

Heber City Corporation
City Council Meeting
March 15, 2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on 03/15/2007, in the City Council Chambers in Heber City, Utah.

Absent:	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 Allen Fawcett Ed Rhoades

Others Present: Todd Cates, Scott Huggard, Adam Atkinson, Taylor Merryweather, Kirk Butterfield, Valerie Butterfield, Kathy Huggard, Annie Bruehl, Faye Zamarin, Venus Dodson, Wayne Hicken, Stephanie Liese, Harold Patrick, Pam Patrick, Delyn Yeates, Sarah Dansie, Bob Piscitelli, Kevin Cook, Scott Cook, Ruby Wren, Bryce Waters, Josh Yeates, Levi Olsen, Jordan Olsen, Marcia McIntosh, Marlo Edwards, Mitchell Burns, Rudi Kohler, Doug Holker, Wayne Buell, Mike Carlton, Irene Hastings, Keith Rawlings, Scott Atkinson, Tammy Atkinson, Holly Atkinson, Dale James, Bobby Lythgoe, Seth Haderlie, LeNell Heywood, Tyler Frisby, Rick McCloskey, Dallas Nicoll, Tori Feiler, Travis Wright, Jared Jensen, Eli Probst, Dean Hettle, Mike Thurber, Sheila O'Neal, Paul Sims, Pam Cone, Robert Dodson, Elliott Christensen, Craig Wentz, and many others whose names were not legible.

Pledge of Allegiance:	Councilmember Terry Wm. Lange
Prayer	Delynn Yeates (audience)

Councilmember Lange explained he would be acting as Mayor Pro Tempore for this meeting as Mayor Phillips was out of town.

Minutes: January 2, 2007, Special Meeting

Councilmember Hokanson moved to approve the January 2, 2007, Special Meeting Minutes as presented. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

Mayor Pro Tempore Lange recognized the Boy Scouts and asked them to stand, identify themselves and state their Rank and Troop Number.

OPEN PERIOD FOR PUBLIC COMMENT

Venus Dodson – Dodson indicated she was coming before the Council to get information about the trailer park and asked what was going to happen to those people living there. She said she had a mortgage to pay and so far was not getting answers from anyone. She talked about the help wanted signs up and down Main Street and “you want to put in a Wal Mart?” She said at her place of employment they have had a help wanted sign up for the last six months. She indicated Wendy’s Fast Food Restaurant had had a sign up for two years. Dodson indicated she had been looking for something to rent, just in case, and the average rent was \$1,200 a month. She indicated she was established in Heber and now was going to have to relocate because of Wal Mart. She questioned where the people that would work for Wal Mart were going to live as it was too expensive to live in Heber and get paid the wages paid by Wal Mart. Dodson also indicated the cheapest place she could find to buy was \$250,000. She said, too, she needed more than a 90-day notice to move. She asked the Council what she could do if she couldn’t live in the trailer park and pay the kind of rent she could afford. “Where can I live?” she asked. She expressed concern with her children changing schools. Councilmember Lazenby said the Boyer Company representatives were going to bring information to the next meeting in relation to assistance. Dodson chastised the Council for not answering her questions and giving her comment back. Councilmember Lazenby indicated the Council didn’t have information to give back to her.

Annie Bruehl – Bruehl indicated she had heard today the Boyer Company was working towards getting the residents of the trailer park some assistance. She said, in fact, there were a lot of people in the community trying to get them assistance. Anderson said Boyer was working with Doug Heiner and trying to get them some help. However, there were some people living in the park that had not been paying their rent and any assistance available would only go to those current on their rent. Anderson said, though, those negotiations were between Boyer and Heiner and the City was not a part of that. Delyn Yeates said there were some behind the scene things being done in regard to affordable housing in other parts of the City. Bruehl suggested, and admitted it might sound crazy, but asked about something like “Extreme Makeover.” She wondered if there was land available for something like that to happen.

