

HEBER CITY CORPORATION  
75 North Main Street  
Heber City, Utah  
City Council Meeting  
May 21, 2009

7:00 p.m. Regular Meeting

Pledge of Allegiance: Councilmember Elizabeth Hokanson  
Prayer/Thought By Invitation Councilmember Eric Straddeck

Minutes: May 7, 2009, Work Meeting  
May 7, 2009, Regular Meeting

Councilmember Patterson moved to approve the May 7th Work Meeting and Regular Meeting minutes. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative.

***OPEN PERIOD FOR PUBLIC COMMENT***

Paul Turnbloom. Resident of Heber since 1975. In behalf of citizens wanted to make a suggestion regarding the speed limit on Mill Road ....south.....

He felt the City should consider making the speed limit 35 for the whole distance with lights during the time of school showing a 20 mph speed.

Councilmember Hokanson said she appreciated that and had the same opinion. The amount of time the lights would need for school lights would be 180 hours a year or less. She wanted to follow this up with future discussion. Councilmember Straddeck wanted to include the safety committee from the Old Mill Elementary in that discussion.

Sheila Johnston – heard the City got a fabulous deal with the trees that were being stored at the cemetery. Anderson said we had the opportunity to purchase some trees for the cost of freight. Got about 90 trees. Anderson asked rounds for a proposal as to where those trees should go. He said anticipated putting those in parks and do some screening. He expected a report from rounds soon. Johnston suggested those trees be placed in the cemetery area (far north) to help shield the proposed bypass in that area.

***CONSENT AGENDA***

**Todd Cates - Red Ledges Golf Course - Local Consent for Dinning Private Club Alcohol License (Tab 1):** Councilmember Hokanson moved to approve the Consent Agenda items. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

***APPOINTMENTS***

**Todd Cates – Red Ledges – Interlocal Agreement Amendment – Adding language to the Agreement in relation to Trails (Tab 2):** Should have received a copy of revised document with comments from Mitchell burns. The only remaining concern with that agreement is the maintenance of the trail. He said there was another thing brought up by county by Doug Smith about access points. Mitchell said Smith reviewed that agreement. There is a section in the back country, and there is some thought as adding more trails, so the thing he added was what their responsibility was but it would be fine to add more trails. Straddeck said his concern on that particular item was ..... Mitchell talked about four different points that trails would connect. He

said they were agreeable to those four connecting points. In the agreement it only suggested two points. An overhead was shown of those four spots. A fifth one also. Horner wanted some additional language about additional connections points if all three parties agree. Mayor Phillips wondered if this should come back to council or just do this tonight. Council felt better about a new draft in two weeks. Mumford said this needed to be completed before their first phase. Burns felt if they could be on the next agenda, it would be fine.

The other concern was maintenance. Mumford said as putting together details, the full impact of what the city was taking on hit him. Responsibility for all the trails. He said the City had no resources budgeted. At the same time they were asking to change the nature of the agreement....so this gave the City the opportunity to renegotiate what the City and taken on at least the trail maintenance. He visited with mark rounds, Tom Bonner and other, he wanted to present an opportunity to the council. The county budgets \$1000 a mile for trail. This will add 6 ½ miles. Very li8tter trail maintenance in the city thus far. He brought up several things the council needed to think about before this moved forward. Part of trails would be road base and some asphalt. Mumford talked about the costs of annual maintenance. Burns said the gravel portion of the trail would not be built yet. Mumford said the basic message was that these trails do not maintain themselves.

#### BACK ON AGENDA NEXT MEETING

MITCHELL said it would cost 1.4 million to build the trail and the agreement was they would build and then turn over to the City. Horner wanted to know the width. Mitchell said they varied depending on the location. Mitchell said they wanted these to be walking trails and horse trails and not speed (!) trails. When he comes back in two weeks, he would have updated maps on access points but there needed to be discussion about maintenance. Councilmember Councilmember Straddeck asked if it was always assumed these trails would be asphalt. Answer no. Councilmember Straddeck proved by staff made it sound like we believed we would not be required to maintain the asphalt portion. Anderson said that might be his fault. He was not in tune as to what was being changed. Kohler said in phase one subdivision approval red ledges plans were asphalt and in that agreement it says the city would maintain all trails. He did not think the master plan agreement.

Mitchell said in their combined meetings and the spirit of those meetings, it was discussed the trails would be maintained ..listen. Anderson said that was the same agreement the city had with other developments.

Councilmember Straddeck said he was not in favor of removing language .....

It seemed any language being removed

Councilmember Straddeck asked where is the problems.

Anderson said Mumford's suggestion that we budget monies had to be considered. Anderson and Councilmember Straddeck felt the city should not try to change language that would reduce our responsibility. Discussion about trail materials.

