

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
City Council Meeting
June 1, 2006

6:30 p.m. Work Meeting

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on 06/01/2006, 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
	Chief of Police	Ed Rhoades

Others Present: John Yeates, Matt Yeates, Delyn Yeates, David Gardner, Kirby Goode, W. Plumb, Fred Schloss, Blake Allen, David Shain, Joe Spencer, Ryan Fenton, Ed LaGuardia, Jinger LaGuardia, Janine McKentry, Liz Lewis, Kendall Crittenden, Mike Johnston, Kim MacLachlan, John MacLachlan, Alain Eav and others whose names were not legible.

Pledge of Allegiance: Mayor David Phillips
Prayer Councilmember Jeff Bradshaw

Minutes: May 18, 2006 Work Meeting
May 18, 2006 Regular Meeting

Councilmember Lange moved to defer to next meeting the approval of the minutes.
Councilmember Shelton made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

Kirby Goode asked why the minutes hadn't been posted to the website since Dec. 2005. Anderson said it most likely had to do with the work load. Thurber said it hadn't been a priority but if the Council wanted it a priority, it could be.

Fred Schloss – 1) Schloss asked what the status of Councilmember Lazenby was. He said he had no information. Anderson responded she had not been able to attend regularly since January due to illness. Schloss wanted to know what the process was if a member could not attend for six months or a year. Anderson said that, as far as he knew, there was nothing statutory that the City could do to require her release--she would have to resign if she were unable to perform her duties.

2) Is there any discussion or committee work going on about public transportation. It seem to him it would be natural for buses to circle the City and as gas prices rise, it would be helpful. He said he saw people walking all over town as gas was expensive. Mayor Phillips said he was not aware of any discussion going on of that subject. Schloss felt that between the entities in the valley, there should be something done to talk about this. He talked about Zermott and how all their conference rooms were full today. Mayor Phillips indicated he would see that this issue was placed on the Interlocal meeting's agenda.

3) Schloss thanked the people that had worked on the roses out front of the building. However, he said they needed to be trimmed better and the City needed to get someone out there that knew what they were doing

PUBLIC HEARING:

Public Hearing – 7:20 p.m. – Resolution 2006-07 - Consideration of proposed changes to the Heber City Annexation Policy Plan: The Notice of Public Hearing was read by City Recorder, Paulette Thurber. She indicated she had not received any written comments. Anderson said, however, he had received a letter from Ryan Fenton, (placed in the packet materials prior to the meeting) and the Yeates had made it know they were interested in including an area based on the work meeting presentation. He said also there had been some comment from individuals in Daniels Town that wanted to be included in Heber City. He pointed out, however, the City Attorney did not feel that was appropriate until they had been officially taken out of Daniels Town.

Kohler reviewed the map and proposed changes and discussed the Hearing held at the Planning Commission level. He indicated the County's major concern was they were uncomfortable with the City going into the north east area. However, the Planning Commission had recommended the map as proposed. Mayor Phillips opened the Public Hearing.

Delyn Yeates reviewed the area he had discussed in work meeting. (North of town) He said that instead of cutting the property in sections, he wanted the whole area included and made an appeal to the Council for consideration to that. No further comments were received. Mayor Phillips closed the Public Hearing and asked for comments from the Council. Councilmember Bradshaw asked if the Council decided to include those areas of interest to Yeates, did the matter have to go back to Planning Commission. Kohler indicated no, the City Council could accept the recommendation of the Planning Commission, reject it, or modify it. Kohler indicated the Planning Commission had proposed the boundaries purposely based on the bypass road. Mayor Phillips discussed the fact that any annexation petition in the area would have to include bypass access.

