

HEBER CITY CORPORATION  
City Council Meeting  
March 1, 2007

7:00 p.m.  
Regular Meeting

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

Present: Mayor David Phillips  
City Council Members Shari Lazenby  
Vaun Shelton  
Elizabeth Hokanson  
Jeffery Bradshaw  
Terry Wm. Lange

Also Present: City Manager Mark Anderson  
City Engineer Bart Mumford  
Zoning Administrator Anthony Kohler  
Planning Secretary Karen Tozier

Others Present: Ken Stratton, Kevin Arnold, Phil Lyons, Venus Dodson, Sheila O'Neal, Craig V. Wentz, Paul Sims, Tyler Frisby, Landon Bonner, Armand Howell, Joshua Howell, Nelson Carter, Mitchel Burns, Larry Hartley, Todd Cates, Bryon Day, Scott Verharren, Craig Brown, Tom Whitaker, Irene Hastings, Mary Kelley, Jill Cowley, Robert Cowley, Wayne Buell, Eric Straddeck, Stephanie Steinmiller, Tammy Atkinson, Scott Atkinson, Dan Roberts, John Barragan, Tim Baker, Doug Smith, Tracy Taylor, Jared Jensen, Rick McCloskey, Bruce Zollinger, Annie Bruehl, Kim MacLachlan, LaNell Heywood, Todd N. Lindquist, Tim Tillotson, Andy Bedingfield, Brian Balls, Jerry Hanson, Shelton Taylor, David Todd, and others whose names were not legible.

Mayor Phillips convened the meeting at 7:00 p.m. with a full quorum.

Pledge of Allegiance: Councilmember Elizabeth Hokanson  
Prayer Mayor David Phillips

Minutes: February 15, 2007, Work Meeting  
December 28, 2006, Special Meeting  
February 1, 2007, Work Meeting

Councilmember Hokanson motioned to approve the City Council Minutes of the February 15, 2007 Work Meeting, the December 28, 2006, Special Meeting and the February 1, 2007, Work Meeting. Councilmember Lazenby seconded the motion. The voting was unanimous in the affirmative.

During the open period for public comment a number of residents of the Pleasant Valley Mobile Home Park asked to speak. Sheila O'Neal, Scott Atkinson and Venus Dodson expressed their

concerns over displacement and relocation due to plans to remove the park, the amount of monetary assistance allocated for displacement/relocation, non-affordability of replacement housing in the area, effects of taking children out of school if moving from the area is the only option, and what the timing would be for being displaced and relocating. Scott Atkinson and Venus Dodson asked the Council for answers to their questions. Sheila O'Neal asked the Council to allow another mobile home park in the proximity even if it was just outside the City limits. Councilmember Lange answered that this was a big issue, that the Council was very aware of it, and that Wasatch County had an ordinance that forbids trailer parks anywhere except where currently established and that he was very concerned with this issue.

As it was not yet 7:15 p.m. and the public hearing had been advertised for 7:15 p.m., Mayor Phillips asked for public hearings to be advertised for 7:00 p.m. in the future and called for the first appointment with Robert Cowley of HOG Excavation to be addressed.

### **Robert Cowley – HOG Excavation – 1590 South Daniels Road – Requesting Water and Sewer Hookups outside City Limits – Continued from the 02/01/2007 Meeting**

This matter had been continued from four weeks prior; Mark Anderson updated the Council with current information. Mr. Cowley was in the process of purchasing the land the business was located on and was interested in annexing into the City once the transaction was completed. Mr. Cowley indicated that he wished to go through the building permit process concurrent with the annexation process. Mayor Phillips expressed that the Council was desirous of annexing City-owned land into the City as well as the property owners in that surrounding area that had expressed a desire to be annexed in and that they would like to see an annexation petition come in as soon as possible. Another option was for Mr. Cowley to have his property annexed individually if this did not go forward with all the surrounding property. Mr. Cowley verified that once his property was annexed he would have water and sewer hookups provided to him. Anderson pointed out that House Bill 362 gave additional standing to deal with the one dispute they had, but that this would not take effect until January, 2008. The annexation process was briefly explained to Mr. Cowley.