Sheila O-Neil – O’Neil wanted to give the Council estimates on what it would cost to move a mobile home. She said just to take apart a single wide trailer and disassemble the porch and move to Country Estates was \$7,500.

Mayor Pro Tempore Lange asked Councilmember Shelton about the affordable housing committee and suggested that committee had not been active Councilmember Shelton concurred.

CONSENT AGENDA

Restaurant License – Snake Creek Grille – Change of Ownership

Councilmember Hokanson moved to approve the Consent Agenda. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

PUBLIC HEARING

7:00 p.m. Public Hearing – Ordinance 2007-13 - An Ordinance considering the Red Ledges Annexation – Property located at approximately 2300 East to 3600 East Lake Creek Road on the northern side of Lake Creek Road and containing 1,525.94 acres and adoption of the Annexation Agreement: The Public Hearing Notice was read by City Recorder, Paulette Thurber.

Todd Cates expressed appreciation to the Council for their time. He indicated they had not prepared an extensive presentation for this meeting because the Council had their booklet that was presented to them last meeting. He explained that book was the Master Plan for Red Ledges. An overhead of the property was shown. He said there had not been many changes except those things required by the Interlocal Agreement. Cates pointed out the road position and said they had also made some other minor changes to the driving range. Cates reviewed the annexation requirements and discussed each one. It was indicated they had a Wild Life Study done along with the other necessary studies.

At this point, Mayor Pro Tempore Lange invited the public to make comments.

Fay Zamarin - Zamarin indicated she lived in Wasatch View and was highly in favor of the project.

Bob Piscitelli – Piscitelli indicated he lived in Wasatch County. He expressed concern with the road that would be going next to his property. He said during the March 1, 2007, meeting with Stone Creek Development, he had expressed his concern with the decrease in property value of his home because of the road. He asked what concessions he would get because of that. He stated that Stone Creek had asked for a lot of concessions “so what are you going to give us?” He thought his property value would decrease 15/20% and the development would have a big impact to their lifestyle. He also expressed concern with the City Engineer, Bart Mumford, being involved in the project design because he lived three doors down from him.

Rick McCloskey – McCloskey indicated he was fully supportive of the Red Ledges Annexation. However, some language had been taken out of the final agreement about open space for the Stone Creek Development. He said he wanted it on record that this was something that was in the agreement from the beginning and wondered why it was taken out. He said he had not had time to talk with anyone about that yet, including the Red Ledges people.

Sara Dansie – Heber City – Dansie expressed some concerns about a park being located adjacent to the canal. She said she had not been able to find information about what the park would include and where the access would be. She asked the Council to consider the location of the park prior to final annexation. Cates said the park was about 15 acres in size. He said they were revisiting the stub out and parking lot as he had the feeling most people were wanting this stubbed out somewhere else. He said whether it would come in from the east or west had not been determined but there would still be trails. He said, too, there was a possibility of some kind of water feature--maybe a natural thing or it might be an extra amenity. He said he had talked with Val Draper about using mitigation funds to put in playground equipment or a soccer field or baseball field. He said those were all options, but none had been decided upon.

Mayor Pro Tempore Lange asked Councilmember Shelton if he had concerns about the canal. Cates pointed out where the canal was located and said he did not know of anything the

developer needed to do concerning that but they would be having a meeting about the canal soon. Councilmember Shelton discussed that there were seven or more canal companies in the valley and the issue was that they had to have access for cleaning, etc. Councilmember Hokanson asked if the trail was near the canal. Cates said they had not laid out the trail and it would depend on where the trailhead was located.

Wayne Buell - Lives out on Highway 189 – Buell expressed concern with the transportation issues and said he opposed this development until the transportation issue were solved. He said he did not think Lake Creek Road could handle all the development. He hoped the Council would consider building the road first before allowing the growth to happen.

