

Heber City Corporation
City Council Meeting
04/15/2010

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on April 15, 2010, in the City Council Chambers in Heber City, Utah.

Present: Mayor David R. Phillips

Council Members Eric Straddeck
Nile Horner
Alan McDonald
Benny Mergist

Excused: 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
City Attorney Mark Smedley

Others Present: Michael Thurber, Bryan Bresnan, Dave Kennamer, Mitchel Burns, Lauren Knowles-King, Greg Adamson, Martin Van Roosendaal, Joe Giles, Peggy Giles, and Kieth Rawlings.

Pledge of Allegiance: Councilman Alan McDonald
Prayer: Mayor David Phillips

Mayor Phillips excused Councilman Robert Patterson

OPEN PERIOD FOR PUBLIC COMMENT

No comments were received.

Todd Cates – Phases 1C and 1D – Red Ledges – Final Plat Approvals – Located at approximately 1851 East Center Street (Tab 1): Mitchel Burns was in attendance for Todd Cates. It was indicated Red Ledges was asking for approval for plats 1C and 1D of the Red Ledges Development. It was indicated the lots were already serviced by existing infrastructure from other phases and the only issue worthy of mentioning was the City needed to ensure Red Ledges had met with the Housing Authority and had met that requirement. Burns said they had

already paid that in anticipation of approval tonight and the funds had been wired in this morning. Burns said they had been through the approval process with a couple other phases but those had been with another Council. He said he did not have a feel for what this particular Council would like for him to discuss. Councilman Straddeck said he wanted the short version. Councilman McDonald asked if there were any zoning changes that had to be done to fit their situation. Burns said no they had worked in the Planned Community Zone—he said they sold the pad and the builder came in and built – it was indicated the grounds were common areas.

Councilman Mergist asked how many homes were built and lived in and how many under construction. Burns said overall 1200 home sites of which 113 had been sold and of those sold, there were six homes completed -- 1 occupied full time and 1 part time and the others were show homes. He said that if this phase was approved tonight, they had a buyer for six lots and were hoping to have six under construction this summer. Burns said the winter went well for them as they had sold five units. He also indicated the golf course would be open on May 1. They anticipated a lot of people coming up in the summer to look at the homes. Burns said there was a 15 acre public park that would be built in a later phase.

Councilman Straddeck moved to grant final approval for Phases 1C and 1D of the Red Ledges Development. Councilman Mergist made the second. No further discussion. All AYE: Eric Straddeck, Nile Horner, Alan McDonald and Benny Mergist. Councilman Patterson was excused.

Bryan Bresnan, Census Field Operation Supervisor – Update on Census Response and Non-Response Follow-up (Tab 2): Bresnan said he was surprised but pleased that Wasatch County and Heber City were doing very well with the return of the questionnaire. (About 70%) However, there were still a lot of people to visit...about 1,000. He said he had 60 people working in Wasatch County with half working in Heber City--their presence would be increasing. He asked the Council if they would assure anyone they talked to that these questionnaires were very important.

Councilman Straddeck wanted to know if these people carried credentials. It was indicated yes. Also, if anyone was unsure of the validity of a worker, they could call and verify.

Bresnan said he would not be asking for public service announcements yet “but everyone please cooperate and, if a notice is left, please respond”.

Bresnan asked if the City had any office space available that his workers could utilize. (He was working with four districts) He said he needed to meet with employees (about 60) and also he needed somewhere for residents to come in and fill out the form. He said any available space would be appreciated. Anderson said he had talked with Chief Rhoades and the Chief was willing to work with him. Anderson said on some occasions the conference room could be made available, as well. Chief Rhoades said they would work with him like they did with the National Guard.

Bresnan gave his phone numbers in case of any complaints.

Approval of Assignment of Irrigation Company Share Agreement – Assignment of Wasatch Irrigation Shares (Tab 3): Councilman McDonald said he had called legal counsel and Smedley felt the forms were in order.

Councilman Straddeck moved to approve the Agreement and Assignment of Wasatch Irrigation Shares and make assignments to Councilmembers Nile Horner and Benny Mergist. Councilman McDonald made the second. No discussion. Voting AYE: Eric Straddeck, Nile Horner, Alan McDonald and Benny Mergist. Councilman Patterson was excused.

Review Recommendation from the Airport Advisory Board – Select Architect/Engineer for Design of Snow Removal Equipment Building – Heber City Airport: Councilman McDonald recommended this issue be put back on the agenda in light of new information received. He said he wanted to look at the second choice of the Airport Advisory Board. He said he also wanted to see if there was a construction company that could do the engineering. Anderson said the FAA required the design to be bid out and then built. Anderson said he was in attendance when the Airport Advisory Board discussed their choices but he did not remember out of the three who was the second choice but that Summit Engineering was the first choice. Councilman Horner suggested the Council needed to know the differences from choices one and two. Anderson said the thing to do now was choose someone to design the building which was where the City had been in the process six months ago. Anderson discussed some of the things Summit Engineering had put in their RFP that the others had not. Discussion. Anderson said he was anticipating the Council would appoint a person or company to move forward with the design. He again said he did not know who the second choice was. Councilman Horner said it was important the Council look at all bids on everything.

Councilman Mergist moved to table this issue to enable the Council to look at all proposals. Councilman Horner made the second. No further discussion. Voting AYE: Eric Straddeck, Nile Horner, Alan McDonald and Benny Mergist. Councilman Patterson was excused.

