

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
City Council Meeting
04/19/2007

7:00 p.m.
Regular Meeting

The Council of Heber City, Wasatch County, Utah, met in Regular Session on April 19, 2007, in the City Council Chambers in Heber City, Utah.

Present: Mayor David Phillips

City Council Members Vaun Shelton
Elizabeth Hokanson
Jeff Bradshaw
Terry Wm. Lange
Shari Lazenby

Also Present: City Manager Mark Anderson
City Engineer Bart Mumford
Planning Director Allen Fawcett
Police Chief Edward Rhoades
Zoning Administrator Anthony Kohler
Planning Secretary Karen Tozier

Others present: Robert McDonald, Tausha Hewlett, Mike Hewlett, Bob Davis, Ryan Pritchett, Wendy McKnight, Perry Rose, Bill Sandoval, Lewis Garfield, Diana Garfield, Steven McGhie, Wes Greenhalgh, Carol R. Davis, Annie Bruehl, Jordan Burton, Kieth Rawlings, Dave Todd, Luceen H. Sullivan, Debbie Harris, M.K. Jauck, S. Robertson, Mary Ford, Lee Ford, Allen Luke, Shelly Luke, Joe Coleman, Joyce Coleman, Mark Miner, Robby Miner, Shelton Taylor, Beth Ann Schneider, Ron Parker, Eric Straddeck, Brian Hansen, Jason Price, Parker Lazenby, Robby Cowley, Debbie Hanni, Wayne Buell, Keith Merrill, Gary Wycoff, Brandon Fife, Chad Anderson, Paul Berg, Paul Robertson, Lou Anna Anderson, Ryan Fenton, Andy Bedingfield, Joe Spencer, David Shaia, Laura White and others whose names were not legible.

Mayor Phillips convened the meeting with a full quorum at 7:00 p.m. He welcomed the Scouts and asked them to introduce themselves and give their rank. The Scouts were from Troop 212.

Pledge of Allegiance: Mayor David Phillips
Prayer: Councilmember Elizabeth Hokanson

Minutes: February 15, 2007, Regular Meeting Minutes

Councilmember Hokanson motioned to approve the February 15, 2007, Regular Meeting Minutes. Councilmember Shelton made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

Ryan Pritchett, Armstrong Consultants, indicated they would be working with Mark Anderson this Fall in the design of an access road to the Airport and thanked the Council for the rewarding work they had been involved in at the Heber Valley Airport, Russ McDonald Field.

Bill Sandoval appeared before the Council to discuss the Third Annual Heber Happy Days Event, to be held at the Main Street Park. He indicated the park had not been scheduled last year timely, but this year they did have it scheduled and were preparing a flyer with the schedule of events for the day. Sandoval discussed the expense of putting on this Event and asked the Council for a financial contribution. He indicated some of the dance academies/schools were involved this year and there would be lip-synch competition to 50's and 60's music. He said also Big Buhda from Fox 13 News would possibly be in attendance and the veterans in the community had been asked to participate this year.

The Council asked that this be put as an item on a regular agenda to be discussed formally. Mayor Phillips indicated, too, this could be discussed at the next budget meeting.

CONSENT AGENDA

Wendy McKnight – Utah Law Enforcement Special Olympics Torch Run – Request for Donation:

Shelton Taylor - Summit Engineering – Heber Meadows Annexation - .18 acres of land in the northeast one-quarter of Section 17, T45, R5E, the street address being approximately 975 East 2810 South:

Job Description Approval – Position: Planner; Department Planning and Business Licensing; Division Planning and Code Enforcement:

Councilmember Lazenby motioned to approve the items on the Consent Agenda. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

APPOINTMENTS

Neil Parkinson – Liaison for Senator Bennett's Office – Introduction and Report from Senator Bennett: It was indicated Parkinson had called and was unable to attend the meeting due to health issues and requested to be put on the next possible agenda.

Wasatch Chevy's – Report of last year's Event; Confirmation of this year's Event; and Presentation of Check: Lewis Garfield, Vice President of Wasatch Chevy's, appeared before the Council. He said this year's Wasatch Chevy Car Show Event would be held on June 23 and that this would be their fifteenth year in Heber City. He thanked the Council for allowing the Show to be held in the Main Street Park and presented a plaque to the City and a check in the amount of \$500. Mayor Phillips thanked Mr. Garfield for his donation and for putting on a fun event.

