

Heber City Corporation
City Council Meeting
May 4, 2006

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May 4, 2006, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Terry Wm. Lange Vaun Shelton Jeffery Bradshaw Elizabeth Hokanson
Absent:		Shari Lazenby
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: Kathryn Rhoades, Peidre Ramirez, Howard Peterson, Dustin Jansen, Margaret Red Elk, Phil Lyons, Phil Wright, Mary Kelly, Tom Whitaker, Diana Garfield, Louis Garfield, Joyce Christensen, Golda Olsen, Gordon Olsen, Mike Thurber, Paul Kennard, Steve Buchanan, Emily Lovejoy, Brittany Stubbs, Ryan Peterson, Sharon Givens, Agnes Tucker, Earl Huggard, Valerie Huggard, Nancy Lister, Craig Lacey, and others whose names were not legible.

Pledge of Allegiance: Councilmember Elizabeth Hokanson

Prayer: Mayor David Phillips

Minutes: March 16, 2006, Work Meeting
March 16, 2006, Regular Meeting

Councilmember Lange moved to approve the March 16, 2006, Work and Regular Meeting minutes as presented. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

Louis Garfield, Wasatch Chevy Car Club made a request to use the Main Street Park again this year on June 24th for the car show. He presented the City with a plaque in

appreciation of last summer's event and a check for \$500. The Council expressed appreciation to the Wasatch Chevy's.

CONSENT AGENDA

1) **Approval for a Lot Split / Small Lot Subdivision to be located at approximately 500 West between 100 South and 200 South**

2) **Approval for a Lot Split / Small Lot Subdivision to be located at approximately 500 East Center Street**

3) **Waiver of Fees for Non-Profit Vendors – July 8, 2006 Air Show**

It was explained the lot splits met the requirements of the Code and that fees for non-profit vendors for last year's air show had been waived. Anderson said there would be about eight non-profit vendors. It was said the Health Department fees had not been waived. Discussion that sponsors paid the fees for their vendors.

Councilmember Lange moved to approve the three Consent Agenda items. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

APPOINTMENTS

Phil Wright and Phil Lyons – Wasatch County Health Department – 2005 Annual Report: Phil Wright presented the report for the County Health Department. He pointed out giving a report was a condition of Utah Code and they were fulfilling their responsibility by making the report. Wright reviewed the makeup of the Board and that they held one meeting a month. Wright continued by reviewing their different programs as outlined in the booklet provided. He explained their budget last year was over 1 ½ million dollars. 63% is derived from grants and fees and County property taxes provided the balance. Wright praised his staff and said they had a very small staff but they also had one of the best departments in the State.

Tom Whitaker – Cowboy Poetry - Request for Funding: Tom Whitaker and Mary Kelly represented Heber City's Cowboy Poetry Gathering. Whitaker explained he could not keep up with everything that had to be done so Kelly had stepped up to help him. Whitaker reviewed the upcoming program for November and said no other Gathering brought in the kind of line up (big names) they did. He said this Gathering was known all over the country because of the top names. He again requested \$20,000 sponsorship from Heber City. He said they had budget information they could share with the Council. He explained that one thing different this year was the national advertising that he was pushing. He said they had applied for grant monies from the State (\$12,000) but if received, they had to match it. He reviewed the national magazines the Gathering was being advertised in. He indicated they were already getting out-of-state ticket buyers and their average spending was \$300/\$350. Kelly said she had sent out information to over

100 senior citizen groups and was offering package deals to groups. She said she was also working on bus groups and that two bus loads had booked at the Holiday Inn Express. She said Zermatt Resort in Midway was also putting together a package deal. Whitaker said, "this truly is Heber City's Cowboy Poetry Gathering--for most people this is Heber's event." He said he had a lot of people (over 200 volunteers with about 20 on the committee) making this the "best event in the country". He said they "stick their neck out way early" so they could start advertising. He said he hoped the City would commit for this year and next as they had already got headliners for 2007.

Mayor Phillips said Cowboy Poetry was one of his favorite events and he was glad about the national advertising and web site information. He also explained this was the tightest budget year for the City he had seen, as far as requests. He said he didn't remember any year being as big as this on. He indicated the Council had concerns about where the money goes that they donate. He pointed out that this was the best accounting report he had seen from Whitaker thus far. He questioned the practice of the City donating only to have Whitaker turn around and donate to the community. Should the City just give what Whitaker gives directly. Whitaker said they do a lot of other things--six bicycles for the schools and had always done that. He did not know if the City would do that. He said they were trying to take the money and do things that might not otherwise happen; mainly for the high school. He said the high school got \$5,000 each year to send kids to the media event in New York. He had also put in a new sound system and lighting at the high school that the community benefited from year round. Discussion about a formula that calculated for each dollar spent how much benefit the City received. Whitaker explained that Thursday night was still a free night for City residents. Mayor Phillips agreed it was a gift that kept on giving.

