

Heber City Corporation
City Council Meeting
January 2, 2007

6:30 p.m.

SPECIAL MEETING

The Council of Heber City, Wasatch County, Utah, met in **Special Meeting** on January 2, 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

Wasatch County Council Chairman	Jay Price
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Council Members	Neil Anderton Kip Bangerter Kendall Crittenden Val Draper Steve Farrell Mike Kohler
County Manager	Mike Davis

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: Todd Cates, Lauren Knowles, Genna Vee Wolsey, Harold Patrick, Pam Patrick, Charles M. Acklin, Rudi Kohler, Stan Despres, Art Fryxell, Larry Pabst, LeNell Heywood, Ramona Dawn, Carol Davis, David Todd, Annie Bruehl, Brenda Simonson, Powell Smolarkiewicz, Paul Sims, Mike Johnston, Darrell Johnson, and June Moles.

Mayor Phillips acknowledged the Wasatch County Council Members, the Red Ledges group and others in attendance. He indicated this was not a Public Hearing but rather a Public Meeting and comments from the audience would be accepted at the end of the discussion between the County Council, City Council and staff.

It was indicated there was pizza in the conference room for anyone interested.

Mayor Phillips summarized that the Wasatch County Council, Heber City Council, planners, staff, developers and others had met in meetings during November and December on the same issue as was before them tonight. He indicated there were two issues before them now: Red Ledges and the Wasatch County Master Transportation Plan. He said the Heber Valley would be seeing new growth and new homes and a County Master Transportation plan needed to be addressed. He indicated the discussion would be separate even though the two might be related.

Mayor Phillips indicated the collective thought of the Council was they believed Red Ledges would bring a lot to the community. It was felt the gated mountain community would work by widening Center Street with a middle lane. He said there was no plan to put five lanes on Center Street although, at some point, the community might grow enough for that. The City Council felt Red Ledges would only require a turn lane. He talked about Valley Hills Blvd., Coyote Lane, the possible development of the Bassett property, the cemetery property, and a bypass--some day there may be a need to take traffic off of Center Street. He indicated that would pose a lot of problems and it would not be inexpensive to do. He indicated a west exit out of Red Ledges and Center Street could handle the Red Ledges Development. It was indicated Todd Cates had brought with him a traffic presentation which the Heber City Planning Commission viewed last Thursday but that no one else had seen it that he knew of.

Jay Price, Wasatch County Chairman, wanted to discuss a couple issues before going to the traffic presentation. He said the County Council had talked at length about this development and had discussed an Interlocal Agreement. He said they wanted some concrete facts. 1) They wanted clarification on the open space issue and wanted the open space the development would provide to be deeded to the County. He said it would be about 450 acres. Cates asked if the County wanted it deeded or just a conservation easement. County Councilmember Kohler suggested a conservation easement that would remain undeveloped. Council Councilmember Price indicated the Sorenson property was deeded to the County and also had a conservation easement so it would not develop. 2) Water and sewer would be provided through Twin Creeks Special Service District. Mayor Phillips asked about Councilmember Lazenby's question of last meeting about Twin Creeks Special Service District becoming one with Jordanelle Special Service District. County Councilmember Price did not know if Twin Creeks had an agreement with Jordanelle or not but said the initial lead would be Twin Creeks. 3) County Councilmember Price said he understood the planning would be shared by both the City and County staffs. He said they envisioned the County Planning Staff would be the lead on that. 4) Engineering would be shared and the City would be the lead on that recognizing that water and sewer would be built to Twin Creeks' standards. Mike Davis indicated Twin Creeks would engineer their utilities (water and sewer) and would take the lead on that. Everything else would be by the City. 5) County Councilmember Price said there had been discussion on conservation/density fees and that fee would go to the County. He said the County would propose they have a density of between 300 or 400. County Councilmember Kohler indicated the unit numbers had not been decided. Mayor

Phillips suggested that as the annexation agreement was worked out, that number would be listed. 6) County Councilmember Price said the other issue that might be a problem down the road was fire inspections in the urban interface. He said he would like to see the City and County get together on the fire inspection fees. "We aren't that far out, but I would like to see unity," he said. It was indicated the Fire District charged a fee. County Councilmember Price indicated what the County Council had envisioned was that it was a Wasatch County Fire District-not an unincorporated fire district. County Councilmember Farrell felt sharing the fees could be worked out. 7) It was indicated the building inspections would be done by the City and those fees collected by the City.

