

Heber City Corporation
City Council Meeting
January 7, 2008

Swearing In Ceremonies
of the
Newly Elected Officials

12:00 p.m.

Paulette Thurber, City Recorder, swore in those newly elected to the City Council: Eric Straddeck, Nile Horner and Robert Patterson.

After the Swearing in Ceremonies, there were refreshments provided and a 15 to 20 minute period was taken for picture taking and mingling.

12:30 p.m.

SPECIAL MEETING

The Council of Heber City, Wasatch County, Utah, met in **Special Meeting** on January 7, 2008, in the City Council Chambers in Heber City, Utah.

Present:

Mayor

David R. Phillips

Council Members

Jeffery Bradshaw
Elizabeth Hokanson
Eric Straddeck
Nile Horner
Robert Patterson

Also Present:

City Manager
City Recorder
City Engineer
City Planner
Chief of Police

Mark K. Anderson
Paulette Thurber
Bart Mumford
Allen Fawcett
Ed Rhoades

Others Present: Russ Watts, Fred Schloss, Mark Rounds, Mark Smedley and Jenn Roundy

Pledge of Allegiance:

Councilmember Jeffery Bradshaw

Prayer:

Councilmember Elizabeth Hokanson

Mayor Phillips welcomed those in attendance.

OPEN PERIOD FOR PUBLIC COMMENT

No comments were received.

ACTION ITEMS

Mayor Phillips - 2008 City Council Board Assignments: Mayor Phillips made the following Council Board Assignments. He indicated he had put a lot of thought into these assignments and felt comfortable with them; however, if anyone had a conflict with the assignments, adjustments could be made as needed:

Mayor Phillips	Airport Advisory Board Chamber of Commerce Representative Heber Valley Historic Railroad Heber Light and Power Board Heber Valley Special Service District
Councilmember Bradshaw	Heber Valley Special Service District Heber Light and Power Board Animal Control Board Wasatch County Housing Authority Wasatch Irrigation
Councilmember Hokanson	Heber Valley Special Service District Heber Light and Power Board Personnel Policy Committee Grievance Committee – Alternate
Councilmember Straddeck	Wasatch County Health Board Business Expansion and Retention (BEAR) Personnel Policy Committee Wasatch Housing Authority Wasatch County Parks and Recreation Board
Councilmember Horner	Weed Control Board Grievance Committee Wasatch Irrigation Board Industrial Park Board
Councilmember Patterson	Planning Commission Grievance Committee Wasatch Area Economic Development Authority (WAEDA) Historic Preservation Committee

Councilmember Hokanson moved to approve the Council Board assignments proposed by Mayor Phillips as listed. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative.

Ordinance 2008-01 – An Ordinance amending 15.08.030 Building Permit Issuance and Occupancy Requirements: Mayor Pro Tempore Bradshaw led the discussion on this issue as Mayor Phillips declared a conflict of interest and stepped down during the discussion.

Mayor Pro Tempore Bradshaw asked Watts to explain the situation. Watts introduced himself, indicated his company was Watts Enterprises and they were building the community project called Ranch Landing located next to the Wasatch County Library. He thanked the Council for considering the proposed ordinance. Watts said the project involved housing units where the developer put in the improvements, parking lot, sidewalks, sewer, water, roads and those improvements stay privately owned but connect to public improvements. He continued that they owned the lots and units and the infrastructure was private but was being built to City Standards and Specifications. He explained they build the entire project, they don't sell off individual units for someone else to build on. He asked the City to consider an ordinance to allow temporary building permits prior to final completion of the infrastructure allowing them to move forward with the building the units and private amenities. Watts said the winter weather was holding up the infrastructure and consequently requiring an adjustment to their plans. He asked the Council to consider the proposed amendment which would allow them temporary building permits prior to the infrastructure being approved. Again he said he appreciated the City looking at this issue.

Councilmember Straddeck asked if the project was being held up because of the City or just the weather. Watts explained that since they don't sell any units until the project is complete, the City held the control until a Certificate of Occupancy (CO) was issued. He said he would make sure each building met the criteria and he would not transfer ownership prior to the CO. He said all land was common ownership.

Councilmember Horner asked Watts how long ago they were given approval. Watts said they started infrastructure the end of September but were not able to finish the infrastructure because of the weather. Again Watts said even with temporary building permits, the City would have control.

Mayor Pro Tempore Bradshaw referred to the proposed ordinance and the amendments made for projects with private/public infrastructure.

Mumford asked if he could give some history. He felt the new Councilmembers needed to understand that several years ago the City had what was called substantial completion to public improvements. When most of that was done, except for minor clean up, a developer could get building permits. Then within a few months they could have their homes sold and the project finished. With all the growth over the years, developers got to where they wouldn't complete things and once they got building permits, they would forget about the clean up. He suggested that when the City had something the developer wanted, the developer moved quickly. But when the leverage was lost, it got more complicated. Mumford said it could take a year or two to pull a bond and that was not the most efficient way to get small things cleaned up. He said the City didn't want to go into the business of cleaning up developments. A few years ago the Council changed the Code to read that unless everything was done, there were no building permits given. Then the Council granted an exception to a developer because they couldn't get some particular parts. It was granted based on a hardship to the developer without fault of their own. The Council put a limit on the temporary building permits and if not completed in two months, the project was red tagged. Mumford said now the City was getting several requests for exceptions.

