

Heber City Corporation
City Council Meeting
09/21/2006

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on 09/21/2006, 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: Kathryn Rhoades, Rene Wood, Ken Van Wagoner, Brent Overson, Harold Jensen, Evelyn Jensen, Lanay King, Kent King, Piper Riddle, Rodney Riddle, Stacey Ailshie, Eric Campbell, Jennifer Thatcher, Clay Mayo, Carol Ann Welch, John Burns, Drake Sampson, Nathan Hyde, Chris Sampson, Matt Spencer, Lauren Jennings, Dave Spencer, Irene Hastings, Taura Holmes, Tracy Taylor, Verna Sweat, Charisse Sampson, Cary Holmes, Brian Ailshie, Jill Winterose, Kolby Petersen, Daniel Lowell, Kimi Richardson, Bruce Welch, Linda Bliss, Mike Kohler, Lareen Rodriquez, Randa Morgan, Kim Spencer and others whose names were not legible.

Mayor Phillips welcomed everyone. He asked if anyone would like to offer the prayer or make comments. John Burns volunteered to say the prayer.

Pledge of Allegiance: Councilmember Terry Wm. Lange
Prayer: John Burns

Minutes: August 17, 2006, Regular Meeting
September 7, 2006, Work Meeting
September 7, 2006, Regular Meeting
September 11, 2006, Special Meeting

Councilmember Lazenby moved to approve the August 17, 2006, and the September 7, 2006, Regular Meeting Minutes, the September 7, 2006, Work Meeting Minutes and the September 11, 2006, Special Meeting Minutes. Councilmember Lange made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Phillips invited the audience to speak to the Council on anything that was not already on the agenda. He explained the need to come to the microphone and state their name before making comments. No comments were received.

CONSENT AGENDA

Approval of Cooperative Agreement with UDOT regarding Pedestrian Flags: Anderson said UDOT had completed their evaluation of Main Street and determined they would allow crossings for pedestrians on the following locations:

- Intersection of US-40 (Main Street) and 100 North, south leg only
- Intersection of US-40 (Main Street) and 200 South, south leg only
- Intersection of US-40 (Main Street) and 300 South, north leg only

It was explained this Agreement allowed for the City to put up pedestrian flags. An overhead was shown that depicted a possible design for the flags and holders for the flags.

Anderson said there was interest from a Scout to install the holders, etc., as an Eagle Project.

Mayor Phillips questioned the language in the document that indemnified UDOT which put more liability on Heber City. He wanted to make sure the Council understood that language. Anderson discussed a current lawsuit as a result of a boy being hit on Main Street earlier in the year. Councilmember Hokanson wondered if Anderson should talk with legal council about putting a disclosure on the flag. Councilmember Lazenby said there was a disclaimer on the pole that held the flags in Orem City. Anderson said the biggest problem with traffic on Main Street was when a vehicle in the closest lane to the pedestrian stopped for the pedestrian and the vehicle in the lane further away from the pedestrian didn't stop. Discussion that the flags would not help that kind of situation. However, it was felt a flag did help the visibility issue.

Councilmember Hokanson moved to approve the Agreement with UDOT regarding Pedestrian Flags on Main Street in the locations as listed. Councilmember Bradshaw made the second. No further discussion. The voting was unanimous in the affirmative.

PUBLIC HEARING 7:20 p.m.

Ordinance 2006-18 – An Ordinance Annexing Property known as the McNeel Schneider Property Annexation – Property located at 950 South 800 East and contains 24.062 acres of land: The City Recorder read the Public Hearing notice from the Wasatch Wave. It was indicated the Planning Commission had reviewed the annexation. It was also indicated there were some changes to the Annexation Agreement since the Council reviewed it last week. City Engineer Bart Mumford said he was still finalizing the language. He said there were two issues to be solidified prior to the final Agreement being acceptable. The issues being a north/south collector road and an east/west road running through or adjacent to the property and dedicating a right-of-way for the sewer line. Discussion about the roads and their placement and connection to existing roads. Mumford said he wanted to make the language flexible enough so the developers had to work with the City in the placement and installation of these roads and the sewer line. He said also the sewer line was an issue because of capacity in the 600 South line. He

said it had been determined the 1200 South line had to be used. Mumford indicated the developer was aware of the changes.

