Heber City Corporation
City Council Meeting
02/02/2006

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 2, 2006, in the City Council Chambers in Heber City, Utah.

Excused:	Mayor	David R. Phillips
Present:	Council Members	Terry Wm. Lange Vaun Shelton Shari Lazenby Jeffery Bradshaw Elizabeth Hokanson
Also Present:	City Manager City Recorder City Engineer City Planner Chief of Police	Mark K. Anderson Paulette Thurber Bart Mumford Anthony Kohler Ed Rhoades

Others Present: Robert Johnson, Ryan Fenton, Joline Esposito, Vincent Esposito, Dennis Schindler, Echo Neal, Lisa Snelgrove, Patricia Thompson, Kieth Rawlings, Shelton Taylor, Kourtnie Powell, Craig Hansen, Eleanor Nelsen, Mark Rounds, Kirk Sulser, Chance Morris, Jennafer Morris, Shawn Seager and Annie Bruehl

Mayor Pro Tempore Lange excused Mayor Phillips as he was out of the State. He welcomed those in attendance.

Pledge of Allegiance:	Councilmember Terry Wm. Lange
Prayer	Councilmember Shari Lazenby
Minutes:	January 19, 2006, Work Meeting January 19, 2006, Regular Meeting January 05, 2006, Regular Meeting

Councilmember Lazenby moved to accept the Work Meeting Minutes and Regular Meeting Minutes of January 19, 2006. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

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Councilmember Lazenby asked that more detail be given to the minutes of January 5, 2006, on the "Discussion on Information Dissemination" topic as more of her comments were in quotes than the others and that other councilmember comments were only summarized.

OPEN PERIOD FOR PUBLIC COMMENTS

Echo Neal - 285 East 200 North – Neal wanted to make the Council aware of an ad from the Wasatch Wave in regard to the old church building located at 325 East 200 North. She read the ad. Neal reminded the Council she and her entire neighborhood had attended a City Council meeting in October, 2005, when there was a plan to make the old church into a home for homeless men. Connie Young, the person occupying the church, now wanted to do a low-income housing project. Neal said there had been a letter sent to Young, the lady living in the church, and to Mr. Phelps, the owner of the building, letting them know they were in violation of City codes. She did not think there had been follow through with that letter. Neal said many of her neighbors had called the City, including the Police, in regard to this issue. In her opinion, the problem is getting worse. Neal indicated she had received a call from Tony Kohler today explaining the building abatement code. She said she wished she had known about that code in October. She indicated she was going to file a complaint regarding the building with Wes Greenhalgh and she would let her neighbors know as well so they could do the same. Neal indicated the men living at the church with Young were an intimidating presence to her children and others. She asked the Council to "please help us find a resolution to this problem." Neal indicated the rest of her neighborhood, particularly Kent Berg, had spoken to Mark Anderson and said they would give the City 30 days to fix this problem or they would turn out in droves to the City Council meetings until it was fixed. She expressed this was a concern to, not only the neighborhood, but to the City and the County. She said she appreciated the Council listening to her. Neal continued that she wished she had a nickel from every politician that came to her door during the election who all said, "I represent you." She voted and now she wanted representation. Anderson indicated that after Neal brought the article into his office, he asked Kohler to meet with legal council and the police to see what could be done with this problem. Kohler said the building had been changed from a church use to a single family home use and Young would have to comply with the rules applicable to single family homes. Councilmember Lazenby wanted to know what happened after the neighbors came before the Council in October. Kohler said Young had been given an Administrative Citation. He continued that Young had refuted everything the City tried to tell her she was doing wrong. Kohler indicated he had asked people to keep an eye on the premise to determine if there were reasons to believe there was more than a "family" living there. More discussion about the ad and a suggestion that it appeared more like a garage sale ad. Councilmember Lazenby wanted to make sure this issue was taken care of expeditiously. Councilmember Hokanson suggested it might be a good idea to put this issue on the next agenda. Anderson said he had asked Kohler to find out who the heir was to the property since Mr. Phelps had passed away in December. The City needed to be able to communicate with the owner of the property. There was a question if Young even had the authority to sell the church pews.

