

Heber City Corporation
City Council Meeting
May 18, 2006

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on 05/18/2006, 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 (part meeting)
	City Planner	Allen Fawcett
	Chief of Police	Ed Rhoades

Others Present: Chelsea Haynes, Rob Gardner, Weston Kester, Kylie Ferguson, Drew Ivie, Shane Cardon, Brent Overson, Kristie Overson, Jordan Stott, Jordan Miller, Chuck Richins, James Summers, Bryan Mickelson, Bruce Zollinger, Morgan Taylor, Megan Hansen, Wayne Thacker, Branden Davis, Val Draper, Jessica Giles, Jed Williams, Ryan Fenton, Kendall Crittenden, Paul Kennard, Garrett Orr, Brian Balls, Ashley Teig, Mike Thurber, R. Stone, George Bennett, Mike Johnston, Robert Hicken, Mike Kohler, Todd Weston, Annie Bruehl, Mark Smedley, Veigh Cummings, Walter Plumb, and others whose names were not legible.

Pledge of Allegiance:	Councilmember Terry Wm. Lange
Prayer:	Councilmember Elizabeth Hokanson

Mayor Phillips recognized the students from the high school. He invited them and anyone else to address the Council with issues not already scheduled on the agenda.

Minutes:	April 20, 2006, Work Meeting
	April 20, 2006, Regular Meeting
	May 4, 2006, Work Meeting
	May 4, 2006, Regular Meeting

Councilmember Hokanson moved to approve the Work Meeting and Regular Meeting minutes of the April 20, 2006, and May 4, 2006, City Council meetings. Councilmember Shelton made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

OPEN PERIOD FOR PUBLIC COMMENT

Veigh Cummings told the Council he had property on the outskirts of the City and would like to present to them the possibility of annexing it into Heber City. He explained that if that were to happen, he would like to put in an RV park. He said it would be an absolute #1 facility--the best in the State of Utah. He said it would be very high caliber with landscaping and other amenities. He felt it would be an asset to the community and revenue making for the City. He indicated if the Council was amenable to the idea, he would like to discuss the issue further. He indicated he had his own right-of-way and a lot of water and that the property consisted of 16 acres. Anderson pointed out the parcel on the Annexation Policy Plan Map which showed the property to be low density residential. Mayor Phillips asked about the feasibility of the plan. Anderson said it was a parcel that could be annexed and water service was available. He continued that it could connect and gravity flow, rather than pump, if sewered in conjunction with the proposed Bassett Annexation. Mayor Phillips suggested Cummings meet with City staff and have explained the annexation process so he was aware of all issues.

APPOINTMENTS

Paul Kennard – Consideration to designate an area as an Enterprise Zone: Kennard explained that an Enterprise Zone was something available through the State of Utah, Governor's Office. He referred to the material he had submitted for the packet. He said he was waiting to hear on the Recycling Zone. Kennard explained the credits on an enterprise Zone were better than on the Recycling Zone. He reviewed those credits. He said that unlike the Recycling Zone, there was nothing the City had to commit to but there was some criteria to meet. He indicated because of the population and growth, there was a short window to apply and asked for authorization to proceed. Mayor Phillips said this was an opportunity to help businesses. Councilmember Bradshaw asked where the zone would be. Kennard said that would have to be defined but that it did not apply to retail.

Councilmember Lange moved to authorize Kennard to proceed with an application for an Enterprise Zone. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent. Kennard felt if approved, the Zone would be in place retroactive to the first of the year.

