

HEBER CITY CORPORATION  
75 North Main Street  
Heber City, Utah  
City Council Meeting  
May 17, 2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May 17, 2007, in the City Council Chambers in Heber City, Utah.

Excused:	Mayor	David R. Phillips
Present:	Council Members	Terry Wm. Lange Vaun Shelton Shari Lazenby Jeffery Bradshaw
Excused		Elizabeth Hokanson
Also Present:	City Manager City Recorder City Engineer City Planner Chief of Police	Mark K. Anderson Paulette Thurber Bart Mumford Allen Fawcett Ed Rhoades

Others Present: Kipp Bangerter, Kendall Crittenden, Shayne Bonner, Trevor Lawton, Kelsey A. Emery, John Coons, Gary Jones, Jordan Marsh, Kent Davis, Ann Zimmerman, Bruce R. Baird, Kieth Rawlings, Irene Hastings, Ron Davis, Lou Anna Anderson, Willa Motley, Bob Jones, Len Giles, Steve Jones, Mike Johnston, Carl Berg, Ernie Giles and others whose names were not legible.

Pledge of Allegiance:	Councilmember Vaun Shelton
Prayer	Councilmember Jeffery Bradshaw

Mayor Pro Tempore Lange excused Mayor Phillips and explained he would be acting as Mayor Pro Tempore. He also excused Councilmember Hokanson. He welcomed the guests in the audience. He asked the students attending to introduce themselves and tell what class they were attending. It was indicated they were from Mr. Wheatley's government class.

**OPEN PERIOD FOR PUBLIC COMMENT**

No comments were received.

## CONSENT AGENDA

Approve Contract with Utah State Department of History for \$2,000 for a Historic Walking Tour Pamphlet and Map

Set Public Hearing Date to Adopt the Fiscal Year 2007-08 Budget and Amend Fiscal Year 2006-07 Budgeted Revenues and Expenses – Proposed Date - June 21, 2007

It was explained Tish Dahman had made application for a walking tour pamphlet in behalf of the Heber City Historic Preservation Board, had received that grant, and the City was required to match funds or volunteer labor in support.

Councilmember Bradshaw moved to approve the Consent Agenda. Councilmember Lazenby made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, and Jeffery Bradshaw. Councilmember Hokanson was excused.

## APPOINTMENTS

Mayor Pro Tempore Lange asked if the Council would like for him to recuse himself because of his wife's relationship to the Joneses. He said he would not vote. The Council wanted him to continue to preside, just not vote on the issues dealing with the Joneses.

**Gary Jones - Ordinance 2007-22 An Ordinance Amending the Future Land Use Element of the General Plan of Heber City by changing the Land Use Designation of Certain Property Located from 200 North to 650 North and 500 West to 900 West from Residential Agricultural to Moderate Density Residential:** Allen Fawcett said the Planning Department had been looking at several concepts for this property. He indicated it was zoned RA-2 now with potential of animal rights which was a concern to some. He speculated this property was probably the last piece of RA-2 of any significant size left in the City. He explained this developer first wanted R-1 zoning and had requested that change to the General Plan. That request had a split vote in the Planning Commission. He continued that after looking at the Cozy Ordinance they came back to the Planning Commission with the request of an R-2 density yet doing that in a clustered environment. He said that also went to the Planning Commission and received a 3-5 vote. Fawcett said the developer had the right to proceed to the City Council or ask the City Council to give direction to the Planning Commission. Mayor Pro Tempore Lange had questions about the COZY Ordinance. Discussion.

It was indicated this was a piece of property with 15.52 acres and that the proposed bypass was in the general area. Discussion about the boundary of the City.

Bob Jones said he was a real estate developer and understood all the facets of the industry as he had started from the bottom. He said they started talking to the City about the 15 ½ acres with the possibility of getting about 30 homes on the parcel. He said they would put roadways in and fence it in and build the same old thing as everywhere else in the City. But after talking with staff and neighbors, he had a vision. He said he wanted to leave a legacy to this community. He showed posters of what was allowed – boring and cookie cutter. He then showed a proposal prepared after studying the conservation issues. He said they could do something cool. He proposed an R-2 Zone with a COZY overlay. He pointed out two waterways that he felt could be beautiful and enhance the development. He said they wanted to restore the creeks and streams

because at the present time they had become dumps. He suggested if they could get the R-2 COZY, they could cluster and restore the area.