Rudi Kohler – County Resident - Kohler said the City had lost an opportunity. He said they had a development before them that would benefit the developers about two billion dollars. He said the developers bought the property for considerably less than that. He felt that in terms of opportunity, there was a profit potential of about 600 million dollars and if the Council went ahead and voted for this “thing” they were giving a gift away. He said the County got 4 ½ million dollars for mitigation and another million to widen Center Street. He asked if it wouldn't be fair if the City asked the developer for 50% or 40%. He said, “Why not give the tax payers back for the gift you are giving this developer?” He suggested the Council continue this issue while they consider some kind of profit sharing to the benefit of the City and County.

Bob Wren – Heber City - Wren seconded what Rudy Kohler said. He said when they first presented this concept to Wasatch County, they were going to build 40 units. Because they thought they could get more density from the City than the County, they changed directions. He said the Council needed to look at fairness because when talking land use the health and welfare of the community needed to be considered. He discussed the developer donating an acre of land for a fire station that would be built by the County with the biggest benefit going to those that live on the development. Wren discussed the fiscal analysis that was done by the developer and said developers exaggerate. He said he did an analysis and found out there was an exaggeration. He felt the City would be derelict in duty if they didn't do their own analysis. He felt it would be good for someone to find out the entire cost of this to the City, to the County, and to the School District. He said Heber City had a tendency to think of only Heber City and not take into account the impact on the entire County. Wren continued by saying the density was far too high. He discussed Section 17.04.020, Subdivision Purpose and Intent, and 18.100.010, Planned Unit Development, which were not permitted in Heber City. He felt a peninsula was created in the Wasatch View area. He again stressed the need for a better analysis of the costs and said there was a big difference in the amount of money it was going to cost in relation to the number of school children. “At some point you need to look at facts that are based on facts that are gotten by an independent person,” he concluded.

Pam Patrick - Wasatch View – Patrick said she had been really frustrated by the process. She discussed how this development had gone from County to City. She said she did not think the road issue had not gone through the process. She said she had sat through months of these meetings and all of sudden this road appears. She said she had not heard if Mountainland had approved of it or not. She was concerned how this process had pitted neighbor against neighbor and said again she did not think the process had been followed properly.

Stephanie Liese - Wasatch View - Liese asked Cates about the Wild Life Study. She said the deer come from Hutchinson's property and use the easement behind her home and go straight toward the hills. She asked if he was aware of the easement and the number of deer that use it.

She said the deer use the easement on a daily basis. She asked how they were going to accommodate the deer. Cates said the wild life consultant suggested they leave corridors open for them so they can get up into the open space. He said there were also trails that he felt they would use to get around.

At this time, Mayor Pro Tempore Lange closed the public comment portion of the Public Hearing and turned the time to the Council and staff. No other comments were received.

Mayor Pro Tempore Lange asked Anderson to comment about the economic evaluation.

Anderson said the assessed evaluation had a potential of being high with a market that was softening. He said the County Assessors office did not keep up with current trends and could be high 30% or so. He said he looked at other revenue and expenses that were listed that probably did not apply. He said the public works services would not cost the City a lot because it was a gated community. It was suggested that initially these developments have a higher percentage of second homes, but as time goes by it tended to be 50%. Anderson talked about the monies given to the City and the County. He said he was positive this project would be revenue for the City based on the type of homes. He said that annexation of property should not be based on the cost or revenue to the community. He suggested, as the Council looked at the General Plan, they develop a diverse community that provided housing for all income levels and provide for business to come here to be successful. He said there was a relationship between the two. He asked the Council to be mindful of the economic benefit to the community, but not base their entire decision on that.

Councilmember Hokanson asked about landscaping where the new road met Mill Road and asked who was going to do that. Anderson said there was no plan devised as of yet. He said the City basically had a property 102 foot wide that fronts on Mill Road and there would be surplus property there after looking at a 66 foot wide corridor. He thought the excess could be used as an entry way to Stone Creek or Red Ledges or which could possibly be given to the neighbors for a buffer. He said there were several avenues to explore as to how to make it more attractive to neighbors.

