

Heber City Corporation
City Council Meeting
October 4, 2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on October 4, 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
Chief of Police Ed Rhoades

Others Present: Brad Graham, Jennifer Shelton, DiAnn Duke Turner, Wayne Thacker, James Dahl, Morris Carroll, Irene Hastings, Stewart Edwards, Brenda Spiva, Sean Spiva, Chuck Richins, Paul Berg, Eric Straddeck, Trent Mehlhoff, Britte Kirsch, Darryl R. Gissmeyer, Chris Goode, Wade Kelson, Dave Tranter, Ryan Fenton, Ryan Davis, Dave Shaia and others whose names were not legible.

Pledge of Allegiance: Councilmember Jeffery Bradshaw
Prayer Councilmember Vaun Shelton

Minutes: February 2, 2006, Special Meeting
April 19, 2007, Work Meeting
April 19, 2007, Special Meeting

Councilmember Lange moved to approve the minutes of the following meetings: February 2, 2006, Special Meeting, April 19, 2007, Work Meeting and April 29, 2007, Special Meeting. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

OPEN PERIOD FOR PUBLIC COMMENT

DiAnn Turner – Turner indicated she had a lot of comments on what was going on as far as cottage homes, the bypass road and curb and gutter. She said she had made copies of the last year's City Newsletters and said the City needed to do a better job. "There is more about dogs in the newsletter than anything else," she said. She felt Mayor Phillips gave the citizens a pep talk

every month and said she was not sure everyone wanted a pep talk from him every month. She continued that the Newsletter needed to have more pertinent information in it and there needed to be a space on the bottom that a person could send comments back. She commented that it was funny to her that after they (elected officials) were elected, they never come back around.

Turner discussed the trees on Main Street they were not maintained and asked why have flower pots if they weren't going to be used. She said there were about 18 flower pots on Main Street and only three were planted this year.

She discussed the street sweeper and how it left more dirt than it picked up. "Heber is beautiful but there are weeds half way up the stop signs," she said and felt the Public Works Department was not doing their job. "We need someone responsible. You guys need to take a tour of this City. There are things in the ordinance that are not getting enforced," she concluded.

CONSENT AGENDA

Release of Development Agreement - Juniper Springs Planned Community: Councilmember Hokanson moved to approve the Release of Juniper Springs Planned Community Agreement. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

APPOINTMENTS

Sean Spiva – Eagle Scout Project – (Collecting Dog Food for Shelter): Spiva thanked the Council for letting him talk to them about his Eagle Project. He indicated he would be collecting food for the animals in the Heber Valley Animal Shelton. He said he would put out flyers on doors to make people aware of his Project and that there would be bins at Days Market and Smith's Grocery store for people to leave their contributions.

Councilmember Lange cautioned that one thing to be aware of was not to get so much food it couldn't be used timely or stored properly. He didn't want to see any waste. Spiva said he had already talked to Animal Control Supervisor Justin Hatch, about that. Councilmember Bradshaw felt this was a good project. Councilmember Hokanson said she was always excited when Eagle Scout projects were geared to helping the City.

Councilmember Hokanson moved to approve Sean Spiva's proposed Eagle Scout Project. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

Morris Carroll – Cost Estimate – ditch/canal culvert/coverage – 151 West 700 South (Continued from 09/06/2007 Meeting): This issue was continued from the September 6, 2007, meeting. Mayor Phillips asked Carroll if he had any other comments other than what was discussed in the previous meeting. Morris referred to the pictures he had presented at that meeting. He said Anderson and Mumford did come and look at the area and said he felt they had a better understanding of the issue now.

