

Heber City Corporation
City Council Meeting
06/07/2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on June 7, 2007, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Councilmembers	Terry Wm. Lange Vaun Shelton Shari Lazenby Jeffery Bradshaw
Absent:	Councilmember	Elizabeth Hokanson
Also Present:	City Manager	Mark K. Anderson
	City Recorder	Paulette Thurber
	City Engineer	Bart Mumford
	City Planner	Allen Fawcett
	Police Department	Sgt. Mike Clegg

Others Present: James McCleary, Beth Ann Schneider, Paul Schneider, Paul Berg, Kimberly Brown, Brad Mackey, David Gardner, Paul Johnson, Irene Hastings, Chuck Richins, Spencer Park, Blake Allen, Matt Kimber, Barbara McCleary, Russ Witt, Cathy Witt, Anthony Kohler, Kieth Rawlings, Brad Bryan, Nick Bryan, Steve Hallows, and Mike Johnston.

Pledge of Allegiance: Councilmember Jeffery Bradshaw
Prayer: Councilmember Vaun Shelton

Minutes: February 20, 2007, Special Meeting
May 3, 2007, Work Meeting
May 17, 2007, Work Meeting
May 10, 2007, Budget Meeting
May 24, 2007, Budget/Special Meeting

Councilmember Bradshaw moved the minutes as listed be approved as presented.
Councilmember Lazenby made the second. The voting was unanimous in the affirmative.
Councilmember Hokanson was absent.

OPEN PERIOD FOR PUBLIC COMMENT

Perry Rose indicated he had a couple problems to discuss with the Council. He said he was not there to cause a problem but there were some things in the City that needed to be addressed. He said he had heard Councilmember Shelton talk about this problem before and felt it needed to be higher on the priority scale.

Rose said that when water got shut off, it was an inconvenience to the businesses and residents of the City. He understood there were emergencies—maybe 1 in 20. He said Checker Auto was without water for three hours on Tuesday. The previous Thursday, they were off 1 ½ hours. He called and asked how long water would be off. No one knew for sure at the office so he called the Public Works Department and talked with Matt Kennard. Kennard did not know how long because he did not work for that part of the Public Works Department. He was given Steve Tozier's number. Tozier told Rose that service shouldn't even be off. Rose said he just needed to know how long it would be before the water was turned back on. Tozier was supposed to get back to him but never did. Rose said he called Anderson and talked to him about this problem. Rose said he didn't think there should be a double standard because if it was the hospital, they would be notified. Rose said Anderson was to check into this issue and get back to him or have the Public Works Director get back to him. He said that still hadn't happened. Rose said he thought the Council should be aware of this and put it on a higher priority level and to get people notified when the water was to be interrupted. He felt that even outside an emergency there were enough secretaries that could make some calls. Rose felt when it started being 2 or 3 hours of interrupted service, there needed to be some calls made. He asked for cooperation from the Council.

Anderson said since he had talked to Rose he had asked Mumford to draft a policy about notification. He said, too, the secretary in the Public Works Department had been approved for full time which would help with notification issues. He said he had talked with Tozier to have one person to be the focal point for information. Anderson said contractors needed to understand the policy, too. He felt the City had been taking some action to address this issue. Rose suggested the City should start imposing fines to contractors if they didn't cooperate with notification. Mayor Phillips instructed Anderson to tell Tozier when he said he would call someone back, that he do it.

Mayor Phillips felt this was a reasonable request. Councilmember Lange thanked Rose for his input. Councilmember Shelton said he had talked to Rose about this problem and had talked to the Council before, as well. He wanted the street cuts addressed, too, because of all the construction. Councilmember Lange wanted door-to-door flyers when there was a planned water shut off. Mayor Phillips felt the City workers needed to do all they could to notify the public.

Jim McCleary – Daniels Resident - McCleary indicated he was a new border member with the new Heber City border. He said he had several issues about the way he had been treated by the County and the Sheriff's Department and suggested they didn't know how to do what they were supposed to do. McCleary, referring to Wheeler Park large scale development, complained about the air quality during construction. He said they were creating a gravel plant nearly in his back yard. He said he had been on the telephone with Wasatch County Planning and Zoning, Wasatch County Health Department, Heber Police, Wasatch County Sheriff Department, and the Utah State Air Quality Division to try and get a team of people to see how this project was affecting people. He said he had been to all meetings to voice his opposition to it. He presented two photos which showed the construction and also the dust being created. He said he was confident there was going to be a compromise to the water as people in the area were on wells. He said he was very concerned about his well as were others on that border. He said that if they find, after the State had evaluated the wells, that the wells had been compromised, they would be looking for relief. He showed a third photo. McCleary said he was not sure who was responsible for the issue but wanted some answers. McCleary suggested the developer was mining the gravel off the property instead of buying from a gravel pit by taking off a few inches of top soil and then getting the gravel under it. He said he had talked to the Heber City Police and they had been

very cooperative. McCleary said he realized the developer had the right to build the subdivision, but he asked for consideration for the people that lived there now and how it was affecting their quality of life. Mayor Phillips said it was reasonable for someone in the City to look into this.