Steven McGhie – Utah Broadband – Requesting Approval of a Hosting Agreement to place a Wireless Internet Receiver on the Valley Hills Water Tank:

It was indicated a growing number of citizens were requesting broadband service. McGhie indicated they had a single point of presence on top of Snake Creek that feeds a number of citizens in the area. However, there were some areas they could not service because of line-of-sight technology. They had researched the area and the water tank in the Valley Hills area seemed to be a good spot to place a transmitter to service some of the area they currently could not. Discussion about the area a signal on the water tank would cover. McGhie indicated any roof top that could see the tank could get coverage, even Charleston. He said distance wise, there was nothing in the valley they couldn't touch. Councilmember Lange asked what the receiver on the water tank would look like. Discussion about that as well as where they had other receivers located. Mayor Phillips indicated Utah Broadband was requesting a 10-year lease. McGhie indicated they had from 3 to 30 year agreements with different entities. Discussion about what their charges were to their customers and that those varied depending on the speed of service the customer wanted. Councilmember Shelton asked about the electrical power the City had to provide. McGhie said they had worked with Heber Light and Power (Heber City would pay the bill) for that service and the draw on the service would be less than a 60 watt light bulb. McGhie indicated the agreement provided for them to pay a fee to the City for placement on the tower plus one other business service. Councilmember Hokanson asked what the fee was they would be paying the City. Anderson said they would pay \$25.00 a month to the City + provide service to the Animal Control Shelter and one other location yet to be determined which was about a \$75.00 service plus the \$25 a month fee. Anderson said any other service the City might want from them would be half price.

Councilmember Lazenby moved to approve the Service Hosting Agreement. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

Robert Cowley – Daniel Airport Roads Annexation Petition – A Petition requesting annexation of 109.23 acres of land which fronts on Daniel and East Airport Roads -

Continued from 04/05/07: It was indicated Mr. Cowley could not be in attendance. Mayor Phillips reviewed the request and noted that it included property the City owned near the Airport. Keith Merrill, a property owner being brought in with the annexation, was present. He was asked if he wanted to express any additional concerns other than those addressed in a letter to his attorney, John Gothard.

Councilmember Hokanson motioned to accept the Daniel Airport Roads Annexation request and send it to the Planning Commission for further study. Councilmember Lazenby made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby and Elizabeth Hokanson. Councilmember Bradshaw recused himself due to a conflict. The motion passed.

Tausha Hewlett – 362 West 300 South – Requesting consideration of Cash Bond Forfeiture Reimbursement:

Robert McDonald, Wasatch County Building Official and Tausha's father was present. He explained he had promised to help his family build the home but had been injured in a fall and was unable to. McDonald reviewed the Acknowledgement of Responsibility that had been signed on July 19, 2006, by his son-in-law and indicated nowhere did it outline anything about City sidewalks for final occupancy but rather referred to the building. He referred to 15.08.070 of the Heber City Municipal Code and said bonds were to ensure the construction was complete on the dwelling and sidewalks were not part of the building code. He

indicated his daughter and son-in-law had counted on the \$1,000 to complete the sidewalk. He then referred to 12.16 which stated when sidewalks were out of repair, the supervisor of streets was to repair sidewalks at the property owner's expense. He said the City's Code was inconsistent and he asked the Council to take that into consideration and allow the \$1,000 to be returned to the Hewletts so they could finish their sidewalk.

Mayor Phillips asked Wes Greenhalgh to join McDonald to answer any questions the Council might have. Councilmember Shelton referred to the copy of a handout specifically prepared for the Hewletts which had circled the requirements on sidewalks. Greenhalgh indicated there were some things that did not have to be complete for occupancy but other things that were. He spoke about the need to be in compliance with both the Uniform Building Code and the City Code. Greenhalgh explained that his Department had been asked to deal with sidewalks rather than the Public Works Department when Bart Mumford was Public Works Director. He said the Ordinance was primarily created to ensure the building code issues were addressed. The sidewalks were tacked on because the Public Works Department wanted them to be looked at while contractors were in town/available. McDonald felt this was a different situation because they were the contractor. Discussion that the irrigation ditch was parallel to the sidewalk and because of the irrigation ditch, the weather and time of year, it made it such that the dirt was too wet to compact. McDonald said they would have had to purchase dry materials and that would have made it beyond their budget. McDonald encouraged the Council to do as the County Attorney always said to him and that was to stick with the Ordinance and not what a staff report outlined. Greenhalgh indicated Section 15.08.050 of the Municipal included the sidewalk. McDonald indicated their intent was to fix the sidewalk but they needed the bond money to do so.

