

Heber City Corporation
City Council Meeting
02/04/2010

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 4, 2010, in the City Council Chambers in Heber City, Utah.

Present: Mayor David R. Phillips

Council Members Eric Straddeck
Nile Horner
Robert Patterson
Alan McDonald
Benny Mergist

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: Mike Thurber, Paul Royall III, Kevin Distefano, Paul Kennard, and others whose names were not legible.

Pledge of Allegiance: Councilman Benny Mergist
Prayer/Thought Councilman Alan McDonald

Minutes: 01/07/2010 Regular Meeting
01/21/2010 Work Meeting

Councilman Patterson moved to approve the Regular Meeting Minutes of 01/07/2010 and the Work Meeting Minutes of 01/21/2010. Councilman McDonald made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

There were no public comments received during the Open Period for Public Comment section of the agenda.

APPOINTMENTS

Paul Royall III – Wasatch District Scout Chairman - Discussion about Scouting Centennial Celebration Activities – Making a Difference – Day of Service: Royall said he would like to ask the City Council for help as the 100th anniversary of the Boy Scouts of America was approaching. He indicated that each and every local government would be asked to provide a service project for the Scouts to do--something Cub Scouts through Venture Scouts could do. He

continued the day they had picked for the local Troops' project was April 17. He said there were almost 1500 young men registered in Scouts in the Valley and almost 900 leaders who try to reach the needs of all those young men. He again said he was looking for help and support from the Council—and not asking for money but asking for a project.

Royall indicated that in October, a Camp would be held in Heber and there would be approximately 3000 scouts here for that camp out. He said they would be camping at the Event Center and Cowley property.

Councilman McDonald suggested a Main Street clean-up project. Mayor Phillips said Heber City had been the recipient of many Eagle Scout projects over the years. He said they would talk as a Council and find a project. Royall said they would like to know by March. Anderson suggested planting trees and also that the City owned a corral that needed to be cleaned out. Mayor Phillips asked Anderson to make a list of projects and present them to the Council at budget meeting.

Royall indicated that on clean-up project day they wanted to use the pavilion at the City Park to serve hotdogs, etc. Anderson said he would make sure that was reserved for them on that date.

Paul Kennard, Wasatch County Economic Development Director - Discuss Industrial Property owned by Heber City near the Airport: Kennard thanked the Council for hearing this issue and said he wanted to talk about the Master Plan of the Heber Industrial Park. He referred to a booklet/plan that had been finished in 2008. Kennard discussed the challenges in the community in growing businesses and attracting new business because of the lack of readily available business park area. He suggested there were a couple places in the Industrial Park on 910 South but thought those were spoken for. Kennard said as he talked to businesses that had left the area, they experienced problems because of not having an area to grow in. He suggested the City had a lot of 5,000 square feet places--a lot of places for offices, etc., but not a lot of property for businesses to move into and grow. He suggested the City didn't have a lot of ready land available and a community needed several types of business parks available. He said this presentation was an attempt to do something with some property the City had owned for some time. He suggested looking at that property to see how it could help Heber City grow businesses. He said he wanted to see if his vision for the property was the same as the Councils.

Kennard continued there had been a couple of private developers that had approached the City about its desire to develop that property. He said he needed to get a feel from the current Council now that there had been a change in members. Anderson said the reason the City purchased that property was because, at the time, the City was looking for a new public works facility. He said the price was good and the Council approved the purchase which included water rights. He indicated the value of the water rights exceeded the cost of the property now.

Councilman Mergist wanted to know if there were any businesses currently interested. Kennard said there was a company called DECO that was looking for a location. He said they didn't manufacture steel but shaped/molded it. He continued they had looked at the "SURE Site" (Select Utah Real Estate) website and this property caught their eye. He said they were looking for something they could develop fairly quickly. Discussion about the cost of infrastructure so a business could come in and build without having to wait for infrastructure to be built. The question was whether the City wanted to front the costs of infrastructure or wait until a business was willing to come in and put the infrastructure in to suit their particular business/needs. Discussion about the property the City owned on 910 South and the lots available there. Also

discussion about the strip of land (approximately two acres) Boyer would be giving back to the City after the Wal-Mart development was completed.

Councilman Horner wanted to know how aggressively Kennard was working with local business owners to help in economic development. Kennard talked about the BEAR (Business Expansion and Retention) Program which was funded by a grant. Kennard said they had hired some independent contractors to go out and meet with businesses. He said there was a committee in place that met quarterly. (Councilman Straddeck serves on that committee) He indicated there were resources to provide services to businesses. (Small Business Development Center, WorkForce Services, UVU, Mountainland Applied Technology College) Councilman Horner felt the City should not be in the development business and spending money for studies that ultimately could be hindering some of the developers within Heber City's boundaries. Councilman Horner talked about the Gateway project. Kennard said retail was not necessarily their primary focus. However, he had worked with some of those people. He said the market wasn't great for this property now but, if the City waits for the economy to turn around, then it would still be a year out to get the infrastructure in. Councilman Horner said he did not want to compete with the private sector. Councilman McDonald said he kind of agreed with Councilman Horner. Councilman Horner said he would rather sell to private enterprise. Mayor Phillips expressed concern with putting in infrastructure and then having it not meet the needs of someone interested. Kennard said they tried to be flexible when they put this together. Councilman Mergist said he was not willing to put in infrastructure now. Councilman McDonald agreed. He said our focus on the south of town was the Daniels' connector. Kennard talked about jobs being generated from businesses coming in and the overall benefit to the City from this, including putting families in some of the homes that were being foreclosed on.

