

HEBER CITY CORPORATION  
75 North Main Street  
Heber City, Utah  
City Council Meeting  
May 15, 2008

7:00 p.m.  
Regular Meeting

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May 15, 2008, 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: Jennifer Shelton, Paul Shelton, Melanie Clark, Darryl Glissmeyer, Michael Barille, Todd Cates, Sheila Johnston, Quintin Lewis, Nelson Carter, Don Wills, Rita Wills, Darlene London, Larry London, Mark Lundskog, Irene Hastings, Michael Poloncic, Ripley Kop, Lee Logston, Robert Erickson, Mike Johnston, Barry Powell, Kyleen Powell, Mary Piscitelli, Rudi Kohler, J. Merrifield, Colton Luke, Jeff Mabbutt, Mike Thurber, Kim Powell, Mary Williams, Bill Hjelm, Nanette Hjelm, Scott Verlsamem. Cary Hobbs, Wade Williams, Dave Hansen, Peg Sabey, Rex Sabey, Sandy Mahoney, Norm Eiting, Brian Balls and others whose names were not legible.

Pledge of Allegiance:	Councilmember Nile Horner
Prayer	Councilmember Robert Patterson

Troop 1052, 11 year old scouts working on Citizens of the Community introduced themselves.

Minutes:	March 6, 2008, Work Meeting
	March 20, 2008, Work Meeting

Councilmember Hokanson moved to approve the Work Meeting Minutes of March 6, 2008 and March 20, 2008. Councilmember Straddeck made the second. There was no discussion. The voting was unanimous in the affirmative.

## OPEN PERIOD FOR PUBLIC COMMENT

Mayor Phillips invited anyone who wished to address the Council on issues not already on the Agenda to do so.

Nelson Carter, in behalf of Tom Stone and CAMS, indicated his issue did relate to the Wal Mart complex. He said that CAMS had not yet seen or been able to inspect the architectural design and color scheme of the building and that it had been a tradition to do so on other buildings. He said CAMS had written a letter to Fawcett in February asking if final plat approval was relative to the final architectural design and if so they would want to have the opportunity to look at that. Mayor Phillips asked if plat approval was dependent on architectural design. Anderson said no but that the Planning Commission had given concept approval to Wal Mart which would include that. Nelson invited Planning staff to contact CAMS and give them the opportunity to look at the architectural design. Councilmember Hokanson asked that when CAMS did their review would they do so with the Design Criteria in mind. Nelson said yes. Anderson said the Design Criteria for the MURCZ Zone was incorporated in the MURCZ Ordinance but it had been patterned after C-2 and C-3 Design Criteria.

Rudi Kohler expressed concern that the plat approval may preclude the optimum location of the bypass. He said there was a new plan for the Bypass that he understood had come out in May. He asked the Council to consider the other location for the Bypass when they approved the plat. He said another concern was there was no provision, to the best of his knowledge, for pedestrians or bicycles to get across Highways 40 or 189. He said this was a problem since he felt the mall was going to be a magnet for children and pedestrian traffic. He suggested one solution would be fly-overs. "They are not cheap, but neither is life" he said. Kohler talked extensively about a new intersection. Mayor Phillips said the City and County had met together last Tuesday night and there had been no discussion about a change in the location of the bypass.

## APPOINTMENTS

**Recognition of Citizens Emergency Response Team (CERT) Graduates:** Sgt. Bradley indicated that for several years now the Police Department had hosted CERT classes. He said it had been organized as a result of earthquakes and other disasters in other communities and patterned after communities who had experience with disasters. He said this program trained citizen volunteers on how to help in case of a disaster. He wanted the Council to recognize the people that gave up seven Wednesdays in a row to get this training.

It was indicated staff for this course had been Don and Rita Wills, Larry and Darlene London, Captain R. L. Duke, Wasatch Fire District, and Launa Nielson, Wasatch EMS. Those participating were: Kyleen and Barry Powell, Linda Mecham, Jon McReynolds, Mary Williams, Ada Kminek, Colleen Jolley, Vicki Smith and Pete Zaccardi.

