

Heber City Corporation
City Council Meeting
02/19/2009

7:00 p.m. REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 19, 2009, in the City Council Chambers in Heber City, Utah.

Present: Council Members Jeffery Bradshaw
Elizabeth Hokanson
Eric Straddeck
Nile Horner
Robert Patterson

Excused: Mayor David R. Phillips

Also Present: City Manager Mark K. Anderson
City Recorder Paulette Thurber
City Engineer Bart Mumford
City Planning Dept Anthony Kohler
Police Department Sgt. Jim Moore

Others Present: Fred Schloss, Mel McQuarrie, Martin Van Rosendaal, A.J. Wolfinter, Brian Balls, Stacie Ferguson, Shawn Seager, Ross Nichol, Robert Mills, Tara Lundberg, Dave Lundbert, Steve Norman, Mia Kent, Mike Thurber, James McCleary, Kendall Crittenden and others whose names were not legible.

Pledge of Allegiance: Councilmember Elizabeth Hokanson
Prayer: Audience Member Ross Nichol

Minutes: February 5, 2009, Work Meeting
February 5, 2009, Regular Meeting

Councilmember Patterson moved to approve the Work Meeting and Regular Meeting Minutes of February 5, 2009. Councilmember Straddeck made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Pro Tempore Bradshaw indicated Mayor Phillips was out of town and excused him from the meeting. He invited anyone that wanted to address any issue not already on the agenda to do so.

Fred Schloss said he had found, several months ago, an excellent publication called *Simply Seniors* which was being distributed in the lower valley to all senior facilities. He said it always had an excellent presentation of financial items, health items, food items, etc. He volunteered to

take this on and get it distributed to seniors in the Heber area. He gave each Councilmember a copy so they could be aware of its value to seniors. He indicated The Fit Stop had an article in the February issue and would have a two-page presentation in March. Mayor Pro Tempore Bradshaw thanked him for the information and his willingness to distribute that to the seniors in Heber.

APPOINTMENTS

Shawn Seager – Mountainland Association of Governments – Presentation – North and South Bypass Road Alignment Options (Tab 1): Seager discussed the bypass alignments for the South Bypass. An overhead was shown of the area. He said that a couple months ago a consultant was hired, Project Engineering Consultants, and paid for by the Interlocal Advisory Board. The purpose was to get input on alignments that relate to the City's Road Master Plan and how to connect the new 1300 South intersection that will be built as part of the Wal Mart project over to US 40. The proposed alignments were shown. Seager reviewed each alignment and its impact on parcels, relocations, historic properties, airport runway protection zone and intersections. Anderson indicated he had given the Council some recent communication from the FAA in their packets tonight in relation to the purple alignment, as well as past communication.

Seager said that as part of the study, UDOT participated in the amount of \$5,000, to look at the pedestrian circulation through the hub intersection. He said an updated count would take place in the spring, once the high school opened, and once Wal Mart opened. So they were still working on a portion of pedestrian evaluation.

Seager reviewed the North Fields West Bypass alignments. He said the same project engineering firm worked on this alignment and the funding source was the same. He said the first open house was held in December and about 80 people attended. They had a meeting with the large land owners in January at which time a new alignment "F" was presented. Seager reviewed the materials given to the Council previously in the packet.

Anderson talked about alignment F and that the plat had specific language on it that there could not be any roadway in that open space area around Muirfield. Consequently, without the entire Muirfield property owners' agreement to something different, that could not work.

Anderson said after review of the tabulation slide, he felt it was over simplified. He said the Council had to be careful and understand those numbers didn't paint a clear picture. Seager agreed and said this was simply a mathematical calculation of the amount of square feet by parcel by what it was taxed at today. Also construction costs were not figured in the numbers as well as overpasses, frontages, takings, etc. It was indicated that if alignment F was chosen and because it was not at a right angle to Midway Lane, there would have to be an interchange built. It was pointed out that Alignment A also had that same issue.

