

Heber City Corporation
City Council Meeting
November 21, 2006

6:30 p.m.

SPECIAL MEETING

The Council of Heber City, Wasatch County, Utah, met in **Special Meeting** on 11/21/2006, in the City Council Chambers in Heber City, Utah.

Present: Mayor David Phillips
Council Members Terry Wm. Lange
Vaun Shelton
Shari Lazenby
Jeffery Bradshaw
Elizabeth Hokanson

Present: Wasatch County Council Chairman Jay Price
Council Members Neil Anderton
Kip Bangerter
Kendall Crittenden
Val Draper
Steve Farrell

Excused: Mike Kohler

Also Present: City Manager Mark K. Anderson
City Recorder Paulette Thurber
City Engineer Bart Mumford
City Planner Allen Fawcett

Others Present: Todd Cates, Robert Wren, Mike Burns, Dan Matthews, and Lauren Knowles

Discussion on Red Ledges Recreational Community Development

Mayor Phillips welcomed the County Council Members and others to this Special Meeting and indicated the purpose was to discuss the development of the Red Ledges Recreational Community.

It was indicated the Wasatch County Planning Commission had recently voted to rezone about 1500 acres for this Community. This past week, the Heber City Council accepted a

petition for annexation for this area and voted to send the Petition to the Planning Commission for further study. The idea and understanding for this meeting was to collaborate between Heber City and Wasatch County on certain issues so the development could be successful for the community as a whole. It was pointed out both the Wasatch County Council Members and the Heber City Council Members, Planning Commission Members and Heber City staff had taken field trips to the area.

Councilmember Draper asked if the meeting had been noticed. It was indicated it had been.

Councilmember Anderton indicated he had been in all the meetings regarding this development. He said the issue that always came back was the north/south corridor. He said it had been looked at five dozen ways and there seemed to be no best answer. He said he didn't want to get the cart before the horse and stated the corridor location was critical to the planning of this development. He indicated he was not convinced Center Street could handle the traffic, even with four lanes and suggested the Councils needed to look ahead 20 years. Mayor Phillips indicated the traffic corridor/flow seemed to be the topic talked about the most in City circles and in the community.

Councilmember Draper said he had heard several references to the City's transportation presentation but had never seen it. He said he had heard it was an excellent presentation. He said, too, that Mountainlands' plan had never been presented to the County Council. He felt transportation was a major consideration and indicated he had expressed that to the developers. He said he wanted to see the City's Master Transportation Plan and where the City was going with it. Mayor Phillips asked if the County had an east/west transportation plan. Councilmember Draper did not know if there was one. Mayor Phillips suggested a joint meeting between the entities outlining their transportation master plans. Councilmember Draper also wanted to see that happen. He said he did not like the concept of Center Street going to four lanes and the impact to the 50 or so homes there. Councilmember Farrell felt a joint meeting discussing transportation plans would be time well spent. Councilmember Crittenden said he had seen the Mountainlands' transportation plan six or so months ago. He indicated that at the request of Heber City, they had come up with six possible scenarios. Cates said both Al Mickelson, Wasatch County, and Bart Mumford, Heber City Engineer, had been working on their transportation plans. He thought the idea of meeting together on that issue would be helpful. He said they, too, did have a small Power Point presentation they could hand out to anyone who had not already seen it. Councilmember Lange felt the study by Mountainlands was a good one. He agreed everyone should see it and then everyone would be ready to discuss the issue. He said, too, the maps were printed and ready to present. Councilmember Kohler expressed concern with transportation north/south on the east side. He would like to see the proposals for Coyote Lane and suggested the planner needed to look past 20 years. Mayor Phillips wanted to make sure all issues and concerns were voiced tonight so everyone could be prepared at the next meeting. He wanted Wasatch County, Heber City, Mountainlands and the developers to all be prepared for this transportation meeting.