ACTION ITEMS

Ordinance 2010-03 – An Ordinance Amending Subsections 12.20.040, 12.20.050, 12.020.060, 12.20.070, 12.20.080 and 12.20.170 of the Heber City Municipal Code, Duties and Responsibilities, Tree Species to be Planted, Spacing, Distance from Curb and Sidewalk, Distance from Street Corners and Fire Hydrants, and Right-of-Way

Landscaping, Respectively: Tony Kohler addressed this issue. He said a few years ago the City adopted a tree ordinance and it was the intention of the City at that time to work towards becoming a Tree City. He said this was a designation given by the State Forestry Department, Arbor Foundation and US Department of Agriculture. He felt it was a prestigious designation for the City. Kohler continued that to get the designation of a Tree City USA, the City needed a tree ordinance, a tree board, which is now the Planning Commission, and also have an Arbor Day Observance and Proclamation. He said the City did all of those things except having an Arbor Day. Kohler talked about the current ordinance and said he had done some research about which trees would actually grow well in this area. He said the real goal was to become a Tree City. Councilman McDonald wanted to know if this Ordinance restricted some trees. Kohler said yes, but this Ordinance was for public right-of-way and not private property. Kohler said the Ordinance was educational based. He continued that trees were required for commercial development, not residential, but all development was encouraged to plant trees. Councilman Horner questioned if being a Tree City was all that advantageous. Councilman Straddeck suggested, if the Council was going to have a discussion about businesses and trees, that be done at another time and keep to the proposed Ordinance. Councilman McDonald wondered if there had been any input from businesses and the public on the proposed Ordinance. He said he wanted this discussed by people and businesses, information put on the City's website, and have notices put in the *Wasatch Wave* before moving forward. Councilman Mergist asked if this was

telling people what they could plant or not. Mike Thurber, Planning Commission member, emphasized this only dealt with the park strip. He discussed trash trees and the problems they created. He said the Planning Commission was trying to protect the City with this Ordinance and making the Code better than what it was now and safer for the community. Councilman McDonald said he just wanted the people to have a choice. Councilman Straddeck said the purpose of the Planning Commission was to do that research and get the public input. He said the public already had the ability to come in and weigh in on these issues--that was what the Planning Commission meetings were all about. He did not see that having any more public involvement was the best use of public resources. Councilman Mergist said he had compassion for what Councilman McDonald was saying but agreed with Councilman Straddeck. Councilman Mergist suggested the City provide opportunity for the public input, and he was all for that, but thought the City had done its due diligence on this issue. Councilman Patterson agreed with Councilman Straddeck. Councilman Mergist suggested the City would be doing an injustice to the citizens if it allowed just any tree to be planted simply because in a few years the bad trees would have to be removed and it would be an expense to the residents. He suggested this Ordinance was a protection to them.

Councilman McDonald moved to take this issue to the public and get some feedback from the people. Councilman Horner made the second. Councilman Horner asked if this was just the mow strip and not telling people what they had to plant. He asked if someone wanted to plant a certain type of tree could they plant that tree if it was on their side of the property. Kohler said yes. Councilman Mergist did not know what advantage this would have to get more public input. Councilman Horner said he was all for people's rights. Councilman Mergist said the City was not stepping on their rights with this. Councilman Mergist indicated there had been extensive discussions on this in the Planning Commission meeting and felt strongly this would assist the people. He indicated this gave people input on what to plant that would grow in this valley. Mayor Phillips called for the vote. Voting AYE: Alan McDonald and Nile Horner. Voting NAY: Eric Straddeck, Robert Patterson, and Benny Mergist.

Councilman Patterson moved to approve Ordinance 2010-03. Councilman Mergist made the second. Councilman Mergist pointed out the City would not be tree Nazis. Councilman Horner asked what penalty would be imposed if people did not plant these particular trees. Kohler said if planning staff saw a tree that was not desirable, they would just ask them to move it. If it was not a hazard, they would not try and get it moved. Again Kohler talked about this also being an educational and informational ordinance for the public. Voting AYE: Eric Straddeck, Robert Patterson, Nile Horner and Benny Mergist. Voting NAY: Alan McDonald.

Resolution 2010-01 – A Resolution Proclaiming a Heber City Arbor Day in relation to the National Arbor Day: Councilman Straddeck moved to approve Resolution 2010-01 Proclaiming a Heber City Arbor Day in relation to the National Arbor Day. Councilman Patterson made the second. Voting AYE: Eric Straddeck, Robert Patterson, Nile Horner, Alan McDonald and Benny Mergist.

