

Heber City Corporation
City Council Meeting
11/01/2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on November 1, 2007, in the City Council Chambers in Heber City, Utah.

Excused:	Mayor	David R. Phillips
Present	Mayor Pro Tempore Councilmembers	Terry Wm. Lange Vaun Shelton Shari Lazenby Jeffery Bradshaw Elizabeth Hokanson
Also Present:	City Recorder City Engineer City Planner Chief of Police Planning Office	Paulette Thurber Bart Mumford Allen Fawcett Ed Rhoades Tony Kohler
Excused:	City Manager	Mark K. Anderson

Others Present: Mike Thurber, Earl C. Tingey, Fred Schloss, Mr. and Mrs. W.R. Stock, Bob Davis, Kimberly Beck, Darryl Glissmayer, Julie Bernhard, Irene Hastings, Joe Spencer, Stewart Edwards, Britte Kirsch, Lawrence Wiscombe, Joe Coombs, Robert Head, Ryan Fenton, Brian Balls, Dave Shaia, Paul Berg, Darren Osen, Mike Johnston, Eric Straddeck and others whose names were not legible.

Pledge of Allegiance: Mayor Pro Tempore Terry Wm. Lange
Prayer: Councilmember Shari Lazenby

Councilmember Hokanson moved to go into Closed Session to discuss personnel. Councilmember Bradshaw made the second. Those going into Closed Session: Mayor Pro Tempore Terry Wm. Councilmember Lange; Councilmembers Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson; City Recorder Paulette Thurber.

At 7:15 p.m., the Council returned to Regular Meeting.

Open Period for Public Comment

Mayor Pro Tempore Lange invited anyone to come to the podium if there were comments from the audience on issues not already on the agenda. There were no comments.

Consent Agenda

Job Description Approval – Engineering Assistant: Councilmember Lazenby moved to approve the job description for an Engineering Assistant as presented. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

Public Hearings

Public Hearing – Robert Head/Telestar Enterprises – Requesting Subdivision Plat Amendment – Property located at approximately 115 West 850 South: Councilmember Hokanson read the Notice of Public Hearing. An overhead was shown of the lot. Tony Kohler reviewed the lot split. He said this was for infill purposes. It was explained there were recommendations from the Planning Commission that sidewalk be installed and it was pointed out the Code section this was regulated under did allow for conditions to be placed on an approval. It was stated this was similar to a plat amendment request on 200 West.

Mayor Pro Tempore Lange opened the Public Hearing for comments from the public. There was no comments made. Mayor Pro Tempore Lange closed the public comments portion of the Hearing.

Councilmember Hokanson asked about setbacks. Kohler indicated the map was not drawn to scale. Robert Head, owner, indicated the proposal was to prevent the clutter, weeds, and debris on the lot. He said the actual setbacks from the house would be 20 feet which was a Code requirement. He passed out a house plan that would meet all setbacks. He pointed out he was not asking for a variance. Head discussed the irrigation ditch located on the back of the lot and said if the ditch was being used, he would pipe it. Head talked about the letter he sent to the Council about sidewalk. He said the engineering firm recommended, and the Planning Commission followed their lead, that sidewalk be installed on both sides of the lot. He said he was willing to install sidewalk on the front but the side sidewalk would mean moving a water meter and a fire hydrant and that was more than they had anticipated as far as costs. He proposed that putting a sidewalk on 850 South was not required.

Councilmember Shelton thought that ditch had been abandoned. Mumford said he had checked with the irrigation company and it had not been used for a couple of years; but at this point, they were not ready to abandon the ditch. He continued there were no water deliveries, but the irrigation company just was not ready to abandon the ditch.

Councilmember Hokanson asked if the sewer was available to this lot. Head said EPIC Engineering did the surveying for them and they did find a sewer and water line they could connect to.

