

Heber City Corporation
City Council Meeting
11/18/2010

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on November 18, 2010, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Eric Straddeck Robert Patterson Alan McDonald
Excused:		Nile Horner Benny Mergist
Also Present:	City Manager City Recorder City Engineer Planning Dept Police Dept	Mark K. Anderson Paulette Thurber Bart Mumford Allen Fawcett/Tony Kohler Jim Moore/Ed Rhoades

Others Present: Jim Polanue, Mitchel Burns, Jonene Hodges, Kathryn Berg, Jalayne Bassett, Scott Safrori, Eric Rowans, Lisa Houston, Todd Cates, and Erik Rowland

Pledge of Allegiance: Mayor David Phillips
Prayer: Councilman Robert Patterson

Minutes:	05/20/2010 Regular Meeting	08/19/2010 Work Meeting
	09/13/2010 Special Meeting	10/21/2010 Regular Meeting
	10/21/2010 Work Meeting	

Councilman Patterson moved to approve the minutes as listed above. Councilman McDonald made the second. Voting AYE: Eric Straddeck, Robert Patterson and Alan McDonald.

OPEN PERIOD FOR PUBLIC COMMENTS

No Comments were received.

Mayor Phillips recognized the Boy Scout in the audience.

PUBLIC HEARING

Public Hearing – CDBG Small Cities Program – Suggestions for potential projects will be solicited, both verbally and in writing, from all interested parties. The expected amount of CDBG funds for this program year will be discussed along with the range of projects eligible under this Program and a review of previously funded projects (Tab 1): The public hearing notice was read by the City Recorder. Mayor Phillips asked if there had been any written comments received. It was indicated there had not been. Anderson explained the CDBG Small Cities Program. He said this Program provided funding for projects that benefited low to moderate income residents and/or blight areas. An overhead was shown of past projects in which the City had applied and received funding. It was indicated MAG (Mountainland Association of Governments) would have \$500,000 available for projects in Wasatch, Utah, and Summit Counties. Possible projects were listed. It was indicated the City had to solicit comment from the public. Mayor Phillips opened the Public Hearing for comments from the public and asked that anyone with questions, comments or suggestions during the Hearing to identify themselves prior to making comment in order for their names to be entered on the official record. No comments were received. The Public Hearing was closed.

Mayor Phillips asked for comments from the City Council and staff. Anderson indicated that last year the City had designated the undersized 300 West water line to be replaced but because of budgetary constrains it was not done. However, in the current budget year that project was scheduled. He indicated Tony Kohler had done a survey in the area and it appeared the project would qualify for the CDBG (Community Development Block Grant) application. Anderson said staff would recommend that project. Mayor Phillips asked if there were any other projects. Councilman Patterson said he would rather see the 500 South water line replaced. Anderson said that was the second choice if the 300 West line did not quality.

Councilman McDonald moved to go forward and seek funding for the 300 West water line replacement project. Councilman Patterson made the second. Voting AYE: Eric Straddeck, Robert Patterson and Alan McDonald. Councilmen Horner and Mergist were absent.

CONSENT AGENDA

Isabella's LLC dba Pepe's Market – Local Consent – Off-Premise Beer Retailer's License for new location at approximately 72 North Main (current location 87 N 100 E) (Tab 2):

Todd Cates/Mitchel Burns – Red Ledges – Requesting an amendment to Phase 1A by combining Lot 39 of Phase 1A with un-subdivided land from a future phase into the area of Lot 39 – located at the intersection of Chimney Rock Road and Squaw Peak Drive (Tab 3):

Cowboy Partners – Liberty Station – Approval of a Small Subdivision – 300 West 1002 South (Tab 4): Councilman Straddeck asked about Cowboy Partners and why the split was being requested. The site plan was shown on the overhead. It was shown that there would be two phases in the project and Cowboy Partners indicated they would get funding for low income tax credits on phase 1. The second phase was not planned yet. Mayor Phillips explained the financing had to be defined on a particular property, not a piece of something, but rather something defined. Kohler said Cowboy Partners had approval from the Planning Commission on this site plan and that the streets, curb, gutter, fire hydrants, etc., had been put in place by Boyer. Consequently, this developer would not have a lot of infrastructure to do except in their private area. Kohler said the first phase was more family orientated with three bedrooms, etc., where the second phase would be more apartment housing with single bedrooms and studio apartments. He said that phase 2 might possibly have a third story.