**Sheila Johnston – J.R. Smith Elementary School Safety Committee – Proposal for a New Student Safety Plan:** Sheila Johnston, Kim Powell, Deanna Lloyd and Mary Piscitelli appeared before the Council to discuss safety issues at the J.R. Smith Elementary School.

Johnston said among the many issues they faced in the school, one was getting the children to school safely and getting them home safely. Overheads were shown of a typical day when the children were leaving school. Several problems were pointed out based on the slides. She handed out a sheet suggesting solutions for both Heber City and J R Smith Safety Council to

consider. Johnston talked about wide white stripping along the curb on both sides of 500 North and Valley Hills Boulevard. She indicated the left hand turn into the school had always been a problem and the Committee felt this striping would help that situation. Johnston talked about what the Committee would do on site to help educate the parents but asked the City to help with the striping. It was indicated they were going to adopt a safety patrol by utilizing the 5<sup>th</sup> graders. Johnston asked for the City Council to work with the Safety Council to come up with solutions.

Johnston discussed the UDOT Safe Routes to School Program and said she had the applications. She indicated she had talked to someone today and they said they could possibly put \$150,000 towards 500 North and another \$150,000 on Valley Hills Blvd. She said that one of the things the program directors looked for when granting funding was for a program that promoted biking and walking. It was indicated fifty (50) students ride the bus to school, one hundred (100) students lived west of the school and 400 students lived east of the school. Piscitelli said a big part of their plan was the education of the parents. Johnston agreed and said that was their top priority.

Councilmember Hokanson was in support of giving this proposal a try. Councilmember Patterson said he was all for this, as well. Councilmember Straddeck asked if the Police Department had a better solution. Sgt. Bradley said he did not have a better plan but that this plan had some problems. He said that as long as it fell within the standard and done right, he would think trying it would be worth it. Johnston said Chief Rhoades looked at the first report and then Johnston gave the Council the addendum tonight. She did not think Chief Rhoades had the whole vision.

Anderson talked about the home owners that would be affected; examples being the Duke and Turner homes. There was discussion about limiting the "No Parking" to 8:00 a.m.-10:00 a.m. and 2:00 p.m.-4:00 p.m. The Council was supportive of the Committee's proposed plan. The committee said they would work all summer to get packets out to the families and do education.

Councilmember Hokanson moved to implement the plan as presented by Sheila Johnston. Councilmember Patterson made the second. Councilmember Straddeck asked they come back next year to give a report so the Council would know what worked or did not work. The voting on the motion was unanimous in the affirmative.

**Quinton Lewis & Bert Webster - Wasatch County Weed Board – Report and Request for Enforcement:** Bert Webster, Chairman of Wasatch County Weed Board, appeared before the Council and expressed appreciation to the Council for hearing them and encouraged the Council to work closely with the County on weed control. He indicated the last City Council member on the board was Vaun Shelton and they had worked closely with him. He continued the biggest contract the City had was with Red Ledges and former Councilmember Shelton had worked their issues out. He said the real concern for the City now was it was expanding out into the County where there were noxious weeds. He indicated \$250,000 a year was spent in the County on noxious weeds and they were asking all the towns and cities to support the County with this problem. It was indicated that nationwide there were billions of dollars spent on this problem.

Webster said there were 20 noxious weeds in Wasatch County with three (3) or four (4) being prolific. "There are more than just dandelions to worry about," he said. He indicated there were major construction projects going on and once the ground was open and then left open, it was hard to control weeds. It was indicated Red Ledges had hired a person to work solely on this problem as it was full of musk thistle.

Webster said their plea was to have Councilmember Horner come to their meetings and to continue to make sure contracts with new developers were in place and give support to the County in this program. Webster said these weeds, among other things, limited food for wildlife. He asked the City to please recognize the problem. He indicated it just took a project one year to fill up with weeds if the project wasn't completed and suggested hiring someone that could follow these projects and enforce the weed problems.