Mayor Phillips clarified the City Council was not empowered to extend the 60 days unless they changed the Ordinance. He questioned what relief they were empowered to give. Anderson said if the Council agreed with McDonald, the conclusion could be drawn that they had met the requirement of 15.08.070. He said in 15.08.050 the time requirements were not outlined and ideally they should be. It was indicated the Council should be mindful that this could be a precedent setting issue and one reason why the bond should not be returned.

Councilmember Shelton indicated the water was out of the ditches on the first of October, 2006. McDonald said they had hired a contractor to put a sleeve in the ditch but by the time he was able to do the work, the ground was already saturated and the contractor recommended they wait until Spring. Councilmember Shelton said his concern was that the Hewletts were aware of the requirement the driveway and sidewalks needed to be replaced. They chose to pour the driveway and the sidewalk connecting the house from the driveway during this period of time. He felt they expended money at that time that could have been used on the sidewalk which would have relieved them of any forfeiture problem. McDonald again said if they had poured the sidewalk, they would have spent an additional \$1,000 for dry material which would offset the bond.

McDonald argued the "building code" was not City Ordinance but rather International Building Code (IBC). Greenhalgh referred to the inspection reports which made them aware of the problem 60 days earlier. Discussion on time frames. McDonald argued that "forfeiture" of the bond and "holding" the bond until completion were two different things.

Councilmember Lazenby asked if the Code clearly showed the forfeiture of the bond was tied to the Ordinance language. McDonald said City Attorney Smedley felt that it did. Discussion that clarification language could be added to the Ordinance if that need was apparent. Councilmember Lazenby wanted the Ordinance written more clearly. Councilmember Lange felt there was enough question as to the way the Ordinances were written that a legal opinion should be gotten from the City Attorney.

Councilmember Lange motioned to table this issue and get an opinion from the City Attorney in relation to Ordinance language. Councilmember Bradshaw seconded the motion. The voting was unanimous in the affirmative. Anderson asked if the Council wanted Staff to move forward on this issue after an opinion was gotten from the City Attorney or if the Council wanted to address this issue again after the opinion was given. Councilmember Lange wanted the Council to address the issue after the opinion of the City Attorney was given.

Beth Ann Schneider – Request for Donation – Commemorative Air Force (CAF) and Heber Valley Aero Museum Building: Schneider thanked the Council for their continuing support of the Airshow and the Aviation Museum. She indicated the taxiways would be under construction this year during or around the time the air show usually took place. She asked the Council if they would donate \$5,000 to the museum in lieu of the normal donation to the air show which would not be held this year because of the taxiway construction. Schneider explained they were on borrowed time as far as residing in their current building. Schneider explained they were taking time this year to raise funds to support the construction of a new museum building. She explained the Heber Valley Aero Museum was in the process of merging with the Utah Wing of the Commemorative Air Force Museum currently located in Salt Lake City. She said the goal was to raise \$250,000 to \$300,000 this year. She felt this merge was a very good thing for Heber City because it would result in a first class museum. She indicated the CAF would move their headquarters to Heber City when a new building was built.

Councilmember Hokanson motioned that the Council continue this issue to allow discussion during budgetary meetings. Councilmember Shelton seconded the motion. The voting was unanimous in the affirmative. It was indicated the final budget for 2007-2008 would be adopted by June 22, 2007.

Jason Price – Request for sewer and water services – 2430 South Ranch Road, Daniels: Mayor Phillips asked Anderson to clarify his conversation with Mayor Duggin of Daniels. Anderson had visited with Mayor Duggin who indicated he personally was not opposed to this. However, he was uncomfortable stating the position of the City until their meeting which would be held on May 7th. Anderson felt, after his conversation with Mayor Duggin, that they would probably be supportive of this request but that Heber City should wait to give final approval until after the Daniels Town Meeting. Mayor Phillips suggested to the Council that any favorable response to this request should be conditional upon receiving feedback from Daniels Town.

Councilmember Shelton commented Daniel recently requested a subdivision in the same area be separate and independent of other subdivisions. He said they did not want to be a part of Heber City but did want to be a part of Heber City services.

