

Heber City Corporation
City Council Meeting
04/05/2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on April 5, 2007, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Terry Wm. Lange Vaun Shelton Shari Lazenby Jeffery Bradshaw Elizabeth Hokanson
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: Bert Webster, Brian Lee, Amelia Stowell, Kieth Rawlings, Kevin Diaz, Stephen Smith, Robert Riddle, Dave Hutchinson, Al Mickelsen, Matt Ryan, J.D. Probst, Jayse Sharp, Randy McKee, Irene Hastings, Brian Balls, Matt Yeates, Josh Yeates, Bryce Waters, Jared Yeates, Tony Kohler, Paul Sims, Scot Lythgoe, Ken McConner, Sheila O'Neal, Tyler Frisby, Venus Dodson, Robert Dodson, Tausha Hewlett, Michael Hewlett, Mike Thurber, Rick McCloskey, Cydnee Diamond, John Gothard, Mary Piscitelli, Robert Piscitelli, Wade Williams, Kim MacLachlan, Cory Calderwood, MaryAnn Giles, Rob Cowley, Jim Cowley, Landon Bonner, Lawrence London, Alan Day, Mike Kohler, Ernie Giles, Mike Johnston, Cathy Witt, Russ Witt, Eric Goodliffe, Eric Straddeck, Tom Andra, and others whose names were not legible.

Pledge of Allegiance:	Councilmember Shari Lazenby
Prayer	Councilmember Terry Wm. Lange

Minutes:	February 6, 2007, Special Meeting March 1, 2007, Regular Meeting
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Councilmember Lange moved to approve the minutes of the February 6, 2007, Special Meeting and the March 1, 2007, Regular Meeting minutes. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

Venus Dodson: Dodson asked if the Mayor and City Council represented the citizens of Heber. She showed her eviction papers. She asked, "When are you guys going to step up and help us

out?” She indicted there were 80 families that would be displaced. She said she couldn’t say why the other families didn’t come in and talk to the Council, but she was at her wits end. She said if the Council couldn’t represent 80 families, she didn’t know how they could represent the whole City. “I don’t know why I am talking to you because it doesn’t appear anyone is helping me,” she said. She wondered what she was supposed to do. She said she had paid her mortgage for ten years and “for what?” She said she never got any answers.

Sheila O’Neal: O’Neal indicated she was a resident of the trailer park in Heber that was to be vacated. She indicated the Council had said they would do some research. Councilmember Lange said there wasn’t anything they could do as a Council if a private property owner decided to sell his property. O’Neal said there were no places for the people of the trailer park to go so the City of Heber was letting this happen and letting them down. She said she wanted to let this town know how the Council was supporting them. She indicated Heiner kept denying to them he was selling but he went ahead and sold. O’Neal said she had a spot reserved at Country Estates and that the manager there was supposed to get a hold of her when a spot came available but because of a miscommunication, she didn’t get a spot there. She said Doug Heiner paid the manager to reserve the spots for his own trailers and he had also taken all the available spots at the other trailer parks in town. O’Neal indicated the residents of the Park pay an extra \$50 for each dog they had. She said she went to jail because Heiner ripped out the fence in her yard and now her dogs didn’t have a place to go outside. “Somebody has to help us. Where are we going to go?” O’Neal indicated she was a single mom and she couldn’t pay \$1,000 a month for apartment rent. She indicated besides the stress of not having a home, the school called and questioned what they were going to do with the children next year for school. “Something has to be done. It seems nobody cares. It is terrible what is happening to these families and its unchristian.” Her opinion was that Heiner was only out for the money even though she said she understood he could sell his property. She suggested maybe the City could open a shelter because there would be a lot of homeless people in the City. She pleaded with the Council to get them some help.

Mayor Phillips indicated the City was sensitive to their situation and had been thinking and brainstorming ways to help and looking to see about assistance programs. “What would you have us do. We can’t tell the owner not to sell,” he said He continued that Heiner was a property owner and had decided to sell. Mayor Phillips indicated the City had worked with the developer from the beginning about assistance to the people in the trailer park. He said, though, that the City couldn’t create a shelter or another trailer park. O’Neal asked for additional time. Mayor Phillips questioned if they had requested more time from Heiner. She said yes and he would not budge and that he had not co-operated on anything. “The only thing he cares about is money,” was her reply.