Councilmember Horner asked if they were willing to go out with someone and identify the hot spots. They were. Councilmember Horner also said the City needed to take care of the property owned by the City—parks, etc. He agreed there was a need to be aggressive with this problem.

Quinton Lewis said he would like to see more control along the road sides. He said some of the weeds caused cancer and he did not want to see children pull the weeds or even adults without gloves. He suggested Mark Rounds also attend their meetings so he could be familiar and know the problems and they could coordinate solutions. Lewis said they obtained a couple of sprayers for homeowners to use to take care of their own property and that through the County Weed Board they actually give a chemical out to the residents to help with the weeds on their property. He said they also have a four wheeler tank and that the tank and sprayers had been used a lot.

**Todd Cates/Michael Barille - Red Ledges Development - Phase I Plat Amendment – Property located in Section 35 T3S R5E (Golf Course area of the Development):** Cates indicated there had been a couple changes in the golf course as Jack Nicklaus had come in and requested a change. He said they took two lots off of Phase 1. He indicated they were down a net of 10 lots in the section where they put the retention pond.

It was indicated there were no concerns from the Engineering Department because Mumford had already worked with them on this.

Councilmember Hokanson moved to approve the request for Phase 1 Plat Amendment of the Red Ledges Development as presented. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

**Todd Cates/Michael Barille - Red Ledges Development – Subdivision Final Approval – Phase 2 Subdivision Plat; Phase 2A Subdivision Plat; Red Ledges Fire Station Subdivision Plat located at Section 33 T3SR5E:** Cates indicated most of the lots in Phase 1 were abutting roads. The only part that was new was the cul-de-sac. Overheads were shown of the changes. The two changes Red Ledges requested to the Subdivision Agreement was 1) that item #6 be stricken and captured in the next phase and 2) eliminate paragraph 7. It is felt it was redundant to have that paragraph in the document as it was included in the Subdivision Phase 1 Agreement—they are not going to have more than one Home Owners Association (HOA). Cates said they were using the equestrian area in paragraph 6 as a staging area for equipment and supplies.

Councilmember Straddeck moved to approve the request for the Subdivision Final Approval for the Subdivision Plat Phase 2, Red Ledges Fire Station Subdivision Plat located in Section 33, subject to the Subdivision Agreement and modification as discussed. The second was made by Councilmember Patterson. The voting was unanimous in the affirmative.

Councilmember Patterson asked for an update on the progress. Cates reviewed what was happening now and how the future months would play out.

**Wade Williams - Final Plat Approval – Boyer Subdivision located between 1000 South and 1300 South and along Highway 189:** Williams reviewed that he had appeared before the Council two weeks ago and had given them a good update at that time. He said that since that time the engineering firm had met with Horrocks Engineers and had gone over all the red lined items. He said they had worked hard with the staff to make sure the City's needs were addressed in the Development Agreement.

Anderson added that late yesterday afternoon language was added that addressed the pedestrian safety that was of concern. He said sidewalk would be added along the south side of Highway 189 from Daniel Road to Highway 40. He continued there was some concern if there was adequate right-of-way available to install that sidewalk but Boyer has agreed to provide funding or build it if there was space. Anderson said UDOT had also recommended that the same section of sidewalk be installed. Williams indicated they had only surveyed their side of the street; so, it was unclear how much space was available on the other side of the street. He continued that what they said they would do was, if there was enough UDOT right-of-way, they would do the work or give the City funds to do the work. He pointed out this was an existing condition and not part of their project but that in the interest of child safety, they would work with the City on this issue.