Councilmember Lange felt everyone in the group should go on site and look at what was being talked about. He felt site tours helped with understanding the issues. Mayor Phillips felt any understanding of past history and why things were the way they were would be of benefit to everyone when discussing these issues. It was decided to hold a meeting on December 4th 6:00 p.m. at the Heber City Municipal building. The Wasatch County Council indicated they would bring sandwiches.

Wasatch County Councilmember Farrell wanted to know if Center Street was going to be widened regardless of Red Ledges. Anderson said the City was on the list with UDOT and they had identified Center Street to be widened. He said the City had a million dollar grant which would widen three or four blocks. Anderson said the goal was to go to 1200 East. He said, too, the City would have some impact monies that would be used on the project. It was indicated the widening might be done in phases and was slated for 2009. It was pointed out that the Red Ledges group had expressed an interest in helping financially with the project. Anderson said the City was looking for another million dollar grant for 1200 East in 2012. The question was asked how 1200 East could be widened with the school there. Anderson indicated the City had not designed the road yet but that it might be a three lane road. He said regardless of Red Ledges, 1200 East, Center Street, and 2400 East needed to be upgraded due to development.

Water/Sewer Issues:

County Councilmember Chairman Price indicated Dan Mathews could speak on the water/sewer issue but that he and Mayor Phillips had talked about it and both felt it would be better served by Twin Creeks Special Service District. He said that was definitely what Wasatch County wanted.

Mathews said the plan was to take existing water rights and try to maximize what they do with those. He said there was approximately 700 acre feet from various irrigation companies water rights that were available on one piece and they would spread them out as much as possible on the rest. He indicated Twin Creeks already had a water line from Jordanelle to the college and past the college to Coyote Lane and that was designed to serve the North Village project, the Sorenson project and up Coyote Lane. He said it was only a mile and half or so to service the Red Ledges especially if there was a road corridor. He said they would have to have tanks and storage facilities. That would give them water that would otherwise be difficult to obtain by drilling a well and transferring it to the water treatment plant and then bring it down as a culinary water source. He pointed out this plan would not impact the existing City wells and ground water but was actually bringing new wet water sources in. It was pointed out they still had to tie into the rest of the system. The other idea was the sewer could be taken back to the new sewer plant that would be built in the spring. The water run through the treatment plant could be used as secondary irrigation to water the golf course. He said what they were trying to do there was take existing water rights and spread as far a possible; however, there would still need to be some water purchased. He said they felt with 700 ERU's they could probably serve 1000 homes and the golf course. He indicated what they needed was a corridor to bring the three pipelines back and forth to the top of Red Ledges. If a roadway

was built, that would be the way to do that. He discussed sewer lift stations and said they had about 10 on line now and were building more.

Mayor Phillips indicated the City Council was aware of this requirement of Twin Creeks when the annexation petition was accepted. It was discussed the entire project would have to go on line with this. Mathews talked more about the plant and discharging excess waters into the Provo River. Councilmember Farrell asked if this “gray” water could be used for secondary irrigation for homes. Mathews said yes after treated and additional UV disinfectant was added.

Chairman Price asked if Twin Creeks providing water service was agreeable to all the Council and the developer. Cates said it made sense to them. Chairman Price said it would require annexing part of Heber City back into the Twin Creeks Special Service District. (McNaughton piece) Mathews said the Special Service District could overlap into municipalities. Mayor Phillips talked about the vision of Heber City and its boundaries. He agreed with Councilmember Lange that there were going to be some people that were unhappy. Chairman Price talked about the open space being dedicated to Twin Creeks and Wasatch County and joined with the Sorenson property of about 2751 acres. Mathews said the beauty of doing a joint deal between Heber City and Twin Creeks was that it took away future boundary fights. It would be a good model for future Heber City annexations. If we can work together there is no reason to fight. It also helps to keep Heber City from being boxed in on the east. Mathews said it would help everyone and was a good thing for the valley floor. He felt this constituted good planning rather than not. Chairman Price again indicated the desire of the County was to have the open space dedicated to Twin Creeks. They felt they could do some awesome things with trails, etc. Chairman Price said dedication of 400+ acres was what they were talking about.