Councilmember Hokanson said the Council was open to ideas. She indicated this was a hard position for the Council but that legally the Council couldn’t make Heiner extend the time for removal of the trailers or to continue having the trailer park. She said the Council had not found anything legally they could do.

Councilmember Lange said there was a suggestion of another trailer park at one City Council meeting and the next meeting there were 128 signatures against a park in the area. He indicated the County did not have a zone for a trailer park.

Mary Piscitelli: Piscitelli presented a letter on behalf of her husband, herself and Lee Erickson. She read that letter which addressed road size and berming for a road proposed on 1050 East.

She indicated she wanted a meeting with a City Councilmember, the developer, and a County Councilmember. Piscitelli said they were never contacted about the road and they never had an opportunity to sit down and talk with anyone before the road was decided upon. Mayor Phillips said a meeting could be arranged.

APPOINTMENTS

Wasatch County/Rural Planning Organization (RPO) – Master Plan Presentation: Al Mickelson, Chairman of the RPO, indicated he was before the Council to present a Regional Transportation Plan. He said the Plan had been discussed with members of the RPO and also the committee had met with Midway City a couple weeks ago to go over the transportation system of the valley. What he wanted to do tonight was share with the Council how the Plan would relate to Heber City and how it related to the adjoining area. He suggested if the Council was comfortable with the proposal, he would want them to get the City's road system to match up with the County's system as well as adjoining communities. An overhead was presented which showed a flyover of the transportation system.

Shaun Seager, Mountainland Association of Government, discussed the Plan and the improvement it provided for the community. It was indicated the materials handed out during the meeting were an updated version from what was sent in the Council packets prior to the meeting. An overhead, displaying different colors showed the improvements that should be built the first seven years, the improvements built between 2016 and 2025 and the third phase improvements which would be built between 2026 and 2030. Seager indicated this was a 25/30-year transportation plan and they were wanting this to be a part of a master plan update that Wasatch County was going through currently. Seager talked about the Rural Transportation Committee and the members on that. He said they would be going to Wasatch County to see if they would adopt this into their transportation plan.

Mayor Phillips questioned if any proposal conflicted with any roads on the City's Master Transportation Plan. Seager said what they did was work with the current transportation plan and updated as necessary. Mumford said this Plan was consistent with the City's current Master Transportation Plan except Center Street which could be upgraded to 5 lanes. Otherwise all other roads were three lane roads and consistent with the Master Plan.

Al Mickelson said it was important to know the transportation plan for future growth, etc. He pointed out, though, the time line to actually construct would depend on traffic. He continued that a lot depended on growth and if the growth the valley was currently experiencing continued. He said the planning had to be done now or there would eventually be problems. He said the committee was trying to look into the future and anticipate the needs. Discussion about the articles in newspapers, etc., about this area being the third fastest growing area in the United States. Mike Kohler, Wasatch County Councilmember, asked that the bypass be kept in mind at all time during this planning process. He said the City and County needed to work together and work with UDOT and start reserving corridors. Mayor Phillips said he was sure the City and County were on the same page. Kohler encouraged a meeting with UDOT to get some commitment from them. He also asked the City to adopt a Resolution similar to the County's in support of the bypass and preserving corridors for it. He said UDOT would be in Heber for a meeting on April 16 and encouraged attendance by the Council if they were available.

Mike Kohler indicated there was some planning going on in the North Village. He said part of their plan with UDOT was four or less accesses off of North Village onto Highway 40 and they

would use frontage roads in order to keep the speed up on Highway 40. Councilmember Lange expressed concerns relating to the bypass with issues involving the railroad and Midway Lane.

Ordinance 2007-14 – An Ordinance considering the Swena/Reinholt Annexation – Property located at approximately 100 West 700 North and consisting of 17.48 acres - Adoption of Annexation Agreement - Continued from 03/15/2007:

One of the concerns expressed at last meeting was what portion of the project sewer system could be served by gravity flow and the solution to that portion of the property that could not be served by gravity flow. There were questions asked about what could be developed based on wetlands. It was explained the developer hesitated to do a full delineation study because they didn't yet own the land. Anderson talked about the annexation agreement that specified if the bypass wasn't viable in that location and had to be moved, the City would be the beneficiary of the land directly north of the park area to be included in the Muirfield Park and the rest would go back to the developer.

