

Heber City Corporation
City Council Meeting
February 20, 2007

5:00 p.m.

SPECIAL MEETING

The Council of Heber City, Wasatch County, Utah, met in **Special Meeting** on 02/20/2007, in the City Council Chambers in Heber City, Utah.

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| Present: | Mayor | David R. Phillips |
| | Council Members | Terry Wm. Lange Vaun Shelton Jeffery Bradshaw Elizabeth Hokanson |
| Excused: | | Shari Lazenby |
| Also Present: | City Manager | Mark K. Anderson |
| | City Recorder | Paulette Thurber |
| | City Engineer | Bart Mumford |
| | City of Police | Ed Rhoades |
| | City Attorney | Mark Smedley |

Others Present: Harold Patrick, Scott Wilhite, Sandy Ure, Sonia Schmieder, Don Roberts, Mike Johnston, Landon Bonner, Rodney Hopkins, Eric Straddeck, Mary Piscitelli, S. Schmidt, Mitchel Burns, Maria Johnson, Todd Cates, Rick McCloskey, Paul Sims, Bob Piscitelli, Peggy Holbrook, Ted Holbrook, Dennis Murphy, Cherie Murphy, Vivian Wyman, LeNell Heywood, Devin McKrola, Steve Farrell, Craig V. Wentz, Fred Fage, Tyler Frisby, Bethany Mumford and others whose names were not legible.

Red Ledges Recreational Community: Mayor Phillips said the purpose of this meeting was to look at the Memorandum of Understanding (MOU)/Interlocal Agreement between Wasatch County, Heber City and Red Ledges. He explained there had been a meeting at the Wasatch County building previously at 3:00 p.m. Mayor Phillips indicated the document (MOU) was revised at that 3:00 p.m. meeting at the request of Heber City. He wanted to go over each paragraph. Anderson indicated that what the Council had was a marked up version that the County Council had approved after verification of the legal description.

It was indicated the first thing missing that Thomas Low, County Attorney, had left out was in paragraph 7c. Red Ledges was now expressing a desire to maintain the park in a manner congruent with their development. Proposed language would be: Red Ledges shall maintain the landscaping associated with the bypass. (the bypass goes North and

South) (including median and mow strip within the public right-of-way) Heber City would maintain the streets and sidewalks. It was indicated County Attorney, Thomas Low, would add/change that language.

The revised document, as given to the City Council, had penciled in changes to paragraphs 7d, 9d, 19 and 21. Anderson reviewed those. Anderson said with those changes, Wasatch County had approved the Agreement.

Mayor Phillips talked about paragraph 2 and said this was something all parties had been working on for a period of time.

Mayor Phillips talked about Wasatch County posing the offer to partner with the City to purchase Sage Acres lot #1 so the road that is being built by Red Ledges could go all the way across to 1050 East if Heber City would partner with Wasatch County to the north and someday get an access through Wasatch View Acres for the road they hope would one day go all the way to the highway. Mayor Phillips said that was something that had to be discussed in a City Council meeting. Then Todd Cates, Red Ledges, offered to partner with the City and go in half on the purchase of that lot. Mayor Phillips asked the Council their thoughts in partnering with Wasatch County on an access through Wasatch View Acres. Anderson felt to do that would be to take it from the top of Stone Creek to 1050 North which would require the acquisition of property from one or more lots-one and maybe two. He said, too, that Wasatch County had requested the City also help with the cost to construct the road. Anderson said there would be significantly more cost to the City than to Wasatch County if these two scenarios were agreed upon. Councilmember Shelton felt the City should go in with Red Ledges on their offer because of the unknown costs to the County's proposal. Councilmember Hokanson agreed. Councilmember Bradshaw agreed and said he would just as soon commit to the one lot and not to road construction costs, etc. It was decided the City did want to partner with Red Ledges now to buy that lot instead of waiting. Anderson suggested once the Board got established to administer the corridor preservation fees, that consideration of any money the City might expend for this lot might be given back to the City for reimbursement. The Council agreed.

Mayor Phillips talked about that being the case with the truck route, as well. He said the City had talked to the County verbally but needed something in writing. Anderson said the Board had to be formed first. Anderson talked about the monies that would be in that fund already. Mark Smedley asked about language being about corridor funds and reimbursement. He said it had been talked about but did the City want it in writing. He said when talking with the County, they did not seem to have any objections. Farrell said he did not think that should be put into this Agreement. He wanted to get the Board formed first and then the members of that Board would determine how those funds would be spent.

Smedley said that in paragraph 7d, "jointly" meant 50/50.

