

Heber City Corporation
City Council Meeting
02/01/2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 1, 2007, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Terry Wm. Lange Vaun Shelton Jeffery Bradshaw Elizabeth Hokanson
Excused:		Shari Lazenby
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: Kay Phillips, Annie Bruehl, Todd Cates, Fred Schloss, Harold Patrick, Pam Patrick, Ed Thacker, Peggy Thacker, Kristine Nichols, Stephen Mahoney, Lea Mahoney, Devin McKrola, Justin Hatch, Natalie Hatch, Dave Hansen, Brian Beus, Duane Edgington, Landon Bonner, Alan Day, Pat Kohler, Keith Rawlings, Kim Danley, Larry Hartley, Mel McQuarrie, Colton McQuarrie, Joe Dunbeck, Tom Coleman, Nicol Coleman, Jim Cowley, Irene Hastings, B. Day, L. Day, Nate Rhees, Matt Green, Ann Horner, Rick Kellogg, Anthony Kohler, Val Draper, Shelton Taylor, Ramona Dawn, Stewart Edwards, Karen Edwards, Stacie Ferguson, Bruce Zollinger, Mike Thurber and many others whose names were not legible.

Mayor Phillips asked if anyone would be interested in offering a prayer or giving a thought. No one volunteered.

Pledge of Allegiance:	Councilmember Vaun Shelton
Prayer:	Councilmember Jeff Bradshaw

Mayor Phillips indicated Councilmember Lazenby had asked to be excused.

Minutes:	January 18, 2007, Work Meeting
	January 18, 2007, Regular Meeting
	November 30, 2006, Special Meeting

Councilmember Hokanson indicated she had not been present at the November 30, 2006, meeting.

Councilmember Lange moved to approve the Work Meeting and Regular Meeting minutes of January 18, 2007, and the Special Meeting minutes of November 30, 2006, with the one correction. Councilmember Bradshaw made second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

Justin Hatch presentation: Mayor Phillips explained that Justin Hatch had been recognized as Animal Control Officer of the Year. Mayor Phillips recognized Hatch, his accomplishments and the outstanding work he had performed.

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Phillips invited anyone who wanted to address the Council on issues not already on the agenda.

Steven Mahoney: Mahoney presented to the Mayor and Council a letter and petition with over 100 signatures. The cover letter expressed strong opposition to a proposed mobile home park in their area. Mahoney read from an article in the Wave. Consequently, they were submitting a letter and petition signed by 120 residents opposing that annexation and location of a mobile home park. He respectfully asked the Council to deny any annexation request and location of a mobile home park.

Chief Rhoades: It was indicated the City had received the radar trailer. Chief Rhoades said it had been placed on East Center Street and also Daniels Road. He said it really brought the break lights on.

Joe Dunbeck: Dunbeck said about 18 months ago, a number of people studied the issue whether or not the City should bring a large retail store into the valley--at that time it was called a large retail overlay zone. He indicated a big box committee spent several months studying the issue and the City paid for a survey. Dunbeck said he remembered the public meetings that were held and people were mostly against a big box. He said the survey also showed the community mostly against a big box. Dunbeck said to his way of thinking, nothing had changed in the last 18 months and he encouraged the Council to not adopt the proposed ordinance. He felt the Mixed Use Residential Commercial Ordinance Zone title did not allow the casual observer to know what the ordinance was all about. He said that because of the name, people were not aware of the real issue. He again encouraged the Council to not adopt the proposed ordinance.

Nile Horner: Horner indicated he was “not up to speed on secondary water issues” and that he had talked to Councilmember Lange earlier in the day. He asked to be educated. Mayor Phillips asked to wait for discussion on this issue until such time as it was addressed on the regular agenda.

Fred Schloss: Schloss indicated he had concerns with the deer. He said he had lost four bushes in his front yard so far this winter. He said there were more deer in the community this year than ever and wondered if anything was being done in the City to take these animals back to the hills. Mayor Phillips indicated he would pass this along to the animal control people. Chief Rhoades said he and Officer Hatch had discussed it earlier in the day. He said it was actually a wildlife issue but that the Animal Control Department would work with them and pass on the concern.