Discussion about maintenance of lift stations. Yeates said their understanding was the maintenance of lift stations would be the developer's responsibility. Discussion about the risk the developer was taking as far as annexation not knowing for sure about the ability to develop.

Discussion about Harriett Whitson, a wetland scientist and hydrological engineer that did an initial delineation study. It was indicated Ms. Whitson had many years with the Army Corps of Engineers before starting her own business and she was a renowned and respected engineer.

A Power Point presentation was made at this time.

Yeates indicated they had come before the City Council 14 months ago with an initial proposal and felt they had a nod of approval from the Council at that time to move forward. The initial concept plan was shown from that meeting. At that time they were told about the future bypass. They, (developer) suggested higher density to compensate for the property (road) they would have to give up. However, staff didn't want that much density so the developer went back to their group that helped them with a redesign. He said the new design seemed to fit with staff's requests. Yeates talked about the annexation agreement which had been drafted by Anderson and staff. Yeates addressed two proposals which showed two fully designed renderings of the road and how that would be built. One showed the hotel and restaurant being moved down on the plat which left very little property for residential use. The second concept showed some differences in the layout which would give them more room for residential and some expansion of the Muirfield Park. He said City staff preferred plat one. Discussion about how much property the bypass road took. The annexation agreement specified the truck route and anything north of it would be dedicated to the City.

Brian Balls, Summit Engineering, discussed sewer issues. An overhead showed contours of the site. He pointed out connections in the area. Most of the manholes were below grade about four feet. He pointed out a new manhole that had an 8' stub and said if that was extended onto their property, that would "come close to daylight". It was said that the gravity line would have to be filled in the same manner as the other areas. Balls said some areas would need about 2 1/2' fill and other areas would need about a 7' fill to keep it about three foot below grade. Balls talked about a private pump system and discussed how that line would run. Balls discussed a low pressure system or a pump station. More discussion about how the sewer line could run and that it would not go through the Muirfield private system. Councilmember Lange asked about a manhole around the area of Brent Hill's offices. Balls said they could not find that manhole had any connection to the current system. Mumford talked about the sewer master plan. He said the

developer would have to construct a 10' line to meet the City's requirements. Yeates said there were several options to meet the sewer needs but as far as the wetlands, they had met with staff extensively on what had to be done there. He understood a full scale delineation would have to be done at some time. Yeates talked again about the study Harriett Whitson had done. Councilmember Lange said he would not accept her findings until she signed a document. Yeates talked about what was reasonable for a developer to pay to determine the ability to develop a parcel. He said he stood by Whitson's study and read a summary of it. Yeates pointed out a full delineation study would take a year and \$30,000. He said there had been a lot of time and money spent so far but they were not asking for permits yet. He discussed the residential condominium area which would have 2-car garages and would be high quality homes that were affordable.

Mayor Phillips felt the annexation was only being considered by the Council because of the truck route but that the COSZ overlay zone was not something that could be guaranteed. He said that request would have to go through the public process with public hearings on zoning, etc. Yeates said he hoped for consideration of their request.

There was additional discussion that a full delineation study would have to be done and that requirement was outlined in the annexation agreement.

Mayor Phillips read Paragraph Five of the agreement. He pointed out the language read "at the time of development of the property dedicate an east-west running corridor to Heber City for the western truck route." He felt that needed to be dedicated as a condition of annexation because the developer might not develop for five years and the City might be ready to do the road in two years. Yeates said they would concede to that concept. Mayor Phillips then discussed Paragraph 11 which read: "The developer and owner of the commercial portion of the annexation will improve their street frontage on Highway 40, curb, gutter, asphalt and sidewalk, etc..." He questioned who the owner would be. Anderson said staff's understanding was that at the time of development, those improvement would be required by whoever would be doing the commercial project. Discussion that perhaps the residential would be built but until the commercial was built there would be no improvement on the highway. Yeates said that was not something they would contend over and if the Council wanted to stipulate that be changed to the time of development by either residential or commercial, they would agree to that.

Councilmember Lange asked about access to the highway. Anderson said the proposal did not allow any access to the truck route from their project. Councilmember Lange again asked about access to Highway 40. Yeates said that would have to be worked out with UDOT. Mayor Phillips talked about the importance of the annexation agreement and protecting the City if the developer should sell the land before development. Yeates understood and said historically they had gone into a development agreement with other cities which was recorded. He said that gave the cities a comfort level. Anderson said the City wanted to keep the bypass road issue flexible until it was determined definitely where the road would go.