Councilmember Bradshaw questioned if the facilities were adequate enough for what they were planning. Whitaker said they still had the junior high they could use, if necessary. He said he was praying for a new high school. Whitaker expressed appreciation for the support from the Chief and his Department. He said usually there were no incidents, but lots of fun. Activities for the upcoming event include the Tuesday night steak dinner in Midway, Cowboy Train and Zions Bank would be hosting a private dinner in Salt Lake City this year as they did last year.

Councilmember Hokanson explained the City could not gift money and needed paperwork showing net value. She felt it would be easily provable but felt the Council needed more proof of what was coming back to the City. Whitaker questioned Anderson how that could be done. Anderson said it was difficult but partly increase in sales, room nights, sales tax collection, and transient room tax. He pointed out the Council needed to consider the good will created which was hard to measure. Whitaker agreed the value was there but that he didn't know how to measure it. However, he said he knew there were no vacancies in Heber during those days and that the Homestead filled last year on Friday. He said the Zermatt Resort would add 350 rooms to the Valley's motel/hotel availability. He said they were working hard to bring people in. Councilmember Bradshaw commented that was a very slow time of year. Whitaker explained that was the very reason they picked that time of year. Kelly said she could go to the motels and get

records from last year's event to show the impact. She also said the web site had had 1000 more hits this April than last.

Councilmember Bradshaw moved to approve the \$20,000 request from the Cowboy Poetry Committee on the condition that in future years there be documentation on how the Gathering benefited the City and they work with Anderson to show that benefit. Councilmember Shelton made the second. Council stressed the need for a report after the Gathering this year. Whitaker and Kelly said they would be back in December with a report. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent. Whitaker said he would work with Mayor Phillips and Anderson to make sure the residents were more aware of the event.

Margaret Red Elk – PowWow Committee – Request for Funding: Dustin Jansen represented the PowWow Committee. He passed out information he had obtained from local businesses about the increase in their business during the PowWow. Jansen talked about having to move the PowWow out of Heber City to Soldier Hollow at the request of the City. Mayor Phillips clarified it was Wasatch County that had asked them to change their venue location, and not Heber City.

Jansen said he was getting calls from all over the country about the PowWow. He said there would be a few hundred dancers and that they had a hard time finding enough rooms for the people to stay in. He said they try to coordinate with the car show as it was felt a multi-event weekend brought in more people and that surveys had proved the economic value to the City. He said that, "more than that, it is a social event that helps the entire community." Jansen said they not only had native vendors but others that were interested. (Don Pedro's Mexican Restaurant wanted to be a vendor this year)

Jansen said they were working through the Soldier Hollow Legacy Foundation which was non-profit. He talked about the donations from last year and that they "pretty much broke even." He said also they were growing. He indicated Midway City had donated \$1,000 this year and Wasatch County \$2,000. Jansen indicated they advertise through a National PowWow data base. He felt the events at Soldier Hollow were unique and that was one of the reasons they felt pleased to have their Event there.

Howard Peterson, Soldier Hollow Committee, thanked Heber City for their support. He said they felt Soldier Hollow was the best place for this Event. He indicated they spent quite a bit of money for the Event last year with lighting and sod. He said people come and enjoy wonderful times at Soldier Hollow. He reviewed some of the other events held at Soldier Hollow that had brought people and money to the Valley. He said there were events out there that didn't ask for funding, but there were some that did. He again thanked the Council for the support of the City and asked for support for the PowWow. Anderson explained the donation last year was made to the Soldier Hollow Legacy Foundation and, if one was made this year, it should be again to the Soldier Hollow Legacy Foundation. Mayor Phillips thanked them for their presentation. He counseled the Council that their decision did not have to be a Aye or Nay but could be somewhere in between. Councilmember Lange said that cultural wise, this Event fulfilled a need for the

Valley. He said he would have liked the foreign delegation that was here last week to see the PowWow.

