

Heber City Corporation
City Council Meeting
May 3, 2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May 3, 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: Russell Rese, Shayne Bonner, Trevor Lawton, Brian Balls, Tausha Hewlett, Mike Hewlett, Heidi Wagner, Annie Bruehl, Jason Price, Philip Bamberger, Kendall Crittenden, Val Draper, Bil Munck, Paul Kennard, Eric Straddeck, Mike Bardole and others who names were not legible.

Pledge of Allegiance: Councilmember Vaun Shelton
Prayer Councilmember Jeff Bradshaw

The Boy Scouts introduced themselves and gave their rank and troop number.

Minutes: March 15, 2007, Work Meeting Minutes
April 4, 2007, Work Meeting Minutes

Councilmember Hokanson moved to approve the March 15, 2007, and April 4, 2007, Work Meeting minutes as presented. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENTS

Chris Lundall - Lundall asked about the Red Ledges road going into Mill Road and asked why the City didn't continue that road north of the City Cemetery. He said just approving the road to Mill Road and not continuing it through didn't make sense. Councilmember Lange said there was no land in the cemetery that was surplus and that the land there was to be used for cemetery. Mayor Phillips suggested there had been a lot of discussion about roads and how the traffic would be handled from that development. Lundall suggested the Council had a good opportunity

to have the developer pay the cost of the road and said he felt the road should be continued through the cemetery instead of dumping onto neighborhood roads. Anderson pointed out Lundall owned land in the area and a road through the cemetery would benefit him.

Bill Sandoval – Sandoval asked if the Council had made a decision about donating funds toward the Happy Days Event. He suggested there would be a lot of advertising for Happy Days between now and Memorial Day. Sandoval said the theme was “Say yes to life and no to drugs.” He indicated the Event would be set up in the Main Street Park on Memorial Day. He said, too, the Event was free and they would not be able to give money back to the City. Sandoval said the Car Club was trying to put something together for the first indoor car show in Wasatch County. Mayor Phillips indicated the Council had discussed this issue during budget meetings and would be discussing it again on May 10 and a decision would be made then as to whether the City could donate money to the Event.

CONSENT AGENDA

Adoption of a Tentative Budget – 2007-2008 Fiscal Year:

Western Exposure – Lot Split – Commercial property located at approximately 1300 South and Main Street known as the Holiday Inn Lot Split: Mumford said there were two easements on the plat presented tonight that did not show on the previous map sent to the Council and wanted the Council to be aware of those. Mumford pointed those easements out to the Council and explained the need for them.

Councilmember Lazenby moved to approve the two items on the Consent Agenda with the most current map for Western Exposure that showed easements being approved. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

APPOINTMENTS

Kendall Crittenden and Val Draper – Discussion in relation to a Skateboard Park: County Councilmember Draper indicated about six months ago, during the Interlocal Meeting, a presentation was made on skateboard parks and that the Meeting was attended by many children, etc. He continued that after that meeting, the County started putting together a committee that would address the issues of a skateboard park. County Councilmember Draper named the people on the committee and how the responsibilities were divided up. A PowerPoint presentation was made. Draper talked about the site and felt the Southfield Park would fill the need and would save a lot of money because the utilities were already there, as well as restrooms, lighting, and parking. He said there was room there to build a basic park with the possibility of expansion. He presented a letter of support from the County Council and said they had committed to match donations with \$100,000. Councilmember Lazenby was invited to the meetings as a representative of the City Council.

Bil Munck was introduced and said he was on the design committee. Munck indicated he was a skateboarder and had been for 30 years. He said he was a competitor in the sport but now was an executive in the business and was looking at this as far as cost savings and what was the best for the County.

Councilmember Lazenby indicated she had talked to Mike Davis about graffiti and Davis stated his position was if there was any graffiti, the park would be shut down immediately. He felt that

would take care of itself if the kids knew the consequences up front. Munck felt with good leadership and stewardship and if the right park was built, there would not be a graffiti issue.