Mayor Phillips opened the Public Hearing. Brent Overson represented the issue and said they had reviewed the proposed annexation agreement language and had made comment to Mumford, Anderson and Smedley. He said they had concerns with putting in a road. Mumford explained the intent was for participation, not complete responsibility. Overson indicated they were interested in working with the City and flexible on the transportation needs of the City. Discussion about the Cook/Houston Annexation and participation from that group with the roads. Additional discussion about roads and traffic flow. Overson indicated they were also flexible about the placement of the sewer line. Councilmember Lange discussed the placement of the line. Again Overson said they were flexible and would be accommodating. Mayor Phillips suggested the Council wanted to have a final agreement in place before making a decision. No other comments were heard.

Mayor Phillips closed the Public Hearing.

Councilmember Hokanson moved to continue this issue until the October 5, 2006, meeting when language for the annexation agreement could be finalized. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

APPOINTMENTS

Sheriff Van Wagoner – Discussion regarding a new public safety building: Mayor Phillips referred to the paper diagram that was delivered on Wednesday to be included in the packet. He read the memo from Anderson regarding the issue. Mayor Phillips asked if there would be impact fees associated with this new building. It was indicated there wouldn't be water and sewer connections to the building other than one hose bib. Mumford said he had not had time to look at street impact in relation to the size of the building. Sheriff Van Wagoner said the building would be located to the side of the current Search and Rescue Building and that they would put in the asphalt. He said the location of the building had been approved by the different service utilities. Councilmember Hokanson asked how close a hydrant was. It was indicated about 60 yards. Sheriff Van Wagoner reviewed the materials that would be used to build the building. Mumford clarified that street impact fees were based on square footage of the building and not determined by usage of road. He estimated a few hundred dollars for impact fees.

Councilmember Lazenby moved to approve the waiving of impact fees and building inspection fees for the new Search and Rescue Public Safety Building. Councilmember Hokanson made the second. Councilmember Lange commended the Search and Rescue Team. The other Councilmembers echoed his comments. The voting on the motion was unanimous in the affirmative.

ACTION ITEMS

Discussion – Replacement of Stop Signs removed in the Southwest area of town – School House Way and 650 South: Mayor Phillips explained that at last meeting the Council decided to review the replacement of stop signs on 650 South and School House Way. Anderson said Sgt. Bradley had prepared a staff report and he also referred to an e-mail from Karen Czirban. Sgt. Bradley addressed the issue and said there were some secondary issues tied to the stop sign that people didn't understand. He said there had been requests from the PTA and school for an

upgraded crossing and crossing guards in certain a location. He discussed the new exit from the Middle School which he felt would help the situation. He said the idea was to have one-way traffic in and out of the Middle School. He said, however, he had been too busy to study if this new exit was helping or not. He indicated he and City Engineer Bart Mumford had discussed the issue of where the crosswalk needed to be painted now that the new exit was ready. He said the citizens had to get used to the new exit and traffic flow had to be studied before it could be determined where a different crosswalk should be painted. Mumford said if it was determined a new crosswalk was needed, he would move it left of the existing one. Sgt. Bradley discussed the fact that exiting out of the Middle School was exiting from a private drive and typically there wasn't a stop sign from a private driveway. He said a vehicle exiting out of a private driveway was obligated to stop and placing a stop sign there confused the issue. Referring to the traffic study, he said the study was correct in outlining that particular stop sign to be removed. On the north side, however, concerns had been raised that there was significant pedestrian traffic which warranted a crosswalk. The question was whether or not to replace the stop signs that had been removed. He felt the signs on 650 South did reduce speed. He explained that regulation didn't require stop signs to enforce speed, but at this particular location it did reduce speed. He explained that when an entity steps outside of State regulations, more liability is place on that entity.

