

1 Heber City Corporation
2 City Council Meeting
3 June 19, 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 19, 2008,
10 in 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 Robert Patterson

18
19 Excused: Nile Horner
20

21 Also Present: City Manager Mark K. Anderson
22 City Recorder Paulette Thurber
23 City Engineer Bart Mumford
24 City Planner Allen Fawcett
25 Chief of Police Ed Rhoades
26

27 Others Present: Darryl Glissmayer, Todd Cates, Mitchel Burns, Irene Hastings, Mike Thurber,
28 Sarah Dansie, David Peterson, Mike Johnston, Tom Andra, Andrew King, Ray Whitchurch,
29 Jamie Dunn, Glinda Straddeck and others who names were not legible.

30
31 Pledge of Allegiance: Mayor David Phillips
32 Prayer Councilmember Jeffery Bradshaw
33

34 Minutes: April 3, 2008, Work Meeting Minutes
35 April 17, 2008, Work Meeting Minutes
36 May 1, 2008, Work Meeting Minutes
37 May 15, 2008, Work Meeting Minute
38

39 Councilmember Hokanson moved to approve the minutes of the April 3, April 17, May 1, and
40 May 15, 2008, Work Meeting minutes as presented. Councilmember Bradshaw made the
41 second. There was no discussion. The voting was unanimous in the affirmative. Councilmember
42 Horner was absent.

43
44 **OPEN PERIOD FOR PUBLIC COMMENT**
45

46 Mayor Phillips opened the meeting to the public for comment and invited anyone that wanted to
47 discuss issues with the Council that were not already on the agenda to do so. There were no
48 comments made.
49
50

1 PUBLIC HEARING

2
3 **Adopting the 2008-2009 Fiscal Year Budget and opening the 2007-2008 Budget to allow for**
4 **additional Revenue and Expenses:** City Recorder, Paulette Thurber, read the notice of Public
5 Hearing. Mayor Phillips opened the Public Hearing and invited anyone who wished to address
6 the 2007-2008 Fiscal Year Budget amendments. It was indicated that budget documents had
7 been made available to the public for ten days prior to this Public Hearing.
8

9 Mayor Phillips said there was a need to appropriate \$581,237 as surplus funds to balance the
10 budget. No comments were received. Time was turned to the Council for discussion. Anderson
11 indicated that as he reviewed the proposed revisions earlier in the day, he discovered an error in a
12 General Ledger Account Number. The changes were reviewed.
13

14 Councilmember Bradshaw moved to approve the amendments to the 2007-2008 Fiscal Year
15 Budget. Councilmember Straddeck made the second. There was no discussion. The voting was
16 unanimous in the affirmative. Councilmember Horner was excused.
17

18 Mayor Phillips said the City was looking at a budget of \$14,250,100. He said he had reported to
19 the senior citizens today that the City was in the black and they counseled him to “keep it that
20 way.” Anderson indicated it was getting harder and harder to do so.
21

22 Councilmember Hokanson moved to approve the 2008-2009 Fiscal Year Budget.
23 Councilmember Patterson made the second. There was no discussion. The voting was
24 unanimous in the affirmative. Councilmember Horner was excused.
25

26 Mayor Phillips thanked Anderson for the job he did and said there were some good ideas
27 proposed to incorporate into next year’s budget. Anderson indicated this was not a single
28 person’s job and thanked Lynsee North and Cathy Riley for all their work and also the
29 department heads for working hard to keep within their budgets.
30

31
32 APPOINTMENTS
33

34 **Todd Cates - Red Ledges Bypass Road – Final Plat Approval:** Anderson gave the following
35 background information on the bypass road. He indicated that as the City worked with Red
36 Ledges, Stone Creek and Wasatch County to identify a route for an eastern bypass, the City
37 entered into an agreement that Red Ledges would design and build the road this fall. The
38 planning staff had worked with them to define where that road would go. He continued that the
39 Agreement before the Council now would dedicate that road to Heber City. It was indicated the
40 City and Red Ledges had had a lot of discussions over this issue. It was explained Stone Creek
41 had lost their Surety Bond because the surety company had gone bankrupt and they now needed
42 to find a replacement surety before the City would allow them to record their subdivision plat.
43 A couple things related to this issue that the City thought would be underway by now was that
44 Stone Creek would have their culinary water in place. Because they had not been able to get
45 their finances in order, that water line had not been installed and staff did not know when it
46 would be. Also, some of the storm water was designed to go into Stone Creek’s retention area.
47 Even though the City thought it was important to get this recorded, staff looked to Wasatch
48 County and the other parties to defer building this road until other issues could be taken care of.
49 Anderson said that Mike Davis approached the County Council last night about this issue. They
50 had questions but Davis did not think they had many concerns with deferring building the road

1 for up to a year. However, he said it had to be contractually agreed to. Anderson said Red Ledges
2 was ready, willing and able to perform under the Agreement. However, for Heber City, it was
3 important that those two issue be taken care of.