Anderson talked about paragraph 3a of the Agreement which referred to a 30-inch sewer line. He said he had asked Mumford to re-evaluate if a 30-inch line was necessary. There might be a change in the size of the line from 30" to 21". He said that whatever size of pipe went in, it was the responsibility of the City to reimburse the developer for the cost. Mumford said in 1200 South there was a 30" pipe. There was discussion about going from a larger line to a smaller line and the problems that creates. Mumford said when the 30" pipe was installed on 1200 South, they anticipated more usage. But now that there is a new treatment plant being built and pumping to the new treatment plant, it didn't make sense to keep the pipe that large if it could be sized smaller. He said things had changed in the County with Twin Creeks and he did not think the City would ever need a 30" pipe in that area. Williams indicated they would have to do some re-design if the City changed the 30" pipe size or eliminated the box culvert.

Mayor Phillips asked about 2n. Anderson said UDOT gave a blessing on the final construction drawings for the improvements to the State right-of-ways. However, the City did need a letter from Wasatch Water Efficiency Project. Mumford indicated he did not have final construction drawings. He asked the Council, if they decided to give final approval, give it contingent on the drawings being completed including UDOT's comments incorporated on them as well as the Water Efficiency Project. He said everything was conceptually worked out but not on paper yet. Williams clarified the City actually did have the final drawings in their position. What Mumford meant was they were not finalized yet.

Mumford said the County had declined to participate in the box culvert so that might have to be pulled out of 3b. Mayor Phillips suggested the City needed to work with the County to see if the City could get some participation. Mumford said they were going back and reevaluating that and he would follow up on it with the Council.

Councilmember Hokanson asked if the power lines were going to be buried. Mumford said the power lines on the project were going to be buried and everything related to or fronting the project would also be buried. He said if there were any high voltage lines, they were prohibited from being buried. Williams said the transmission line along the north side of lot 2 would

remain. He said there would be a new fence installed there, and the poles will be on the south side of that fence.

Councilmember Hokanson asked about 2a and the 1.98 acres of property along 1000 South. Williams said there were two things—they had agreed to construct the fence first and then they would like to use that during construction for a storm water prevention plan and also staging. Once completed, he would like to donate that acreage and would allow the City to have the first right of refusal. He said he had a commitment from Wal Mart that they would help with that contribution. Councilmember Horner wondered why they didn't give the property to the City now. Williams explained they had to hold an asset for one year before giving it as a gift in order to get the tax credit on it.

Councilmember Patterson asked what was really being approved tonight. Williams said what was being approved was the donation of the roads to the City and create the parcels and the storm retention system for the public improvements that were being made. It was not the building, landscaping or anything, just the dedication of the roads. Anderson said after the plat was approved, each commercial unit would go to the Planning Commission individually to present their concept plan. The residential construction would go through the concept, preliminary and final with the Planning Commission and then the City Council would give the final approval. (Garbett would have to come back to the City Council for their final approval) Anderson talked about the density and that it could not exceed 20 units per acre. What the Subdivision Agreement requests was that the Cowboy Development would have 22 units and the Garbett Development would have units somewhere in the mid-teens. He said they would like to average those together to satisfy the 20-units per acre regulation. (They were asking the City to interpret that as a whole) Williams said they were partners with Garbett and Cowboy and the master developer so they had an interest in making it all work together.

Councilmember Straddeck indicated his concerns with giving final approval was with placing stipulations on approvals from UDOT and other entities. Until you record, you can't actually move earth, build roads, etc. Williams said they would like to get the sewer line completed as soon as possible because it connects right in the middle of Highway 189 and 40. He thought this could go forward even if they didn't have final approval. Williams said UDOT wanted the construction done at night. They would like to move forward in the underground. Anderson explained this was not a plat improvement but rather an improvement the City wanted. He said in his opinion, he did not think it would be inappropriate to allow that process to move forward. Mumford suggested that this should be treated as an off-site utility and deal with it outside the project.

