

Heber City Corporation
City Council Meeting
02/18/2010

6:30 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on February 18, 2010, in the City Council Chambers in Heber City, Utah.

Present: Mayor David R. Phillips
Council Members Eric Straddeck
Nile Horner
Robert Patterson
Alan McDonald
Benny Mergist

Also Present: City Manager Mark K. Anderson
City Recorder Paulette Thurber
City Engineer Bart Mumford
City Planner Allen Fawcett
City Planning Office Jason Boal
Chief of Police Ed Rhoades

Discuss date for Future Budget Meeting: It was decided to hold a budget meeting prior to the regular meeting on March 4, 2010. That meeting was scheduled for 4:00 p.m.

Discuss Annexation Policy Plan / General Plan Boundaries: Mayor Phillips indicated Councilman Horner had suggested that with the Capital Facilities Plan being updated, now was the time to look at the current boundary lines. Anderson said an integral part to updating the Capital Facilities Plan was knowing where the boundaries were or would be so costs to all areas could be looked at and considered. There was discussion about the current boundaries and possible/probable changes.

Mumford felt, as did Councilman Straddeck, that the real and only question was west. He suggested there was a small area on the south west along with some area on the west. He indicated unless there were significant changes anticipated and the Council wanted to expand or eliminate area in the boundaries, there really would only be minor changes to what was already approved.

Anderson indicated that to amend the map was a long public process with public hearings, etc., having to be held. However, if there was an area the Council wanted to consider including/excluding within the boundaries in the future, Mumford would look at that for infrastructure consideration and how it would be serviced when updating the Capital Facilities

Plan. Anderson suggested that with the discussion of excluding that one area, it would be appropriate for the Planning Commission to start the process for an update to the Annexation Policy Plan.

Update on Affordable Housing Lots in Mill Road Estates: No discussion on this issue.

Discuss Makeup of the Planning Commission: Councilman McDonald said he hoped he did not offend anyone but he had sent a note to David Church in relation to the makeup of the Planning Commission. He said Church's recommendation was that cities did not put a City Council member on their Planning Commissions. What he saw was that when people came before the Planning Commission, they had seven new fresh faces and there was fair representation. The thinking of David Church was, if the City had a Councilmember on that Commission, and that Councilmember had heard all the facts, when that issue came before the City Council, there should be five people without preconceived ideas or the applicant would not have a fair representation. Councilman McDonald recommended the Councilmember be a liaison member and not have voting privileges. Councilman McDonald stressed the importance of having good people and the right people on that Commission.

Councilman Straddeck felt, if the Council followed Councilman McDonald's line of reasoning and only have a Councilmember there as an advisor, they would have gone through everything and whether they had voted or not, they had made up their mind. He suggested that if the Council moved in that direction, they should not have a member on the Commission at all. The Council wanted to hear Keith Rawlings' opinion. Rawlings, Planning Commission Chairman, said he agreed with David Church in that he did not think that person should vote; however, he felt a liaison from the Council, who was non-voting, was appropriate.

Councilman Mergist agreed with Councilman Straddeck. If the Councilman was not going to have a vote, what was the point of even being on the Commission? He suggested, too, if the Council was going that route, there were other boards they should do the same thing on. Councilman McDonald said he was on the Airport Advisory Board but he wanted the Board to function independently.

Councilman Horner said he was not ready to not have a Councilmember on the Commission. He felt one should at least attend the meeting and whether they had input or not would be up to that Councilmember. He felt the City needed someone there that could bring back information to the Council. He again said the City ought to have a non-voting Councilmember on the boards. Councilman McDonald said he wanted input from the various boards once a month.

Councilman Patterson sided with Councilman Horner and said there was a need for a liaison and he didn't care if they voted or not. He indicated the Council had gone through this very thing four years ago and did not think it needed to be discussed again.