Councilmember Horner indicated that one thought that came up between some of the County Councilmembers and Mayors was that it looked like to them that route F could possibly take on the alignment of B where it connects with B on the furthest north spot. It was felt that would lesson impact on the homes in the area. Seager said alignment B would hit the Spiker home

directly. Councilmember Horner reiterated that was just a comment after the Interlocal meeting last week.

Seager discussed the wetland issues with the F Alignment. However, he said there were issues with each alignment and that there was no clear answer. He said the area proposed for the bypass was very sensitive and no matter what was decided, it would affect wetlands. He said from the project engineering consultants' opinion, D or E was the best alignment.

He asked "Where do we go from here?" He indicated that after the Interlocal Meeting, it was decided to bring the presentation to all entities. He anticipated some kind of hybrid alignment might evolve and be successful. Once an alignment was decided upon, a second open house could be held. After that the information would be brought back to the Councils.

Anderson said he, Mumford, and Fawcett had met with Seager earlier in the week for a couple hours. They recommended this go to the Planning Commission and they in turn make a recommendation to the City Council. If the Council wanted them to have a more involved role, there could be a joint meeting. Councilmember Horner felt this was a City Council decision as they had been involved with Interlocal all along. He said that discussion from the Interlocal meeting was that F was the best and an overpass be installed at Midway Lane. He did not see a reason to go to the Planning Commission as they have not been a part of previous dialogue. Mayor Pro Tempore Bradshaw said at the very least the Planning Commission should be invited to the Interlocal meetings. It was indicated Planning Staff felt strongly this was the Planning Commission's role in the master planning of roads process. Seager said what would be ideal would be to start a dialogue with Wasatch County Council and how it worked with their master plan. He said that was being done at staff level but it would be good to get those discussions to a policy level.

Councilmember Straddeck said Planning Commission should do their job. He understood it would take some time, but he wanted them to be involved. They are civil servants and they are serving to help the community and he thought they should be allowed to look at this. Seager said that from MAG perspective, they were committed to provide staff to help with this and they were committed to finish this. He said MAG was taking the lead since the budget was gone for the consultants.

Anderson suggested very little of this area was in the Heber City Annexation Plan and he would like to work with Wasatch County since it was in their jurisdiction. He indicated Corridor Preservation Fees could not be used to condemn property. Councilmember Straddeck said because of that comment, it might not be in the Planning Commission purview since it was outside Heber City boundaries. Councilmember Patterson suggested the South alignment was in Heber City boundaries and Wasatch County had been very involved in that all along so he felt Heber City should be involved in the North alignment. Mayor Pro Tempore Bradshaw's opinion was to invite the Planning Commission to Interlocal and get their input. Councilmember Horner agreed. Mayor Pro Tempore Bradshaw agreed the Planning Commission should be involved in the South bypass. Anderson said this same presentation would be given to the Planning Commission at their next meeting.

Tony Kohler asked if any of the property owners had given their o.k. as far as selling their property. Seager said they had gotten calls from property owners and their lawyers but no one had indicated they wanted to sell. Seager said the property owners had very strong feelings about how the bypass worked with their current farming operations.

Mumford said Heber City did have a big stake on where this roadway began and ended even though in between was outside Heber's area. He agreed Heber City had to be very involved with this.

Stacey Ferguson/Mel McQuarrie – Requesting Approval of Amended Plat – The Cove at Valley Hills – Phase 1 Subdivision located along Valley Hills Boulevard and Calloway Drive (Tab 2):