Councilmember Lange moved to donate \$2,000 to the Soldier Hallow Legacy Foundation for this year and consider it again in upcoming years. Councilmember Shelton made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Paul Kennard, Wasatch Economic Development, Request for Letter of Support for a Nursing Program at UVSC Wasatch and Request for possible Donation: Paul Kennard indicated he was representing two different issues. He said the Wasatch Community Foundation had made the UVSC Nursing Program their #1 project this year. He referred to the College as an asset to the community and felt the Nursing Program was one step further to making the Wasatch campus a viable one. He pointed out how important the Nursing Program would be to the hospital. He said the hospital was strongly behind the Program. Kennard indicated they were going after grant monies and needed to have community support. He said they were asking for letters expressing support as well as donations. Kennard suggested a donation from the Economic Development budget. Discussion about the shortage of nurses, nationwide as well as state and locally. Kennard said the Program would graduate 16 nurses per year. He said also the money probably would not have to come until 2007. However, if the City were to give a donation, it should be mentioned in the letter of support. Kennard discussed particular grants and their suitability to this community.

Councilmember Bradshaw asked if this was a 4-year program and if there would be training at this hospital. Yes on both questions. Councilmember Lange indicated he served this hospital for 10 years and Utah Valley for 20 years and could say there was always a need for nurses.

Councilmember Lange moved to support the Nursing Program at Utah Valley State College. His opinion was that if students trained here, they would stay here which would help with retention issues. He moved the donation go through The Wasatch Area Economic Development Program. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Anderson was asked to put a letter together for Kennard regarding the support of the City to the Nursing Program.

Craig Lacey – Heber Valley Historic Railroad Authority – Request for Funding: Craig Lacey appeared before the Council and discussed some of the financial issues of the HVRRA. He said they had been helping out the local economy since 1992. He discussed the impact the Polar Express Train and the Day out with Thomas the Tank Engine event had on the City. He said they were anticipating 17,000 people this year for Thomas the Tank compared to 9,000 the first year. He said they were trying to grow this year as much as possible and asked the City to help with the promotion of Thomas as far as advertising. The request for \$10,000 was approximately 15% to 20% of the total

advertising budget. He indicated restaurants had reported they had record patronage during the Thomas Event. Lacey indicated another issue they had facing them was Steam Locomotive #618 needed to be rebuilt. It turns 100 next year. The Engine is worn out. By federal guidelines, they have 95 days left to operate that Engine. They have submitted a proposal for transportation enhancement funding for \$550,000 and purposed a 70/30 match. They have been informed the funding has been cut and they will not get as much funding as they anticipated and funding has gone to a 40/60 match. Lacey said they had to raise \$275,000 on their own to bring the Engine back into service. Consequently, he felt it appropriate to ask that the \$10,000 he was asking from the City to go towards the Engine instead of Thomas which might make it better use of funds. Mayor Phillips explained the City's \$10,000 would increase to \$20,000 because of the match.

Councilmember Bradshaw said he had two grandchildren that loved Thomas and had viewed most of the videos with them. Councilmember Hokanson indicated there was no question as to the benefit.

Councilmember Hokanson moved to approve the request from the Heber Valley Historic Railroad Authority for a donation of \$10,000. Councilmember Bradshaw made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

ACTION ITEMS

Ordinance 2006-06 – Amendments to the Heber City Municipal Code – Chapter 18.85, Apartments, by repealing 18.85.120, Purpose Statement, Apartments; 18.85.130, Apartment Defined; 18.85.140, Approval Process; 18.85.150, Attachment of Reasonable Conditions; 18.85.160, Lot Standards; 18.85.170, Parking and Access Standards; 18.85.180, Architecture; and 18.85.190, Landscaping; and Establishing Chapter 18.87 Apartments (Tabled at the 04/20/2006 City Council Meeting): Mayor Phillips reviewed the changes and the language that the Council had concerns with previously.

Councilmember Hokanson moved to approve Ordinance 2006-06, Amendments to the Heber City Municipal Code, Chapter 18.85, Apartments. Councilmember Bradshaw made the second. No discussion. Voting AYE: Vaun Shelton, Jeff Bradshaw and Elizabeth Hokanson. Voting NAY: Terry Wm. Lange. Motion passed. Councilmember Lazenby was absent.

Resolution 2006-06 – A Resolution to Adopt a Promissory Note and Security Agreement between the Heber Valley Historic Railroad Authority and Heber City Corporation: It was pointed out the City had adopted a Resolution two years ago similar to this one.

Councilmember Lange moved to approve Resolution 2006-06, a Resolution to adopt a Promissory Note and Security Agreement between the Heber Valley Historic Railroad Authority and Heber City Corporation and that there would be no interest charged on the

loan. Councilmember Hokanson made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeff Bradshaw and Elizabeth Hokanson. Councilmember Lazenby was absent. Discussion about how the Railroad had supported the City over the years. Mayor Phillips speculated that throughout the year, the Railroad probably brought in more revenue than the other events.