Jason Price spoke on the proximity of the lot he had purchased to the new sewer line and also water service for fire protection. He said he was planning to build a home on that lot and after

speaking to the Health Department and inquiring about a septic tank, it was their recommendation that he connect onto the sewer line because of the close proximity to a serviceable line. He said he also was requesting connection to the water service which would provide culinary water to the home as well as fire protection. He discussed the importance of fire protection for his home as well as others in the area. He indicated the developer next door was willing to connect to the water and welcomed the idea of that. He said he was willing to pay for connection and service fees and willing to surrender his well permit to Heber City in exchange for the culinary service. Councilmember Shelton clarified the water right could be transferred but not the well permit. Councilmember Shelton indicated Price already had the benefit of fire protection because of the hydrant in the area. Discussion about the placement of the home on the property. Councilmember Shelton discussed the problems that arose when Heber City deviated from its policy and allowed connections outside the City limits. Discussion. Price did not feel he would be imposing any expense to Heber City by connecting. He said he had no intention to burden the City. Councilmember Shelton expressed concern that other adjoining lot owners could and would make a similar request. An overhead was displayed which showed the placement of the water and sewer lines in the area.

Anderson said he had not talked to Mumford about what interest the City would have in a well right but typically the City would require the forfeiture of stock in an irrigation company to compensate the City for whatever demand would be placed on the culinary system. Price said there were two shares of Daniel Irrigation Company in connection with the well permit itself. Mumford discussed the process to transfer the well right from one well to another and that it was a two step process, but easily could be done. He said the right had to be transferred to the new location, the use had to be consistent, and the State had to approve the change. He said the well right could substitute for Daniel water shares.

Councilmember Shelton motioned to deny the request on the basis that the property was in the County and not in the City and that the City had had problems when these type of services were permitted in the County. Councilmember Bradshaw seconded the motion. Councilmember Lange felt that of all the requests in the past, this was the cleanest but concurred with Councilmember Shelton and said he, too, could not recall any in the past that had given the City a problem. Voting AYE: Councilmember Shelton, Councilmember Bradshaw and Councilmember Lange. Voting NAY: Councilmember Lazenby and Councilmember Hokanson. The motion passed.

Price asked what the recommendation of the Council was so that he could get services and if that was annexation. Councilmember Shelton felt that was worth exploring but did not want to consider this as long as he was not in the City boundaries.

Gary and Angie Wycoff – Fence Ordinance Issues and Request for Amendment: Anderson indicated in the City Council packet this evening there was some proposed language from the applicants and others with the same issue as to how to amend the fence ordinance. Gary Wycoff indicated they would like to extend their fence to the sidewalk with a six foot fence which would allow them more privacy and security. He presented a landscaping plan for the entire yard and discussed the uniqueness of his particular yard.

Councilmember Hokanson indicated she had spoken to Mark Smedley about this and clarified the City Council is the body to make decisions about the ordinance and not the Board of

Adjustment. She said similar issues had gone to the Board of Adjustment which had created huge messes. She indicated her position on this issue was totally opposed to six foot fences on sidewalks, as had been discussed over and over in Planning Commission and City Council. She said they were a blight to the community and contrary to community design and safety.

Councilmember Hokanson motioned to deny the request of the Wycoffs for an amendment to the Fence Ordinance. Councilmember Shelton seconded the motion. Councilmember Lange asked for information on the drawing. Wycoff showed on the overhead where he wanted to place the fence. Mrs. Wycoff indicated they had purchased their home before the new fence ordinance took effect and said they were asking to be grandfathered to the original ordinance. Councilmember Hokanson explained this was the original ordinance; there had been an interim ordinance. She indicated when she was on the Planning Commission she called numerous other communities and none allowed six foot fences on the sidewalk because it created safety risks and snow removal issues. She felt a six foot fence to the sidewalk degraded the property. She further explained the City Council had no power to grant a waiver but rather the ordinance would have to be amended which she felt would be signing on to change the character of the entire community. Mrs. Wycoff said she had no idea about fence rules and regulations when the lot was purchased and when they installed a ground-level trampoline. She said they had no privacy and were taunted by the neighbors. She talked about the elevations of the homes and how the neighborhood children could look right over a four foot fence and harass her children. She said she felt she was on display in her own yard. Mr. Wycoff said there were two families living in the house next door and had been from the very beginning. He said this was about privacy for his family. Councilmember Lange said there were six foot fences all over town. He wanted to take a field trip and suggested there hadn't been that many problems with six foot fences. Councilmember Hokanson said the whole fence issue had been a nightmare since the Ivory Homes' fence was allowed. She suggested six foot fences were to hide the blight behind them and in nicer communities six foot fences were not allowed to the sidewalk. Councilmember Lazenby agreed with Councilmember Lange and felt there were some situations where there needed to be flexibility. She said every corner lot was different and each should be looked at separately. No further discussion. Voting AYE: Councilmember Shelton, Councilmember Hokanson and Councilmember Bradshaw. Voting NAY: Councilmember Lazenby and Councilmember Lange. The motion passed.