APPOINTMENTS

Mayor Phillips - Appointment to Board of Adjustment: Mayor Phillips introduced Duane Edgington and indicated he worked for Qwest in the Community Development Department. He presented him to be appointed to the Board of Adjustment to take the place of a member whose term had expired.

Councilmember Hokanson moved to approve Mayor Phillips' recommendation of Duane Edgington to serve on the Board of Adjustment. Councilmember Shelton made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was excused. Mayor Phillips welcomed him and thanked him for his willingness to serve Heber City.

Tom and Leila Coleman – Request for Reimbursement - Car Repairs: Mayor Phillips said the Council was aware of the damage to Coleman's vehicles. Coleman said the letter he got from the City instructed him to pursue the contractor even though he didn't contract with the contractor, but rather the City had. However, he did contact them and they indicated they were unwilling to honor the claims. It was indicated the contractor was not wanting to talk to Coleman. Coleman suggested the City had more influence on the contractor than he did. He asked the Council to reconsider the claim as it was an out-of-pocket expense to him. "The City contracted with the contractor, not me, but I am still the one paying," he said. Coleman agreed the fuel pump did not apply and that cost should be subtracted from the total claim. Coleman indicated also that Mumford (the City) still had a check for \$2,800 and wanted to know what was happening with his check. Mumford said some extra work was done to the driveway and he was waiting for the extra cost to be submitted before the check was processed. Mayor Phillips indicated the Council would take this request for reimbursement for car repairs under advisement.

David and Pam Thompson - Park City Helitours – Annual Special Service Operator's Report to the City Council: These people did not attend the meeting. Mayor Phillips asked Anderson to make contact with the Thompsons and reschedule their appointment.

Dave Hansen - Dave's Custom Sheet Metal – Annual Special Service Operator's Report to the City Council: It was indicated the Council had reviewed the materials Hansen had presented plus the lease agreement. Anderson pointed out the agreement required him to make a report once a year and give the Council a chance to ask questions, if necessary. Hansen indicated he restored vintage aircraft and also did some subcontracting with the FBO. The Council had no questions. Mayor Phillips thanked Hansen for serving on the Airport Board.

Mel McQuarrie – Requesting Cost Sharing for an Asphalt Overlay on Calloway Drive – The Cove at Valley Hills: McQuarrie appreciated the opportunity to talk to the Council. He explained that this past summer on Phase 1 of the Cove at Valley Hills they had performed an overlay. At the time there was quite a bit of discussion about the need for the entire subdivision to be overlaid or just part of it. He said they were of the opinion it would be better if the entire subdivision was overlaid. Consequently, they did that. Because of that, they felt they had reset the clock on the maintenance. He said he felt there was some monies somewhere that would have been spent on maintenance, if he had not done the overlay, and consequently felt the City should participate in the cost of the overlay. Councilmember Shelton asked McQuarrie about the sidewalk that was always covered with snow and rock and about the bridge. McQuarrie said the Ritchies had agreed to fix the bridge in the second phase. He said Ritchie actually went in to do it

but by the time he got permission from the Canal Company, it was too late in the season. Mumford said, referring to the bridge, the Council agreed they would accept an escrow of \$10,000 until that could be worked out. He continued that the City had that money and if the developer didn't follow through, that escrow money would be used for the work. Councilmember Shelton indicated there was a phone cable buried along that sidewalk. McQuarrie said the only thing he could do to help the situation with that sidewalk was pull the hill back to a milder slope. He said the slough off had slowed down. Councilmember Shelton said the kids had to walk in the street rather than the sidewalk because of the rock. McQuarrie said it was six years old and the developer couldn't forever keep that clean. Councilmember Shelton said the City needed help as it was a liability to the City. Councilmember Lange asked if mesh nailed into the hillside, like on University Boulevard in Provo, would be sufficient to help the problem. McQuarrie said the mesh was for vegetation and did not think it would help in this instance. He said he would get with Mumford and get this issue resolved to make the slope less steep and peel some of that off so it wouldn't slough off so much. McQuarrie said it would be better, though, to wait a while until it wasn't a muddy mess. McQuarrie asked the Council to consider his request for sharing of the cost of the overlay. He pointed out that whenever he came to the Council, there always seemed to be more discussion about what hadn't been accomplished instead of what good had been done.