Ann Zimmerman said she was a neighbor to the property. She said she supported the Planning Commission's denial of the project although applauded the developer for their efforts. She said this was beautiful, native land and she would like to have the City Council delay any decision on its development until the Open Space Policy had been adopted. She thought the Council could work with the developers and get a beautiful project but felt the development needed to wait until more had happened with the Open Space Policy. She talked about the wetlands and the Utah State University charrette and their comments about the north fields. She discussed pump stations for the sewer and knew the Council did not recommend that. She again said she would like to see the north field preserved.

Kieth Rawlins, Planning Commission Chairman, said this had been gone over many times and the Planning Commission had battled back and forth on the issue. He said he attended the open house for the open space policy Tuesday night and what the developers had designed here was about right out of the text book. He said they referred to it as a conservation zone although the City didn't currently have a zone like that. He said there were a couple other concerns. 1) The bypass road – The developer was pushing that further west. He said that as far as the piece of property that was currently in the City limits, he felt the developer had done a good job. 2) The other concern with this layout was the roads on the west of the development were not in the City limits.

Councilmember Lazenby asked about the Army Corp of Engineers. A member of the Jones group indicated he had walked on the 15 acres with an engineer and it was felt there were no wetland issues on the 15 acres. Fawcett said he had been on the property and felt the water was from irrigation ditches. It had not been definitely determined if there were wetlands on the area. Rawlins said he had also walked the area and going west where the ditch was located, now and then there was water and going north it did slope down into a low area but even in that location, there was not a lot of water. Bob Jones said the information from the people he bought the property from (Probst) was that if the property wasn't watered, it burned. He did not feel they would disturb any wetlands.

Councilmember Lazenby asked if they were aware of the annexation that was being held up because of a study from the Corp. Jones said they did know that.

Mayor Pro Tempore Lange told Zimmerman the Council was concerned about and aware of the wetland issue.

Discussion about the proposed bypass road and that it was initially drawn by Francis Smith. No one seemed to know when the concept was drawn.

Bob Jones indicated he had talked to Dave Nazare with UDOT and they were not interested in participating in the bypass. He said it would take Heber 400 years to get the money for a bypass. He discussed what he thought was the most logical route for the bypass.

Jones indicated the sewer would be taken care of by pump station. Councilmember Shelton said he did not like pump stations. Jones agreed and said no one liked pumps but they would do the best they could with them. He indicated this property was already in the City limits and regardless of whether it was clustered or just standard housing, they would have to pump.

Discussion about the road that jutted out into the County. Jones said they had talked to the County but not in detail. He indicated they would go to the County after the City gave approval. They would however, reduce their density if the County did not allow the road. Councilmember Lazenby suggested they should be talking to both entities together and said she wanted to know what the County felt before making a decision. Jones said they would not force the County's hand regarding the road. He suggested if the City Council liked this plan, they would go to the site planning stage and work with both entities. Councilmember Lazenby said having the opinion of Wasatch County would be helpful and did not want to make a decision until then. Discussion about HOA's and the problems associated with those. Jones said this development would never come to the City as a problem.

Jones indicated if the Council did not allow this zoning, they would build ½ acre lots and not do anything with the water.

Councilmember Lazenby moved to deny the amendment to the Future Landuse Map. Willa Motley said she had concerns with the official map which showed the bypass road going through this property. Discussion about the placement of the road. Councilmember Shelton made the second to deny the amendment to the Future Landuse Map. Voting AYE: Vaun Shelton, Shari Lazenby and Jeffery Bradshaw. Councilmember Hokanson was excused. Mayor Pro Tempore recused himself from voting.

Anderson asked if the Council wanted to give direction to the Planning Commission as to how this property be developed. He suggested if this property was going to be developed R-2, the Council might want to remove animal rights.

Councilmember Bradshaw thought Zimmerman had a good idea to not move forward until the Open Space Policy was adopted and said he felt the City should adopt a policy before they allowed open space development. Councilmember Lazenby wanted the Planning Commission to re-evaluate animal rights, as well. She felt the Council needed more information. She said she also had concerns with the truck route in the area.

Bob Jones said they had enough guidance and they would go forward with the zone as it was. He said they didn't want to "dink around" for two years. He said they had presented a plan that they felt would be beneficial, but if the City did not want it, they would go ahead with regular zoning development.

**Gary Jones – Ordinance 2007-23 An Ordinance Amending the Heber City Zoning Map to Change the Zoning for approximately 15 acres of property located from 200 North to 650 North and 500 West to 900 West from RA-2 Residential Agriculture to R-2 Residential Zone:** Anderson said because the Council chose not to amend the General Plan, it would be inappropriate to address this request and change the zoning.