Mayor Phillips said the Council was in the middle of the budget process so timing was good. He asked the Council if they felt there was a need. The Council felt it was worthwhile. County Councilmember Crittenden asked for a letter of support like the County had provided. Munck said he was committed to doing this right.

The entire Council appeared to be in support of a skateboard park. County Councilmember Draper said this would take a cooperative effort between the entities and the community. He said the County would work with the City since the proposed area did fall within the City limits. He asked for suggestions and input and if the City Council did not like the location, to let him know. He indicated, too, the County Recreation Department was looking to offer classes and at some point even bringing in some competition. Munch discussed professional snowboarders and other positive elements relating to a skateboard park.

Paul Kennard and Steve Farrell – Resolution 2007- 03 – A Resolution supporting the concept of an Inter-local Agreement to share Sales Tax Revenue from Regional Retail

Projects within Wasatch County: Kennard thanked the Council for the opportunity to address this issue. He said he was hoping to get a vote of support on a resolution regarding revenue sharing. He said work started on this issue two years ago and since he had been before the Council last, the committee had gone before Wasatch County, Midway City, Charleston Town, Daniels Town and had resolutions of support from each of those entities. He said they were now looking for support from Heber City so they could move forward with specifics. He did not think they could finalize specifics until they had everyone on board. He discussed a meeting held at UVSC on the 26th of March in which they planned out what they wanted to accomplish in 2007. He said the bottom line was the regional partnership they had been trying to establish was critical to meet their goals and solve some of the problems and challenges of the community. The consensus of that group from that meeting was the community needed to work collectively as a group and not independently. He said revenue sharing was a sign the community was working together. He asked for support with the resolution they had provided.

Philip Bamberger, Economic Director of Midway City. Bamberger stated he was new to the valley but quickly realized single entities could not survive on their own. He felt the valley should be looked at in the big picture and all component parts work together. He said signing a resolution was a sign of commitment as to being a whole instead of small pieces. He said revenue sharing was a win/win situation and said he was strongly committed to everyone being in this together.

Tish Dahmen, Chamber of Commerce – Dahmen said she lived in the County but spent her money in this community. She said she recognized the difficulties the City was facing as every special group wanted something and there were many demands on the City. She felt revenue sharing was a win/win situation and a step forward.

Eric Straddeck asked where he could get details on this initiative. Kennard explained it was conceptual but what they were looking at was regional retail being based on the type of store and the draw of that store. He suggested Boyer would probably be the first to be involved in this concept. He said the entity hosting the store would be made whole as far as costs and then the balance of the sales tax would be divided. He said the division had not been decided yet because they wanted everyone on board first before specifics were determined. He explained this was

phase one of the concept. Straddeck said, as a citizen of the City, he would be concerned about signing a resolution of approval without a complete understanding of how it would work.

Annie Bruehl stressed the importance of working together. Kennard said again what they were looking for was a resolution in general support of the concept.

Councilmember Bradshaw indicated the City had passed an overlay zone to allow for a big box. Since that time, a referendum had been placed on the ballot. He said the comment he wanted to convey, since all of the other entities in the County were willing to do revenue sharing, was that he assumed all other entities were in favor of the overlay zone. Kennard said he felt everyone was in favor of retail and felt the community, as a whole, was in favor of big box. Kennard said his committee actually sent a letter saying they were in favor of a big box being in Heber. He said he had concerns with multiple stores competing and did not think anyone would win in that situation. Steve Farrell, Wasatch County Council, said he did not know if they were in support of the site the City had chosen, but what they were in favor of was regional shopping in Heber City. Councilmember Bradshaw pointed out the City had been crucified in the paper and on the radio. He suggested it would be real helpful if the City Council had more vocal support from other entities. He felt it was going to be a long and hard, and probably not a pleasant, fight between now and November. He said any support the City could get from any of the entities would be appreciated. "Speaking for myself, I do not want to get the cart before the horse," he said. He indicated it would be hard for him to say yes he was in favor when he did not know what the revenue would be and said that was a hang up for him. He felt it was going to be difficult to come to an agreement even in the best of circumstances. He suggested if there were more general details about what a regional shopping area was, it would be very important to the Council. He said tourism was a big business in the area and a huge business in Midway. He asked if that was regional retail, or if it should be, and stated that would be of great interest to him. Councilmember Bradshaw suggested we were not just talking big box store but an economic center and said he wanted it to be addressed as such and not just a big box in Heber. He pointed out the impression the Council had was that the only thing being shared was big box which would be Heber City's problem for police protection, etc., but that everyone wanted a share of the profits. He said he wanted a fair share.

