

1 Heber City Corporation
2 City Council Meeting

3
4 July 3, 2008

5
6 7:00 p.m.

7
8 **REGULAR MEETING**

9
10 The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on July 3, 2008, in
11 the City Council Chambers in Heber City, Utah.

12
13 Present: Mayor David R. Phillips
14 Council Members Jeffery Bradshaw
15 Elizabeth Hokanson
16 Nile Horner
17 Robert Patterson
18 Excused: Eric Straddeck

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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

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27 Others Present: Paul Berg, Irene Hastings, Michael Thurber, Joe Dunbeck, and Skoby Downs

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30 Minutes: April 3, 2008, Regular Meeting Minutes
31 April 17, 2008, Regular Meeting Minutes
32 June 5, 2008, Regular Meeting Minutes
33 June 19, 2008, Work Meeting Minutes

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35 Councilmember Bradshaw moved to approve the minutes. Councilmember Patterson seconded
36 the motion. Voting Aye: Council members Bradshaw, Hokanson, Horner, and Patterson.

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39 **OPEN PERIOD FOR PUBLIC COMMENT**

40 There was none given.

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43 **CONSENT AGENDA**

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45 **St. Lawrence Catholic Church Fall Festival – Request for Local Consent – Single Event**

46 **Permit:** Joe Dunbeck was present and requested the permit. He said this was the third year the
47 St. Lawrence Catholic Church had held this event.

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49 Councilmember Hokanson motioned to approve the permit. Councilmember Patterson seconded
50 the motion. Chief Rhoades asked if Dunbeck needed a road closure in the surrounding area as

1 he had requested in the past. Dunbeck said he was not going to ask for that this year. Voting
2 Aye: Council members Bradshaw, Hokanson, Horner, and Patterson.
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5 APPOINTMENTS

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7 **Shelton Taylor, Summit Engineering – Requesting extension of time to record plat –**
8 **Broadhead Estates Subdivision Phase II - Property located at approximately 750 East**
9 **Center Street;** Anderson said the subdivision was approved in July of 2007. Councilmember
10 Bradshaw moved to extend the deadline one year. Councilmember Patterson seconded the
11 motion. Voting Aye: Council members Bradshaw, Hokanson, Horner, and Patterson.
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14 ACTION ITEMS

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16 **Ordinance 2008-14 – An Ordinance Amending the Zoning Map of Heber City allowing for**
17 **an Accessory Apartment Overlay Zone for property located at approximately 236 East 300**
18 **South;** Mayor Phillips asked if 70% of the property owners had signed the petition. Jason Boal
19 said the Planning Commission had the petition and he apologized for not getting it to the
20 Council. He said there were signatures of 70% of the property owners.
21

22 Councilmember Patterson motioned to approve Ordinance 2008-14. Councilmember Hokanson
23 seconded the motion.
24

25 Councilmember Horner wanted to know the pros and cons of this ordinance. Boal said the
26 Planning Department and the Planning Commission had been talking about the Accessory
27 Apartment Ordinance. The Planning Commission wanted to make some changes. There were
28 some cities that used this as affordable housing. Boal thought the current ordinance was not
29 written well and that it was weak in many areas. The concept was a good idea. This particular
30 petitioner would meet the requirements that Boal intended to put into a new code. Boal wanted
31 to limit the size of the dwelling and the number of occupants that could live there. He also
32 wanted adequate parking made available.
33

34 Councilmember Horner asked if the City was playing favoritism as far as the location of these
35 apartments. Boal said that was a major flaw in the existing ordinance. Basically the current
36 ordinance stated these dwellings could only exist in a certain area. He said anyone else outside
37 the approved area could also come in and apply, so Boal did not think there was favoritism. He
38 felt instead of changing the zoning map, each request should be a conditional use.
39 Councilmember Horner felt that was a better way also. Boal said the Planning Commission had
40 been discussing the new code. He talked about the time frame and that in about one and a half
41 months the Council could see a proposed ordinance. Councilmember Horner asked if this
42 petitioner could wait for that new ordinance. Boal said the petitioner had already submitted his
43 request.
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45 Voting Aye: Council members Bradshaw, Hokanson, Horner, and Patterson.
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DISCUSSION/ACTION ITEMS

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3 **Discuss Road/Street Impact Fees (Councilmember Horner request):** Mayor Phillips asked
4 the Council to turn to the fee sheet in the binder. The City had been subsidizing some of the
5 impact fees for new businesses in the community. Councilmember Horner apologized and said
6 he had not done as much homework as he thought he would be able to do. He stated the City had
7 begun to subsidize road impact fees because it wanted to bring businesses into the City. This
8 was attractive, especially for the small business person that might not be able to locate in Heber
9 if the City did not subsidize it. He wanted to continue to subsidize businesses in order to
10 stimulate business, especially on Main Street. But in talking to engineers from other cities, there
11 were a couple of different ways this could be done. He recommended the Council look at
12 changing the requirements of subsidizing businesses. Councilmember Horner would like to see a
13 subsidy if the business was a passer-by or destination and a certain size of building to generate
14 growth, in downtown especially.

