

1 Heber City Corporation
2 City Council Meeting
3 April 17, 2008

4
5 7:00 p.m.

6
7 REGULAR MEETING
8

9 The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on April 17, 2008,
10 in the City Council Chambers in Heber City, Utah.

11
12 Present: Mayor David R. Phillips
13
14 Council Members Jeffery Bradshaw
15 Elizabeth Hokanson
16 Eric Straddeck
17 Nile Horner
18 Robert Patterson
19

20 Also Present: City Manager Mark K. Anderson
21 City Recorder Paulette Thurber
22 City Engineer Bart Mumford
23 City Planner Allen Fawcett
24 Planning Staff Jason Boal
25 Chief of Police Ed Rhoades
26

27 Others Present: Darryl Glissmeyer, D. Hutchinson, Craig Moss, Ray Hutchinson, Bruce
28 Hutchinson, Tom Andra, Spencer Van Leeuwen, Scot Davis, Margaret Red Elk, Mike Lindsey,
29 Mike Johnston, Paul Berg, Tuck Lowe, Dusty Jensen and Stacie Ferguson.

30
31 Pledge of Allegiance: Councilmember Elizabeth Hokanson
32 Prayer: Councilmember Eric Straddeck
33

34 **OPEN PERIOD FOR PUBLIC COMMENTS**
35

36 Spencer Van Leeuwen addressed the Council. He said he was tying into the secondary water
37 system and felt there was an unreasonable request by Steve Tozier. According to Tozier, the
38 homeowner had to dig down to the culinary system and cap it off. He said this had not been
39 required last year. He said he had asked Olpin why they were requiring this now and not last fall.
40 Olpin said it was so people could not go back and undo what had been inspected. He said he had
41 tried to talk to Steve Tozier but had been unsuccessful and eventually talked to Mark Olpin
42 again.
43

44 Van Leeuwen said he would like to get on secondary irrigation but when the City required things
45 that were not in the City Code or the Building Code, it became too much of a hassle. He said
46 several of his neighbors had said they would not tie on if this was the requirement. Mayor
47 Phillips said he would have this looked into and have someone contact him. Van Leeuwen said
48 he got his application for secondary irrigation in the fall and there was nothing in that application
49 about this particular requirement. He said, too, this was not required by State Plumbing Code.
50

1 Mumford said Van Leeuwen had described the situation accurately. He said Tozier had now
2 started asking people to dig down to the culinary line. Councilmember Hokanson said if people
3 had to dig this four-foot hole, many would drag their feet about tying on to the System. Mayor
4 Phillips said again he would have this looked into and get back to him.
5

6 APPOINTMENT

7

8 **Margaret Red Elk – Request for donation – Heber Valley Pow Wow:** Margaret Red Elk
9 thanked the Council for their participation and support from years past and said she was grateful
10 for all the help Heber gave them. Dusty Jensen, son-in-law to Margaret Red Elk, indicated their
11 Event was growing each year and a lot of people were attending. He said they had many dancers
12 last year and that the Event worked well with the Mountain Man Rendezvous. He said that this
13 year they would be bringing in a group from North Dakota. He said, too, there would be a
14 recording made this year and CD's would be sold. It was indicated that Howard Peterson,
15 Soldier Hollow manager, wanted to keep the Event focused on the artists. He said their Event
16 was a 3-day event but also that they visited all the 3rd and 4th grades during the year in
17 conjunction with their study of Native American history. Jensen said the County gave them
18 \$3,000 last year and helped out with getting the bleachers back and forth. Midway gave \$500 last
19 year but could not give this year because of their contribution to the Recreation Center.
20

21 Councilmember Hokanson wanted to know if this was sponsored by one tribe. Jensen said some
22 Pow Wows, especially in the urban areas, were sponsored by organizations. He did not know
23 who started the Pow Wow in Heber in 1988 or how many years it took place. He did know that
24 there were some years it did not take place. A few years ago they were approached to come back.
25 He indicated their Event just barely broke even the first year but each year it seemed to do better
26 and Howard Peterson wanted the Event at the Soldier Hollow location. He said it was a good
27 family activity. This year the Event would be held on June 27, 28 and 29.
28
29

30 **Brian Balls – Summit Engineering – Acceptance/Denial of an Annexation Petition known**
31 **as the Nichols Annexation:** This item was postponed to the next available meeting agenda.
32

33 **Paul Berg – Sowby and Berg Engineering – Requesting a lot split/small lot subdivision on**
34 **the Russell Morgan property located at approximately 1320 South Daniels Road:**

35 Councilmember Straddeck asked about the conditions of the Planning Commission. Paul Berg
36 indicated the plat was now recordable. Boal said it did lack the names on the plat. Mumford said
37 one issue discussed yesterday was whether the on-site utilities were public or private. He
38 recommended the on-site utilities be private. He felt if an agreement could be worked out so the
39 on-site utilities stayed private, he could approve it. Berg indicated that after the meeting
40 yesterday with Mumford, he was in agreement.
41

42 Councilmember Hokanson moved to approve the lot split/small lot subdivision with the
43 requirement as outlined by the Planning Commission. (Meeting all engineering requirements)
44 Councilmember Horner seconded the motion. There was no further discussion. The voting was
45 unanimous in the affirmative.
46

47 **Stacey Ferguson – MCM Engineering – Final Approval - Lot Split/Small Lot Subdivision-**
48 **Steve Webb property located at approximately 2189 South Daniels Road:** Councilmember
49 Straddeck pointed out there was a revised subdivision agreement in their materials presented
50 tonight. Mumford said he had seen the revised agreement. Ferguson said they were in agreement

1 with the new revised agreement. Mumford talked about this being pushed forward quickly
2 because of the overlay of the road being done by Wheeler Development.
3 Mumford said one FYI was that this was an interesting situation in that one lot was served by
4 Daniels Town and one by Heber City which they allowed because there was already a service to
5 the house.