Councilmember Bradshaw indicated he lived on the corner of 200 West 850 South. He said the Hawbrook Subdivision was both sides of the street on 850 South. He said in reading some about the other house that was allowed to go in that subdivision, it was done by variance because the lots in this subdivision were supposed to have a frontage of 75' or 80' and that particular lot was short. He said there were two other lots on the far end that could also be in that same situation. He felt that doing this perpetuated doing something that was not in the Ordinance. Kohler said 18.12.200 was the section of Code this would be approved under. He said the proposed lot would be 67 feet. Kohler talked more about the Code and said the end result was a lot less than the minimum. Kohler continued that he did some research and was not able to find anything about

the real intent of the ordinance this lot split would be regulated under. He suggested it might have been for infill purposes as was flag lots. Kohler talked about the Paul King Subdivision that went before the Board of Adjustment. He said the difference was this subdivision was recorded and the Paul King Subdivision was done by metes and bounds. He said staff's opinion was this lot was an enforcement issue. Kohler said staff had prepared an amendment to this Ordinance, as well as the Cottage Home Ordinance, and that would be going to the Planning Commission soon. Kohler talked about compatibility and it seemed to him this was a natural fit--no cramming and jamming.

Councilmember Bradshaw said he had no heartburn with putting a house there. He just did not want to perpetuate a problem. Mayor Pro Tempore Lange asked if the Council had the authority to grant this request. Kohler said the Ordinance originally stated the Board of Adjustment had to approve a split like this; but in 1999, the City put this type of issue in the authority of the Planning Commission and City Council.

Councilmember Hokanson moved to approve this Subdivision Plat Amendment request on property located at approximately 115 West 850 South with the condition the Planning Commission requirements were adhered to, and that this Ordinance be looked at for future study. Councilmember Shelton made the second. Voting AYE: Vaun Shelton, Shari Lazenby, and Elizabeth Hokanson. Voting NAY: Jeffery Bradshaw. Mayor Pro Tempore Lange did not vote on this issue. The motion passed.

Mayor Pro Tempore Lange asked that the ordinance regulating this type of lot split be looked at immediately.

Public Hearing – Ordinance 2007-35 – Pedersen (Wishalan) Annexation – 10.40 Acres of land located at approximately 670 East and 1200 South: Councilmember Hokanson read the Notice of Public Hearing. Mayor Pro Tempore Lange asked staff to give comments. An overhead was shown. Kohler said this was originally in the Corporate Medical Park area of the Zoning Map and that the Council had recently changed that zoning. He indicated the Planning Commission had made a favorable recommendation to this request. He said there was an annexation agreement that needed to be adopted with this Ordinance, if this request was approved. Kohler reviewed the annexation agreement and pointed out the following unique issues with this annexation: 1) dedication and construction of 820 South to connect to other projects; 2) dedicate additional right-of-way for 1200 South; 3) widen with curb gutter and sidewalk; 4) overlay and put two additional feet of asphalt; 5) dedicate an easement along the canal and put in a trail; 6) if fencing, the developer would put in consistent fencing materials; 7) no individual driveways onto 1200 South; 8) 20' open space along path; 9) the sewer on Highway 189 was undersized and they had been asked to upsize that pipe if it was not upsized by another developer (Boyer or someone else). Kohler said the Planning Commission did not recommend the COSZ at this time, but they could look at that in the future, if the developer wanted.

Mayor Pro Tempore Lange opened the Public Hearing. There were no comments. Mayor Pro Tempore Lange closed the Public Hearing and opened the Hearing to comments from Council and Staff.

Brian Balls, Summit Engineering, indicated from the concept, this had been perceived to be a property that would utilize the COSZ Ordinance and asked for that zoning with the Annexation

approval. He said it would be compatible with adjacent properties. He said that as far as the annexation agreement, that was the only point they had concerns with. Balls discussed the concept plan that was shown on the overhead.