Councilmember Lazenby presented a plaque to the City from the Happy Days Committee and Car Club. She indicated it was a great event.

APPOINTMENTS

Kim Brown – Requesting discussion about and change to the Heber City Municipal Code in relation to 9.22.020, Disturbing the Peace: Mayor Phillips said they had a copy of Brown's letter and her proposal.

Brown said she lived on 200 North across from the old church that had been torn down and where four houses were being built. She indicated she had had some contact with the contractor because of the heavy equipment being used late at night. She suggested the current ordinance should be looked at and modified to prohibit work after a certain time that was noisy and which disturbed the neighbors. She felt that would show respect to the residents of the City. Brown had collected signatures from neighbors in the area who agreed that 10:00 p.m. was too late for people to be working, at least those working with equipment that made a lot of noise. She indicated Midway City's ordinance outlined a 7:00 a.m. to 7:00 p.m. time frame for working hours. Brown told the Council that up and down many streets in town there were houses going into lots. She suggested it would be reasonable to change the ordinance. Councilmember Lange said developers start at 5:00 a.m. in the Cove. It was pointed out that even lawn mowers at 6:00 a.m. and 7:00 a.m. was too early. Brown asked the Council to consider a 6:00 p.m. time frame and said she felt that was reasonable, especially for heavy equipment.

Councilmember Lazenby moved to send this issue to the Planning Commission for further study and suggested 7:00 p.m. was more reasonable. Councilmember Lange made the second. Councilmember Lazenby felt a fine should be imposed for those not following the ordinance.

Anderson indicated this Section of the Municipal Code was not controlled by the Planning Commission and asking them to review this issue would be asking something outside their scope of authority. He said typically it would be something the Council should look at. Councilmember Lazenby withdrew her motion. Councilmember Lange withdrew his second.

Councilmember Lazenby moved to put this issue on the regular agenda for June 21 for consideration of changes to the ordinance. Councilmember Lange made the second. Discussion about heavy equipment, lawn mowing, etc. The voting was unanimous in the affirmative.

Blake Allen, in defense of himself since he was the contractor responsible for the building that Brown was referring to, said he had never worked past 9:00 p.m. He indicated the first time Brown came to him, he shut right down. Since then he had had numerous complaints. He said he had since driven around and there were people all over town tilling their gardens, mowing their grass, weed eating their yards, and if it were winter they would be snow blowing after 7:00 p.m.. He thought changing the ordinance would create problems between neighbors. He agreed before 7:00 a.m. was too early. He said he had been shutting down at 9:00 p.m. Allen indicated he had observed other neighbors out with equipment spreading top soil and planting trees. He said he did not think it was just contractors that were out there making noise at night.

Mayor Phillips said the Council would look at all aspects of the current ordinance.

Brad Mackey – Ivory Homes – Requesting Council consideration of temporary building permit issuance exception under Section 15.08.030 of the Heber City Municipal Code:

Mackey appreciated the opportunity to talk with the Council. He said they had been working on the Mill Road subdivision since last fall and said all punch list items were complete. He indicated the one item incomplete was the power which was out of their control. He asked the Council for consideration under the new ordinance they passed last week so their plans could be in line for consideration. He said he had driven by the subdivision earlier and power boxes were in place and lines were starting to be placed. He suggested the Power Company's work should be complete by June 17 and that Troy Klungervik, Heber Light and Power, had said the lines should be run by next week.

Mackey asked for permission to get permits before power was finished. He was asked if a week would hurt them. Mackey said yes that every week counted since there were several people wanting to submit their plans. He said getting this permission from Council would get them in line for plan review. Anderson said he could guarantee the work would be finished before plans would be issued. This would only get them in line for review.

Councilmember Shelton asked if Mumford had any problems with this. Mumford said the main issue with this subdivision was power, but that there was also a little clean up yet to be done. He said their request was valid but that the Council needed to determine if this was a hardship for the developer or not. He, too, felt that by the time they got their permits, the issues would be taken care of.

Councilmember Bradshaw moved to grant temporary building permit to the Ivory Homes Subdivision under 15.08.030. Councilmember Shelton made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Hokanson was absent.

Steve Hallows – Lot Split/Small Lot Subdivision for cottage homes – 70 West 400 South:

Paul Berg, Sowby and Berg, represented Steve Hallows. Mayor Phillips asked if he was familiar with the Planning Commission's recommendations. Berg said yes and reviewed those. Berg also reviewed the Subdivision Agreement.

Mayor Phillips asked that in the future the subdivision agreements be reviewed by the petitioner prior to the meeting.

Councilmember Lange moved to approve the Lot Split/Small Lot Subdivision for cottage homes at approximately 70 West 400 South based on the Planning Commission recommendation and their requirement as listed in the Subdivision Agreement. Councilmember Bradshaw made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Hokanson was absent.

Russ Witt – Subdivision Final Approval for Last Stand Subdivision – 988 South 600 West:

Mayor Phillips reviewed the three requirements from the Planning Commission. Councilmember Lange expressed concern that there was not a second access to the subdivision. Anderson said at one time there was talk about a second access, but under the threat of legal action, the second access was removed. Anderson said Bates blocked the accesses with the two homes he built.