Mumford indicated that at this point, there was no one-way marking in the parking lot of the Middle School. He said that would be up to the school. He indicated he had been there a couple times when there wasn't a lot of traffic. It seemed to be flowing one way. He felt the new exit had improved the situation 100% the two times he had observed it. He suggested that during the non-peak time, the school might not want to restrict directional flow.

Sgt. Bradley indicated a crossing guard had been requested at 910 South and 650 South. He explained crossing guards costs the City \$3,600 a year plus equipment. Anderson indicated the only time a crossing guard was required was when the speed limit was 30 mph or higher. Discussion about whether a crossing guard would be a better option at 650 South rather than a stop sign. Sgt. Bradley pointed out the vehicular traffic volume would not change whether it was a stop sign or a crossing guard. He said there was one other crossing guard needed at 600 South and Mill Road, at least temporally. He explained that the way that intersection was designed, it had to be crossed at an "L". Consequently, it took two people to do that crossing safely. He continued that as soon as the Triple Crown Development was complete, that crossing would be moved. Mumford said that road would be rearranged and bridges placed but that wouldn't happen until next spring. Discussion about having a paved service until such time as the development was finished. Discussion about the cost of crossing guards versus different cross markings.

Another issue discussed was the section of road in front of Shelton's house that had no sidewalk. It was pointed out there were children from Freedom Lane that walk to school in that area without a sidewalk.

Sgt. Bradley suggested there were a number of issues to be addressed throughout town. He said another unusual crossing was at 300 West and 600 South and it was very confusing to children. He said these were all a part of the massive issues they deal with in making the community safe for the children. He did feel, though, they were now getting accurate number counts.

According to Sgt. Bradley's report, cross walks and signs were warranted on 600 W 650 S and 910 S Industrial Parkway. There was discussion about moving the crossing guard at Midway

Lane and 300 West. Sgt. Bradley said he had concern with anyone crossing Midway Lane and did not want to consider that suggestion.

Dan Lowell - 300 South 400 West – Lowell questioned who the Council was trying to accommodate—the children or vehicles? He said it was important to have the stop signs back. He felt the kids trying to get to school safely should be a priority rather than people in vehicles trying to get to work.

Eric Campbell – Principle-Heber Valley Elementary - Campbell thanked the Council, Sgt. Bradley and the Police Department. He appreciated the education from Chief Rhoades and Sgt. Bradley that helped everyone understand the issues better. He felt if there was a priority, his would be 650 South and School House Way because of the number of students and the amount of confusion at that location. He agreed with Sgt. Bradley that the crossing guard on Midway Lane needed to remain there. Campbell said the school would work with parents so they understood the need to cross at specific areas. He said there were actually 53 students that lived north of 100 South; consequently, the concern with the crossing on Midway Lane. He discussed his concern about a child in a wheelchair that lived in the Freedom Lane area. He said it was difficult for him get to school without going into the street since there was not a sidewalk along that stretch of road. He said he had already talked to the teachers about parking on the street in that area.

Carol Ann Welch – Welch pointed out that along that same road there wasn't enough room on the street for a Safe Walking Route even if cars didn't park on the street.

Kim Spencer - Countryside Circle – Spencer said her children were affected by the stop sign on 650 South. She said the speed of the vehicles had increased. Another concern expressed was on Hicken Lane. She said the kids were walking across the grass instead of using the sidewalks. She said that was a concern to the Safety Committee and felt a crossing guard would be helpful at that location. She indicated the Safety Committee would be having a safety day to teach the kids where they needed to walk. She discussed the sidewalks along the road at the train tracks and that a section of sidewalk ripped out had not been replaced which made walking in the street necessary. Mumford said he had talked with Craig Lacey about that sidewalk. Councilmember Lange suggested to Mike Kohler the County install a sidewalk on 650 South on the north side. Kohler said they were looking to expand that road in the near future and it shouldn't be a problem to install that sidewalk.

