

Heber City Corporation  
City Council Meeting  
05/07/09

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May, 7, 2009, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Jeffery Bradshaw Elizabeth Hokanson Eric Straddeck Nile Horner Robert Patterson
Also Present:	City Manager	Mark K. Anderson
	City Recorder	Paulette Thurber
	City Engineer	Bart Mumford
	City Planner	Allen Fawcett
	Chief of Police	Ed Rhoades

Others Present: Eric Bunker, Shelly Bunker, Kent Shelton, Wendy McKnight, Ryan Moosman, Sheldon Case, Brenda Wilcox, Parker Wilcox, Carol Anne Welch, Melanie Baird, Jake Hansen, Cory Hansen, Bruce Welch, Abby Welch, Ross Nichol, Kathryn Gardner, Deidre Ramirez, Kirsty Juengling, Giovanna Torres, Isaac Robertson, Nathan Sphiro, Russell Morgan, Kim Richards, Julie Knaphur, Jen Kelson, Mike Thurber and Tesla Humpherys.

Pledge of Allegiance: Councilmember Jeffery Bradshaw  
Prayer/Thought: Councilmember Elizabeth Hokanson

Mayor Phillips recognized the Boy Scouts in the audience. They each introduced themselves and gave their Rank and Troop Number.

Minutes:	March 19, 2009, Work Meeting	March 19, 2009, Regular Meeting
	April 2, 2009, Work Meeting	April 2, 2009, Regular Meeting

Councilmember Hokanson moved to approve the Work Meeting and Regular Meeting minutes of March 19, 2009, and April 2, 2009. Councilmember Patterson made the second. No discussion. The voting was unanimous in the affirmative.

## ***OPEN PERIOD FOR PUBLIC COMMENT***

Kent Shelton - 455 West 600 South - Shelton indicated he appreciate the challenges the Council faced all the time. He said he owned 7 ½ acres of land in the City limits and had had three to five animals in the area from the beginning. He said his property was an agricultural island within the City. He explained how his property had been on the outskirts of the City for many years; but, now the City had grown up around and past his property. Shelton said the animals were a hobby and were not raised commercially—they were raised for the family's own use. He said that in anticipation of putting in a heated water trough and having electrical service to plug a tractor in during the winter that he used to plow snow, he had looked into the cost of electrical service and found the impact fee would be \$1,000. He said he had spoken with Todd Bingham, Public Policy Director with the Utah State Farm Bureau, about these impact fees and was referred to this Council as a first step towards possibly getting that fee waived since there would be no additional impact to the City for that electrical service. He wondered, too, if there was a possibility for relief of these expenses because the use was agricultural. Discussion about no additional impact on infrastructure, roads, etc. Mayor Phillips said he would follow up on this with Heber Light and Power. Councilmember Horner agreed the Council couldn't impose an impact fee if there was no impact. Shelton said he had talked with Troy Klunkervik of HL&P about this, as well. Mayor Phillips assured Shelton he would look into this issue.

## ***CONSENT AGENDA***

### **Armstrong Consultants and Heber City Corporation – Approval - Professional Services**

**Agreement:** Councilmember Bradshaw moved to approve the Professional Services Agreement between Armstrong Consultants and Heber City Corporation. Councilmember Patterson made the second. Councilmember Straddeck clarified that this agreement was for airport services. He pointed out the Agreement had listed several projects and wondered if those projects were something the City had committed to. Anderson said the only item listed in the Agreement already committed to was the snow removal building. He said the other items were listed on the capital facilities plan and would depend on available funding. Councilmember Horner asked if the grant had been awarded last meeting. Anderson said once the Agreement was signed, they would begin looking at designing and constructing the building. Councilmember Horner proposed that one of the things that should be added to the Agreement and one of the first things done was have a feasibility study on the possible use of the current building. He thought it would be advantageous to do a study to see how feasible it would be to use the current building. Anderson said one of the reasons for the new building was because of the condition of the current building and also that the current building was not available for public access. Anderson said the Council had accepted the first grant but no monies had been expended. He said if the Council was uncomfortable, the grant could be revisited. Councilmember Horner said the Council approved to submit the grant but had not approved any expenditures of the money. Anderson said the grant had been signed and the City had committed to their 5% share. Councilmember Hokanson said what we were doing tonight was simply approving the contract with Armstrong. Councilmember Horner wanted to add to the contract to look at the existing building. Councilmember Straddeck read language from the contract and said the City could add language if that was the desire of the Council. No further discussion.

The voting on the motion was unanimous in the affirmative.