Ordinance 2006-02 – Adoption of proposed changes to Title 12 – Streets, Sidewalks and Public Places (continued from 02/02/2006 and 02/16/2006 City Council

Meetings): It was pointed out that in February the Council had requested additional time to go through the proposed changes. Based on comments from that meetings, Mumford proposed new language on certain Sections. Mumford reviewed those changes.

12.04.070 - dirt and gravel prohibited in public right-of-way

12.20.030 - City Tree Board being the Planning Commission

12.24.185 – burial days were clarified

12.24.220 - grave decorations. Completely rewrote that Section. Decorations O.K. in winter but limited to cement headstone during the summer mowing season.

12 24.334 – proposed different language on number of monuments

Mayor Phillips asked for input from the public.

Valarie Huggard

Valarie indicated she went to the cemetery every week and weed eats and had even put new sod down, when necessary. She explained she can't buy her son a birthday present, etc., and decorating his grave was a very touchy subject with her. She said decorating his grave was the only way they could give him a gift. She said they had even run the weed eater on the surrounding graves. Her husband indicated he would take one day off a week and weed eat the entire cemetery, if that would help. His opinion was they had purchased the lot and should be able to do what they want with it.

Sharon Givens

Sharon said she had three children buried up there. She pointed out other people were allowed to give their children gifts but the cemetery was the only place she could visit her children and give them gifts. She said she and her husband would volunteer to work up there. She and the Huggards all felt money should not be an issue.

Mayor Philips asked if this was a money issue or a safety issue. Mark Rounds indicated it was a safety issue and risk management issue. Discussion about where shepherd hooks and solar light could be placed and not be dangerous. Rounds said he was willing to do whatever the Council wanted. Mayor Phillips agreed this was a very sensitive issue.

Nancy Lister

Nancy indicated she had family in the cemetery, as well. She said she had a problem with the workers playing and zigzagging around when mowing and pointed out the markers were expensive and the workers should be more careful. She felt that at night with the solar lights shining, there was nothing more beautiful. She said she did appreciate the work they did, but asked that the workers watch the markers and be more careful. Rounds

said he would talk to his staff. Mayor Phillips encouraged Rounds to do that as the cemetery was a hallowed place.

Councilmember Hokanson indicated she would like to see a compromise so there could be a place to allow shepherd hooks. Rounds said the people attending the meeting and making comments he saw every day. He had no problems with them. It's the people that place the hooks and leave and don't come back for several months. He pointed out, however, one person couldn't be allowed to place hooks and another not allowed. Councilmember Lange said every time he goes by the cemetery, he thinks of the millions of dollars that people have spent on it. Rounds talked about drilling a hole in the cement surrounding the headstone to place a hook or light. Councilmember Lange discussed the safety of the workers and suggested a public hearing on the grave decoration issue. Discussion about the Veterans Memorial and that in the new area there was an area for upright stones. (about 20%) Mayor Phillips asked Rounds to put something together that would compromise and allow shepherd hooks and lights and still maintain safety. Anderson suggested having a regulation that would allow if maintained but removed if not maintained. Additional discussion about Veteran markers.

Anderson said Gene Hoopes, Olpin-Hoopes Mortuary, had taken him up to the cemetery to look at markers. Hoopes said sometimes the footmarkers butt up against the headstone of another grave.

It was felt the changes proposed to the Title were appropriate except there was additional work needed on the grave decoration Section. Includes the proposed 12.24.334 proposed by Mark Rounds.

Councilmember Hokanson moved to approve the Ordinance 2006-02, changes to Title 12, Streets, Sidewalks and Public Places including the new proposed language for 12.24.334, Limitation on Number of Monuments, clarification to 12.24.185, and excluding language changes to 12.24.220, Grave Decorations, until additional discussion could be held on that. Councilmember Bradshaw made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeff Bradshaw and Elizabeth Hokanson. Councilmember Lazenby was absent.

Ordinance 2006-07 - Consideration of an amendment to the General Plan Future Land Use Map from Low Density Residential to Moderate Density Residential for property located at approximately 401 South 500 East referred to as the Bennett Property: An overhead was shown of the area. Anderson suggested additional properties be changed also that lie contiguous to the property requested to be in conformity with the rest of the area. It was stressed this was not a zone change but rather a change to the Future Land Use Map. Councilmember Hokanson asked if the change was to allow more houses. Kohler said not necessarily as the subdivision proposal was for 1/3 acres. It was indicated the Council had a lot of latitude with this issue (to include other properties in the request if they wanted) according to the new LUDMA law.