Kennard said at one point they had put together a draft interlocal agreement that addressed some of Bradshaw's concerns. He said through, the entities in favor would be the ones to put together a final agreement. He said he needed to know who the players were first before putting something together. He suggested the tourism issue could be part of phase two.

Mayor Phillips suggested it was simple and easy for some of the smaller entities to share because there was no possibility of them having a big box store. Kennard said revenue sharing was not going to solve all problems but that a resolution would help the community to work together.

Steve Farrell said the regional sharing concept was brought up 3 ½ years ago with the economic board and this was not a new concept because of big box. He said it was talked about long before and it was Mayor Adams' fault this issue was not brought to this Council before. He stressed they were just asking for support of the concept and then build on that. He said they wanted to build a program that worked for everyone.

Bamberger, speaking for Midway, said he felt, this was not just a question of revenue. He said there was no doubt in his mind that big box should be in Heber. He felt it was more an issue of competition. He said he was convinced "we" had something incredibly special in this valley. He

felt it was less the question of money and more a question of a long-term view of this valley and to have a win/win situation. He felt a conceptual agreement made a lot of sense.

Mayor Phillips pointed out the proposed resolution was not just an agreement to work together and not just a concept but that it mentioned sharing sales tax.

Councilmember Lange said he appreciated what Farrell had worked towards. Farrell said they had started a regional planning committee that would meet once a month. Councilmember Lange asked about an opt out clause. Farrell said they wanted to work towards something that would be win/win and suggested the monies did not necessarily have to go back to the entities but might could go towards a recreation center.

Mayor Phillips suggested there were a lot of questions not worked out. Councilmember Lazenby said she loved the idea of monies going towards a recreation center because it would benefit the entire community. Mayor Phillips said it was something the Council had talked about. He hoped people did not think Heber City was not a player and said the City had not taken second to anyone in the community.

Councilmember Hokanson said contributing to a recreation center would be good but she would not agree to anything concrete. She did not want to bind the City to share dollars right now, especially on the Boyer project. She said she was not excited in sharing from Boyer since the community had not helped with that, but would be in favor of working together in future projects. Farrell said regional shopping should be in Heber to compliment the Main Street businesses. Mayor Phillips agreed a big box would hurt the community more if it was put two or three miles out of town. Councilmember Hokanson said she was in support of regional planning and revenue sharing but in the form of contributions to a recreation center or something. She would not support a dedicated amount.

Kennard referred to Councilmember Bradshaw's comment about support from other communities about the overlay zone. He suggested that the other entities should have a say in the development of the Boyer project. He felt if everyone got together and everyone had a say in the development, it would help towards passing the issue in November. He said he wanted to see that development go in on the north of town.

Mayor Phillips asked why a resolution was necessary. Kennard said in order to get the details ironed out, all parties had to participate. Kennard said this resolution only said Heber City wanted to be a player. Mayor Phillips indicated he supported regional planning.

Councilmember Lazenby said if the funds could go towards a specified project, she would be in favor. She felt also the future costs should be paid this way.

Councilmember Bradshaw said he could see some possibilities and there were things to explore, talk about and communicate, and he wanted to see that go forward. He said he would be willing to share in the revenue from regional economic centers. He pointed out there was a movement in the State Legislature on how sales tax would be distributed and would want to share revenue among ourselves rather than share statewide. He questioned and said he did not know if a revenue sharing agreement would exempt the community from sharing statewide.