Mayor Pro Tempore Lange thanked the audience for their comments and input.

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APPOINTMENTS

Vincent and Joline Esposito – Local Consent – Beer License for Convenience Store (Mr. G's) located at approximately 220 North Main Street: Tony Kohler explained this was an off-premise beer license request and that the existing license for Mr. G's was non-transferable to a new owner. It was explained that a background check had been done on the parties requesting the license and it had come back clean. Kohler said there was no problems with the business being too close to churches, schools, etc. He also indicated State approval was not needed for off-premise consumption beer license sales. There were no questions from the Council.

Councilmember Lazenby moved to approve the request for Local Consent for an off-premise beer license for the property located at approximately 220 North Main Street. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

Johnlyn Totten – Lot split/Small Lot subdivision located on the corner of 200 South and 300 West: Shelton Taylor, Summit Engineering Group, represented Johnlyn Totten. He indicated he had been talking with staff about this lot and that all issues would be complied with. He said the one outstanding issue was the fire hydrant north across 200 South from the existing lot 1 was currently inoperative and it would be a couple months before it would be repaired. In order to get approval, they needed a fire flow number off the hydrant. He said his request was based on the fire hydrant being operative. Taylor said sidewalk and curb and gutter would be deed restricted. The sidewalks would be built before the cottage lot (#2) was occupied. He said the sidewalk would be built along 200 South and 300 West. They also would be required to turn over water shares. Councilmember Shelton asked about the water shares and pointed out there were not a lot available for purchase. Taylor said they would comply with the water share requirement as well as water and sewer connections on lot 2 would be installed per City Standards. The only issue was the fire flow off that fire hydrant to the north. Based on the models from Horrocks Engineers and Bart Mumford, there should not be any problem with fire flows once the hydrant was repaired. He requested conditional approval of the split based on adequate fire flows. Mumford said every indication was that the fire flows would be adequate; however, he would not allow the plat to be recorded until that was resolved.

Councilmember Hokanson moved to approve the lot split conditional upon resolving the fire flow issue and with the stipulations recommended by the Planning Commission. Councilmember Shelton make the second. The voting was unanimous in the affirmative.

Ryan Fenton – Consideration of Zone Change from RA-2 Zone (Residential/Agriculture) to an R-3 Zone (Residential) on lots 2 and 3 of Block 131, located at approximately 500 West between 300 North and 400 North: An overhead of the area was presented. Fenton pointed out the lot and asked the Council to consider a zone change. He said the change he was requesting was consistent with the Future Land Use Plan. Tony Kohler agreed that what they were asking was consistent with the City's Plan. He indicated the Planning Commission had recommended the zoning be changed. Kohler pointed out that under LUDMA the Planning Commission had to hold a public hearing but the City Council did not have to. He said the only comment the Planning Commission had gotten from the Hearing was that apartments were not wanted in the area.

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Councilmember Lazenby moved to approve the zone change on property located at approximately 500 West between 300 North and 400 North from an RA-2 Zone to an R-3 Zone. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

