

Heber City Corporation
City Council Meeting
March 05, 2009
7:00 p.m.
REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on 03/05/09, in the City Council Chambers in Heber City, Utah.

Present: Mayor David R. Phillips
Council Members Jeffery Bradshaw
Elizabeth Hokanson
Nile Horner
Robert Patterson
Eric Straddeck

Excused:

Also Present: City Manager Mark K. Anderson
City Recorder Paulette Thurber
City Engineer Bart Mumford
City Planner Allen Fawcett
Chief of Police Ed Rhoades

Others Present: Ernie Giles, Kimberlee Carlile, Martin Van Roosendaal, Brian Balls, James McCleary, Renard Richter, Shelton Taylor, Mike Thurber and Alyssa Kohler.

Pledge of Allegiance: Councilmember Nile Horner
Prayer: Councilmember Robert Patterson

Minutes: 02/19/2009 Work Meeting
02/19/2009 Regular Meeting

Councilmember Patterson moved to approve the Work and Regular Meeting Minutes of 02/19/2009. Councilmember Bradshaw made the second. The Voting was unanimous in the affirmative. Councilmember Straddeck was excused.

OPEN PERIOD FOR PUBLIC COMMENTS

No comments were received.

CONSENT AGENDA

Approval of State of Utah – UDOT Aeronautics – Cooperative Agency Agreement:

Cancellation of the April 16, 2009, City Council meeting due to Utah League Conference in St George for the Legislative Body: Councilmember Hokanson moved to approve the items on the Consent Agenda. Councilmember Patterson made the second. The voting was unanimous in the affirmative. Councilmember Straddeck was excused.

APPOINTMENTS

Consider Amendment to the Ernie Giles Special Service District Sewage Conveyance Services Contract and Approve an Easement Agreement for a sewer line from Ernie Giles:

Mumford reviewed this issue from the January 17, 2008, City Council meeting. An overhead of the area was shown. He said Richter originally started the Sherman's Landing Development with the idea of working in conjunction with the Meadows at South Field by using a pump station. The thought was to pump to Southfield Road to the City's line then flow to the treatment plant. Richter approached the City about running a line by gravity flow down through the adjoining properties and through the Giles' property. Mumford said he was more favorable to a gravity flow line than a pump station. There was review of the discussion from the January, 2008, meeting and what the City would grant Giles for letting that line go through his property. Mumford showed the proposed line layout on the overhead. He indicated the City would grant Giles 30 connections (that would be the City's contribution to that line), Giles would grant the easement and Richter would pay the all the cost. He said he was not sure of everything in the agreement between Giles and Richter.

Mumford gave additional history since that time and said Richter had gone ahead and designed the line and the easement and design was worked out. He continued that the issue now was how to memorialize the 30 connections with Giles. Mumford talked about the Giles Special Service District administered through Wasatch County. He said there was no restriction or cap on capacity as far as the SSD through the County. The agreement Giles has with the City outlines that if Giles builds the lines to the City's line in Midway Lane and meters the flow, the City would allow Giles to use the lines. That would be a similar situation to the Twin Creeks SSD in which a fee is charged based on the flow.

Mumford said he first looked to just tying the 30 connections to the easement, but that then tied to the landowner rather than the SSD and it needed to be tied to the SSD which Giles already had. Mumford said what he, Richter and Giles had come up with was to do an amendment to the original agreement Giles already had with the City which put the 30 connections under the umbrella of the Ernie Giles SSD Agreement already in place with the City. However, there was some discrepancy with what Giles thought the agreement outlined and what was reflected in the minutes.

Anderson questioned what the City's intent was as to the long-term relationship with this Agreement as it was only in force for 25 years. Mayor Phillips asked about what happened in 25 years if that Agreement was allowed to expire and would the City stop the sewer flow into the City's lines. Mumford said that, the way he read the Agreement, there was no obligation for the City to renew it if the Council did not want to.

Giles referred to the amendment prepared by Mumford and said he wanted different language in paragraph three (3). He said he wanted some of the 30 connections to connect to the line that runs along Highway 113 and not have to have them all connect to the new proposed line. Mumford verified that Giles wanted the flexibility to connect to the existing line as well as the new proposed line. Mumford said the problem he saw with that was that he did not want all 30 connections to the original line along Highway 113. Giles said he would not have a problem with

entering into the man hole rather than the main line. Mumford said he would be more comfortable if there was a defined number that connected to the original line. Councilmember Patterson asked what number Mumford would be comfortable with. Giles said the 30 connections were “not metered” connections but he could have 100 connections there the way the SSD was written. Again Giles said the number did not matter to him because if he wanted more than 30 he could do it although he did not have plans at this time to have a lot of connections. Giles said the SSD could grow. Giles said if he ever did develop he would be back to the Council with a re-design. The number of connections Mumford felt comfortable with for connecting onto the original line along Highway 113 was ten (10). Councilmember Hokanson felt that was reasonable. Mumford said ten would not affect the City’s operation there. Mumford said he would make changes to the Agreement for 10 connections and he would not restrict them to the new sewer line.

Giles asked for clarification from the January, 2008, minutes about impact fees. He said the Heber Valley SSD had its own impact fee and when he made connection “down there” he did not pay the City a connection fee. As he talked with Mumford, it was explained to him that the City had to recoup their costs to transmit the wastewater to the sewer plant. He was fine with a standard connection fee; but did not want to pay 1½ times the residential connection fee rate. He pointed out that Twin Creeks SSD only paid a flow fee and not a connection fee. He said his SSD was the same as the Twin Creeks SSD. He wanted the City to accept the normal impact fee and not compound it to 1½ times. He thought the O&M of 1½ times was all he should pay and should include the connection fee.

