

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
City Council Meeting
10/19/2006

7:00 p.m.
Regular Meeting

The Council of Heber City, Wasatch County, Utah, met in Regular Session on October 19, 2006, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David Phillips
	City Council Members	Vaun Shelton
		Elizabeth Hokanson
		Jeff Bradshaw
		Terry Lange
		Shari Lazenby
Also Present:	City Manager	Mark Anderson
	City Engineer	Bart Mumford
	Police Chief	Edward Rhoades
	Planning Director	Allen Fawcett
	Planning Secretary	Karen Tozier

Others present: Rene Wood, K.C. MacFarlane, Josh Sundloff, Craig Anderson, Bob Sherry, Lee Hulse, Charlene Hulse, Brad Hulse, Hilary Burrow, James McPhie, Steve Guenard, Mike Johnston, Lambert Deegan, Randy McKee, Dave Adams, Jayse Sharp, Jon Hackamack, Lee Logston, Skoby Downs, Irene Hastings, John Call, Randy Hall, Justin Berg, George Bennett, Jennifer McDonald, and Kaleb Savage.

Mayor Phillips convened the meeting at 7:09 p.m. Councilmember Lazenby was excused for late arrival.

Pledge of Allegiance: Mayor Phillips
Prayer: Councilmember Hokanson

OPEN PERIOD FOR PUBLIC COMMENT

There were no comments. Boy Scout Troop 212 was recognized. John Hackenback, first class and Neil Sharp, first class were introduced.

CONSENT AGENDA

Award Bid to Lance Excavating for construction of 8" water line on 200 West

Councilmember Hokanson motioned to approve the consent agenda. Councilmember Shelton seconded the motion. The voting was unanimous in the affirmative.

PUBLIC HEARING

7:15 PM - Public Hearing – CDBG – Potential Projects – 2007 Funding Year

Mayor Phillips requested that Karen Tozier read the public hearing notice from the Wasatch Wave, which she did. Mark Anderson imparted information regarding the specifications of the CDBG Funding Grant, specified where CDBG funding had been used in the past and what type of projects would be appropriate. He pointed out that 50% of the current grant funding would have to be expended by Heber City prior to January 15, 2007 to be eligible to apply for a grant. Mayor Phillips opened the public hearing to public comment at 7:18 p.m.

Lambert Deegan of Daniel Township informed the Council that Daniel planned to make a request for CDBG funding to pay for 3000 feet of sidewalk on the west side of Daniel Road and that Daniel Township wanted to know what Heber City's priorities were. It was indicated the east side, not the west side of Daniel Road would be where Heber City would be concentrating an upgrade to sidewalk, curb and gutter. It was noted that Wasatch County would be requesting a van for senior citizens from the CDBG Fund. Councilmember Lazenby arrived to the meeting at 7:23 p.m. There were no further comments from the public and the public hearing was closed to public comment at 7:24 p.m.

Mark Anderson indicated some of the projects the Council might consider were the installation of the sidewalk from Heber Landing to Highway 189, additional blocks of waterline on 200 West, installation of fire hydrants and waterline in the core of Heber City. Anderson asked for direction on which application that Staff might submit. Councilmember Lange felt that the sidewalks were important but that the waterlines and fire hydrants were imperative to be put in place.

Councilmember Lange also mentioned that the purchase of property for senior housing associated with the Ranch Landing project was also important.

APPOINTMENTS

Mike Johnston – Summit Engineering – Presentation on Valley Hills Park Development Plan

Mike Johnston indicated he might have a possible conflict of interest because he lives in this neighborhood. He gave a slide presentation which showed the location and current conditions of the park. The park is located on a steeply sloped lot, is a natural drainage area with drainage problems and possibly contains natural springs. Other features of the park were a ravine on the western portion of the property, overgrown willows, and a dangerous cistern.