Councilmember Shelton wondered about the lift station and wondered if it was a tag waiting to be delivered to the City after the developer was long gone. He said if there were problems, the residents came to the City and not the developer. He said if the project was gravity feed, there was no issues with the City being left with responsibility of lift stations.

Yeates said without the COSZ overlay, they would have financial issues. He asked if the Council had issues with that even though he knew it had to go through the public process.

Councilmember Lazenby said she was not opposed to the COSZ because of the comments of the neighbors who were impressed with this particular developer.

Bryce Waters commented they had every incentive to do something very nice to preserve the value of the entire project.

Discussion about de-annexation if the delineation study showed the project was not feasible. Anderson said once the agreement was entered into, the City would be entitled to the bypass route and the potential open space to the north. He said the delineation study would be after annexation and prior to any development. Consequently, any de-annexation would not include the property given to the City. Yeates said they had an extreme comfort level with the development. Mayor Phillips asked how interested they would be to bring in fill and make it gravity flow and not have to deal with lift stations. Yeates said he did not have education enough in that area to give an answer but he had not been involved in any development that did not take some fill.

Councilmember Bradshaw said he would be lying if he said he was enamored with the residential. The commercial made it attractive to him and what property was essential for the future bypass. For that reason, he would be favorable to annexation.

Councilmember Bradshaw moved to approve Ordinance 2007-14, an Ordinance considering the Swena/Reinholt Annexation, property located at approximately 100 West 700 North consisting of 17.48 acres and the adoption of the Annexation Agreement. The annexed property was subject to the restriction regarding the bypass road and giving up land to the north for open space and the developer work towards gravity flow for the sewer as far as possible for the residential area. Councilmember Lazenby made the second. Discussion. Councilmember Hokanson clarified this motion was not contingent on the delineation study since that requirement was outlined in the annexation agreement already. Discussion that the motion did not include the proposed addendum to the agreement. There was reference made to the earlier discussion about curb and gutter. Anderson proposed additional language for paragraph 11. Developer/owner was responsible to improve the street frontage along Highway 40 at the time any development occurs. As far as trying to gravity flow the sewage, Anderson thought it best to insert language into the agreement so it was clear what was expected by all. Mayor Phillips suggested the language be specific about any lift station being a private lift station and not a City lift station. Anderson said he would put language together such as the City would prefer the sewer be provided by gravity flow but if not possible any lift station be approved by the City Council. Councilmember Bradshaw and Councilmember Lazenby approved the amendments to the motion. Voting AYE: Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson. Voting NAY: Terry Wm. Lange

Robert Cowley – Annexation Petition – A Petition requesting annexation of 109.23 acres of land which fronts on Daniel and East Airport Roads: Robert Cowley indicated they had 58% of the signatures which represented the property owners and the agreement with Merrill. It was suggested the annexation petition met the requirements necessary.

Anderson said John Gothard, the attorney for Merrills, requested the issue be continued until his client could be present. Gothard felt it would be best to have his client available and address the issues they had in person and then get a signature from his client.

Councilmember Lange moved to continue this issue until all parties could be present. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