Councilmember Lazenby moved to deny this request because of the discussion of the previous item. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lange recused himself from voting on this issue. Councilmember Hokanson was excused.

**Paul Berg - Sowby and Berg – Boldavs Annexation – 161.54 acres of land in the northeast corner of Section 8, T4S, R5E, the street address being approximately 1200 South and 1200 East:** It was explained this request had been before the Council before and been turned down.

Carl Berg said he hoped the Council would reconsider that decision. He explained that some of the issues facing them at the time of the first request were lots backing onto Mill Road. He said they were willing to fix that according to the City's concerns.

Councilmember Lazenby asked Berg if he was aware of the possible Future Landuse Plan changes and would they be willing to wait for those changes, if necessary. Berg said they would be willing to work with the City. Councilmember Lazenby explained the area in question was the City's commercial area and the Planning Commission would be working towards possible changes to the Plan. She said she wanted to make sure they were aware of that possibility.

Councilmember Bradshaw asked about the roads on the map presented by Berg and Councilmember Lange had concerns about the County zoning in the area. He said he had concerns about the Tingey piece that was still high tech industrial. He said he understood the County wanted the Tingey property to stay high tech. Councilmember Lange said he wanted this project discussed with the County and said the City was being accused that the only reason people come to the City for annexation was for more housing. Discussion about all the housing development in the County boundaries. Fawcett pointed out the Tingey property on the Future Landuse Map. He discussed that the line that divided the Low Density Residential and the Medical Park was the point of concern. He said he wanted the Planning Commission to look at the area.

Councilmember Lazenby asked about possible changes in the Future Landuse Plan and if the Council could accept the petition and then wait for final development approval after the Landuse Plan was changed. Anderson said if the Council was interested in sending this to the Planning Commission, the developer needed to know the Council would like to see re-evaluation of the zoning in that area and wanted to make sure they understood the Master Plan and the requested zoning might be different. He said this process would take some time. He clarified the developer needed to realize final approval of the annexation might be delayed until after the study by the Planning Commission on the Future Landuse Plan.

Councilmember Lazenby moved to accept the petition and refer it to the Planning Commission for further study based on the applicant's awareness of the study of the Future Landuse Map. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative. Councilmember Hokanson was excused.

### **DISCUSSION/ACTION ITEMS**

#### **Discussion – Giles Special Service District Expansion – Discuss connections the City would be willing to provide to the property owned by Ernie Giles to have the Special Service District dissolved:**

Anderson reviewed the petition of Ernie Giles for annexation of 55 acres of land and that the Council indicated they wanted to visit with Wasatch County before they accepted the petition. He said the City Council and County Council met and discussed the issues of bypass and expansion of Special Service Districts and what number of connections the City would offer. Giles went back to the County to ask for expansion of the SSD. Anderson asked for a delay in that decision until the City could consider it. Anderson said the City would be in favor of the dissolution of the SSD and Wasatch County was looking for feedback from the City. Fawcett pointed the area on an overhead.

Giles said Anderson's explanation of the issue was good and he would like to see the annexation approved rather than dealing with connections. Councilmember Bradshaw asked about the

number of connections to the west of the bypass road. Giles said under the current zone now, it was 1 in 20 but that the recommendation of the committee was 5-acre lots. (It was explained the County had put together a committee of property owners in the area to study the north fields and development in the area.) Fawcett said the Army Corp. of Engineers had identified some area as wetlands.

Anderson suggested the Council decide if they wanted to reconsider the annexation or not. He said if that was not something they were interested in, they needed to discuss what connections the City would be willing to offer. Councilmember Shelton wanted to talk with the County. Councilmember Bradshaw said he had an interest in annexation because of the bypass route. He questioned if the Council decided to send the petition on to the Planning Commission, if it could be recommend a portion be annexed and not the whole thing. Discussion.

Councilmember Shelton moved to table this issue until next meeting. Councilmember Bradshaw said he wanted to entertain the annexation but wanted an opinion from the County. Councilmember Bradshaw made the second to table until next meeting. Discussion. Anderson said the County was waiting for the City and there was the possibility of the County expanding the District without feedback from the City. The motion and second were withdrawn. Additional discussion.

Councilmember Shelton moved to table the issue until next meeting. Councilmember Lange made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, and Jeff Bradshaw. Voting NAY: Shari Lazenby. Councilmember Hokanson was excused.

Discussion about sending a letter to Wasatch County and explain the City was waiting for the County Planning Commission decision on zoning density in the Southfields.