Mel McQuarrie indicated he did not attend the Planning Commission meeting when this was presented. He said some of the issues and history were not presented to them and he wanted to bring those things to the attention of the legislative body. He said he would like the Council to approve the plan as originally presented. He indicated he had left open space on the original plat purposely in case that could be developed at some time. He talked about how water could be brought to that area. Discussion about different plats and plans that had been brought before the Council at different time. He talked about the Planning Commission recommendations over the years. He said he had been working with staff for some time on how to clean slivers of land up and how to make everyone happy. However, he said he wanted to protect his own property rights as well. He said he had agreed to give the City the property rights to the tank and he also agreed to give another access. He continued that what he was willing to do additionally, along the back area of the property owner's lots, (he pointed out on the overhead the area he was referring to) was to engineer fill those areas with a 3" minus gravel, build retaining walls and bring those up to grade so that when the lots sold, the chances of that area being disturbed would be minimal. He said some property owners wanted the additional land and he had no problems with that. However, if they didn't, he would extend the one large lot to include that long sliver of land. If the Council did not want to proceed this way, he would want to go back to Planning Commission.

Mayor Pro Tempore Bradshaw asked Kohler to give a summary of how he viewed the situation and what should be done. Kohler said this was a fairly old development. (Recorded in 2001) He said he had looked through the minutes to see why there was open space. The minutes reflected that Paul Royall and the Planning Commission felt strongly at that time that open space should be privately held instead of held by the City. Consequently, Coyote Development had held on to that and, even though it was open space on the recorded plat, the open space was held by the developer and not the property owners. He said that even though the plat outlines open space, that does not mean it will stay that way for ever.

Kohler said McQuarrie had approached the City last year about what to do with this land. He said there were a lot of issues with this. He talked about ownership of the land the water tank was on and access to that water tank. Another issue was a steep embankment which kept sluffing off onto the sidewalk and a retaining wall needed to be built to secure that. He said the west side slopes were steep and the neighbors had concerns that rocks would fall onto their homes.

Kohler said the Planning Commission recommended the two lots to the west be removed and kept in open space but McQuarrie wanted four lots. If four lots were built, fire hydrants were needed, steep slopes had to be dealt with, and water tank issues needed to be solved. It was pointed out the lot closest to the tank could not be served by the tank and would have to be served by a well. He suggested the Council had two options; agree with the Planning Commission recommendation or go back to Planning Commission and work out issues with neighbors. Councilmember Hokanson suggested that seemed to be the best option--that is what the Planning Commission was for. Mayor Pro Tempore Bradshaw said if there were issues that were not brought up and still needed to be resolved, this issue should go back to the Planning Commission.

Councilmember Patterson said the Planning Commission went over and over this. He did not agree with McQuarrie when he said the Planning Commission was influenced by neighbor clamor. Kohler said McQuarrie felt the more fair way was to go back to the Planning Commission. Councilmember Straddeck asked if McQuarrie wanted to be able to mitigate the issues, why even come to the Council. Kohler said the Planning Commission had given a recommendation to the City Council and this was the next step. He said the Council could send it back to the Planning Commission or act on the recommendation of the Planning Commission. McQuarrie said what he wanted was due process and wanted the neighbors to have the same. He said he asked what the process was and he was told this was the correct process. He wanted everyone to win on this, himself, neighbors and the City.

Tara Lundburg - owner of home on lot 29. Lundburg said her first concern was open space. She said they bought the land based on the final plat and that plat showed open space--there was nothing on there that said open space for future development. She said they would not have bought that lot if they thought there was a chance there would be homes built on that open space. She pointed out the land had not changed and she did not think McQuarrie had a right to say it was safe now when it was not before. Her second concern was safety. She wanted anyone voting on this to come and look at it to see how steep it was and the big boulders that were there. She said she was afraid for her children if there was development in the area because of the possibility of those boulders getting loose and falling. She said, too, that it did not make sense to approve an amendment to this area when there were so many lots left in The Cove. She talked again about sluffing off of land, boulders, and privacy issues. Lundburg said this had been discussed for two hours with the Planning Commission and their recommendation was before front of them now. She quoted Planning Commissioner Zane as saying the Planning Commission needed to do what was right. She said Planning Commissioner Webb made the recommendation and felt the developer was holding the water tank as hostage over the City. Lundburg had minutes from 2007 where she felt promises were made and never kept by McQuarrie and she hoped the Planning Commission recommendation would be upheld. She questioned how many times a developer could go back to the Planning Commission until they finally got what they wanted. She said they were asking, as members of the community, to do what was right. She pointed out that Mayor Phillips was always saying the Council represented the community. So, "put yourself in our shoes and do what is ethical and fair."