Neil Morkel – Aspen Pointe Subdivision - Final Subdivision approval for property located at approximately 600 South between 800 East and 1200 East: Brian Balls, Summit Engineering, represented this issue. An overhead of the area was shown. It was indicated the property was adjacent to the Hat Creek and Mill Road Subdivisions--south of 600 South past the homes already built. Mayor Phillips indicated the Planning Commission had recommend approval. Balls said he had been working hard with planning staff to meet the requirements of the Planning Commission. Anderson said Mumford had another obligation but he was favorable to the request only with the condition of a letter of approval from WWET. Balls indicated he

had met with them earlier in the day and there were some minor issues to work out. Councilmember Hokanson asked about item four and five of the Planning Commission recommendations pertaining to driveway access. Balls said the idea was to minimize, as much as possible, driveways onto collector roads. He said they had worked with Wasatch County to address the homes to make sure they addressed correctly. Councilmember Hokanson asked about the temporary easement (Recommendation three from the Planning Commission) Balls explained it had to do with future development and getting the trail easement from that future development. Councilmember Hokanson asked about the sidewalk and when it would be complete. Balls said it would be the focus from the beginning of the development. They would make sure the curb gutter and sidewalk were in place for the school children. He said they understood they were part of the process to make it safe for the children. It was discussed the sidewalk on 600 East existed already but the rest of the infrastructure might not be complete by school. Brent Overson, project manager, said the highest priority would be placed on Mill Road and 600 South.

Councilmember Hokanson moved to grant subdivision final approval for Aspen Pointe Subdivision conditioned on the six stipulations from Planning Commission (listed below) and any requirements of the City Engineer. Councilmember Lange made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent. The conditions were:

- 1) Petitioner must meet the affordable housing ordinance as proposed by the developer through the County Housing authority. The Housing Authority has approved a plan for payments in lieu of providing affordable housing
- 2) Detention lot to be owned by Heber City should be maintained by the Home Owner's Association and landscaped by the developer
- 3) Petitioner should show a temporary easement on the plat along lot 26 connecting the trail to the sidewalk
- 4) Final plat should note that lot 1, 34, 42, and 33 cannot establish driveway access from 600 South
- 5) Final plat should note that lot 6, 15, 57, 58, 59 cannot establish driveway access from 800 or 820 East
- 6) The master planned sewer line should be built in the streets flowing from the north to the south, in lieu of a sewer line easement along the canal

Tony Mahon/George Bennett – Request for condominiumization of an existing eight-bay building on Airport Road: Bennett said he appreciated the opportunity to talk with the Council. He requested that an existing building on Airport Road be shifted to condominiums. He referred to the one across the street from the request that was approved a few years ago. Bennett indicated they had been working with the Planning Commission to meet the requirements of the City. Mayor Phillips reviewed the recommendation from the Planning Commission. However, he pointed out they did not provide their findings in their report. He felt their findings were that it met the requirements of the City. Councilmember Bradshaw said the Planning Commission had discussed this issue at length. Specifically, what kind of businesses would occupy the spaces. He said they did not see any reason to not approve. Councilmember Lange asked Councilmember Shelton if he was O.K. with one water meter servicing the entire building. It was explained that the ordinance only required one meter even though power, gas, and telephone required individual meters. It was stated the only entity to allow a common meter was Heber City for water and sewer with the billing going to the condo association. Anderson said the City based its impact

fees on fixtures and that Mumford had calculated the impact. Councilmember Shelton said he had always been bothered by a building that only had one meter. Bennett reiterated the impact fee was based on fixtures. Anderson indicated the City would look at the usage and convert it to equivalent residential units (ERU). He said that some of these type of buildings actually used less than 1 ERU but the City charged for a minimum of one ERU. Bennett said it looked like one unit would be 4 or 5 ERUs because it was a laundry. Bennett said the water meter would be 1 ½ inch instead of 1 inch. Bennett indicated there was one addition to the mylar from the paper copy which was a requirement from the Planning Commission. It was indicated the City would not accept responsibility for the right-of-way until it was brought up to City standards.

Councilmember Bradshaw moved to approve the request for condominiumization of an existing eight-bay building on Airport Road subject to approval from the City Engineer. Councilmember Hokanson made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Mike Johnston – Summit Engineering - Annexation Petition – Acceptance or Rejection – Southfields Annexation – 98.23 acres of property located west of the present Heber City boundary beginning at the intersection of 1200 West (Southfield Road) and Midway Lane and extending southward:

Mike Johnston, Summit Engineering, explained a similar annexation petition had been submitted three years ago. At that time the County was working on the Event Center and they asked that the annexation wait until that was complete. The current petition is submitted by different owners. He explained that in order not to create a peninsula, they included the Cowley property, the tree farm and the County Event Center. He indicated most of those property owners were not interested in development. Johnston reviewed the area and discussed the property owners feelings on the annexation based on signatures on the petition and those property owners that were not contacted and did not sign. Discussion about the zoning. Mayor Phillips asked for input.