### **Public Hearings**

#### **7:15 p.m. – Public Hearing – Disposal of Public Property – Old Public Works Building Property located at 400 North 400 West**

Shortly after 7:15 p.m. Mayor Phillips asked Karen Tozier to read the public hearing notice from the Wasatch Wave, which she did. Mayor Phillips explained that the public hearing was being held to solicit comment on the disposal of the property the old public works building was located on. He then opened the public hearing for public comment at 7:20 p.m. It was pointed out that the Planning Commission had recommended rezoning from RA-2 to R-3, which was consistent with the General Plan and with current zoning in the area.

Anthony Kohler, a Heber City resident, expressed that it was his public comment that the City had an opportunity with nearly an acre of property to dispose of the property to a non-profit organization such as the Wasatch County Housing Authority, or Habitat for Humanity or some other organization which could build affordable housing. He indicated that in the R-3 Zone, this would provide four building lots. He pointed out that the property was too small to accommodate apartments, but that if property could be acquired to the west, there would be potential to build apartments.

Paul Sims asked questions and was answered that a minimum of 1.5 acres would be needed for apartments, that two stubs for sewer and water were available and that the old buildings were to be demolished. He asked whether the Council would allow a different zone for the property to allow apartments.

John Barrigan, Board Member for Habitat for Humanity in Summit and Wasatch Counties expressed that they would be very interested in working with the City to build affordable housing if land could be provided for a nominal price. He pointed out this was a possible way to assist people currently living in the mobile home park.

There were no further comments from the public and the public hearing was closed at 7:25 p.m. Councilmember Lange expressed he was in favor of looking at the zoning of this property for housing for the elderly. Councilmember Lazenby mentioned looking at a PUD Zone in line with townhomes with party wall zero lot line setbacks which would have zero lot line setbacks in the frontage and the side yards bringing higher density and more housing in the area for affordable housing. It was pointed out that parcel size for this type of housing in respect to zoning would have to be addressed. Councilmember Hokanson agreed with the need for affordable housing and senior housing and felt the Planning Commission could look at this, but cautioned that keeping zoning in mind was important and that it was important not to make changes that would adversely affect entire zones. Councilmember Shelton agreed the property should not be sold until this was examined further. He expressed this was far away from the beaten path for health services and felt this would be better for affordable housing than for seniors. Councilman Bradshaw felt this should be looked at further; he expressed there were more beneficial things the Council could do other than selling the property to the highest bidder.

### **Appointments**

#### **Phil Lyons – Wasatch City County Health Department – Replacement of Board Member**

In work session at 6:44 p.m. Mr. Lyons expressed that he was tendering resignation for his position on the Wasatch County Board of Health as he had been called to serve an LDS Mission in Cincinnati, Ohio. He spoke of his experiences on the Board of Health and thanked the Council and Mayor for the opportunity he had been given. Mayor Phillips thanked Mr. Lyons and indicated the Council would replace him for the period of time he would be gone and that when he returned, there would be six months on the term for him to complete. Councilmember Lazenby, who was on the Health Board thanked Mr. Lyons as well. Councilmember Lazenby motioned to have Lenny Lyons of IHC fill in on the Board of Health until his father, Phil Lyons, returned in 18 months. Councilmember Lange seconded the motion. The voting was unanimous in the affirmative.

#### **Mary Kelly/Tom Whitaker – Cowboy Poetry Report and Request for Donation**

Tom Whitaker, Director, and Mary Kelly, Assistant Director, of the Cowboy Poetry Gathering and Buckaroo Fair were present and addressed the Council. They updated the Council regarding recent changes to the event and made a request for the Council's support. Councilmember Hokanson motioned to approve \$20,000 donation in light of the benefits to the community and the economic benefit as well, and that this be put in the budget. Councilmember Lazenby seconded the motion. The voting was unanimous in the affirmative.