Shawn Seager – Mountainland Association of Governments (MAG) – Discussion of Bypass Corridor Constraints: Shawn Seager, Mountainland Association of Governments, discussed the maps he had sent out in the Council packet. He talked about the RPO (Rural Planning Organization) which Mumford was a part of and the technical committee. He talked that the bypass was something that needed to be up and running in 25 years or so but that now was the time to look at the right-of-ways, acquiring property, etc. Seager indicated there were numbers showing the proposed traffic flow in 2030 which showed the need for a bypass. Seager reviewed each map, what the study showed and how each type of people were effected. When Seager was talking about the trails map, Mayor Pro Tempore Lange pointed out there should be no pedestrian traffic within 300' of the sewer farm when it was irrigated. Discussion about the wetland map and that there might be a possibility of realignment because of that-a more in depth study might have to be made on the wetland issue. Councilmember Lazenby pointed out there was a time frame the City had to look at and wondered what the next step was for the City. Seager said the City should take a proactive look at purchasing property to preserve the corridor. He encouraged the City and Wasatch County to look at the Giles piece before it was too late but not to go out and bond for the whole corridor. Anderson suggested that based on the maps presented there were some issue but nothing insurmountable that would prevent a road. Seager said MAG had found nothing that would be a fatal flaw. He suggested this was a clean alignment for the City and County to start to acquire. Anderson suggested the City needed to approach Wasatch County and ask them to consider a tax for corridor preservation on vehicle registration. The City had actually approached the County but they wanted to wait until this study was done before making a decision. It was decided Anderson and Seager would approach Wasatch County about the corridor tax. Anderson agreed the City needed to be aggressive in purchasing the Giles property. He thought the City would have to front that money until a corridor fee could be imposed. It was stated a corridor fee could raise $170,000 a year if the imposed tax was the maximum of $10.00 per vehicle. Discussion about what proposed corridor property was in the City and what was in the County. It was indicated the Giles property was in the City limits and possibly some of the Conrad property. Councilmember Shelton recalled when he and Anderson met with the County, "it wasn't a quick sell." He said they left the feeling with him they did not have much desire to impose the fee. Anderson discussed the fact that possible future annexations could be conditioned on giving the right-of-way to the City for the corridor. Seager stated that a bypass would relieve pressure from Main Street. It was indicated the fair market value of the Giles property needed to be determined. Councilmember Shelton indicated he wanted to move forward and secure the Giles property with or without County help. Councilmember Lazenby agreed. It was decided Councilmember Shelton and Mark Anderson would get together and make contract with Sherman Giles and bring back feedback to the Council as soon as possible. The Council was favorable to Anderson and Seager meeting with the Wasatch County Commissioners regarding a fee on vehicle registration for corridor preservation.

Councilmember Shelton moved the City move forward with the purchase of the Giles property for the bypass corridor. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

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ACTION ITEMS

Ordinance 2006-01 – Planning Commission – Created/Membership – Adding a City Council Member to the Planning Commission as a voting member and allowing the Alternate Member to vote in the case of a tie: Anderson reviewed the history of this Ordinance and indicated what was presented to the Council through this Ordinance was what was perceived to be requested at the last meeting. Anderson reminded the Council of Sherman Christen's letter which was given to them in their materials packet prior to the start of the meeting.

Kieth Rawlings represented the Planning Commission. He explained that Sherm's letter suggested there still be a seven-member Planning Commission because an eight-member voting team would open up a lot of problems. Councilmember Lazenby asked if Rawlings had talked to all the Planning Commission members and how they felt. Rawlings said last City Council meeting they all expressed they did not want a City Council member on the Commission to be a voting member and that League of Cities and Towns had recommended against it. Mayor Pro Tempore Lange said the Council took that into consideration when the decision was made. Councilmember Lazenby indicated she wanted to have more discussion. She indicated she had been on the Council as a voting member and also as a liaison. She said she had talked to Dave Church and he recommended against a City Council being on the Commission as a voting member. She asked the Council how they could come up with the answer they did and go against the Planning Commission desires. Councilmember Hokanson indicated she had talked with Smedley and he indicated the League's opinion was only an opinion and not based on legality or fact. Councilmember Lazenby pointed out two cities were being sued now because of this very issue. Mayor Pro Tempore Lange argued for what the City Council wanted to do. In his opinion Church had never been able to prove double liability. Councilmember Lazenby said she didn't understand and the Council needed to look at the issue again. She said she liked being the liaison because that gave her an opportunity to talk to CAMS and others and get their opinions during the meetings. She said she didn't understand why the Council would change the Code. Councilmember Shelton said he would oppose adopting the Ordinance as presented. Councilmember Hokanson felt that when the City Council member was just a liaison, it was useless. There wasn't any give and take, the paper report was useless, and the Commission didn't get the feed back they needed. She felt the three years she was on the Commission when the Council member was a voting member worked better. Councilmember Bradshaw indicated he was new and had only been on the Planning Commission for two meetings. He said he hadn't had a chance to form an opinion.

