

Heber City Corporation  
City Council Meeting  
07/05/2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on July 5, 2007, 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

Excused: Shari Lazenby

Also Present: City Manager Mark K. Anderson  
City Recorder Paulette Thurber  
City Engineer Bart Mumford  
City Planner Allen Fawcett  
Police Sergeant Jason Bradley

Others Present: Laurie Turnblom, Justin Jenkins, Irene Hastings, Morris Carroll, Eleanor Nelsen, Landon Bonner, Bobbie Jo Probst, Mel McQuarrie, Kieth Rawlings, Scot Davis, Asher Richards, Stella Richards, Kimi Richards, Tish Dahman, Paul Berg, Annie Bruehl, Jennifer Kohler and others who either did not sign in or whose names were not legible.

Mayor Phillips welcomed those in attendance.

Pledge of Allegiance: Councilmember Elizabeth Hokanson  
Prayer Mayor David Phillips

Minutes: June 21, 2007, Work Meeting Minutes

Councilmember Hokanson moved to approve the June 21, 2007, Work Meeting Minutes. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

Mayor Phillips excused Councilmember Lazenby.

OPEN PERIOD FOR PUBLIC COMMENT

No comments were given.

## APPOINTMENTS

### **Landon Bonner – Subdivision Final Approval – Silver Ridge Subdivision – 500 East 309 South – Continued from 06-21-07 City Council Meeting:**

Mayor Phillips referred to a memo from the City Attorney, Mark Smedley, regarding this issue. Anderson referred to a letter in the Council materials provided tonight from Tish Dahman, Historic Preservation Committee. Anderson reviewed Dahman's letter which indicated the Committee felt the existing home on the property was of historic value. Anderson provided a copy of Heber City Code, 18.85.070D – Density Analysis (from the Cottage home Ordinance): No cottage home subdivision shall be approved if an existing home on the property to be subdivided is a home of historical significance and would be removed or torn down as a result of the subdivision. Fawcett indicated it was only the Cottage Home Ordinance that had this regulation. Councilmember Lange asked what criteria was used to make the determination that the home was of historic value. Dahman said they relied on Eleanor Nelsen's personal knowledge and the Daughter of Utah Pioneers' book "How Beautiful Upon the Mountain." Dahman explained the log cabin was still there but had been covered up with newer materials. They thought the home was salvageable but there were some things they could not determine, such as if there was mold in the logs, etc. Dahman agreed there needed to be some criteria established. She said if there had been some, it would have made their decision easier. She said though, if the layers were taken off, the original log home was intact. However, if those layers were taken off, she had no idea what they would find. She said, too, they had only a few hours to make a decision. She said the Committee all agreed if they had some criteria to work with, they could make better decisions. Dahman talked about other homes in the area and the importance of creating an ordinance that protected homes of historical value.

Councilmember Hokanson felt it was time to re-look at the Cottage Home Ordinance. She thought it might have outlived its usefulness as it was created to fill in lots in old town but now developers were looking at lots outside of old town to build on. She agreed there needed to be criteria to determine historic value and questioned who should do that. Discussion.

Councilmember Hokanson moved to approve the Silver Ridge Subdivision as an 8-lot subdivision and not have the cottage home lot and then asked if that was doable. Anderson said the Subdivision, as designed, showed a retention pond between the garage and driveway. The retention pond would be about where the existing house was located. He felt the Planning Commission and Engineering Department would have to look at this again if the plat was changed. Councilmember Hokanson indicated she had been premature in making the motion and withdrew it.

Mel McQuarrie indicated he felt the subdivision could be engineered for 8 lots. He questioned if this issue should be given more time and said he hated to see quick decisions. Bonner pointed out that with the way the road had to come into the subdivision, the existing house would be too close to it.

Councilmember Bradshaw said the Planning Commission planned on revisiting the Cottage Home Ordinance and the feeling seemed to be the Ordinance would change. He agreed the issue was about a home that was an old home built by someone that was significant in the founding of the Valley. He said there were a lot of homes that would fit into that category that had been drastically changed over the years. He felt if the historic nature of the home was intact that was one thing to consider, but otherwise it probably should not be considered.