Mayor Phillips asked if the Council wanted to revisit this issue. Councilmember Horner wanted to revisit and wanted to also revisit the full time position of the Airport Manager. Anderson suggested those were both appropriate discussion items for the budget meetings.

### ***APPOINTMENTS***

**Jake Hansen/Ryan Moosman – Eagle Scout Project – Replacement of the Heber Airport Segmented Circle:** Ryan Moosman talked about the funds they needed to re-do the segmented circle. He said the labor for these projects would be free since they were Eagle Scout projects. Moosman said he would be painting the new boards from which Jake Hansen was building the Circle. Mr. Moosman, father of Ryan, said the boys had agreed to two projects. First Ryan would obtain the new boards and paint them. Then Jake Hansen would take the new boards and rebuild the Segmented Circle. The money being requested was to purchase the boards and paint. Anderson said he talked with UDOT Aeronautics and the grant for crack seal was under-spent by \$1,400. Consequently, there was that money available to use for this project. Councilmember Hokanson said she appreciated the Eagle Scout projects that were done by the boys in the Community.

Councilmember Hokanson moved to approve the Eagle Scout Projects of Ryan Moosman and Jake Hansen. Councilmember Patterson made the second. It was indicated the cost to the City would be about \$130. The voting on the motion to approve was unanimous.

**Wendy McKnight – Special Olympics Torch Run – Request for Donation:** McKnight indicated she was getting ready for Saturday's torch run. She invited the Council to come and participate. She said runners were meeting at the Port of Entry at 10:30, they would pick up the athletes at the HUB, and then those athletes that could run, would, and the others would ride the fire truck to the Police Department building. She said there would be food and events. Mayor Phillips said the Council would make sure her request for funding in the 2009-2010 fiscal year would be considered. It was indicated the Council had already approved \$600 from this year's budget. Chief Rhoades said there were three or four people from the State to serve on the State of Utah Torch Run Council and Wendy was one of those people. Also from that Council, she was chosen to represent the State at a conference in Dallas, Texas. Anderson pointed out Heber City had been a top contributor to the Special Olympics over the years and with the size of our agency, he felt that was a big accomplishment.

**Russell Morgan – Extension - Recordation of the Small Lot Subdivision located at 1320 South Daniels Road (Originally approved 04/17/2008):** Councilmember Horner moved to approve the request for an extension to record the Morgan Small Lot Subdivision located at 1320 South Daniel Road as allowed in City Code. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative.

**Carol Anne Welch – Timpanogos Intermediate School – Discussion/Request regarding safety issues along 600 South between 200 East and 500 East:** Carol Anne Welch represented the PTA from the Rocky Mountain Middle School which would become the Timpanogos

Intermediate School when the move was made this summer between school buildings. She referred to those attending with her. She said that as the Community Council, PTA, and school officials looked at safety in the school areas, based on the change in school buildings, the biggest concern was determined to be the open irrigation ditch on 600 South. An overhead was shown. She proposed working together and placing a culvert from 500 East to 200 East on the south side of 600 South. A graph/slide was shown that depicted the number of students that would be walking to the Intermediate School from both the east and west directions. Welch talked about crossing guard regulations and stop signs. She talked about the location of where the boy was hit yesterday and indicated that was the exact spot where there were concerns. Aside from that, she wanted to focus on the request before the Council which would include culvert installed in the irrigation ditch and covered, and curb, gutter, and sidewalk placed by the time school started in August. She said she had talked to the Water District and they would give free labor to place that culvert and also provide a manhole for the area.

Jen Kelson, member of the Wasatch County School District Board, said she was aware, because of impact fees being charged to the new high school, the City had a big check from the School District. Councilmember Straddeck asked if that fee had been paid. Kelson said she thought Keith Johansen was working on that now. She also expressed concern over the bicycle/vehicle accident that happened yesterday. Welch indicated she wanted to approach this as safety being number one and not so much money. She felt if everyone came together and pooled resources, a solution could be obtained. She felt this was of the utmost importance.

Mayor Phillips summarized the request - culvert, right-of-way, curb, gutter and sidewalk.

Welch explained there had previously been eighth and ninth grade students at this building but now there would be fifth and sixth graders.

Councilmember Bradshaw said that ditch was not part of the City's system but that it was a field ditch that flowed through the City for agricultural purposes. He said Wasatch Irrigation would have to be involved. Welch said she had talked with them and they had already approved this plan.

Chief Rhoades talked about yesterday's accident in which a child was run over. He said there was fault from both the bicycle rider and the vehicle driver. Chief Rhoades indicated that intersection was the poorest intersection in the City between 7:00 a.m. and 8:30 a.m.