Ordinance 2010-05 – An Ordinance Repealing Section 9.22.60 of the Heber City Municipal Code – Unruly Gatherings (Tab 4): Councilman McDonald stated he felt there were some definite faults in the phraseology used in the Unruly Gathering law. He felt it was misleading, vague and too broad of coverage in some areas. He felt there were violations of public, private, and business rights and suggested State law already covered Heber City with what the Council and public wanted.

Councilman Mergist moved to table Ordinance 2010-05 until the next City Council meeting. Councilman Horner made the second. It was felt this would give the public an opportunity to comment. Voting AYE: Eric Straddeck, Nile Horner, Alan McDonald and Benny Mergist. Councilman Patterson was excused.

Approval of Heber Valley Animal Control Voluntary Organization Operating Agreement. (Tab 5): Anderson said Cathy King had provided some comments today. As he looked at it, the agreement the Council had in the initial packet was an attempt to incorporate comments from the Animal Control Board. Consequently, he recommended the Friends of Animals meet with the Animal Control Board to see if they could come to a consensus.

Councilman Mergist moved to table this issue until the Animal Control Board could meet and have discussions with Friends of Animals. Councilman McDonald made the second.

Mayor Phillips suggested this was an opportunity to partner up with Friends of Animals. He asked if Chief Rhoades or the Board had seen the proposed Agreement. Chief Rhoades said he had been trying to set up a meeting with Cathy King, the Animal Control Board and the Animal Control staff. He felt they all needed to set down together and iron out some things. Chief Rhoades explained the reason for the partnership was to help with the shortage of personnel and if some of the responsibilities were not ironed out, the City might as well have an employee rather than volunteer. Councilman Mergist said the euthanasia issue had already been determined and that would not change. Councilman Mergist requested that an invitation be given to Mayor Phillips for the meeting between the Board and Friends of Animals. Councilman Horner wanted to make sure all partners were as informed and involved as possible.

Mayor Phillips called for the vote. Voting AYE: Eric Straddeck, Nile Horner, Alan McDonald and Benny Mergist. Councilman Patterson was excused.

Discuss Process to update the Transportation Capital Facilities Plan and Discuss Subsidy of Commercial Impact Fees (Tab 6): Anderson reviewed that at the last Council meeting, the Council had asked Mumford to start the process to update the Capital Facilities Plan. Mumford wrote a staff memo after discussion with Jody Burnett which said that a municipality could not discriminate within a class of users. He asked, in light of that information, what subsidy, if any, the Council wanted to offer to any user? He said the studies had to be prepared and impact determined so they could be ready for a public hearing.

Councilman Horner indicated he had done a lot of studying on this issue. He was confident the Council could stipulate the size of a building in which to grant subsidies and if the Council felt the need to bring in legal people to quantify that, he was okay with that. He questioned the need to have a public hearing. Anderson said any modification to the Capital Facilities Plan required notification and a public hearing. Anderson said Mumford had to prepare some kind of analysis to indicate the change in impact so it could be available prior to a public hearing—the City had to be able to tell the public how the change would impact them.

Councilman Horner said the Council was not changing how impact fees were charged/accessed but rather the percentage amount the City subsidized. Councilman McDonald thought just the percentage could be changed without all the studies and analyses being required—the City already had the system in place and was only changing the percentage. Mayor Phillips said he wanted to be absolutely sure by checking with Jody Burnett or someone that had that knowledge. Councilman Horner reiterated the fees were not being changed, only the City's participation was changing.

Councilman Mergist asked if there were data/studies that showed people would even shop in Heber and indicated he would like to get rid of a subsidy all together. He would want to do that based on data and said he did not want to hurt Heber in the long run.

Mayor Phillips summarized that the discussion was to look at impact fees on commercial development and asked if the Council still wanted to help subsidize commercial businesses. Councilman McDonald said he did not want to put the responsibility (costs) on the citizens. Councilman Mergist agreed. Councilman Horner liked the 30,000 square foot number. However, they wanted some legal counsel from Jody Burnett. The question to ask him was “Can Heber City subsidize development based on the size of building. Councilman Straddeck said if the Council’s goal was to increase the commercial tax base and, as a City, wanted to encourage companies under a certain square footage to build here so that over the long run there would be increased jobs, then it became a reason to do that. Councilman Horner felt the Council should try doing something to stimulate the economy. He said the small business owner was the backbone of this Country and questioned if there was a happy medium. However, Councilman Horner said he liked the 30,000 square feet idea. It was felt the Council needed to get legal opinion on this issue. Discussion about the questions to be asked of Jody Burnett. Anderson said he understood about the impact fees not changing but rather that it was a change in policy within the Capital Facilities Street Master Plan.

Councilman Straddeck moved to go into Closed Session at this time to discuss pending litigation. Councilman Mergist made the second. Those going into Closed Session: Mayor David Phillips; Councilmen Straddeck, Horner, McDonald and Mergist; City Manager Mark Anderson; City Attorney Mark Smedley and City Recorder Paulette Thurber. (Councilman Patterson was absent)

The Council moved back into Open Session and Adjourned the regularly scheduled meeting of the Heber City Council at 9:02 p.m.

Paulette Thurber, City Recorder