Anderson said since the original Agreement, the City had gained ownership of the outfall line and the City was building more capacity and it seemed fair that those connecting onto the line should pay their share. He said Twin Creeks would eventually push all their wastewater over the hill through the Red Ledges Development to the new treatment plant. He said the 150% was standard practice with others who connect onto the City lines who reside outside the City limits. Giles did not want to pay the 150% on impact fees. Giles said he felt an obligation to pay his share but felt 150% of impact fee was excessive. Mumford said the best he could tell from the minutes was that Giles was to pay 150% on impact fees and O & M. Mumford did not have a problem with just charging 100% on the impact fees and 150% on O & M. Anderson agreed.

Anderson indicated that if the Council and Giles could come to terms with an amendment to the Agreement, the issue still needed to go to Wasatch County because they administered the SSD. Anderson said he would take the Agreement over to Mike Davis, County Manager, as the County Council was the Board for the Giles SSD. He said the Agreement could not be amended without the Board’s approval.

Councilmember Patterson asked if this was the same agreement from the meeting in January, 2008, when there was lengthy discussion held on this same issue—had the agreement changed from the one approved that night?. Mumford said the concept was the same but there were some difference in the language. Mumford said the vehicle in which this would be implemented had changed because everything was not yet set in concrete; however, the concept and the end result was the same.

Councilmember Bradshaw moved to approve the Ernie Giles Special Service District Sewage Conveyance Services Contract Amendment with the change to ten (10) unmetered Equivalent Residential Connections on Highway 113 and 100% rate on impact fees and approve the Easement Agreement where Ernie Giles individually grants the Easement to the sewer line to the City. Councilmember Hokanson made the second.

Councilmember Horner asked if the SSD had added ground or included property not belonging to Giles. Giles said originally there were 17 acres and he had since added 35 acres but that he owned all the property within the SSD.

Councilmember Horner asked if they were to include those connections that were already agreed to by other property owners, would they be included in the ten. It was indicated they were not within the SSD. Councilmember Horner clarified his question--if they were put under the umbrella of the SSD, would they be included or be an additional number. It was indicated they would be an additional number.

Mayor Phillips called for a vote on the Motion. Voting AYE: Councilmembers Jeff Bradshaw, Elizabeth Hokanson, Nile Horner and Robert Patterson. Councilmember Straddeck was excused.

ACTION ITEMS

Traffic Control – Intersection of 100 South 300 East (From 02/19/2009 Work Meeting):

Councilmember Horner said he still felt the signs needed to be north/south yield as opposed to east/west. Mumford indicated there were concerns with the intersection of 100 South 300 East because of accidents that had occurred there. He said he and Chief Rhoades had looked at this issue and their recommendation was yield signs would be appropriate. They also felt the hedge on the southwest corner needed to be cut down. They recommended they install the yield signs on the traffic flowing east and west so that the through traffic headed north/south.

Councilmember Horner's preference was opposite that. Mumford said he was waiting for direction from the Council to move forward with the signs.

Mayor Phillips asked Councilmember Horner for explanation on his preference. Councilmember Horner said it had always been east/west for the right-of-way to Main Street. He continued there was a need to keep funneling the traffic to Main Street. He said people were used to yielding north/south not east/west. With construction on Center Street and since there was a light on Main Street, 300 East would be used more heavily in order to get around some of that construction. He thought traffic would flow better if it flowed the way people were used to.

Mumford suggested people would take the most direct route to the high school. He thought they would head north/south and so he gave preference to that. Anderson said another reason staff preferred placement of the yield signs on east/west routes was because if a person was northbound on 300 East, there was more visibility to oncoming traffic because of the hedge than if that was reversed.

Chief Rhoades said the construction would push traffic onto 100 South. He said there already was a problem with speeding and yield signs would slow traffic down. He said, too, there would be a lot more people using 300 East with the change of schools.

Councilmember Horner felt people would have a hard time yielding in the direction Chief Rhoades and Mumford wanted because everyone in town went with the flow of traffic (towards Main Street) since the beginning of time. Chief Rhoades talked about intersections without regulatory signs and people treated them as the first vehicle to the intersection was yielded to.

Mumford said yield sign were used sometimes because there was confusion as to who had the right-of-way. He indicated whatever way the Council wanted to direct traffic, was fine with him because either way it would increase the safety.

Councilmember Horner moved to put the yield traffic signs on 300 East yielding the north/south flow of traffic making the east/west traffic having the right-of-way. The motion died for lack of a second.

Councilmember Bradshaw moved to put yield signs on 300 East 100 South east/west so priority traffic would be traveling north/south. Councilmember Patterson made the second. Voting AYE: Councilmembers Bradshaw, Hokanson, and Patterson. Voting NAY: Councilmember Horner. Councilmember Straddeck was excused. Motion passed.

Mayor Appointment to Airport Advisory Board: Councilmember Hokanson moved to approve the appointment of Erik Rowland to serve on the Airport Advisory Board as recommended by Mayor Phillips. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Straddeck was excused.

As there was no further business, the Heber City Council Meeting of March 5, 2009, was adjourned at 8:00 p.m.

Paulette Thurber, City Recorder