Councilmember Straddeck asked Mrs. Lundburg to rank her concerns from highest concern to lowest concern. She said her biggest concern was safety.

Rob Mills - Lot 28 - the home right next to the Lundberg home. He said the real issue for him was open space. He said he loved the subdivision but he thought he was buying with open space around him and said open space was space not to be developed. His understanding when he bought the lot was that the open space would not be developed. The biggest reason he chose that lot was the open space, the privacy it afforded, the deer that walked there--if the proposed lots were approved, that would go away. He said, too, there were some safety issues. His house had been struck by a tire off of Valley Hills Boulevard that illustrated there was quite a slope there. As he worked in construction, he knew the excavator would be careful, but how do you keep the big boulders from rolling down and hitting their homes. His biggest concern was he thought he was getting something that it now turns out he may not have. He thought he knew what open space was.

Steve Norman - 1540 Calloway Drive Lot #27 – purchased the lot three years ago. The primary reason for buying that lot was they thought they had open space around them and had that not been there, they would not have purchased that lot. They looked at a final plat map--not almost final or tentative, but final. Nothing said the developer could come back and develop what was deemed open space. He said that when this went before the Planning Commission they asked Ferguson why the four lots were not covered in the final plat. She said the lots were not capable of being developed. He asked if they felt that way four years ago, then what had changed because the land had not changed.

Mia Kent - Lot 30. Felt the same as last two gentlemen. They bought the house rather than built. They came to the City and asked if they were sure this would be open space. She discussed the minutes from meetings that were attended by developers and there was discussion about whether the City could maintain the open space, other minutes talked about the water tank, but never in any of those meeting minutes, did they talk about development of the open space. No one had indicated what had changed on those lots that would make them developable now. They all feel deceived. None would have bought those lots if they had known the open space would be developed. She did not think this issue should go back to the Planning Commission and she was hoping the Council would agree with the Planning Commission and keep two lots out of there.

Dave Lundberg – The developer had a lot of time to plan for this meeting and the land owners had a very short time to prepare. He believed everything had been presented already and he encouraged the Council to accept the recommendation of the Planning Commission and move forward.

Councilmember Horner said it appeared that one of the questions was what had changed from 2001 to today as far as the lots being buildable now. He asked Kohler to address that. Kohler said from his recollection there was nothing in the minutes that indicated those lots could not be built on. He also reviewed the Code and said, as far as he knew, there had been no changes to the R-1 or Sensitive Overlay Zone. He suspected in the original subdivision either the Planning Commission or developer felt the land was undevelopable because of steepness. However, that was not in the minutes and was only his opinion. In his mind nothing had changed. Kohler said this was not a unique situation. It happened in Timberlakes, here and other places. The legislature made an amendment to the law in about 2003/04 and it addressed ownership of open space. The law says open space, as shown on a plat, was designated to land owners unless

designated differently. On this particular plat, the open space was designated to Coyote Development. He said he looked in the Code and could not find anything that dictated this open space stay open forever. However, the Planning Commission did ask for a Home Owners Association to be developed so it appeared they wanted it to stay open; but, it was clear they did not want the City to own the open space. Whether the City owned it, or an HOA owned it, or lot owners themselves owned it, or Coyote LLC owned it, didn't matter but there needed to be conservation among everyone and the land needed to be deed restricted--otherwise it was not permanent open space. He agreed the plat indicated open space and that was deceiving, but if it was privately owned, it does not mean it will stay open space forever.