Anderson said it seemed odd to him to take what was now lot 16 in Valley Station Subdivision and rename it Liberty Station. He said there were two options: 1) vacate lot 16 in the Valley Station Subdivision and rename it to Liberty Station Lot 1 and Lot 2 or 2) keep it incorporated in the Valley Station Subdivision and number the parcels 16A and 16B.

Councilman Straddeck moved to approve the Consent Agenda and in regard to Cowboy Partner vacate lot 16 of the Valley Station Subdivision and re-plat separately. Councilman Patterson made the second.

Councilman McDonald wanted to talk about Red Ledges. He said there was still money owed on the affordable housing component of this development. Cates said they had talked with Housing Division personnel today. He said they had been making monthly payments but then skipped a couple. He said they had made a commitment to the Authority to go back to monthly payments. Councilman McDonald said he would not give approval to this request unless they were current with the Housing Authority.

Councilman Patterson asked about Pepe's Market. Anderson explained any change in location required a new approval from the Council in order to have an Off-Premise Beer License. Councilman Straddeck amended his motion to approve the Pepe's Market and Cowboy Partners request from the Consent Agenda. Councilman Patterson made the second on the amended

motion. No further discussion. Voting AYE: Eric Straddeck, Robert Patterson and Alan McDonald. Councilman Horner and Councilman Mergist were absent.

Councilman McDonald moved that the City Council had to have a letter from the Housing Authority stating the Red Ledges Development was up-to-date on their payments before giving consent to their plat amendment and continue the issue to the next meeting. Councilman Straddeck made the second. Voting AYE: Eric Straddeck and Alan McDonald. Voting NAY: Robert Patterson. Councilman Horner and Councilman Mergist were absent. Motion failed.

Lisa Houston – Requesting that Heber City pull the Performance Bond for the Majestic Mountain Acres Subdivision (Tab 5): Anderson said Houston owned a lot in the Majestic Mountain Subdivision—she was actually part of the original owners and then when they sold she kept one lot. He said that earlier in the day, he and Mark Smedley had talked with David Church, Utah League of Cities and Towns’ attorney, about this matter. Based on that conversation the City should proceed to call the bond. Anderson said the City could not record the subdivision until such time as the improvements were all in, which made it such that Houston could not sell her lot or do anything with it. Anderson thought this would be the only instance in which the City had to call a bond. Mumford said, after looking at the issue, there were more than just the one. Anderson said, as staff had learned more about this issue, it was staff’s recommendation to pull the bond. Anderson explained that the improvements to be finished would only be what was required by the City—this bond covered only City improvements. Electric, gas, cable were not utilities that were the responsibility of Heber City. He said that calling the bond would only fulfill the City’s responsibility.

Mumford said the City would end up with two scenarios: 1) Call the bond and be responsible for finishing the subdivision, or as much as the money would allow, and the other utilities would be finished by someone else or people would piecemeal utilities to individual lots. 2) The subdivision would just sit until a developer came in and finished it. Mumford indicated the City had three commercial subdivisions and eight residential subdivisions with a total of 118 lots that could fall in this category. Anderson said staff would analyze all subdivisions and notify developers that the City would be pulling bonds. Discussion about what improvements had to be finished in this subdivision. Councilman Straddeck expressed concern with this process. Anderson said that Dave Church had indicated there might be time frames associated with the bonds and banks might be resistant to funding after a period of time. Church felt that timing was important. Anderson said he had talked with a couple of other cities in the last couple weeks and some were now requiring cash bonds. Mumford indicated the City’s bond did not have an expiration date. However, the longer it sat, more things could happen and there would be more risk to whatever security the City had.

