

Heber City Corporation
City Council Meeting
02/16/2006

6:30 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on February 16, 2006, in the City Council Chambers in Heber City, Utah.

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 Planner	Allen Fawcett
	Chief of Police	Ed Rhoades

USU Charrette Presentation – Wednesday, February 22 – 7:00 p.m. – Heber City Office:

Mayor Phillips reminded the Council of this report. He asked who the intended audience was. Anderson said Planning Commission, City Council and CAMS. Annie Bruehl indicated Shawn Seager, Mountainland Association of Governments, and UDOT had also been invited. She expressed concern with the size of the Council Chambers. She said CAMS was considering a big splash and, as an afterthought, felt another building should be used and invite the public. Discussion about where it might be held. The Little Theater at the Junior High School and the Senior Citizens Center were locations discussed. Bruehl indicated she would try and get another location for next week.

Update on Charrette Budget: Anderson indicated he had gotten an e-mail today indicating the students had produced more drawings and maps than anticipated and asked for approval of an additional \$400 to get those matted. The budget for the Charrette had been discussed in August and set at \$3,800. He said they were now looking at \$5,000 split between the City and CAMS who is getting some help from Bim Oliver's office. Anderson indicated the City would end up with the final projects. The Council agreed to fund the extra expense.

Update on Connie Young / Cross Mission: Anderson indicated he had given the Council an up-dated memo in their materials folder prior to meeting. The memo was prepared by Chief Rhoades. It indicated Young had been cited for operating without a business license and an

Administration Citation to remove vehicles. There were nine vehicles on the property—only one was registered. Chief Rhoades reviewed the vehicles on the property and said Young claimed she was going to register the vehicles. It was indicated the neighbors were concerned about the character of some of the people that live there. It was indicated the City ordinance did not address that issue. Chief Rhoades said Young was going to challenge the citation because she did not think she had to have a license for a mission-type business. It was indicated Kohler was researching the time frame in which the building was sold and changed from church use to residential use. Anderson explained there was not a fee associated with that kind of business (non-profit) but there was still a process to go through. Anderson asked if Chief Rhoades had gotten a hold of the heirs to Phelps, owner of the building. It was indicated they had not been reached. Mayor Phillips asked they continue to work on the issue and not let it get out of hand. Discussion about the amount of the fee associated with the citation. It was indicated the judge determined the amount. Chief Rhoades reviewed the ordinance on inoperable vehicles.

Update on Pending Legislation:

HB 109 – Sales and Use Tax – Food and Food Ingredients and Tax Rates-

Anderson talked with Lincoln Shurtz, Utah League of Cities and Towns, earlier in the day. It was pointed out that in the newspaper today, it was shown there might be another avenue to pursue on sales tax. Shurtz did not think this Bill would pass; consequently, Anderson did not think the City had to worry.

SB 170 – Local Government Land Use and Impact Fee Revisions-

Anderson indicated this Bill was dead. Senator Mansell had withdrawn his support of the Bill.

HB 309 – Municipal Energy Sales and Use Tax Amendment-

This Bill relates to franchise fee revenue for municipalities on natural gas. It limits the amount of tax cities could receive to 110% of previous year's collections--it only relates to natural gas and not electricity.

HB 420 – Municipal Building Inspector Availability-

Shurtz said he would be very surprised if this Bill saw the "light of day". It is currently in House Rules Committee. If it goes forward, it could be amended to only require some building inspection appointments on Fridays but would not likely require full time staff on that day.

Discussion on Memo from Legal Counsel Regarding City Council Members Serving on the Planning Commission:

Mayor Phillips asked why this was being revisited. Councilmember Lange indicated he had asked Smedley to find out from Dave Church what city was being sued over this matter. Church said there had been none--a couple cities had been challenged, but not sued. It was suggested if anything had to be reviewed, it was the eight man versus the seven man issue. Mayor Phillips indicated to Councilmember Lange if he wanted to talk about that issue, to call him and it would be put on a future agenda. Mayor Phillips said the Planning Commission needed to move forward with the decision the City Council had made. Councilmember Bradshaw said he had talked with Smedley and that was the reason Smedley did the research. He pointed out the entire Planning Commission expressed concern with the Councilmember having a vote and also having eight members on the Commission. He said a tie vote was an issue needing to be resolved. Kieth Rawlings, Chairperson of the Planning Commission, indicated Roberts Rules of Order outlines that a tie vote causes a motion to fail. Mayor Phillips said, "You need to tell them, Kieth, to get on with it. The die has been cast." The Council made a decision on the City Council person voting and now is the time to move forward. He felt the other issue of a tie vote was a

legitimate issue. Mayor Phillips indicated he would not allow any more discussion on the issue of the City Council person being a voting member of the Planning Commission. However, discussion on the issue of the number of members on the Commission would be put on an agenda in the future after Councilmember Hokanson had her baby.