Taura Holmes – Holmes clarified that the kids were walking diagonally across the road at Hicken Lane (keeping themselves in the road for a longer period of time) and not walking straight across the road. She said they cross to the other side because it is a nicer, wider sidewalk. The sidewalk on the west side is overgrown with weeds. She expressed concern with the sidewalks not being cleared of snow in the winter.

Piper Riddle – Riddle indicated her husband would purchase an ATV with a plow and they would make sure the sidewalk was cleared in the winter. She discussed another piece of sidewalk needing replaced and said Dave Hilton, the builder, had been asked to replace the sidewalk because he was the one to take it out. Hilton has refused to put it back.

Councilmember Lange asked Riddle about replacing the chain link fence around the retention pond. Riddle said they did not have any intention of putting a chain link fence back but intended

to put up a vinyl fence. She said they were only doing as much as they could as quickly as they could.

Lareen Rodriguez – Rodriguez said they made every effort to keep their sidewalk clear and then the snow plow would come by and fill the sidewalk back up. She asked if there was a way to work with the snow plow driver to keep the sidewalks clear. She said also the traffic speed was terrible since the stop signs had been taken out.

Kolby Peterson – Middle School Student – Kolby rides his bike to school. Today a white van about hit him. He said he felt lucky that he wasn't hit. He asked the Council to replace the stop signs to make it safe to cross the street.

Brian Ailshie – Teacher - Heber Valley Elementary – Ailshie indicated he and his wife were counting pedestrians and vehicles last Wednesday, the same day Sgt. Bradley was counting. He said Sgt. Bradley stopped a vehicle that went through two different sets of pedestrians. He said there were school crossing signs and flashing lights in the location, but it wasn't helping. He felt a stop sign was needed at 650 South and School House Way. He said people just didn't stop or slow down for pedestrians. He said the day they counted, there were 96 pedestrians that crossed in 45 minutes. He had prepared a sheet with numbers and directions. Those were passed out. Mrs. Ailshie suggested that because of activities at the Event Center there was a big difference in the amount of traffic on 650 South. She suggested there was confusion on all sides because people didn't know what to do since there used to be stop signs and now they were gone. She said some vehicles were still stopping and others were not. Consequently, pedestrians were fearful and didn't know when to cross.

Carol Ann Welch – Welch thanked Sgt. Bradley. She said he sat down with them for hours the other day and she appreciated the time he had spent with them and the respect he had showed them. She said that after the last City Council meeting, the PTA had been studying the issue and helping to educate the children.

Chief Rhoades expressed appreciation for the comments of the public and hoped they had seen the Department's efforts. He said they were obligated to move traffic smoothly and efficiently and also make it safe for pedestrians. He assured everyone the pedestrians didn't take a back seat. He stressed the issues of public safety personnel were that they had a criteria they had to meet and they had to make sure there were no obstacles that would cause danger. He reviewed some of those obstacles which had already been talked about. He then reviewed the reason for the study in the first place. He said another area in town asked about stop signs. A study was done. At that time, he decided studies should be done on some other areas of town. Consequently, the study in the area of discussion was done. He explained the results of the study. Chief Rhoades said he understood the issue on Freedom Lane and that his Department was looking at grants to put sidewalk in that area. He assured everyone his Department was working on that problem. He said he appreciated those people from the community and the school that were working with the Police Department.

Mumford said he was afraid people were getting confused. He said stop signs were strictly for cars, not pedestrians. The count was one on the cars--the count was a vehicle study, not a pedestrian study. "It was a vehicle study for the stop signs," he clarified.

Chief Rhoades summarized by saying his Department knew there were hazardous intersections and suggested he wanted to put a crossing guard at 650 South because of the Event Center and the additional traffic on that road.

Kolby Petersen said he had tried to help littler kids cross where Mrs. Holmes concerns were.

Kent King – King discussed the fact the Council represented the community and the community was asking that the stop sign on 650 South be replaced. He asked also that the Ivory Homes area, where many children lived and walked to school, be addressed. He said the crossing at the railroad was unacceptable. “The community is here to hear a vote. You represent the community and we are the community,” he said.

