

Heber City Corporation
City Council Meeting
August 16, 2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on 08/16/2007, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Terry Wm. Lange Vaun Shelton Shari Lazenby Jeffery Bradshaw Elizabeth Hokanson
Also Present:	City Manager	Mark K. Anderson
	City Recorder	Paulette Thurber
	City Engineer	Bart Mumford
	City Planner	Allen Fawcett
	Chief of Police	Ed Rhoades

Others Present: Perry Rose, Tom Post, Heidi Post, Bob Sawdey, Sherry Sawdey, Julie Bernhard, Matt Kimber, Irene Hastings, Abby Bocanegra, Matt Bocanegra, Annie Bruehl, David Mahoney, David (DJ) Mahoney, Nile Horner, George Bennett, Kieth Rawlings, Mike Johnston and Mike Thurber.

Pledge of Allegiance: Councilmember Shari Lazenby
Prayer Councilmember Terry Wm. Lange

Minutes: April 5, 2007, Regular Meeting
July 19, 2007, Special Work Meeting
July 19, 2007, Regular Meeting

Page 1 of 5 – 07/19/2007 Work Meeting Minutes: “trials” should be “trails”.

Councilmember Lazenby moved to approve the April 5, 2007, Regular Meeting Minutes, the July 19, 2007, Special Work Meeting Minutes and the July 19, 2007, Regular Meeting Minutes with the one correction as indicated. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

Mayor Phillips welcomed the Boy Scout and had him give his rank and troop number.

OPEN PERIOD FOR PUBLIC COMMENT

George Bennett, Board of Adjustment Chairman, asked that the City Council consider an additional alternate member for the Board of Adjustment. The Council indicated they would consider the request.

Bob Sawdey - Mill Road across from Heber Meadows Subdivision. Sawdey asked if the City had an ordinance on dust suppression on these kind of jobs. He said he had talked to the workers and they smile and nod but nothing happens. He had also made three calls to Mumford, but got no response from him either. He said this was a problem when they were not working as well as when they were working. Mayor Phillips asked staff to look into this issue. Mumford said it did not specify in the City Code about dust but he felt this would be regulated under the Nuisance Code. He said the contractors needed to be more careful and until it reached the level of a nuisance, and there was no level to determine what amount was a nuisance, there was no other regulation. Mumford said he had received the three calls from the Sawdeys but they had not left a return number so he had sent the inspectors out. Sawdeys said no one had come by their home. Mumford said the City wanted to be a good neighbor. Sawdey said he had been in the industry for 30 years and knew how the game was played. Mumford talked that everyone's perception on what constituted a nuisance was different. Councilmember Lange talked about the City Code and also how Provo and Orem handled the same situation. Sawdey had some pictures that he gave to Mumford for reference. Councilmember Lange felt the City's Code might need some clarification. Mrs. Sawdey said the dust problem wasn't just outdoors. She said to leave the windows open and maintain a dust free home was impossible. She indicated both she and her husband had breathing problems.

CONSENT AGENDA

Approval of Election Judges for the Primary Election to be held on September 11, 2007:

St Lawrence Catholic Church Fall Festival – Request for Local Consent – Single Event Permit:

Councilmember Hokanson moved to approve the Consent Agenda. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

APPOINTMENTS

D.J. Mahoney – Presentation of Eagle Project – Message Board at the Cemetery: Mahoney said he wanted to build a message board for the cemetery. He said the idea came about after a phone call to Mark Anderson and Mark Rounds. He said he met with Rounds at the cemetery and Rounds explained the need for the message board. During the meeting, Rounds showed him the location and what they were looking for, the materials to use, ways to open and close it, a lock, etc. It was then explained he had to go to the City Council for approval. Mahoney said the approximate cost was \$500.

Councilmember Lazenby was in favor of a message board and felt it was a great idea. Councilmember Hokanson agreed. Anderson said the hope was to have a map of the cemetery on the board, as well. It was pointed out the Council had actually talked about this kind of project during budget meetings.

Councilmember Lazenby moved to approve the message board for the cemetery. Councilmember Bradshaw made the second. No further discussion. The voting was unanimous in the affirmative.