Councilmember Draper said he was not ready to make a commitment with water and sewer. He would like to discuss issues in the Special Service District board meetings and said what he was hearing was that Heber City was not able to provide water and sewer services. Mayor Phillips answered that what was being talked about was working together and that there would be sufficient water. Councilmember Draper again said he was hearing that Heber City could not provide services. Cates said that was not true and that with some upgrades, the City could provide services. Anderson said from an engineering standpoint, the City could provide services. He continued, however, the connection between Twin Creeks, Jordanelle and North Village was important. He again said the City felt they could do this from an engineering standpoint. It was indicated Wasatch View Acres was not proposed for annexation.

Councilmember Anderton still had concerns about density and zoning and what the Wasatch County Planning Commission did last week. He said the City had different zoning and density than the County. He said he was left out of the loop because the County approved a zoning change and then the developers took an annexation petition to the City. Cates said it really meant no change at all. He continued that under a PC Zone they could have additional homes. As they looked through it their goal all along had been

to do what was best for the development long term, that provided a net positive impact to the community and good for people that lived there. In the end they didn't see an increase in density was to anyone's benefit. From the beginning they had determined their density. It didn't make any difference what entity they were in or what density was available to them, they had determined the density from the beginning.

Mayor Phillips commented the City Zone Book needed to be put on the shelf because it didn't have anything in it that addressed the City and County working together. Each of the issues had to be agreed to between the entities, which included the McNaughton property, by Interlocal Agreements. Cates said they were right in line with the density wanted.

Councilmember Crittenden said what he was hearing from the public was concern for the 1400 residents. He said he questioned that density, as well.

Councilmember Lange said the goal of this group was to work together and not be saying a lot of things individually. "Lets do it together and do it right," he said.

Mayor Phillips pointed out that anywhere there was 1400 units built, it would cause impact—it didn't matter if it was Red Ledges or somewhere else.

Councilmember Bangerter said that 90% of the people attending the County Planning Commission meeting were not against the development but rather the transportation issue. "If we could solve the transportation issues, it would solve most of the concerns of the citizens," he said. Councilmember Draper felt the problems were being minimized. He said he had a petition from several citizens that had problems with density, too. Councilmember Draper wanted to know if the City felt the preservation corridor would be the most further east boundary. Anderson said the City had no ability to go further east because the County held the cards with Twin Creeks. "Our services would be a long ways away," he said and continued that it was not in the City's Annexation Plan. He explained that with any annexation petition, services had to be addressed. Councilmember Draper did not think this would end at any boundary.

Councilmember Farrell asked what the time frame was for the annexation. Anderson explained the statute and that the petition had to be certified in 30 days. He said Paulette Thurber and Mark Smedley were meeting on Monday to do that; then letters would go out to effected entities; then public notice for 30 days. If there was no protest, it could be annexed 30 days after that or as soon as the Planning Commission could made a recommendation. He said that in the mean time, the developers were working with the Heber City Planning Commission after which they had to made a recommendation to the City Council. He said the City Council wouldn't hold a public hearing until after they had a recommendation from the Planning Commission. Mayor Phillips felt, as the City and County worked together, agreements could be together by then. Mayor Phillips said he really believed the City and County wanted to work together on this; however, he stated he knew not everyone would be happy.

Councilmember Draper felt since the Red Ledges group had petitioned the City for annexation, he did not think the rezoning in the County should happen. Chairman Price said he had already pulled it off the Planning Commission (Wasatch) agenda.