Bonner indicated he was OK with an 8-lot subdivision; however, he had been to many meetings that discussed affordable housing and that was their thinking when the cottage home lot was created. Councilmember Lange said he had concerns with making decisions without criteria and wondered about the legal ramifications. Kieth Rawlings, Planning Commission, said there was a little criteria which did not allow a home to be torn down. Dahman felt now was a good time to start this discussion and get criteria in place before it was too late to save homes. She wanted to see criteria created and a listing of homes that should be saved.

Councilmember Hokanson said there were two things to look at: 1) the historical significance of the home and 2) the ordinance. She said the reason that part of the Ordinance was put in place was so that old homes were not torn down unnecessarily and cottage homes built. She said she did not want to see this house torn down.

Mayor Phillips questioned if there should be conflict in the Code between the Cottage Home Ordinance and the other residential ordinances.

Anderson asked how does one make an adobe and log home functional after restoration.

Mayor Phillips asked if Bonner wanted to table or wanted to move forward. Bonner said table and do some study.

Fawcett said he had a lot of background with historical issues and what Dahman said was true. Its not just the home, he said, and groups tended to error on the architectural side. Fawcett defended the Cottage Home Ordinance.

Anderson felt engineering should look at it as an 8-lot subdivision. Mumford pointed out that if the house didn't move, the storm drain system would have to be reconfigured. He suggested the Council take Fawcett's lead and get criteria in place and especially use Fawcett's experience and knowledge. It was agreed the criteria needed to be established.

Councilmember Hokanson said she could not see any benefit in subdividing this into two cottage homes. She felt the only benefit the City would get was affordable housing lots. She did not feel that cottage homes were really affordable but only gave more money to developers. She said the infill was taking place but the affordable was not.

Councilmember Lange talked about Mr. King's letter and request. It was indicated Anderson would give him an answer based on the legal opinion.

There was additional discussion about approving an 8-lot subdivision but if that happened, there were engineering issues that had to be addressed. Rawlings talked about whether the home had to be removed for the road to work. Commissioner Nelsen reminded the Council of the setback requirements and read from the current Ordinance the law about historic homes, subdivisions and cottage homes. She said they had plenty of room to make cottage homes even if they left the current home standing.

Councilmember Lange moved to send this issue back to Planning Commission. Councilmember Hokanson made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, and Elizabeth Hokanson. Voting NAY: Jeffery Bradshaw. Councilmember Lazenby was excused.

At this time a five minute break was taken.

**Morris Carroll – 151 West 700 South – Request to pipe ditch/storm drain:** Anderson said the ditch in question belonged to Wasatch Irrigation and that it was the responsibility of those receiving water to maintain it. Carroll said the ditch was on his property but ran between him and his neighbor. Carroll said he had two surveyors look at it. They could not find markers but had determined the ditch was on his property. He said he first contacted Steve Tozier because of all the debris that came down from Pizza Hut (he thought). However, McKrola said the irrigation ditch was now a storm drain ditch. He said he was being told two stories. Discussion about who received the water from that ditch. Carroll said he and his neighbor were going in half for a fence and after that was installed to clean out of the ditch would have to be done by hand with a shovel and wheelbarrow. Carroll said both Tozier and McKrola felt this should be covered.

Mayor Phillips talked about those that benefited from the water source. Carroll indicated that before Tozier cleaned the ditch out, there was 6” of debris in it and the water was more on his property than in the ditch.

Councilmember Shelton said he understood the situation. He discussed the fact that in development there was trash generated that normally would not be. He said the irrigation company would not go out and clean supply ditches on private property as their responsibility ended at the canal. Consequently, it was the responsibility of the shareholders to keep the ditch clean. Councilmember Shelton felt that, as far as the irrigation company, it was a lost cause; but as far as the City, he thought there might be some responsibility. He pointed out, though, if the City put a culvert in that ditch, there would be others requests and “where do they stop?” He talked about the cost of the pipe. Carroll discussed the depth of the ditch and the children in the area. He talked again about the trash that came down the ditch. Councilmember Shelton said Heber City, by ownership of streets and the garbage coming down from them, had some responsibility.