Councilmember Hokanson moved to approve Resolution 2006-07, adopting the Heber City Annexation Policy Plan with text amendment “Time period to complete Annexation Petition Study” and include to the map the parcels of interest to Yeates that had been identified. Councilmember Bradshaw made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

CONSENT AGENDA

1) Heber Chevron – 391 North Main Street – Local Consent – Retail/Convenience Store sell of beer:

2) Blake Allen – Subdivision/Lot Split – Property located at approximately 300 South 470 East:

Councilmember Hokanson moved to approve the two items on the Consent Agenda as listed. Councilmember Lange made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

APPOINTMENTS:

Janine McKentry – Sidetrack Café – Request for Restaurant Liquor License for property located at 98 South Main: Councilmember Lange moved to grant the request of Janine McKentry for a Restaurant Liquor License for property located at 98 South Main. Anderson said this location had some proximity issues per State Code. He indicated there was an Italian restaurant at that location at one time that had a Restaurant Liquor License. It was indicated the State would hold a Public Hearing on this request before granting the license. Councilmember Hokanson made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Mike Johnston – Summit Engineering – Acceptance/Rejection – Annexation Petition – 5.23 acres of land located at approximately 2491 South Daniels Road and known as the MacLachlan Annexation: Mike Johnston, Summit Engineering, represented the MacLachlan property owners. An overhead of the area was shown. It was indicated the area proposed was left out of the Daniels Town and created an island. It was pointed out this property used to be owned by the Ford family and that they had sold to a title company and the title company sold to MacLachlan. Johnston reviewed the proposed development of the area per the overhead slide. He said it would access the future 2600 South road. He indicated they did not want to access on Daniels Road. It was pointed out they would not develop at this time but would like the petition to be accepted so it could move forward to the Planning Commission.

Councilmember Bradshaw moved to accept the MacLachlan Annexation Petition for a 5.23 acre parcel located at approximately 2491 South Daniels Road and send it to the Planning Commission for further study. Councilmember Hokanson made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Mike Johnston – Summit Engineering – Acceptance/Rejection – Southfields Annexation Petition – 98.23 acres of land located west of the present Heber City boundary beginning at the intersection of 1200 West (Southfield Road) and Midway Lane and extending southward: Mayor Phillips explained this issue was discussed during the May 18th City Council meeting with no determination made to reject or accept. He said that according to State Statute and a 14-day period lapse, it could now be brought back to the Council for further consideration.

Councilmember Lange moved to accept the Southfield Annexation Petition – a parcel of 98.23 acres of land located west of the present Heber City boundary beginning at the intersection of 1200 West (Southfield Road) and Midway Lane and extending southward. Councilmember Shelton asked about the right-of-way for a bypass road. It was indicated there would be an understanding and a written agreement with the petitioners that upon annexation they would deed an 84' strip of land to the City for the bypass road. Councilmember Lange asked about finishing the road on 650 South. Mayor Phillips said the City and County had held discussions about that road and if the area were to be developed, the road would have to be widened . Councilmember Shelton made the second. There was clarification made about the annexation including the entire width of Southfield Road.

Liz Lewis asked what the purpose of the annexation was and was it going to be developed. She explained no one had approached them. Mayor Phillips asked for a vote on the motion before further discussion.

The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Lewis explained she lived in the area and had the nursery property. She said she understood the annexation but questioned what the request for development was going to be. Anderson indicated what was being requested was for the property to be R-1, low density residential, similar to Country Meadow Estates but that the County property would be developed based on their master plan. Discussion about the different zoning allowed in the City. Because Lewis had not been approached about the annexation, Mayor Phillips asked Anderson to give her an overview of the process. Anderson reviewed the requirements and process. He explained this was just the starting point and based on the requirements of the law, the developer, in conjunction with the Planning Commission, would determine what would be done with the property. He explained that if this annexation was approved, she would be allowed to use her property as it was now being used; however, the use could not be expanded.