Val Draper, Wasatch County Councilmember – Draper said as the County Council addressed the issue and looked over the plans, one of the main things the had concern with was transportation and in particular the bypass road. He did not want to move too far forward until the transportation plan was in place. He expressed concern also with how compatible the development would be to their property. He expressed concern that the signatures had no dates. He wanted to make sure the signatures were current signatures and suggested they should be dated.

Councilmember Bradshaw said his concern was the bypass route and acquiring a right-of-way in the area. Johnston said a concept plan had been delivered to the county on Monday. (Titcomb) Anderson reviewed the area on the Future Land Use Map. He said the petitioner requested R-1 Zoning which made sense since the City didn't, at this time, have an Institutional Zone. He suggested the Council should perhaps have the Planning Commission work on the Institutional Zone. Mayor Phillips indicated the truck route or bypass corridor had not changed. He said as a condition of annexation, Heber City could exact a right-of-way without cost to the City. The other issue of concern with compatibility with the County's complex was discussed. Johnston said the ball fields were already in place. Anyone buying in the area would be aware of the surroundings. Discussion about placing notes on the mylar indicating the surrounding

environment. Draper said the County's Master Plan showed more ball fields in the area and that should be taken into consideration. Anderson asked about better monitoring of the lights on the current ball fields as he had driven by two times at night in the past two weeks and all the lights were on and no one there.

Johnston indicated he was with each of the property owners when they signed and all had been in the last 30 days.

Walt Plumb, Developer – Plumb indicated they were aware of the transportation plan and thought it would help facilitate the plan. He said the proposed development would be compatible with the development down the street. Councilmember Lange indicated he had not heard anything about new ball fields. Draper said the County's Master Plan showed the rodeo grounds moving to that area and also there had been talk about a recreation center going there if not built in conjunction with the school. Councilmember Lange said he would object to this annexation at this time. Mayor Phillips discussed 650 South and that area being the hub of County activities. County Councilmember Draper felt anything north of 650 South and east of Southfield Road should be considered recreation area and should be protected for that. Mayor Phillips indicated he wanted to protect everyone's interest, including the ones that already lived there. Councilmember Shelton indicated the bypass road had already cost a lot. He would like to see a more detailed plan and commitment so the City didn't lose money again. Mayor Phillips talked about conditions of annexation and the bypass. Anderson said the City would require a deed if a bypass area was required at annexation. Johnston said that was why they had gone to the effort of getting the signatures that they did. They wanted to bring them in to get the bypass nailed down. Johnston said they were all on board for what the City needed with the bypass.

Bruce Zollinger - In his discussions with Don Hicken and Kay Probst, they wanted consideration to hook onto a sewer line.

Val Draper felt the time frame to protest, according to State Law, was too short. That was why he wanted these issues addressed. He said the County didn't want to protest and if their concerns could be addressed, they would not need to protest. He indicated their concerns were the transportation plan, zones, maters plan of the area, potential conflict, compatibility with existing area, and corridor.

Anderson explained that if the Council accepted the petition, the City had 30 days to certify the petition after which the 30 day protest started. He suggested some applicants waited until the protest period was over until starting with the Planning Commission because of money issues. Mayor Phillips asked if the Council wanted to send this to the Planning Commission and start working with the petitioners. Johnston said they were willing to do a master plan based on the zoning. Anderson said that even if this petition was not accepted, the City still expected the County to annex their property based on their commitment to the City. He also said he did not mean to be difficult, but the issues the County had brought up, in his opinion, are not valid reasons to protest.