Councilmember Hokanson asked if the School District had a plan and said she felt this was a mess at this point. Welch indicated this was just one component of a safety plan. Chief Rhoades indicated the School District had an obligation to get their plan to the Police Department and the students before school started in August.

Sheldon Case, Principal, said he had been working with Francis Harrison, the District's maintenance person. He indicated the high school students would have already started the school year in their new building when the Intermediate School started which, he thought, would help with some of the issues faced by this transferring of school buildings. He indicated the safety committee wanted to pattern the ingress and egress of the Intermediate School after the Rocky

Mountain Middle School's. Case said these kids were scared to come into a new school and scared of all the other changes. He talked about how important it was to have this all finalized prior to school so the parents could walk with their students before school started. He discussed other aspects of the plan but indicated his main concern was for the children.

Councilmember Hokanson asked if impact fees could be used for projects like this. Anderson said, yes, if the capacity of the roadway was considered. He said he did not know if this could be designed and installed by the time school started. Mumford indicated, if the area for the sidewalk was private property, the City would have to work with those private property owners. He suggested some of the property owners might own to the center line of the road.

Councilmember Horner suggested that curb and gutter might not be necessary, but felt strongly the sidewalk was necessary for safety reasons. He said the Council owed this to the children to go and talk to the property owners. He personally felt they all would be fine with this sidewalk proposal. It was indicated Wasatch Irrigation already had a right-of-way because of the ditch. Councilmember Horner wondered if the City could use the same right-of-way. Regardless, he felt the City needed to move on this right now and not drag feet. Anderson said there was money for the sidewalk. Councilmember Horner wanted to work with the committee and make this happen. Mayor Phillips felt Councilmember Horner's idea of using the ditch right-of-way was a good idea, if allowed.

Councilmember Bradshaw asked about crossing guard placement. Chief Rhoades indicated crossing guards were not required at lights or stop signs. The committee expressed concern, however, because the road curved and the visibility was bad. Councilmember Horner suggested crossing guards not be the focus right now—"let's do one thing at a time and deal with the crossing guard issue later," he said.

Kathryn Gardner, incoming PTA President for Timpanogos Intermediate School, said that every child from the east and the west would be crossing 600 South and every single car that came to the school would be using that same intersection. "We can't say that because there are two stop signs, it is safe for the children," she said. Chief Rhoades discussed the traffic flows but said he had not yet been informed as to the bus flow. He had asked for additional information from the District.

Mumford suggested it might be more feasible to put sidewalk on the north side. Case said what they had come up with was the children would be crossing 3 intersections. Welch indicated that even if the sidewalk was placed on the north side of the road, there was still the open irrigation ditch to deal with. Discussion that children would naturally gravitate to the ditch.

Councilmember Hokanson moved to move forward on the sidewalk proposed on 600 South on the south side of the road. Councilmember Patterson made the second. Councilmember Straddeck asked if the Council wanted to remove the north side option entirely or wait until Mumford could look at the issue. Discussion. Councilmember Hokanson amended the motion "600 South...and the preference for the sidewalk to be on the south side of the road." Councilmember Patterson approved the amendment with his second to the motion.

Councilmember Patterson felt this was a “slam dunk.” Councilmember Horner agreed. Chief Rhoades had concerns with students coming from 300 East, 400 East, and 500 East and all had to cross the busy street. He felt if the sidewalk was placed on the north side of the road and then have a specific location to actually cross 600 South, it would be safer.

Mumford indicated a prescriptive easement could not be used for another easement so what Councilmember Horner had suggested about using the same easement as the irrigation company would not work. He suggested if right-of-ways had to be worked out and/or purchased, it might take longer than otherwise. Case said he just wanted sufficient time to educate parents and children in a timely manner before school started. Case felt a sidewalk placed on the south was safer but the key was a sidewalk on one side or the other. Councilmember Horner asked about a time frame and what was needed for Mumford to proceed. Mumford said he would figure out a way after looking at the facts. Councilmember Horner suggested the Council could call a special meeting to look at this after Mumford had gathered the facts, if necessary. Mumford said the actual work would not take much time. It was the preliminary work that took the time. He said he would report back during the next City Council meeting with a plan. The Council was o.k. with any special meetings that were necessary so this issue could be addressed in a timely manner. Councilmember Horner indicated he knew all the land owners and felt positive there would be no issues with them as far as right-of-way and he would talk to them if Mumford wanted. The voting on the motion was unanimous in the affirmative.

Anderson asked if Chief Rhoades should meet with Principle Case to discuss their individual concerns. It was indicated they would meet.