Councilmember Bradshaw asked about density. Balls said R-3 COSZ could maximize 130 units but this concept would be 70. Councilmember Hokanson said she preferred R-3 now and have the Planning Commission work on a possible change to COSZ.

Councilmember Hokanson moved to approve Ordinance 2007-35, an Ordinance approving the Pederson (Wishalan) Annexation, a 10.40 acres parcel of land located at approximately 670 East and 1200 South and keep the zoning for now as R-3. Councilmember Shelton made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

Public Hearing – Ordinance 2007-36 – Boldavs Annexation – 161.54 acres of land located between 1200 South to 2000 South Millroad: Councilmember Hokanson Read the Notice of Public Hearing. Kohler reviewed the property from the overhead. He talked about the zoning requested as it complied with the General Plan and said this annexation had a lot of the same conditions as the Pederson Annexation. The concept plan was shown and Kohler reviewed that. The concept plan showed a trail along the one edge and landscaping instead of fencing. Kohler said there were a couple master planed streets involved and water and sewer that had to connect.

Paul Berg, Sowby and Berg, indicated there would be a 50' buffer along Mill Road and that no lots had driveways out to Mill Road as well as 1200 South. He said the park was over four acres which amounted to almost 10% open space. He said as far as the annexation agreement, there were a few items they would like to discuss. He said they had been trying to get in touch with Fawcett and have not been able to. He indicated they wanted the sewer to be shared instead of just the first person to develop to have full responsibility. Again he said he would like to talk to staff about some things in the annexation agreement.

Councilmember Hokanson expressed concern with the cul-de-sacs and said if the two cul-de-sacs next to the Tingey property could be stubbed out, she would like to do that. Earl Tingey discussed the fact he did not get a notice of this meeting, said he hesitated to participate in the annexation and had other concerns. He said overall he was not against the annexation and at some point wanted to develop his property, but he still had some concerns; 1) the Joe Coombs road coming right into one lot's front window; 2) the creek floods in the winter; 3) ¼ acre lots against 5-acre lots which he felt was a conflict and suggested they put one-acre lots along Mill Road.

There was discussion about the jogging trail and if it was sufficient. There was discussion about dogs and kennels in the area. A person in the area has cerebral palsy and the dogs and kennels were his source of income.

Wayne Stock indicated he lived on Mill Road and had moved there to get away from this kind of development. He said he was not opposed to neighbors but wanted elbow room and didn't want to be crowded. He said he was against the annexation.

Wade Kelson introduced himself and said he was the attorney representing the Boldavs folks. He indicated Kent Davis tried working with Tingey this past summer and were told they did not want to be involved. However, they still had enough property to meet the requirements of the

law. He pointed out the protest period had come and gone and the plan met the General Plan of Heber City. He said those opposing were responsible for reading the public notices and letters mailed to them.

Paul Berg responded to the comments made by saying the roads being built would give more access.

Mike Johnston, Summit Engineering, indicated he was not the engineer on this project and his comments were as a citizen. He said he supported every annexation that came before the City and felt this was a good annexation. He didn't think the City would be able to move beyond this point especially with the existing special service districts.

Councilmember Lazenby commented everyone had land rights and if control was wanted, ownership was the answer.

Councilmember Lazenby moved to approve Ordinance 2007-36, a Ordinance approving the Boldavs Annexation, 161.54 acres of land located between 1200 South to 2000 South Mill Road contingent upon staff working on the annexation agreement with Berg. Councilmember Bradshaw made the second. Councilmember Hokanson said her main concern was leaving the Tingey properties undeveloped and wondered if that was something that could be re-examined. Voting AYE: Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson. Voting NAY: Vaun Shelton. Mayor Pro Tempore Lange recused himself from voting on this issue. The motion passed.

