

1 Heber City Corporation
2 City Council Meeting
3 June 5, 2008

4
5 7:00 p.m.

6
7 **REGULAR MEETING**

8
9 The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on June 5, 2008, in
10 the City Council Chambers in Heber City, Utah.

11
12 Present: Mayor David R. Phillips
13
14 Council Members Jeffery Bradshaw
15 Elizabeth Hokanson
16 Eric Straddeck
17 Nile Horner
18 Robert Patterson
19
20 Also Present: City Manager Mark K. Anderson
21 City Recorder Paulette Thurber
22 City Engineer Bart Mumford
23 City Planner Allen Fawcett
24 Chief of Police Ed Rhoades
25

26 Others Present: Rick McCloskey, Mike Thurber, Jeff Bennion, Paul Kennard, Irene Hastings,
27 Rich Welch, David Peterson, and Brian Olsen.

28
29 Pledge of Allegiance: Councilmember Robert Patterson
30 Prayer Mayor David Phillips

31
32 Minutes: March 6, 2008, Regular Meeting
33 March 20, 2008, Regular Meeting
34 March 17, 2008, Special Meeting
35

36 Councilmember Patterson motioned to accept the Regular Meeting minutes of March 6 and
37 March 20 and the Special Meeting minutes of March 17, 2008. Councilmember Bradshaw made
38 the second to the motion. There was no discussion. The voting was unanimous in the
39 affirmative.
40

41 **OPEN PERIOD FOR PUBLIC COMMENT**

42
43 Mayor Phillips invited anyone in the audience to make comment on items not already on the
44 agenda if they so wished. No comments were received.
45

46 **APPOINTMENTS**

47
48 **Paul Kennard – Report on Economic Development Activities:** Kennard indicated he wanted
49 to update the Council on what had been happening in the Valley since his last report and to also
50 ask the Council what they would like to see in the future. He referred to the materials which had

1 been sent to the Council in their packet. He indicated he had been over Economic Development
2 since 2006. He said one thing he did initially was to review what had been happening in the past
3 and one thing they looked at was jobs coming into the Valley. He said he wanted to first, help
4 existing businesses; second, bring new businesses to the community; and third, recruit the right
5 kind of businesses into the area. He said most of the City's job growth had come from start-up
6 companies. He suggested that as companies grew, they sometimes outgrew this area. He talked
7 with some of them and found consistently that:

8 1) **Workforce.** There had been very low unemployment in the area the last few years so it had
9 been difficult to find enough employees.

10 2) **Internet.** This Valley did not have as good of internet coverage as it should have or could
11 have.

12 3) **Available sites.** There were not very many sites for people to build on or buildings to move
13 into.

14 As a result of this review, there were three programs his group had worked on:
15

16 1) Workforce – the workforce survey had been completed which had been a good help to them.
17 There were some companies that were looking at Heber City seriously and other companies that
18 were just now beginning to look at Heber City. There were 1,900 people that worked outside the
19 Valley that would like to not have to commute.
20

21 Councilmember Straddeck asked who the economic development group had approached and
22 who had approached us. Kennard discussed his work with EDCUtah and said when they became
23 aware of opportunities, they put those out on their website. Then companies respond or not
24 depending on their needs being met.
25

26 2) Internet – a couple of years ago Kennard formed a telecommunications committee. His group
27 wanted Heber City to be fiber based. An RFP was noticed. As a result, a few companies met
28 with Kennard but they were looking for money from the Economic Development Group to make
29 it work. However, Qwest came to Kennard and made a proposal. At that time, the Valley had
30 13 remote terminals. Qwest approved five more DSL remote terminals that they would pay for.
31 Also, the State had a program and Qwest applied for eight more sites on behalf of the County
32 with funding coming from the State. Last week Kennard and his group got word the State had
33 approved those eight additional sites. That would double the terminals in the Valley which
34 would take the valley to 95% coverage. He said Qwest would like to take fiber to the remote
35 terminals which would increase the internet speed.
36