David Todd – Representing Center Street Residents regarding the future widening of

Center Street: Mayor Phillips reviewed the staff report by Bart Mumford which outlined a proposed schedule from draft project concept report to completion and which also outlined the public hearing process. David Todd said first he wanted to thank the City Council for participating with the County in a bypass road. He felt that would help the traffic situation a lot. Todd represented residents living on Center Street and had prepared a request for residents to partner with the City in the master plan process. He said they had followed the road situation with Red Ledges and quoted Mayor Phillips as saying there would not be a five-lane road on Center Street. Todd indicated Allen Fawcett and Anthony Kohler had contacted him after discussion with County Planners and explained there was still some discussion about a five-lane road. It appeared Fawcett and Kohler were opposed to a five-lane road down Center Street, as well. Todd said he met with the Planning Department and had come up with the ideas, outlined on paper, for Council review. He said they wanted to be involved with this project. Mayor Phillips clarified his comment from a prior meeting. He said the Council's intention was to not do a five-lane road. He said, though, there had been conversation concerning what might be

needed in 25 years. Councilmember Bradshaw said the only thing being said was in context of a subdivision on the south side of Center Street and how far that should be set back. Mark Anderson commented on recent transportation plan meetings and that Mumford had been coordinating with CIVCO, the design engineer approved by UDOT. He also talked about grants and other funding sources. He said the Wasatch County master transportation plans showed that as a potential five-lane road in the future but that would depend on growth in Wasatch County. He said, though, the City's intent was a three-lane road, but there was other planning taking place that suggested a five-lane road might be necessary. Todd asked about the width of the road. Mumford said the road had not been designed yet but a normal three-lane road required 72 feet of right-of-way and there was 82 feet now. He said road asphalt was normally 50 feet. He indicated the planning had not started on this yet, but they would put together a concept, after which environmental factors would be considered and then design, and that public input would be gathered with each phase. He said they wanted to try and keep three lanes and preserve the trees. He pointed out one other issue to consider was the City did not have enough money to complete this in one phase and it would be broken down into more than one phase.

Fawcett spoke about the possibility of a five-lane road coming into the City from the Red Ledges area. Anderson discussed there would be \$1,000,000 in grant monies in 2009 and again in 2014 and that Red Ledges had also committed to contributing 1/3 of the total cost. He said that \$1,000,000 had greatly diminished in what it could do in the last few years. So there was concern where the funding would come from to get three lanes to 1200 East.

Todd referenced historical homes on the street and wanted to preserve the character of the street and asked the Council to be sensitive to that. Mayor Phillips expressed that the Council took transportation very seriously and indicated with every parcel that developed in the City there was a lot of discussion about transportation. Todd commended Kieth Rawlings for his chairing of the Planning Commission and the user-friendly way he conducted those meetings.

Bart Mumford said there would be opportunities for Todd and other residents of Center Street as well as the rest of the community to be involved with this project through open houses, public meetings and public hearings.

Paul Berg - Sowby and Berg – Boldavs Annexation – 161.54 acres of land in the northeast corner of Section 8, T4S, R5E, the street address being approximately 1200 South and 1200 East: Mayor Phillips asked Paul Berg to make his presentation. Berg indicated the annexation included 161 acres, a part of which was land owned by the Federal Government. He said that parcel was not included in the calculations for acreage or taxable value. He said the petition did meet State statute. Berg indicated they were asking for R-1 zoning which was consistent with the Future Land Use Plan. He asked the Council to consider the petition and send it to the Planning Commission for further study.

Councilmember Hokanson referred to a staff report that indicated the R-1 Zoning asked for was inconsistent with the Future land Use Map. Discussion about the different properties and which part of the area the petitioner was requesting R-1 Zoning in.