Councilmember Lange moved to put this issue on a work meeting and have this studied. He talked about an ordinance addressing this issue which he felt had been taken off the books without the Council knowing about it. Councilmember Shelton made the second. The voting was unanimous in the affirmative.

Councilmember Lange said the Council would get back to Carroll after a study was made. Anderson said the 19<sup>th</sup> of August was the next meeting that this could be discussed. Carroll talked about the fence and said he did not want tractors, etc., going in there to clean out the ditch. Carroll asked how soon the pressurized irrigation would be in place in that area. He said he didn’t want to deal with the garbage that was coming down with the ditch water anymore. Anderson said he would talk with the engineering to see what solutions could be taken to prevent the debris

**Timpanogos Valley Theatre (TVT) - Request to renovate the historic Social Hall located at the corner of 100 North and 100 West to its original use as a home for performing arts:**

Councilmember Lange asked about the County Recreation Department. Anderson said until they moved, the City couldn’t do much. He talked about the possible new recreation facility and that the County Recreation Department would probably move there if that went through. Anderson indicated the three-year lease with Wasatch County for that building had expired.

Laurie Turnblom introduced herself and some of those with her. They had a power point presentation which was shown. She indicated the Timpanogos Valley Theatre Company focused on family. They showed a listing of their past shows and a listing of the next year’s shows. She

talked of the limited space they now had and they felt the Social Hall would be the best permanent home for them. It was indicated they were looking for grants and private donors so they could renovate the facility. She said that 70% of their success had to come from sponsorship and that ticket sales were a very limited resource. The blueprints of the proposed renovation were shown.

Mayor Phillips felt this was a great idea but suggested there were some obstacles to overcome. Councilmember Lange said the roof had been reinforced. Councilmember Bradshaw said this was precisely the kind of thing CAMS wanted to see and he thought it was a great idea. He said he felt this was needed in the community and said he would rather see it in downtown Heber City than other places. He suggested there were ways to overcome the obstacles. Turnblom said they wanted to partner with the City and the DUP in any way they could as they knew they were looking for a permanent home, too. Councilmember Shelton felt this was a great idea. Councilmember Hokanson said she was in favor. She said there would be things to work out, but thought the timing was right. Anderson said his concern was with parking. He felt the only way the proposal could function was if their events didn't conflict with City and County meetings. Turnblom said without the balcony, they could seat 200/250 and that using the balcony was a ways out. It was suggested that the parking issue would determine what could be done inside. Anderson said another concern he had was an upgrade to existing restrooms. He did not think the current restrooms would be adequate. He said that needed to be looked at with an architect.

Anderson said when this building was given to Heber City in the 60's, it was with the caveat that it remain in the hands of the public. He felt this use would be compatible.

Mayor Phillips said in months past the Council had talked about that building and what would become of it when the City's new building was built. Anderson said he had talked with Mike Davis, Wasatch County, and they were hoping their stay in the Social Hall would be short. Councilmember Hokanson asked about concerts. Turnblom said it would be in the best interest to use the building all the time and not just for theatre. Anderson indicated the City had been allowing the TVT to use the old Public Works Building for storage and that building would be coming down soon.

Turnblom asked what the next step was. Anderson said talking with Wasatch County about parking, evaluating the type of restrooms and number of restrooms that were needed, and then look into ways to fund it. He did not know what level of financial assistance the City could promise

Councilmember Hokanson made a motion in support of the request by the Timpanogos Valley Theatre to renovate the Historic Social Hall located at the corner of 100 North and 100 West to its original use as a home for performing arts. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

#### ACTION ITEMS

**Russ Watts – Watts Enterprises – Requesting Clustered Open Space Zone (COSZ) Multi-Family Final Approval – Ranch Landing Development – Phase I - Located at approximately 500 East 1200 South – Approval of Subdivision Agreement:** Mayor Phillips indicated the City had been working with this development closely. He reviewed some of the background. He said he and Anderson, the Housing Authority, the School District and others had

met about this issue. He said the Planning Commission had given a favorable recommendation to this development.