**Ernie and Mary Ann Giles – Requesting a Sewer Hookup at approximately 1400 West Highway 113 (North side of Street)**

Ernie Giles requested a sewer connection for approximately five acres of property he owned on the north side of Highway 113. Councilmember Shelton referenced past policy of not providing sewer to those outside the City limits and referenced the Council's denial of HOG Excavation's recent request for sewer connection because they were not within the City boundaries. Mr. Giles expressed that Vern Dickman had been granted a sewer hookup and was answered that Mr. Dickman had been allowed to connect to the sewer line without annexation to honor a commitment made by previous City officials. Mr. Giles' property did not fall under this situation. It was pointed out that the Annexation Policy Plan did not consider annexation of the area Mr. Giles' land was located in. Mr. Giles discussed options available to him and there was discussion on alternative sewer systems, Mr. Giles indicated he preferred to connect to the existing sewer system; it was noted that alternative sewer systems were considerably more expensive.

Councilmember Shelton motioned to deny Ernie Giles' request to connect to the existing sewer system. Councilmember Hokanson seconded the motion. Councilmember Shelton, Councilmember Hokanson, Councilmember Bradshaw, and Councilmember Lange voted in favor. Councilmember Lazenby was opposed. The motion passed.

A break was taken at 7:59 p.m., the meeting was reconvened at 8:09 p.m.

**Action Items**

**Center Pointe Subdivision Approval – Property located at approximately 850 East Center Street**

Mark Anderson explained the options available to manage the right-of-way issues regarding potential expansion of Center Street to five lanes and recommended approving this with the existing right-of-way width of 72 feet conditioned upon the City having the right to purchase the additional 10 feet of right-of-way when the existing house on Lot 1 was sold or moved. Nelson Carter agreed to this and indicated any new structure would be built with a 40 foot setback. Bart Mumford cautioned that this would set precedence, that Broadhead Estates II would have the same situation and also that the Wasatch County General Plan amendments that would be presented to the Council in the near future would be recommended by the County for Center Street to be a five lane road.

Councilmember Lazenby motioned to approve the Center Pointe Subdivision with a 72 foot right-of-way, and in the event that the house at 800 East was demised or removed, that the setback goes back to a 30 foot setback off of an 82 foot right-of-way with the City having the first right to purchase the right-of-way property at that time. Councilmember Hokanson seconded the motion. The voting was unanimous in the affirmative.

**Ordinance 2007-12 – An Ordinance changing the Zoning of certain properties, located between Industrial Parkway, Highway 189, Highway 40, and 1000 South from Residential Agricultural (RA-2), C-2 Commercial, and B&MP Business and Manufacturing Park to a Mixed Use Residential Commercial Zone – Continued from the 02/15/2007 meeting**

Mayor Phillips indicated this had been continued from two weeks prior and they had wanted information from the Developers regarding transitional assistance for the people who lived in that area. There was discussion on the western bypass corridor. It was noted that the Crook Annexation Agreement identified options to protect the bypass corridor and that further refinement was needed to ensure there was adequate land to support a fly-over. Wade Williams of Boyer Company expressed that as they had met with UDOT they had suggested that this be designed in such a way that it could accommodate some type of future grade separated interchange. He suggested the Council do something similar to what they had approved in their last action in that they hold any buildings back with a setback that would give the ability to handle that type of grade separated interchange in the future, but not to dedicate the property until it was known what would be required. Williams articulated it was Boyer Company's intention to keep in compliance with that type of request.