Tausha Hewlett – 362 West 300 South – Requesting reconsideration of Cash Bond

Forfeiture reimbursement: Tausha Hewlett indicated they had built a home last year. She said they built it themselves because that was the only way they could afford to build. Hewlett referred to the information she provided to the Council prior to the meeting. Mayor Phillips asked why during the winter the driveway and the sidewalk to the front door was poured but the sidewalk wasn't. Mike Hewlett said there was an active irrigation ditch there that had to be empty before they could run the gas and sewer lines. While the ditch was empty they had to be able to dig the lines and refill them and by the time the gas line was installed, the ground was frozen. Mayor Phillips asked if they had poured the sidewalk yet. Tausha Hewlett said no they were waiting to see if they can get their bond money back. She explained her dad, Robert McDonald, building inspector with Wasatch County, had been helping with the house until he got injured. They depended on his expertise and suggested that was why this slipped through and they were in this position. She read from the materials that outlined the forfeiture of the bond and said they were confused because it referred to the International Building Code rather than the City Code. Councilmember Lazenby explained the City had adopted the International Building Code and followed those regulations as well as the City Code. She asked them if they reviewed the materials specifically prepared for them dated December 13, 2006, and also referred to the inspection report dated 1/4/2007 which outlined the need to replace the sidewalk. Hewlett again discussed the issue of frozen ground. Councilmember Hokanson referred to the handout that was provided in their packet as had Mayor Phillips. It was indicated those were provided by Wes Greenhalgh, Building Official. Mr. Hewlett said the forfeiture was dependent on final inspection and the inspection everyone was referring to was the temporary occupancy and not final. Mayor Phillips said the City had an ordinance that stipulated a 60-day period and if the Council did not feel that was working it would need to be changed. It was pointed out that Anderson had written in his staff report that the Council could modify the forfeiture, if they felt there were "compelling circumstances". Mayor Phillips cautioned that action, though, because of setting a precedence. Councilmember Shelton asked about compaction of the dirt after the gas and sewer lines were installed and said the sidewalks should not have had to wait because of that. Hewlett said Councilman Shelton was right. Discussion about pouring cement in freezing weather. Councilmember Shelton felt this was a situation of misplaced priorities. He was not in favor of supporting ignoring the City's ordinance. Hewlett said they did not feel they could meet the standard and did not want to pour and have to re-pour.

Councilmember Lange asked why, after three stop work orders, they did not think about coming to the Council before. Hewlett said they were going to but those issues got resolved. Hewlett said if they had had a better understanding they would have made different priorities. She said, too, things got dropped when her dad was hurt. Mr. Hewlett felt it all came back to the ordinance and felt, as did the City building inspector, sidewalks should be the street department responsibility instead of the building inspector. He said again they didn't want to spend \$2,000 to pour in the winter to save the \$1,000 bond. He said they had talked with building inspectors several times but did not realize they could come to the Council before.

Discussion about when the final inspection was really done. Councilmember Lazenby felt there had been a lot of miscommunication. Councilmember Lange wanted to hear from Greenhalgh. Anderson said from the Building Department perspective, January 4 was the final inspection. He said the Hewletts started talking to the City in December at which time Greenhalgh created a checklist to try and help the Hewletts understand what they had to do to get temporary

occupancy. Mr. Hewlett said people should be given adequate time to come in compliance. They didn't want to put in a substandard sidewalk.

Councilmember Lange moved to continue this issue for two weeks and have the Building Official, Greenhalgh, attend that meeting. Councilmember Lazenby made the second. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby and Jeffery Bradshaw. Voting NAY: Elizabeth Hokanson.

ACTION ITEMS

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-3 Commercial, and Business and Manufacturing Park (B&MP) to a Mixed Use Residential Commercial Zone – Continued from the 02/15/2007 and 03/01/2007 meetings: Mayor Phillips said the Council had been forgoing the zone change pending the transition assistance of the mobile home park. He asked if everyone had an understanding of that plan and wanted a verification of exactly what it meant.

Wade Williams, Boyer Company, said it would be helpful to take a historical look at where they were and how they got there. He said when they were first approached about the project they were aware of the trailer park and hotel. In the initial agreement with the seller, the seller was to have certain funds available at closing for those people. What was decided to do was not put those people in limbo because if approval didn't happen until winter, it was better to not move those people in the winter and take the kids out of school. So instead of giving help at closing they amended their agreement to provide the resources now instead of at closing. He said they were sensitive to the people in the mobile home park and felt it was better to take this action now to be fair to the people. Williams said the long term viability of the mobile home park was not feasible and in an effort to help, they had made some advance funds available to Heiner. He indicated there was a meeting held with all residents in the park except about 10. The plan was explained to them which was there would be \$1,000 given up front and another \$3,000 given later. Williams did some research that indicated other situations like this had given \$2,000 total. He said, too, they had made contact with movers to see about getting a special cost with multiple moves. He said they had also found a mobile home park in the basin that was actively looking for trailers.