Watts addressed the Council and said he had been working on this concept with the Planning Commission and engineering the last 18 months or so. He said the goal from the start was to create a community that had open space, trails, a sense of community and affordability. He said they wanted to create a community for “essential community workers.” An overhead was shown of the project.

Watts said they had an agreement with the School District regarding 500 East. He said, too, they had an agreement with the Housing Authority that they would own one building for seniors and the disabled. It was indicated that building would be under the control of the Housing Authority and would not be included in the program for essential community workers. Watts had a handout which outlined a new 10-point program that would accommodate essential community workers. He said he had been studying this issue/problem over the last few months and the program he proposed was patterned after Jackson Hole, Wyoming’s plan.

Mayor Phillips discussed the plan and how this developer had worked to really answer the affordable housing issue. Discussion about the program and how an initial owner that wanted to sell could only realize a certain profit. Councilmember Hokanson said she did not think a 20-years control was enough. Watts said the time frame would be controlled by the Housing Authority and that this was just a proposed plan and could be changed depending on the desires of those finalizing the program. Councilmember Lange said he did not think the open space would be that desirable to the seniors and that they would rather have a warm place with a Jacuzzi. Anderson said the City would like to have those homes as an option for workers and would like to reduce the criteria for approval. Mayor Phillips said he would like to see pockets of these all over the valley.

Mumford talked about the project from an engineering prospective. He said what people would own was the house and not the property it sat on. The property was all private. He said rather than the typical subdivision, the utilities would be private and not public and the standard would be different than the City’s; however, the City would have easements. Mumford talked about one meter per building and that the HOA would be billed rather than individuals. He said the billing department had concerns with how to shut one person off for not paying when the meter was to all homes in the building. Watts said he had been doing these types of projects for 30 years and all had been successful. He asked the Council if they would consider, at the next meeting, allowing them an exception so they could get their improvements installed in conjunction with the School District. It was indicated with an exception, they could have homes available six months sooner than otherwise. Watts explained that when a home was built, the owner gets a percentage of the openspace, etc.

Jennifer Kohler, Wasatch County Housing Authority, thanked the Council for this opportunity. She felt it was paramount for the City to be involved in this program. She said when Watts first talked about the program, everyone was excited. She said she appreciated the Council considering this program and what was presented to them tonight.

Councilmember Bradshaw said he also felt a 2-year time frame to wait to be eligible was too long. He suggested one year. Anderson wanted a time frame even less than that. Fawcett said the original idea was to offer these homes in hiring negotiation. He thought, too, the time needed to

be flexible. Councilmember Hokanson felt the program could be worked out and suggested the longer a person lived in the project, the less they should lose when they sold.

Anderson talked about the subdivision agreement. He asked if the Council wanted the staff to look at a different point in time when building permits would be available. Councilmember Bradshaw said other communities had condos and they must have ordinances that address these issues. Mayor Phillips asked about the ordinance passed a few weeks ago and if that would work with this project. Anderson reviewed that ordinance and suggested this was different enough that he felt the engineering department should work on a different ordinance. Watts said he had some templates that he could show the City.

Councilmember Bradshaw moved to approve Phase 1 of Ranch Landing along with the associated Subdivision Agreement and to put an ordinance together for next meeting, or as soon as possible, to allow for flexibility in issuing the building permits for this project. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

Anderson said he felt staff needed more time to address the issue of issuing building permits for this project and it would probably be put on the August 16 meeting agenda.

**Set Public Hearing – Ordinance 2007- 29 An Ordinance annexing .18 acres of property located at the northeast quarter of Section 17, Township 4 South, Range 5 East, which was previously located in the Giles Subdivision at the north end of Timp View Drive and known as the Heber Meadows Annexation:** An overhead of the area was shown with proposed amendments to the subdivision.