Councilmember Horner felt there needed to be discussion about the maintenance of different surfaces. Councilmember Hokanson wanted to know the difference in the maintenance surfaces costs.

Rounds talked about the differences in maintenance of surfaces.

Mitchell said county standards for the gravel trails.

Discussion about the trail in the back country and it being more natural experience.

County wanted all trails be wide enough for emergency, if necessary.

Councilmember Hokanson agreed there should be no change in language of responsibility.

Councilmember Hokanson moved to continue to next meeting. Councilmember Patterson 2<sup>nd</sup>. No further discussion. All aye.

**Shawn Seager – Mountainland Association of Governments – Presentation/Discussion – North and South Bypass Alignments (Tab 3):** Presentation by Shaun Seager. Representatives

from County Council.

Two items north bypass alignment and south bypass alignment.

Mike Kohler – presented the proposal that was being proposed tonight to the council tonight.

Handed out goal sheet that was agreed on several years ago.

Nonstop, high speed, limited access, no commercial, easy to use.

As a county council has already assumed that unless a overpass, it does not serve the purpose.

Used property lines as much as possible which also cuts costs.

They propose the city look at their alignment. Emphasize an overpass is necessary.

Would like to facilitate another meeting together and come up with one proposal. Thinks it is time to go to UDOT and move ahead.

Councilmember Straddeck it is interesting. A few months ago when we were visiting this again, when a couple proposal were going through one night he was fiddling and looking at possible routes, this is very close to what he thought. He felt staying close to property lines where it was possible was best. He said we have the ability through annexation of hitting Midway Lane. He wondered if some configuration on Midway Lane could be worked out that would enable us to use the land the City already had. He liked the alignment. It behooves us as a City to see if there is a solution that we can come up with that will utilize the land that would come to us through annexation. Councilmember Bradshaw said the alignment on the County's read was hitting Midway Lane other than at a 90 degree angle.

Discussion about the number of lanes. Seager said the right of way they were acquiring would accommodate 2 lanes in each direction. But would require some safety .....

Councilmember Straddeck felt we needed to have some conversation with the developer . Paul Berg said with the County's proposal how with Midway Lane over over ...how to access Southfield Road and county parks. Seager said they had cont looked at that in detail yet. .

Anderson said that Brent Swab UDOT had weighted in on that issue. Anderson read that memo.

Seager said they had asked for UDOT's opinion. Brent looking at it from an engineering perspective, want less curves, 90 degree angles, more area.

Anderson asked Seager about estimated trips a day. When would be have volumes to need this.

He did not answer. Mike Kohler said from the first they wanted on overpass.

Mayor Phillips said the alignment the County was proposing, would only work with an overpass.

What are we going to do in the mean time because this won't happen for many years.

Doesn't this say its an overpass or nothing.

Kohler said if we go together as a unified group and push some desire on them,

He said all of the costs have to be evaluated. There is some cost saving in not splitting properties that may pay for an overpass. Mayor Phillips said we can't forget the failure of our streets.

Councilmember Hokanson said everyone wants an overpass, but why go to UDOT with only one plan. We might halt the entire project if we go with one plan.

Councilmember Straddeck said we can't do UDOT's job for them. We need to decide what is best route and configuration for the community and then go to UDOT. it would then be up to them.

Councilmember Bradshaw in order to justify an overpass there has to be enough traffic to justify that. He said we don't have enough traffic to justify. Discussion about the intersection failing and when there would be a need for an overpass.

Councilmember Straddeck said trips and something was only half.

He said the alignment and the cost of the properties was the other half.

Shawn said the city and county had come together in their alignments. He did think a work session with property owners would be helpful. There are some property owners that want to donate property.

Anderson talked about the projected costs and said not to rely on those because there were so many variables to consider.

Kohler said he was positive if we went in unified, we would get an overpass.

Paul Berg said the property owner had already committed to the property on the blue line. He met with 3<sup>rd</sup> grade today so as part of the exercise and it was refreshing to hear their priorities.

Don't tear down house, don't bring too close near Muirfield, wet lands and flood planes and they wanted to keep this busy road away from where they play soccer and baseball. They picked option d.

Paul liked the proposal. blue line makes sense on midway lane.

Councilmember Horner said from his standpoint he wanted to look at the goals, he said the goal is keeping trucks off main street and being a guy that drives truck if you put one stop light or sign on the bypass, the trucks will not take it. They will go down Main Street. It is imperative we have a flyover on midway lane. If we follow the blue line and put flyover on there, what is the additional cost for the ground. Is it going to hinder us more and delay us more.