Robert Cowley - Hog Excavation – 1590 South Daniels Road – Requesting Water and Sewer Hookups outside of City limits:

Robert Cowley, owner of Hog Excavation, indicated he was in the process of purchasing some property which was surrounded by the City limits on three sides. An overhead of the area was shown and Anderson pointed out the property. Cowley asked if the City would provide services without annexation. Anderson said in the past there had been discussion regarding this property and annexation. Cowley said he was requesting services absent annexation before he made a final commitment on the property. He said they wanted to build under City guidelines even though it was in the County and would willingly pay 1 ½ times the fee. He said, too, they would not oppose signing an agreement consenting to annexation in the future. Anderson suggested there were three options. 1) The Council allow development in Wasatch County under City guidelines, 2) Cowley submit an annexation petition for that property, or 3) Cowley work with the City to annex the entire area. Discussion about what the best option would be. Anderson said if the City allowed the annexation of the parcel on its own, it might make it more difficult to get the rest of the area in at a later time. However, if the property developed in Wasatch County, the appraised value might make it easier to get the rest of the area in the future. So, there were two sides to the issue. Councilmember Shelton asked about impact fees. Anderson said, if developed in the County, the County would get road impact fees, the City would get water and sewer payments, and any building permit fees would go to Wasatch County. Mumford asked if this would be subdivided. It was indicated, yes, it would be subdivided. Mumford indicated the County would have different requirements for subdivisions and said he would want to make sure the City was involved with this and make sure it was built to City standards. Cowley said he had talked with the County and they were willing to work with the City on this issue. Councilmember Shelton referred to other property built along Airport Road and asked what their intent was for the buildings after they were built. Anderson said if there were different buildings, the City would expect separate meters and connections. Additional discussion about annexation. Anderson said it was a timing issue for Cowley. Cowley said if they had to wait for annexation, it didn't make sense to them to buy the property. Councilmember Hokanson wondered if the City staff should make contact with County staff before making a decision. Cowley said the County had given them verbal approval on his project but that he needed water and sewer services. Councilmember Shelton said he preferred to see the property annexed before providing services. He felt that any time the Council deviated from the

policy, the City had problems. Mayor Phillips asked how long staff was out in presenting another annexation petition for the property in the area. Anderson said he thought something could be put together in the next 30 days. He reminded the Council that the City still had the issue with the one property owner and he did not know what his success would be with that. Councilmember Lange agreed with Councilmember Shelton that every time the City allowed services outside the City limits, there were problems. He suggested the services to the one property owner that was fighting annexation should be shut off. Anderson suggested the Council give consideration to giving staff two weeks to 30 days to see what support there was out there for the entire area to be annexed and then make a decision.

Councilmember Shelton moved to continue this until March 1 allowing staff to study the issue and possibly put together an annexation petition for the entire area. Councilmember Hokanson made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

Cowley said he had to let his agent know by Thursday of next week and that he did not want to lose the property. He wondered about an agreement from the Council that would allow him to develop if the annexation did not go through. Councilmember Bradshaw said he would agree to that. Discussion about the time frame of an annexation petition. Anderson suggested that if the City had a annexation petition, maybe the Concept Plan could go to Planning Commission concurrently with the annexation petition which would save some time for Cowley. It was explained the Council was looking at the “big picture” of which the property Cowley was interested in was a part of. Mayor Phillips talked about the importance of getting the entire area in the City. He said the County was supportive but that the City needed to get all the pieces put together. It was decided to put this issue back on the agenda in 30 days.

ACTION ITEMS

Ordinance 2007-05 – An Ordinance adopting changes to the Heber City Municipal Code –

Chapter 10.16 Parking: Mayor Phillips indicated the driving force behind this change was snow removal and parking. He said this ordinance also included an appeals process with a hearing officer instead of processing through the court. Mayor Phillips asked where it was addressed in the Code about cars not being parked in the front yards of homes. Chief Rhoades said it was currently addressed in the nuisance and zoning ordinance. Mayor Phillips suggested it should be addressed in the parking section, as well. Chief Rhoades said this particular ordinance dealt with public right-of-way and it didn't really address much on private property.

