

Heber City Corporation  
City Council Meeting

November 3, 2011  
6:00 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on November 3, 2011, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Eric Straddeck Nile Horner (arrived 6:10 p.m.) Robert Patterson Alan McDonald
Excused:	Council Member	Benny Mergist
Also Present:	City Manager	Mark K. Anderson
	Deputy City Recorder	Michelle Kellogg
	City Engineer	Bart Mumford
	Planning Director	Tony Kohler
	Police Chief	Ed Rhoades

Others Present: Darryl Glissmeyer, Paul Berg, Billy Bordy, Joseph Mara, Adrienne Mills, Jeffery Bradshaw, Tracy Taylor, Lee Bellows, Daniel Mauer, Matt Bernal, Anne Bernal, Robin Monticone, Erik Rowland, Chris Rognan, Kathryn Berg, Kieth Rawlings, Jerry Duke, and others whose names were not legible.

Mayor Phillips opened the meeting and welcomed those in attendance. He excused Council Member Mergist because it was his birthday.

**Review Results of the Compensation Study:** As time was short, the Council determined they would discuss this in another meeting.

**Discuss City Right-of-Way Maintenance - 1300 South (Lee and Judy Bellows):** Mayor Phillips asked the Council to read the letter from the County Council which was distributed tonight. A copy of the letter from the County Council was given to Bellows for review.

Anderson stated landscaping along this right-of-way was the issue. He explained the City had a hundred foot right-of-way, which was why there was additional land on the interior side of the sidewalk. Bellows was concerned about snow removal for that 450 foot long sidewalk, but he indicated he wouldn't mind mowing this parcel if grass was installed. Anderson stated in talking with the Boyer Company, they didn't have the mechanism to maintain that area.

Mayor Phillips stated this was a unique situation. Anderson commented the road was put in after Bellows purchased the property. Council Member McDonald thought the City should be

responsible for maintaining the right-of-way. Anderson stated the City also maintained the storm water retention basin to the north of the property. He thought snow removal should be done in that area as well.

Mayor Phillips asked if some decorative rock could be installed on each side of the sidewalk. Council Member Straddeck stated the Council was in agreement that the City was responsible for maintaining the 1300 South right-of-way. He suggested staff could come back with cost estimates and Rounds could voice any concerns he might have with regard to the property. Anderson asked if the sidewalk next to the retention pond should also be plowed. The Council agreed that it should be plowed. Anderson indicated next spring the City would make the landscaping improvements.

**Discuss Request for an Access Road to property along 1300 South (Lee and Judy Bellows):**

Mayor Phillips stated across Heber Parkway, access was given to a property owner and the County and the RPO were opposed to that, as well as any access to that road. Bellows thought some options for his land could be to divide it for commercial lease, and this was the reason he would like to have that access. Council Member Horner asked what the acreage was and Bellows indicated he owned 1.75 acres.

Mayor Phillips asked for thoughts from the Council. Council Member Straddeck was opposed to an access road. Council Member Patterson asked how many accesses there were on that road. Mumford said the only public access was at 300 West. Council Member Patterson favored moving this item to the regular agenda. Council Member Horner stated he was in favor of giving access to that road because of it becoming the future bypass road and the need for businesses along that bypass.

**Review Draft Agreement in relation to access granted on Heber Parkway – 1355 South Highway 189 (Paul Berg / Marelko LC Property):** Berg stated he was here to finalize the Heber Parkway Access Agreement Outline for Marelko LLC. Council Member McDonald asked about the Conditions of the Agreement for Heber City, Item Three. He asked what “no cost” meant, and where the property between the south Marelko property line and the proposed north right-of-way of Heber Parkway was located. Berg stated it was really UDOT that had “no cost” and he indicated he could change that wording in the Agreement. He pointed out the sliver of land in question on the map on the overhead and stated it was in the right-of-way. He stated UDOT had worked out all the details and would deed its property to Marelko.

Anderson informed the Council the agreement staff had suggested was behind this document in the packet. He stated the City didn’t want to get in the middle of the negotiations. Berg stated to cover the interests of Marelko, he put UDOT and/or Heber City, but now Marelko was further along with UDOT so the “and/or” could be removed. Council Member Straddeck asked if Berg had seen the agreement staff drafted, and Berg indicated he had. Council Member McDonald asked Berg if there were any concerns and Berg stated he was fine with that agreement. This item was moved to the next regular meeting agenda.