Abby Bocanegra – 1180 East 50 North – Fence Issues – Requesting an amendment to

Section 18.52.020 and/or 18.68.120: Mr. and Mrs. Bocanegra appeared before the Council to discuss fencing issues. They indicated their home had an existing fence when they bought it but the wood was deteriorating and they tore it down. Mr. Bocanegra explained their request was for a variance to install an eight foot fence. He indicated the neighbor's house was elevated and they needed the eight foot fence for privacy in their back yard and they also wanted a six foot fence on the side yard because they got a lot of noise from Center Street traffic. He said, too, they had put in a basketball court in the side yard. He referenced some other six foot fences and said their proposal was no different than those. He said the neighbors had dogs and the smell from that was quite unbearable and also thought the eight foot fence would help with that issue.

Mayor Phillips said the City Council was not empowered to grant a variance. Anderson said the body that did grant a variances was the Board of Adjustment but he did not think this request qualified for a variance.

Councilmember Lazenby talked about exceptions for fences in industrial areas. She also felt that different sloped areas should be considered when applying the fence ordinance. Mr. Bocanegra talked about some of the neighbors that had built their fences on a retaining wall which, in the end, gave them an eight foot fence. Councilmember Lange agreed and said it was true that slopes caused a problem with fence heights but did not think that had ever been addressed. Anderson said staff had talked about this issue where there was significant grade issues but agreed that it had not been considered at the Planning Commission level that he was aware of. Discussion about six foot fences on retaining walls. Councilmember Hokanson said she had brought that issue up before. She did not think retaining walls and six foot fences should be allowed and felt the fence issue needed to be discussed again.

Councilmember Hokanson reviewed the history of the six foot fence in the Ivory Subdivision. She discussed double frontage lots. Anderson talked about collector roads and fences along those. Mr. Bocanegra said the Code should be consistent and without exceptions. Councilmember Hokanson agreed and said it came down to safety, aesthetics, small town atmosphere and more. She indicated she had had a lot of discussion with people about fences over the last few years. Councilmember Lazenby wanted to consider slopes and grades in the ordinance and define an exception, if necessary. She said some issues were unique and should be looked at differently. She said she wanted to be a more flexible community. Councilmember Hokanson, referring to the Valley Hills area with people living above other people, and asked if the Council should allow 20' fences.

Anderson asked if the Council found this to have merit enough to have the Planning Commission look at it again and consider grades, slopes, and neighborhoods. Councilmember Hokanson said last time this was looked at, the applicant went around in their neighborhood with a petition. Johnston felt most people were opposed to 6' fences along sidewalks. Councilmember Hokanson said this particular issue really affected the neighborhoods.

Councilmember Hokanson moved to deny the request for an eight foot back yard fence and a six foot side yard fence. Councilmember Lange made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeffery Bradshaw and Elizabeth Hokanson. Voting NAY: Shari Lazenby.

Councilmember Lazenby moved to send this issue back to the Planning Commission to revisit and refine exceptions for those with slope and grade issues. Councilmember Lange made the second. Councilmember Hokanson said she did not see any harm for them to look at this but wanted the Planning Commission to remember the standards the City was trying to achieve. She did not think any planner would allow eight foot fences. Councilmember Lange said the hope was for them to take some field trips and look at some of the problems. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby and Jeffery Bradshaw. Voting NAY: Elizabeth Hokanson.

Tom Post – Requesting approval of an alternative plat configuration of the Ron Davis Subdivision approved on July 19, 2007 – property located at approximately 485 South 100 East: There was no discussion on this agenda item.

Councilmember Lazenby moved to approve the alternative plat configuration on the Ron Davis Subdivision located at approximately 485 South 100 East conditioned upon the recommendations of Staff. Councilmember Lange made the second. No further discussion. The voting was unanimous in the affirmative. The following are the conditions:

- 1) Install a fire hydrant at the southwest corner of the intersection of 500 South and 100 East so that the three lots are each within 250 feet of a fire hydrant
- 2) Installation of curb, sidewalk, and asphalt along 500 South and replacement of damaged sidewalk and curb along 100 East
- 3) Dedication of a water right to the City for the two new lots
- 4) Installation of water and sewer laterals for the two new lots
- 5) Install a new ADA accessible ramp on the corner.

Spencer Park – Final Plat Approval – H C Brown Subdivision – Property located at approximately 90 West 600 South: There were no questions or discussion on this agenda item.

