals on 9/15/2020

[5.26.060 Non-Transferability](#)

Short Term Rental Licenses are non-transferable between property owners or business owners. Upon the change of business or property ownership, a new license will be required.

HISTORY

Adopted by Ord. [2019-26](#) Adopting Short Term Rentals on 9/15/2020

[5.26.070 No Property Rights Conferred](#)

Short Term Rental Licenses shall not be construed as providing property right or vested interests and entitlements in continued operation of a Short Term Rental. Short Term Rental Licenses are revocable licenses which expire annually. Short Term Rental Licenses shall not run with the land.

HISTORY

Adopted by Ord. [2019-26](#) Adopting Short Term Rentals on 9/15/2020

5.26.080 Denial, Suspension Or Revocation

A. Denial. The City shall deny a Short Term Rental application for the following reasons: 1. The application is not complete or does not comply with the requirements of this chapter. 2. The property is in violation of provisions of this chapter or any other Title, Chapter, or Section of the Heber City Municipal Code. 3. The applicant has any licenses that are currently suspended or revoked.

B. Suspension or Revocation. The City may either suspend or revoke a Short Term Rental License when any of the reasons warranting the denial of an application occurs. The process for suspension and revocation are as follows: 1. Suspension. Short Term Rental Licenses will be suspended upon the second instance of violation of this chapter, or any other Title, Chapter, or Section of the Heber City Municipal Code, or failure to resolve any violation within the required time period. Suspensions shall be a minimum of 3 months or until the violation is resolved, whichever is greater, but not to exceed 6 months. 2. Revocation. Short Term Rental Licenses will be revoked upon the third instance of violation of this chapter or any other Title, Chapter, or Section of the Heber City Municipal Code, or upon failure to resolve any violation during the suspension period, notwithstanding the number of instances of the violation. Revoked Short Term Rental Licenses will become null and void and require a new application. Applicant's with a revoked license may not apply for a new business license for a period of 6 months following the revocation of their license or until the violation has been resolved, whichever is greater.

C. Notice of Denial, Suspension, or Revocation. Upon determination of the Licensing Officer to deny an Applicant's Completed Application, suspend a current Short Term Rental License, or revoke a current Short Term Rental License, the City shall cause written notice to be sent to the Applicant or Registered Manager by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial, suspension, or revocation, and the documentation or information the City relied on to make the decision.

HISTORY

Adopted by Ord. [2019-26](#) Adopting Short Term Rentals on 9/15/2020



Heber City Council Staff Report

MEETING DATE:	6/17/2025
SUBJECT:	Ordinance 2025-17 Water Dedication Requirements
RESPONSIBLE:	Russ Funk
DEPARTMENT:	Engineering
STRATEGIC RELEVANCE:	Community and Economic Development Necessary Administrative Action

SUMMARY

The purpose of this item is to amend the City's Water Dedication Requirements associated with Development. These amendments are intended to make the water dedication requirements consistent with the City's updated development application and approval processes, take into account recent trends relating to water conservation, standardize indoor water requirements for different residential unit types, and provide a policy to handle requests for water-wise outdoor landscaping.

RECOMMENDATION

Staff recommends adoption of Ordinance 2025-17 updating Heber City's Water Dedication Requirements

BACKGROUND

Over the past few years, numerous updates have been made to the City's Development Application and Approval Processes. These changes also require an update to our Water Dedication Requirements associated with Development. There has also been a significant emphasis placed on water conservation efforts over the past several years, which has contributed to a reduction in average water usage in Heber City. In addition, emphasis has been placed on affordable/attainable housing, which has resulted in residential unit types with differing water requirements.

During the May 20th City Council Meeting, Staff presented proposed updates to the City's Water Dedication Requirements and solicited feedback from the Council so an amendment to the water dedication policy could be brought back for approval at a later meeting. The major changes to the policy include:

- Updates to be consistent with current development processes (generally related to timing of dedication).
- Reduced water dedication requirements for studio, 1 bedroom, and 2 bedroom apartments/units.
- Option and policy for reduced outdoor water dedication associated with water-wise landscaping.

Council was supportive of all proposed changes, and requested that the water-wise dedication requirement also be allowed for non-residential uses. That request has been incorporated into the proposed update.

DISCUSSION

A reduction in the standard indoor dedication requirement for an ERU (Equivalent Residential Unit) was also discussed during the May 20th City Council Meeting. Staff indicated that due to a reduction in the overall average usage over the past several years, that the dedication requirement will be reduced from 0.43 Ac-Ft/ERU to 0.36 Ac-Ft/ERU.