It was indicated the County Council had voted unanimously to approve the Interlocal Agreement but it would not be signed until the legal description was checked and inserted. After the signatures were on the Document, the protest would be pulled. Cates said the legal was now attached and the surveyor would be verifying that today and tomorrow.

There was discussion about the two roads, bypass and connector. The roads were pointed out on a map. Bob Piscitelli said there was no description of the connector road in the Agreement telling where it was going to go or how wide it would be. Smedley said it was described and he read from the Agreement. Tyler Frisby, Stone Creek engineer, wanted to address that. He asked what the City's expectation was for maintenance of the road where it crosses their property. He said they would have to do a lot of landscaping and berming along the side of that road and they would want to control the maintenance of that. He asked if the road landscaping would be maintained by the City? Anderson said that would be something put into a development agreement with Stone Creek but Anderson felt that the responsibility would probably be Stone Creeks. Frisby said they would prefer that.

Frisby asked about maintenance on the small strips that were created by the meandering of the road. Cates said they could work that out between them. Stone Creek wanted those maintained.

Frisby asked about the lot purchase and wondered about the time frame. They would want to have access to their property quickly. Anderson said the City and Red Ledges were working on that now and it could be soon. Cates said they should close on March 7. There was discussion about the 20' strip on each side of the lot. It was indicated there were different options that needed to be discussed.

Mary Piscitelli - On Millroad, there is a stub out already that could access Stone Creek. She asked with the new proposal would that not be used? She wondered why an access that was planned, was not being used. Mayor Phillips discussed the growth of the community, roads being planned on the grid square system and changes to that plan based on a Planned Community.

Eric Straddeck - Straddeck asked about miscellaneous provisions under paragraph 24. Mark Smedley addressed that and said he did not know anything that would preclude the City from making the decision to annex or not annex within 60 days. Smedley said he was worried about having that kind of language in there. He pointed out the City was motivated and Red Ledges was also motivated to get this in place. He said if Wentz could live with it, he would like to see that sentence go out. Wentz indicated he hoped this could move forward as quickly as possible. Discussion about the earlier meeting with Wasatch County Council. Cates said he would prefer to have a date but would be OK with taking that sentence out. It was decided to take that particular sentence out.

Anderson indicated this issue was on the Planning Commission's agenda this Thursday for a recommendation.

Scott Wilhite – Wilhite said he was scratching his head on the design he was seeing. He said he believed in future growth but was surprised the plan was for a road so far east. He personally did not think people would use the bypass road—no one would travel east to go west and felt this was not thought through. He showed on an overhead a proposed road that he felt would work better. He expressed concern that many of his neighbors were not able to attend a 5:00 p.m. meeting. He again expressed concern that everyone in Red Ledges would have to drive through the entire development to get out of town.

Mumford asked about the changes to paragraph 7d and asked if that eliminated the option of going through Stone Creek. Mayor Phillips indicated this was the plan that was presented and the City and the County Councils had agreed with the alignment of the road as presented.

Councilmember Hokanson asked if the Council had the ability to change anything in the document if all parties had agreed. Smedley said the document as presented was what was approved by the County. Cates referred to language in the document that provided for changes in the future if all parties agreed. (paragraph 28) Smedley indicated there would still be annexation agreements and development agreements that would be prepared in the future as the project moved forward.

Eric Straddeck – Straddeck again expressed concern about the road description under 7a. A Red Ledges' representative addressed that and said they wanted to be able to move a little bit and have some flexibility because they were not on the centerline anymore, they were 10' off. That language gave them flexibility based on that.

Mayor Phillips said the City and County had worked diligently to provide a product that was best for Heber City. He said both developers (Red Ledges and Stone Creek) had gone to great expense to plan and re-plan.

Mark Smedley indicated in paragraph 7d the word “jointly” should be changed to “equally”.

Councilmember Hokanson moved to approve the Interlocal Agreement regarding Red Ledges with changes as penciled in and subject to Jim Kaiserman, County Surveyor, checking the legal description and Mark Smedley, City Attorney, giving final OK and to authorize Mayor Phillips to sign in behalf of the City. Councilmember Shelton made second. No further discussion. Voting AYE: Vaun Shelton, Jeffery Bradshaw, and Elizabeth Hokanson. Voting NAY: Terry Wm. Lange. Councilmember Lazenby was absent.

Councilmember Bradshaw moved to go into Closed Session to discuss pending litigation. Councilmember Shelton made the second. Those going into Closed Session: Mayor David Phillips; Councilmembers Lange, Shelton, Bradshaw and Hokanson; City Manager Mark Anderson; City Recorder Paulette Thurber; and City Attorney Mark Smedley.

At approximately 6:30 p.m., the Council moved into Regular Session and Adjourned.

Paulette Thurber, City Recorder

Approved 06/07/2007