Williams gave background information on the Boyer Company's involvement in the project and expressed that when they had first become involved they had been very concerned over how the transition of the residents of the trailer park was handled. He indicated that they had been hopeful there would be a relocation option and this had been pursued, but that this was not going to be able to come to fruition. Williams continued, "Unfortunately, we have not come up with other solutions other than to vacate the trailer park and to work on a package that would help in some measure to meet the needs of those people that are residents of the trailer park. We have put together a very preliminary proposal to the owner. By way of clarification, we are not the owner of the property, we have an option to purchase the property, and so what we are suggesting is that we, as a Developer, would make some of our earnest money available to the owner and operator of the mobile home park which he could then use to help defray the costs of either buying trailers or relocating trailers or whatever the case may be. I know there are a lot of people here that are very concerned about how that comes together. The current proposal we were working on, we were hoping to have it all buttoned up by tonight, but as we have gotten into these discussions there are some issues with some current residents of the mobile home park whose rents are in arrears, very seriously in arrears. Until we can figure all of that, we are not sure how all of that can come together. Our proposal is that certain amount of monies would be released right up front in return for the owners of that offer, owners and residents, of the mobile home park to sign the agreement that would allow them to relocate off the property and once they were relocated off the property then additional funds would be made available. That is the approach we are trying to take. We think that is the best approach under the circumstances. We reviewed all the applicable code and laws in trying to make sure that we are in compliance and so this is an issue for us and for the mobile home park. We, as the Developer, are not in a position where we can dictate; we are in a position where we can negotiate and then the owner of the trailer park can then in turn negotiate with the residents of the mobile home park."

Mayor Phillips inquired as to the time frame for this to occur and whether Doug Heiner was present. Mr. Heiner was not present. Wade Williams replied that state statute on this was a minimum of 90 days and the mobile home park owner, Doug Heiner, was sensitive to the needs of the residents. Williams referenced the inconsistency of the current zoning with the Heber City General Plan and answered that regardless of the use the mobile home park needed to be vacated,

and notices for vacation would possibly be sent out as early as March 2, 2007. Councilmember Lazenby indicated great concern in that she did not want the residents of Heber City to be shifted. She indicated she felt she could not make a decision until she had received the policy and could go over the information. Councilmember Bradshaw was satisfied with the answers to the bypass situation. Councilmember Lange expressed concern over the fact there was no place in the valley, County or City, that a new trailer park could be established and they had just begun discussion on this when they had 200 signatures asking for this “not in my backyard”. It was pointed out that mobile home parks were permitted in the R-3 Residential Zone with a limitation of 8 units per acre, but there were not many large parcels left. It was brought up that some of the trailers were unable to be moved. Councilmember Hokanson expressed she felt that the 90 day period for notification to removal of trailers was so short and not very reasonable. She asked Williams if they were planning to break ground within 90 days. Williams answered they had not yet made any determination on timing and were waiting for answers on how many trailer owners were current with their fees. Councilmember Bradshaw asked how many of the pads in the trailer park were still occupied. Williams replied that there were a total of 107 pads and that he did not know how many were occupied at that time. Councilmember Bradshaw motioned to table, referencing he felt more information was needed as to how many trailers could be moved, how many could not be moved, how many families were involved and the rest of the information on transition assistance. Councilmember Lange seconded the motion. The voting was unanimous in the affirmative.

### **Review Proposed Stone Creek Planned Community Development Agreement**

Mark Anderson reviewed the revision process the document had been through prior to the meeting. He explained there had not been enough time to meet with legal counsel over the latest requested changes. The Council decided to review the blueline/blackline revision. Mayor Phillips indicated that Staff was recommending that the Planning Commission weigh in on whether the project should be a gated or non-gated community. Mark Anderson indicated that as they had met with Stone Creek Developers that modifications had been discussed to the density and openspace requirements because of Stone Creek’s cooperation in trying to solve the transportation problem. The document was reviewed as to specifics at that time. Concerns from Planning Staff were discussed. Staff was recommending that prior to preliminary approval there should be a public hearing to allow concerned citizens to comment. The scheduling of a public hearing for the Planning Commission was discussed and it was determined that Stone Creek could meet for discussion on March 8<sup>th</sup> and public hearing on March 22<sup>nd</sup>. The Council wanted the Commission to be aware that they supported openspace leeway.