37 3) Suresite program. Kennard said the work for this program was in progress with the first site
38 being determined. He said he had people contact him already and he was looking at several other
39 properties to get Suresite certified. He indicated he had a grant from EDCUtah to do a master
40 plan of the City's business park.
41

42 Mayor Phillips expressed appreciation to Kennard for the work he was doing. Kennard talked
43 about a revolving loan fund. It was indicated the City had never participated in that kind of
44 program but might need to at some point in the future.
45

46 Kennard encouraged the Council to make contact with him if there was anything they wanted
47 him to do.
48

49 **David Peterson, Excel Engineering – Final Approval for Birmingham Subdivision –**
50 **Property located at approximately 801 West 100 South:** Peterson indicated a

1 recommendation for approval had been given by the Planning Commission based on a couple of
2 requirements which he had met.

3
4 Councilmember Bradshaw motioned to give final approval to the Birmingham Subdivision
5 located at approximately 801 West 100 South. Councilmember Hokanson made the second.
6 There was no further discussion. The voting was unanimous in the affirmative.

7
8 **Rick McCloskey – Stone Creek Planned Community – Master Plan Agreement –**

9 **Amendment to Subdivision Agreement:** McCloskey indicated he had now coordinated with
10 the Housing Authority on this project and consequently needed approval on the Subdivision
11 Agreement and the Master Plan Agreement.

12
13 Anderson said this went back to the issue of what responsibility Stone Creek and Red Ledges
14 had for on-going landscaping/maintenance on the bypass. He said that one question asked by the
15 City Engineer was who would provide the water rights and who would maintain the trails and
16 snow removal. Anderson continued that one of the items on the next Council Meeting Agenda
17 was the approval of the Red Ledges Bypass Corridor and that when staff started to draft that
18 agreement, these questions came up. Anderson suggested, if the Council was going to amend the
19 Master Plan anyway tonight, they might want to consider looking at these issues now instead of
20 having a second agreement.

21
22 Mayor Phillips asked how the time frame was for them in connection with affordable housing.
23 McCloskey said he would prefer getting these agreements approved tonight without additional
24 amendments. He discussed the landscaping agreement and indicated this water issue was
25 something new to him today. He indicated they did not have the water planned for the upkeep of
26 the openspace. Mumford said that looking at the Agreement as it was written now, the City
27 would pick up the costs for irrigation; however, there was nothing about snow removal for the
28 trails in the Agreement. He said it didn't address who would provide the initial water rights nor
29 who was responsible for the on-going maintenance. It was indicated the Council had previously
30 approved a Subdivision agreement but that Stone Creek had asked for an amendment because of
31 an affordable housing issue.

32
33 The Council indicated they wanted to wait until the next meeting in two weeks to address the
34 water and maintenance issues.

35
36 Councilmember Hokanson moved to approve the Amendment to the Subdivision Agreement for
37 Stone Creek Planned Community as well as the Amendment to the Master Plan Agreement.
38 Councilmember Patterson made the second. There was no further discussion. The voting was
39 unanimous in the affirmative.

40
41 **ACTION ITEMS**

42
43 **Ordinance 2008-10 – An Ordinance Amending 18.42, Mixed Use Residential Commercial**
44 **Zone (MURCZ), of the Heber City Municipal Code; Site Design, and Building setback:**

45 Mayor Phillips reviewed this proposed Ordinance and the reason for the proposed amendment.
46 Discussion about those homes that had public access - 1000 South and 300 West – and those
47 interior homes that did not. Discussion also about the difference in a 15' setback and 30' setback
48 depending on the placement of the home being interior or having public access. Chief Rhoades
49 talked about fire lanes and indicated a setback couldn't be called a fire lane if emergency
50 vehicles couldn't get around in them. Mumford suggested this did not affect the fire lanes that