Mayor Phillips asked Williams if he was aware of the fact the zoning would not happen until the issue of the referendum was determined. Williams was aware. Councilmember Bradshaw indicated he had heard Heiner was using the money intended for the home owner to collect back rent. Williams said Heiner had stipulated the residents had to be current before they get the funds. Councilmember Lange asked about the cost to move. Williams said approximately \$2,300. Councilmember Lange felt that figure was too low. Discussion that the size, age, and condition of a home determined the cost of moving it. Williams said they had not been able to find trailer spaces in Heber except those that Heiner had secured. Mayor Phillips asked if Heiner could give the trailer people an additional 30 days. Williams said they would not be opposed to giving them another 30 days. It was suggested that it might help those folks if the developer asked Heiner to give them another 30 days or perhaps the City could approach him. Williams pointed out it was an awkward situation they were in. He said they were at risk on some of these funds but felt it was the right thing to do to give the funds sooner than later. Williams said, too, they had met with the affordable housing folks to see what could be done through that avenue. He again said they were taking a risk but were moving forward in good faith and hoped the

Council would move forward in good faith with the rezoning. He suggested it would be helpful for the voters to know what the zoning would be and what the project would look like when they go to the polls.

Councilmember Lazenby asked what information the residents actually received in the meeting because it seemed some did not know what was going on. Williams explained what was in the packet given to the residents. Williams said he would be happy to meet with the residents again and help them understand their options. Williams emphasized the funding wasn't the entire answer and it would take rallying of the entire community, churches, etc., to help some of the people.

There was additional discussion about the age of trailers and which ones could be moved. Williams said there was a market for trailers and there were answers for those trailers owners. However, the trailers that couldn't be moved created a problem and those would be the ones the community needed to rally around. Councilmember Lange expressed concern and suggested even though trailers got moved that didn't answer the problem of people getting back and forth to work if the trailer was moved to Rock Springs, for example.

Councilmember Hokanson said she had questions about their meeting with the Housing Authority. Williams said there were a few units available through that program and another solution was building some units in their project.

Councilmember Bradshaw asked about the plan for construction and where the housing elements would come in. Williams said they would do it all together. He said they would move forward right away with their housing component. Williams said they had tried to put their best foot forward and work with the residents.

Councilmember Hokanson moved to approve Ordinance 2007-12. Councilmember Bradshaw made the second. Councilmember Lange expressed concern with zone changes without further input from others that had gone through this process, such as Provo City. He said he like mixed zoning for certain things but wanted to look at a couple of those first. He suggested that with the possibility of a referendum, the Council might be in too big of a hurry. Mayor Phillips and Anderson both discussed that the project could not start until after the referendum was voted upon, if it went to a vote. Anderson indicated, if the referendum repealed the zoning, the ordinance would be voided and the project could not move forward. Councilmember Hokanson did not feel there were any reasons to wait to move forward with this. If the issue went to a vote, it would be decided at that time and if approved, the zoning would be in place. Mayor Phillips called for the vote. Voting AYE: Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson. Voting NAY: Terry Wm. Lange.

Ernie and Mary Ann Giles – Annexation Petition for property located at the intersection of Midway Lane and Southfield Road and extending south to approximately 350 South and west to approximately 1650 West – 56.15 acres of land known as the Ernie Giles

Annexation: Giles discussed the portion of this property that was involved in a previous annexation petition. He then discussed the two concept plans that were presented in his petition.

Anderson pointed out the property as shown on the Future Landuse Plan and the reason Giles brought the petition in as he had.

Mayor Phillips asked Giles why he wasn't interested in annexing 10 acres but now he was interested in annexing 45 acres and said the City was working hard to get the truck route in place. He also indicated Wasatch County had some concerns about how far west the City should go. Giles pointed out the Sphere of Annexation went west of his property about a ¼ of a mile.

Fawcett said he had heard the County was thinking about rezoning the Southfields to 5-acre parcels and Northfields to 10-acre parcels. He said that had not been acted upon yet but that was the recommendation from the committee that did a study on the area. Giles said he did not have any plans for development at this time and the reason he was making this request was because the bypass affected him more than the others.

Councilmember Lazenby moved to accept the annexation petition for property located at the intersection of Midway Lane and Southfield Road and send to the Planning Commission for study. The motion died for lack of a second.

Mayor Phillips discussed the bypass road and said some of the other annexations had conditions for a 84' right-of-way. He asked Giles what his feelings were on that. Giles said he would consider it. Mayor Phillips explained during annexation consideration was when the City had some kind of control over issues they felt necessary and could place conditions on a parcel being annexed. Councilmember Bradshaw asked if Giles had approached the state about access on Highway 113. Giles said Highway 113 was not a limited access highway.