### ***ACTION ITEMS***

**Ordinance 2009-05 - I-1 Industrial Zone Amendments:** Councilmember Straddeck indicated he had concerns and comments he wanted to discuss. It was clarified that the I-1 Zone was the only Industrial Zone in the City. Discussion about the tallest building in the I-1 Zone—possibly the concrete batch building, the Heber Light and Power generation plant and/or the Railroad buildings. Councilmember Straddeck wanted something to compare to and said he felt the proposed height of 35’ was too high. He did not like the exception for a taller height outlined, either. He also wanted any exceptions to come to the Council rather than the Planning Commission. “...as recommended by the Planning Commission and approved by the City Council” was the language he wanted added. Mayor Phillips asked the Council for their input on that additional language. Councilmember Patterson suggested it was more of a Planning Commission decision than a Council decision. Discussion about the different land locations incorporated within the I-1 Zones and how the location would dictate the height of buildings.

Mayor Phillips asked if the I-1 Zone should have multiple requirements within it depending on the location of the land. For instance an I-1 Zone and an I-2 Zone, etc. Mike Thurber said that was what was proposed by the public that attended the Planning Commission meeting, but the Planning Commission felt that one I-1 Zone with some flexibility was sufficient. Kohler reviewed some of the old history of this Zone. He said because of the difficulty of the I-1 Zone and trying to regulate “one size fits all” was the reason this was looked at. Councilmember Straddeck said his concern was if we had a company that wanted to come in and build a huge

manufacturing plant, he felt the residents needed to weigh in on that decision--that should not be a decision made totally by the City Council. He felt a maximum was needed but said there was a need to have the community weigh in on the decisions. Kohler said, as the current Ordinance was worded, it limited the square footage depending on acreage.

Councilmember Horner was concerned and said the City should not just open the gates and let people build anything. Kohler referred to the 40-acre industrial park the City would be developing and they were hoping this amendment to the Code would help people to fully utilize their property. Staff felt 15,000 square feet was under utilizing industrial property in some cases as dictated by the Code now.

Councilmember Bradshaw suggested retail use should be limited in the I-1 Zone. Councilmember Horner felt the City should sell its 40-acre industrial property because, in his opinion, the City was competing with private industry. Mayor Phillips argued that the City only owned the land and would sell it to private industry to develop. The City would not be developing.

Mayor Phillips asked what the Council wanted to do with this. Councilmember Straddeck said he would vote against it in the current form. He wanted a building size limitation for industrial buildings. Kohler suggested a maximum size unless approved by the City Council. Discussion about a conditional use versus set zoning regulations. Councilmember Horner did not think people were getting the chance to go through the public process. Councilmember Straddeck disagreed. Kohler suggested that with a conditional use, the Council had less flexibility.

Councilmember Straddeck suggested a cap of 150,000 on industrial buildings. Discussion about possibly having more than one zone within the Industrial Zone. Mayor Phillips suggested taking the current ordinance and adding a component for industrial that pertained to size. Any changes in that size, whether industrial or commercial, had to come to either the Planning Commission or the City Council. Council agreed. He asked for other concerns. Councilmember Straddeck indicated his other concern was where it stated "except as permitted by the Planning Commission" in 18.44.050. He wanted the words "the City Council" instead of the "Planning Commission."

More discussion that the language for all building be maximized at 150,000 square feet. Because the City residents had voted by a narrow margin for a building size of 150,000, it was felt anything larger than that should have to go through the public process again.

Councilmember Straddeck moved to approve Ordinance 2009-05, I-1 Industrial Zone, with changes that the maximum size of buildings in the Industrial Zone be 150,000 sq. feet in Section 18.44.030, Area Requirements, and that Section 18.44.050, Height and Size Requirements, have the City Council as the final authorization instead of the Planning Commission. Councilmember Hokanson made the second. Voting AYE: Councilmembers Bradshaw, Hokanson, Straddeck and Horner. Voting NAY: Councilmember Patterson.

Councilmember Straddeck asked that when a Public Hearing had been held on an issue at the Planning Commission level and it was later forwarded to the City Council, that any public

comments be provided to the Council for their review and study prior to the City Council meeting.

**Ordinance 2009-06 - Amendment to the General Plan - Affordable Housing Plan:** Mayor Phillips suggested this item be continued to the May 21, 2009, meeting because of the lateness of the hour. The Council was amenable to that suggestion.

**Presentation of the Tentative Budget – Set Public Hearing Dates:** It was noted the details of the tentative budget would be presented at a later meeting.

***CITY COUNCIL BOARD ASSIGNMENT REPORTS***

No reports were given.

As there was no further business, the May 7, 2009, regular meeting of the Heber City Council adjourned.

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Paulette Thurber, City Recorder

Approved 05/27/2009