Councilmember Bradshaw moved to change the Future land Use Map on the one parcel as requested from Low Density Residential to Moderate Density Residential. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Ordinance 2006-08 - Consideration for a Zone change from RA-2 (Residential Agriculture) to R-2 (Residential) at approximately 401 South 500 East referred to as the Bennett Property: It was indicated the Planning Commission had recommended the rezoning of this property as requested by the owners.

Councilmember Bradshaw moved to change the zoning on property located at approximately 401 South 500 East, referred to as the Bennett property, from RA-2 to R-2. Councilmember Shelton made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeff Bradshaw, and Elizabeth Hokanson. Councilmember Lazenby was absent.

DISCUSSION/ACTION ITEMS

Set Public Hearing Date for consideration of the Crooks Annexation Petition located south of the present Heber City boundary at approximately 1200 South between Main Street and Industrial Parkway. Property consists of approximately 43 acres of land: Anderson indicated he had met with the Boyer Company and the consensus was to schedule a public hearing for June 1, which would give all parties time to work on an annexation agreement. Anderson reviewed the key issues on roadway issues. Mayor Phillips expressed concern that the annexation plan be done right as this was a potential economic issue for the City. Anderson said he had given the Boyer Company a draft of what staff felt were annexation issues. Other issues would be dealt with at the Planning Commission level as the project developed. Anderson said staff's concerns were with infrastructure. Discussion about the importance of the truck route as it related to this particular annexation. Anderson said he gave the Boyer Company a boilerplate of what the City might want. He suggested giving the Planning Commission the authority to work on the annexation agreement or make the annexation agreement read such that the City was protected. Anderson pointed out that Boyer wanted the transportation to work as it was critical to their success, as well. Discussion on what issues should be addressed in the annexation agreement. Anderson reviewed some of the issues he had listed for the Boyer Company per the proposed agreement handed out. There was a lot of discussion about the conditions listed in the proposed annexation agreement: traffic flow, roadways, bypass/truck route, Highway 189 acceleration and deceleration lanes, traffic lights, water and sewer lines, zoning, residential housing, etc. The Council felt a meeting with UDOT would be appropriate to discuss the traffic and road issues. Anderson was asked to schedule that meeting. Anderson suggested staff, planning staff and engineering all evaluate/analyze the proposed agreement. It was suggested the draft annexation agreement be given to the Planning Commission for review and comments, as well. It was pointed out the RPO (Rural Planning Organization) should be included with the UDOT/Boyer meeting.

Councilmember Lange moved to continue this issue until such time as a meeting could be arranged with UDOT, Boyer and the RPO. Also staff, planning staff and engineering evaluate the proposed agreement as well as the Planning Commission. Councilmember Bradshaw made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Set Public Hearing date to consider Resolution 2006-07 - Amendments to the Annexation Policy Plan: Mayor Phillips reviewed that the City Council had requested the Planning Commission to look at the Annexation Policy Plan and study some possible amendments. Discussion about a letter received requesting three parcels being included in the Annexation Policy Plan Map boundaries. Discussion about a possible disconnect of the Culliard and Smith properties from Daniels Town and their request to be included in Heber City. Anderson was asked to talk with Dave Church about the necessary steps to take.

Councilmember Bradshaw moved to set a Public Hearing for June 1, to consider changes to the Annexation Policy Plan Map boundaries and one text amendment. Councilmember Lange made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Adoption of tentative 2006-2007 Fiscal Year Budget for Heber City Corporation: Anderson indicated uniform allowance had not been adequately funded in the 2006-2007 tentative budget. Anderson indicated he needed one more meeting with the Council prior to adopting a final budget. May 30th at 5:30 p.m. was decided upon.

Councilmember Lange moved to hold a budget workshop on May 30, at 5:30 p.m. Councilmember Shelton made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

CITY COUNCIL BOARD ASSIGNMENTS

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

No reports were given.

OTHER ITEMS AS NECESSARY

Mayor Phillips discussed the annexation of City property by the airport. He questioned the possibility of not giving water services to the one property owner in the area that did not support annexation. He suggested Smedley be invited to Closed Session next meeting to discuss the issue.

Anderson was asked to get in touch with an expert and get advise on airport hangars.

Anderson indicated he had met with Judge Ridge and staff. What Judge Ridge was proposing, because of security, was removing the front door to the clerk's office and place it onto the back wall for entrance by staff through the Judge's Chambers and replace the front door with a bullet proof glass area for making payments. Judge Ridge thought it could get funded by a security grant. The Council was O.K. with that remodel.

As there was no other business, the Heber City Council meeting of May 4, 2006 was adjourned.

Paulette Thurber, City Recorder

Approved 05/18/2006