Chairman Price thought planning and engineering should be done jointly between Heber City and Wasatch County. He felt the engineering fees should also be divided. The Heber City Council felt that was workable. Mayor Phillips agreed. Anderson suggested Wasatch County staff document hours and the City reimburse them. Chairman Price indicated the two staffs had already been working together and it appeared it was a good working relation. Councilmember Draper agreed with that. He said that typically the County did the zoning and planning in the less populated areas so he thought that beyond McNaughtons', it would be good for the County to look at it because of their experience. Chairman Price did not want to divide it like that. "They have been working together well and I want to continue with that," he said. "If we are going to do this, lets do it together," he continued. Cates agreed but questioned how it would be handled if there was a dispute between the entities. He said they didn't want to have to go back and forth between the entities. Anderson commented that there would be an annexation agreement to go by that would outline critical issues and that the developer would have to agree to the annexation agreement and be bound to it. Mayor Phillips suggested that in the end, everyone wanted to feel good about this development. "You have some tools in place that addresses some issues better than ours. We have some tools in place that addresses some issues better than yours." Fawcett suggested the ridge line issue was a good example and said the City had a Ridge Line Ordinance but the County's was better and stronger and that language should be used. Everyone wanted to see joint meetings. If there were differences, the developer would have to wait it out until an understanding was decided upon. Mayor Phillips felt some of the issues would have to be decided by majority vote. Cates said he liked the idea of an annexation agreement. Chairman Price felt there would still be issues. He stressed that if we (the two governing bodies) were going to do this, we had to do it together and take the heat together. Councilmember Anderton stressed that the public needed to know this was a joint endeavor. Mayor Phillips said the decision makers of the community, Wasatch County and Heber City, were looking at the whole. He thought this was an good opportunity and wanted the public educated.

Bob Wren expressed concern with the density of the project. He was impressed to see the City and County working together. However, the density of the project in the City was more than if in the County. He hoped the Councils would work together to try and create more acceptable laws for the community as a whole. Chairman Price agreed with Wren and encouraged more cooperation between the City and County. There was additional discussion about educating the public about this project. It was hoped, after the project was built, people would be glad to have it in their back yard.

Councilmember Draper wondered about wild life mitigation. He said this was the first time in years he had deer in his backyard. He said there needed to be some kind of theory that addressed this issue. Matthews said the south sloping open space was an area for the deer. Chairman Price suggested there needed to be a balance. "We are expanding our wide life herds to the point they are more important than people," he suggested. Burns

indicated they had done a wide life study which suggested they put in corridors that would allow herds to move through the development. Knowles talked about the study and said it would be part of the master plan that would be submitted to the City. She said there were about 12 choices the City could decide on.

Councilmember Farrell asked if the City's Planning Commission were going to be the body to make the density recommendation. Anderson said the reason the petition went to the Planning Commission was to determine if it made sense to annex. He said there would be some of those discussion, but said this group needed to have those discussions, as well. Cates said he did not think their density plan was going to change. If anything, it would go down. He said they just recently changed it down. He said there were always minor changes, but the plan would move forward as presented as much as possible. Anderson suggested one of the things addressed in the annexation agreement should be density.

Cates talked about the visual aspect so the open space and park and golf course would be the view from Center Street rather than homes. Chairman Price suggested if there was a road corridor up the north, he would expect that not to be a private road but rather a public road. (road through Wasatch View). Cates agreed.

Councilmember Farrell indicated he had been working on open space for the last year and indicated his group was working on some draft ordinance and an interlocal agreement on conservation fees. He said he hoped the City would still be willing to work with them. Chairman Price pointed out that in a previous meeting, that had been talked about with the developer and that Mr. Burns had made some commitments. Cates concurred and said that needed to be talked about and where those fees would be used. Cates said there needed to be discussion about how the fees would be used and said open space made sense to him. He said, however, that everyday they get people asking them about a recreation center. Chairman Price indicated there was a lot of talk about the use of fees; open space and public facilities but said he did not think the County wanted to be tied down to a recreation center. Matthews suggested the valley floor also needed open space. Chairman Price reiterated the County Council didn't want to be tied down to a recreation center for those fees. Councilmember Draper talked about a 4-plex ball field and said he did not want everyone to have to cross Center Street or Main Street to play ball-- especially on that side with that many people. He indicated he wanted to see a ball park on that side of the valley.