Councilmember Lange talked about different situations in town and asked how a person knew where the right-of-way was located. He felt this ordinance was going to be difficult to enforce in the older part of town. Chief Rhoades said the current Code was very difficult to enforce and almost impossible. He said he found something in the proposed ordinance that also addressed “5' off the pavement” which was not easy to enforce. If the officers can't find the edge of the pavement, how can 5' be measured. He said the easier way was to address the right-of-way because the curb and sidewalk marked that. He said telephone poles also mark public right-of-way. Chief Rhoades felt this ordinance would clear up a lot of misconceptions and give concise direction as to where or where not to park. With this ordinance a person could not park in the public right-of-way from November 15 to April 15 and not just dependent on 2” of snow or not.

Mayor Phillips asked if this would give the Police Department what they needed to enforce the Code. Chief Rhoades said this addressed several issues. He said he had talked to Judge Ridge about his feelings on the current parking code and he (Judge Ridge) hated the way the current

code was written. Chief Rhoades said this ordinance would take the parking violation into a civil realm instead of criminal. He said, too, it would require the mayor to appoint an appeals officer but he felt it would work better. He said, though, a person could still be sited criminally, if necessary. He said it became a civil remedy instead of criminal which was what a number of cities had done. He pointed out, too, the fine money would go to the City instead of the state. The Chief said he liked the graduating, reduced fee schedule, as well. Mayor Phillips reminded Chief Rhoades that behavior could change as easily with warning tickets as with a regular ticket. Discussion about education of the public. Chief Rhoades said his plan was education through flyers, radio, City Newsletter, warning citations, etc. He said they would make a full-fledged effort to educate the public.

Councilmember Hokanson moved to continue this issue to the next meeting. Councilmember Lange made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Ordinance 2007-03 – An Ordinance amending Section 13.32.205 of the Heber City Municipal Code, Mandatory requirement to pay for Secondary Irrigation Service: Mayor Phillips and Mark Anderson reviewed the ordinance.

Nile Horner indicated he had hooked on to secondary, used it, and was paying for it at this time. He asked whose system it was—Heber City's or Wasatch Irrigation's. Anderson said the system primarily belonged to the City's. He said the infrastructure had been given to the City by developers as they developed and WWET maintained the system. He continued that the City worked in partnership with Larry Hartley. Anderson said WWET was doing the inspection of new connections and submitted bills to the City for that work. Horner indicated he had been disconnected once and had to talk to the City to get reconnected. He said he felt his situation was a unique situation and continued that when he subdivided, he had to give water to the City and at that time there was no talk about fees. He did not think there was going to be a fee.

Councilmember Lange discussed the water Horner had to turn over to the City and said he understood the question from Horner was why do I pay a fee because I gave the City the water they needed for the development. Councilmember Shelton said there was still a fee involved. Horner asked how the fees were determined. Mayor Phillips said the fees were set up on lot size. Horner said the thing that bothered him and his complaint was if a person didn't use his water shares, he could lose them. Councilmember Shelton said that was a decision by the State Engineer and not Heber City. Horner suggested he use one of his own water shares instead of paying a fee for the City's secondary water. Councilmember Shelton asked Horner how he was going to get the water to his property. Horner suggested through the CUP system. Discussion that using those lines cost money and that wasn't a free service.

Mayor Phillips explained the goal was to provide secondary irrigation to everyone in the City at some point and that what this ordinance was saying was if secondary water was available, the property owner paid for it if used or not. He continued that this ordinance gave incentives to people to hook on by waiving inspection fees, etc. Discussion about people that had water shares and people that didn't. Horner indicated Midway City had one rate for people that had water shares and a different rate for people that didn't.

Councilmember Lange talked about the analysis that had been provided in the packet. There was discussion about people that had additional water shares who couldn't use them and people who

didn't have water shares and the differences situations. Mayor Phillips said the Council was looking at rates and that the City wanted to be fair.

Councilmember Bradshaw indicated that if the Council was sold on eventually having a secondary water system throughout the City, the Council should make it mandatory now for those that could have a hookup. He discussed that this ordinance give people a break on the hook-up costs if done by a certain time.

Councilmember Bradshaw moved to adopt Ordinance 2007-03, an Ordinance amending Section 13.32.205 of the Heber City Municipal Code, Mandatory Requirement to pay for Secondary Irrigation Service. Councilmember Shelton made the second. Councilmember Hokanson suggested date changes. Devin McKrola said if the Council pushed the July, 2007, date they would have 600 people requesting hookups and they would be overwhelmed. It was suggested the dates be changed to May 1, 2008. Councilmember Bradshaw made that amendment to his motion. Councilmember Shelton accepted the amendment to the motion. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeffery Bradshaw and Elizabeth Hokanson. Councilmember Lazenby was absent.