Councilmember Hokanson moved to set a Public Hearing for July 19, 2007. Councilmember Shelton made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

#### DISCUSSION/ACTION ITEMS

**Ordinance 2007-30 – Update of Consolidated Fee Schedule as it relates to Building Permit Fees:** Mayor Phillips indicated there had been discussion during the budget meetings about fees and possible changes.

Anderson discussed the proposal of having different fees based on backlog and the ability of staff to keep up. He talked about the new person being hired to take Gary Carlile's place and his wage scale. There was discussion about paying a fee to get a permit to the head of the line. Mayor Phillips had concerns with the "quick review" language as did Councilmember Lange. Councilmember Hokanson asked about the miscellaneous permit fee. Discussion.

Councilmember Shelton moved to adopt Ordinance 2007-30, an Ordinance updating the Consolidated Fee Schedule as it related to Building Permit Fees. Councilmember Bradshaw made the second. There was additional discussion about the fairness of a process that allowed for a quick review. The Council felt if that policy became a problem, it could be changed. Councilmember Lange wanted a three-month study on how many plans were reviewed by an outside person. Anderson said he would ask Greenhalgh to make a report each month on his staff report. Voting Aye: Terry Wm. Lange, Vaun Shelton, Jeff Bradshaw and Elizabeth Hokanson. Councilmember Lazenby was absent.

**Discuss Cancellation of August 2, 2007, Council Meeting due to Fair Days:** Councilmember Hokanson moved to cancel the August 2, 2007, City Council meeting because of activities during the Wasatch County Fair Days. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

**Discuss Request from Wasatch County for financial participation in utility costs for the proposed Recreation Center:** Anderson indicated Mike Davis had visited with him earlier in the week. It appeared the County met with the City Council a month or so ago and asked for support from them on the proposed recreation center and particularly with utilities. It was felt the City felt favorably about this issue. During the Interlocal Meeting, more discussion was held on the issue. A letter outlining the City's stand had been drafted and presented to the Council for approval.

Mayor Phillips indicated that when this discussion was held during the Interlocal Meeting, Councilmembers Shelton and Bradshaw made it clear there was a fairness factor that had to be considered. Councilmember Bradshaw talked about revenue sharing and said if that came to fruition, it might be a possibility to support the utility costs. There was discussion about some of the things the County had done, high school rodeo, etc., that benefited Heber City directly. Mayor Phillips agreed that participating in utility costs was more palatable to support based on the revenue sharing issue being adopted. Anderson suggested language be added to the letter about revenue sharing. Councilmember Bradshaw suggested the other entities pass a Resolution in support of the City's overlay zone.

Anderson was asked to add a paragraph about revenue sharing because, depending on the November election, the City might have more opportunity than otherwise. Councilmember Bradshaw felt the Wasatch County Recreation Department needed to pay their share of the expenses which they now incur. Anderson felt a property tax increase in support of the Recreation Center would be supported by the community. Councilmember Shelton indicated he preferred no reference to revenue sharing in the letter. Discussion. The council decided to send the letter as drafted.

Mayor Phillips indicated Sherm Christin wanted off the Affordable Housing Authority Board because of conflicts in his schedule. He recommended Councilmember Hokanson be on that Board to take Christin's place. The Council was favorable to that recommendation.

At 10:10 p.m. Councilmember Lange moved to go into Executive Session to discuss personnel issues. Councilmember Bradshaw made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeff Bradshaw and Elizabeth Hokanson. Councilmember Lazenby was excused.

Those going into Closed Session: Mayor David Phillips; Councilmembers Lange, Shelton, Bradshaw and Hokanson; City Manager Mark Anderson; and City Recorder Paulette Thurber.

At 10:27 p.m., the Council moved back into Open Session and adjourned the regularly scheduled Heber City Council Meeting of July 7, 2007.

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Paulette Thurber, City Recorder