4
5 Mayor Phillips asked Cates if this delay would hurt them. Cates said no, there was not a traffic
6 need for the road yet. He said from their perspective, to put some additional time on it was not
7 an issue. He said he had talked with Davis and Jay Price and they did not seem to have any
8 concerns. Cates thought what they needed to do was to come back with an amendment to the
9 Interlocal Agreement that all parties could sign.

10
11 Anderson said he and Mumford had discussed these issues and Mumford would like to see the
12 water line connect to 1050 East which would allow the City to do some other things.

13
14 Councilmember Straddeck asked if Stone Creek was in default of anything. The answer was no.
15 Councilmember Straddeck then asked what would prevent this from going on indefinitely.
16 Anderson said when the time came that the Council felt this should go on no longer, Red Ledges
17 would be asked to move forward. At that time, the City would have to decide what to do about
18 the water line and if the City should put the line in. Mayor Phillips suggested staff ought to talk
19 with the County and arrive at some dates and time frames.

20
21 Cates talked about the Red Ledges Subdivision Agreement. He said there needed to be some
22 clarification to paragraph #1 as far as storm water. He said they do accept the storm water from
23 the bypass road but the Agreement did not have language in to about the storm water from the
24 collector road. (east to west going across the northern side of Stone Creek) He pointed that area
25 out on the overhead. He said under the construction drawings and the topography, that storm
26 water would run into the Stone Creek system. Mumford said Stone Creek had the same language
27 in their agreement and it probably did need clarified.

28
29 Cates said also that he wanted discussion on paragraph #2. He said the road cost about
30 \$4,000,000 and he was a bit surprised when the City came back saying he had to also commit
31 water rights. He indicated Twin Creeks held in escrow all their water rights at this time and have
32 indicated they felt comfortable that Red Ledges had contributed enough water for the project.
33 He said they felt they have done what they needed to as far as water rights. Mayor Phillips asked
34 where this language came from. Mumford and Anderson said it came out of the last work
35 meeting discussion. Anderson discussed how other developers had provided water rights for
36 their entryways. Councilmember Bradshaw asked how much water was needed. Mumford said
37 approximately 2 shares of Wasatch--probably 6 acre feet. Anderson said in today's market that
38 would be about \$60,000. Anderson indicated the City had water not being used but that as
39 developments were built, there was less and less water that the City held. Anderson talked some
40 about the devaluation of Timp Water based on the changes made by the State Engineer but did
41 not have the actual value of the water at this time. He said the Council had talked at one time
42 about leasing water from the City's surplus.

43
44 Councilmember Straddeck asked who was making the decision about the landscaping. Cates
45 said that as part of the Interlocal Agreement, that median was to be landscaped. Councilmember
46 Hokanson asked that since the original agreement did not say anything about water shares and
47 because of the economy, would the City or Red Ledges consider scrapping the landscaping.
48 Cates said because of the issue with Stone Creek and the road not being built right now, maybe
49 this should be put off for a while. He would be willing to revisit this when it was closer to the
50 time of building the road. Councilmember Straddeck suggested this road was unique in that it

1 was a public road but would greatly serve these two developments. He was in favor of looking
2 for a way to partner on this. He did not believe the City ought to put this on one entity or the
3 other and how it would be adjusted remained to be seen.

4
5 Mumford explained that the water right situation had changed from a few years ago when the
6 City had some excess; now however, the goal was to hold on to the water and not sell it because
7 it was unknown what water would be necessary when central Heber converted to Secondary
8 Irrigation. He pointed out that last year the City had two events occur 1) Timp Shares were
9 devalued and the City collected for the last six year less than what the City would get assessed
10 for and 2) the treatment plant was no longer counted as return flows which, in the past, the City
11 had been given credit for from the State. (The State will no longer give the City that credit) He
12 said the City had been under-collecting because of those two reasons and suggested the City
13 might have to come up with water for itself. Consequently, he recommended the City not sell any
14 of its water until he had a better idea about the City's water situation which would not be until
15 fall or winter. Mumford talked about how the City always required the water rights from the
16 developer. He felt that since the Agreement had to be amended anyway, this issue should be
17 thought about based of the additional information they now had. Mayor Phillips suggested the
18 City had access to some water off of the land they irrigated. He did want the Council to
19 remember the language on this issue was silent and after many months of talks with Red Ledges,
20 the issue of water rights for the median was never discussed. He would like the Council to think
21 about this. He also wanted additional information from Mumford so the best decision could be
22 made.