Ordinance 2007-04 – An Ordinance adopting Chapter 18.42 to establish a Mixed-Use Residential Commercial Zone (MURCZ)- An Ordinance allowing buildings up to 200,000 sq. feet for Commercial Development and 30 units per acre for Residential Development under certain circumstances:

Mayor Phillips shared a couple of e-mails he had received from Robert Duncan and Sydney Diamond objecting to this kind of zone. He said he knew the Council had received some phone call as well.

Mayor Phillips indicated there were some changes made to the proposed ordinance from last meeting by staff and Councilmember Hokanson. He asked for comments from Council. Councilmember Lange said there were some neighbors that would not speak to him again because of the Cottage Home Ordinance. Now, with this proposed ordinance, it would be the same situation. He said this was a very difficult issue. He asked the audience how many people shopped a big box in the last year. He said people on the radio have made the Council villains. He indicated this was a big change for zoning in the City. He said, to his knowledge, the County still had a lid on 60,000 for building in the County. He did not know if the City Council said no to this if a big box would go to the County. He felt this was the one issue that had divided the community more than anything else that he had run into. He said as of right now he had not made his mind up and was willing to listen. He said the mayor was not trying single handedly to stop revenue sharing. He indicated he (Lange) sat on the Economic Committee, not Mayor Phillips, and the committee was still looking for information.

Councilmember Bradshaw said he grew up here and shopped here. He pointed out the traditional downtown died 25 years ago and that general merchandise had not sold in this town for years. He did not think the argument was true that a big box here would kill retail. "It died a long time ago," he said. Councilmember Bradshaw indicated he had worked as an accountant in this valley since 1978. Over those years, different innovative ideas had been tried to get more business down town and nothing ever worked. He did not think a big box in town would hurt this town since retail died 25 years ago. He said he was in support of small business and in fact, he was one but felt the small mom and pop store was a thing of the past. "Even restaurants have a hard time surviving unless they are a chain," he said. He talked about the buying habits of the American people. He said either the City had nothing or it gets a store that 80% of the people go to anyway. At least then the City would get the revenue instead of what it had lost for the last 25 years. "You

folks that say it is going to change our way of life, it has already changed. Unless you can convince me otherwise, I intend to go ahead and approve a big box in this town.” He continued that he did not see that the City had a lot of choice.

Councilmember Hokanson said it was very difficult to be in this position. She wanted to press the issue that none of the Councilmembers took this issue lightly. “It is not easy to be in this position. We have taken seriously every argument we have heard on both sides,” she said. She indicated when she was on the Planning Commission, they passed the 60,000 square foot cap. She said the reason that was passed was because the City had been approached by big box and the City wasn’t ready. She continued that they (big box) could have come in and built a big, ugly box and the cap was passed to give time to look at issues and get prepared. She stressed that another issue to consider was if Heber City said no to a big box in our town, other entities had approached “big box” and it would go somewhere. She said there were a lot of people that didn’t understand that. She indicated the issue was should a big box be located in Heber City or outside of Heber. She said she heard a lot about mom and pop stores and she was concerned about downtown. “It will be worse for our downtown if it goes out of the City limits,” she said. She talked about the buying patterns of America and said she had not heard one argument against big box that she had gotten a satisfactory answer to. She indicated she had had many complaints about no parking, no selection and prices were bad. She said she had been in the position where she couldn’t find what she wanted. She said she had been told it was not a hardship to drive 20 miles. She said it was a hardship to drive 20 miles with four children and the cost of gas being about \$8. She said some items she had priced in town were 400% above what she could get them somewhere else. She again said she had yet to hear a compelling argument that would convince her big box was bad for this community. “The truth is people buy where it is convenient and prices are good and we are not offering that right now,” she said. She continued that unless she heard something else compelling, this was the best option for the City. She said if the Council said no, the City lost the economic base being in Heber.