Mayor Pro Tempore Bradshaw asked Mumford about the buildability of the lots. Mumford said the lots could be served by sewer and water except the one lot would have to be served by a well. Conceptually whatever was decided, the engineering for the utilities could be done. He indicated that was why this could not be approved tonight because he did not have drawings to review. Councilmember Hokanson asked about the slopes. Mumford said the Planning Department had indicated they could be built on. Kohler said they looked at the Code and there was a requirement for a geotechnical study. A geotechnical study in 1997 indicated the area was stable. It was pointed out that one problem with the area was that there may have to be some blasting and there was difficulty with using a back hoe. Mumford said regardless what got approved, there were some conditions outlined in the Planning Commission recommendation. One was that improvements go in on some other parts of the City so there would be adequate water pressure in Valley Hills and without those improvements, a building permit could not happen.

McQuarrie reviewed that in 2001 the discussion was to give the open space to the City. But the final decision was to not have the open space dedicated to the City. He said he had engineered the lots so that it was reasonable to build on them. What had changed was at that time they were still developing lots in other phases and as the property owner, he had the right to develop the land. He said another thing that changed was the State had changed the law on slopes.

McQuarrie said he wanted to address the concerns of the neighbors and he thought the proper way to do that was to go back to the Planning Commission. He indicated he had done everything he had been asked to do.

Councilmember Straddeck talked about voting on the final plat with the idea of open space. To him that was the intention and regardless if it was City property or not, it was approved thinking that area was open space. What was fair and equitable was to allow both parties to address each other. If the developer had been presented issues that he had not been able to address, he should be able to address them. He addressed the current home owners who had concerns and wanted to put this to bed. Councilmember Straddeck said the reason he was actually on the City Council was because of a back yard issue that affected him which was a bypass road 20 feet from his house. He said the process went back and forth for two or three months. That was part of the due process so he hoped they would continue to be involved. He said his personal opinion was that the Planning Commission needed to hear the mitigating factor affecting safety that the developer had to present. If safety factors could not mitigate those issues, he felt the issue was mute. However, if they could be mitigated, it should come back to City Council and the City Council could move forward and face the open space issues.

Mayor Pro Tempore Bradshaw said the Council had the following options:

1. Approve the recommendation of Planning Commission
2. Go against Planning Commission recommendation and approve all four lots
3. Send the issue back to Planning Commission
4. Continue it and get better acquainted with the issue
5. Throw the whole thing out
6. Combination of some of the above

Councilmember Hokanson moved to approve the recommendation of the Planning Commission. Mayor Pro Tempore reiterated the recommendation of the Planning Commission was to approve lots 66 and 67. Councilmember Patterson made the second. Anderson asked if there was a final plat that incorporated the recommendations of the Planning Commission that was approvable. Mumford said no. Councilmember Horner said that what the Planning Commission recommended was a two-lot approval and because the City did not have a final plat to approve, he did not think this could be approved. Discussion about the motion and how to move forward. Mumford said Coyote had to do the remaining work. Councilmember Hokanson amended her motion to continue the approval process of the Planning Commission's recommendation. Councilmember Patterson made the second on the amended motion. Councilmember Horner wondered what would happen to the other two lots--what could the home owners do to protect the lots from not being developed. Mayor Pro Tempore Bradshaw said he understood that if those two lots were still in the name of McQuarrie or his company, nothing would prevent him from coming back to develop those two lots; however, he thought that was a separate issue. Councilmember Hokanson informed the property owners that this issue might come up again. She personally felt the only reason this issue was before the Council was because of the decision on open space made at the time the subdivision was approved. She said she probably would have been on board with the decision at the time which was that Heber City not take over the management of the open space. But now the Council was in a situation where the HOA was not formed and established and that left the open space in question and the developer had the opportunity to come back and develop those lots. Councilmember Hokanson felt it was intended this area be open space and that the only reason the City did not want the open space was maintenance responsibilities.

Mike Thurber pointed out that in the motion made at the Planning Commission level, there were several things that needed to be done—Mumford get the revised plans, only two lots be built on, the other two lots were not to be built on and remain open space and listed as such on the plat, and water tank right-of-way issues resolved were just a few.