Councilmember Bradshaw moved to approve final plat approval for the H C Brown Subdivision located at approximately 90 West 600 South conditioned on the requirement of the Engineering Department and turning over the required water right for the new building. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

ACTION ITEMS

Ordinance 2007- 32 - An Ordinance Changing the name of the Future Landuse Map to General Plan Map and incorporating 13 amendments as proposed by the Planning

Commission: Councilmember Lazenby moved to approve the name change of the Future Landuse Map and incorporate the 13 suggested amendments to the map as proposed by staff. Councilmember Bradshaw made the second. Mayor Phillips asked for discussion.

Kieth Rawlings, Planning Commission Chairman, indicated that since discussion at the Planning Commission level, he had had further discussion with people in the community and concern had been expressed about how Heber had more and more residential and not enough property for business and industrial purposes. He pointed to the blue area on the overhead, which goes along Mill Road and Highway 40, and asked the Council to consider extending that blue as far north as they would care to go. He also felt the need for Heber City to have more acreage for industrial and manufacturing purposes.

Councilmember Lazenby withdrew her motion. Councilmember Bradshaw withdrew his second.

Mike Johnston, Summit Engineering, said he had been a part of the discussion on most of the changes. He pointed out that Heber City was “hemmed in” by Special Service Districts, Daniels and the Northfields. He speculated that there would not be a lot more annexation into Heber City and that this area was a key part for economic development for Heber City. He indicated there were 1,000’s of proposed residential lots in the County. Looking ahead 20 years and not planning for economic growth via industrial and manufacturing would be a mistake. He said now was the time to expand that blue area. He felt that area was all that was left for that kind of growth and did not feel that area was the best for residential, anyway. Johnston talked about the possibility of jobs in Heber if that area was planned for manufacturing and business and/or industrial. He pointed out the highway infrastructure and airport were in that area which made it perfect, in his mind, for people to look at and see possible business opportunities.

Mayor Phillips asked about the boundary line on the west being drawn in. Rawlings said the Planning Commission felt the bypass would be a natural boundary. It was indicated further west might be difficult to develop because of the Special Service Districts in the area. Anderson said nothing precluded the Council from amending the map in the future as it had been changed in the past numerous times.

Councilmember Bradshaw agreed with Johnston about needing more area designated for manufacturing and business park. He questioned what the repercussions from Wasatch County would be since they had residential along the side of this area. Councilmember Lange wanted to put this issue before the County Planning Commission.

Councilmember Lazenby moved to continue this issue and ask planning staff and the Planning Commission to visit with the County about the issues discussed. Councilmember Shelton made the second. No further discussion. The voting was unanimous in the affirmative.

Resolution 2007- 07 – A Resolution entering into an agreement between Heber City Corporation and Habitat for Humanity to develop the old public works facility located at 400 North 400 West:

Anderson recalled that back in June, the City Council held a public hearing to discuss the disposal of the property located at 400 North 400 West. At that meeting there was a request for staff to look at ways to support affordable housing. Consequently, he and Tony Kohler met with Habitat for Humanity along with a few others. It was suggested the City consider a partnership where Habitat removed the structures and go through the subdivision process on the property. In the end, Habitat would have two lots and the City would have two lots possibly for affordable housing lots. Anderson said this particular property would not meet the significant parcel definition. He continued that the proposal was that the City provide the water right for all the lots and Habitat would pay the normal impact fees. It was felt this would keep the City reasonably whole financially. It was indicated Jodi Hoffman, attorney for Habitat, drafted the agreement before the Council tonight. Anderson said the Council probably needed to accept public comment for two more weeks to make sure there were no challenges on the proposal. Consequently, the Resolution suggested that if adopted, the City would accept public comment until September 3, and if public comments were received, the issue would be added to the next available agenda for consideration of the agreement. It was indicated the idea was for the City to retain title to the property until the subdivision was recorded and then give up title to the two lots. Anderson suggested the City would waive fees to go through subdivision process.

Mayor Phillips discussed the differences in the City providing the water shares and Habitat paying impact fees and the revenue if lots sold outright. It was felt the cost of the water was approximately \$6,000 - \$8,000 per lot.

Councilmember Lange felt the Council ought to look at one other option - multiple housing for seniors. Anderson said the City Code did not allow for this parcel to be multiple housing. Councilmember Lange emphasized the City needed more senior housing and wanted to look into keeping title to the property. Anderson suggested this parcel was not good for senior housing because of the location and availability to services. Councilmember Lange disagreed.