Councilmember Hokanson indicated she didn't remember discussing affordable housing and said the City had an ordinance in place. Cates indicated they had started talking about that with Jennifer Kohler. He said there were some initial numbers and figures that were included in the Master Plan that had been presented to the City. Anderson suggested that figure was \$11,000 per ERU's. He indicated there was a formula that had to be followed and that was what the \$11,000 worked out to be.

It was discussed that if there was a dispute, five City Council and five County Council members should discuss the issues; then if not resolved, a mediator would be gotten. Mayor Phillips said this had been talked about in the past and wanted to make sure that was what was wanted and was in place. County Councilmember Farrell thought three members from each entity would be a better number.

County Councilmember Draper wanted to discuss the regional park in the southwest corner. He indicated he had concerns with gated communities. He thought a partial gated community instead of fully gated one would be better. Cates indicated that from the beginning, they had said it would be a community park. He said they want this development to remain a world-class park and want it maintained well. He said the more they had thought about it, they had decided they wanted to maintain control and keep it maintained; however, they had no problem with the park being public. Lauren King indicated the plan now was for the park to be public as well as the trails. Cates reiterated their thinking at this point was they take care of the operations and maintenance.

Mayor Phillips indicated the City Council had talked about gated communities quite a bit. Councilmember Shelton felt a gated community was no different than wards and stakes and those people being separated. He said he did not oppose this development being gated. Councilmember Bradshaw felt it was beneficial to the City for the development to be gated. Councilmember Lange suggested this had been a gated area forever. Councilmember Lange pointed out that in the Cottonwood area, there were 14 or 15 gated communities. He agreed no interaction with a community that was gated would be lost. He pointed out the trails would still be there and again said he thought the valley could get along fine with a gated community. Councilmember Lazenby agreed. She suggested the need for security for second homes was, in itself, reason for it. Councilmember Hokanson had concerns about a gated community and said she would rather see a partially gated community. Councilmember Lazenby asked about the golf course and the availability of the community to that. Cates said there would be some

memberships available. County Councilmember Draper asked if there had been any consideration to a partial gated community. He did not agree with Councilmember Lange that a gate across a farm constituted this property being gated previously. Cates suggested the Red Ledges community would be very involved in the valley. He said there would be some primary homes and, as they got established, they would interact with the rest of the community. Cates continued that from their studies, they had found there would be a lot of interaction between the Red Ledges Community and the rest of the community.

Mayor Phillips discussed private roads and trash pickup and problems or non-problems with fire and safety equipment getting in and out of the development.

Council Councilmember Draper wanted to know the opinion of the rest of the County Council about gated communities. County Councilmember Bangerter was not concerned with a gated community. He said there were a few problems in Cobblestone, though; people were supposed to be able to go through there, but the people living in Cobblestone didn't want them. County Councilmember Farrell felt gated communities created a class issue and said he did not like them. County Councilmember Crittenden indicated his preference would be that it was not gated. He said he understood their marketing, but wondered about the lower end not being gated and the upper end being gated. He thought partial gated was something to think about. County Councilmember Anderton indicated he did not want a gated community and agreed with Farrell about class. He said he would prefer a partially gated community. County Councilmember Kohler indicated his main concern was the road and sidewalk inclination in a gated community. He said the standards would be different. He felt it had to be designed so that someday the community might not be gated.

Councilmember Lange indicated one of his concerns was roads in the County and expressed concern with the County standards; he said even City standards failed sometimes. Mike Davis indicated road width was an issue and said the County was looking at increasing their road width. He said people seemed to park on the sides of the roads thus creating a problem with safety issues. He said he would encourage good standards and allow for safety even though the roads would be private.