Councilmember Lazenby expressed concern with the lack of commercial development being considered at this time. She thought this parcel could satisfy both residential and commercial needs of the City and bring in revenue from services. She felt this would be a positive move to

annex. Councilmember Hokanson commented on the residential component by saying there had been a lot of discussion but no action on some changes desired. She did not like the long blocks or the long cul-de-sacs. She wanted to see shorter blocks and community oriented, walkable neighborhoods. Mayor Phillips pointed out different developments where there was discussion early on so that driveways didn't back onto major roads. He felt this should be a consideration with all developments. Berg indicated he was willing to take input and make necessary changes but the Council did require a concept plan at the time the petition was submitted. Discussion that the proposed design with lots 120-142 all along a block was too many. It might help the developer, but it was suggested the City paid a price. Councilmember Hokanson said she was not excited about approving any more developments with concept plans like this. Councilmember Lange did not favor accepting the petition. He thought this was to be Research and Development and he also wanted to talk with Wasatch County before moving forward. He discussed the impact of the new high school and parking. He said he did not think the City should accept any more annexation petitions for six months. Councilmember Hokanson said she did not necessarily want to say no but wanted time to do some study; however, she did feel the need for a better master plan of the area. Councilmember Lazenby felt with the Boyer issue on hold, this could open up some commercial area. Discussion about what part could be developed commercially. Councilmember Bradshaw asked if this could be handled administratively? Mumford said not really.

Councilmember Hokanson motioned to deny the annexation petition tonight based on the discussion held. Councilmember Lange seconded the motion. Discussion about what criteria would be needed to accept the petition. (commercial development)

Berg argued this was just the beginning of the process and felt this should be accepted so the Planning Commission could make a further study. He noted if the annexation was turned down, that then allowed the property owners to develop in the County; however, he pointed out this area was in the City's Sphere of Influence and on the City's General Plan Map. Councilmember Lazenby felt the petition should be accepted and have the Planning Commission investigate all avenues. Councilmember Lange mentioned that Staff's comment that they were very busy and felt that should be taken into consideration. Mayor Phillips noted the work load ebbs and flows and did not think the work load should influence the decision.

Allen Fawcett spoke on the need to re-evaluate the Master Plan. He asked how many R-1 single family dwelling lots did the City need right now? He referred to other development concept plans the Planning Commission were looking at now. He said five years ago the R-1 situation in the City was ideal, but things had changed. Berg again pointed out this area was in the Future Land Use Plan which, not only in this community but other communities he had worked in, gave developers the impression annexation would be considered.

Mark Anderson observed that everything that would be zoned R-2 or R-3 had been annexed. The only other residential area anticipated to come into the City would be via a Planned Community Zone and Low Density Residential (R-1 or R-14). He said this area could come in as R-14 if the Council felt that was in the best interest of the City. He suggested the Council might need to look at affordable housing if the right mix could take place.

Mayor Phillips asked if the petition was denied, could the petitioner come back with a new application. Anderson said there was nothing in the Code which precluded that. He felt, because

of the Future Land Use Plan, the City felt the area should be in the City limits but at the right time and with the right project. Councilmember Hokanson felt the need to study the area before concluding this was the right project. It was pointed out by Mayor Phillips that 1200 South and 1200 East were key roads in the City. Berg felt that approving the annexation forced the City to look at the issues and evaluate the Future Land Use Plan. Councilmember Hokanson felt sensitive to Berg's concerns but wanted the Council to be sure of what they wanted to do in the area. Mayor Phillips called for a vote on the motion. Voting AYE on the motion: Councilmember Shelton, Councilmember Hokanson and Councilmember Lange. Voting NAY: Councilmember Bradshaw and Councilmember Lazenby. The motion passed.

Councilmember Lange wanted to set a time period for the City Council to start working with Staff and Planning Commission to look at the Future Land Use Plan and decide what direction the City wanted to go in this area. Councilmember Lazenby felt during summer was a good time to do that. The consensus was to look at this issue sooner than later.

Berg indicated if the City was not an option, the County would be the only other option. Mayor Phillips felt with different configuration, the Council could give additional consideration to this and the story could be different in a few months. Berg said City services were important to the project. Councilmember Lange spoke of working together as a community. Anderson said it was fair to say the City could serve the property.