Mumford referred to the map in the packet and reviewed his recommendation. He said there were two things to consider-quantity of flow and trash. He felt the improvements he was recommending would address both issues. Mumford discussed the flow pattern. At 750 South and Main Street the inlet box would be replaced with a deeper box with an oil snout which would

keep the trash and debris there. He said that would have to be cleaned out periodically but that would keep the trash from going down to Carroll's place. The other issue with the box was it would reduce the water capacity to what the irrigation ditch would normally handle. Another improvement was to replace the inlet where the water goes under the road. He said there would have to be some sidewalk and piping pulled out and new installed. Mumford felt that would allow the irrigation flow as it was historically planned. He felt the excess water that flowed through that ditch now would stay on Main Street, flow by McDonalds and into a ditch there or over to 600 South and flow there. He said the water got back to the same location eventually but kept it on Main Street instead of going through Carroll's property. He felt that one of these days, as the City got more storm drains, a more permanent solution could be put into place but that this would be the most economical thing to do right now.

Councilmember Lange motioned to follow the plan as outlined by Bart Mumford, City Engineer. Councilmember Shelton made the second.

Councilmember Bradshaw asked Carroll if he felt comfortable with the Engineer's recommendation. Carroll said the biggest problem was garbage. He worried that one day he might not be at home and the water would flood his basement. He said the culvert was full of garbage this morning. He understood it would be a huge responsibility to keep those gutters clean. He pointed out there was another storm drain directly across the street off of 785 South and the water from there ran down his ditch, as well, per Steve Tozier. He said the trash problem was the biggest problem which caused the flow to back up. He also said the pipe that came onto his property was 24" but the one leaving was 18".

Additional discussion about the trash issue. Mumford talked about an oil separator/a shield over the pipe, which he felt would address the trash problem.

The voting on the motion was unanimous. Councilmember Lazenby was absent.

ACTION ITEMS

Set Public Hearing date for Subdivision Plat Amendment to Mountain Meadows Subdivision Phase II – Lot 204 – Approximately 111 East Airport Road: Anderson reviewed that as staff evaluated the process for approval of this request, it was determined this request was actually for a subdivision plat amendment and not just a lot split and that subdivision plat amendments, per State Code, required public notice to property owners in the subdivision.

Councilmember Hokanson moved to set a Public Hearing for October 18, 2007. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

Ryan Davis – Subdivision Final Approval – Meadows at Southfield Road – A 46 Lot Subdivision located on Southfield Road between approximately 650 South and 350 South: Mumford said this had been ready for some time but the issue of a pump station had come up because they didn't have a way to take the sewer to the north. He said that in earlier discussions, the Council had indicated they would be receptive to using a lift station for this project. He said that had been designed and had gone forward well. Mumford said one of the concerns that had come up this week was the depth. He said his intention was the lift station would be a temporary solution but when looking at the pump station, they had made it so deep it would preclude them from taking the sewer to the north. Mumford explained why they deepened the sewer. He said if

the Council was comfortable, it was not a drop dead issue. It would be a private pump station because they had not been able to work out an easement with Ernie Giles.

Mumford said that in reviewing the technical report for this project, they found the ground water was high.(7' to 11' below the surface) He thought primarily from irrigation. The water level had dropped some since pressurized irrigation and the last few days they had been trying to find a way to work with the water level. Mumford said the ground water was more of a concern to him than the lift station. He recommended there be an amendment to the geotechnical report showing what lots could have basements 8' deep and which ones 4' deep. He felt if the geotechnical report was amended showing the basement depths, it would protect the engineers and the City. He suggested they may need to do more testing. Mumford suggested if the houses had to be higher anyway, then the sewer could be raised, as well.

Councilmember Shelton said when the lift station was first discussed, it was to solve a problem with Ernie Giles. But now it seemed that was only part of the problem. He said it was his hope, after Ernie developed, the lift station could be eliminated. Paul Berg said that would be true if the line went to the north and west. Councilmember Shelton said the Council planned for the line to go north to Midway Lane and hook onto the sewer line there. Berg said, in discussion with Ernie Giles and Horrocks, they talked about going west as an alternative. He pointed out, too, that the line on Midway Lane was shallow. Councilmember Shelton wanted the study first that Mumford requested before making a decision.

Councilmember Bradshaw pointed out the community had been in drought for quite some time and we hadn't had wet years for a long time. He said he didn't know if we would ever return to that, but he had concerns with water level. He agreed more study needed done. He said he was not sure basements were a smart thing to do.