Council wants to get together with county and make a unified decision.

Mike Thruber said why we picked the blue. They won't build an overpass on midway lane. Its too costly. Its either Gertch or Parkside.

Annie McMullen. Pointed out two property that were owned by the same family. With the county's alignment it would prevent access between those properties.

She talked about MKA finance. She said they were willing to talk to some other property owners about coming to the table to talk about land swaps. When you have your meeting, please keep in mind these issues. McMullen said trucks hitting one light on the bypass versus 5 on Main Street did not make sense to her. Horner explained it was a direct route

Mayor Phillips wanted to set a meeting and felt we had common ground and wanted, too, to go unified to UDOT. we need to disrupt as few people as possible.

South bypass:

Presented these four alignments. Shawn said staff had worked on an alternate. Tony reviewed that route.

Counting bicycle and pedestrian traffic to understand sidewalk, signalization, signing, as we open up new high school and getting Wal Mart open.

Anderson been talking with Dave Nazare aboutUDOT acquiring additional land in front of claim jumper. Richard Ringwood is amiable to something and they are actively working on that for sidewalk.

## **ACTION ITEMS**

### **Ordinance 2009-06 – Amendment to the General Plan – Affordable Housing Plan – (Continued from the May 7, 2009, Meeting) (Tab 4):**

Two reasons we are here. Pending ordinance to amend the affordable housing ordinance. This is a piece of the general plan. Got a lot of comment from community.

All cities are required to have a moderate housing plan. Tony reviewed the plan and its 5 points.

He talked about the state legislature requirements.

He said we need to help developers to stop focusing on 6 member family. We need to focus on different housing types. We have done a lot already by adopting the PCMU zone the accessory apartment ordinance and we have good relationships but we need to continue with that. Some projects are controversial, but they will help us meet the varied needs of the community and combat deficiencies of the affordable housing plan. We need to focus on other things that fees in lieu.

Crittenden said county had midway city had met for 1 ½ years and were  
Listen to tape.

He thought we had accomplished a lot in the last year and ½ as far as affordable housing.  
Mayor said we don't want Heber city to the affordable housing element in the county.

Anderson mentioned that Gary McDonald was attending. He was introduced. Gary is the Wasatch county affordable housing authority coordinator.

Discussion about the fee in lieu. Tony said that was a good tool but not the only tool. Kohler hoped all the county, midway, and Heber would provide the zoning that would allow. Crittenden said the county had to accept that reality.

Mike Thurber was dissenting vote on this ordinance. The issue he had was the fee in lieu. It is the same fee in the all zones. He thought they needed to graduate those fees. Crittenden said the counties and midways ordinance depended on the size of house.

Anderson said what was before the council was the general plan which said this is where we are and where we think we need to be. If approved, then based on that vision we would look to pc to form the ordinance that would support that.

Kohler said some of our affordable housing subdivisions, the city charged them a fee in lieu also.

Straddeck said his biggest question was the number of units he wanted to provide in the next five years. It seemed aggressive based on the current conditions. Tony said when the census was finished, those numbers could be updated. He said, too, that of those 500 some units 300 and some had already been approved with Garbett Homes, etc etc. etc.

Straddeck asked about objectives B1 and said he wanted to strike 1B

Straddeck moved to approve ordinance 2009-06 amending the general plan and strike out objective 1B. Patterson 2<sup>nd</sup>. No further discussion Horner nay.

### ***DISCUSSION/ACTION ITEMS***

#### **Award Bid on Noble Vista Construction Contract (Tab 5):**

Mayor asked the council if they had any questions after reviewing Mumford staff report. Straddeck said in the right up it seemed they were dictating terms to us. Mumford said the city's objective was as little of out of pocket expense as possible.

Mumford said he had not gotten a response from the bonding company. Mumford suggested the council approve awarding and entering into an agreement based on the bonding company accepting this. Mumford said he gave them a proposal for \$150,000.

Straddeck said how can they say no. Mumford said bonding companies were difficult because their job is to pay out as little as possible.

Anderson said we wanted to give them a number we were comfortable with and not put the city at risk. Mumford said they wanted to feel comfortable that we were not ripping them off.

Staff can reach an agreement acceptable to the city with the bonding company that we award this bid and executive this agreement. Hokanson moved to award this bid to Geneva with Mumford's working. Councilmember Bradshaw second.

Councilmember Hokanson amended to state \$150,000. Second hold. No further discussion. All aye.

**Adoption of the Tentative Budget for Fiscal Year 2009-2010 and Scheduling of a Public Hearing to Consider the Adoption of the Final Budget:**

Mayor Phillips asked the council if the budget was close enough to adopt it tentatively.