Councilmember Horner said he felt for all parties as all had property rights. He thought there could be a chance for the developer and property owners to come to terms. Regardless of the intent, the property belonged to Coyote Development. He suggested that maybe Heber City should own the open space. He suggested that if the concerned property owners were not willing to buy the development rights or if Heber City was not willing to buy development rights, then McQuarrie was not made whole. Councilmember Horner felt this issue should be sent back to the Planning Commission.

Anderson asked if the motion included resolving that property as open space as recommended by the Planning Commission. Councilmember Patterson indicated, yes. Anderson asked if that meant the City would negotiate and try and purchase the property. Councilmember Hokanson said not necessarily but to work towards a resolution. Councilmember Horner suggested either the City had to own it or the property owners had to own it. Councilmember Hokanson suggested resurrecting the idea of an HOA. Anderson said if the City, McQuarrie and property owners could come up with a solution that would be great but absent that, if McQuarrie could show he met the ordinance, the City could not withhold approval of those lots being developed unless there was some countervailing public interest that was not being served. (not mitigating safety issues or other legitimate concerns)

Mayor Pro Tempore Bradshaw called for a vote on the amended motion to continue the approval process of the Planning Commission's recommendation.

Voting AYE: Councilmembers Bradshaw, Hokanson and Patterson. Voting NAY: Councilmembers Straddeck and Horner.

ACTION ITEMS

Ordinance 2009-01 – An Ordinance Adopting Section 15.08.045 of the Heber City Municipal Code – Subdivision Partial Acceptance (Continued from 02/05/2009 meeting)

(Tab 3): Mumford said what this dealt with was giving the City Council the flexibility of giving occupancy before final completion because the Code currently didn't allow it. He said that a few years ago it was very difficult to get developers to finish the subdivision after occupancy. So the Council made it such that there was no occupancy until it was complete. The Council has had several requests for occupancy prior to completion for different reasons and allowed some exceptions. He said this Ordinance would allow some flexibility and came up with a way for partial acceptance--if a portion of a subdivision was complete, like it was phased, this ordinance allowed occupancy but it still protected the City from occupancy of the entire subdivision.

Councilmember Straddeck suggested there be additional language to ensure no more than 50% could be partially accepted. Councilmember Horner wanted to make sure the developed area was contiguous. Mumford said it had to be contiguous to existing infrastructure. Councilmember Straddeck asked Mumford if this was a tool he would like to see happen. Mumford said the more flexibility in the Code, the more difficult to administer. Mumford said he had polled the engineering group a month or so ago and half or so said all or nothing. The rest had various opinions of flexibility. Mumford said he was comfortable with this proposal.

Brian Balls suggested that with or without the changes to the Code, the applicant still had the option to come to the Board of Appeals. If this helped deal with the process, he thought it was a good change.

Jim McCleary asked how the 10 lot minimum was determined. Mumford explained that was the State definition of a small lot subdivision. McCleary said it seemed to him this was a problem for big developers and gave them a way around finishing their project. He said this smelled to him and was a way to nickel and dime the process for years and years. Mumford said the majority of

the developers the City dealt with were not rich and they relied on cash flow. He suggested this change in the Code benefited the developer in that respect.

Mayor Pro Tempore Bradshaw felt this was probably a good change to the Code.

Councilmember Straddeck said he had the same concern as McCleary. He wondered if 50% was too large a number. He felt if a developer could go up to 50%, they may just be playing games. He felt it was too lenient. He suggested the following change in language to item #2: The number of lots with partial acceptance must be less than fifty (50%) percent of the total number of lots within the subdivision.

Councilmember Hokanson moved to approve Ordinance 2009-01, an Ordinance Adopting Section 15.08.045 of the Heber City Municipal Code – Subdivision Partial Acceptance - with changes to language in item #2 as suggested. Councilmember Horner made the second. Voting AYE: Councilmembers Bradshaw, Hokanson, Straddeck, Horner and Patterson.