**Review City Council Minutes in relation to the Elmbriage Road Connection to the Muirfield Park:** Mayor Phillips asked for comments from the Council. Council Member Straddeck asked if the Planning Commission minutes had been reviewed. Anderson stated he emailed two sets of Planning Commission minutes to the Council and the hard copies were in the

packet. Found within those minutes were the Muirfield residents who were in attendance at the August 14<sup>th</sup>, 2008, Public Hearing when the zoning was denied. Council member Horner arrived at 6:10 p.m.

Mayor Phillips asked about the bypass and if the land had been dedicated to the City. Anderson stated not all the property was transferred yet, but it would be deeded to the City when it was developed.

Mayor Phillips asked if staff communicated this issue with Planning Commission. Kohler said there had not been formal communication but some members of the Planning Commission had been kept abreast of the issue.

Anderson quoted page 13 of 21 under Tab E, "He said the project had changed quite a bit since the Council had seen it. An overhead was shown and Boal reviewed that. The 750 North road would be a public road and would connect to Highway 40 as well as provide access to the City park."

When asked if Kohler had received feedback from the Planning Commission, he stated the feedback was the Planning Commission would not have approved the Elmbridge development in the first place. But, the Commission agreed if one access was taken away, there would be problems with the other roads.

Adrienne Mills approached the Council and read from City Council minutes dated March 3, 2011. There was discussion of what would be allowed at the park, and as far as access, it was unclear to the Council (in the minutes) what access there would be. She thought the concerns expressed in the past by the residents had never been satisfied. She also referred to City Council meetings from 2003 and 2004.

Mayor Phillips asked Mumford when the plans were approved. Mumford stated the concept shown on the overhead was approved in 2009. He explained the access to the park originally was set north of the current road. Then the COSZ zoning process went through and the road location was changed several times before the final approval was made by the Council. It was not until the Muirfield Park and trail was being worked out that people remembered the road access. He continued nothing was discussed about a gate being a requirement but it may have been a suggestion.

Billy Bordy, a Muirfield resident, stated he previously expressed concern to the Council with the access to 650 North, which was a narrow street. He asked that a traffic study be performed to see the effect 750 North would have on that road.

Mayor Phillips summarized that the development was improved with the road as shown, and this group of citizens came out tonight to express their disapproval of that road. He indicated the park was a work in progress and would be the largest park in the City, in terms of acreage. Large numbers of people would need to get to that park.

Council Member McDonald asked if the speed limit would be 25 m.p.h. on 750 North. It was determined it would be 25 m.p.h. Council Member Horner asked if the road went straight into the park. The map showed a connector road from 750 North to the park on 200 West.

Bordy stated the residents were concerned with increased vandalism and debris with this park, since there were frequent occurrences at the Muirfield playground.

It was asked if a traffic signal would be at 750 North and Hwy 40. Mumford indicated there would not be a signal. Another resident asked how the City would keep traffic safely away from these areas since drivers already sped coming and going from the park. Tracy Taylor asked about speed bumps on 200 West as an option to slow down traffic. Bordy stated the HOA required that any speed bumps would have to be removable because of snow plows. Mumford stated Heber City did not allow speed bumps on public roads.

Council Member Horner stated closing the road at 200 West would cause problems for Clover Meadows Subdivision residents. He stated it was difficult to push snow in Clover Meadows because the road was narrow. Council Member Horner asked if both roads could be closed. Mumford stated there would have to be two points of access from any subdivision. It was asked if both access points had to be full use, or could one be for emergency access only. Mumford said two full accesses were required.

Council Member Horner suggested a roundabout but Mumford stated there was not enough property to accommodate that. Council Member Horner wanted to find a way to slow down the traffic. Mayor Phillips asked if the neighbors' concern was for traffic density or speed. Bordy stated they were concerned about both.

Council Member McDonald asked if the speed limit could be lowered to 20 m.p.h. Mumford indicated people would drive at speeds that were comfortable. Council Member Horner asked if a traffic study had been done. Mumford stated if those two streets were blocked, there would be increased congestion. He explained potential traffic patterns on the map shown on the overhead. Mumford suggested installing a three-way stop at 200 West and also at 100 West.

Council Member Horner indicated he could see the potential for increased traffic in the Muirfield area. Council Member Straddeck indicated the Council never previously agreed to close the road. The decision now would be to decide if the road would be closed or if the speed should be reduced. He indicated the Council heard the arguments from staff as well as the residents so a decision should be made.

Mayor Phillips asked Kieth Rawlings, Chairman of the Planning Commission, for his input. Rawlings stated he voted against the access road but it passed, and the reason for those three accesses was neighborhood connectivity.

Mayor Phillips stated the Council could let the road stand as approved or come up with other options. Council Member McDonald favored moving this item to the regular meeting so the Council could make a decision. All agreed. Bordy again asked for a traffic study so an educated decision could be made. Mayor Phillips thanked the residents for their civil dialogue.