Councilmember Bradshaw said he ordinarily was a reasonable guy and had tried to avoid confrontation tonight. He said he thought it went without saying that there were certain things that governments should be doing and certain things they shouldn't be doing. He said it was not a government's place to profit share with private business and it was not the government's position to know how much profit a developer made. He continued that it was Heber City's business to make sure developers met all requirements and ordinances of the City and make sure it was a benefit to the populace. He said that whether they made a profit was not the City's business. He continued that obviously there were some strong feelings but he felt the Council had done a lot of due diligence. He said he had a lot of confidence in the City Manager, Mark Anderson, who had looked at the economic analysis and Anderson had the background to look into it with knowledge and experience. Councilmember Bradshaw said that overall he was favorable to this development.

Mayor Pro Tempore Lange said the goal of the City was to protect the welfare of the people as best they could, but it was not to guarantee the price of property to go up or go down.

Councilmember Lazenby discussed the comment made about the density being different with the County and City and said that was a false statement. She said the density was 84 units less from

what the County would have allowed and this developer did not come to the City for more density.

Kieth Rawlings asked if there was an Annexation Agreement in place and had it gotten changed recently. Anderson said yes to both. Mayor Pro Tempore Lange indicated the Agreement was based on the Interlocal Agreement.

Councilmember Bradshaw moved to adopt ordinance 2007-13, the Annexation of Red Ledges subject to the Annexation Agreement and Covenant Running with the Land that was presented tonight. Councilmember Shelton made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw, and Elizabeth Hokanson.

7:15 p.m. Public Hearing – Ordinance 2007-14 - An Ordinance considering the Swena/Reinholt Annexation – Property located at approximately 100 West 700 North and consisting of 17.48 acres and adoption of the Annexation Agreement: The Notice of Public Hearing was read by the City Recorder.

Mayor Pro Tempore Lange asked for comments from staff. Anderson said the City considered looking at this annexation in August and one of the considerations was because of the potential of a bypass corridor. He said the Yeates family had this property under contract. Anderson reviewed the zoning of the property with commercial fronting the highway and an R-2 Zone and an A-2 Zone. He said that what was proposed in the Annexation Agreement was the property north of the City Park would be donated to the City and any property north and including the bypass route would be donated to City for open space. He said the Yeates had gone to considerable expense to figure out what kind of corridor would be adequate for the bypass. An overhead was shown that was presented as an exhibit with the Annexation Agreement. Anderson discussed language in the Agreement about use of land and that the developers would have the right to use everything south of the corridor for development except for those portions that were north of the City Park which would be kept for open space. He said that until the corridor was built, the Yeates would have use of the land for agricultural purposes but it could be deeded to the City prior to that time.

Delynn Yeates - Yeates clarified the location of the park area and open space areas. He said the road was designed by Lochner Group at considerable expense. He said they were appreciative of Allen Fawcett who had worked so hard on this, as well as Mark Anderson and Bart Mumford. He pointed out there had been many changes and issues and he was glad the final Agreement worked for everyone. He said, though, there had been one thing lost through the cracks. He said most people were aware that in most instances when a development occurs, the consideration of density was not based on economic feasibility. He felt in this particular instance that should be given some consideration. An overhead was looked at showing the proposed bypass corridor and other area deeded to the City. It showed almost ½ of the property being deeded to the City. He expressed concern with the amount of property that needed to be deeded to the City. He said again, that he felt, in this situation, economics was definitely an issue. He said from day one their intent and understanding was to have more of the property to be considered for density. He passed out a proposed addendum to the Agreement showing the use of more area for density consideration.

Wayne Buell – Buell said the current proposal was far better than what was first proposed. He explained to the Council he had been leasing this land from Reinholt for his horses and pointed out some wetland areas. Buell said he looked at three man holes earlier in the day. One showed

water table a foot below ground level, another two foot below ground level and the third was at ground level. He said the Army Corps of Engineers would be testing the area on Monday and asked that the decision to annex be delayed until the Army Corps of Engineers had made their study on the water table.

