

Heber City Corporation
City Council Meeting
12/07/2006

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on December 7, 2006, 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: DiAnn Turner, Dave Turner, Ryan Fenton, Robert Johnson, Carl Berg, Mike Nicholes, Andrew Sipherd, Charlie Wintzer, Sandy Mahoney, Larry Mahoney, Tom Andra, Jeff Donovan, Jon Bingham, Irene Hastings, Kieth Rawlings, Brian Balls, Shelton Taylor, Mike Johnston, Jeremy Fillmore, Dave Hutchinson, Craig Jacobs, Mike Thurber, Andy Bedingfield, Ron Hutchinson, and Kraig Powell

Mayor Phillips asked if anyone in the audience was interested in giving a thought or open the meeting with prayer. There was no one interested.

Pledge of Allegiance: Councilmember Elizabeth Hokanson
Prayer: Mayor David Phillips

Minutes: November 16, 2006, Work Meeting
November 16, 2006, Regular Meeting

Councilmember Lange moved to approve the November 16, 2006, Work Meeting Minutes and Regular Meeting Minutes. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Phillips asked if anyone wanted to discuss an issue with the Council that was not already on the agenda.

Sandy Mahoney indicated she was walking down the hall in the Municipal Building the other day and remembered the bell. She thought it would be a good idea to use the bell more often and suggested a ceremony about 11:30 pm to about 12:30 on New Years Eve. She said she had talked with Dr. Green and he said he would be willing to participate in a program and to give some interesting facts about the city/community. She suggested hot cocoa and donuts could be provided. She again said she would like to see the bell used for special occasions. The Council thought it would be a very good idea and would support an effort for that. Mahoney also suggested ringing the bell at the beginning of fair days, Fourth of July, July 24th, etc. Anderson suggested CAMS, DUP, Chamber of Commerce or other organizations might be interested in helping. Mahoney also suggested, for New Years Eve, Skinner might want to talk about how people lived in years past.

APPOINTMENTS

Andrew Sipherd, Peoples Health Clinic, and Randall Probst, Intermountain Health Care – Request for Funding: Sipherd indicated he was the executive director of the Peoples Health Clinic and with him was co-chairman, Charlie Wintzer. Materials that Sipherd had brought with him were passed out to the Council.

It was indicated the Peoples Health Clinic was a non-profit organization. They only serve people that don't have insurance and their mission was exactly that. He said that, unfortunately, people in Wasatch County were not exempt from that scenario. Referring to the charts he had passed out, he said there were 150 visits from people in Heber City in 2005. He continued that through November (2006), they had 200 visits from Heber residents so they were already over the 2005 numbers. He said they would probably have 3000 patient visits by 2007. He explained the reason for expected big jumps in patients for next year was evening visits. They dedicate Thursday nights for diabetics and other chronic illnesses, Wednesday for pregnant women and obstetrical care, and Tuesday evenings for general care. He talked about the cost per patient visit (\$100 to \$124) and that the total cost for Heber City patients would be around \$37,000 if they see 300 patients through the end of the year. He explained the purpose for coming before the Council tonight was education for the Council and also to ask for a contribution. He said they would like to see a contribution of 19% of the cost of Heber City residents and that would be \$3,600. Mayor Phillips asked how they determined how many come from Heber City. He explained the patients were asked for their address and zip code. It was pointed out that not all residents with a zip code of 84032 were within the Heber City limits. He also said the patients were asked for donations, but they weren't obligated. He said they had segregated Midway residents and Wasatch County residents from Heber City residents. It was explained the majority of doctors and staff were volunteer workers; however, they do have a small core staff with the PA getting paid for about 15 hours a week. He said they also had a medical director who was paid for about 5 hours a week and a front desk person who was paid. Sipherd reviewed his handout and the graphs outlined. He said their patient visits continue to grow. He explained they planned to built a facility on the campus of the new Park City IHC building; however, they were not an IHC facility. He explained that Randy Probst sat on the board of the Peoples Health Clinic. They plan to work together as IHC had always been a good support to them. Councilmember Bradshaw asked about their fiscal year. Sipherd indicated it ran from January to December. He said he understood municipal budgets and their budget year being different than their budget year.

Councilmember Bradshaw moved to place this issue/request on the budget workshop agenda for the upcoming year. Councilmember Hokanson made the second. No further discussion. All aye. Councilmember Lazenby wanted to know how people found them. Sipherd said they run ads on

Park City radio. He said they hoped to do more advertising in 2007 but that most advertising was word of mouth.

J Daniel and Jeanne Stonely – Request for an “Easement of Use” – 2346 South Daniels

Road: Councilmember Lazenby moved to table this issue until next meeting when Stonely’s attorney, Joe Dunbeck, could be in attendance. Councilmember Shelton made the second. The voting was unanimous in the affirmative.

ACTION ITEMS

Carl Berg – Sowby and Berg – Approval of Lot Split/Small Lot Subdivision – 91 North 400

West: Carl Berg addressed the Council and explained this lot had an existing home with an open field. He said they wanted to put a cottage home on the lot.