Mayor Phillips indicated Dallas, Texas, had many gated communities and mainly for safety purposes. County Councilmember Price indicated the gated community didn't bother him as much as the others. He related it to public and private schools rather than wards and stakes. "It is just different strokes for different folks," he said and it didn't bother him if someone wanted to live in a gated community. He said he liked the tax benefit of a gated community which he felt would be more than otherwise. Mayor Phillips agreed and said people paid more for homes with privacy and security. He continued that a gated community, as presented to the City Council, was O.K. He stressed that what was wanted tonight was to work out these issues as the protest period was over tomorrow.

County Councilmember Draper suggested the developer had not been heard from yet and their ideas about a partially gated community was needed. Cates said they had looked

into it. He said it was not easy based on the master plan presented. He said they hadn't brought that up because they were looking for a second home community. He said the issue was more perception for the buyers and more safety. He indicated the price was about 20% more and also that was what went along with a Jack Nicklaus golf course. He said because of the value, they would be able to do that and have parks and trails. He indicated they were happy to help on other issues, such as Center Street and affordable housing; but, it was based on the 20% extra value. He said they wanted a world class community. County Councilmember Draper said "No disrespect to world class but I thought we already had a world class community. Our world class is our people and the things that bring them here." He didn't think being a gated community would make it any more world class. Mayor Phillips felt that was a good point but that there were those that wanted to live in a gated community. Mayor Phillips said all opinions were valuable and now was the time to decide. Cates said that in the end and if this community wanted to compete with other communities, such as Victory Ranch or Promontory, it had to be gated. County Councilmember Price asked the County Councilmembers if it was a "show stopper" if it was strictly gated. No one responded.

County Councilmember Anderton asked about the regional park and also wondered if the east equestrian area was going to be open to the community. Cates indicated the parcel was close to 40 acres and yes, it was going to be open to the public.

County Councilmember Steve Farrell discussed a density fee. He said he had been working on open space issues for some time. He suggested imposing a conservation fee to help mitigate increased density and use that money to buy open space or ERU's. He said he and his committee had worked very hard to get an ordinance in place for that. He indicated that fee would not be shared with the City, but shared with the entire community.

At 7:35 a 45 minute break was taken.

Todd Cates indicated there had been a lot of questions regarding traffic during the break. He indicated he would give a power point presentation which would give a simulation of Center Street coming into Main Street. He continued that the highest growth rate they had found was a growth rate of 6.7 % and that Horrocks Engineers had indicated a growth rate of 5% since 1998. He said in the presentation, they had taken the worse case scenario. He said they still felt Center Street was the answer to their project but there were concerns when Center Street hit Main Street. Cates pointed out that the City was already widening Center Street with grant monies in 2009. He felt that widening was the least impact to existing neighborhoods. Cates indicated they had looked at different scenarios including a northern bypass. "In the end, given the cost and cuts and fill, a northern bypass would not work," he said. He showed a route through Wasatch View which he felt was a better option to the northern route. He indicated it could reduce traffic off of Center Street by 20% and the cost would be about \$7,000,000 including land acquisition, litigation, etc. He suggested another option was a parallel street to Center Street. He said the benefit would be routing Red Ledges traffic through the City to Highway 40. He felt

that served the community best. Cates compared a Mountainlands study to one done by Fehr and Peers. Cates indicated Center Street worked for this development.

A simulation was shown with what happened when traffic hit Center Street. It was indicated they used 100% occupancy, 365 days a year with 1440 homes as the figures to prepare the simulation. (maximum number of units with 100% occupancy, highest peak time in year of 2030 after grown rate of 6.7%) The simulation showed how traffic would flow on Center Street, Main Street, 500 East, Mill Road, and 2400 East.

