

Heber City Corporation  
City Council Meeting  
10/18/2007

7:00

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on October 18, 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: Heather Bergin, Heather Fitzgerald, Karlee Bird, Ken Snyder, Irene Hastings, Kenna Jones, Britte Kirsch, Chris Goode, Valerie Kelson, Annie McMullen, Robert Head, Carolyn McDonald, Sean McDonald, Russ Watts, Mike Johnston, Paul Berg and Sean Lazenby.

Pledge of Allegiance: Councilmember Elizabeth Hokanson  
Prayer Mayor David Phillips

Minutes: September 6, 2007, Work Meeting  
September 20, 2007, Work Meeting  
October 4, 2007, Work Meeting

Councilmember Lange moved to approve the Work Meeting Minutes of September 6, September 20, and October 4, 2007. Councilmember Hokanson made the second. No discussion. The voting was unanimous in the affirmative.

Heather Fitzgerald told the Council she had just purchased a house in the Hat Creek Subdivision. She indicated the fence was installed by the previous owner and she was told the fence had been approved; however, Heber City staff said it had not been. She said the fence had been up for 2 ½ years-installed in April 2005. She was told that Councilmember Lazenby had verbally approved the fence. She suggested the City Code allowed for differences in each subdivision. She asked the Council to evaluate the law in relation to corner lots and / or subdivisions. Mayor Phillips indicated the Code was for the entire City and that Code enforcement was an on-going thing. He suggested Code enforcement was something staff and officers had done more in the last twelve months. He thought that was why this had happened now because of the push in Code enforcement.

Anderson said this was one of six fences that Kohler and Boal had looked at. It was said that Turner had started the process for his fence in April, 2005, and their had been no change in the Ordinance in those two years--there had been several requests for change, but the Council had not allowed them.

Mayor Phillips asked if there was anything the Council could do. Anderson said this fence was in violation of the Ordinance when installed and still was. Councilmember Hokanson said this was more of a legal issue and thought it should be an issue between the old owner and the new owner. Kohler indicated he witnessed Councilmember Lazenby giving Turner approval to put the fence in.

Fitzgerald said she needed additional time before getting the fine so she could do a small claims against the Turners. Anderson said he was the appeal authority if the Council wanted to allow some more time. Fitzgerald thought it would be spring before she could move her sprinkler system, etc. The Council was willing to give her extra time.

Councilmember Lange suggested there were a number of violations out there. He wanted Smedley to give a legal opinion on those fences. Anderson again said staff was working on six fence violations right now.

Ken Snyder – 400 North 500 East. (Across from John Rodgers) Snyder indicated it had been ongoing now for six years that Wayne Mitchell was supposed to put the sidewalk in on the subdivision he had developed. Snyder said Mitchell never poured the sidewalk on the corner lot and in front of his house. Snyder's concern was that he (Snyder) was supposed to get a Certificate of Occupancy on Monday but couldn't because of the sidewalk issue. He said Mitchell promised him it would be in by October. Snyder said Mitchell had a bond with the City and had let it sit there. Snyder said his dilemma was to find a way to get a Certificate of Occupancy and did not feel the sidewalk was his issue and should be Mitchell's responsibility.

Councilmember Lange asked Snyder how he got a permit without the infrastructure. Mumford said normally all the infrastructure was in before building permit. But there was one exception if the house fronted on a existing street but still couldn't get occupancy until the infrastructure was in.

Anderson said this was the first he had heard of it. He said the subdivider had a time limit in most cases. Mayor Phillips wanted Anderson to get legal advice from Smedley. Anderson said he would try and get with Smedley tomorrow.

#### CONSENT AGENDA

**Ordinance 2007-37 – Authorizing a .3% Public Transit Tax effective January 2008 to replace the .25% Public Transit Tax currently in force:** Councilmember Hokanson moved to adopt Ordinance 2007-37 – an Ordinance authorizing a .3% Public Transit Tax effective January 2008 to replace the .25% Public Transit Tax currently in force. Councilmember Lazenby made the second. No discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw, Elizabeth Hokanson.

#### PUBLIC HEARING

**Public Hearing – Mountain Meadows Subdivision Phase II – Lot 204 – Property located at approximately 111 East Airport Road:** Anderson clarified this was a plat amendment and not a lot split. Mayor Phillips opened the Public Hearing and asked for comment. There was no public comment received. Mayor Phillips closed the Public Hearing. Mayor Phillips asked for comment from the Council. There was none.