Councilmember Hokanson moved to approve the lot split/small lot subdivision at 91 North 400 West as requested and as recommended by the Planning Commission. (sidewalk being constructed on the street frontage of both Lot 1 and Lot 2, curb gutter and asphalt be deed restricted, sufficient water rights to be provided and the original sandstone survey marker on the corner to be preserved and not disturbed) Councilmember Lazenby made second. The voting was unanimous in the affirmative.

Jaime Aquirre – Approval of Lot Split/Small Lot Subdivision – 153 South 400 East:

Jon Bingham, the engineer for this project, addressed the Council. He said they had received preliminary approval from the Planning Commission on the development. He indicated the questions about sewer had been resolved as they had checked yesterday and the sewer line did go in front of the lot. He explained there was not a fire hydrant within 250’ so Aquirre would be required to place one.

Councilmember Hokanson moved to approve the lot split/small lot subdivision with stipulations as outlined by the Planning Commission. (Curb, gutter and pavement improvements being deed restricted, water rights to be turned over to the City as determined by the City Engineer and installation of a fire hydrant within 250 feet of the lot) Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

Blake Allen – Approval of Lot Split/Small Lot Subdivision for Cottage Home – 300 East

200 North: Councilmember Lazenby moved to approve the request for a lot split/small lot subdivision for a cottage home on 300 East 200 North as recommended by the Planning Commission. (water rights turned over to the City for the new dwelling, a fire hydrant installed so each lot is within 250 feet of a hydrant, sidewalk constructed along the street frontages of all lots and curb and asphalt deed restricted) Councilmember Shelton made the second. The voting was unanimous in the affirmative.

Shelton Taylor – Summit Engineering – Approval of Lot Split/Small Lot Subdivision – 500 North 300 East:

Brian Balls attended the Planning Commission meeting when this was addressed so he presented to the Council. Mayor Phillips sat in the audience during this discussion because of a potential conflict because his daughter was married to the son of the Turners. Mayor Pro Tempore Lange conducted the discussion. He referred to the letters from the City Attorney, Mark Smedley, and Kraig Powell, attorney for Utah Land Holdings, LLC. He read the following from the Powell letter: [The purpose section of the ordinance does not transform cottage homes from a permitted use into a conditional use, and it does not allow the

Planning Commission or City Council to base their approval on whether the members believe the purpose has been met.] He indicated he agreed with Powell's letter.

Mayor Pro Tempore Lange moved that this request, lot split/small lot subdivision at 500 North 300 East, be approved under point of law. Councilmember Lazenby made the second. Mayor Pro Tempore Lange indicated a new ordinance was passed last meeting which changed the law relating to Cottage Homes which ordinance clarified some issues. The voting was unanimous in the affirmative.

DiAnn Turner asked for an explanation of what just happened. Mayor Pro Tempore Lange said the request had just passed. She asked why. Mayor Pro Tempore Lange explained the request met the ordinance. She said she did not like the decision of the Council. Mr. Turner asked if the minutes of the Council of 2001 had been reviewed. He referred to the 30 lots being referred to in the 2001 minutes. He stressed the Council had passed the ordinance based on 30 lots. Anderson explained that when the Cottage Home Ordinance was initially passed, staff had identified possible lots that would qualify for Cottage Homes. He explained, however, legal council felt this lot qualified under the ordinance as initially adopted. Anderson discussed the changes in the Cottage Home Ordinance that was passed a couple weeks ago. Turner felt the Council was making decisions based on people that lived in Wasatch County. He said he, as a resident of Heber City, and nearby property owners did not like that the Council was catering to Wasatch County developers. Mayor Pro Tempore Lange gave a brief history about flag lots and how they seemed to be an answer to infill lots. After a short period of time, it was decided they didn't work well and the law was changed. Turner told the Council they were making a decision that impacted that intersection, the church, and the apartment houses around the corner. He did not want four homes on that acreage. "You, as a Council, should look after the citizens of Heber City and not Wasatch County. You are not looking after me and this community by letting developers buy up lots and increase density." Mayor Pro Tempore Lange said there was no way to make everyone happy but that the Council tried hard to make the best decisions. Turner said the Council needed to think about the Mayor's opening prayer and said they were not making the best decision. Councilmember Hokanson told Turners she understood their concern but that the Council simply could not rule against the City's ordinance. She said the Council couldn't make decisions according to what they thought, but rather the Council had to follow the laws of the City. She emphasized the Council was bound by the law and couldn't go against it. Councilmember Lazenby agreed and said the Council didn't have a choice after reviewing the legal advice from Kraig Powell and Mark Smedley. Anderson suggested Turner look at the new cottage home ordinance and make suggestions for changes if he still had concerns. Turner again said they were representing the neighbors who did not want more density. "It just plain isn't right," he said. "If I was a developer, I would feel very guilty about putting four houses on that lot," he concluded. Mumford indicated one thing the developer had to do before he could record the plat was to combine the lots so they didn't create an illegal flag lot.