**Wheeler Park Development – John Coons – Issuance of Building Permits based on**

**Substantial Completion:** This item was forwarded to the next possible meeting. There was a need to talk with the City Engineer, Bart Mumford, and the rest of staff on Monday. Discussion that the issue could possibly be put on a Special Budget Meeting being held on May 21, 2007.

**Ordinance 2007-21 – An Ordinance Amending Section 18.44.020 of the Heber City**

**Municipal Code – Size of Permitted Caretaker Dwelling:** Fawcett said Diana Lance had come to Planning Commission and asked for discussion on 18.44.020. Her request caused discussion about a change in the size of the caretaker dwelling from 750 square feet to 1100 square feet. It was indicated Lance intended to use the Jarvis home she had purchased and moved as a caretaker facility and office. He said the recommendation from the Planning Commission was favorable to a change in square footage.

Councilmember Lazenby moved to approve Ordinance 2007-21, an Ordinance amending Section 18.44.020 of the Heber City Municipal Code and change the square footage from 750 Square feet to 1100 square feet. Discussion about other caretaker homes. Councilmember Bradshaw made the second. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, and Jeffery Bradshaw. Councilmember Hokanson was excused.

**Ordinance 2007-24 An Ordinance Amending Chapter 15.04 and 15.08 of the Heber City**

**Municipal Code – Construction Codes and Building Regulations:** Anderson reviewed with the Council the discussions during three meetings or so with the Hewletts about getting their bond for sidewalk work refunded. Because of that discussion, the Council had asked for clarity

on that particular Code. He explained this was the result of that request. Anderson reviewed the changes to the current ordinance and indicated that Mark Smedley and Wes Greenhalgh had drafted the changes.

Councilmember Bradshaw moved to approve Ordinance 2007-24, an Ordinance amending Chapter 15.04 and 15.08 of the Heber City Municipal Code dealing with construction codes and building regulations. Councilmember Shelton made the second. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeff Bradshaw. Councilmember Hokanson was excused.

**Ordinance 2007-25 - An Ordinance Adopting Section 1.04.010 of the Heber City Municipal Code, Significant Parcel Defined (as it relates to the disposal of public property):**

Anderson said there was a new version of this proposed Ordinance from what was originally sent to the Council because he had looked at the State Code on the issue more closely. He said the State Code also addressed adequate notice, so the new draft included that language, as well. Anderson felt this was a more complete Ordinance addressing both requirements of the State Code. Discussion about size of the parcel as outlined in the Ordinance (one acre or greater).

Councilmember Lazenby moved to approve Ordinance 2007-25, an Ordinance adopting Section 1.04.010 of the Heber City Municipal Code, Significant Parcel Defined. Councilmember Shelton made the second. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw. Councilmember Hokanson was excused.

**Appointment of City Council Member to the Wasatch County Weed Board:**

Councilmember Lazenby moved to have Councilmember Shelton serve on the Wasatch County Weed Board. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

Councilmember Shelton discussed a document the Weed Board had proposed that developers had to sign. It was indicated during last meeting, the recommendation was staff amend the Code to address this issue. The Council wanted this done quickly. Mike Johnston, Summit Engineering, indicated he supported the issue of controlling the weeds as it was a problem. He suggested adding more restrictions to the ordinance that developers needed to also submit an erosion control plan. He said he saw dirt tracked into the streets all the time and running off into the storm drain and other people's property. Willa Motley, Horrocks Engineers, said on all plans now there was language about permits and weed control. It was suggested if this was put into the City's Code, it would work in conjunction with the State. It was indicated the Council did not like dirt and other debris drug all through the City by big equipment working on developments. Johnston said once development was done, Heber City did nothing to control the home builders from placing dirt, boulders, and gravel on the street. Johnston said he would be willing to write up a sample of two or three things that should be on the building permit.

Discussion about enforcement of current Code.

**CITY COUNCIL BOARD ASSIGNMENTS:**

Wasatch County Housing Authority – 1<sup>st</sup> Wednesday – **Shelton**  
Heber City Planning Commission – 2<sup>nd</sup> Thursday – **Bradshaw**  
Heber Light and Power – 4<sup>th</sup> Wednesday – **Phillips, Lange, Shelton**  
Heber City Planning Commission – 4<sup>th</sup> Thursday - **Bradshaw**  
Historic Preservation - **Lazenby**

No reports were given.

At 9:10 p.m. the May 17, 2007, regularly scheduled meeting of the Heber City Council adjourned.

---

Paulette Thurber, City Recorder

Approved 09/06/2007