Anderson asked for additional discussion on water rates...listen

Does the council want to entertain a raise. Hokanson so no. Bradshaw no. Horner no.

Anderson talked about the proposed fee schedule.

Straddeck asked what fund was running a deficit.

Anderson said both water and sewer will not take care of depreciation. Cash flow no, but depreciation yes.

Both water and sewer have 1 million in operating funds now. If we raise rates gradually, it is less painful then raise it a big percentage all at once.

Anderson went over rates now.

Bradshaw asked about cemetery funds. Anderson said approx 80,000. 67% charge from grave sales goes to perpetual care. Council wanted to talk funds out of perpetual care for gravestone replacement instead of general fund.

Council wanted to absorb the \$6,000 employee cost to insurance.

Councilmember Bradshaw said a laptop and no truck

Councilmember Hokanson 2 laptops and no truck

Councilmember Horner no truck

Councilmember Hokanson asked Anderson his opinion. He said Tozier had been very restrained in asking for vehicles in the past. We have made our vehicles last longer than historically.

Mechanic dedicated to the cause. He trusts that Tozier will not ask for things friverlessly. Trying to give them better tools. We are giving them access to more mapping tools. He could see the benefit to see maps on line and not have to go back to the office.

Councilmember Horner said we need to take a hard look at other programs like weed control.

Anderson said either prioritize or raise revenue.

Councilmember Straddeck no where close to saying yes to this budget. Very uncomfortable with spending and the amount of surplus we have to use. There is zero indicators that says we will see an improvement in august. He thinks we need to take care of cuts now and not in august.

He thinks the approve we need to take with staff is not ask for improve operations this year and make headway in type of equipment. We are asking to maintain the level of service and make sure we are not causing major issues. Just keep level of service with what you can. This truck is fluff in this kind of year. How much from other departments is like this as well.

Recognized the city runs very tight. The requests we have that are reflected in this budget that while trying to achieve a good desire and result in efficiency, this is not the right time to invest in these kind of items.

His concern is this budget reflects items that are not necessary.

We need to cut the budget.

Councilmember Bradshaw how do you propose to cut it.

Let the people on the front line who understand make the decisions.

Councilmember Straddeck wanted to see less surplus used to balance the budget. Or no surplus.

Just because of the economy.

Anderson said if you look at general fund requests, there is 907,000 recommend approved items which 836,000 relate to center street, 15,000 to valley hills tennis park problem, and the next biggest is backhoe. He said there is not much more to carve out. The only other thing to cut is head count. All operating costs are bare bone.

Councilmember Straddeck said look at labor. Either cutting people back or cutting hours.

Reductions, furloughs, pay cuts, reduced hours.

Councilmember Hokanson said we had already cut overtime.

Anderson said we do our best to keep it at a minimum.

Discussion about Wal Mart. Planning Commission gave it blessing last week. Hoping to have them submit construction drawings soon. And get parking lot in this fall.

Councilmember Bradshaw said he was not as pessimistic as Councilmember Straddeck. He could not look anyone in the face and say we are broke. He is not ready to let anyone go and our employees are our best asset. Councilmember Horner said he did not want to let anyone go either, but he was not in favor of raising fees. Councilmember Bradshaw listed 4 things .....

Horner wanted to wait for august and look at the budget again.

Mayor said we need to look at whether are fees are fair and reasonable.

Councilmember Bradshaw said lets look at fees outside the budget. Councilmember Hokanson agreed.

Councilmember Hokanson and Councilmember Horner did not want the consolidated fee as part of the budge especially since they would not affect the revenue that much and not significant enough to help with revenues.

Anderson said if you adopt something now, it does not preclude them from making changes before the final budget is adopted.

These things out

Maintainer and 2 or 3 computers.

Water and sewer raise.

Listen

Councilmember Horner anchor down and status quo. No enhancing. Bare bones only.

Give them 4,000 for computers.

No portable concrete mixer.

No stainless steel salt spreader (mark ask if he can get through another year)

Councilmember Bradshaw moved to adopt tentative budget. Councilmember Hokanson 2<sup>nd</sup>. Everyone come back with additional suggestions.

Meet again at 5:00 on June 2<sup>nd</sup>.

Anderson talked about funds in various funds, office building, industrial park, etc. listen.

Eric nay on motion.

Motion included a public hearing on June 18.

Adjourn at 10:30

#### CITY COUNCIL BOARD ASSIGNMENT REPORTS

Wasatch County Housing Authority – 2<sup>nd</sup> Monday

Heber City Planning Commission – 2<sup>nd</sup> Thursday

Heber Valley Special Service District – 3<sup>rd</sup> Wednesday

Historic Preservation – As Needed