Mayor Pro Tempore Bradshaw asked what the experience had been. Mumford said, for the most part, it had been fairly successful.

Councilmember Horner asked if the Code was changed, if it would apply to everyone. Mumford replied it would be available to everyone. He said Ranch Landing did not really meet the hardship part of the Code. He said this was different in that it was a private/public relationship as far as infrastructure. (Ranch Landing and Heber City) He said the public part was unable to be completed until the private part was completed. Mumford suggested more and more people were wanting to work year round but some things could not be done due to the weather. He indicated he was in favor of this change if the Council wanted but that he preferred it be as "tight as possible." Mumford said the language in the proposed ordinance was tailored around their issues. Mumford pointed out the units could not be sold and that the developer had to retain title which, he felt, was a safeguard. Mumford said another problem the City had was relying on the Certificate of Occupancy and felt that wasn't a very good leverage tool. He said the City needed to be careful by not putting too much on the CO.

Councilmember Hokanson suggested they "cut to the chase" and tell her the downside. Mumford said the way this proposed ordinance was written, it kept it very restricted and felt it couldn't apply to other subdivisions because of the private/public language.

Greenhalgh said the downside, he felt, was the developer was in this for the money. He said this was a good product and when push came to shove and when people had made arrangements to move in by selling their old home, there would be intense pressure to let people move in. He said using the building permit was traditionally the way the City had leverage. He said the idea of temporary building permits did not make sense to him.

Councilmember Horner suggested the infrastructure was started in September and the developer was well aware of the weather situation here. He pointed out there was great weather through November.

Councilmember Horner moved to not approve Ordinance 2008-01, an Ordinance amending 15.08.030, Building Permit Issuance and Occupancy Requirements. Councilmember Patterson made the second.

Mumford said the alternative, if the Council didn't do something, was shutting down projects until Spring. He felt that was a down side. He said this particular developer would have to completely shut down until Spring.

Mayor Pro Tempore Bradshaw said in this development in particular the City Council had been quite closely involved with Ranch Landing in providing public housing for employees. If they had to wait until Spring, it would delay the project and 50% of the units that would be affordable and available for City, County and School District employees. He was concerned about delaying the project too long. Watts was asked to give a time frame. Watts said the infrastructure was all in except they couldn't pave. If the Council decided today to not change, the project would just have to stop. He emphasized that just 10% of the infrastructure was incomplete and 90% was complete. Watts talked about the difference in their COZY project and a regular subdivision. He said if they started now, they could probably have units ready by June. He pointed out, too, the City would still keep the bonds.

Greenhalgh indicated the City had always used building permits as leverage and when exceptions were allowed, control was lost. He said, too, that zoning was not the place to regulate

building permits and they needed to be separate. Greenhalgh recommended an ordinance that addressed this issue only and any potential public/private partnership.

Councilmember Hokanson suggested the City really wanted to move on this project but didn't want to open up too much flexibility. She asked if there was something else beside building permits that could be used to help the developer but protect the City. Watts asked the Council to sincerely consider this proposal. He suggested a "no right to release bonding" agreement until the Building and Engineering Departments were O.K. with everything. Anderson indicated if the Council adopted this ordinance and for some reason the developer allowed people to move in, the City would take them to court and the expense would be the developers. He suggested that maybe the parties could enter to a contractual agreement as the bottom line was not allowing people to move in. Discussion about entering into an agreement with severe penalties if the developer failed to keep the agreement. Mumford indicated this was the first project for the City that had both public and private infrastructure.

Councilmember Hokanson suggested the Council had to weigh out the importance of this project versus the exceptions. She said the Council did have options such as approving this now and changing the Code later if it didn't work favorably for everyone.

Councilmember Straddeck felt everyone was interested in moving the project forward because of the affordable housing component. He asked if the affordable housing component was taken out of the equation, would the Council even be considering a change. He asked if this was really being pushed forward because of the affordable housing component. Watts said he had 50 teachers and employees on the list who were working with the Housing Authority every week to get qualified.

Mayor Pro Tempore Bradshaw asked for a vote. Voting AYE: Eric Straddeck, Nile Horner and Robert Patterson. Voting NAY: Jeffery Bradshaw and Elizabeth Hokanson. Motion to deny passed.

At this time Mayor Phillips returned to the stand to conducted the balance of the meeting.

DISCUSSION/ACTION ITEMS

Discuss Short List for City Office Complex: Councilmember Hokanson expressed concern that 3.5 million dollars wasn't going to be enough money. She said, too, the Council hadn't come together to talk about the vision they wanted for the building. She wanted to know what the other Councilmembers wanted. Councilmember Hokanson said she wanted a first-class building that would be an icon to the community, something that would compliment the architecture that already existed in the community and be a beautiful City Center. She thought the City would be looking at double that amount if the Council wanted to accomplish what they really wanted.

