

Heber City Corporation  
City Council Meeting  
03/20/2008

7:00 p.m.  
REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on March 20, 2008, in the City Council Chambers in Heber City, Utah.

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

Excused: Mayor David R. Phillips  
Council Member Robert Patterson

Also Present: City Manager Mark K. Anderson  
City Recorder Paulette Thurber  
City Engineer Bart Mumford  
City Planner Allen Fawcett  
Chief of Police Ed Rhoades

Others Present: Paul Royall, Lewis Garfield, Juli Clegg, Daniel Clegg, Michael Clegg, Kristopher Powell, Mike Thurber, Wade Williams, Irene Hastings, Shauna VanWagoner, Andrew Sipherd, Michael Murdock, Taylor Murdock, Steve Hallows, Ezra Segura, Carl Berg and Kathryn Rhoades.

Pledge of Allegiance: Councilmember Elizabeth Hokanson  
Prayer Councilmember Jeffery Bradshaw

**Open Period for Public Comment:** No comments were received.

### Appointments

**Wasatch County School District – Request to waive impart fees for the new high school:**

This item was postponed.

**Louis Garfield – Wasatch Chevys – Requesting to schedule the Main Street Park for a Car Show on June 28, 2008:**

Louis Garfield, President of Wasatch Chevys, addressed the Council. He presented a check to the City in the amount of \$500 and a plaque expressing appreciation for the Council's support over the years. It was indicated the show for 2008 had been scheduled for June 28<sup>th</sup>. Garfield indicated they had been bringing the Car Show to Heber for 17 years. Mayor Pro Tempore Bradshaw thanked them for coming to Heber and said the Council also appreciated the \$500.

Chief Rhoades said that, from a police point of view, this group was always good to work with and he, too, appreciated the show.

**Andrew Sipherd – People’s Health Clinic – Request for Contribution:** Sipherd thanked the Council for entertaining his request. Mayor Pro Tempore Bradshaw asked Sipherd to give a review of their services to the new Councilmembers. Sipherd indicated they provided care for those people that were not insured. They do ask for a small donation of \$15 per visit, if possible, but they didn’t turn anyone away--all people were seen regardless of their ability to pay. He said they had been in business for eight years. The business started in a mobile RV and it slowly evolved to a fixed location on Iron Horse Drive in Park City. He said their volumes had grown in leaps and bounds and they felt they had made a big difference to the community. Sipherd said United Way performed an assessment which showed Summit County with the most uninsured people per capita. He indicated that donations provided about \$100,000 they didn’t otherwise had to come up with. He said they saw over 3,000 patients last year which was a huge increase over the year before. Sipherd reviewed the charts he had provided which showed their costs had gone up but their patient volume had also gone up. He said they typically go to government entities and ask for 17% of their costs and were asking for \$6,000 from Heber City. Sipherd talked about the income/expense reports he had provided. It was indicated they were in the process of building a new facility at Quinns’ Junction and that IHC had donated the land to them. Their facility would be next to the new hospital being built. He said IHC had been a very generous partner. Councilmember Hokanson asked if the staff and doctors were unpaid. Sipherd said they had a small core paid staff to help rally the volunteer staff. One of the reasons they had had an increased in patients was because they provided quality care.

Ezra Segura said one of the areas they had made significant difference in was prenatal care. He indicated Gary Sharp had a practice here in Heber and he also worked as a volunteer at the People’s Health Clinic.

Mayor Pro Tempore Bradshaw said the Council was getting ready to start their budget process for the next fiscal year and they would talk about this request. He said the City had contributed to this cause for the last few years and did not see any reason to not donate. Councilmember Horner asked about their hours and also asked what the criteria was to help people. Sipherd discussed the days and hours they were open for operation and indicated their focus was to help those that had no insurance. Mayor Pro Tempore Bradshaw expressed appreciation to Sipherd and the People’s Health Clinic. He felt they were performing a valuable service.

**Tom Whitaker – Cowboy Poetry report and request for contribution:** It was indicated Whitaker had called and asked to be placed on the agenda for April 3<sup>rd</sup> since he was unable to attend this meeting.