Councilmember Lange said he wanted to have a joint meeting with Wasatch County to talk about the road and the sewer line. Mayor Phillips said he would follow through with that.

Councilmember Lange moved to not accept the Ernie Giles annexation petition at this time and meet with Wasatch County on the issue of bypass road and sewer. After that meeting, he would encourage Giles to reapply. Councilmember Shelton made the second. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton and Elizabeth Hokanson. Voting NAY Shari Lazenby and Jeffery Bradshaw. Motion passed.

Ordinance 2007-15 - An Ordinance amending Chapter 18.61 of the Heber City Municipal Code (Planned Community Zone): Mayor Phillips asked for comments from the Council. None were received.

Councilmember Lazenby moved to approve Ordinance 2007-15, an Ordinance amending Chapter 18.61 of the Heber City Municipal Code. Councilmember Bradshaw made the second.

Councilmember Hokanson asked what the standards were for street widths in the County. Mumford said 26' paved. Councilmember Hokanson expressed concern with private streets being turned over to the City at some point and the widths of these streets being less than City standard. Frisby said the actual road width was 24 feet. Councilmember Lange felt that was too narrow. He also had concerns with density and said he did not understand what the City was giving away. Fawcett explained this Ordinance change tied directly with the City and County agreement and that they had spent hours putting this together. He said they had to tweak the existing Code to meet what this body and the County had already agreed on. Councilmember Bradshaw explained the intent was to allow a P C Zone in the event they lacked enough open space and allow density and meet the requirement of the P C Zone. He said this gave them flexibility. He explained further that if the City had painted themselves in a corner with Red Ledges at the expense of Stone Creek, this was a means to try and make the ordinance flexible

enough so they could comply with it. Mayor Phillips explained the Council looked at the two projects as a whole and said the Code might need to be changed in the future if it is found that this change didn't work. Mayor Phillips called for the vote.

Voting AYE: Vaun Shelton, Shari Lazenby, Jeffery Bradshaw, and Elizabeth Hokanson. Voting NAY: Terry Wm. Lange.

Paul Simms – Stone Creek Development – Master Plan Approval: A 10 minute break was taken to give the Council a chance to read a modified Master Plan Agreement.

Mayor Phillips indicated he had spoken with Glenna Erickson earlier in the day. He said she owned a home just south of the lot the City bought and was wondering about landscaping and a walking trail along the back of her property. Anderson said he had conservation with Erickson earlier and explained the master plan presented tonight did not go into a lot of detail about trees, height of trees, landscaping, etc. He suggested to her that the City, the developers and the two land owners get together for a meeting to discuss these issues.

Frisby said that as part of that discussion they would need to involve Red Ledges per their prior agreement with Red Ledges. He said they were responsible to build that road and do the landscaping but Red Ledges was a critical part of that decision. Anderson said they would discuss these issues at that meeting prior to phase one approval.

Councilmember Bradshaw asked about setting aside a fund for maintenance of roads inside the subdivision. He said that was not mentioned in the Master Plan Agreement. Frisby said there were a lot of issues that would be discussed as they went through the different phases. He said they were not trying to neglect issues but they would be discussed at another time. In order to move forward with this, Councilmember Bradshaw suggested language be inserted into the master plan document which dealt with HOA funding for maintenance of roads. McCloskey said they planned to create an escrow account specifically for those funds. Discussion. Councilmember Bradshaw wanted language referring to the fund for maintenance and improvements of roads be placed in the master plan document tonight. It was suggested that language be added under 5. Fawcett suggested maybe there should also be some language that if the HOA failed, there would still be a way for the escrow account. McCloskey felt that could be addressed prior to final and did not necessarily see the need for that language to be in the master plan agreement tonight.

Planning Commission Chairman, Kieth Rawlings, said everything he could think of had been addressed.

Councilmember Hokanson asked about other issues that were HOA related and if they would be addressed before final. (such as garbage) It was determined other issues could be addressed outside the master plan. Rawlings said they had discussed that issue at the Planning Commission level and there would have to be a central collection point for garbage since the County would not go into a private community. Frisby suggested the HOA documents are not recorded until just prior to plat recordation so that all details could be worked out.