Councilmember Shelton said he appreciated serving and working with the people of Heber City. He said he seconded what had been said. “If we don’t take big box, it will go to the County,” he said. He said the Council had a lot of communication both for and against big box. He indicated there was no one “on the take” and it was an “injustice we are being accused of that,”. He said he liked the change in the ordinance to change the square footage from 100,000 to 200,000 and allow the Council to make an exception. He felt a big box would be a benefit to the City.

Councilmember Hokanson indicated she was the one to suggest 18.42.50E be changed to 100,000 and allow Council to make an exception. She thought now that was wrong. She said she thought it would be better to be more clear and unless there was resistance from the rest of the Council, it should go back. She said the other concern was about density and wondered if it should be so high. Anderson asked Keith Rawlings or planning staff to address that. Rawlings said he was surprised there had not been more discussion on the residential component of the ordinance. Basically, from the developer side, the argument was the acreage needed that density. It was discussed that the density was the economic issue for the developer.

Councilmember Lange asked about current height restrictions in Heber. Anderson said the higher the building the bigger the setback requirement. Kohler said some of their housing product approached 55’ and some of the big box approached that height, as well. Fawcett talked that it was the top of the roof line, not necessarily the top of the building. Dunbeck said if the ordinance was read carefully, it read the buildings could be 55’. Fawcett respectfully disagreed. “The maximum height was the maximum height.”

Councilmember Lange said another issue was the Highway 189 and Highway 40 corridor and how it was tied in. He indicated that Mike Kohler wanted the County to design the road. Councilmember Lange said he had heard the comment made that the City did not want the bypass because they hadn't purchased any property. He said the Council did agree to a bypass and the City Council and County Council had talked about it together. He talked about the amount of money it would cost to put in overpasses. He said a final decision had not been made but the City had purchased one piece of ground and that the cost of that property doubled in price as soon as it was known the City needed the ground. Mayor Phillips indicated it was fair to say people would see stop signs in the future and not overpasses.

Councilmember Bradshaw wanted additional time to read through the changes on the ordinance. Councilmember Bradshaw moved to continue this issue until next meeting. Councilmember Lange made the second. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton and Jeffery Bradshaw. Voting NAY: Elizabeth Hokanson. Councilmember Lazenby was excused.

Kim Danley asked to speak and said she would like to request another public hearing to discuss this since the ordinance proposed such a drastic change from the current Code.

Anderson explained one of the reasons the process was different, was because of the new LUDMA law. He said in the past, public hearings were held at the City Council level and now the public hearings were handled only at the Planning Commission level. It was indicated there had been a public hearing on this ordinance at the Planning Commission level. Mayor Phillips said the Council had heard from the public daily but did not think the Council was going to hold another public hearing since it had been held at the Planning Commission level.

Ordinance 2007-06 - An Ordinance Amending the Annexation Policy Plan Boundary Map to add land to the City Boundary that was previously located in the Giles Subdivision at the north end of Timp View Drive: Mayor Phillips asked if all parties felt good about this.

Anderson said yes, the town of Daniels have gone through the process to de-annex the property and that the developers had paid Daniel for that. He said that now that the property was out of Daniel, it could be put into Heber City.

Councilmember Shelton moved to approve Ordinance 2007-06 – An ordinance amending the Annexation Policy Plan Boundary Map to add land to the City boundary that was previously located in the Giles Subdivision at the north end of Timp View Drive. Councilmember Lange made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeffery Bradshaw and Elizabeth Hokanson. Councilmember Lazenby was absent.

Ordinance 2007-07 - An Ordinance adding to the Heber City Municipal Code the Clustered Open Space Zone (COSZ) which contains provisions for Clustered Multi-family Development in the R-2 and R-3 Zones: Tony Kohler explained this ordinance was developed for the property by the new high school property. He indicated there was discussion about renters versus owners, so this was developed for that reason. It was indicated this ordinance would allow for an overlay zone, it did not mean the entire R-2 and R-3 would fall under it.

Councilmember Hokanson said she did not like clustering and asked why it had to be. Russ Watts, developer, indicated he had been working with Planning Commission for 14 or 15 months. He said their push was trail systems, open space, and common area. Councilmember Hokanson again indicated she was very opposed to clustering and felt it robbed people of their

yards. “When you rob people of their yards for parks, I am against it,” she said. She said she felt this were robbing people of their own space and something similar had been turned down a year or so ago for those very reasons.