FISCAL IMPACT

N/A

CONCLUSION

The proposed updates to the Water Dedication Requirements are consistent with the City's current development processes and provide for recent trends relating to water conservation and more affordable unit types. Staff has incorporated direction received from Council into the proposed update and recommends approval of Ordinance 2025-17.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve the item** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the **item** as amended, as follows.

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the **item** with the following findings.

ACCOUNTABILITY

Department: Engineering
Staff member: Russ Funk, City Engineer

EXHIBITS

1. Ordinance 2025-17

7ORDINANCE NO. 2025-17

AN ORDINANCE AMENDING THE WATER DEDICATION REQUIREMENTS FOR DEVELOPMENT

WHEREAS, Heber City requires dedication of water rights for residential and non-residential development within Heber City.

WHEREAS, Heber City has analyzed the water right requirements and determined that changes to the water right requirements are warranted.

WHEREAS, Heber City has determined that removal of the water requirements from Section 15.16 and creation of a new Section 15.18 makes it easier to locate the water right requirements.

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

1. Section 15.16 of the Municipal Code of Heber City is hereby amended as shown in Exhibit A.
2. A new Section 15.18 is hereby added to the Municipal Code of Heber City as shown in Exhibit B.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this ____ day of _____, 2025.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Yvonne Barney	_____	_____	_____	_____
Council Member Aaron Cheatwood	_____	_____	_____	_____
Council Member Mike Johnston	_____	_____	_____	_____
Council Member Sid Ostergaard	_____	_____	_____	_____
Council Member Scott Phillips	_____	_____	_____	_____

APPROVED:

Mayor Heidi Franco

ATTEST:

RECORDER

Date: _____

EXHIBIT A

15.16.090 Schedule Of Fees

As a condition of the issuance of a building permit for the construction of any new structure for single family, multi-family, commercial, industrial or institutional use, the developer, owner or builder shall pay an impact fee which includes elements for culinary water, sanitary sewer, streets, storm drain and flood control, transportation and streets, pressurized irrigation, and parks and trails facilities, which shall be charged on a per lot, unit or equivalent basis in the amounts as follows:

Culinary Water Impact Fee

The amount of the impact fee for residential units shall be as listed in the Consolidated Fee Schedule of Heber City Corporation, and be adjusted annually as per Section 15.16.085.

The amount of the impact fee for non-residential lots shall be based on the meter size requested. Estimated peak usage shall not exceed the maximum meter flow specified in gallons per minute. Fees shall be as listed in the Consolidated Fee Schedule of Heber City Corporation, and be adjusted annually as per Section 15.16.085. A non-residential condominiumized lot will be treated as a single non-residential lot.

METER SIZE	MAX FLOW	IMPACT FEE
0.75-inch	30 gpm	(See consolidated Fee Schedule of Heber City Corporation)
1.00-inch	50 gpm	(See consolidated Fee Schedule of Heber City Corporation)
1.50-inch	100 gpm	(See consolidated Fee Schedule of Heber City Corporation)
2.00-inch	160 gpm	(See consolidated Fee Schedule of Heber City Corporation)
3.00-inch	350 gpm	(See consolidated Fee Schedule of Heber City Corporation)
4.00-inch	1000 gpm	(See consolidated Fee Schedule of Heber City Corporation)

~~Water rights shall also be required in an amount equivalent to the estimated indoor and outdoor water usage for residential and non-residential lots as determined by the City Engineer and as~~

allowed in Utah Stated Title 10-9a-508. Water rights for subdivisions are due Upon final subdivision approval and prior to beginning construction and/or plat recordation.

Water Requirements for Development and Planning Policy

In addition to all other State Law requirements, water rights shall be required in an amount equivalent to the estimated indoor and outdoor water usage for residential and non-residential lots as determined by the Heber City Engineer, and allowed by Title 10-9a-508 of the Utah State Code. All development applications where the City is the water service provider shall be subject to this Water Rights Policy.