Councilmember Lange suggested language should be placed on the plat warning property owners about flooding. Mumford said he was comfortable with the direction he thought they should go but it was up to the Council if they wanted more information or not. He said he was comfortable with the steps he outlined. He stated he would not let them record the plat until he had all the answers he needed.

Berg indicated the groundwater study would determine the issue of basements or not. If you aren't going to consider a deeper lift station and only allow for a future line to go through the Giles' property, that affects the development more than the basement issue. If the study comes back saying basements aren't allowed, there still remains the issue of the lift station. Mayor Phillips pointed out there had been an understanding prior to tonight that the lift station would be temporary.

Wayne Thacker indicated he lived approximately west of Sherm's Landing and south of this development. He said pressurized had taken care of the water level. He said he built his well at 28' and if the ground wasn't irrigated, it was dry. The other point he wanted to bring out was if a transit was shot from Sherm's Landing to Midway Lane, there was a big fall.

Mayor Phillips clarified the issues. 1) Deep enough sewer so they could build homes with basements. That would preclude from hooking on the north. 2) Possibility of going west though Giles when that could be worked out with Giles. Councilmember Hokanson wondered if in case the City could eventually talk to Giles, could the City require that line to be put through his property. Anderson said the HOA would be responsible to come up with the cost to hook on.

Councilmember Hokanson expressed concern that the HOA wouldn't be motivated to do that. Anderson felt it would depend on what the annual costs to the homeowner was for the lift station.

Ryan Davis, developer on the project, said, as far as the history, they had always known the line had to go west. He said they had an agreement with Giles until his annexation didn't go through. Mumford clarified that the plan had always been to go north. He said that would work but it would be shallow.

Stewart Edwards, Sowby and Berg, said there had been a lot of discussion to go west which was the reason they talked to Giles--that was the whole purpose of negotiations with Giles. Mayor Phillips said the land was annexed with the idea nice homes would be built there and sewer would be on Midway Lane and what the Council was faced with now was deciding if the subdivision could be feasible with a lift station.

Councilmember Lange suggested when the City looked at Sherm's Landing, they might not have given the Church good information. Thacker talked about what the Church did with the sewer from their building.

Mayor Phillips asked about the language in the staff report about fencing along the back of lots 6 through 17. Berg said that would be along the bypass road. Mayor Phillips asked about fencing along Southfield Road. Mumford said that had not been discussed as a requirement.

Mayor Phillips asked if the Council was O.K. with approval with a pump lift station and the thought of one day being able to tie in to a sewer to the west.

Ryan Davis indicated the cost of that line was about \$30 a foot or about \$60,000. With about 70 lots, it would be less than \$1,000 per lot. He said it would cost them more to maintain a lift station than that. He said the cost of building a line was not very much, it was just a matter of being able to run the line through the Giles property. Davis talked about other locations that had lift stations as a norm. He said there were back up pumps and lots of secondary measures in place to assure it worked. He said, too, it would be the responsibility of the HOA and not the City. He did not think this was an unreasonable request of the HOA.

Councilmember Shelton asked about the Kay Probst property and if they had the same issue. Mumford said they would have the same issue with shallow basements. In fact, he felt that property would have the most problems with shallow water. He would recommend a pump station in their case because it couldn't gravity flow into the sewer.

Councilmember Shelton felt that whatever action was taken, it should be conditioned on more studies being done to satisfy Mumford. Councilmember Lange agreed.

Councilmember Bradshaw moved to grant subdivision final approval for the Meadows at Southfield Road, a 46-lot subdivision located on Southfield Road between approximately 650 South and 350 South subject to what was discussed about the depth of sewer and allow a lift station to take care of sewage in the absence of being able to take the sewer to the north. Councilmember Lange made the second. Anderson asked for clarification. Councilmember Bradshaw said the motion included he wanted a more detailed study before the plat was recorded and lots sold. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

Heber Meadows Subdivision – Plat Amendment - Phasing of Subdivision – The property is located approximately south of Highway 40 on 1200 East: Anderson said the Council previously approved the Heber Meadows Subdivision. He continued the developer had recorded the plat but had now determined, because of the flat market, it would be in their best interest to phase the Subdivision. Consequently, this request was for Phase 1 of the Heber Meadows Subdivision. He indicated the Council packet actually had two maps in it showing both phases. Anderson said the applicant had been back to the Planning Commission for approval, but since the developer still maintained the ownership of the subdivision, no public hearing was necessary.