Councilmember Bradshaw moved to pass Resolution 2007- 03, a Resolution supporting the concept of an Inter-local Agreement to share Sales Tax Revenue from Regional Retail Projects

within Wasatch County which was before the Council and to share sales tax and revenue and make sure there was an understanding that there were a lot of details to be worked out but Heber City wanted to be a player. Councilmember Lazenby made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby and Jeffery Bradshaw. Voting NAY: Elizabeth Hokanson.

Tausha Hewlett – 362 West 300 South – Requesting consideration of Cash Bond Forfeiture Reimbursement: It was indicated the Council knew the facts based on discussion of last meeting.

Councilmember Lange moved that based on the facts previously discussed and on the counsel of legal staff, the bond should be returned to the Hewletts if the work was completed within 30 days. Councilmember Lazenby made the second. Voting AYE: Terry Wm. Lange, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson. Voting NAY: Vaun Shelton.

Councilmember Lange moved to immediately work on correcting the ordinance to match and agree with the International Building Code so there was no conflict and to schedule that ordinance change for next agenda or within 30 days. Councilmember Lazenby made the second. Voting AYE: Terry Wm. Lange, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson. Voting NAY: Vaun Shelton.

Jason Price – Request for sewer and water services – 2430 South Ranch Road, Daniels:

Councilmember Shelton referring to their request asked about the location of the fire hydrant. Price said it would be off the line by his home and they would install a reducing valve to protect his home. Price said he would absorb the cost of the fire hydrant. Councilmember Shelton had concerns with the other four lots that might want service. Price indicated the Health Department wanted him to connect to the line. He said, too, he was not interested in dividing his lot. He felt it was beneficial to Heber City that wastewater be put in the Heber City system as recommended by the Health Department. Councilmember Shelton asked about the location of the meter. Price said he would place it wherever the City wanted him to. Councilmember Shelton said he wanted the meter to be placed so the City did not have to go on private property to read the meter. Price said they could put the line in front of the home instead of the back. Mumford indicated meters were located at the public right-of-way so this particular instance would be a little awkward but it did need to be on the edge of public right-of-way.

Councilmember Shelton asked about other people that were on the access route. Price said he had spoken with the Mayor of Daniels and it was on their agenda for discussion. Mayor Duggin suggested they were in favor but needed to have a formal meeting to get written approval.

Councilmember Shelton asked about reimbursement to the developer who installed the line. Mumford said he had discussion with the developer who installed the line and it would be subject to reimbursement. Price would pay the cost of the frontage and then the developer would be reimbursed. Councilmember Shelton had concerns the City did not get property tax or benefit in other ways since this was not in the City limits. Price said he would be paying his share.

Councilmember Shelton talked about well water value and wanted to make sure what the City was getting was fair. Anderson said the City would require the water shares that the parcel would use. Councilmember Lange had questions about the calculations being based on culinary usage. Price said he did not want to water his yard or use it on the five acres but that his sole desire was for culinary water for the home.

Councilmember Shelton asked about annexation. He indicated that people say they won't oppose annexation but when the time comes, problems occur. He said the City had not had a good track record with these agreements. Price said he absolutely would not oppose annexation.

Councilmember Shelton suggested the area was having a bad water year. He suggested to grant a favor now would open the flood gates. He also said he had concerns with providing these services for a property in another entity. Price said he understood the concerns but it was the Health Department that wanted him to hook on to the Heber City line. Price said he was back-to-back with high density development of Heber City which was why the Health Department wanted him to hook on. Councilmember Lange said he had visited with Mayor Duggin of Daniels who said they would not allow annexation without a court fight. On the other hand, he said Daniels was about to capacity as far as water service. Mayor Duggin said, though, he did not have a problem with Heber City servicing this lot.