- ~~1. In all Heber City zones, with regard to verification of water for development, any development applications must comply with the following. Prior to appearing before the Planning Commission for preliminary approval, any new residential or mixed use and commercial subdivisions, or projects qualifying as or requiring the subdivision process, will be required to meet with the Heber City Engineer and do the following:
 - ~~1. Provide a tabulation of water rights and ownership.~~
 - ~~2. Provide water requirement estimates for all indoor and outdoor use in the development.~~
 - ~~3. Provide a concept plan of how water will be physically delivered to the development.~~~~
- ~~2. The Heber City Engineer will review the water right requirements pursuant to this policy, and prepare a report of said requirements prior to the development applying for preliminary approval from the Planning Commission. Such report shall become a requirement of the proposed application when the development, or its phases, are approved. Conditions, restrictions and limitations set forth in the report shall be considered conditions of development approval and adopted by the Planning Commission and City Council as part of the application final approval. Such report will complete the application per U.C.A. 10-9a-509.5. and evaluate the following:
 - ~~1. The amount and type of water rights needed for the total proposed ERU's for 100% of all phases;~~
 - ~~2. The water rights owned by the applicant, any letter(s) of agreement with other water right owners, and any deficiencies.~~
 - ~~3. The number of lots proposed, the amount and type of open space proposed, the amount of hard surface in the application, and all other relevant information.~~
 - ~~4. The water right conversion factors used, based on current state engineer approved change applications, to determine the likely amount of water provided by each different type of water right.~~
 - ~~5. The decisions of the state engineer shall be the final determining factor in reaching the actual amount of water represented by each share or water right.~~~~

- ~~6. Any proposed water rights that need approved change applications by the state before being accepted by the City.~~
- ~~3. No proposed development shall proceed to construction and/or plat recordation until the development has dedicated adequate water rights as set forth below:~~
- ~~4. Timpanogos Irrigation Class D (M&I) water shares, or any other water rights involving supplemental CUP M&I water, proposed by a developer and accepted by Heber City Engineer, may be used for indoor and outdoor use under the following conditions:~~
 - ~~1. Users of supplemental water shall be billed and required to pay their respective monthly or annual assessment proportionate to the additional cost of said water~~
 - ~~2. Upon transfer of water rights to the City, and prior to plat recordation, Developer will provide gap funding sufficient to insure Heber City incurs no additional cost for the supplemental water until the initial users are in place.~~
 - ~~3. Developer and/or subsequent lot owners will pay any and all costs related to water rights administration of service, and delivery, for all supplemental and other water rights transferred to the City for a development.~~
 - ~~4. City supplemental water users shall not be subsidized by non-supplemental users, nor other City funding.~~
- ~~5. Timpanogos Irrigation Class D (M&I) water shares, or any other water rights involving supplemental CUP M&I water, proposed by a developer and accepted by Heber City Engineer, may be used for indoor and outdoor use under the following conditions:~~
 - ~~1. Users of supplemental water transferred to the City for a development shall be billed and required to pay their respective monthly or annual assessment proportionate to the additional cost of said water for the administration and delivery of said water.~~
 - ~~2. Upon transfer of water rights to the City, Developer will provide 7 years of gap funding for the anticipated supplemental water lease assessments, based on the most recent assessment rates, to insure Heber City incurs no additional cost for the supplemental water until the initial users are in place to pay for the assessment.~~
 - ~~3. Developments using supplemental water shall not be subsidized by non-supplemental water users, nor other City funding.~~

Sanitary Sewer Impact Fee The amount of the impact fee for residential units shall be as listed in the Consolidated Fee Schedule of Heber City Corporation and be adjusted annually as per Section 15.16.085. The amount of the impact fee for non-residential lots shall be based on the number of sanitary sewer fixture units on the lot, times the average flow per fixture unit for the non-residential use, divided by the average flow for an equivalent residential lot adjusted for infiltration, or 211 gallons per day, times the impact fee for a residential lot. The minimum

impact fee for each sanitary sewer service shall be 1 ERU as listed in the Consolidated Fee Schedule of Heber City and be adjusted annually as per Section 15.16.085. A non-residential condominiumized lot will be treated as a single non-residential lot.

Street Impact Fee

The amount of the impact fee for residential units shall be as listed in the Consolidated Fee Schedule of Heber City Corporation for single-family units and multi-family units, and be adjusted annually as per Section 15.16.085. The amount of the impact fee for non-residential units shall be based on the number of trips generated by the specific non-residential use as determined by the Institute of Transportation Engineers Trip Generation Manual, Tenth Edition or as determined by a report prepared by a registered traffic engineer. The impact fee for each trip shall be as listed in the Consolidated Fee Schedule of Heber City Corporation, and be adjusted annually as per Section 15.16.085.

Storm Drainage Impact Fee

No units in Heber City will pay storm drain impact fees.

Pressurized Irrigation Impact Fee The amount of the impact fee for residential units shall be as listed in the Consolidated Fee Schedule of Heber City Corporation, and be adjusted annually as per Section 15.16.085. The amount of the impact fee for non-residential lots shall be based on the irrigable, non-hard surface area, existing on the lot. Fees shall be as listed in the Consolidated Fee Schedule of Heber City Corporation, and be adjusted annually as per Section 15.16.085. A non-residential condominiumized lot will be treated as a single non-residential lot.