Dave Tranter indicated they were actually looking for approval on both phases but would not record the second phase mylar until next spring.

Councilmember Hokanson moved to approve both phases of Heber Meadows Subdivision so they could record the first phase now and second phase within the time frame of the Code. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

Chuck Richins – Summit Engineering – Subdivision Final approval – Sherm’s Landing – A 35 Lot Subdivision located on Southfield Road between approximately 650 South and 850 South: Richins said this was a similar issue as The Meadows at Southfield as far as a lift station. Mayor Phillips wanted to clarify the requirements in the subdivision agreement.

Mumford said if the Council gave approval, he wanted it to be conditioned on additional study for ground water. Richins indicated in August of last year, his firm dug holes all over that property and there was no water to be found. Mumford said again he wanted the opportunity to verify water levels.

Mayor Phillips asked for discussion on fencing and driveways as outlined in the subdivision agreement. He indicated the numbering was incorrect...6 through 17 should be 1 through 12.

Councilmember Hokanson moved to give final subdivision approval for Sherm’s Landing located on Southfield Road between approximately 650 South and 850 South with a double check of the ground water by the City Engineer and changing the lot numbers as pointed out by Mayor Phillips in the subdivision agreement. Councilmember Lange made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was excused.

DISCUSSION/ ACTION ITEMS

Ordinance 2007-32 – An Ordinance changing the name of the Future Landuse Map to General Plan Map and incorporating 14 amendments as proposed by the Planning Commission [Continued from the August 16, 2007, and September 20, 2007 meetings]:

James Dahl addressed his concern on one of the proposed amendments. He said his client owned 16 acres which was proposed to be changed. An overhead of the property was shown. He continued when his client purchased the land, it was designated as residential property in the County and also the City with a sliver of technology. His client had talked to the planner who told them the City was going to consider an amendment to their land designation and he wanted to let the Council know they opposed the 16 acres being changed to Manufacturing and Business Park and were requesting their land stay low density residential.

Mayor Phillips said it was after much discussion that this issue went back to the Planning Commission. Councilmember Lange said he asked the County about their zoning first before the Council made a decision. Now that it was known what the County had on their zoning map, he felt the City could move forward. Dahl said to be consistent with the County's Land Use Map, they were requesting it be left residential.

Mayor Phillips talked about the law that required cities to adopt a Future Land Use Plan.

Dahl talked about the financial burden of his client if the land use designation on this parcel was changed. Councilmember Bradshaw said his only concern was that there was only a very small amount of land that could be designated business park and that one of the reasons for looking at this piece was because of the available of and accessibility to Highway 40. He said this area seemed to be the most appropriate place for business park designation. He felt if the Council gave up this land, there wasn't anywhere else to compensate for the loss. Dahl said his client did his due diligence before he purchased the property and he had not gotten any notice that the City was going to consider a change. He said the property owner would like to see the Council give them a chance to talk to the Planning Commission.

Councilmember Hokanson moved to approve 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 with exception the of #14 so it could go back to the Planning Commission for further discussion and study. Councilmember Bradshaw made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Jeffery Bradshaw and Elizabeth Hokanson. Councilmember Lazenby was excused.

Discussion - Wasatch Water Efficiency Team (WWET) Agreement: Additional paper work was provided by Devin McKrola.

Mayor Phillips wanted to make sure Heber City was represented on this Board and asked for a copy of the by-laws. Anderson indicated that on the Wasatch Irrigation Committee, the City wouldn't have an opportunity to vote for more shareholders until 2009. So until that happened, the City couldn't have more representation unless there was a resignation. Based on the number of shares the City holds, there should be adequate representation in the future. As far as the WWET Board, there would be an annual meeting at which time there could be a change. Anderson said he did have the bylaws of WWET. He said Heber City was the only one to hold stock in WWET. It was indicated Mayor Phillips and the Council wanted copies of the bylaws.