Anderson said Heber City had an easement with Millstream but did not know if Price could use that or not. Mumford did not think there would be a problem. Price said his property connected directly with that easement. Anderson said Price was mindful of the costs and the transfer of water rights.

Councilmember Hokanson moved to approve the request for sewer and water services with the following conditions: 1 ½ times the normal impact fees, 1 ½ times the City rates for culinary water, the transfer of water rights, impact fee paid to HVSSD, satisfying an offsite reimbursement, a letter from Daniels that they do not oppose Heber City providing services, deed restriction to not divide the lot and a fire hydrant. Councilmember Lazenby made the second. Voting AYE: Terry Wm. Lange, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson. Voting NAY: Vaun Shelton.

Councilmember Lazenby left at 9:20 p.m.

Discussion on Land Acquisition – A 30' x 200' strip of property located east of the Broadhead Well: Councilmember Lange moved to approve the purchase of a 30'x 200' strip of property located east of the Broadhead Well from Beaufontaine Development for not more than \$12,500. Councilmember Hokanson made the second. The voting was unanimous in the affirmative. Councilmember Lazenby had left the meeting.

ACTION ITEMS

Awarding of Bid – Lease of 2.55 acres of Heber City owned Agricultural Land located at approximately 1350 West 650 South: Councilmember Bradshaw moved to lease the 2.55 acres of agricultural land located at approximately 1350 West 650 South to Wayne Thacker on a year-to-year basis for \$125 annually. Councilmember Lange made the second. It was indicated Thacker had to provide his own water. The voting was unanimous in the affirmative. Councilmember Lazenby had left the meeting.

Awarding of Bid – Heber City owned Airport Road property located at approximately 345 West Airport Road: It was indicated the Council would probably not be interested in selling this parcel in three to five years as proposed by Millstream Properties. Anderson said the City could still enter into an agreement for the first right of refusal. Anderson talked about the improvements the leasor would make and suggested in exchange for improvement the City allow them occupancy for a certain amount of time. Anderson suggested the City give Millstream

Properties the first right of refusal if the City ever decided to sell and sell at fair market value and at current appraised value at the time of the sell. He suggested a year-to-year lease for now.

Councilmember Hokanson moved to lease to Millstream Properties the property located at approximately 345 West Airport Road on a year-to-year basis with a first right of refusal if the City ever decided to sell which price would be after an appraisal and at fair market value. The lease would be at \$550 a month for a year and raised to \$600 a month the following year.

Councilmember Bradshaw made the second. Voting AYE: Jeffery Bradshaw and Elizabeth Hokanson. Voting NAY Vaun Shelton and Terry Wm. Lange. Councilmember Lazenby had left the meeting. Mayor Phillips voted AYE to break the tie vote.

Awarding of Bid – Heber City Airport Road PRV (Pressure Reducing Vault) Project:

The bid information was presented to the Council by Bart Mumford as follows: 1) Kriser Excavation, Inc., \$59,400 and 2) Vancon, Inc. \$70,411.

Councilmember Hokanson moved to award the Heber City Airport Road PRV (Pressure Reducing Vault) Project to Kriser Excavation for \$59,400. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lazenby had left the meeting.

DISCUSSION ACTON ITEMS

Ordinance 2007-20 - Zone change request on property located at approximately 400 West 300 North and known as the old Heber City Public Works Facility from an RA-2

(Residential Agricultural) Zone to an R-3 (Residential) Zone: Councilmember Lange moved to accept Ordinance 2007-20 accepting a zone change on property located at approximately 400 West 300 North, known as the old Heber City Public Works Facility from an RA-2 (Residential Agricultural) Zone to and R-3 (Residential) Zone. Councilmember Hokanson made the second. No discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeffery Bradshaw and Elizabeth Hokanson. Councilmember Lazenby had left the meeting.

CITY COUNCIL BOARD REPORTS

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

No reports were given.

As there was no further business to conduct, the regular meeting of May 3, 2007, of the Heber City Council adjourned.

Paulette Thurber, City Recorder