Appointments

Kimberly Beck – Discussion about a marathon run in the area – Memorial Day or the weekend before or after – Already been to Wasatch County and Midway City and gotten approval: Mrs. Beck indicated she represented a group that wanted to do a ½ marathon and a marathon in the valley next summer. She indicated she had been before Wasatch County and Midway City and they had given approval. She was asking approval now of Heber City. She said there would be some “soft” closures where a road would be closed for a while until runners had passed and then re-opened. She said they anticipated about 3000 people to run. For each runner, history indicated, 2.3 people usually come into the area in support of that runner. Beck indicated the proposed date was June 20 and 21 and that the race would probably take six hours and probably start at 7:00 a.m.

Beck talked about the kids run which would involve about 10 weeks of activity, either running or some other activity that would equal 26 miles of running. She said the hospital was thinking they might (not finalized) give play ground equipment to the school that had the most participants. She said the corporate run would be a team run and competitive. Councilmember Bradshaw felt this would be good for valley.

Councilmember Bradshaw moved to approve and support this event in whatever way the City could. Councilmember Lazenby made the second. Councilmember Shelton wanted the Police Department to be paid by the sponsors of the event and have no cost to the citizens of Heber and he wanted to make sure their insurance was in force. Beck agreed and said they would need a lot of volunteers, as well. She said, too, they would make sure the area was cleaned up. The voting was unanimous in the affirmative.

Joe Spencer – Noble Vista Subdivision – Located at approximately 1200 East 1100 South - Changes in mylar from dedication to easement along canal: Joe Spencer, Noble Vista Subdivision, indicated that originally the plat that was approved had lot a 20A and 20B with dedication of the canal right-of-way to the City. Because of issues with one owner and with a lot of good will and negotiation, the plan now would be to have an easement instead of dedication, if the Council would approve that. The lot now would be a contiguous lot rather than two lots. He said he had worked hard with staff and Robert Hicken to work out this easement. He said the difference was only that the one piece would not be owned by the City but the result was the same. He indicated a new mylar would have to be drawn up.

Councilmember Shelton asked if they had approval from the CUP for this change. Spencer said the canal easement would see no difference. Mumford said he was not thrilled about this but didn't have a better solution short of stopping the subdivision. He said the wording he had proposed was what he would want on the plat to try and protect the City as much as possible.

Councilmember Lazenby moved to approve the request of Joe Spencer for the Noble Vista Subdivision subject to the language proposed by Mumford being put on the mylar.

Councilmember Hokanson made the second. No further discussion. The voting was unanimous in the affirmative. Mayor Pro Tempore Lange recused himself from the vote

Action Items

Habitat for Humanity - Requesting a 4-Lot Subdivision at the northwest corner of 300 North and 400 West: Brain Balls represented Habitat for Humanity and reviewed this was the City property adjacent to the Duff Johnson subdivision. He continued the size of the subdivision lots would be the same size lots that were in the area. Councilmember Shelton asked about the status of existing water and sewer connections. It was indicated sewer and water would be installed for the other lots and also the curb, gutter and sidewalk would be extended.

Julie Bernhard, Director of Habitat, thanked the Council, Summit Engineering and staff for their hard work on this project.

Councilmember Bradshaw moved to approve the 4-lot subdivision located at the northwest corner of 300 North and 400 West .Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

Jazabra Construction LLC – requesting to amend the Heber City Zone Map for one acre of property located at approximately 2126 South Daniels Road from R-1 Residential Zone to I-1 Industrial Zone: Mike Johnston represented this issue and said the owner wanted to put in a commercial garage. The area would include curb, gutter and sidewalk and a 25' landscaped area and the right-of-way necessary for a 72' wide road would be dedicated to the City.

Councilmember Lazenby moved to approve the amendment to the Heber City Zone Map for one acre of property located at approximately 2126 South Daniels Road from R-1 Residential Zone to I-1 Industrial Zone. The voting was unanimous in the affirmative.

As there was no further business, the November 1, 2007, Heber City Council Meeting adjourned.

Paulette Thurber, City Recorder

Approved 12/20/2007