Discussion about road widths. Councilmember Lange asked about existing stub outs in other subdivisions and if the City was going to ignore those or what. Frisby suggested there was only one stub that would be an issue. Anderson discussed the issue as addressed in the master plan

agreement and pointed out the access point on the overhead map. It was indicated the cul-de-sacs of this project would be built to the current City standard.

Councilmember Lange asked about #7 of the agreement which referred to the City participation in the upsizing of the water line. Frisby talked about that water line and pointed out it was a key to the City's infrastructure and said they respectfully requested the City consider participating in that water line and not just the upsizing. It was indicated the City was participating in the upsize from 10" to 12". Discussion about the benefit of this line which would work by gravity and allow for better pressure in parts of Valley Hills and The Cove areas. Mayor Phillips asked the Council to think about this and then they could talk about the request during the budget meetings.

Councilmember Bradshaw moved to approve the Master Plan subject to the change to paragraph 5 f allowing for an escrow account for future road maintenance. Councilmember Shelton made the second. No further discussion. The voting was unanimous in the affirmative.

Ordinance 2007-16 - Amendment to the Zone Map on property located at approximately 988 South 600 West from RA-2 Residential Agriculture to R-1 Residential (Russ Witt Last Stand Subdivision): Councilmember Shelton moved to approve Ordinance 2007-16, amending the Official Zone Map of Heber City for property located at approximately 988 South 600 West from RA-2 Residential Agriculture to R-1 Residential. Councilmember Hokanson made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

Ordinance 2007-17 - An Ordinance amending the Future Land Use Plan Map of the General Plan from Low Density Residential to Planned Community for property located approximately 1100 North to North of Coyote Lane adjacent to North Highway 40, known as the Andra and Hutchinson Properties: Councilmember Lazenby moved to approve Ordinance 2007-17, an Ordinance amending the Future Land Use Plan Map of the General Plan from Low Density Residential to Planned Community for property located approximately 1100 North to North of Coyote Lane adjacent to North Highway 40, known as the Andra and Hutchinson properties. Councilmember Shelton made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

Brian Balls, Summit Engineering, answering the question of Councilmember Lange about sewer service said the easements were already in place and the sewer would be into the North Village Special Service District. He said, too, that this discussion would come forth when the annexation request came back to the City Council.

Ordinance 2007-18 - An Ordinance amending the Future Landuse Map of the General Plan, changing the landuse from Highway Commercial to High Density Residential for property located at approximately 1900 South Highway 40, accessed off East Airport Road: Mayor Phillips expressed caution and the need to be aware there was no access to Highway 40 from this parcel. He said, too, this area was part of the commercial area for Heber right now. He wondered about chipping away from the small amount of commercial the City had. Councilmember Bradshaw asked about ownership of the parcel. Brian Balls, Summit Engineering, said that triangle was part of the same ownership that had residential.

Councilmember Lazenby moved to approve Ordinance 2007-18, an Ordinance amending the Future Landuse Map of the General Plan, changing the landuse from Highway Commercial to High Density Residential for property located at approximately 1900 South Highway 40.

Councilmember Bradshaw made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, and Jeffery Bradshaw. Voting NAY: Elizabeth Hokanson.

Ordinance 2007-19 - An Ordinance amending the Official Zone Map of Heber City from C-2 Commercial to R-3 Residential for property located at approximately 1900 South Highway 40, accessed off East Airport Road:

Councilmember Bradshaw moved to approve Ordinance 2007-19, an Ordinance amending the Official Zone Map of Heber City from C-2 Commercial to R-3 Residential for property located at approximately 1900 South Highway 40. Councilmember Lazenby made the second. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, and Jeffery Bradshaw. Voting NAY Elizabeth Hokanson.

CITY COUNCIL BOARD ASSIGNMENTS

Wasatch County Housing Authority – 1st Wednesday – **Shelton**
Wasatch City/County Health Department – 4th Tuesday – **Lazenby**
Heber Valley Special Service District – 3rd Wednesday – **Phillips, Shelton, Hokanson**
Heber Light and Power – 4th Wednesday – **Phillips, Lange, Shelton**
Heber City Planning Commission – 4th Thursday - **Bradshaw**
Historic Preservation - **Lazenby**

No reports were given.

The regularly schedule meeting of the Heber City Council on April 5, 2007, adjourned at 12:00 midnight.

Paulette Thurber, City Recorder