Councilmember Horner discussed the meeting with the County on last Tuesday. He said there was no final plan for connecting Daniels Road or Highway 40. He asked if Williams was willing to help with the design of that. Williams said he talked with Shaun Seager today and he committed to start working to get corridor preservation funds. Seager asked if they were willing to be part of a creative solution to see if those funds could be captured. Williams said they were absolutely committed to making that work. They would be willing to build it but not fund it. Councilmember Horner said this project would be causing a loss of functionality to Daniels Road. If we get those funds, it is the City's responsibility to see that those funds are spent as they should be. He felt the connector road needed to be put in and Boyer was the reason it needed to be done now. Not knowing exactly where that road was going to be connecting with Highway 40 or Daniels Road, it could be possible that the new road from the Boyer property that connects to 189 could possibly be better served 10 feet one way or the other. Without knowing

those details and because Boyer was not willing to pay for that, it would be in your best interest that you help design that road so we make sure the City is getting the Boyer side of the road in the right place. Williams said they had already designed the road, and the intersection was already designed. Any movement would have to be on the other side of the road. Boyer's interests are the same as the City's. Councilmember Horner said that was the problem he had was that Boyer dictated where the road should go. Williams said they had not dictated where the road would go. They did the research, the traffic engineers had analyzed the situation, they looked at the FAA flight zones and the ability to move that was so limited. He did not think 10 feet on the other side of the road would make any difference. Boyer said they had spent \$60,000 on that intersection study. He did not know any other intersection in the western U.S. that had that much money put into it. Councilmember Horner said the City did not know if the road being approved tonight was in the exact spot that would fit the design the City wanted. He said he did not know if the interior roads were right with what the City wanted. Williams reviewed the four plats that would be recorded. He said they had analyzed those roads so thoroughly they were not going to change. Mumford agreed the road configuration was not going to change.

Nelson Carter, representing CAMS, said they had been given some preliminary drawings of the way this project would look as CAMS wanted to make sure it had the flavor of Main Street. On the overhead he reviewed where there was supposed to be a pedestrian friendly street, a walkable road off from Highway 189 with beautiful trees, benches, and a nice walking area with shops and stores. He said they were impressed with what they were going to do. He indicated he was shocked tonight that the City had overlooked that input from CAMS and allowed just one entranceway into Highway 189 and not having the look that they had promised CAMS for matching downtown with trees, benches and not following the design criteria. He wanted the City to table this and re-look at it. Councilmember Bradshaw said this was not a drawing of what the streets would look like because there were private roads that would not show on these plats. Tony Kohler said there were internal roads and pedestrian walkways and everything that had been agreed upon was still there.

Councilmember Horner felt that if these plats showed that and there were sign-off signatures, then the Council would know that everything was taken care of. Williams said Councilmember Horner was getting this confused with site plan approval. What they were doing tonight was strictly the road design (how deep they were, what the construction width was, what the grading was). He said the rest would be reviewed at a later time. Councilmember Horner expressed again his concern with Highway 189.

Anderson said he had been on the phone since the Tuesday night meeting and he had asked Williams to communicate with Seager and send them the drawings of the 189 improvement and the location of the right-of-way. Anderson said the City had a tremendously short window to get the matching funds spent by the end of the fiscal year and the City had to have willing sellers—he said he did not know if that existed or not—but from a staff perspective, they were trying to move as fast as possible. He said it was hard to buy property if the property description was unknown. When everyone was in agreement on what makes sense a legal description can be developed and given to an appraiser and start talking to land owners. Anderson said the approach staff was taking was that Boyer's location "is it" and the City was going to match that to Daniels Road. Anderson said they could not record until there was approval from UDOT and WWET and that was included in the Agreement before the Council tonight. He said the approval could also be contingent on the City engineering stipulations. Councilmember Hokanson indicated the Council had given approval many times contingent on stipulations. Mayor Phillips agreed with Councilmember Hokanson that there were many times that approval had been given

based on conditions. He said, too, that the City was not losing control if approval was given contingent on approval from UDOT and WWET because if that was not given, the entire plat was void.