Parks and Trails Impact Fee

The amount of the impact fee for residential lots shall be as listed in the Consolidated Fee Schedule of Heber City Corporation, and be adjusted annually as per Section 15.16.085.

Use	Impact Fee
Single Family Dwellings/Residential - Equivalent Residential Unit (ERU)	\$4,501
Multi-Family Dwellings (Including Mobile Homes)	\$3,444
<p>THE FORMULA FOR NON-STANDARD PARKS AND RECREATION IMPACT FEES:</p> <p>Estimate Population per Unit X \$947 = Impact Fee per Unit</p>	

Exhibit B

15.18 Water Dedication Requirements

Water rights shall be required in an amount equivalent to the estimated indoor and outdoor water usage for residential and non-residential development as determined by the Heber City Engineer and as allowed by Title 10-9a-508 of the Utah State Code.

All development applications where the City is the water service provider shall be subject to this Water Rights Policy. In areas where another water provider has been approved by the City to provide water, the processes and requirements of the applicable water provider shall be followed.

All proposed water rights and water shares shall be approved by the City Engineer prior to dedication, and the City Engineer may, in the sole discretion of the City Engineer, approve, reject or condition acceptance of water rights or water shares. All water right must have an approved change application that provides for municipal use of the water right, diversion from a point(s) of diversion designated by the City Engineer, and a place of use within the City's municipal water system.

15.18.010 Water Dedication for Development

Water rights for residential subdivisions are due upon final subdivision approval and prior to beginning construction and/or plat recordation, whichever is first. Water rights for commercial projects shall be required prior to obtaining the building permit for which the water rights are required.

- A. In all Heber City zones, with regard to verification of water required for development, all development applications must comply with the following. Prior to receiving preliminary subdivision or site plan approval, any new residential, mixed use, or commercial subdivisions or projects, or other projects requiring dedication of water rights, will be required to coordinate or meet with the Heber City Engineer and do the following:
 1. Provide a tabulation of water rights and ownership.
 2. Provide water requirement estimates for all indoor and outdoor use in the development.
 3. Provide a concept plan of how water will be physically delivered to the development.
- B. The Heber City Engineer will review the water right requirements pursuant to this policy, and for residential or mixed use projects, prepare a report of said requirements prior to the development receiving preliminary subdivision or site plan approval from the Planning Commission. Such report shall become a requirement of the proposed application when the development, or its phases, are approved. Conditions, restrictions and limitations set forth in the report shall be considered conditions of development

approval. Such report will complete the application per U.C.A. 10-9a-509.5. and evaluate the following:

1. The amount and type of water rights needed for the total proposed residential ERU's for 100% of all phases. Final calculation of water rights for commercial uses may be postponed until the time of application for building permit.
 2. The water rights owned by the applicant, any letter(s) of agreement with other water right owners, and any deficiencies.
 3. The number of lots proposed, the amount and type of open space proposed, the amount of hard surface in the application, and all other relevant information.
 4. The water right conversion factors used, based on current state engineer approved change applications, to determine the likely amount of water provided by each different type of water right.
 5. The decisions of the state engineer shall be the final determining factor in reaching the actual amount of water represented by each share or water right.
 6. Any proposed water rights that need approved change applications by the state before being accepted by the City.
- C. No proposed residential or mixed use development shall proceed to construction and/or plat recordation until the development has dedicated adequate water rights for the residential portion of the development.
- D. No commercial project shall obtain a building permit until adequate water has been dedicated for the improvements associated with the building permit.
- E. Timpanogos Irrigation Class D (M&I) water shares, or any other water rights involving supplemental CUP M&I water, proposed by a developer and accepted by Heber City Engineer, may be used for indoor and outdoor use under the following conditions:
1. Users of supplemental water transferred to the City for a development shall be billed and required to pay their respective monthly or annual assessment proportionate to the additional cost of said water for the administration and delivery of said water.
 2. Upon transfer of water rights to the City, Developer will provide 7 years of gap funding for the anticipated supplemental water lease assessments, based on the most recent assessment rates, to ensure Heber City incurs no additional cost for the supplemental water until the initial users are in place to pay for the assessment.
 3. Developer and/or subsequent lot owners will pay any and all costs related to water rights administration of service, and delivery, for all supplemental and other water rights transferred to the City for a development.

4. City supplemental water users shall not be subsidized by non supplemental users, nor other City funding.

15.18.020 Indoor Water Dedication

A. Determination of an ERU

The Heber City Engineer will determine the standard amount of indoor water required for each Equivalent Residential Unit (ERU) in Heber City. This amount will be determined by analyzing historic water usage data of Heber City water customers and shall account for variability of usage over time, system losses, diversion/depletion requirements of potential water right change applications, and any other factors deemed appropriate by the City.