Lisa Houston asked if the Council was aware of the \$23,000 escrow for the inspection of improvements. Anderson said the City would be using that money for inspections. Mumford

indicated there was less than \$10,000 left of that escrow. It was indicated that the longer the City waited to call the bond, the bigger chance of the bonding companies not having money.

Mumford said he had not made contact with the bonding company yet but that discussion would have to start with them quickly. He said right now the City knew there was a bond in place and it should cover the costs. Councilman McDonald wanted to call the bond company and find out their decision before making a decision about this issue. The Council suggested Mumford approach the bonding company. Mumford said they would not discuss the issue without a formal claim--they would not talk to you about what they were willing to do until they had a formal claim.

Councilman McDonald moved the City pull the bond on Majestic Mountain Subdivision. Councilman Patterson made the second. Voting AYE: Eric Straddeck, Robert Patterson and Alan McDonald. Councilman Horner and Councilman Mergist were absent.

Review Proposed Marketing Budget/Plan – Russ McDonald Field (Tab 6): Eric Rowland appeared before the Council representing the Airport Advisory Board. He said the Board had been discussing marketing strategies and they had looked at different avenues--keeping the marketing “in house” versus an outside broker who had experience. After looking at both avenues, the Board decided to recommend to the Council to go with a broker. He said they had found a person/business, Ryan Cox/AS AirSpace, who was interested and who came highly recommended. Rowland said that in talking with Cox, the Board felt he would fit well into that role. Rowland said the Board had also researched banner information.

Discussion about AS proposal. Rowland indicated Cox had come down on his fee structure from 6% to 3.5% with no up-front monies. He said that Cox would like to fly out and see the area and talk with the Council. Discussion about what would happen if the City sold a hangar outside this broker or another broker.

Councilman McDonald suggested a 12-month agreement with AS AirSpace. He also suggested Cox present to the Airport Board instead of the City Council.

Councilman Straddeck questioned the real need for a marketing plan/broker. Eric Rowland said he thought the real need was mostly associated with the speed in which the City wanted them to sell.

The Council was in favor of having a special meeting with the Airport Advisory Board, and have Cox make his presentation.

Review Proposed Capital Improvement Plan – Russ McDonald Field (Tab 7): Anderson referred to the materials in the packet from the FAA. They had asked the City to review that and respond by end of month. He indicated the Airport Advisory Board had met in October and

reviewed the materials and then two weeks ago met to make sure the spreadsheet created was consistent with the Board recommendations. Anderson said the fencing was complete. It was indicated the Board felt, with the completion of the equipment building next spring, it would be well to remove the Lloyd building and also a concrete pad that ought to be removed at the same time. Anderson continued that the FAA had suggested some land acquisition but the Board did not think that was necessary. Anderson said the property in question was some narrow strips of land owned by various people on the Southwest side of the runway.

Councilman McDonald said in 2014, the City had to come up with some funds to finish that runway rehabilitation. It was discussed that there was hope the hangars would be sold by then and there would be funds available. Anderson said the City was not required to finish any project they did not want to that was suggested.

Councilman Patterson moved to approve the Heber City Airport-Russ McDonald Field Capital Improvement Plan. Councilman McDonald made the second. No further discussion. Voting AYE: Eric Straddeck, Robert Patterson and Alan McDonald. Councilmen Horner and Mergist were absent.

Mayoral Appointment – Board of Adjustment (Tab 9): Mayor Phillips presented to the Council the name of Randy Tree to serve on the Board of Adjustment. Tree's biography was reviewed.

Councilman Straddeck moved to approve Mayor Phillips' recommendation to appoint Randy Tree to the Board of Adjustment. Councilman Patterson made the second. No discussion. Voting AYE: Eric Straddeck, Robert Patterson and Alan McDonald. Councilmen Horner and Mergist were absent.

As there was no further business, the November 18, 2010, City Council meeting adjourned at 9:20 p.m.

Paulette Thurber, City Recorder