DISCUSS/ACTION ITEMS

Discuss Lease of Heber City Cemetery Property: Councilman McDonald moved to extend the Agreement with Keith Jacobson for five years. Councilman Patterson made the second. Councilman Horner asked if that included water and if the assessment covered the expense. Anderson said yes. Discussion about equipment and other needs of the person leasing the

property. Councilman Horner indicated Jacobson had his own equipment and if he didn't have as much ground, he didn't utilize his equipment to the fullest. He continued that a person could not recoup costs in one year and thought five years was a good lease period. Voting AYE: Eric Straddeck, Robert Patterson, Nile Horner, Alan McDonald and Benny Mergist.

Approval – Scope of Work - Capital Facilities Master Plan: Mumford addressed the Council on this issue and indicated this agenda item was seeking approval for the Scope of Work for the Capital Facilities Master Plan. He indicated the City was long overdue for an update as the last one was done in 2003. He suggested there had been a lot of change in that period of time. He suggested the City had an opportunity, with the economy being down, to get this updated and ready for the future. Mumford referred to his staff report that gave an overview of the general things to be done, as well as a detailed list. He said there would probably be three things in particular that he would be putting emphasis on. 1) Storm Drain Master Plan needed revamped and storm drain management issues, 2) Secondary Irrigation in which the City had some basics but needed to make it part of the master plan throughout the City and 3) Impact Fees. He indicated there would be some changes in the legislature this year and the City would have to make sure it was in sync with that.

The second part of this action was his recommendation to awarding that work to Horrocks Engineering. He indicated they had done the last two updates and this work kept the City in compliance with State laws. He said whenever, or if the City was questioned, staff could demonstrate that things had been done properly. Mumford continued that Horrocks acted as engineering staff and that instead of hiring internal staff, the City had contracted with them. Mayor Phillips said about two years ago, the Council allocated funds for a second engineer. Because of the downturn in economy, that never happened. Mumford felt, because of their unique position, it was logical to have Horrocks do this work. Mumford referred to his staff report in which he had listed his reasons why the City should continue to use Horrocks. Mumford indicated he had checked with Smedley about the legal aspect of not bidding this work out and to continue to contract with Horrocks.

Councilman Mergist wondered if the City was getting complacent by continuing to use Horrocks. He questioned if by not going out and seeking bids, was the City shooting itself in the foot. He wondered who was policing and making sure the City was getting their dollars worth out of Horrocks. He also wondered if allowing them to do the Scope of Work would commit the City to them and not allow getting other engineers for some work. Mumford said he was always cognizant of this issue. He said he periodically went through their work and scrutinized it. Councilman Mergist asked what he was comparing their work with. Mumford said when he had opportunity, he brought in outside expertise. He said he saw their rates and compared them with other companies. He said Horrocks' rates were comparable or less. Mumford said this was a planning document. Any project outside this Scope of Work could be bid by anyone and the work could go out to others. Councilman Patterson and Councilman Straddeck questioned if there was a particular reason for the concern of Councilman Mergist. Councilman Mergist said no. Mumford said he did go to others for work sometimes and it kept Horrocks on their feet. Mayor Phillips suggested that Horrocks come in again and give the Council an overview like they did five or so years ago. Councilman Mergist said he just didn't want to get totally dependent on Horrocks. He said it was not a deep concern but something in the back of his head. Councilman Straddeck asked how long the current rates had been in place. Anderson said they were modified annually. Councilman Straddeck said he would like to see a decrease because, across the board, firms were more competitive. Councilman McDonald felt it would save money by staying with Horrocks on this study. Mumford agreed and said also it saved time. Anderson

said Jodi Burnett was the expert in the State on Impact Fees and was the one that helped the City put their ordinance on impact fees together. Councilman McDonald said he supported using Horrocks with this project.

Councilman Straddeck moved to approve the Scope of Work as presented and have Horrocks and Williams and Hunt review the impact fee analysis. Councilman Patterson made the second. Discussion about legislature and having those new laws incorporated into the document. Councilman Horner asked what input the Council could have in directing this--specifically annexation boundaries and zoning, etc. Mumford said what was approved currently would be considered in the update. Councilman Horner said he just wanted to make sure the vision of the Council was what was incorporated into the master plans. Mayor Phillips indicated the Council had to have hearings on specific changes in zoning and boundaries. Voting AYE: Eric Straddeck, Robert Patterson, Nile Horner, Alan McDonald and Benny Mergist.

CITY COUNCIL BOARD ASSIGNMENT REPORTS

Wasatch County Weed Board – 1st Wednesday
Wasatch City/County Health Department – 4th Tuesday
Heber Light and Power – 4th Wednesday
Heber City Planning Commission – 4th Thursday
Historic Preservation – As Needed
Animal Control Board – As Needed

No reports were given.

As there was no further business, the Regular Meeting of the Heber City Council held on February 4, 2010, adjourned at 10:05 p.m.

Paulette Thurber, City Recorder