B. Indoor Water Requirements for Various Unit Types

The indoor water requirement for Residential developments are as follows: 1 ERU per single family home, including town homes and apartments with 3 or more bedrooms. Two bedroom apartments are typically evaluated as 80% of an ERU. One bedroom and studio apartments are typically evaluated at 50% of an ERU.

<u>Single Family Home</u>	<u>1 ERU per Home</u>
<u>2 Bedroom Apartments</u>	<u>80% ERU per Unit*</u>
<u>1 Bedroom and Studio Apartments</u>	<u>50% ERU per Unit*</u>

* Subject to review of City Engineer. Non-typical units, layouts or uses may require additional water.

Indoor water requirements for non-residential uses shall also be evaluated on an ERU basis as determined by the City Engineer.

15.18.030 Outdoor Water Dedication

A. Standard Outdoor Water Requirement

The standard outdoor water requirement is 3 ac-ft per acre of all non-impervious ground within the residential or commercial development.

B. Waterwise Outdoor Water Requirement

Developments may request a Waterwise Landscape Dedication requirement of 1.6 ac-ft per acre of all qualifying non-impervious ground within the development. This dedication is intended to account for water savings in areas which will be landscaped and irrigated in a waterwise way. It accounts for water savings associated with the increased efficiency of drip irrigation, the lower water requirement of waterwise plants, and the lesser typical coverage of waterwise landscaping styles (i.e. more rock mulch in-between plants, etc.). To qualify for Waterwise Dedication, an applicant must provide and receive approval for a landscaping plan which clearly shows that the following requirements are or will be meet:

1. All irrigation must be done using drip irrigation technology. Sprinkler irrigation is not allowed.
2. Turf areas cannot qualify.
3. Plantings are limited to waterwise/native plants from the following published lists which also adhere to the other policy requirements herein:
 - a) USU Water-Wise Plants for Utah Landscapes List (Cerny, Hefelblower, Sagers, and Bitner)
https://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=1020&context=cwel_extension
 - b) CUWCD Conservation Plant List
<https://cuwcd.gov/assets/documents/conservation/2020PlantList.pdf>
 - c) USU Utah Botanical Center Utah House Water-Wise Landscape Plant List (Very Low Water, Low Water, and Moderate Water designations only)
<https://extension.usu.edu/cwel/files/Utah House Plant List v2 4p.pdf>
4. The canopy coverage ratioⁱ for irrigable areas must be 65% or less.
5. Areas which have been historically irrigatedⁱⁱ (as determined by the City Engineer) are not eligible for the Waterwise Landscape Dedication.
6. Landscaped areas within the boundary of single family lotsⁱⁱⁱ are not eligible for the Waterwise Landscape Dedication.
7. The development must be able to meet these requirements and simultaneously meet the landscaping requirements set forth by Heber City.
8. The developer must include the following plat notation where applicable and apply it to areas which have been deemed to qualify for the Waterwise Landscape Dedication.
 - a) *(Description of applicable area) may only irrigate up to _____ acres. Of that total, a minimum of _____ acres must comply with Heber City's "Waterwise Landscape Dedication" requirements, and must meet the following conditions: 1) All Irrigation must be drip technology. 2) No turf is allowed. Plant species will be restricted to the native plants outlined in Water Dedication Requirements policy. 3) Canopy coverage cannot exceed 65% of the waterwise landscaped area.*
9. Homeowner's Association (HOA) or Property Owners Association covenants shall be established to ensure long-term compliance with approved landscaping plan. For commercial properties where no HOA or Property Owner's association exists, the property owner shall enter into an agreement with Heber City committing to long-term compliance with the approved landscaping plan.

10. A requirement to follow through with planned and approved water wise landscaping is to be included in the Development Agreement where applicable.
11. A certification that the submitted irrigation plan complies with the minimum requirements of the waterwise dedication must be signed by the Landscape Architect or Engineer and be submitted along with the landscaping plan and irrigation plan for City review.

ⁱ Canopy Coverage Ratio measures the portion of an area covered by foliage at the mature plant stage when viewed from above. Expressed as a percentage, 0% indicates no vegetation cover and 100% means complete vegetation coverage once plants are fully grown.

ⁱⁱ It is a community standard that historically irrigated areas not be dewatered and de-vegetated. This policy requirement is for the purpose of protecting the nature and character of the community by protecting green spaces within the Heber City.

ⁱⁱⁱ The irrigated area within a single family lot cannot be easily monitored/enforced and there isn't a reasonable assurance that initial landscaping schemes will remain in place long term.