23
24 Councilmember Straddeck asked about the plat itself and a trail. Cates discussed this and
25 showed on the overhead the trail locations.

26
27 Anderson talked about recharge and reuse as far as the sewer district and suggested it might be
28 worth looking into and see how viable a recharge would be.

29
30 Cates said the more he thought about it, the more he felt the median was the right thing to do.
31 The Council and Cates agreed there were ways to accomplish this with some alternatives.
32 Councilmember Hokanson said the City had more water than could be used from the sewer farm,
33 there was need for water on the median and felt this should be worked out favorably for
34 everyone.

35
36 Councilmember Bradshaw moved to continue the Final Plat Approval for Red Ledges Bypass
37 Road. Councilmember Straddeck made the second. There was no further discussion. The voting
38 was unanimous in the affirmative. Councilmember Horner was excused.

39
40 **Skoby Downs – 165 South 400 East – Waiver of Sidewalk and/or bonding in lieu of:** Downs
41 pointed out on an overhead the location of his property. He said he had looked around his
42 neighborhood and pointed out where there were sidewalks in the area. He felt the way old town
43 looked, he would rather give the money to the City plus 10% rather than build the sidewalk. He
44 referred to his letter that proposed two alternatives. Downs indicated he had moved to and built
45 in that location because he wanted to live where there was an old-town feel. Downs stressed they
46 wanted to fit in with what was surrounding them.

47
48 Councilmember Straddeck asked if there was the possibility of any other development that could
49 happen on that side of the block. One area was pointed out on the overhead but no one was
50 aware of anything being planned for it. There was discussion about the deed restrictions for

1 sidewalk that had been obtained over the years and it was indicated legal counsel had a concern
2 that the deed restrictions would be void after seven years.

3
4 Anderson discussed two issues. First, if the City received money from a property owner, they
5 would want that sidewalk in front of their home. Second, the costs of construction was going up
6 and any escrow would not be sufficient in future years. Discussion about the Code requirements.
7 Mike Thurber suggested there was a law that would not allow money from Downs being used in
8 another location. He indicated the Planning Commission had discussed this issue at their
9 meeting last week. There was discussion that not requiring the sidewalk would set a precedence
10 for other small lot subdivisions. Councilmember Hokanson felt this policy should be revisited
11 and would like to study the issue, get some additional information, and see what was legal.
12 Councilmember Straddeck felt if there was a possibility the City had the ability to use this money
13 at other locations rather than at the actual location, he felt it was worth looking into. He agreed
14 with Councilmember Hokanson that the issue needed to be revisited. Downs said he had not
15 seen anywhere in town where a sidewalk had been piecemealed and actually connected.
16 Anderson was asked to look into this issue.

17
18 Councilmember Straddeck moved to continue allowing the Council time to study the issue,
19 gather more information and get an opinion from legal counsel. Councilmember Hokanson made
20 the second. Councilmember Patterson asked about others in this situation. Anderson said we
21 should probably invite all of them for discussion purposes. Councilmember Patterson had
22 concerns with this and said old town was getting worse and worse with weeds etc. and he did not
23 want to set a precedence. Councilmember Bradshaw talked about his area and the discussion
24 that had happened with that when a lot was split. He said there was no consistency to the issue at
25 all. Mayor Phillips pointed out the Council had talked at one time about bonding and taking a
26 block at a time to do sidewalk.

27
28 Mayor Phillips called for the vote. The voting was unanimous in the affirmative. Councilmember
29 Horner was excused.

30
31 **David Peterson, Excel Engineering – Amended Final Approval for Birmingham**

32 **Subdivision – Property located at approximately 100 South 801 West:** It was indicated the
33 developer had plans to build a Standard Plumbing business on Lot 1; when they got into the
34 process, they found they didn't need all of that lot. It was indicated Lot 2 had been put up for sale
35 and the purchaser wanted the extra property from Lot 1. Councilmember Hokanson wanted to
36 know if these type of things could be taken care of by staff. Anderson said staff could look at
37 changing the ordinance and would bring something back to the Council at a future meeting.

