

Heber City Corporation
City Council Meeting
12/06/2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on December 6, 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: Nile D. Horner, Spencer Park, Wells Barker, George Bennett, Irene Hastings, Mike Thurber, Jihovani Aguirre, Adam Huff, Eric Straddeck and Paul Sims.

Pledge of Allegiance: Councilmember Vaun Shelton
Prayer: Councilmember Elizabeth Hokanson

Minutes: 09/20/2007 Regular Meeting
10/04/2007 Special Meeting
11/15/2007 Work Meeting
11/15/2007 Regular Meeting

Councilmember Bradshaw moved to approve the minutes as listed above. Councilmember Shelton made the second. No discussion. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Phillips invited anyone to address the Council on issues not already on the agenda if there was interest.

George Bennett expressed a concern on the RFP for the new Heber City Complex. He referred to and read from page 4, item F. He suggested the Council had eliminated anyone in the valley from submitting a proposal because of the wording "city or government design/construction." He said no one local could meet that criteria and, if the intent was to eliminate local firms from submitting a proposal for this project, he wondered why and asked for a clarification. Bennett indicated the bidder had to have done a \$3,000,000 project which was also a criteria that would

be hard for some to meet. Mayor Phillips asked Bennett if he had given any thought to bidding on the proposal minus a criteria. Bennett said yes. Mayor Phillips continued the Council did not intend to eliminate anyone, local or otherwise. Anderson indicated the bid would be evaluated by the selection committee and it would not preclude anyone from being considered if they hadn't performed work of that nature. Mayor asked if the Council was in agreement with Anderson's explanation. They were. Bennett said that was the clarification he was looking for.

Councilmember Bradshaw felt a municipal building was no different than any other commercial building. Chief Rhoades pointed out the Police Department would certainly be different because of their special needs. Bennett indicated most local firms had not done a "city or government" building. Councilmember Hokanson indicated the Council wanted a list of work they had done, even if it wasn't a city building. Mayor Phillips said he did not interpret that criteria like Bennett did. Bennett said he had talked to several people and everyone he had talked to and/or read it to interpreted the criteria like he (Bennett) had. Bennett thanked the Council for the discussion and clarifying for him their intent.

Bennett asked for a joint meeting between the Board of Adjustment and the Planning Commission to discuss fencing. He said in the last meeting someone suggested one of the Council Members told him to go ahead and build his fence and then ask for forgiveness later. He indicated he wanted all the Council to be aware of that. He suggested whoever had said that should be prepared to open their check book. Anderson suggested the fence issue be put on the Planning Commission agenda and have the Board of Adjustment members attend that meeting to talk about their particular concerns. Councilmember Lazenby asked if most of the problems coming before the Board of Adjustment in relation to fencing were corner lot issues. Bennett indicated it was always corner lots. Councilmember Lazenby wanted the Planning Commission to put an ordinance in place that addressed corner lots only. Mayor Phillips suggested the language in the Municipal Code needed to be written in a way it was easy to be understood by anyone reading it.

CONSENT AGENDA

Jinovani Aguirre – Mini Super Market – Request for an Off Premise Beer Retailers

License located at 37 West 100 South: Councilmember Lazenby moved to approve the request for an Off-Premise Beer Retailers License for the Mini Super Market located at 37 West 100 South. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

APPOINTMENTS

William O. Schmittel, Trustee, requests a Lot Split / Small Lot Subdivision located at approximately 287 East 400 South:

Councilmember Hokanson moved to approve the William Schmittel lot split/small lot subdivision request located at approximately 287 East 400 South. Councilmember Lazenby made the second. Councilmember Shelton asked if the motion included the recommendations of the Planning Commission. It was indicated yes. Those requirements included: 1) The subdivision being consistent with the General Plan, Section 18.60 R-3 Residential Zone and Title 17 of the Municipal Code; 2) Conditioned upon the City Engineer verifying fire flows; 3) The petitioner turning over a portion of a water right; 4) Construction of sidewalk along the frontage of 300 East and repair of damaged sections of existing sidewalk; 5) Construction of a fire hydrant so that each lot was within 250 feet of a fire

hydrant; and 6) deed restriction for curb, gutter and asphalt improvements. The voting on the motion was unanimous in the affirmative.

John Coons – Wheeler Park – Request to obtain Temporary Building Permits prior to Final Acceptance based on Heber City Municipal Code, 15.08.030: This item was cancelled at the request of Mr. Coons.