Mayor Phillips said Claude Hicken had indicated WWET would be willing to come on board to prepare a budget like other departments. Discussion as to when that should start. It was suggested WWET was looking to hire another employee and they didn't want to proceed with that until they knew for sure the City was going to continue their relationship. Anderson said he talked to McKrola during the break and he provided information on the cost of maintenance of ditches and the pressurized irrigation system. Anderson talked about it being appropriate for a non-profit organization to amass up to one year of operating expenses for a reserve. McKrola told Anderson that once they got to that point, they would not be inclined to include a multiplier on labor costs—that they would just pass that through as what their costs were. Anderson's recommendation to the Council would be to continue the relationship with WWET subject to getting a reduced multiplier. Once they had their reserves up, billings would be at cost.

Mayor Phillips said the Council needed to decide if they wanted to continue with them. He discussed the multiplier and having more control. Councilmember Shelton said the City needed to take action now as the Council was the stewards of the City's money. He told Anderson a private sector could do this for less money and the City needed to make some changes. Councilmember Shelton indicated he had tried to make changes, but had not been able to.

Councilmember Bradshaw said his background went back prior to his term on the Council. He said the Council was talking about and dealing with four entities--CUP, who McKrola and Hartley worked for; the CUP had a contract with Wasatch Special Service Area #1 for the County to take care of all the pressurized water system; those services were provided through Wasatch Irrigation Company who in turn sit on the board of WWET who runs the City's pressurized system. So when there is discussion, it is hard to know if they are talking CUP, Wasatch Special Service Area #1, Wasatch Irrigation or WWET. He said he felt uncomfortable with it all unless the City had some control over WWET. If the City had no control over WWET other than getting a bill and/or a request about what they want to do as far as the pressurized system, and if they put a multiplier on of 100%, he just wasn't comfortable. McKrola said the multiplier was put on to help cover additional expenses. He said, too, Wasatch Irrigation was looking for a better way to manage and to offset costs as was the CUP. For example one parcel of land went from 1 home to 130 homes. McKrola indicated there were issues in dealing with farmers that had sold and there were large developments on those parcels now versus the small users and the differences in costs. Discussion about how other companies were handling this same issue. McKrola said the relationship with Heber City was created primarily to operate the pressurized water system. They provide management, water management work, engineering review, and system operation. They had contracted with the CUP to do that. They were charged for that. McKrola talked at length about the operations and costs of WWET. He said Wasatch Irrigation had made the recommendation on the multiplier. Councilmember Hokanson couldn't understand why the City wasn't making the decision since Heber City was the only shareholder. McKrola agreed that Heber City needed adequate representation to make sure that WWET did what the City wanted.

Councilmember Bradshaw felt that for now the City needed to work through WWET and be represented on the board and that representatives from the City attended the annual meeting in February.

500 East Discussion: It was indicated Councilmember Lange had asked this to be looked at. Mumford said it had been studied and discussed a lot during the planning process for the new high school.

Anderson said the question was if the City should consider connecting 600 South to 500 East east of the Christenson home rather than going straight south on 500 East. Councilmember Lange said he wanted to take Mumford on ride and show him his concerns. Anderson concluded it was the difference in having a good straight collector road versus a road that wasn't a straight shot.

CITY COUNCIL BOARD ASSIGNMENTS

Wasatch County Housing Authority – 1st Wednesday – **Shelton**
Wasatch City/County Health Department – 4th Tuesday – **Lazenby**
Heber Light and Power – 4th Wednesday – **Phillips, Lange, Shelton**
Heber City Planning Commission – 4th Thursday - **Bradshaw**
Historic Preservation – **Councilmember Lazenby**

No reports were given.

As there was no further business, the October 4, 2007, City Council meeting adjourned.

Paulette Thurber, City Recorder

Approved 12/20/2007