County Councilmember Draper talked about the rodeo grounds current location and didn't know what would happen with that. He said "We need to work with you as a City to try and decide if

that were to change hands the direction you would want to go with that.” He continued that the rodeo grounds do compliment what was located on Southfield Road. He suggested the City and County get together and talk about their desires for the old area. Anderson indicated the City’s master Plan already addressed what the City wanted –R-2 Zoning. Plumb indicated he was involved with a large annexation in Park City. In his experience, discussion with the Planning Commission was the time to talk zoning. He said, “By accepting, you are not granting the right to develop, but only consider to work on a win win situation between both the City and County. County Commissioner Crittenden indicated there needed to be some kind of plan up front. Mayor Phillips advised the Council to accept and forward to the Planning Commission to work on it, but not to try and decide all issue at this stage. He said it needed to be worked through by the Planning Commission and they would further identify the issues. “In the end if it doesn’t work, then it doesn’t get annexed,” he said Plumb talked about fairness to the developer. He said he would hire the best planners and engineers and get what was best for everyone. County Councilmember Draper indicated again he did not like the idea of only having 30 days to protest. He asked the Council, “Would you give up your legal right to not know what would end up in the end?” County Councilmember Kohler suggested a protest on the County’s part would only make them players.

Councilmember Bradshaw indicated his concept was that Southfield Road would be the end of development westward He said he had a hard time seeing that area go into houses. He questioned where the sprawl would stop. He indicated he did not want to see development go all the way to the river. Mayor Phillips suggested the things foresawn five years ago had changed. He also suggested one reason to annex was to get the corridor. Discussion about an R-14 Zone. He felt it might behoove the City to have 14,000 square foot lots along the corridor or one-acre lots. He felt there were options to consider and if the City could get it to what they wanted, it would be good. “If not, nice seeing you.”

Councilmember Hokanson said it was obvious the City wanted to secure the right-of-way. She didn’t want to close the City’s opportunity as to what was wanted there. She did not know if housing was the answer, though. Johnston said they knew what the City wanted corridor wise and that was why they brought this forward the way they did.

Councilmember Shelton indicated he was not opposed to annexation but didn’t want the City to get into trouble with the bypass. “We need the truck route and unless that is part of the condition, I will not support it,” he said. Mayor Phillips agreed if the corridor was a condition of annexation, the bypass right-of-way would be the City’s. Councilmember Lange indicated the City had wanted the County to finish their annexation for a long time.

Councilmember Lange moved to deny the request and work immediately with the County to decide what zoning would be placed there. Councilmember Hokanson made the second. Mayor Phillips asked if the City and County worked out their issues and presented them to the petitioner, would the Council consider the petition if the petitioner came back with a new petition. The Council seemed to think that was a possibility. No further discussion on the motion. Voting AYE to deny: Councilmember Lange and Councilmember Hokanson. Voting NAY to deny: Councilmember Bradshaw and Councilmember Shelton. Mayor Phillips voted NAY. Motion to deny failed.

Mayor Phillips said the issues needed to be addressed and felt they could be worked out in the time frame. He indicated everyone wanted answers to the bypass and if the developer was interested, those answers could be found.

Councilmember Bradshaw moved to accept the petition. Motion died for lack of a second.

Since it appeared the City Council was not going to accept or reject the petition, the State Code was referred to. Anderson read the Code. It appeared from the 14-day language in the Code, the item had to be placed on the next agenda. At that time, if the Council failed to accept or reject the petition, it would go to the Planning Commission as if it were accepted.

Mayor Phillips thanked the audience for their input and indicated the issue would be placed on the next agenda.

Brian Balls – Summit Engineering - Annexation Petition – Acceptance or Rejection – Cook/Houston Annexation – 28.54 acres of property located between 600 South and 1200 South along 1200 East (Mill Road): It was explained the McNeil annexation had to be annexed before this one could be finalized because of boundary issues. However, Dave Church, attorney for Utah League of Cities and Towns, said it was O.K. to accept the petition. Balls said they were aware of the possibility of not being able to annex if the McNeil property failed. Balls pointed out the existing homes on the property. Discussion about roads. Balls said the intent was to include the entire width of Mill Road in the annexation. Discussion about what area would be developed.