1 this was only for driveways with access in the back. Kohler said this change would give more
2 flexibility to the Cowboy Partners product of which all would be affordable. Kohler indicated
3 there were two issues Cowboy Partners wanted changed--setback and parking. He indicated the
4 Planning Commission did not approve their parking requirement change request. He said the
5 Planning Commission wanted to be very sensitive to the Ivory Homes project across the street.
6

7 Councilmember Patterson moved to approve Ordinance 2008-10, an Ordinance Amending 18.42,
8 Mixed Use Residential Commercial Zone (MURCZ), of the Heber City Municipal Code—Site
9 Design and Building Setback. Councilmember Bradshaw made the second. Voting AYE:
10 Jeffery Bradshaw, Elizabeth Hokanson, Eric Straddeck, Nile Horner and Robert Patterson.
11

12 **Ordinance 2008-11 – An Ordinance Amending 18.68.120 (A)(1) of the Heber City**
13 **Municipal Code by adding a definition for a Double Frontage Lot - Heights of Fences and**

14 **Walls:** Anderson said in the last several years the City had had a lot of requests to put 6’ high
15 fences on corner lots and that some people wanted to interpret that a double frontage lot was a
16 corner lot. He said four (4) or five (5) families had gone to the Board of Appeals for direction.
17 Anderson discussed the combined meeting with the Planning Commission, Board of Adjustment
18 and City Council and that at that time the Council asked staff to bring back language to make
19 sure there was no chance to misinterpret the language.
20

21 Boal suggested the Council should not see too many more double sided lots because of the open
22 space ordinance that had been adopted.
23

24 Councilmember Bradshaw moved to adopt Ordinance 2008-11, an Ordinance amending the
25 Heber City Municipal Code, 18.68.120(A)(1), Heights of Fences and Walls, by adding the
26 definition of a Double Frontage Lot. Councilmember Patterson made the second.
27

28 Councilmember Straddeck asked about the second sentence “a double frontage lot is not a corner
29 lot.” He recommended: a corner lot can only be a double fronted lot when meeting the criteria
30 above. There was some discussion. It was decided to leave the language as presented in the
31 Ordinance.
32

33 Mayor Phillips called for a vote on the motion. Voting AYE: Jeffery Bradshaw, Elizabeth
34 Hokanson, Eric Straddeck, Nile Horner and Robert Patterson.
35

36 **Ordinance 2008-12 – An Ordinance Amending Sections 6.18.080, 6.18.090 and 6.19.010 (C)**
37 **(3), Vicious Animals, Allowing Aggressive, Dangerous, or Vicious Animals to go At Large**
38 **and Dogs May Be Killed, respectively:** Councilmember Straddeck asked, referring to 6.18.080

39 A(1) (2) (3), if (1) (2) (3) were “and/or” statements. After discussion it was felt the word “or”
40 should be added to A(1) and A(2). For clarity, the words “Animal Control” should be added to
41 G4 before the word “Supervisor”. There was discussion about why there was this need to add
42 language to the Code in relation to aggressive, dangerous dogs. Councilmember Straddeck
43 discussed 080 B and 090 B and suggested they conflicted. Councilmember Hokanson asked
44 about nuisance dogs and how that issue would be treated. Chief Rhoades said an officer sited a
45 nuisance dog a couple weeks ago and the owner went to court and was fined \$140. Chief
46 Rhoades talked about bark collars and how they could be required on dogs that barked
47 excessively if complaints were received from neighbors. Councilmember Patterson asked if this
48 Ordinance was just for dogs on the loose. Chief Rhoades explained if a dog in question was seen
49 on the owner’s property, the Animal Control Officer could take action. It was felt that where the
50 word “division” was used, it should be changed to Animal Control Department.