Ordinance 2009-02 – An Ordinance Amending Section 15.08.070 of the Heber City Municipal Code – Building and Improvement Full and Final Completion Bond (Tab 4):

Anderson said what this did was eliminated the forfeiture of the bond for people who moved in personal property before final inspection. The memo from Wes Greenhalgh was summarized.

Councilmember Horner had concern with the carpet issue. Councilmember Straddeck had concerns with the recommendations and how to administer those that were not in the Code and asked what should be in the Code versus what should be in an operational policy. Anderson indicated if the Council wanted the procedure spelled out in the Code, that could be done and that way it would not be left open to interpretation. He continued that Greenhalgh would have a policy that would have to be initialed that would spell out the carpet could not be laid until final inspection. Discussion about the other two requirements suggested in policy.

Councilmember Straddeck moved to approve Ordinance 2009-02, an Ordinance Amending Section 15.08.070 of the Heber City Municipal Code, as presented. Councilmember Patterson made the second. No further discussion. Voting AYE: Councilmembers Bradshaw, Hokanson, Straddeck, Horner and Patterson.

Ordinance 2009-03 – An Ordinance Amending Section 5.08.060 A and D1 of the Heber City Municipal Code – Beer, Wine and Liquor Establishments (Tab 5):

Kohler explained the Code needed updated because of the new Planned Community Mixed Use Zone, which was recently established, was not included in the current Code language. If unchanged, the Red Ledges Development would not be covered when they built their Club House.

The second issue he wanted to discuss was a proposal to take off the cap on alcohol serving restaurants. He indicated the Police Department did not feel taking off the cap would cause a significant problem. There was discussion about the different types of licenses.

Councilmember Hokanson moved to approve Ordinance 2009-03, an Ordinance Amending Section 5.08.060 A and D1 of the Heber City Municipal Code. Councilmember Horner made the

second. No further discussion. Voting AYE: Councilmembers Bradshaw, Hokanson, and Horner. Voting NAY: Councilmembers Straddeck and Councilmember Patterson.

DISCUSSION/ACTION ITEMS

Approval – Grant Agreement – U.S. Department of Transportation – Federal Aviation Administration – Construct Snow Removal Equipment Building (Tab 6): Anderson said the FAA had tendered this grant agreement. The way the funding was being released was that Heber City would get \$171,278 initially then they would release an additional amount in May. An overhead was shown in which Anderson suggested where the building could be located. He indicated the Airport Advisory Board and the Airport Engineer would be looking at the location in the next couple weeks. Anderson said because of stimulus monies, the FAA had penciled in 6 million dollars for the Heber City Airport. He said he did not think the City had six million dollars in projects, but possibly two million dollars. Anderson discussed the required 5% grant match.

Discussion about tearing the old building down and about what equipment the City had to store. It was indicated the new proposed building would house the equipment the City had. Anderson indicated that if a manager's office were built into the building, the grant would only cover that if a pilot's lounge was also installed; otherwise, the City would have to participate at a larger amount. Discussion about the current building and if it met the needs of the City.

Councilmember Horner felt what was really happening was a building was being built for the airport manager. He suggested the City had a structure already that stored the equipment. He questioned what the airport manager would do after the hangars were built. Anderson said continue with what he was already doing. Snow removal, airport maintenance and there would potentially be 60 more hangars to take care of. Anderson said the airport was better maintained now than ever before. Anderson suggested the existing Lloyd building was located where it was desired to have something else.

Councilmember Horner moved to reject the Grant Agreement. The motion died for lack of a second.

Councilmember Straddeck moved to accept the Grant Agreement. Councilmember Patterson made the second. No further discussion. Voting AYE: Councilmembers Bradshaw, Hokanson, Straddeck and Patterson. Voting NAY: Councilmember Horner

As there was no additional business, the February 19, 2009, regular meeting of the Heber City Council adjourned at 10:50 p.m.

Paulette Thurber, City Recorder