Mr. Johnston's plan for rehabilitation of the park included re-grading the property and installing a drain system, removing the wild willows, and adding a 5% sloped ADA path that would serpentine the lot. The proposed sidewalk would stop encroachment of plants from the ravine area which would be left in its natural state for drainage purposes and because the ravine serves as a natural boundary to the western border of the park. The sidewalk also would serve as connectivity from Valley Hills Boulevard to Valley Hills Drive for pedestrians and would

alleviate the need to walk to the end of the street. A Tot Lot with sand, rock and trees would be fairly centrally located and berms and trees would be put in the flat area at the lower part of the park. Locations for picnic tables and a small pavilion set in amongst the trees were also discussed. Mr. Johnston passed out cost estimates for the project and commented that if the City does this work the cost would be cut in half. Some of the work could be done in the Fall and Winter and the potential was there for some of the work to be done as an Eagle project. Mr. Johnston expressed that the park as it is currently is a nuisance and a danger. The Council was receptive to moving ahead with this project.

John Call – Mrs. Calls Candy Company – Approve Sale of 1.872 acres of land in the Manufacturing and Business Park

Councilmember Lange informed the Council that the Industrial Park Board had been in favor of approving the sale of land. Councilmember Lange motioned to grant approval of the sale of 1.872 acres of land in the Business and Manufacturing Park to Mrs. Calls Candy Company. Councilman Bradshaw seconded the motion. Mark Anderson asked that the Council make the sale of property subject to Mrs. Calls Candy Company providing proof of ability to finance the project and obtaining a building permit. Councilmember Lange amended his motion to sale of the property subject to Mrs. Calls Candy Company providing proof of ability to finance the project and obtaining a building permit. John Call and Randy Hall of Mrs. Calls Candy's introduced themselves and indicated they had some concerns with the contract. They reviewed their plan to build for expansion within the next three years and pointed out that the contract required them to start construction by May 1, 2007. Mr. Call and Mr. Hall felt there were too many contingencies and that they wanted to extend this deadline to September 1, 2007. Mayor Phillips suggested that a provision be added to the purchase agreement that if they do not begin construction by September 1, 2007 that the City get the land back so they can sell to somebody else. The Mayor was concerned that they may decide not to build at all after waiting until September 1, 2007. The City was not willing to sign the agreement unless Mrs. Calls Candy Company was planning to build within the specified timeframe.

The Petitioner referred to paragraph 4 of the purchase agreement. This portion of the purchase agreement was explained. The petitioner felt this was tight and wanted to move it back a year. It was suggested that the deadline for expansion be changed to a year after the first phase received final occupancy. Councilmember Lange withdrew his motion so that the purchase agreement could be worked out. George Bennett indicated they needed a letter for the bank that indicates they have City Council approval of the land sale subject to Mrs. Calls working out this one obstacle. Anderson replied in the affirmative to this request.

Craig Anderson – Approval for Eagle Scout Project to Place Flags on UDOT Approved Crosswalks on Main Street

Craig Anderson presented information relating to his Eagle Scout Project, which was a proposal for the placement of crossing flags for pedestrians at three intersections on Main Street that had been approved by the Utah Department of Transportation. The approved locations for the pedestrian crossing flags were the south side of the 100 North intersection, the south side of the 200 South intersection and the north side of the 300 South intersection. Mr. Anderson asked for the Council's approval to construct 120 flags and six holders to be placed at these locations. The flags would be bright orange with reflective tape on both sides set on a 32 inch baton. Mr.

Anderson indicated this would be a minimal cost to the city, CAMS had offered to cover the majority of the costs. Craig Anderson anticipated the project could be completed within three weeks. An article would be placed in the Wasatch Wave, KTMP was planning to run a public service announcement and Jennifer Kohler of the Chamber of Commerce had offered to go into the schools and educate the students on how to use the flags.

Councilmember Lazenby motioned to approve the Eagle Scout Project to place flags on UDOT's approved crosswalks on Main Street by Craig Anderson. Councilmember Bradshaw seconded the motion. The voting was unanimous in the affirmative. The Council thanked Mr. Anderson for his work on this important project.

James McPhie – Commemorative Air Force – Approval of Tentative Airport Hangar Lease Agreement for a Museum at the Heber City Airport

Steve Guenard and James McPhie of the Commemorative Air Force addressed the Council and indicated they would like to have the lease approved and that they would proceed with the plans on their hangar. No discussion. Councilmember Bradshaw motioned to approve the Airport Hangar Lease Agreement. Councilmember Lazenby seconded the motion. The voting was unanimous in the affirmative.