Joseph Mara, a Muirfield resident, asked the Council to keep in mind the cost of two opening fences versus innumerable stop signs which would eventually come about because of this road.

Council Member Horner asked staff to inform Clover Meadows residents of these meetings so those residents could also give their input to this issue.

**Discuss the Current Process of Putting Agenda Items on the Regular Meeting Agenda:**

Council Member Straddeck expressed that the Council could be more efficient in its business items, but indicated he would like to discuss this when all Council members were present.

**Discuss Cottages for Children Event Request:** Mayor Phillips indicated he received a letter from Laurie Wynn for Cottages for Children Event, which was a silent auction of gingerbread houses. Wynn asked if the Council would waive business license fees for vendors at the event or if the City would pay those fees. He asked that this item be added to the next agenda.

**Review – Proposed Airport Rules and Regulations:** Anderson indicated this document took two to three years in the making. Kathryn Berg stated these documents were appropriate for an airport of this size, and explained that the document included what happened at the airport. She indicated that after reviewing the rules from other airports, Heber now had its own. Some issues were unenforceable because of the economy, but when things turned around and an airport manager was hired, the operations would easily flow.

Council Member McDonald thanked Berg and he expressed his appreciation for the hard work put into this document.

Council Member Horner asked how often the FAA updated its rules. She said the Airport Board received updates continuously, so these rules would always be a work in progress. This item was moved to the regular agenda.

**Discuss Center Street Speed Limit:** Mayor Phillips stated when the City completed the Center Street road project, residents asked if the speed limit would be raised. At the time, Mayor Phillips indicated the 25 m.p.h. limit would remain, but he made no promises. Anderson stated the police used radar in three or four locations on Center Street over a four hour period one day in order to provide data to the Council. Anderson stated from that data, it could be justified to raise the speed limit to 30-35 m.p.h. Mumford stated a study usually determined the speed limit because 85% of the average speed should be the normal speed.

Mayor Phillips asked Chief Rhoades if data could be given from the speed monitoring signs. Chief Rhoades stated the data collected from those signs could not be downloaded to the police computers, even after the module was sent back to the factory.

Chief Rhoades stated on speed studies, the high and low speeds were dropped and the remaining speeds were then averaged.

The Council expressed a need for more accurate data.

**Review Maintenance Costs - Vector Truck:** Council Member McDonald favored purchasing a new vector truck. Anderson indicated in the past, the Council was in favor of seeing repair records to justify a purchase, and thus had provided the current truck's maintenance record. Anderson stated the funds for a new truck would come from the water and sewer fund. The only impact on the income statement would be depreciation. Council Member Horner stated before he would approve this item, he would like Tozier to find a truck and bring back the specific cost. Anderson stated he would bring back the cost from the state contract.

**Discuss Creation of an Ordinance which would Designate Certain Streets for OHV Access:**

Mayor Phillips stated Anderson had put together some information for the Council. He indicated many people had asked to have the option of driving OHVs on the streets. Anderson stated if only certain streets were designated, it would be difficult to determine which streets would be chosen. He indicated Ephraim City had designated all its streets except the highway. Council Member Straddeck was not in favor of this, but stated he could talk about it. Council Member McDonald stated he was not in favor of it. Council Member Patterson asked that the Council consider it. Anderson asked what information the Council would need for additional consideration. Council Member McDonald stated the Council should start with the State Code and modify it from there. Anderson asked if a sample ordinance should be drafted. Council Member Straddeck didn't want staff to spend time on this until Council Member Mergist had the opportunity to give his input. Council Member Horner asked if ATVs had license plates. Chief Rhoades stated any vehicle on the road had to be licensed, and drivers could only get license plates if they had all the equipment on their vehicles as was on other vehicles, such as turn signals, horns, etc. It was agreed to move this item to the next agenda.

It was indicated OHV drivers could cross state roads but not drive on them unless they drove under 45 m.p.h. and were licensed.

Taylor asked the age requirement for people driving ATVs. It was indicated 16 years old was the minimum age for a driver's license. Taylor also asked how an ATV would drive in traffic if the speed limit was above 45 m.p.h. Chief Rhoades indicated the driver would drive on the shoulder of the road.

Anderson wanted to update the Council on the sidewalk on 600 South, and indicated it would be installed in the spring. He also indicated Rounds was short on Christmas lights and needed another one hundred sets for \$1,000. The Council members approved more lights.

With no further business, the meeting was adjourned.

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Michelle Kellogg, Heber City Deputy Recorder