ACTION ITEMS

Ordinance 2006 -11 - Adoption of Amendments to the Future Land Use Plan Map:

Anderson indicated that, with the adoption of the Annexation Policy Plan, the Council should adopt the proposed Future Land Use Plan Map. He indicated the Council should consider what zoning they would want to see on the additional property they included earlier in the Public Hearing. Discussion about highway commercial on the frontage of the Yeates property. Anderson talked about the proposal presented in Work Meeting and that part of the area would be open space/park. He said there would also be some commercial and some residential.

Anderson recommended commercial zoning be extended northward and moderate residential extended, as well, and to then let the Planning Commission look at it and make a determination.

Brian Balls, Summit Engineer, indicated he had requested in the Cook Houston Annexation Petition, which had been accepted by the City Council two weeks ago, that the property be zone R-1 and R-2. He said he was hoping the Council would amend it so that property would be zoned consistent with the area and as the developers wanted. He said it was a small strip about 500' wide and 600' deep. He referred to the letter in their packet of materials tonight making the request that instead of research and technology it be R-1.

Councilmember Lange moved to adopt the Future Land Use Map with property included requested by Yeates and changes of the zoning as requested by Ryan Fenton. Councilmember Shelton made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Award Bid – Taxiway Reconstruction, Fencing, and Taxilane Construction AIP-019 – Heber City Airport – Russ McDonald Field: It was indicated the bid was opened earlier in the day and a bid tabulation form was in their materials tonight. Anderson reviewed the bid and indicated it was 1/3 again more than the engineer's estimate. He said he had had some conversation with the bidder and there were possibly some things that could be eliminated. He said, however, without talking with the Federal Aviation Administration, he did not want to go ahead with awarding the bid.

Councilmember Lange moved to table awarding of the bid until discussion could be held with the FAA. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Set Public Hearing date for consideration of the Crooks Annexation Petition for property located south of the present Heber City boundary at approximately 1200 South between Main Street and Industrial Parkway. Property consists of approximately 43 acres of land: Councilmember Hokanson moved to set the Public Hearing for June 15, 2006. Councilmember Lange made the second. There was no discussion on the issue. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

DISCUSSION/ACTION ITEMS

BOARD ASSIGNMENTS

Heber City Planning Commission – 4th Thursday – **Bradshaw**
Heber Light and Power – 4th Wednesday – **Phillips, Lange, Shelton**
Historic Preservation - **Lazenby**

No reports were given.

OTHER ITEMS

The Council discussed adopting a policy about members missing meetings similar to what the Planning Commission had. It was indicated if the Council wanted to do that, they needed to give the City Manager the authorization to start drafting an ordinance. Anderson said he would give the Council a copy of the State Code and they could then discuss parameters. Anderson said he hesitated to state how many meetings could be missed before action was taken.

At 8:00 p.m., Councilmember Lange moved to go into Closed Session to discussion land acquisition and personnel. Councilmember Hokanson made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent. Those going into Closed Session: Mayor David Phillips; Councilmembers Lange, Shelton, Bradshaw and Hokanson; City Manager Mark Anderson; City Recorder Paulette Thurber; and City Engineer Bart Mumford. At 8:20 p.m., the Council returned to Open Session.

Councilmember Lange questioned the citations on crosswalks he had heard about on the radio. Chief Rhoades indicated that almost all citations on crosswalks were videotaped. He reviewed how the State law read. He said his officers did not cite anyone stepping off the west side if traveling was on east side. He said he was not aware of any citations in the last week. Mayor Phillips asked Chief Rhoades to talk to his officers and see if anyone was mentioning the Councilmembers names and/or the Chief's name when issuing citations. Chief Rhoades indicated he department had taken a zero tolerance on crosswalks. He said he would talk to his officers.

There was discussion about the speed limit on 1200 South and Mill Road and who determined the speed limit. It was indicated a change might be justified after a traffic study.

There was discussion that advertising should start for the 2006-2007 budgeted staffing positions.

At 8:55 p.m. Councilmember Hokanson moved to adjourn the meeting. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Paulette Thurber, City Recorder