Marlo Edwards –Edwards indicated he owned property that bordered west of Buell's - Edwards indicated he had about six acres that had to be watered from a spring. He said he also had water from a drain channel that was put in by Heber City in 1947. He asked for consideration of his water rights and that they be preserved. Edwards talked about the damage to his land with the pressurized irrigation and other development. Mayor Pro Tempore Lange said the Council would take his comments into consideration.

Yeates addressed those concerns. He said the natural vegetation was starting to grow now with warm weather starting. He said they hired an individual who was an engineer who had worked for the Army Corps of Engineers at one point but now had a private business but who was a consultant for them. He said she had identified some areas as wetlands and they had now commissioned her to start the study. She said it would be early April but would be doing the soil and vegetation study now. Yeates said the drainage in those areas had been addressed in the Agreement with the City as well as other concerns.

Mayor Pro Tempore Lange asked if they had talked with UDOT. He said yes and UDOT would not deal with it until they were directly involved.

Mayor Pro Tempore Lange closed the public comment portion and asked for comments from the Council.

Anderson said in looking at the proposed annexation agreement, paragraph eight (8) should to be removed. With regard to construction of the bypass road, the agreement addressed the possibility of not being able to construct the bypass road through the property and how the City would still be entitled to ownership of some land to add to the park with the balance reverting back to owners.

Councilmember Lazenby indicated she had gone through Harriet Winston's analysis and said from that the proposal looked favorable. She had no other concerns. Councilmember Shelton said the project sounded good to him. He said he was hoping to resolve water issues and didn't want to get in a bind by not waiting for the wetlands study to be complete. Councilmember Hokanson expressed concern with the study not being complete and said the City was not in the business of making sure the developer made a profit. Councilmember Bradshaw said he initially felt the nice thing about the annexation was the bypass road creating another piece of the puzzle but felt the water issue needed to be addressed. He said he did not think this should go forward quite yet until the Council knew for sure if it was feasible for the road. Mayor Pro Tempore Lange said one of the goals of the Council was to protect wetlands and protect further growth to the north. He said the Council no longer had control of that but they had tried to work with the County on that issue. He asked about the gravity flow for sewer. Mumford said they would have to construct a line that tied into Muirfield. Mumford said they had not evaluated the gravity flow yet.

Yeates indicated any problems with the flow of sewer could be taken care during the engineering process and with respect to the wetlands issue, he believed, based on the preliminary study that had been made, he did not think the wetland issue would prohibit the development from taking

place or the road from being built. He encouraged the Council to take the preliminary study into consideration.

Anderson said he and Yeates had lengthy discussion a couple days ago about the concept of this property being a candidate for the COZY Zone. He said he was resistant that language be put in the Annexation Agreement that suggested the City would automatically apply that Zone. He said that process needed to go to the Planning Commission and through the public hearing process. He said he was sympathetic to the fact that the economic benefit might be put in jeopardy if this was not zoned COZY. However, the City did not have a COZY Zone until a couple months ago and staff could not guarantee that Zone.

Mumford addressed sewer gravity flow again and said some portion could gravity flow. He said some would need some fill. He suggested one of the key issues of this development was the bypass and once it was known where wetlands were and how they impacted the development, it could be determined what additional open space was needed in case the road had to be moved. Yeates said those things were addressed in the agreement.

Councilmember Shelton moved to not adopt this Ordinance at this time and continue the issue until sewer, water rights, and wetland issues could be worked out. Councilmember Hokanson made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw, and Elizabeth Hokanson.

Yeates again said all these issues were addressed in the Annexation Agreement which the City drafted. He said the City did an excellent job in that.

APPOINTMENTS

Todd Cates – Consideration/Approval – Master Plan Agreement - Red Ledges

Recreational Community: Todd Cates indicated what they had tried to do with the booklet was provide maps and additional information for the Council that would give concept and preliminary plans. He reviewed all the items that were included in the booklet. He said they were in the process of getting an architect and as soon as they were on board, they would give detailed plans to the Council. He said they were concerned with the buildings that were going to be put up, as well as the methods. He said they wanted it all to be natural. He indicated they wanted to put up a model as soon as possible. Cates said they had included everything in the booklet that was required by ordinance.