1
2 Councilmember Hokanson moved to Adopt Ordinance 2008-12 with changes as discussed by
3 adding the word “or” to 6.18.080 A (1) and (2); where the word “division” was used to change to
4 Animal Control Department and where supervision was used add the words “Animal Control”.
5 Councilmember Bradshaw made the second. There was no further discussion. Voting AYE:
6 Jeffery Bradshaw, Elizabeth Hokanson, Eric Straddeck, Nile Horner and Robert Patterson.
7

8 DISCUSSION ITEMS
9

10 **Adoption of Tentative Budget – Fiscal Year 2008-2009 – Set Public Hearing for Final**
11 **Adoption of the 2008-2009 Fiscal Year Budget:** Staff asked that a public hearing be set for
12 June 19, 2008, to adopt the 2008-2009 fiscal year budget and amend the 2007-2008 fiscal year
13 budget.
14

15 Councilmember Bradshaw moved to proceed with a public hearing for June 19, 2008, to adopt
16 the 2008-2009 fiscal year budget and to open and to amend the 2007-2008 fiscal year budget.
17 Councilmember Patterson made the second. The voting was unanimous in the affirmative.
18

19 **Discussion in relation to 13.32.205 – Mandatory Requirement to Pay for Secondary Water**
20 **Irrigation Service – Discussion regarding what constitutes a Hardship – Discussion**
21 **regarding Inspection Fees:** Anderson said the last time the Council met, the hour was late and it
22 was decided to defer the mandatory billing of secondary irrigation for those with access for an
23 additional 30 days. The Council wanted to discuss what problems might exist for the City to
24 exempt those with a hardship from the mandatory billing. He said there were 50+ connections
25 that had not been located. He said, too, property owners had been in to complain about their
26 hardship with a driveway separating the secondary connection and culinary water. Another
27 hardship suggested was xeriscaping and in some cases biograss had been used and required less
28 water. From staff perspective, he said it was felt the most viable hardship was the driveway issue
29 and suggested the cost of the water did not created a terrible financial hardship. He suggested
30 the Council not carve out a lot of exceptions.
31

32 Councilmember Straddeck indicated when he hooked up a couple years ago it was because he
33 was required to and wondered when that ordinance took place. There was some discussion about
34 the Code language from May 6, 2004. Mumford said the first use of secondary water was
35 probably in late 2002. Anderson said some systems, however, were installed in the late 1990’s
36 and left dry for a number of years which in itself had created problems.
37

38 Mayor Phillips talked about the need to promote the use of secondary water and suggested it was
39 appealing because of the affordability, “optionability” and the concern with water conservation.
40 He said the idea behind this requirement was that the City wanted people to use the secondary
41 water.
42

43 Anderson suggested the City had two systems and consequently had to maintain two systems.
44 He suggested it had been a tough balancing act to come up with the pricing. Councilmember
45 Straddeck said he understood the goal and the reason why but had a problem with the
46 requirement of billing people who had occupied their lot prior to May, 2004, and making them
47 hook up when the system was not originally available to them. Anderson indicated the way the
48 ordinance was written, they did not have to hook on to the system, but would have to pay for the
49 system even if they did not take advantage of it and hook on. Anderson continued that one of the
50 reasons for considering this change was because of the very high cost of developing new sources

1 for culinary water. He suggested secondary water usage was a way to stretch the City's water
2 supply without having to develop new sources and build new storage tanks. He indicated that
3 long term, it was less expensive to have people use the secondary system. Councilmember
4 Hokanson agreed and discussed the sewer farm and the impact on it.
5