Rick McClosky/Paul Sims – Final Plat Approval – Phase 1 – Stone Creek Development: Mayor Phillips explained this was approval for Phase 1 only and that the entire project had been approved earlier in the year.

Councilmember Lazenby moved to approve Phase 1 of the Stone Creek Development along with the amended subdivision agreement. Councilmember Bradshaw made the second. Anderson suggested the motion of a few months ago to approve the entire subdivision needed to be rescinded. Councilmember Lazenby said with the amended subdivision agreement, that would be taken care of. Councilmember Bradshaw concurred. The voting was unanimous in the affirmative.

ACTION ITEMS

Ordinance 2007-41 - An Ordinance amending section 2.48.010 (b) and 2.48.020 of the Heber City Municipal Code, Created-Membership and Terms of Office for the Heber City Planning Commission, changing the Number of Voting Members from Eight to Seven and changing the Number of Members to be Appointed to Four Year Terms from three to two:

Councilmember Hokanson moved to approve Ordinance 2007-41, an Ordinance amending Section 2.48.010 (b) and 2.48.020 of the Heber City Municipal Code, Created-Membership and Terms of Office by changing the number of voting members on the Planning Commission from eight to seven and changing the number of members to be appointed to four year terms from three to two. Councilmember Shelton made the second. No discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

Resolution 2007-13 - A Resolution, Pursuant to Section 9-4-602, Utah Code, Authorizing the Wasatch County Housing Authority to Operate within Heber City: Mayor Phillips thought the Council had adopted a Resolution in relation to this earlier in the year but it appeared that had not happened. Anderson said the City had been operating under this format, as suggested in the Resolution, anyway.

Councilmember Bradshaw moved to approve Resolution 2007-13, a Resolution, pursuant to Section 9-4-602, Utah Code, Annotated, authorizing the Wasatch County Housing Authority to operate within Heber City. Councilmember Shelton made the second. No discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

DISCUSSION/ACTION ITEMS

Discuss Discount on Cemetery Lots for City Employees: Anderson said maybe some of the Councilmembers had been approached by Lance Higgs and that Councilmember Lange had asked this be placed on the agenda. It was pointed out that Higgs had a daughter die last month. It was discussed that Higgs had worked for the City for a number of years and was under the impression the City had offered the employees a discount on cemetery lots. Anderson said, to

his knowledge, there had never been a discount offered to the employees on cemetery lots. He continued that after Higgs left the employment of the City, when there was an anticipated increase in price in lots, the City offered the employees the option of purchasing graves via payroll deduction over a period of time, but not at a discount.

Councilmember Shelton did not think it was a good idea to offer a discount. Councilmember Lazenby suggested Higgs did give a lot of time to the City. She felt, if the City did make a proposal, it should be based on the number of years a person worked and a limitation be placed on the number of lots purchased. She said she would be interested in helping an employee, or former employee, in need. Councilmember Lange said he was not advocating a discount or not. He said he asked Mark Rounds to figure a discount, but Rounds had never gotten back to him. Anderson said there had not been any discussion between he and Mark Rounds but that the City already worked with people to pay over a period of time, if there was a need.

Councilmember Hokanson moved to continue with the policy now in place on the purchase of cemetery lots which included payment over time, if necessary. Councilmember Bradshaw made the second. No further discussion. The voting was unanimous in the affirmative.

Councilmember Lange passed out some pictures he took in Wyoming showing a Veterans Memorial. He wanted the City to move forward with a Veterans' Park. Councilmember Lazenby wanted Councilmember Lange to be in charge of this project. Mayor Phillips said he remembered the City Council putting money aside for this project. Anderson confirmed the City had several thousand dollars appropriated for a project of this type. Councilmember Lange agreed to head up this committee and project.

Approval of Holiday Schedule for 2008: Councilmember Hokanson moved to approve the 2008 Holiday Schedule as outlined. Councilmember Lazenby made the second. Anderson said the significant difference from 2007 was in the days given up. In 2008, the day after Thanksgiving would be the day given up rather than Veterans' Day. Discussion. The voting was unanimous in the affirmative.

At 8:40 p.m., Councilmember Hokanson moved to go into Closed Session to discuss personnel and pending litigation. Councilmember Shelton made the second. Those going into Closed Session: Mayor David Phillips; City Councilmembers Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson; City Manager Mark Anderson; and City Recorder Paulette Thurber.

At 9:20 p.m., the Council returned to Regular Session and adjourned the December 6, 2007, City Council Meeting.

Paulette Thurber, City Recorder