Tyler Frisby expressed concern over the delay in the project and felt a public hearing did not need to be held at that level or at any point in the process. Mark Anderson expressed that there were significant enough changes to the project that they felt more comfortable with legal counsel weighing in on this and that legal counsel had not yet had a chance to meet with Planning Staff. Councilmember Hokanson indicated she understood the Stone Creek Developers’ concerns, but they had come with new demands which slowed the process down. She expressed that that they needed to make sure this met the needs of the community and be reviewed very seriously, and that it took time to go through this amount of information and change. Councilmember Lange was concerned with the narrow road width and the three ignored stub-outs and felt the Planning Commission needed to study those issues.

Councilmember Bradshaw motioned to send this to Planning Commission to discuss the issues involved. Councilmember Lazenby seconded the motion. The voting was unanimous in the affirmative.

### **Discussion/Action Items**

#### **Approve City participation in the purchase of Sage Acres Lot 1 for a Bypass Corridor**

Mayor Phillips asked for a motion to formally approve paying half the cost for the City to purchase Sage Acres Lot 1 to bring through the east/west connector road which had been discussed previously. Councilmember Bradshaw motioned that the City participate in the purchase of Sage Acres Lot 1 for the corridor connector for half the cost of the lot plus the appropriate closing costs. Councilmember Shelton seconded the motion. Councilmember Lazenby, Councilmember Shelton, Councilmember Hokanson, and Councilmember Bradshaw voted in favor. Councilmember Lange was opposed. The motion passed.

#### **Approval of Easement and Right-of-Way Agreement between Stone Creek Development and Red Ledges LLC**

Legal Counsel from Red Ledges, Stone Creek and the City had worked on this and Staff had accepted this as written. Councilmember Hokanson motioned to approve the easement and the right-of-way. Councilmember Lazenby seconded the motion. The voting was unanimous in the affirmative.

#### **Set Public Hearing Date to consider the Red Ledges Annexation**

Councilmember Lange motioned to set a public hearing for March 15, 2007, at 7:00 p.m. Councilmember Lazenby seconded the motion. The voting was unanimous in the affirmative.

The Council asked for feedback from Red Ledges on the Annexation Agreement in regard to Paragraph 2 which related to openspace to the adjoining development. Todd Cates of Red Ledges, indicated he had not had time to review this, but that he would get some information to the Council by the next Monday. The revised Master Plan Submittal document was given to the Council by Cates to review.

#### **Adoption of Policy – Establishment of procedures and guidelines for the use of the Heber City Police Department Facility, including classrooms, gymnasium, workout center, grounds, or facility equipment – Continued from the 02/15/2007 Meeting**

There was discussion on the Police Department Facility Use Policy that Chief Rhoades had drafted. The policy established procedure for the classrooms, gymnasium, grounds and office spaces; the workout room; and the equipment. It had been the Police Department's policy to control the use of department facilities so that only authorized personnel or those with permission be granted the opportunity to use the facilities. This policy had been established to protect the important confidential documents, evidence and weapons that the Police Department has in the building.

Councilmember Lazenby expressed that because this was a City building and the security level was high, she felt the policy should not be changed and that employees should be allowed to use the building. Mayor Phillips noted that the policy would allow functions where City Personnel

would act as a responsible person. Chief Rhoades felt it was important for a responsible person to be present, some problems could be posed if groups were not confined to the proposed areas. There was discussion over whether there should be preference given to City employees over the public. Concern was voiced over the age of the building and the substandard construction creating potential liabilities by having groups in the building. There were conflicting opinions over the level of security in the building.

Councilmember Bradshaw motioned to enact the Police Department Facility Use Policy as written provisionally for one year, with the option to change the policy at any time. Councilmember Lazenby seconded the motion. Councilmember Lazenby, Councilmember Shelton, Councilmember Bradshaw and Councilmember Lange voted in favor. Councilmember Hokanson opposed. The motion passed.

Councilmember Lazenby motioned to adjourn the meeting. Councilmember Shelton seconded the motion. The meeting adjourned at 9:41 p.m.

Approved 04-05-07