Bruce Welch – He reviewed how the Council, over time, had made that area a “piece meal” area because of different use of land in the area—industrial, residential, schools, and business. He pointed out that other areas in town were not so unique. He said sometimes regulations needed to be overlooked and common sense used.

Randa Morgan – Country Meadows Estates - Morgan asked who was responsible for putting the sidewalk back at the railroad tracks. She indicated one of the “near misses” was her child and she wanted to know who to “bug” about that missing sidewalk. Mumford said Craig Lacey had acknowledged responsibility for the crossing at the railroad. More discussion about another section of missing sidewalk in the area of the Spence Thunell home. It was indicated there was confusion as to who was responsible for that repair. Kent King asked if it was an issue of cost. Mumford said it was. King said he would pay for the concrete. Chris Sampson felt strongly that King shouldn’t have to pay for that repair-the responsible party should just fix it. Mayor Phillips told Mumford to tell Craig Lacey the sidewalk at the railroad needed to be fixed and if the City had to do it and get reimbursed, that was O.K.

Mayor Philips acknowledged the comments of Bruce Welch and said recreational issues had to be added to that list. He assured everyone the Council understood the issues.

Councilmember Lazenby wanted to know if the Council had been notified when the signs were removed. Anderson said he sent out e-mails to those members that had them and notified the other two Councilmembers by phone.

Councilmember Lazenby moved to put the stop signs back in at 650 South and School House Way, to paint large cross walks on 650 South and also add a cross walk around Hicken Lane giving safer route for the kids to cross. Councilmember Hokanson made the second. Discussion from the audience that a crosswalk around the Hicken Lane area might actually be more dangerous. Councilmember Lazenby suggested a study be done prior to marking a crosswalk around Hicken Lane to make sure that one would be safe for the children. The voting was unanimous in the affirmative.

At this time a five-minute break was taken.

DISCUSSION/ACTION ITEMS

Review of Daniel Town Annexation Policy Plan: Anderson explained that by State law, Daniel Town had to notify communities within a ½ mile of their boundaries of their annexation policy plan and proposed boundary. Anderson said he saw the public announcement and had asked

Tony Kohler to attend the meeting. It was reported that Daniel Town felt they had met the requirement of the State law; however, they agreed to postpone the adoption of their plan until Heber City could make comments. Anderson reviewed the area he felt should be removed from the plan because of issues such as proposed or already existing annexation petitions, already existing infrastructure or water and sewer lines. He said he understood Daniel could put anything in their plan they wanted, but he could not see how anyone would want to annex into Daniel that had Heber City services and infrastructure already. He asked the Council for comments they might want to send in writing to Daniels. Mike Kohler, Wasatch County Council, indicated they had seen the map yesterday and they (Wasatch County Council) were going to request Daniel come in and talk with them. He said there were some other legalities to work through, as well. Discussion about the likelihood of anyone in the area wanting to incorporate into Daniels. Mayor Phillips said the real issues were what Anderson laid out about annexations and infrastructure and not why someone would or would not want to annex into Daniels. Anderson said he would write Daniels a letter, with a copy to Wasatch County, outlining the concerns of Heber City. Mike Kohler said they were going to attend the next Daniel Town meeting as there were some misunderstandings that needed cleared up. It was suggested Charleston also attend the meeting.

Consideration/Approval of Organizational Goals for 2006-2007 Fiscal Year: Mayor Phillips wanted to spent some time on this issue and consequently postponed the issue to another time.

Discuss 12-hour work schedule in Police Department: Anderson indicated he and Chief Rhoades had met and discussed the issue. He referred to the written comments provided by the Officers which was included in the packet. He asked the Police Department to address the issue and again indicated there had been some miscommunications on the issue. Mayor Phillips indicated he had studied the literature provided and was amazed there was so much information out there. Consequently, he indicated he had changed his viewpoint on the 12-hour shifts; however, he felt there was still concern, in his opinion, the way this issue transpired. He thought that was something that could be worked on. Councilmember Lange also expressed concern with the lack of communication and felt that was the issue rather than the amount of time on a shift. Councilmember Lange indicated the fact there was the impression the City Council was micro managing the Police Department showed lack of communication. "I want better communication so there are no feelings like that," he said. Mayor Phillips agreed that communication was the issue. Chief Rhoades apologized to the Council for the miscommunications and said it wouldn't happen again.