6 After additional discussion, Mayor Phillips asked if the Council was comfortable with the
7 suggested change to 13.32.205 by allowing an additional year to hook on if a hardship was
8 determined. Councilmember Straddeck said he was not comfortable because he was looking at
9 the bigger picture. He wondered if a hardship shouldn't be categorized as permanent. Mumford
10 suggested the City would still see cases where people forget to put a conduit under their
11 driveway. He thought if the Council started making concessions for hardships, the list of
12 exceptions would continue to grow. Mumford said it would not cost \$3000 to go under a
13 driveway-\$3,000 would be replacing the driveway but thought a person could bore under a
14 driveway for about \$300. Anderson suggested the City might consider, with those that had a
15 legitimate hardship, partnering with them and pay part of the costs. Councilmember Hokanson
16 liked the idea of not charging someone if their system was not locatable or if a driveway had to
17 be bored under. She agreed with Councilmember Straddeck that giving them a year was not
18 going to change this. She agreed that the exceptions should be made permanent. (Mumford said
19 those that could not be located were not going to be billed) However, she did not think xeriscape
20 was a strong argument.
21

22 Anderson said the intent during this meeting tonight was for discussion and not to adopt
23 anything. He said he would bring this issue back in two weeks in ordinance form.
24

25 Councilmember Straddeck said he still had issues with those people building after 2004 being
26 required to pay. Anderson said everyone that had pulled a building permit after May 2004, upon
27 occupancy, was being billed and only those prior to 2004 that had hooked on were being billed.
28

29 Mumford suggested the reason for the ordinance was because the system was available but
30 people were not hooking on and this was an incentive to get people hooked on.
31

32 Mayor Phillips asked for a time line on the history of this issue. Councilmember Bradshaw
33 encouraged everyone to keep in mind that we were living in a desert and water was a valuable
34 commodity. He suggested the Council had to address the issue of 50% of outside watering was
35 with culinary water. He thought, too, the only way attitudes were changed was to force people to
36 hook on. He felt the most important issue was saving water.
37

38 Mumford said he hated to force people and would rather motivate them. He suggested if
39 secondary irrigation was cheaper, that would motivate people. Councilmember Bradshaw felt if
40 people were not forced, some would never hook on. Anderson suggested, too, the challenge was
41 half the people had access and half didn't. He said another challenge was not all lots were the
42 same size and it would be hard to price.
43

44 Councilmember Hokanson wanted to proceed with the suggestion of partnering with the cost.
45 Anderson said he would do some investigation about what the cost would be to install under a
46 driveway.
47

48 Councilmember Bradshaw moved to continue this issue until the next meeting and to bring back
49 an ordinance next month. Councilmember Hokanson made the second. The voting was
50 unanimous in the affirmative.

1 **Approve Utility Easement through the Heber City Cemetery - Questar Gas Company:** It
2 was indicated that a few months ago when Mumford approached the Council about this issue,
3 they seemed amenable to it. Mumford pointed out the final easement placement and the cost
4 benefit to the City. Anderson indicated staff was comfortable with the information Mumford
5 provided and that it seemed compensation was fair. He indicated this was all undeveloped
6 property that was being farmed by Gary Ryan or Keith Jacobson. Councilmember Straddeck
7 asked about a possible roadway interference. Anderson said it would be too deep and would not
8 need to be relocated. Councilmember Straddeck asked what impact there would be to existing
9 home owners. Anderson said there would be construction and the people leasing the land from
10 the City would be affected. He did not know how long it would take to put the lines in. Mayor
11 Phillips asked for a time frame. Mumford said if there was an issue with the hay grown, Questar
12 would have to compensate the farmer. It was indicated this property was located north of the
13 community garden.

14
15 Councilmember Patterson moved to grant the request from Questar Gas Company for a utility
16 easement through the Heber City Cemetery to place a high pressure natural gas line.
17 Councilmember Hokanson made the second. There was no further discussion. The voting was
18 unanimous in the affirmative.

19
20 **Discuss Road/Street Impact Fees (Councilmember Horner request):** Councilmember
21 Bradshaw moved to continue this issue. Councilmember Patterson made the second. There was
22 no discussion. The voting was unanimous in the affirmative.