Councilmember Lazenby moved to approve the Mountain Meadows Subdivision Phase II Plat Amendment for lot number 204. Councilmember Shelton made the second. No discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

#### APPOINTMENTS

**Kenna Jones – Children’s Justice Center – Request for Funding:** Jones passed out additional information on the CJC. She talked about the kind of cases they had between August of last year and now. She said child abuse was something that affected everyone. Jones reviewed the statistics outlined in the materials she had handed out. During 2007, Wasatch County had a total of 63 cases relating to physical and sexual abuse. She stressed the need of a CJC and discussed the benefits to Heber City by having a center here.

Jones reviewed her budget and where that money came from. She indicated they were required to seek funding from local governments. She said funding for utilities would be appreciated, as well as general office supplies, etc. It was indicated their fiscal year ran July to July and they were requesting funds for the current fiscal year.

Chief Rhoades said the law required a recording of all interviews and the CJC allowed for that. He said they were not coming into an office center but rather a place that was comfortable, such as a grandma’s home. He felt it was to Heber’s advantage to support the CJC and to keep it operational.

Annie McMullen indicated she was co-chair of Friends of Children along with Valerie Kelson. She said they were very limited in what they could raise money for--education mostly. She said the Center was incredibly valuable and the atmosphere there was important. She pointed out, too, children only have to tell their story once and then can get on with the healing process. She said their organization would pay the utility bills if they could, but they could not. She encouraged the Council to support the request.

It was indicated this proposal would have to be considered at a Public Hearing since it was not approved during the budget process.

Councilmember Hokanson moved to set a Public Hearing for November 15, 2007, to discuss this issue. Councilmember Bradshaw made the second. No further discussion. The voting was unanimous in the affirmative.

**Russ Watts – Ranch Landing – Requesting plan review prior to infrastructure completion:**

Mayor Phillips reviewed the letter from Russ Watts and the staff report from Wes Greenhalgh. He felt the suggestion from Greenhalgh to have a non-refundable \$1,000 application fee was reasonable. That same \$1,000 would be deducted from the building permit fee when the permit was issued. He felt this was a win/win situation for both sides.

Councilmember Hokanson moved to approve the request from Russ Watts for plan review prior to infrastructure completion. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative.

#### ACTION ITEMS

**Set Public Hearing Date – Robert Head/Telestar Enterprises – Requesting Subdivision Plat**

**Amendment - Property located at approximately 115 West 850 South:** Councilmember Lange moved to set a Public Hearing for November 1, 2007, for the Robert Head/Telestar Enterprises Subdivision Plat

Amendment. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative.

**Set Public Hearing Date – Ordinance 2007-35 – Pedersen (Wishalan) Annexation – 10.40 acres of land located at approximately 670 East and 1200 South:** Councilmember Hokanson moved to set a Public Hearing date for November 1, 2007, to consider the Pedersen Annexation located at approximately 670 East and 1200 South Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative.

**Set Public Hearing Date – Ordinance 2007-36 - Boldavs Annexation – 161.54 acres of land located between 1200 South to 2000 South Mill Road:** Councilmember Bradshaw moved to set a Public Hearing for November 1, 2007, to consider the Boldavs Annexation located between 1200 South to 2000 South Mill Road. Councilmember Shelton made the second. No discussion. The voting was unanimous in the affirmative.

**Award Bid – Airport Hangar Utility Project:** It was indicated the paving and taxilanes had been completed. It was pointed out where the City would build hangars next year. It was stated the paving on the Jarvis property was also finished. It was indicated the bid was for installation of water, sewer, gas, electrical, and telephone lines.

Anderson said the apparent low bidder was O’Driscal Construction out of Kamas. The bid had been reviewed by the engineers and they recommended awarding the bid.

Anderson indicated this would be paid for out of the Capital Project Fund and the money would be recouped. He also indicated the bid was \$100,000 under the engineer’s estimate.

Councilmember Shelton moved to award the bid for the Airport Hangar Utility Project to O’Driscal Construction. Councilmember Lange made the second. No further discussion. The voting was unanimous in the affirmative.

#### COMMITTEE REPORTS

Heber City Planning Commission – 2<sup>nd</sup> Thursday –**Bradshaw**  
Heber Valley Special Service District – 3<sup>rd</sup> Wednesday – **Phillips, Shelton, Hokanson**  
Heber Light and Power – 4<sup>th</sup> Wednesday – **Phillips, Lange, Shelton**  
Historic Preservation - **Lazenby**

No reports were given.

As there was no further business, the October 18, 2007, regular meeting of the Heber City Council adjourned.

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Paulette Thurber, City Recorder