Councilmember Lange, with respect for Paul's dad, Dale, differed with him on the issue of 500 East and the road not being extended and losing that transportation artery. He said that would affect the entire south side of town. He said he would like to talk to the School Board about this issue.

ACTION ITEMS

Sage Holdings – Majestic Mountain – Final Subdivision Approval – Located at approximately 750 South 1200 East: Shelton Taylor, Summit Engineering, represented Sage Holdings. The plat was reviewed and elements of the plat, such as road connectivity, cul-de-sacs, the Humbug Canal, and interconnection between the neighboring properties, were discussed. It was noted lots 23 and 24 could not be developed until future development occurred. Councilmember Lazenby noted that the Planning Commission had voted unanimously to recommend approval of the subdivision conditioned on meeting the Staff and Engineering recommendations. Bart Mumford indicated there were two additions to the subdivision agreement that had not been included in the one in the Council's packet. He expressed that these were items that were normally required but were best to have in writing and that they had been shared with the Developer already. Mumford stated that the first addition was the Developer would need to reimburse their proportionate share of the 16 inch pipeline in Mill Road and the second was the City would reimburse the Developer for a portion of the trail that he was building along the Humbug Canal. Mark Anderson also indicated the affordable housing numbers in the agreement were incorrect and should have been around \$70,000. Councilmember Lange questioned why there were cul-de-sacs when the Council was trying to move away from subdivisions with cul-de-sacs. Taylor answered the plat had been done the way it had because the canal company would not allow crossings over the Humbug Canal.

Councilmember Lazenby motioned to grant subdivision final approval for Majestic Mountain Acres based on the three items that the City Engineer, Bart Mumford, and Mark Anderson, City Manager, listed being added or changed to the final subdivision agreement. Councilmember Shelton seconded the motion. Voting AYE: Councilmember Lazenby, Councilmember Shelton, Councilmember Hokanson and Councilmember Bradshaw. Voting NAY: Councilmember Lange. The motion passed.

Sage Holdings – Noble Vista – Final Subdivision Approval – Located at approximately

1200 East 1100 South: Shelton Taylor of Summit Engineers introduced the project. Bart Mumford pointed out there was an existing house which needed to be relocated in order to build the subdivision. He continued a provision needed to be added to the subdivision agreement which would state the Developer could get a building permit prior to the final acceptance so they could pour the foundation on one of the other lots and move the house to the new lot. As long as no occupancy was given, Mr. Mumford was satisfied with this solution. Mark Anderson pointed out the fee-in-lieu for affordable housing was incorrect, as it had been in the prior item.

There was discussion about the trail and easement on the west side of the canal. Councilmember Hokanson referenced the lots entering off of Mill Road and asked why the subdivision had been designed with driveways accessing Mill Road. Taylor indicated the subdivision had been changed from the original design where 850 South had continued through to Mill Road so that headlights of cars would not shine into the existing homes across Mill Road. Mr. Taylor expressed that the Planning Commission had agreed to allow one more house than normal that would be permitted to front Mill Road for compatibility. It was indicated lots 11 and 23 would have driveway access from 770 South.

Councilmember Bradshaw motioned to grant final approval to Noble Vista Estates conditioned on meeting the specifications of the City Engineer and the subdivision agreement.

Councilmember Lazenby seconded the motion. Voting AYE: Councilmember Lazenby, Councilmember Shelton, Councilmember Hokanson, and Councilmember Bradshaw. Voting NAY: Councilmember Lange. The motion passed.

DISCUSSION/ACTION ITEMS

Bart Mumford had discussion in relation to the high school realignment of the Wasatch Canal. He found out last week, the school wanted to pipe the canal. He said that created problems because the City used that for storm drainage and the City maintained it. He said his concern was first, maintenance, and second, that was the City's way of getting storm water out of the City if capacity was needed. He felt if it was piped, there could be a problem. Mumford said two studies indicated the capacity the City needed in the canal. They chose the lower capacity study (a 60" pipe) but Mumford requested the higher capacity (66"). He discussed storm water from other areas of the City using some of the other canals and this might be the only option for the main area of Heber City. Mumford would actually like to see the pipe enlarged to 72" and the City pay for the oversize from 66" to 72". Mumford said he found out today they ignored his requirement of 66" and have approved the 60" pipe. Paul Berg told Mumford there was an agreement that the City could only put so much water in that canal. Mumford had asked for a copy of that agreement. Anderson said he was not aware of that agreement. Mumford said it would cost \$50,000 to \$70,000 to upgrade. He asked if the Council felt comfortable with him working with the County/School as this was a one-shot opportunity to get that pipe the size it