**Paul Berg – Request for Commercial Condominium approval - Peterson Commercial Building located at 150 North Main Street:** Carl Berg represented this request. Jason Boal said their request was to condominimize the building (divide it up). Boal said that as far as the Planning Department, they would recommend approval.

Councilmember Straddeck asked if all the parking was above ground. Berg said it was all above ground—no underground. Councilmember Straddeck said he continued to be concerned about the facade of this building and said it looked like a Park City building as opposed to something that would enhance Heber’s Main Street. He said he realized that was not part of this discussion, but he would be asking questions. Mayor Pro Tempore Bradshaw said it met the requirements of the Zone. Fawcett said he thought the building met the City’s criteria quite well. Councilmember Straddeck indicated if it met the design criteria, that was fine, but maybe the

design criteria needed to be revisited. Anderson thought this would be a great addition to the City's streetscape.

Councilmember Horner asked how many spaces they were trying to get from the building. Berg said the building had three floors but that the basement would be used for storage. He said the main floor was designed for some kind of restaurant plus other uses and then there were four more units upstairs with a total of 10 units to the whole building. Berg said when originally submitted it was one owner but now they wanted to condominiumize the building and have 10 owners. Anderson said if the Council was inclined to approve the condominiumization, the developer would have to submit correct drawings for staff approval, at the least.

Councilmember Straddeck moved to approve the request for condominiumization approval on the Peterson Commercial Building located at 150 North Main Street subject to submittal of an updated plat, that plat being approved by staff and contingent upon the Planning Commission requirements. (1. Wasatch County Health Department approval of the utility connections for the restaurant located in the building; 2. A Declaration of Condominium and the Covenants, Conditions and Restrictions were submitted prior to recording; and 3. Any issues from the Engineering Department being resolved prior to recording) Councilmember Hokanson made the second. The voting was unanimous in the affirmative. Councilmember Patterson was excused.

Paul Royall questioned if they really had enough parking. Boal said yes they did and staff had taken into account the maximum requirement based on the square footage of the building—there was a parking spot for every 250 square foot. Royall asked if Heber City had different requirements for different types of businesses and would that number accommodate the different uses of the building. Boal said, yes, they had taken worse case scenario into consideration when figuring parking needs. Steve Hallows indicated there would be designated parking for each unit.

### **Action Items**

#### **Boyer Company – Approval of Lot Line Adjustment for property located between 1000**

**South and 1100 South and 200 and 300 West:** An overhead was shown. Fawcett talked about the changes in the lot line. He talked about the State Code and how lot line adjustments were addressed in that--if not creating additional lots, a lot line adjustment could be made. Fawcett reviewed the overhead and talked about the residential and the commercial areas. Wade Williams indicated that eventually this would all be part of the plat but this adjustment enabled them to proceed forward as far as their relationships with Don Pedros and Les Schwab and allow for the Wal Mart to move forward. He continued the important thing was no lots were being created but rather cleaning up the existing lots. Fawcett said this was a common thing to happen on these large developments. Anderson said one thing this did was facilitate the sale of land to Wal Mart and allow for this project to move forward. As previously discussed, the State Code dictates the Land Use Authority approves lot line adjustments. Since there had not been any other body designated as the Land Use Authority, the City Council had to hear this.

Williams said in other cities he had dealt with, this type of issue had been done over the counter and he had not had to go to the City Council. He said this was an important step as it put together the partnerships. Councilmember Horner asked how many lots there would be. Williams answered there would be less lots after the adjustment than before. Councilmember Horner expressed concern that this was being done now instead of when the plat was ready. Williams said it allowed them to adjust the lot lines so they could get their financing lined up.

Councilmember Horner said his concern was he would like to know the final numbers and how

many lots there were going to be that were commercial and how many residential. Williams explained this required no landuse approval and that it was just ownership changes. There was lengthy discussion about the property around the Les Schwab parcel, the deeds, titles and ownership. Again Williams said lot line adjustments were very common.