Mayor Phillips clarified the proposed Resolution and the goal of the City for affordable housing. Additional discussion about the financial differences in this partnership and selling the land outright. Anderson felt the financial issues were fairly equal.

Anderson indicated he had the Health Department evaluate the site and said there was some oil that had seeped into the floor of one building. He discussed Heber City's obligation, per the agreement, to remove that soil. It was stated after all issues had been addressed, the Health Department would provide a letter stating that the property was suitable for residential development.

Discussion about the size of the lots and that they were the same as the rest of the area in the R-3 Zone. Mike Johnston felt the financial issues were "sixes" and suggested this was a very good trade. He asked if the City could make these available for City employees or the School District employees. Anderson did not think the City had anyone that would qualify. Bernhard said she could change the percentage of the median income to 60% if the Council wanted to help accommodate a City employee. Councilmember Hokanson also wanted preference to be given to Heber City employees or the School District employees. Bernhard said certainly, she wanted to make this work and be a win/win situation for everyone.

Councilmember Hokanson moved to approve Resolution 2007-07 and the associated agreement and authorize Mayor Phillips to sign the agreement if there were no protests from the public notice. Councilmember Lazenby made the second. It was suggested a bullet point be added to the final agreement that Habitat be responsible to give preference to either the Heber City Employees or the School District Employees. Councilmember Hokanson accepted that suggestion to her motion. Councilmember Lazenby also concurred. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

Resolution 2007 – 08 - Notice of Pending Ordinance – Affordable Housing:

There was no discussion on this issue.

Councilmember Lazenby moved to approve Resolution 2007-08 – Notice of Pending Ordinance, Affordable Housing. Councilmember Bradshaw made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

Clarification was made that anyone already having a petition in the process would be subject to the ordinance as currently written and prior to change.

Mayor Appointment to the Wasatch County Affordable Housing Authority Board: Mayor Phillips recommended the name of Councilmember Jeff Bradshaw to serve on the Affordable Housing Authority Board.

Councilmember Lange moved that Councilmember Jeff Bradshaw's name be submitted to Wasatch County and recommend he represent Heber City on the Affordable Housing Authority Board. Councilmember Shelton made the second. The voting was unanimous in the affirmative.

DISCUSSION/ACTION ITEMS

Discuss providing a Letter of Support to the Wasatch County Health Department– Prohibiting Smoking in certain Public Places:

Councilmember Lazenby said during the fair this year the Health Board looked into ordinances and regulations about smoking and found there were no regulation about smoking in public places. Thus the enclosed draft was prepared which would govern smoking in outdoor public places. She asked the Council for support of this proposed regulation. The Council felt good about giving a letter of support.

Councilmember Lange moved to write a letter of support for the regulation governing smoking in outdoor public places. Councilmember Lazenby made the second. Anderson indicated if this regulation was adopted, the City would be obligated to place signage in parks and there would be citations given. The vote was unanimous in the affirmative.

Chief Rhoades indicated there had been some issues in the Park relating to alcohol during the Farmers Market.

CITY COUNCIL BOARD ASSIGNMENTS

Wasatch County Housing Authority – 1st Wednesday – **Shelton**
Heber City Planning Commission – 2nd Thursday – **Bradshaw**
Wasatch City/County Health Department – 4th Tuesday – **Lazenby**
Heber Valley Special Service District – 3rd Wednesday – **Phillips, Shelton, Hokanson**
Heber Light and Power – 4th Wednesday – **Phillips, Lange, Shelton**
Heber City Planning Commission – 4th Thursday - **Bradshaw**
Historic Preservation – **Councilmember Lazenby**

Discussion about Weed Control and the Weed Control Board was held during the Work Meeting. See above discussion relating to the Health Board.

CLOSED SESSION – PURPOSE TO BE MADE IN MOTION

Councilmember Shelton moved to go in Closed Session to discuss the sale of land. Councilmember Lazenby made the second. The voting was unanimous in the affirmative. Those going into Closed Session: Mayor David Phillips; Councilmembers Lange, Shelton, Lazenby, Bradshaw, and Hokanson; City Manager Mark Anderson; City Recorder Paulette Thurber; City Engineer Bart Mumford (for part of the meeting) and Chief of Police Ed Rhoades (for part of the meeting).

At 9:42 the Council moved back into open meeting.

As there was no further business, the regularly scheduled meeting of the Heber City Council held on August 16, 2007, was adjourned at 9:42 p.m.

Paulette Thurber, City Recorder