County Councilmember Draper expressed concern with getting onto Main Street and questioned when the count was taken. It was indicated June 27 and 28, 2006, at the areas shown on map. It was discussed that protected lanes (left turn signals) made a big difference. County Councilmember Kohler indicated he chaired the County Master Transportation Committee and suggested the flows they were showing didn't seem to be consistent with Mountainlands' study. He said that based on what they had seen and what they expected, they would like a western connection going through Valley Hills. He said the County was putting models together of their own. He discussed a corridor off Center that went through to Coyote Lane. He said he talked to Cates during break about the Stone Creek Development and possible changes in their roads. There was more discussion about three lanes on Center and an alignment on the west side. Mayor Phillips asked that discussion now move to the next issue. County Councilmember Kohler wanted to maintain speed and safety by preserving a corridor. Councilmember Lange suggested if the Bassett property was opened up, people would take it. He said there was no one more impacted than he was on Valley Hills Blvd. and he would be O.K. with it through the Bassett property, if it worked best that way, but he did not want the cemetery impacted. Mumford discussed three lane roads and said if Center Street was kept at three lanes, there had to be another three lane road somewhere else.

Mayor Phillips again said there were several issues that needed to be agreed upon because of the protest period time frame. He said it would take some time to get everything put into writing, but in principle, felt everyone agreed on the issues.

At this time, Mayor Phillips asked for input from the audience.

Ramona Dawn – Mill Road cannot be used as a bypass, she said. She said she had seen a lot of children nearly hurt. She gave an example of her daughter playing in the front yard and the danger she faced from the traffic.

County Councilmember Draper did not want to move forward with anything until all issues could be worked out.

David Todd – He appreciated all the talk about going through different neighborhoods. He encouraged the Council to remember that, at one time, Center Street was a neighborhood street, too. He thought there were some good alternatives and that they all needed to be looked at so that people living on Center Street could still have a residential

neighborhood, too. Mayor Phillips pointed out that even when development happened outside of Heber, it still affected Heber. “We see them coming and going,” he said.

Larry Pabst – Questioned using the 6.7% growth rate. Cates tried to explain they were creating a worse case scenario so in the end, they didn’t have problems they hadn’t planned on. Pabst asked about the density changes that hadn’t been determined yet. Cates said that was another reason to do the study based on worse case scenario. The representative from Ferh and Peers indicated they had taken into consideration all of the proposed developments in the valley that they were aware of when making the model.

There was discussion about rentals. Cates said renters would be limited in the cottages and also would be limited to people living in the development. He said they would only allow renters for a week or month at a time and there would be no overnight rentals. He said this would be detailed in the covenants.

Cates said there had been many discussions about whether this would be a resort or residential community. He stressed it would be residential. He said the covenants would be recorded with the plats. He said there would be fees that could be very high. Pabst questioned if the covenants could be changed by the homeowners. Cates said he had never seen something like that voted on. He said people were wanting to get away from crowds, not create crowds.

Cates discussed the success of the Promontory project. He thought Red Ledges would have more secondary homes than Promontory because of the location. He said after their studies, they didn’t think this development would be more than 50% primary. He actually felt it would be more like 25 - 30% primary.

Mike Johnston – He cautioned people to not assume Center Street would be four or five lanes. He said the more traffic that could be removed from the core of Main Street would help everyone in the County. He felt that taking traffic off Center Street would be better. Mayor Phillips suggested that in looking at traffic, people tended to take the easiest route. He said there was a need to plan the corridors and look ahead. Johnston suggested using them all—Center Street, Mill Road, Coyote Lane, Bassett, etc.

Someone asked if the County was going to continue to service Wasatch View. County Councilmember Farrell indicated that as long as that area was in the County, they would service them.

It was suggested this development was a huge impact on people’s lives and as residents of Wasatch View, they were opposed to having the alignment through their development. They said as a neighborhood, they were willing to do what they could to keep their neighborhood intact, including litigation.

Pam Patrick - It appeared to her the City was taking care of Red Ledges and taking care of Wasatch View. She did not perceive the County was concerned with them, however. She stressed the property owners didn’t want condemnation of their property.

Mayor Phillips said if there was an area that was free, that area would be used prior to going through someone's home.

Mayor Philips thanked those in attendance for being the kind of audience they had been.

At 9:30 p.m., the meeting adjourned.

Paulette Thurber, City Recorder

Approved 03152007