23
24 **Bike Lane Striping – Implementation of the Bike Lane Master Plan:** Mumford indicated if
25 bike lane striping was a goal the Council wanted to pursue, that could take place now. He said
26 that after the roads were crack sealed, he would have to re-stripe everything else and might as
27 well do the bike lanes, as well, if the Council wanted. He indicated this was an attempt to get
28 some of the trail system implemented in town. He indicated there was one road that would need
29 some widening – Daniels Road. He said Wheeler Park had to overlay Daniels Road as part of
30 their agreement with Daniels and he might be able to tack on to that a little widening and get a
31 bike lane there. There was some discussion about Daniels Road. There was also some discussion
32 about the sidewalk on 600 South that the City had put in. It was indicated there were some areas
33 where the City could not wait for development to put in sidewalk.

34
35 Anderson thought the City should look at places where the sidewalks needed to be repaired
36 instead of installing new sidewalks--he thought that should be the priority for the funds set aside
37 this year.

38
39 There was discussion about what would happen when the recreation center was finished, as far as
40 bikes were concerned, and also the new development on the south. Mumford said he noticed the
41 Council had zeroed his request for funds for bike lanes. Discussion. Mayor Phillips asked the
42 Council if they wanted to fund the striping. Anderson recommended the Council consider
43 funding the request from JR Smith Elementary and then fund the rest in the next budget year.

44
45 Councilmember Bradshaw moved to approve the striping for JR Smith Elementary and if
46 additional funding was available during the year, the Council would proceed with additional
47 projects. Councilmember Hokanson seconded the motion. There was no further discussion. The
48 voting was unanimous in the affirmative.

1 **Adoption of Update to the Standard Specifications:** Mumford gave a brief summary of the
2 Standard Specifications and indicated it had been two years since the City approved the last
3 update. He said that since then the City had a new public works director who had requested
4 some changes. He suggested most of them were minor clarifications. He then reviewed the
5 major changes. 1) Sidewalks would increase in thickness from 4” to 6”. He indicated other
6 cities had gone to this thickness and it has been successful. 2) Last year the legislature adopted a
7 code that cities could only have one-year warranties. Mumford said he did not like that but he
8 had modified the City’s Standards to one year to conform. He said, though, if the City had a bad
9 experience with a contractor’s performance or there were some extenuating circumstances, then
10 the City could still have a two-year warranty. 3) One thing Tozier had been pushing was
11 installing one service between two lots instead of at the center of each lot and have two
12 connections. 4) Another change was putting tracer wire on water and sewer services which
13 would help with locating these lines underground. There was discussion about these and some of
14 the other proposed changes.

15
16 Councilmember Straddeck moved to adopt the revised/updated Standard Specifications.
17 Councilmember Bradshaw made the second. No further discussion. The voting was unanimous
18 in the affirmative.

19
20 **Declare Items Surplus Equipment:** Anderson said he looked through the State Code and there
21 was no State Code to follow in this instance. He said that historically surplus equipment had
22 been disposed of with Council approval. Mayor Phillips asked if it was appropriate to offer this
23 to other entities. Councilmember Hokanson asked if anything would be of value to CJC or to the
24 schools. Anderson said most of it was not of any value.

25
26 Councilmember Hokanson moved to empower the City Manager to dispose of surplus equipment
27 as itemized and attached to the memo to the City Council dated June 3, 2008. Councilmember
28 Patterson made the second. The voting was unanimous in the affirmative.

29
30 CITY COUNCIL BOARD ASSIGNMENT REPORTS

31
32 Heber Valley Special Service District – 3rd Wednesday
33 Wasatch City/County Health Department – 4th Tuesday
34 Heber Light and Power – 4th Wednesday
35 Heber City Planning Commission – 4th Thursday
36 Historic Preservation – As Needed

37
38 No reports were given.

39
40 As there was no other business, the June 5, 2008, meeting of the Heber City Council adjourned.

41
42
43
44
45

Paulette Thurber, City Recorder