15
16 Mayor Phillips said there were many directions the Council could go on this issue. It could
17 continue by subsidizing like it was currently written. It could only help smaller businesses by
18 changing the language and capping the contribution amount. It could stop subsidizing
19 altogether. It could change the definition of the type of business it is - destination versus passer-
20 by and depending on the type, there would be a different rate payable. He thought there were
21 options.

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23 Councilmember Horner thought the Council should look at this. Mayor Phillips asked if the
24 Council wanted staff to do some work on this and put some options together for the Council.

25
26 Councilmember Hokanson asked which businesses were paying impact fees. Anderson said if a
27 business changed use, they might have to pay impact fees. In some cases, people could acquire
28 an existing business and don't need to pay a road impact fee. He said the City mostly got impact
29 fees from building permits.

30
31 Councilmember Hokanson wondered if this policy had attracted any businesses. Anderson felt it
32 had some impact. He said a year or so ago, there was a study done by Deseret News on the cities
33 that charged the highest impact fees. South Jordan was high on that list. He said national chains
34 were the most capable to pay and were more used to paying fees than the small businessman.

35
36 Councilmember Horner said the impact fees were a strain on small businesses. Mayor Phillips
37 said the Council needed to find a balance. The City could find a way to contribute and help and
38 yet have the businesses pay their fair share.

39
40 Anderson said roads were the only impact fee that the City subsidized. He suggested there had
41 been so many changes in the community, and that another impact fee study should be done.
42 Mumford was not here to defend himself. There were many costs and a lot of work to update
43 these fees and reevaluate what the City's road system was today versus five years ago. Anderson
44 said impact fee rates were updated every January but he did not know if they were consistent
45 with construction costs. This was important revenue to the City so it could have adequate
46 infrastructure and meet the demands of the businesses and the residents.

1 **Skoby Downs – 165 South 400 East – Waiver of Sidewalk and/or bonding in lieu of**

2 **(Continued from June 19, 2008, Meeting):** Mark Smedley had prepared an opinion letter.
3 Councilmember Patterson gave some thoughts from the Planning Commission. In that meeting,
4 the members still thought the City Council should stick with what the code reads now. Mike
5 Thurber said he talked with Smedley today and also Kieth Rawlings. The Planning Commission
6 was under the impression that funds couldn't be taken from one area and applied to another area.
7 Smedley said the City could apply those funds to different areas. With that knowledge, the
8 Planning Commission might want to re-think their recommendation.

9
10 Councilmember Hokanson felt giving the residents the option to pay the City in lieu of putting in
11 a sidewalk was a good idea. When there were sufficient funds, the City could do a whole street
12 at a time, which was a good alternative to piecemeal. At least the City would make some
13 progress on uniformity around town.

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15 Skoby Downs said the City had piecemeal sidewalks all over town. He suggested to take his
16 money and connect those pieces. Then move on to another place that was done piece meal. He
17 said he was not opposed to having a sidewalk, but he was opposed to having it only in front of
18 his house. He talked about areas that had piecemeal sidewalks and other sidewalks that were
19 cracked and broken. He said no one walked on the piecemeal sidewalks anyway, but walked on
20 the street instead.

21
22 Thurber said the ordinance had changed over the years and some sidewalks would not match up
23 and the widths would not match up.

24
25 Councilmember Hokanson liked the idea of looking at an ordinance where these lots being
26 affected could pay a fee in lieu. Jason Boal said he thought it could be put into the
27 Neighborhood Infill Lots Code. The Council was in favor of looking at a change in the
28 ordinance.

29
30 Councilmember Horner moved to waive the sidewalk requirement and accept the fee in lieu,
31 which fee was the sidewalk fee in the bond and after 2 years warranty, the extra 10%.
32 Councilmember Hokanson seconded the motion. There was no further discussion. Voting Aye:
33 Council members Bradshaw, Hokanson, Horner, and Patterson.

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35 **CITY COUNCIL BOARD ASSIGNMENT REPORTS**

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37 Wasatch County Housing Authority – 1st Wednesday
38 Wasatch County Weed Board – 1st Wednesday
39 Wasatch City/County Health Department – 4th Tuesday
40 Heber Light and Power – 4th Wednesday
41 Heber City Planning Commission – 4th Thursday
42 Historic Preservation – As Needed

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44 No reports were given.

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46 The meeting was adjourned at 8:20 p.m.