

Heber City Corporation
City Council Meeting
October 2, 2008

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on October 2, 2008, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Jeffery Bradshaw Elizabeth Hokanson Eric Straddeck Nile Horner Robert Patterson
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: Mark Olpin, Chris Goode, Mike Thurber, Emily Moore, Sarah O'Neal, Joe Spencer, Mickenzie Perry, Rick Dentt, David Fassold, Melanie Clark, Mike Johnston, Wes Greenhalgh, Megan Greenhalgh, Kelsey McKee, Tony Kohler and others whose names were not legible.

Pledge of Allegiance: Councilmember Jeffery Bradshaw
Prayer/Thought Councilmember Elizabeth Hokanson

Minutes: September 4, 2008, Regular Meeting

Councilmember Patterson motioned to accept the minutes of the regular meeting of the City Council of September 4, 2008, as written. Councilmember Straddeck made the second. Voting Aye: Councilmembers Bradshaw, Hokanson, Straddeck, Horner, and Patterson.

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Phillips invited anyone to address the Council with issues that were not already on the agenda.

David Fassold: Fassold said he owned a business on Main Street. He discussed a new law Governor Huntsman signed into effect October 1 (SB181S01) regarding snowmobiles and ATV's legal on public roads. He had a copy and reviewed Richfield City's ordinance pertaining to this issue and a map of their city. He then discussed a proposed map which outlined routes for ATV and or OHV use in getting from the City boundaries to the trailheads. He discussed that

these vehicles would have to conform to a 35 MPH speed limit and be street legal. He also discussed the way in which this would benefit his Company--right now he was not able to deliver ATV's to the Cascade Springs Trailhead or the Unita National Forest; but, with a street legal machine, those could be accessed from Heber City if the Council approved an ordinance. He felt this was a benefit to the Community in regard to tourism. He offered assistance in helping the Council to come up with an ordinance which would address the issue. Councilmember Hokanson indicated the Council had discussed this issue in Work Meeting and wanted him to know they were aware of the issue and would look into it further.

Anderson asked if a person living on 910 South and 200 West would have to trailer the ATV to one of the roadways outlined on the map. Fassold said Richfield was pretty lax on their enforcement and would not pull a person over if the intent was to get to a trailhead. Discussion about access to trailheads from different areas of the Community. Mayor Phillips suggested the Council may want Fassold available when they discussed this at a later date. Fassold said he would be available.

Chief Rhoades said what Fassold referred to was a law Richfield adopted prior to the state law change. He felt the law, if adopted by the City, would allow all the City roads to be used and not just a selection of roads. He did not think it would preclude Highway 113 or Main Street from being crossed. He expressed concern with uncontrolled intersections and said the City had problems with street vehicles already, let alone ATV's. He asked the Council to review the law carefully and possibly have a work session to study the issue before incorporating the new State law into City law.

APPOINTMENTS

Dore Weber – Appeal of Cash Bond Forfeiture – 708 East Valley Drive, Lot 91: Rick Dentt, one of the partners of the home, addressed the Council. He indicated he lived in San Diego. Dentt said he and the other owners of the home bought furniture to stage the house for selling purposes. He said he did not know he could not have furniture in the house before the final inspection. He explained it was never their intent to have someone move into the home, it was just for showing purposes. Dentt said Mrs. Weber had told him she knew no one could move in, but did not understand she could not have furniture in it. Councilmember Bradshaw read from the Acknowledgment of Responsibility. Dentt contended furniture to stage the house was not personal property. Councilmember Hokanson said the Ordinance did not give the Council the ability to override this law.

Councilmember Hokanson moved to deny the request. Councilmember Patterson made the second. No further discussion. Voting Aye: Council members Bradshaw, Hokanson, Straddeck, Horner, and Patterson.