38
39 Councilmember Bradshaw made a motion to approve the amended final subdivision plat for
40 Birmingham Subdivision for property located at approximately 100 South 801 West.

41 Councilmember Patterson made the second. There was no discussion. The voting was
42 unanimous in the affirmative. Councilmember Horner was excused.

43
44 **ACTION ITEMS**

45
46 **Ordinance 2008-13 –An Ordinance Amending Section 13.32.205 Of the Heber City**
47 **Municipal Code, Mandatory Requirement to Pay for Secondary Water Irrigation Service:**

48 Anderson explained the Ordinance and said, effective June 1, all persons having access to
49 secondary irrigation would be billed for that service with the exception of the homes built before

1 2002 and those that had a driveway more than 12' in width. Councilmember Hokanson asked
2 how many there might be with a hardship. Anderson thought 15 to 50.

3
4 Councilmember Hokanson discussed the issue of the City partnering with the property owners
5 that proved a hardship and contribute to the cost of hooking on as suggested in last meeting.
6 Anderson indicated that Council had talked that maybe next spring the City could partner with
7 those people with a hardship.

8
9 Councilmember Straddeck discussed the reasoning for secondary water was to conserve culinary
10 water and suggested the Council needed to look at the bigger picture and total water
11 conservation. Mayor Phillips agreed and suggested the City needed to look at all ways to
12 conserve. Anderson said staff had looked at ways to conserve and experience showed it cost
13 more money which was one reason the Council chose to not meter secondary. He suggested
14 conservation and increase in costs went hand-in-hand. He suggested the goal was to conserve the
15 culinary as developing new sources was cost prohibitive. He pointed out the City had both
16 systems and consequently had to maintain both systems. "If we conserve and have less revenue,
17 rates would have to go up," he said.

18
19 Councilmember Hokanson moved to approve Ordinance 2008-13 which Ordinance amended
20 Title 13.32.205 of the Heber City Municipal Code, Mandatory Requirement to Pay for
21 Secondary Water Irrigation Service. Councilmember Patterson made the second. Voting AYE:
22 Jeffery Bradshaw, Elizabeth Hokanson, Eric Straddeck, and Robert Patterson. Councilmember
23 Horner was excused.

24
25 DISCUSSION/ACTION ITEMS
26

27 **Proposed Planned Community Mixed Use Zone (PCMU) – Discussion:** It was indicated the
28 Council had taken a road trip to the Salt Lake City area on Tuesday to look at different
29 developments. Anderson said staff had a presentation prepared and suggested that be presented
30 before discussion. Kohler said his presentation was a summary of the intent of the PCMU, a
31 summary of the standards in the PCMU and also addressed the streets and concerns that staff
32 had.

33
34 Mayor Phillips asked Fawcett and Kohler if they had heard of developments like this before.
35 Fawcett said yes. He said the City had determined in its Master Plan years ago that the desire
36 was to develop these two areas with something different than typical zoning. He said the big
37 "buzz" word now was smart growth and suggested this development was the very essence of
38 smart growth. He continued that this particular version was tailored to Heber City and was
39 unique to the area. He felt the City had the opportunity to go in two directions with this area--
40 either the normal zoning or the flexibility with this proposed ordinance.

41
42 Councilmember Straddeck talked about Stone Creek and their plan. He suggested if this area
43 was left to traditional zoning, in his mind, it would be like Stone Creek even though the Stone
44 Creek development did not have any mixed used component in it.

45
46 Mayor Phillips asked Fawcett what obstacles he was concerned with. Fawcett said some of the
47 same issues as Mumford and Kohler, but that the positives out-weighted the negatives.

48
49 Mayor Phillips asked Ray Whitchurch how he felt about the concerns that were expressed.
50 Whitchurch said after looking at the concerns expressed, in his mind there were no issues that

1 could not be addressed. He said the developers were trying to create an environment with
2 friendly civic spaces and walkability for citizens and no wide streets that created high speeds.
3 Again he said there were no issues that couldn't be addressed. As far as the sewer, he felt there
4 was no way to know about upsizing that because there were no numbers on density yet.
5

6 Whitchurch said the first step was getting the zone approved and then the master plan would
7 come before the Council for approval. Whitchurch said he was a big proponent for these zones
8 and felt they were getting better and better. He said he had been doing this type of development
9 for a number of years. Mayor Phillips asked about affordability. Whitchurch said a person had to
10 be careful of suggesting that because sometimes these areas were very desirable and the market
11 drove the price up.
12