Councilmember Hokanson moved to accept the annexation petition presented by Summit Engineering (Cook/Houston Annexation) and forward it to the Planning Commission for further study. No further discussion. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Brian Balls – Summit Engineering - Annexation Petition – Acceptance or Rejection – Broadhead Annexation – 12.70 acres of property located at approximately 1300 South and 600 West (Industrial Parkway): A review of the area was shown on an overhead. Mayor Phillips cautioned there were some issues which had to do with bypass corridor that needed to be discussed. Anderson referred to the meeting between UDOT, Boyer and the City last week. He referred to an overlay mylar of the area showing possible transportation issues. It was pointed out this annexation would depend on the Crook Annexation being finalized. Discussion about a bypass route and that UDOT had stated Heber City could not require trucks to use the bypass. Additional discussion about transportation issues. It was indicated the proposed road would not get a signal per UDOT. Discussion about the placement of this property in conjunction with the Crook Annexation and Herrod Annexation. Balls pointed out the properties proposed for annexation were on City water already.

County Councilmember Crittenden said the County would want the triangle piece to be included because of a County road that would connect to Industrial Parkway. Discussion that Mel Price had agreed to not fight annexation.

Councilmember Lange recommend to not accept the Broadhead Annexation Petition submitted by Summit Engineering and see about bringing in the triangle piece, as well. He proposed to reject the petition and re-look at it with the triangle piece included. Councilmember Shelton made the second. No further discussion. The voting was unanimous in the affirmative.

Anderson asked what the City posture was going to be on 1300 South. "Should the petitioners go to all the work of a new petition and then have the Council deny because they don't know what will happen at 1300 South?" he questioned. Balls indicated he would like to be involved in the transportation planning process for the Crook Annexation to make it work with this possible annexation.

ACTION ITEMS

Discuss Recommendation from Airport Advisory Board regarding Hangar Development:

Anderson reviewed the new hangar proposal for the airport. He indicated the Airport Board did not want to continue using an existing road to access hangars. It was pointed out that as they go through the construction of the project, there would be suitable materials for road base. Anderson said the thought was to put a Request for Proposal out for a developer to put in water, sewer and electricity and have them compact, grade and pave the road that would be placed by the contractor. Mayor Phillips said the Airport Board had done a good job. Councilmember Lange felt there was a condition on Andersons of Diamond Waste to help pave. County Councilmember Crittenden said he had not been able to find any requirements but that he would search further with his planning department to see if there were requirements for their business license. Chief Rhoades indicated there had been some new fence installed out by the Animal Shelter but didn't know if it went along the 66' right-of-way. Anderson said he assumed it was outside the 66' right-of-way. Chief Rhoades indicated that Home Land Security was now more concerned with small airports than large airports. There concern was that terrorists could walk into a place like Heber and fly into something like they did on 9-11. Anderson said there were some security fencing funds that could be obtained to limit walk-on access.

Mayor Phillips recommended the Council accept the recommendations of the Advisory Board and have one more follow-up check on Councilmember Lange's concern with Diamond Waste.

Brain Balls said he was involved in the first hangars being built because of his employment with MCM Engineering and agreed with Anderson that there was a tremendous amount of work that went into the marketing, etc., of the hangars. It was felt the hangars would sell quickly.

Councilmember Lange moved to allow staff to prepare an RFP (Request for Proposal) per the Airport Board recommendation. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Airport Advisory Board recommendations:

- 1) Have Armstrong Consulting design the hangar utilities infrastructure and roadway improvements
- 2) Have waste material from the taxiway reconstruction (suitable for road base) be placed on a future roadway

- 3) Require the developer of the hangar areas to compact and pave the roadway as a part of the development
- 4) Have the City participate in the funding of some of the roadway—this is based on a need to improve access to the industrial property and Animal Control Shelter
- 5) Evaluate the cost of designing and building a roadway through the Jarvis property as an access route to the new hangar area by the run up area. This cost would potentially be placed on the developer of the eastern hangar area

County Councilmember Crittenden was asked to determine if an agreement with Diamond Waste existed and if so, determine ways to enforce it.