Councilmember Straddeck asked if Williams understood the final plat approval was linked to the Subdivision Agreement. Williams said he understood that. Councilmember Straddeck said paragraph 6 on page 5 gave him the most concern. Councilmember Straddeck read that aloud. It was explained that this Subdivision Agreement only pertained to the road location and property lines. This approval did not include any trails, tree placement, or buildings--that all came back to the Council later.

Councilmember Straddeck said two weeks ago Williams made a comment that gave him concern. He said he was paraphrasing but that Williams said something about the Hub improvement would be made as long as they (Boyers) could afford it. Councilmember Straddeck asked if there was a scenario where the Hub intersection would not be done. Williams said yes, but only if the project did not move forward.

Councilmember Horner asked if the Council gave final approval if that showed 100% agreement with the traffic studies and with the impact Williams said was being caused by them. Anderson said staff had reviewed the traffic study and believed the traffic was being mitigated with the measures that were being proposed based on the information contained within the studies. There was discussion about the table that dictated the impact fee. Anderson indicated that as each building permit was applied for, the estimated impact on traffic would be evaluated, based on the use and the square footage of the use. He said the Agreement allowed for tables that were for shopping center use as opposed to individual use. So, that would be how the impact fee would be calculated. Councilmember Horner said he did not like that being in the Agreement because he felt, if approved, there could be no deviation from it. There was discussion about the Daniels Road connector not being updated in the master plan and if it were, the fees would double. Councilmember Bradshaw said rules could not be changed in the middle of a project.

Councilmember Straddeck said there were two different methods to calculate trips per day and both were legitimate methods. One would generate a higher dollar amount than the other. He said the Council had not discussed those methods. He said another thing they had not discussed was the residential being integrated into the whole. Williams said Boyer was building a shopping center and that it was one project because they were sharing parking, internal roads, etc. He suggested this project could not be classified as anything else except a shopping center.

Sandy Mahoney indicated she had served on the Board of Adjustment for 15 years. She asked if a "regular" citizen came before the Council and the plat requirement had not been signed off would the Council give an O.K? She encouraged the Council to "go by the law."

Rudi Kohler said he didn't see the corridor for the western bypass on the map. He suggested if it was not on the map, it could never happen. Mayor Phillips tried to explain to Kohler that the bypass road would not be a 55 mph road. Kohler suggested, then, the road was strictly for this project. Mayor Phillips disagreed and said people were going to have to slow down because they would be coming to a light. He said 55 mph was not going to happen on the bypass road. He suggested if we all lived long enough, maybe people would be able to drive over the top which meant coming up with thirty million dollars. He indicated the Council was trying to preserve corridors through annexations for the bypass road. Kohler felt the bypass was not attractive enough for truck traffic and the truck traffic would still use Main Street. Mayor Phillips agreed

that might be the case. However, what was proposed was the best they could do. He said what he would suggest was that the trucks be forced to use the bypass, the bypass become a State road and Main Street be taken over by Heber City. Kohler said the way it was designed now there would be no trucks using it. So, the original dream of a bypass to preserve Main Street and make it pedestrian friendly was gone.

Councilmember Hokanson asked about the different ways to calculate impact fees. Mayor Phillips asked if the paragraph which stated how the impact fees would be accessed had to be in this document. Williams said they put that paragraph in at Boyer's request. He said this was to protect them because they would be doing some extra things that were above and beyond the normal requirements of a City.

Councilmember Hokanson asked about affordable housing in the project. Williams indicated 100% of the rental product would meet the affordable requirement. He said they would be constructed with some Utah Housing money and have to be affordable. He said on the for sale project, they were open for suggestions as they had handled that different ways for different projects.