6
7 Councilmember Horner moved to approve the Lot Split/Small Lot Subdivision of the Steve
8 Webb property located at approximately 2189 South Daniels Road. Councilmember Straddeck
9 made the second There was no further discussion. The voting was unanimous in the affirmative.

10
11 **Scott Davis – 1772 North Valley Hills Blvd. – Appeal forfeiture of \$1,000 Building and**
12 **Improvement Full and Final Completion Bond:** Davis indicated he wanted to appeal the bond
13 forfeiture. He said he was not clear on how this worked and referred to the Notice of Forfeiture.
14 Davis thought there should be more flexibility especially because of winter conditions. He said
15 it took a year to get in the landscaping, rock walls, etc., and did not feel it was right to forfeit so
16 quickly. He indicated he had replaced four sections of sidewalk last fall. However, he thought
17 that just because they had stress fractures in them, did not mean they were unfit. Basically, he
18 said he wanted more time to get the landscaping issue resolved. He referred to a letter dated
19 April 2, 2008.

20
21 Councilmember Straddeck asked about the compliance inspection report. Davis showed his
22 copy of the report and it did not have a stamp on it. He said he wanted the \$1,000 that he lost to
23 be treated as a bond and have the City commit to replace the sidewalk.

24
25 Councilmember Hokanson tried to explain the Ordinance as she understood it and said forfeiture
26 was just that, forfeiture.

27
28 Councilmember Horner suggested the problem was pouring sidewalk in October and still not
29 having landscaping in. He said that after the first frost, cement could not be poured and the
30 landscaping couldn't be finished. Councilmember Horner felt if the City called it a bond, that
31 would put the City in the sidewalk business and the City did not want to be in that position.
32 Councilmember Horner asked if the City could just hold his money until he got the work done.
33 Currently, the Ordinance stated the money would be forfeited. It was discussed that this was the
34 whole point in getting people to comply. Mayor Phillips read from the Code on this issue. There
35 was more discussion about the language on the compliance inspection report with the words
36 "from" and "by".

37
38 Councilmember Straddeck referred to the acknowledgement of responsibility. Councilmember
39 Horner felt the Council needed to look at these situations and help people that were trying to
40 abide by the law and do the right thing. He felt the City needed to have some leniency and asked
41 if it was the intent to be the hard-nosed guy. He argued that because landscaping could not be
42 done in the winter, people had to wait until spring. Consequently, heavy equipment could
43 damage sidewalks. Davis said he had replaced 4 sections last fall that were actually broken. The
44 other sections were cracked but not broken.

45
46 Councilmember Hokanson suggested if the City did not hold the \$1,000, the work did not get
47 done. She said this was done in August and felt there was plenty of time to get the sidewalk
48 poured.

1 Councilmember Hokanson moved to deny the request for an appeal of the forfeiture of the
2 sidewalk bond for Scott Davis. Councilmember Straddeck made the second. There was no
3 further discussion. Voting AYE: Jeffery Bradshaw, Elizabeth Hokanson, and Eric Straddeck.
4 Voting NAY: Robert Patterson and Nile Horner. The Motion passed.

5
6 ACTION ITEMS
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8 **Set a Public Hearing date to consider the Anderson Annexation – a 14.12 acre parcel**
9 **located at approximately 1050 East 1200 North:** Councilmember Straddeck moved to set a
10 Public Hearing date for May 1, 2008. Councilmember Patterson made the second. The voting
11 was unanimous in the affirmative.

12
13 **Consideration of the Interlocal Cooperative Agreement with Summit County regarding**
14 **SWAT Team Law Enforcement Services:** Sgt. Clegg said Wasatch County participated in this
15 program. He explained that after Mayor Phillips signed an Agreement last year, the Summit
16 County attorney changed paragraph four. Sgt. Clegg said it was the wages, benefits, and
17 overtime that was in question and that each entity would be responsible for their own costs.

18
19 Councilmember Bradshaw moved to authorize Mayor Phillips to sign the new agreement.
20 Councilmember Horner made the second. There was no further discussion. The voting was
21 unanimous in the affirmative.

22
23 CITY COUNCIL BOARD ASSIGNMENTS REPORT
24

25 Heber City Planning Commission – 2nd Thursday
26 Heber Valley Special Service District – 3rd Wednesday
27 Historic Preservation

28
29 No reports were given.

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31 OTHER ITEMS AS NECESSARY
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33 Councilmember Straddeck referred to a brochure he had come across from Park City which
34 outlined the dates for their budget work meetings and which gave an overview of their budget.
35 He thought it would be an excellent idea for Heber City's next year's budget process and a great
36 way to communicate with the public about the budget process. Mayor Phillips thought it was a
37 good idea, as well.

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39 As there was no further business, the City Council meeting of April 17, 2008, adjourned.
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Paulette Thurber, City Recorder