ACTION ITEMS

Ordinance 2008-24 – An Ordinance repealing Chapter 18.66, Accessory Apartment Overlay Zone and to consider Adoption of Chapter 18.108.110, Owner Occupied Accessory Apartments (Continued from 09/18/2008): Councilmember Straddeck indicated that in a number of places in the proposed document, the word *dwelling* was used. He asked if that term needed to be more explicit. Tony Kohler said the City had a definition of *dwelling* in the Code already. Councilmember Straddeck also asked about paragraph #K2 of the document and if the accessory apartment could be 80% of the structure. Jason Boal explained it could not be 80% of

the structure but 80% of the building footprint. There was also discussion and clarification on paragraph #M1 of the proposed Ordinance.

Councilmember Bradshaw moved to approve Ordinance 2008-24, an Ordinance repealing Chapter 18.66, Accessory Apartment Overlay Zone and to adopt Chapter 18.108.110, Owner Occupied Accessory Apartments. Councilmember Hokanson made the second. Discussion. Councilmember Horner asked about paragraph #A. Discussion that it was explained more clearly in paragraph #B. No further discussion.

Voting Aye: Councilmembers Bradshaw, Hokanson, Straddeck, Horner, and Patterson.

Ordinance 2008 -25 - Amendment to the Beer Licensing Section of the Heber City Municipal Code addressing beer sales in the MURCZ and PCMU Zones: Councilmember Straddeck wondered if the Council wanted to permit the sale of alcohol in the PCMU Zone. He understood the selling of alcohol in the MURCZ Zone as it was commercial but said commercial was secondary to the PCMU Zone. Councilmember Bradshaw suggested that for any business in the PCMU Zone to be competitive, they would need it. There was discussion of the differences between the on-premise and off-premise sale of alcohol.

Councilmember Horner asked if the City needed this in the PCMU Zone at this time. He suggested waiting until there was a request. There was discussion of the different needs between the PCMU and the MURCZ.

Councilmember Hokanson moved to approve Ordinance 2008-25, Amendments to the Beer Licensing Section of the Heber City Municipal Code addressing beer sales in the MURCZ and PCMU Zone but not addressing any changes in the PCMU Zone at this time. Councilmember Patterson made the second.

Voting Aye: Councilmembers Bradshaw, Hokanson, Straddeck, Horner, and Patterson.

Ordinance 2008 -17 – Amendment of Section 12.20.170, Right-of-Way Landscaping: Kohler said this was similar to what was currently in the Code but it clarified for staff what was allowed and what was not. Councilmember Horner felt this was close to what he wanted but asked about the phrase “and watered and irrigated”. The Council took that language out. The second question from Councilmember Horner was park strips not being hard surfaced when the City itself did that very thing downtown with pavers. Mayor Phillips suggested the sentence include “pavers are not considered hard surfaced”. There was discussion about rocks, small and/or large, bark, etc. Councilmember Straddeck and Councilmember Horner wanted the property owner to have a choice.

Councilmember Bradshaw motioned to approve Ordinance 2008-17, an Amendment of Section 12.20.170, Right-of-Way Landscaping, taking out “and watered or irrigated and/or other decorative materials.” “Small rocks and bark” was added. Councilmember Patterson made the second. More discussion on the motion. The Council decided they did not want to allow pavers.

Voting Aye: Councilmembers Bradshaw, Hokanson, Straddeck, and Patterson. Voting Nay: Councilmember Horner.

Appointment of a City Representative to the Wasatch County Board of Health: Mayor Phillips asked for the support of the Council by re-appointing Phil Lyons to the Wasatch County Board of Health since his return home from his Mission.

Councilmember Straddeck motioned to re-appoint Phil Lyons to the Wasatch County Board of Health. Councilmember Patterson made the second. No discussion.

Voting Aye: Councilmembers Bradshaw, Hokanson, Straddeck, Horner, and Patterson.

COUNCIL BOARD APPOINTMENTS

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

No reports were given.

Councilmember Horner moved to go into Executive Session at 9:12 p.m. Councilmember Bradshaw made the second.

Those going into Executive Session: Mayor David Phillips; Councilmembers Bradshaw, Hokanson, Straddeck, Horner and Patterson; City Manager Mark Anderson; City Recorder Paulette Thurber; Public Works Director Steve Tozier.

At 11:21 p.m., the Council returned to Regular Session and Adjourned.

Paulette Thurber, Heber City Recorder