Councilmember Straddeck asked how many units were being built. It was indicated 140/150 rental units and the for sale product was about 136. It was indicated the City required 10% affordable homes in a subdivision. It was pointed out that more than half would be affordable. Tony Kohler said the Garbett Homes would be affordable because of the price but would not be categorized affordable. There was additional discussion about affordable housing. It was suggested that a sentence be put in the Agreement that addressed both Garbett and Cowboy meeting the affordability requirements. It was decided to make some language change to paragraph #4 by saying it was intergrated for density but both Garbett and Cowboy Partners had to meet the affordable housing requirements. Anderson felt that eliminating the language after state statutes in paragraph 4a and all of paragraph 4c would clarify the issues on affordable housing.

Councilmember Straddeck asked how soon he anticipated having the construction drawings approved. Mumford said the City would be a couple weeks. UDOT would be four or five weeks and the irrigation company a few days. Councilmember Straddeck suggested, that since they can't do anything until that time, why not wait for two weeks and come back to the Council at that time. Williams said that once the City Council acted, it created a public record and for purposes of their closing with Garbett, Cowboy and Wal Mart, that would help them financially even though it would not affect the construction.

Councilmember Horner moved to table this until approval letters from UDOT and WWET had been received and our staff had signed off. He also wanted to have a signed construction plan from staff, which was normally required. The motion died for lack of a second.

Councilmember Straddeck said he was in agreement that the Council needed a level of comfort but wondered if it had to follow all the way to actually having a signature. Councilmember Hokanson said she had no worries about the signatures. She was more concerned with securing the funding that the City possibly had available with the matching corridor funds.

Councilmember Hokanson moved to grant Final Plat approval to the Boyer Subdivision located between 1000 South and 1300 South and along highway 189 conditioned upon approval of the

construction drawings, approval from the applicable entities, and the changes discussed in paragraph 4. Councilmember Bradshaw made the second.

Anderson asked about “applicable entities” and said he did not know of anyone else other than UDOT, WWET and Heber City. Mumford said there were no others.

Voting AYE: Jeff Bradshaw, Elizabeth Hokanson and Robert Patterson. Voting NAY: Eric Straddeck and Nile Horner. The motion passed.

**Airport Advisory Board - Discuss City Role in the Construction of Airport Hangars:**

Kathryn Berg said she was happy to come before the City Council and talk about an idea they had been threshing around. She indicated that because of the demand, the Airport Advisory Board felt there was a need for more hangars. A Request for Proposal (RFP) had been issued a contractor had actually been chosen. That was then tabled and dropped. In July of 2007, they started investigating that again. At this time, they started thinking about the City being the developer and the more they talked about it, the more they liked the idea. Berg indicated the Board was grateful for the opportunity of having an airport manager. She said he had done a lot of house keeping at the airport already and was doing a fine job. Berg read the recommendation from the Airport Advisory Board.

At this point, each of the Board members addressed the Council.

Brian Balls indicated that as he had served on the Board, he recognized this as one of the City’s biggest assets and something that could be enhanced. He said they had discussed this issue many times and believed the City should take on the active role of development. He felt that it would save money and any profit could be put back into the airport and now with an airport manager, they believed they had someone that could manage the project. He pledged to share his expertise on this project and to make it viable and profitable.

Jeff Mabbett indicated he owned a hanger on hangar row and was Director of Maintenance for Classic Aviation and traveled all over the United States. He said that every airport he went to, there was a waiting list for people that wanted a hangar and that was also the case in Heber City. He indicated that airplanes were very expensive and owners were looking for a hangar to protect their investment. He thought if Heber City were to take on this project, it would offset the costs and mitigate expenses.

Norm Eiting indicated he supported the airport. He said they had taken a look at what hangars were selling for and, based on the costs they had come up with, the possible sales prices. He discussed prices on some recent hangar sales here and other communities and said their proposed sales price was competitive. He felt, from a financial standpoint, it could be advantageous to the City to act as the developer. There was additional discussion about pricing.