Review Modified Spring Creek Irrigation Agreement: It was indicated that since the Council met last, Mumford had met with Lindon Maxfield. Spring Creek was still not happy with what the City was suggesting. Consequently, they provided the City an agreement that would satisfy them. Mumford said they proposed this current agreement which had Mumford's and Mark Smedley's comments in it. He indicated Smedley had reviewed the agreement, as well as Mumford, and they both felt it would work. Mumford said if Council was comfortable with the proposed agreement, Maxfield would take it to his board next week. Mayor Phillips expressed concern with the language of Heber City having sole responsibility. He also expressed concern with the flood canal starting above the City limits. Mumford said Wasatch County had indicated they would maintain the block the fairgrounds was on. The irrigation company did not want this to be an agreement with Wasatch County. Mumford said the City already had a joint arrangement with Wasatch County on flood control; but, if the City wanted something more formal with them, we could. Mayor Phillips asked about the language "Heber City shall be solely responsible to maintain and bear all costs"---"Does that give the City the wherewithal to work with the County?" Anderson and Mumford indicated it did. Councilmember Shelton said he felt comfortable with the agreement as presented. Mumford pointed out it expanded the City's responsibilities somewhat. "Rather than 300 North it now goes to the northern boundary," he said. It would go as far as the City had water in the canal. Mumford said the City was probably looking at building a diversion project to take the water out of the canal and get it in to the flood channel. Until the diversion structure was built, the City could be responsible a little bit further as long as the water stays in the canal. He felt over the next year the diversion project would take place. After that is built, that would be the point where the City's responsibility would end. From the northern boundary to the flood channel would be the City's responsibility. The Council felt OK with the proposed agreement. Anderson said if Spring Creek is agreeable, this would be brought back for formal adoption.

Discuss Boundary Line Agreement on City/Bassett Property: Anderson indicated the Bassett property had been surveyed as part of the annexation process and the survey showed a 30 foot gap between the Bassett property and the entrance to Valley Hills. He explained that what the proposed agreement did was use the fence line as the agreed upon boundary. He indicated Smedley had been made aware of the issue and had indicated it was an administrative issue. Smedley felt the City needed to sign the Agreement as it was just a maintenance issue for the City.

Mayor Phillips expressed concern with annexations not moving forward timely. He wanted our policy to be looked at. The Council asked that an ordinance be put together to limit the time people had to present to the Planning Commission.

Fawcett asked if the Planning Commission should take the lead in changing the annexation boundaries or should it be the City Council. Mayor Phillips felt the Planning Commission should be able to initiate it. However, he did not want the Planning Commission to go to a lot of work

to, in turn, have the City Council turn it down. He pointed out this showed the importance of the liaison between the two bodies and having good communication. The Council expressed support for the proposed Boundary Line Agreement between the Bassetts and Heber City.

Update on Meeting with Wasatch County on Corridor Preservation Fee: It was indicated that on Wednesday Anderson and Shawn Seager made a presentation to Wasatch County on the Corridor Preservation Fee issue. Councilmembers Lange, Hokanson and Shelton were also present. Anderson indicated Wasatch County would formally discuss the matter on the 15th of March. He said that other than Jay Price, they appeared to be comfortable with a fee. Anderson suggested it would be well if as many Councilmembers as possible could attend the meeting on the 15th of March to show support. He said he would like to see the matter pass. Anderson said the County Council meeting started at 3:00 p.m. but the issue may be discussed later in the afternoon depending on the agenda. Discussion about the location of the bypass. It was discussed the proposed bypass was not set in concrete; however, a study had been done and a proposal was in place. It was discussed there might need to be some flexibility in the proposal particularly along SR 113. Councilmember Shelton said he felt the County was more inclined to pass an impact fee placed against new growth rather than create a fee for existing residences. He felt, however, since it was a County road, the fair way to go would be with the Corridor Preservation Fee. He said the City might need to remind Wasatch County of Heber City's support of the Event Center and that it might be time for them to support Heber City. Anderson discussed the fact the impact was not just with new growth in Heber but there was impact from the new growth off the Wasatch front, Summit County and other areas.

207 Funding: It was explained the application for the 207 Funding had to be submitted by the end of the month. The Council was given a copy of the application. Mayor Phillips asked the Council to get in touch with Mark Anderson if they had problems as the application had to be submitted before the Council met again.

Mission Statement: Mayor Phillips talked about the need to draft a new Mission Statement. At the Budget Retreat, he had provided the Council with several samples of different language. He asked the Council to look at those and circle the aspects they liked. He would then take those components and put a new one together for review.

At 7:00 p.m., the regular meeting of the Heber City Council commenced.

Paulette Thurber, City Recorder