Watts said there was challenges as to affordability. He said he had been invited by the school district to attend a symposium and talk about how, because of the cost of homes, they could keep their school teachers. He pointed out that in the design industry, this clustering was being proposed so a community could have affordable housing. He said that in the cluster situation, there was a level of affordable housing. He indicated 50% of property would be open space. Councilmember Hokanson indicated she could not see how it would be more affordable. Watts said more homes to an acre and common walls made it less expensive to build. Councilmember Hokanson said it lowered the cost to the builder and then the developer charged what the market would bear. She felt it only made the profit margin for the developer better. Councilmember Lange said he was not in favor of clustering either. If the Council could be assured the cost would be reasonable, he felt it might work but he did not think that could be guaranteed. Councilmember Bradshaw thought it was an opportunity to have some less expensive housing. He said the City needed to do something to provide that. He agreed the cost would be determined by market but thought a small 3-bedroom condo would be less expensive because it wasn't as big as a 4-bedroom regular home. He indicated half of the district's school teachers commute because they couldn't afford to live here. He said he would be in favor of it.

Councilmember Bradshaw moved to approve Ordinance 2007-07 – An ordinance adding to the Heber City Municipal Code the Clustered Open Space Zone (COSZ) which contains provisions for Clustered Multi-family development in the R-2 and R-3 Zones. Councilmember Shelton made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton and Jeffery Bradshaw. Voting NAY: Elizabeth Hokanson. Councilmember Lazenby was absent. The motion passed.

Ordinance 2007-08 - An Ordinance amending the General Plan of Heber City by changing the land use designation of certain property located at approximately 309 South and 500 East from Low Density Residential to Moderate Density Residential Use: Councilmember Bradshaw moved to adopt Ordinance 2007-08 – An ordinance amending the General Plan of Heber City by changing the land use designation of certain property located at approximately 309 South and 500 East from a Low Density Residential use to a Moderate Density Residential use. Councilmember Shelton made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeffery Bradshaw, and Elizabeth Hokanson. Councilmember Lazenby was absent.

Ordinance 2007-09 - An Ordinance changing the zoning of certain property located at approximately 309 South 500 East from RA-2 (Residential Agriculture) to an R-2 (Residential) Zone: Councilmember Bradshaw moved to approve Ordinance 2007-09 – An Ordinance changing the zoning of certain property located at approximately 309 South 500 East from RA-2 (Residential Agriculture) to R-2 (Residential). Councilmember Hokanson made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeffery Bradshaw, and Elizabeth Hokanson. Councilmember Lazenby was absent.

Ordinance 2007-10 – An Ordinance amending the Zone Boundaries of the Heber City Zoning Map by applying the COSZ Overlay Zone to a certain parcel of land, and applying said COSZ Zone over the existing residential (R-3) Zone where said property is located: Councilmember Bradshaw moved to approve Ordinance 2007-10 – An ordinance amending the zone boundaries of the Heber City Zoning Map by applying the COSZ Overlay Zone to a certain parcel of land and applying said COSZ Zone over the existing residential (R-3) Zone for

property located at approximately 500 East and 1200 South. Councilmember Shelton made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, and Jeffery Bradshaw. Voting NAY: Elizabeth Hokanson. Councilmember Lazenby was absent. The motion passed.

DISCUSSION/ACTION ITEMS

Schedule Public Hearing – Disposal of Public Property – Old Public Works Building – 400

North 400 West: The Council wanted to make the notice very clear of the parameters and conditions of the sale. Councilmember Hokanson wanted to sell the property “as is.” Anderson said sealed bids could be accepted, an auction could be held, the property could be listed with a realtor, etc.

Councilmember Hokanson moved to schedule a Public Hearing on March 1st to discuss disposal of the public property located at 400 North 400 West. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

CITY COUNCIL BOARD ASSIGNMENTS

Wasatch City/County Health Department – 4th Tuesday – **Lazenby**
Heber Light and Power – 4th Wednesday – **Phillips, Lange, Shelton**
Heber City Planning Commission – 4th Thursday - **Bradshaw**
Historic Preservation – **Councilmember Lazenby**

No reports were given.

As there was no other business, the meeting adjourned at 11:45 p.m.

Paulette Thurber, City Recorder