Ordinance 2006-10 – Amendment to 18.68.120 - Height of Fences and Walls: There was general review of what the proposed ordinance would do. Anderson said in the past there had been exceptions to the six foot fence on corridors, around schools and in the Industrial Zones. He said the City was now getting requests from property owners that did not qualify for exceptions. He continued that when staff started evaluating the issue, it was felt the City had made a mistake by carving out the exceptions. He said the proposed ordinance 2006-10 took the regulation back to several years ago before the exceptions. He said the proposed ordinance still had one exception on double sided lots—the proposed ordinance would eliminate 6’ fences except on double sided lots. The would still be allowed in back yards. Councilmember Lange questioned enforceability. Smedley said that the ordinance could be enforced.

Balls asked if there was a good way to monitor what was grandfathered and what wasn't. Mumford said yes based on the date on the fence permit. Councilmember Lange wanted to know what the driving force way behind this. Councilmember Hokanson said she was the one pushing this change. She indicated she had called several cities and none allowed six foot fences in the front. She said one reason was they looked like garbage and there was also a safety issue. Chief Rhoades said there were a lot of visibility issues with six foot fences in front yards. Brian Balls said this issue had been heard by the Board of Adjustment. He suggested on corner lots they should be developed such there wasn't an issue. Councilmember Hokanson suggested blue stakes should give a heads up to the City if there wasn't a fence permit issued.

Councilmember Hokanson moved at approve 2006-10 as proposed. Councilmember Bradshaw made the second. No further discussion. Voting AYE: Elizabeth Hokanson, Jeff Bradshaw, and Vaun Councilmember Shelton. Voting NAY: Terry Wm. Lange. Motion passed. Councilmember Lazenby was absent.

Councilmember Lange indicated there were some dangerous corners in this town because of hedges and other landscaping. He said the City needed to look at safety issues. Councilmember Hokanson did not feel people should be told to go to the Board of Adjustment. Anderson said a person had the right to appeal the decision of the Zoning Administrator. Smedley said he would make sure staff understood the process and allowed people their due process.

DISCUSSION/ACTION ITEMS:

Award of Bid – Crack Seal and fog Coat of the run way and Apron Areas: Councilmember Lange moved to approve the low bid for crack seal and fog coat of the runway and apron areas at the Heber City Airport from M & M Asphalt Services. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

CITY COUNCIL BOARD ASSIGNMENTS

Heber City Planning Commission – 2nd Thursday – **Bradshaw**
Wasatch City/County Health Department – 3rd Tuesday – **Lazenby**
Heber Valley Special Service District – 3rd Wednesday – **Phillips, Shelton, Hokanson**
Historic Preservation - **Lazenby**

No reports were given.

OTHER ITEMS AS NECESSARY:

At 9:55 p.m. Councilmember Shelton moved to go into Closed Session to discuss land acquisition and pending litigation. Councilmember Hokanson made the second. Those going into Closed Session were: Mayor Dave Phillips; Councilmember Lange, Councilmember Shelton, Councilmember Bradshaw and Councilmember Hokanson; City Manager Mark Anderson; City Recorder Paulette Thurber; City Engineer Bart Mumford; Chief of Police Ed Rhoades (part of the meeting) and City Attorney Mark Smedley.

At 11:20 p.m. the Council moved into Regular Session.

There was discussion about a traffic study and if one was needed, particularly in the school areas. Mayor Phillips discussed regulating stop signs and if the City wanted the school to regulate stop signs or if they should be regulated by rules. Anderson was asked to call the school and tell them some signs they had installed were not justified and ask if they had knowledge of something the City didn't and to communicate with the City on these issues.

As there were no further items of business, the Heber City Council meeting of May 18, 2006, adjourned.

Paulette Thurber, City Recorder