Councilmember Lange said it was not the City that required the one acre for the fire station. Cates agreed. He said they had never been asked to build it and it hadn't been decided if it was even needed. If not, that one acre would be kept as pasture lands.

Anderson said the developers had reviewed the proposed Master Plan Agreement with legal counsel, engineering and staff and agree with what was presented. He asked the developers to be considerate of the phasing. It was indicated the road would be constructed by September, 2008, and have a separate agreement but the park was scheduled in phase five.

Councilmember Hokanson moved to approve the Red Ledges Master Plan Agreement for the Red Ledges Recreational Community. Councilmember Shelton made the second. The voting was unanimous in the affirmative.

Paul Simms – Stone Creek Master Plan – Discussion on recommendations from Planning

Commission: Anderson said this developer had met with Planning Commission at the encouragement of the City Council to get some direction on a couple issues. One of those issues was would the City consider allowing this project to be a private gated community which would dictate road widths and secondly what connection to existing stubbed roads would the Planning Commission recommend be made. After significant discussion, the Planning Commission recommended the project be allowed to move forward as a private gated community which would dictate 26' road widths and one additional connection be made to the roadway that was stubbed on 1300 East.

Anderson said there had been some discussion about modifications to the Annexation Agreement about excess density and open space to be transferred from one project to another. After discussion with Red Ledges and their banking issues that came out of that, it seemed it would be best to try and resolve that issue in another manner. One suggestion made by staff was landscaping requirements and connector road could be considered in the open space calculations since it was a benefit to the entire community because of landscaping.

Anderson said some other issues that needed to be discussed was the developer had asked for 128 lots. Staff suggested that be limited to 125 with one meeting the affordable housing requirements and the other four would come via some other amendment to the Code that would give them some increased density. He suggested Planning Commission and City Council may need to discuss ways to allow this project to meet the PCZone. He said it had always been the intent of the City to try and mitigate some of the impact to this project because of the hold up to it because of the road corridor that was identified to be needed by the City and County for future transportation needs. He said if the Council had feelings different than the Planning Commission, now was the time to say so.

Frisby said since last meeting, they had been through several redesigns because of the corridor. He reviewed that they had been directed to the Planning Commission for additional input which they did. Frisby reviewed the Planning Commission meeting and discussion. He talked about roads and connectivity. He said as far as private roads, there was a majority of Planning Commissioners that were comfortable with private roads. He said there were concerns expressed from the Planning Commission about open space requirements. He continued that when they agreed to work with Red Ledges and the City they were assured there would be some type of vehicle put in place to meet their open space requirements. When that was taken out of the Red Ledges Agreement, they were very surprised. The question now was how they could meet the open space requirements. He said that just counting the road way did not meet the whole solution. He said they were interested in hearing what the solution could be.

Mayor Pro Tempore Lange wanted to address the run off that comes off that short street and fills the pond. He wanted to know where that run off would go. Mumford said the issue of storm drain was a good issue and Red Ledges had the same problem. He said that would be addressed and those people in the area would be protected.

Allen Fawcett said he was concerned with decisions being made from several directions and the Planning Commission not being involved. He asked how does one pull 40% open space out of something that only provided 25%. He suggested a PCZone 2 that had 99% of all the elements of the PCZone. He said that was something that had been considered clear back to the Bassett Annexation. He suggested to maybe look for something less in open space in an area that was flat lands. He said he didn't know if 40% was really a sacred number and that maybe the

Planning Commission should look at something different. He said another direction would be to create a bonus system where alternatives could be done. Paul Sims said the road would increase the open space to 27%.