13 Councilmember Hokanson asked if these had been successful in smaller towns. Fawcett
14 indicated he had looked on the internet and there were a lot of these types of areas. Anderson
15 suggested this plan followed Envision Utah's vision. Whitchurch said there were usually a
16 couple of motivators to these type of developments, such as civic spaces, the tax base, group
17 housing in such a way to protect wetlands, and natural environment issues.
18

19 Mayor Phillips talked about the corridor into the City and suggested this was the one change to
20 do something good for a first impression. Whitchurch suggested this was a way to build up and
21 support the downtown area. He said this was a great opportunity for the City to do something
22 that other cities were now wishing they could do. He suggested "business as usual" would not
23 give the City the opportunity that he saw here.
24

25 Councilmember Straddeck said he had a fair amount of questions in regard to the details but did
26 not want to go into those tonight. He said he did not know if he bought into the idea that this
27 was the gateway to the City. He said this was not designed to draw people off the highway but
28 to support itself. Therefore, it would not necessarily be a gateway to the City. He suggested what
29 people were going to see when they come into town was a nice landscaped area and "we can get
30 that with other zones" he said. Consequently, he did not buy into the idea that the City had to
31 have this zoning for an attractive entrance into the City. Councilmember Straddeck also said this
32 was the last piece of land and in his mind he saw it as an oasis. He asked if this was in the
33 character of the Valley and did this zoning meet what the people had moved here to see.
34

35 Fawcett indicated at the last League of Cities and Towns Convention, a good presentation was
36 given. He said the presenter had tracked Utah's experience with zoning and commented that this
37 concept was the best. Fawcett said Heber had the best transects and had kept the character of the
38 original planning and philosophy.
39

40 Kohler said as much as he liked to see Walgreens, he was devastated to see the homes torn down.
41 He discussed several examples of that. He said he did not think it could be nailed down a time
42 frame or era that was Heber and suggested the City had little tidbits of a lot of pieces. He said he
43 would hate to see the whole town become Walgreens and McDonald stuff. The strength of this
44 code would eliminate that possibility.
45

46 Anderson said he looked at the City in three pieces and this zoning would be something totally
47 different than those in place now. He said it probably didn't blend in but it was forward
48 thinking.
49

50 Kohler suggested the transect approach was more like the core of Heber.

1 Councilmember Straddeck felt discussions needed to continue as he and Councilmember
2 Hokanson had a lot of questions. Councilmember Hokanson felt the Council need discussions on
3 the whole concept and first decide if this fits the vision for the area. She said that discussion
4 would be different than dissecting the proposed code.
5

6 Mayor Phillips said we need to plan a date and time, line up sandwiches, bring these people in,
7 and go through every question the Council had.
8

9 Councilmember Bradshaw said there had been a lot said in the past two years about what Heber
10 is and was. He said Heber would never be what it was ever again. He thought what we had right
11 now was approaching what he would like to see Heber end up being. He indicated this PCMU
12 Zone was going into farm land and would not change the current Heber downtown area. The
13 City needed to be careful about what it did but, in his estimation, something along these lines
14 was much more beneficial to the City than continuing with the traditional R-1 and R-2 Zones.
15 He thought the City was heading in the right direction with this proposed zone. He said he was
16 not nearly as concerned about the details of this as some folks. "I am not an engineer or planner
17 and don't want to become that" he said. Councilmember Straddeck felt it was a good idea to
18 have a gathering and hash this over.
19

20 Anderson was asked to check with Councilmember Horner about the July 3rd meeting and if he
21 would be in town to make sure there would be a quorum.
22

23 It was decided to start the interview process for the consultant on the City Office Complex at
24 4:00 p.m. and then start additional discussion on this proposal at 6:00 p.m. Sandwiches would
25 be available so the Council did not have to leave for dinner.
26

27 **Discuss Road/Street Impact Fees (Councilmember Horner request):** As Councilmember
28 Horner was absent, this item was continued to the next agenda.
29

30 CITY COUNCIL BOARD MEETING REPORTS
31

32 Heber City Planning Commission – 2nd Thursday
33 Heber Valley Special Service District – 3rd Wednesday
34 Historic Preservation – As Needed
35

36 No reports were given.
37

38 As there was no other business to conduct, the 06/19/2008 regularly scheduled meeting of the
39 Heber City Council adjourned.
40
41
42
43
44

45 _____
46 Paulette Thurber, City Recorder