Chief Rhoades presented an overhead which outlined facts and figures in relation to the 12-hour shift. He said he was the last one convinced there should be a 12-hour shift. But when he started looking into it, it was found a department on a 12-hour shift handled things more effectively. Chief Rhoades explained they pulled officers from investigation when they were short staffed, had a back load of work or for special events prior to going on the 12-hour shift. (He explained, also that by State law every police officer had to have 40 hours training a year) He said with experience they had found that with the 12-hour shift in place, they only had to pull for special events. Chief Rhoades reviewed his staff report and the findings from that memo and said it just worked and the more he got into it, the more he was sold on it.

Mayor Phillips said research showed a person working 12 hour shifts had 91 more days a year to be with their family or work another job. Mayor Phillips talked about Heber City being an employer of choice. He said he would like for the City to get to the point where "our people don't have to work two jobs." He said he was conservative but would like for Heber City to have the best paid police force in the State. Discussion that secondary employment was easier with

three days off one week and four days off the next. Chief Rhoades indicated some of their policies were getting old so he was going to look at the IACP model policy on issues, including secondary employment. He said they had actually looked at that policy and run it past Mark Smedley. He said it spells out that if a secondary employment got in the way of regular, permanent employment, the secondary position would have to be terminated. He said his officers were willing to have that in the policy in order to work the 12-hour shifts.

Councilmember Lange said he was willing to go along with the 12-hour shift as he was not aware of any problems thus far. Councilmember Bradshaw said that whatever the department, there should be some authority and latitude to run that department. He said as long as they get the job done and don't put the City at risk, he had no problem with a 12-hour shift. He said his only concern was that the job got done. Councilmember Hokanson indicated she was skeptical at first but appreciated the information and the letters from the officers and thought being able to back each other up was compelling. She said if there was no fatigue and there was ways to cover better, that was reason to consider the 12-hour shift. She said, too, she wanted the best police force the City could get. "If this works for them and they are able to get more time with their family, we should continue for now and reevaluate at a later time," she said. Councilmember Shelton felt the real situation, lack of communication, had been corrected and he appreciated Chief Rhoades saying he would make that better. He indicated he had worked 12-hour shifts many times and he had no problem with it. He said he might seem "lopsided" by requiring the Public Works Department to work 8-hour shifts, but would stand firm on that as that was a different situation. Councilmember Lazenby said it was no secret that she was upset about the communications issues. When someone says the Council or Mark Anderson does not have the right to tell them what to do, that went against what she liked. She wanted to make sure everyone in the Police Department understood the chain of authority. If communication is not there, the support would not be there. She said she was glad the communication issue had been cleared up and appreciated the information and education she had received. She said, too, she would love to pay the Department more money.

Chief Rhoades indicated he appreciated the support of the Council. "I guarantee, from the bottom of my heart, I did not say 'I don't care about the Council or Mark Anderson'." Chief Rhoades again discussed the miscommunication issue and said it would not happen again. He apologized for that miscommunication.

Chief Rhoades reviewed the number of cases the officers had worked since July 1, (over 1100 cases). He said the officers were working very hard.

Mayor Phillips indicated he wanted to hold quarterly meetings with department heads to look at staffing, wages, revenue sources, etc.

BOARD REPORTS

Heber City Planning Commission – 2nd Thursday – **Bradshaw**

Wasatch City/County Health Department – 3rd Tuesday – **Lazenby**

Heber Valley Special Service District – 3rd Wednesday – **Phillips, Shelton, Hokanson**

Historic Preservation - **Lazenby**

No reports were given.

OTHER ITEMS AS NECESSARY

As there was no other business, the Heber City Council of September 12, 2006, adjourned at 9:50 p.m.

Paulette Thurber, City Recorder

Approved 10/05/2006