Anderson said staff was going to kick around ideas on Monday for ways to accomplish this without compromising the Zone. He said maybe the Planning Commission would look at other developments in the area that had more than they needed. He felt it should be a decision from the Planning Commission rather than the developer. Frisby said there was nothing in the PCZone that prohibited what Anderson was suggesting. Anderson said the City and staff had felt compelled to keep this group whole. He said the end result would be the end result and the City wanted to get there with the least impact that might diminish future development. Councilmember Lazenby said she liked the direction Anderson was going.

Councilmember Bradshaw indicated some members of Planning Commission didn't care for gated communities but they did agree to live with the gated community concept for Stone Creek. He suggested that maybe at the entrance in the northwest corner taking one lot away and have a park and give them credit for that. Anderson said that was consistent with Red Ledges. It was felt some merit should be given to allowing improvement within the gated community to be considered for open space calculations when access was given to the public for public benefit.

Anderson asked if Stone Creek would have interest in the right-of-way the City had to acquire. Frisby said they would be happy to landscape that area. McCloskey said they would tie that in with other landscaping. McCloskey continued that they went to Planning Commission as directed by City Council and they realized there were still some things that needed worked out, but he said they were ready to finalize the layout and roads and start working on connections. Mumford said a public hearing was scheduled next week at the Planning Commission level and a refined plan based on comments tonight would be taken to that meeting.

Councilmember Hokanson indicated she was usually opposed to gated communities. She suggested the Planning Commission should be studying this and decide when and where they were appropriate before the City got into this position again. She expressed concern with homeowners not maintaining the road after the developer was gone. She again said she wanted this issue studied by the Planning Commission and have them set forth a policy as to when it was appropriate and when it was not.

Frisby said they did some homework. They put together a budget for homeowners dues and built into it road maintenance fees for the next 30 years. Discussion about home owners associations. Councilmember Bradshaw wondered if there was anything the City could do to make sure the City would be protected against the HOA responsibilities falling back onto the City. Anderson said staff would need to evaluate the protective covenants but that the City did not enforce protective covenants.

The Council asked that this develop work closely with staff and engineering to get all issues ironed out.

DISCUSSION/ACTION ITEMS

Kent Bybee – Lot Split/Small Lot Subdivision – Parcel located at approximately 298 East 400 North: An overhead of the lot was presented. Bybee thanked the Council for allowing them

to present. Mumford said he had reviewed the request, looked at the requirements and had no additional comments to make.

Councilmember Lazenby moved to approve the Kent Bybee lot split located at approximately 298 East 400 North as recommended by the Planning Commission and based on the Planning Commission requirements being met. Councilmember Hokanson made the second. No further discussion. The voting was unanimous in the affirmative.

Awarding of Bid – Muirfield Park Playground Equipment: It was indicated the park was completed last summer and the playground equipment was the final element. After evaluating the bids, Mumford recommended the bid be awarded to Recreation Utah, Option 1. He referred to his staff report that outlined the bid amounts.

Councilmember Hokanson indicated she had a pet peeve with the little parks that didn't provide anything for the bigger kids to play on.

Mumford talked about the potential of expanding the Muirfield Park and the possibility for a much larger play area.

Mayor Pro Tempore Lange suggested the two mothers on the Council work with Mumford on improving some of the smaller parks.

Councilmember Bradshaw moved to award the bid to Recreation Utah Option 1. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

Discussion/Adoption of fees to be included on the fee schedule in relation to the following:

Planned Community Zone Master Plan Approval
Platting of COSZ Zone – Concept
Platting of COSZ Zone – Preliminary
Platting of COSZ Zone – Final

Councilmember Hokanson moved to adopt the fees as outlined in the staff report prepared by Anthony Kohler. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

COUNCIL BOARD ASSIGNMENTS

Wasatch County Housing Authority – 1st Wednesday – **Shelton**
Heber City Planning Commission – 2nd Thursday – **Bradshaw**
Historic Preservation - **Lazenby**

No reports were given.

At 10:15 p.m. the March 15, 2007, regularly scheduled meeting of the Heber City Council adjourned.

Paulette Thurber, City Recorder