Dave Hansen said he had a shop at the airport. He felt the intent of the Airport Board was to be proactive in suggesting the City be the developer in this enterprise. He felt it brought affordability to the “average Joe.” He said the misconception was if a person had an airplane, they had lots of money. He said the fact was, if a person owned an aircraft, they had no money left. He said the Board wanted to maintain a community and didn’t necessarily want to sell to corporate jets only. He suggested hangar row would probably go at some point, the revenue we get from the larger, stand alone hangars would go a long ways to off set the cost of those nested T’s. He said the Board also suggest the City maintain ownership on the nested T’s because it would create a revenue stream the City did not currently have.

Councilmember Straddeck said he assumed that more hangars meant more airplanes and more traffic. Mabbett indicated, though, that did not mean more aircraft noise because the planes that were built now were more quiet. Berg talked about the Noise Abatement Ordinance. She indicated that everyone that flew into the City got a copy of that. However, she said, some people were just not good neighbors. Eiting suggested a good, viable airport was a real draw for the airport industry which would also bring revenue to the City.

Mayor Phillips asked Berg to look at the lease agreements, the fuel issue, and look at options for the strip of land in front of the airport and see what we could be done to beautify that. Councilmember Hokanson asked about landing fees. It was indicated the Board would look into that, as well Anderson told the Council the City had an excellent Airport Board and it was functioning as good as it ever had. It was indicated the Board was missing one member. Mayor Phillips said he was working on that now.

**Sage Acres Lot 1 Plat Amendment – Property located at approximately 1050 East and 700 North :** Anderson said this lot was jointly purchased by Red Ledges and Heber City and what this did was basically create a road way--it was designed with the intent that the City would donate 10' to the Ericksons which would give them more buffer from the roadway.

Councilmember Straddeck moved to approve the Sage Acres Lot 1 Plat Amendment. Councilmember Patterson made the second. No discussion. The voting was unanimous in the affirmative.

#### ACTION ITEMS

**Award Bid for City-Wide Crack Sealing Project:** Mayor Phillips asked if the City had dealt with Hot Asphalt or Superior before. Mumford said no. He said, though, he had talked to other communities that had used them and they had had no problems with them.

Councilmember Hokanson moved to award the City-Wide Crack Seal Project to the low bidder, Hot Asphalt. Councilmember Straddeck made the second. No discussion. The voting was unanimous in the affirmative.

#### DISCUSSION/ACTION ITEMS

**Ordinance 2008-09 – An Ordinance Amending Section 13.32.205 of the Heber City Municipal Code – Mandatory Requirement to Pay for Secondary Water Irrigation Service – Discuss Inspection Fee:** Anderson said it was the intent on next billing cycle that all customers that had access to secondary irrigation be billed. He suggested if the Council put this off, that billing would go forward without a hardship being considered. He indicated staff had discussed hardships and the only hardship staff felt was worth consideration was if someone had to go under their driveways. He said his preference was to start billing everyone that did not have a hardship but delay the billing for a year for those that had a hardship. He said, too, there were about 50 residents in the City that staff had not been able to find a hook up to secondary irrigation on their property.

Councilmember Hokanson felt there were some issues the Council needed to work out and at 11:30 p.m. it was hard to think clearly. There was brief discussion about an inspection fee. Anderson suggested a \$25 inspection fee. There was discussion about what might constitute a hardships, an additional time frame, exceptions, the watering season, etc.

Councilmember Hokanson moved to approve Ordinance 2008-09 but amend it to extend the applicable date to June 1 including billing and inspections. Councilmember Bradshaw made the second. Voting AYE: Jeffery Bradshaw, Elizabeth Hokanson, Eric Straddeck, Nile Horner and Robert Patterson.

CITY COUNCIL BOARD ASSIGNMENT REPORTS

Wasatch County Housing Authority – 1<sup>st</sup> Wednesday  
Wasatch County Weed Board – 1<sup>st</sup> Wednesday  
Heber City Planning Commission – 2<sup>nd</sup> Thursday  
Historic Preservation – As Needed

No reports were given.

As there was no other business, the May 15, 2008, Regular City Council Meeting for the City of Heber adjourned.

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Paulette Thurber, City Recorder