ACTION ITEMS

Approval of Amended Crook Annexation Agreement

Mark Anderson informed the Council that a final amendment had been made by legal counsel, Jason Haddock, of Redmond Minerals which provided further clarity as to the intent of the agreement. It had also been identified that two other parties needed to have their signatures included in the agreement. It was pointed out that the Boyer Company was comfortable with the amendments to the annexation agreement.

Councilmember Lange motioned to approve the Amended Crook Annexation Agreement with staff making final amendment for signatures of the identified additional owners. Councilmember Bradshaw seconded the motion. The voting was unanimous in the affirmative.

Ordinance 2006-22 – An Ordinance to Amend the Heber City General Plan as follows: High Density Residential to Highway Commercial - Properties fronting the north side of 600 South addressed 70 and 90 West (The Southwest quarter of Block 18)

Councilmember Lazenby motioned to amend the General Plan from High Density Residential to Highway Commercial for properties fronting the north side of 600 South addressed 70 and 90 West (the southwest quarter of Block 18). Councilmember Hokanson seconded the motion. Councilmember Lazenby, Councilmember Shelton, Councilmember Hokanson, and Councilmember Lange voted in favor. Councilmember Bradshaw abstained from voting citing a conflict of interest due to his mother living on the property adjacent to the proposal and has a vital interest in the property. The motion passed.

Ordinance 2006-23 – An Ordinance to consider an Amendment to the Zoning Map – Property located at 70 and 90 West 600 south (Southwest quarter of Block 18) – Existing Zoning R-3 Residential; Proposed Zoning C-2 Commercial

Mark Anderson indicated that a letter regarding the proposed ordinance had been provided in their packet. Councilmember Lazenby motioned to approve the amendment to the zoning map. Councilmember Hokanson seconded the motion. There was discussion on the two proposals that Walgreens had provided there was an alternate plan with the existing home on the corner of 600 South and 100 West remaining on the lot and there was an option to zone the house as commercial or to leave the house as residential and a non-conforming use; the house would be affected by taxes if zoned commercially. Robert Sherry of Phillips Edison and Company was working as Walgreens' Developer and indicated they had worked very diligently with the neighborhood and the Staff to come up with a plan that would work for everybody and that their intent was to keep the corner house.

Councilmember Lazenby clarified that her motion was for approval with the preferred alternative as the Council saw it with the house on the plat. Councilmember Hokanson's second still stood.

There were a number of public present at the meeting who asked if they could comment. Mayor Phillips asked the Council if they were amenable to listen to the public comment; they were and the Mayor then delayed the vote so that the public was allowed to speak.

Lee Logston pointed out that the public hearing held at the Planning Commission had ended in a failed motion for the project to move forward due to a tied vote. Mr. Logston commented that he argued with the proposed zoning, and that he felt it was to make a developer happy. He referenced vacant lots and buildings on Main Street. He questioned what was happening on Main Street with commercial creep into the residential zone and no developer touching what was already on Main Street. He felt the Council was not looking in larger terms in reference to the growth of the City. Councilmember Lange referenced similar zone changes that had been made in the past. Mr. Logston asked the Council to come up with better solutions.

Caleb Savage who resides at 600 South 100 West indicated he agreed with Mr. Logston's comments. He did not feel that the City was to the point of moving the commercial zone to contain all of 100 West and 100 East. Jennifer McDonald, pointed out the vacant areas on Main Street and begged the Council not to build this across the street from her. She referenced traffic, a 24-hour pharmacy and the little children in the area as reasons to deny the Walgreens request. Brad Hulse owned one of the homes in the area. Mr. Hulse felt that Walgreens would be a benefit for the community. He referenced the law enforcement officials that have had to visit the houses that would be demolished. He felt that the Walgreens and the Checker Auto was a progressive step.

The vote was taken at this time. Councilmember Lazenby, Councilmember Shelton, Councilmember Hokanson, and Councilmember Lange voted in favor. Councilmember Bradshaw abstained from voting due to a conflict of interest. The motion passed.

At 8:55 p.m. the Council moved into the Work Session. At 9:47 p.m. the Council reconvened the Regular Session and adjourned the meeting.