Councilmember Hokanson moved to adopt Ordinance 2006-01 – Planning Commission – Created Membership – Adding a City Council Member to the Planning Commission as a voting member and allowing the alternate member to vote in the case of a tie. Mayor Pro Tempore Lange made the second. Voting AYE: Terry Wm. Lange, Jeffery Bradshaw and Elizabeth Hokanson. Voting NAY: Vaun Shelton and Shari Lazenby. Motion passed.

Mayor Pro Tempore Lange indicated there could be additional discussion about this issue, if necessary. He asked for additional discussion.

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Councilmember Lazenby moved to accept Christen's letter and recommendation. The motion failed for lack of a second.

Councilmember Lazenby indicated she was opposed to adopting the Ordinance because of the feelings of the recommending body of the City (Planning Commission members) and because legal counsel from the Utah League of Cities and Towns opposed. Councilmember Shelton declined to make comments as to his nay vote.

Ordinance 2006-02 – Adoption of proposed changes to Title 12 – Streets, Sidewalks and Public Places: Bart Mumford referred to the summary page which accompanied the proposed Ordinance. It was explained this Title had not been gone through and reviewed for a long time. Anderson said a few years ago staff started going through the Code to correct minor and major issues and to bring the Code up-to-date. He said also it needed to be changed to reflect the form of government. Mumford reviewed each section of the summary list. Councilmember Lazenby indicated she wanted to talk to the community before changing 12.24.220, Removal of Grave Decorations. Discussion that maintenance of the cemetery was more difficult with all the decorations. Mark Rounds suggested it would soon become a risk management issue. He said in the winter time, the decorations freeze in the ground. (Solar lights and shepherd's hooks) He pointed out that the flat stone area was made for easy maintenance. Rounds said that some people take very good care of the shepherd's hooks and other decorations, but there are double that don't. He said there are so many decorations, it makes it very difficult to maintain the cemetery and it was a risk management issue. The City was not saying don't decorate; but maintain in the headstone area. Rounds pointed out decorating the graves was a very personnel thing and that everyone mourned in their own way. "We want to respect that," he said, "but we have to maintain." He said he would do what the Council directed but wanted them to remember there were over 6,000 graves up there now. Mayor Pro Tempore Lange asked about the Prohibited Burial Days as outlined in 12.24.185. Christmas, New Years Day, Memorial Day, the Saturday before Fourth of July, Labor Day, Thanksgiving Day and Sundays. Discussion about those days. Mayor Pro Tempore Lange and Councilmember Lazenby wanted to get more public comment and have more time. Anderson asked for direction—did the Council want more research or different language. Mayor Pro Tempore Lange wanted it brought back in two weeks.

Councilmember Bradshaw moved to continue for two weeks. Councilmember Shelton made the second. Anderson asked the Council to let him know if they wanted anything considered or changed.

Anderson talked about indigent burials. He said there had been two or three since he had been City Manager. He said the mortuary had some recourse but often times it was left to the City to cover the expenses. His opinion was it seemed to be better to have that decision made by the City Manager rather than gather the whole Council together for a decision since there were few options as to where they could be buried.

DISCUSSION ITEMS

Declare Surplus Equipment: Discussion that the normal process for surplus vehicles was to send them to TNT Auction. Discussion that the last time the City had surplus computer

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equipment, it was donated to the Wasatch County School District. The Council felt that would be beneficial again this time.

Councilmember Bradshaw moved to declare the equipment and vehicles listed as surplus. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

Chief Rhoades provided the Council with an information packet for their scheduled Closed Session on Tuesday, February 7, 2006. The Council signed a confidentiality form prior to getting the information.

Councilmember Hokanson moved to adjourn the regularly scheduled Heber City Council meeting for February 2, 2006, at 8:32 p.m. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

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Paulette Thurber, City Recorder

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