Councilman McDonald proposed that the Council remove the Councilmember from the Planning Commission as a voting member. Councilman Straddeck, Councilman Mergist and Councilman McDonald preferred no Councilmember on the Commission. Councilman Horner and Councilman Patterson preferred a Councilmember on the Commission as a liaison. The Council

wanted the Commission to remain a seven-man Commission. It was indicated the change would have to be brought before the Council via an ordinance.

Discuss Communication with various City Boards: Anderson discussed the fact that the Council got a monthly report from the Planning Commission Secretary that outlined the actions of the Commission. He said, too, the Council got the minutes of the Airport Advisory Board. Councilman Horner suggested a report was not enough communication. Councilman McDonald wanted the communication to the Council be from the Commission/Committee chairs once a month. Councilman Mergist wanted the entire Commission/Board members to make the report if it was a key issue.

Review Draft Letter to the Wasatch County School District: Mumford presented a copy of the draft letter he had prepared for the School District. He indicated he had met with Mark Smedley and they had counseled with Jodi Burnett and Dave Church. An overhead was shown. He indicated the District had indicated that keeping that canal clean was the City's responsibility. However, the agreement between the District and the Irrigation Company and signed by the District, showed the District being responsible. The attorney's opinion was that, yes, the District did enter into an agreement; but the flip side was, if someone got flooded, the City might be right, but the afflicted party would sue both the School District and the City. It was suggested there was not a clear resolution because the District would say it was City debris that caused the problem and a third party would not care and would sue both the District and the City.

Councilman Horner asked how many times the canal flooded and who cleaned it. Mumford felt that if the City went in and cleaned out the canal, the City took on responsibility. He indicated, as he looked at it, the canal backs up and it is not possible to use a backhoe. He continued there was a safety hazard and felt strongly something better was needed there. He suggested that one option was a self-cleaning grate. (Price between \$40,000 and \$50,000) Councilman Mergist asked if there was a chance the Irrigation Company, School District and City could share in that cost. It was indicated the Irrigation Company would not participate. Councilman Mergist suggested another area up the canal 100 yards that could be more easily cleaned. Mayor Phillips suggested that if the School District wouldn't participate in the cost, the City needed a letter of indemnification. The Council wanted to send a letter to the District suggesting the City and the District go half and half in the cost of a self-cleaning grate.

Mumford said the other issue with the District was that the plat called for a trail along the canal and the District had stricken that. It was explained that the easement was an essential part of the City's Trail System. He suggested even if the District didn't want to build the trail, they needed to give the City the easement anyway. Mayor Phillips said the City needed to determine if building the trail could be enforced. Discussion about whether or not the City really wanted the trail. Councilman Horner suggested there were sidewalks already in place. He said a trail could connect from point A to point B so all the flow could go on the sidewalks and not have to worry about a trail splitting the school grounds. Boal discussed the Trail Master Plan and the discussion and study that had taken place with the Planning Commission. He indicated this particular piece was a major element of that Plan. He encouraged the Council to ask for the easement. Councilman Horner indicated he did not like a trail between the two schools. Chief Rhoades indicated that in Roy City there were two schools that had a trail placed between them. He said it

was used a lot. He said, too, he did not expect a big impact from crime in this area. Councilman Horner argued the trail positioned between the schools was not safe and he did not want to see it. Chief Rhoades discussed the different scenarios in a small area for one person to hide and wait to attack versus a large open space area where numbers of people would be present. Councilman Straddeck said it may or may not make sense to do a trail now. However, he did not think the City should cut off the ability to have the trail at some point in time. He said he was in favor of getting the easement even if it did not guarantee that the trail would be built there. He thought that gave the City options. Councilman Mergist agreed with Councilman Straddeck. He said he hoped the City would never have to build the trail but he wanted the easement. Councilman McDonald agreed as did Councilman Patterson.

As the time was 7:00 p.m., the Council closed the Work Meeting and commenced the Regular Meeting of the Heber City Council.

Paulette Thurber, City Recorder