needed to be. He said it would be paid for by impact fees and the City had the money and had to spend it before they lost it. He felt it made sense to upgrade the pipe. Mayor Phillips felt Mumford should find out where their standing was in this issue and get a copy of the agreement Berg was referring to. Some Council expressed support for the upgrade if it was shown it was needed. Councilmember Shelton indicated he did not feel the City should have to absorb any of the cost because the canal was a free running canal and did not cost the City anything other than to clean it. He said he felt that offering to cover any of the costs was a bad investment because it ought to be handled by the school. He said it was understood when it was decided to realign the canal that all the costs would be handled by the school district and he expressed that the issue with the pipe had come about later. Mumford responded that the school was obligated to keep the canal whole and this was oversizing the pipe to what the current capacity would be; he felt the school district would have an argument to say “look, this is beyond what the current canal can carry and it shouldn’t be our responsibility.” Councilmember Shelton expressed then the City’s response at that point should be, “leave it open”; he then used the example of the situation of the canal at the Holiday Inn.

Councilmember Lange expressed concern, as well, and discussed right-of-way issues. He indicated the design as proposed was taking away two of the City’s north/south roads. He said that would affect access off of 500 East. Mumford felt the City had the least amount of say as to that canal. Mayor Phillips directed Mumford to find out the position of the school and canal company and give the Council an update at next meeting. Mumford said they gave him final plans this week and were anxious to move forward. He did not think they would wait two weeks. Additional discussion about the two studies about capacity. Councilmember Shelton discussed sediment buildup in the pipe. Mumford indicated the Wasatch County School District had stated they would keep the pipe clean. Concern expressed that the school district would not be responsible or did not have the means to do that. Mumford said he would give the Council a report at the next meeting.

Mumford indicated a decision had been made by the State Engineer that Timp Water Shares were worth 25% less than previously thought, and the developers who had been required to turn over water shares had been scrambling to get additional shares. He said that also meant that over the last couple years, the City had been collecting 25% less than what was needed. He said the decision had been appealed and it would be reviewed in May. Councilmember Shelton indicated Timp Water, other than auxiliary water, was out of water for this irrigation season.

Mayor Phillips pointed out Councilmember Lange had brought up the subject of 500 East. He asked the Council if they were ready to do something about 500 East or just let a bottleneck occur. The feeling was unanimous that 500 East needed to go through. Mumford indicated the traffic study worked with what the school was proposing. Discussion about condemnation and the City building the road, or make the Developer build the road when development occurred. More discussion about 500 East, the width of the right-of-way, curb and gutter, and the fact it would be for the public good. Mumford felt the traffic study would show okay and no need to extend the road. He thought the City would have a hard time proving it for the public good. He said John Tabor did the study for the school which showed 25 to 30 years before there would be congestion problems. The Council felt there would be problems regardless of the study.

Mark Anderson said the City had invested over \$260,000 in land acquisition for corridor preservation-Giles property and one half the cost of Lot 1 in Sage Acres. He suggested someone

needed to get with Wasatch County and get them to develop a corridor preservation plan. He felt they probably had \$125,000 in their fund, as well. It was felt the Transportation Committee member should address this issue with Wasatch County.

A Budget Meeting was scheduled for next week, Thursday, the 26th at 4:00 p.m. Mayor Phillips asked for information to be e-mailed to the Council as it was prepared. It was felt the meeting could be finished before 7:00 p.m. because of Planning Commission. It was decided dinner should be brought in.

Anderson indicated one woman talked to him today who had ½ share of Wasatch Irrigation Water and she had been offered \$15,000 for it. She offered it to the City for \$12,000. The question was asked if the City should purchase that share and then offer it to a developer at a profit. Anderson said any time the City could keep the water from going outside the City, it was a good thing.

Chief Rhoades indicated he had gotten a call from a lady expressing concern that there was a problem on her computer. They went to her home, searched her computer, and ended up arresting a person, who had been living in our community, with five counts of pornography.

As there was no other business, the regular meeting of the Heber City Council adjourned at 10:43 p.m.

Karen Tozier, Planning Secretary