Councilmember Straddeck said he had called another city planner and was told they do this all the time. Councilmember Straddeck asked what would happen if the adjustments were made and then the project fell apart. Williams said they would be the owner of all the parcels for a period of time.

Councilmember Hokanson moved to approve the lot line adjustment for property located between 1000 South and 1100 South and 200 West and 300 West. Councilmember Straddeck made the second. Councilmember Horner said it was brought to his attention last night that there were some land disputes. He was very uncomfortable with granting this and wanted to wait until the final plat was presented. Voting AYE: Jeffery Bradshaw, Elizabeth Hokanson and Eric Straddeck. Voting NAY: Nile Horner. Councilmember Patterson was excused.

**Ordinance 2008-06 - Consideration of a change to the Heber City Municipal Code - 18.85 Cottage Overlay District – Repealing 18.85 Cottage Overlay District and Adopting 18.83 Neighborhood Infill:**

Jason Boal indicated the City was receiving a lot of complaints about the Cottage Homes being built, staff was not happy with the product, and the Planning Commission felt the homes being built were not on the same scale with the older homes in town. He reviewed the proposed changes. One change was the ordinance would only allow a home to cover 30% of the lot. A second change was in the garage placement--either in the back or no garage at all. He said there was some clarification made to measuring the setbacks and he took out the requirement that houses had to be 70' apart. He said that was already regulated with only allowing six homes on a block. He said height had been an issue with some so he brought that down to 30' from 35'. Another change was not requiring a second floor and changing the square foot requirement on the main floor. (900 square feet). He said the biggest change was in the design criteria. He suggested the current Code allowed for a lot of architectural techniques from a lot of different time periods. He said staff had decided that rather than have builders bring plans in at the end, it would be done before and they had proposed six different styles with features that would make the new home fall in place and match with surrounding homes. He said that one design criteria taken out was requiring stone or stucco on the front--they put back into the ordinance to allow vinyl siding on the front. He said that previously the garage was required and with this proposal a cement pad only was required but not necessarily a garage until later in the future. He suggested most homes downtown didn't have garages. He said the last change related to landscaping. With these infill lots, staff wanted landscaping in earlier than the one year requirement and had changed that to nine months. He added that with the landscaping, a larger tree caliper was required.

Anderson reminded the Council that the ordinance delivered to their home last night was modified from what was originally given to them—that it was more detailed as to what else in the Code needed to be changed that related to Cottage Homes. Anderson said also the map on the overhead showed an Neighborhood Infill District so the Council would also need to approve the map that properly addressed the Infill Ordinance.

Councilmember Straddeck asked about the garages. Boal said either the attached garage in the back or a detached garage in the back but for the smaller lots, the garage would have to be in the back and the larger lots could have a side garage.

Boal said Planning Staff wanted some flexibility and also wanted to have some ease in determining if the design criteria was being met. Councilmember Straddeck asked if all the designs could be built on all the lots. Boal said yes and no. Staff would encourage the builder to build similar to what was in the neighborhood. Fawcett said he did not like the no garage requirement at first but had warmed up to it now. He felt requiring a pad would be an incentive to build quickly.

Councilmember Horner asked why force the builder to build the pad--if you just have a pad, you can't build a garage. If a garage was eventually built, the pad would have to be pulled out and foundations put in. Boal said the idea on the pad was to keep the cost down. He said, too, that by having a cement pad, it also eliminated the tracking of dirt, etc., into the street. It was suggested to just require a cement driveway.

Anderson said one of challenges was having just one lane and putting in a cement pad would require them to back one car out to get another one in front. Boal said one of the issues was to cut down on the up-front costs. A driveway was more expensive than a 440 foot pad.

Discussion about the complaints received from citizens about the current Cottage Home Ordinance and the size of homes being allowed to be built. The Council seemed to think it would be better to require the driveway being paved and not require the pad.

Councilmember Horner asked if 18.83.030 really required a subdivision process. Boal said yes. Paul Royall suggested 17' was too close between homes and the Council shouldn't allow developers to dictate the Code. He said the City needed to make the lot wider and make the citizens happier.