Brian Balls – Summit Engineering – Accepting/Rejecting Annexation Petition – 10.40 acres of property located at approximately 670 East and 1200 South and known as the Pedersen Annexation:

Brain Balls, Summit Engineering, represented Pederson on this annexation petition. He said the property ran along 1200 South adjacent to the City on its west side. (This property would continue the City limits to 1200 South) He said there was still one piece that he would have liked to be included in this petition, but the property owners weren't ready yet. He said this annexations butts up against two other recent annexations, McNeil Schneider and Cook Houston. He indicated one thing that made this annexation important was a corridor plan they had been working on with staff for some time that would be called 820 South. It actually starts at

750 South and meanders to 820 South and continues to 1200 South. Mayor Phillips indicated this would actually connect the City from 600 South all the way to 1200 South. He said they had also been working with Mumford on a sewer line extension on 1200 South. He said this completed the piece needed for that extension. That would give a sewer connection from 600 South all the way to 1200 South.

Councilmember Lazenby moved to accept the Pederson Annexation Petition and refer it to the Planning Commission for further study. Councilmember Hokanson made the second. No further discussion. The voting was unanimous in the affirmative.

DISCUSSION/ACTION ITEMS

Mike Johnston – Summit Engineering – Discussion – Amendments to the Future Land Use Map in relation to the Hutchinson property located at approximately Coyote Lane: Mayor Phillips reminded the Council that Johnston discussed this briefly last meeting and the Council had asked him to do a more detailed presentation.

Johnston indicated he understood the correct body to go to for changes in the Land Use Map and zoning was the Planning Commission; consequently, he planned for open discussion tonight as they would like to propose a plan for the area under discussion to be changed to a PC type zone rather than just housing. An overhead was presented showing the land under discussion. Johnston asked the Council what they wanted this corridor into the City to look like. He suggested that maybe housing was not the entry corridor wanted as this would be an entry into the City. Johnston talked about different accesses onto Highway 40, UVSC and looking ahead to the growth on that campus. Johnston reviewed the North Village Concept Plan as it butts up against the Cove at Valley Hills. He felt it important for the City to continue to plan and foster commercial development in the City. Johnston talked about Heber City staying the economic center for this valley/county. He discussed a north/south collector road that was other than the main highway. He felt it was important to get a master planned corridor that would give access to the businesses along the highway another access off of Highway 40. He thought it more appropriate to plan the area as a planned community rather than individual pieces. He showed a concept plan for the Hutchinson property. It showed different types of uses. Large swatch of green space along Highway 40, some single family homes, mixed use residential, retail that didn't conflict with major retail sources and green space and open space. Johnston showed pictures of the Riverwoods area (not the shops but the green space separating the shops and the highway.) He talked more about green belt corridors. He asked the Council for feedback and said he would like to go to Planning Commission with the direction of the Council to revisit the Land Use Plan based on his presentation tonight. Johnston said Fawcett was in agreement with this concept, their ideas of green belt, and updated plans for the entrance into the City.

Councilmember Shelton asked about capacity in the 500 North sewer line. Mumford said he needed feedback from the Council also on the sewer lines. He said the City's sewer stopped at about the Smiths area. He said a trunk sewer was master planned but the Hutchinson's weren't excited about that concept. He said that North Village had already worked with Hutchinsons and had facilities there for North Village that they could easily tie into. The question he posed was how the Council felt about North Village providing services in the Heber City area. He said this would be a key question that needed to be answered before it went to the Planning Commission. He said North Village was willing to serve it but they weren't pushing the issue. It all depended on how Heber City felt about the issue. Mumford said this was something that had to be answered pretty much up front. Mayor Phillips indicated the Council needed to talk about this. This could

go to the Planning Commission without a decision about sewer. Anderson said it would also depend on the Bassett Annexation. Mayor asked if the Council wanted the Planning Commission to look at the Land Use Plan.

Councilmember Bradshaw moved to ask the Planning Commission to look at the Land Use Plan based on Johnston's proposal for the area. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

CITY COUNCIL BOARD REPORTS

Wasatch County Housing Authority – 1st Wednesday – **Shelton**
Wasatch City/County Health Department – 3rd Tuesday – **Lazenby**
Heber Light and Power – 4th Wednesday – **Phillips, Lange, Shelton**
Historic Preservation – **Councilmember Lazenby**

No reports were given.

OTHER ITEMS AS NECESSARY

At 8:40 Councilmember Lazenby moved to go into Closed Session to discuss the sale of real property and pending or reasonably imminent litigation. Councilmember Shelton made the second. Those going into Closed Session: Mayor Phillips; Councilmembers Lange, Shelton, Lazenby, Bradshaw and Hokanson; City Manager Mark Anderson; City Recorder Paulette Thurber and City Engineer Bart Mumford.

At 9:45 p.m. the Council returned to regular session. As there was no further business, the regularly scheduled meeting of December 07, 2006, of the Heber City Council adjourned.

Paulette Thurber, City Recorder