Councilmember Draper did not want unusable pieces of property to be the open space. "I do not want that to happen," he said.

Councilmember Draper indicated another real concern of his was that it was a gated community. He said he had already discussed this issue with the developer. He felt a gated community separated the community. He indicated he understood security issues and value issues, but still had concerns. Bob Wren indicated he did not like gated communities. The developer indicated they would address both the open space and gated community issues in the next meeting. Councilmember Hokanson indicated she also had

interest and concern with the gated community. By a show of hands, she wanted to know who was against gates. Only about five hands were raised. Cates said he could give her some information about gated communities that would help her concerns. Anderson said having going on a field trip to Promontory, part of him said he did not like gates, but the more secondary residences in the development, the less traffic and more economic benefit derived. He wanted the developer to discuss what elements attracted primary home owners versus secondary home owners. Matthews mentioned less school impact, services way down, taxes way up and also less police calls. Cates said some communities were working towards secondary homes only.

Councilmember Anderton wanted to know if the golf course was still 18 holes. Cates said yes. Mayor Phillips wanted to see the golf course membership be open to public. Cates said Burns had said all along it would be open to the public. He said it would be a world-class course so memberships would have to be mostly private, but some public.

Councilmember Draper said his idea of transportation on the east side should not be just focused on the Red Ledges. He wanted to understand the traffic issue on the whole east side. Chairman Price said that was what Crittenden had talked about with Mountainlands. Anderson said Mumford would present the City's Transportation Plan on December 4th.

Newton Annexation:

Mayor Phillips said last Thursday night the City Council agreed that the latest rendition of the Agreement between Wasatch County and Heber City that Mike Davis had prepared would work. He said, however, there were other issues that needed to be worked out. He discussed the issue Probst had brought up and if something happened and the truck route didn't go in, could the property owner have their property back. The Council felt that yes, if the truck route did not go through, the property owners should have that 84' right-of-way back. Chairman Price asked if the City was ready to have the County release their protest. The answer was yes.

Revenue Sharing:

Chairman Price asked about the proposed commercial development and if the big box went in was the City going to talk revenue sharing before or after. "If we are going to do it, we are going to do it. If we are not going to do it, we won't do it on the first one and we won't do it on the second one," he said. Anderson indicated there was no formal agreement in place yet from anyone. Councilmember Farrell discussed the presentation by the Economic Committee to the City Council. He remembered that the City Council wanted to have a more detailed presentation with better numbers. Chairman Price said he felt an urgency to do this because the County had been approached in the North Village by another group. He said that group was knocking the door down at the County. He continued that if the City and County were going to do this it needed to happen. If not, they could go their separate ways. However, he said his preference was to work together on this. Councilmember Bradshaw said it had been discussed on a limited basis in the City Council but they haven't talked about it as a Council. He said there were some issues to discuss and decisions to make. He felt that if a poll was taken today, it would not be approved by the County. He wanted more information. Mayor Phillips agreed but

added the concept had not been ruled out. Chairman Price said he wanted to move forward with it. Councilmember Draper said they had some training and discussion on this issue last week. He suggested there would be a 50/50 share. 50% went to the entity where it was housed and 50% divided proportionately according to population. He said, though, there was some new legislation being proposed. Chairman Price felt the entities could do their own interlocal agreement if the entities decided to move in that direction. Matthews said it took him a long time to understand the concept, but the essence came down to making planning decisions on good planning principles and not on just revenue. "That is the theory," he said, "and if we decide on the theory, the percentages can be worked out." He continued that sharing took away the incentive to fight. He continued that the benefit might not be in dollars right up front, but in the end, it worked out. Discussion about the difference in benefit to a big box outside of Heber City limits versus inside Heber City limits. He said the benefit might not be in dollars right up front, but it would eventually. Additional discussion about what qualified as regional retail and what did not.

Mayor Phillips thanked those attending and for their input. The meeting was adjourned and another was rescheduled for December 28, 2006.

Paulette Thurber, City Recorder