Councilmember Horner said it was great to get the landscaping in within nine months but he had heartache with the size of trees. He didn't think the City should be in the business of telling people what to plant. Boal said this came out of the Cottage Home Ordinance. He said the only thing he changed was the size of trees. It would make the yards mature quicker and fit in the neighborhood quicker.

Councilmember Straddeck said this was a first-time attempt to get his hands around the whole Cottage Home issue and he needed more time to study it and to get additional information.

Councilmember Straddeck moved to continue this discussion until next meeting. In the mean time, Anderson would discuss the issue with Smedley. Councilmember Hokanson made the second. Fawcett asked if the Council wanted to address specific issues before continuing. Councilmember Straddeck said the trees didn't really bother him. He said he would like to know the background on some of these issues and know what the requirements were based on. It was indicated there have been a lot of requests during the moratorium. Mayor Pro Tempore Bradshaw called for the vote. The voting was unanimous in the affirmative. Councilmember Patterson was excused.

### **Discussion Action Items**

**Browning Estates Subdivision Agreement – Amendment Approval:** Mumford said the Browning Estates folks were getting ready to record their plat and that the Subdivision Agreement would also be recorded. He said there had been so much time since this project was initially approved, he felt it needed to come back to Council for approval. He referred to

paragraph six of the Subdivision Agreement and said at the time it was unknown how this would tie in with neighborhoods. The suggested change in a cul-de-sac in paragraph six was within the City limits. He continued that before the City would have had to wait before one or the other developments had recorded but now with the cul-de-sac, there was no time frame restraints. As far as paragraph seven, the sentence was completed as it was not a complete sentence as accepted before. Mumford said the developer was appreciative of not being tied into the subdivisions on either side of him.

Councilmember Straddeck questioned the three lots that access onto 1200 East. Mumford explained he was working with five different subdivision to get all the roads tied in. He said ideally he would not allow the three lots to access onto Mill Road but the way this all worked out, it was necessary to have those three lots access on Mill Road.

Councilmember Horner asked about paragraph eleven as he served on the Wasatch County Weed Board. Mumford said the City was not into the enforcement but rather only had to have the developer have an agreement in place that the Weed Board had signed off on. Councilmember Horner suggested there needed to be someone policing those agreements. Councilmember Horner talked about the State Statute and the City's requirements. He suggested the City needed to make sure the agreement was signed by Wasatch County. He thought if the County did not have time to police and do enforcement, the City needed to have its inspectors do it. Councilmember Bradshaw talked about the cost of training for inspection. He did not know if putting a fee in place would suffice. Councilmember Horner suggested this issue needed to be revisited.

Councilmember Hokanson moved to approve the amended Browning Estates Subdivision Agreement. Councilmember Straddeck made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Patterson was excused.

**Appointment of Justice Court Judge:** Because Mayor Phillips was absent it was indicated his recommendation would be made through Mayor Pro Tempore Bradshaw. The name presented to the Council was Reed Parkin.

Councilmember Hokanson moved to so approve. Councilmember Straddeck made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Patterson was excused.

**Set Public Hearing Date for Parkside Annexation – Located at the southwest corner of Southfield Road and State Road 113:** It was indicated the earliest this could be heard was April 3.

Councilmember Straddeck moved to schedule a Public Hearing for April 3, 2008, for the Parkside Annexation. Councilmember Horner made the second. The voting was unanimous in the affirmative. Councilmember Patterson was excused.

Anderson said Mumford had had some feedback on the flood water issue and there had also been feedback from Fisher regarding the wording on the Annexation Agreement.

**City Council Board Assignment Reports:**

Wasatch County Housing Authority – 1<sup>st</sup> Wednesday  
Heber City Planning Commission – 2<sup>nd</sup> Thursday  
Heber Valley Special Service District – 3<sup>rd</sup> Wednesday  
Historic Preservation -

No reports were given.

As there was no further business, the Regular Meeting of the Heber City Council held on March 20, 2008, adjourned.

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Paulette Thurber, City Recorder

APPROVED