Spencer Park, Park Engineering, said the cul-de-sac was under the limit set by ordinance. Mumford indicated the perk test for the retention basin had not been done to determine if it was big enough. Witt indicated he had done that. Mumford indicated he needed to look at that test. Mayor Phillips advised the Council any motion for approval should include that the perk test be evaluated by engineering.

Councilmember Lazenby moved to grant final approval to the Last Stand Subdivision located at approximately 988 South 600 West contingent on the engineering requirements being met and the perk test being evaluated. Councilmember Shelton made the second. Voting AYE: Vaun Shelton, Shari Lazenby, and Jeffery Bradshaw Voting NAY: Terry Wm. Lange. Councilmember Hokanson was absent.

Councilmember Lange wanted to make sure notes were on the plat that spelled out the requirements for the detention basin.

Blake Allen – Subdivision Final Approval – Browning Estates Subdivision – 980 South and Mill Road: Councilmember Lange asked about the fill for the basin and questioned if all the debris along the basin was going into the basin. Allen said he had pulled out all that garbage and would be filling the basin with good dirt.

Councilmember Lazenby moved to approve the Browning Estates Subdivision located at approximately 980 South and Mill Road along with the Subdivision Agreement. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Hokanson was absent.

Harvest Field Development – Subdivision Final Approval for Harvest Fields Subdivision (formerly known as Daniels Gate Plat C) 475 East 2060 South: Chuck Richins, Summit Engineering, indicated he had been working closely with the Planning Commission on this.

Councilmember Bradshaw moved to grant final approval for Harvest Field Subdivision located at approximately 475 East 2060 South and the Subdivision Agreement as presented. Councilmember Lazenby made the second. The voting was unanimous in the affirmative. Councilmember Hokanson was absent.

ACTION ITEMS

Paul Berg – Sowby and Berg – Consideration of an annexation petition known as the Parkside Annexation located at the southwest corner of Southfield Road and State Road 113 consisting of 10.98 acres: Discussion about the location of the property. Councilmember Shelton reviewed that this property had come up for annexation previously with the Southfield Road Annexation, but because of surrounding property owners pulling out, it was not considered. Councilmember Shelton asked why this was being considered now. There was discussion about the circumstances of this request. Discussion about the road in front of Giles' property. Discussion about the 84' highway bypass section. Berg said that would be deeded to the City or UDOT but if it was left in the actual annexation petition, a peninsula would be created. He said the portion being deeded to the City would stay in the unincorporated area. He indicated there would be an agreement and a deed would be created to transfer to the City, County or UDOT depending on the one it should go to. Again he explained it was left out to prevent a peninsula.

Councilmember Lange asked about sewer and the park across the street. Discussion about where the sewer would tie into.

Mumford asked about the right-of-way (72') and said the road way in front of Giles' property would only be 60' which would make the road jog. Anderson suggested the City had 2 options: 1) Giles annexed in to get the density for his property or 2) the City condemn the property to get enough width. Mayor Phillips said Giles was still working with the City on the annexation of his property. Berg felt they could get the road width by not doing the sidewalk right now. Councilmember Lange wanted a field trip to look the area over prior to making a decision.

Councilmember Lange moved to not accept the Annexation Petition for the Parkside Annexation located at the Southwest corner of Southfield Road and State Road 113 consisting of 10.98 acres. The motion died for lack of a second.

Councilmember Lazenby moved to accept the Annexation Petition for the Parkside Annexation located at the Southwest corner of Southfield Road and State Road 113 consisting of 10.98 acres and to refer it to the Planning Commission for further study. Councilmember Shelton made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Hokanson was absent.

Anderson encouraged the Planning and Engineering Departments to look at the bypass and see if 84' was sufficient area for the bypass.

Resolution 2007-04 – Adoption of Waste Water Plan: Councilmember Shelton moved to approve Resolution 2007-04, Adoption of the Waste Water Plan. Councilmember Lazenby made the second. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, and Jeffery Bradshaw. Councilmember Hokanson was absent.

DISCUSSION/ACTION ITEMS

Set Public Hearing date to consider Ordinance 2007-27 – an Ordinance annexing 109 acres of property located between Highway 189, Daniels Road and Daniels Town and known as the Daniel/Airport Road Annexation: Councilmember Lazenby moved a public hearing be set for June 21, 2007. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Hokanson was absent.

CITY COUNCIL ASSIGNMENTS

Wasatch County Housing Authority – 1st Wednesday – **Shelton**
Wasatch City/County Health Department – 4th Tuesday – **Lazenby**
Heber Light and Power – 4th Wednesday – **Phillips, Lange, Shelton**
Heber City Planning Commission – 4th Thursday - **Bradshaw**
Historic Preservation - **Lazenby**

No reports were given.

At 8:18 the regularly scheduled Heber City Council Meeting of June 7, 2007, was adjourned.

Paulette Thurber, City Recorder