Mumford said there were three phases to a project like this. 1) Define; 2) Design; and 3) Build. He said that because the City didn't have the vision yet, they couldn't put the money costs together. The Council agreed they had concerns that there wasn't a vision in place yet. Councilmember Horner suggested to put a design team together. He said the Council needed to know what they wanted to build and then advertise for a bid. Mumford talked about the difference in traditional and design build theories. Councilmember Horner said he would say yes

to a design team but not a construction team. Councilmember Straddeck agreed the Council had to decide if they were comfortable with a design build team or not. Councilmember Horner said he wanted the best architecture and the best construction and did not like the design/build concept.

Councilmember Patterson asked about the current office building and indicated he would like to refurbish the current building and add on rather than build a new building. He said the current building was an icon to the community and defined the community. He said he knew the design/build concept was faster and wondered if time was a factor. The Council did not have concerns with a time frame. Councilmember Hokanson said she would be more than willing to remodel this building. However, as far as the design/build concept, she was fine with interviewing and getting the right team. She thought in the process, the Council could come up with the right team. She felt time was important, but doing it right was infinitely more important.

Councilmember Bradshaw's biggest concern was to end up with a product the Council was proud of, lent to the community, conformed to 3-C criteria, and he would like to see the building have an historic look. As far as interviews, he wanted to give strong consideration to local businesses. He said he liked Lane Lythgoe because he knew the community. He felt local contractors needed to be given a chance. He said as far as this building, ideally it should be used in an historical sense but Heber City needed to retain ownership. He suggested leasing it for \$1 a year to someone like the DUP. Discussion that the Social Hall had been committed to the Timpanogos Valley Theater. Councilmember Bradshaw felt that as far as a design/build team, he had had experience working with them and thought it was important that the Council choose people that could work together. He thought maybe the Council should pick up a few more to interview but was not sure going through the design process and then putting it out to bid for construction was the best process. It was discussed the biggest concern with locals was the ability to bond in the amount necessary. It was felt local construction companies shouldn't be eliminated just because of bonding. The Council was in agreement they wanted to keep the tabernacle in the City's hands.

Anderson said the Council needed to understand the group that ended up occupying the tabernacle needed to be able to cover the operating costs. He said the City hadn't seen the final money numbers on the new building and there may be a need for more money than anticipated. Mayor Phillips suggested keeping the tabernacle and being able to keep it was two different things.

Councilmember Straddeck said he did not have a problem with design/build and indicated he was an advocate for teams. He felt a better product was the end result. He said he was in favor of the design/build concept and was confident the Council could find the right team.

Chief Rhoades said he understood the trade. He talked with the Council and indicated that last April he went through training for building a police department. After that training, he understood the concept of getting together with a team to decide the product you want. He said he felt there was a definite a time frame. He pointed out the current Police Building was not going to last a lot longer without doing something structurally to stabilize it. He said the time line that had been proposed by Mumford was important to him. He said he would recommended those that had built a police department before and understood the complexity of it should be considered.

Mumford said Councilmember Horner had some valid points but he had a comfort level with the teams that had submitted an RFP. Mumford said we would be steering it the whole way and the City would have control. He said he was ready for whatever way the Council wanted to go. Councilmember Hokanson indicated she would like to consider Lythgoes on the short list and Councilmember Straddeck wanted to consider adding ASWN, as well.

Anderson said he was hoping to finalize a date for interviews. He said, too, there was some opportunity for negotiation. We can say we like you guys but we want to talk about fees. If they really want the work, they may look at different costs.

Mayor Phillips indicated he wanted to set in on the interviews.

It was decided January 30 and 31 would be the dates for interviews, a Wednesday and Thursday, starting at 5:30 p.m. Mumford indicated he would set up interviews.

Discuss Cemetery Building Expansion: Anderson said he was looking to see what level of involvement the Council wanted with the selection of those to be interviewed and the short list process for the cemetery building expansion project. He said two bays would be added to the existing shop at the cemetery and that money had been budgeted from the Perpetual Care Fund. He talked about the RFP for the project and indicated there were five responses. Councilmember Hokanson felt staff should narrow the list and set up the interviews. Councilmember Patterson agreed. Councilmember Horner said this wasn't a significant amount of money or a big project but that the Council would be held responsible and consequently wanted the Council involved. Anderson suggested that he, Mumford, and Rounds put together a short list for the Council's review. Councilmember Horner indicated he wanted to be a part of the short list process.

Councilmember Hokanson moved that Mumford, Rounds, Anderson and Councilmember Horner determine a short list of those bidding on the project to be interviewed. Councilmember Horner made the second. The voting was unanimous in the affirmative.

Discuss Date for City Council Budget Retreat: Saturday, February 16, 2008, was decided on for a Budget Retreat.

Anderson indicated he would like to get permission to hire an additional body in the Public Works Department. He said the budget would have to be amended to do that but felt there was a definite need. The Council agreed to add an additional person and amend the budget.

The Special Meeting of the Heber City Council on January 7, 2008, adjourned at 3:00 p.m.

Paulette Thurber, City Recorder