

Heber City Corporation
City Council Meeting
05/21/2009

6:30 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on May 21, 2009, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Jeffery Bradshaw Elizabeth Hokanson Eric Straddeck Nile Horner Robert Patterson
Also Present:	City Manager	Mark K. Anderson
	City Recorder	Paulette Thurber
	City Engineer	Bart Mumford
	Chief Sergeant	Jason Bradley

Emergency Management Training for City Council – June 23: Anderson reminded the Council of this Training at 6:00 p.m. on June 23. Councilmember Straddeck indicated he would not be attending the meeting.

Public Hearing to Discuss the Valley Hills Park will be on June 4 in conjunction with City Council Meeting: Anderson said his intent was to schedule a Public Hearing for discussion and resident input regarding the Valley Hills Park for June 4th if the Council was agreeable to that. He indicated a notice would be placed in the paper but that letters would also go out directly to those people living in close proximity to the Park.

Update on Ground Water Flooding – Bart Mumford: Anderson asked Mumford to update the Council on the ground water issue that had plagued some residents of the City on the east side of the City during the last couple weeks. He indicated there were problems in the Broadhead Estates Subdivision, Mill Road Estates Subdivision (phases I and II) and Old Mill Estates. He said there were approximately 12 homes affected and that some homes had up to a foot of water in their basements. He indicated the City learned of the possibility of ground water when they were notified of the sewer flow increase. Shortly after that, the City started getting complaints from citizens. He indicated this was a year of high ground water – more than in the last several years. An overhead map was shown of the area. Mumford pointed out the different channels (Humbug Canal, Lake Creek Channel, Lower Wasatch which is a branch of the Lake Creek). He said the natural channel was the Lake Creek Channel.

It was indicated the first person to contact the City about a problem in his basement was Doug Stoddart. They investigated and found there was a direct relationship to Lake Creek because he did not have water in his house until the runoff started down the Channel. He said all the channels were used for water run off from the mountains. He pointed out on the overhead and discussed the piece of the channel that Ivory Homes had relocated as part of their project; however, he did not feel that was causing this issue but may be contributing to it. After the Stoddarts made contact with the City, additional reports were received from the Mill Road Estates area and some had flooding last year in Broadhead Estates. Mumford pointed out on the overhead the homes that had flooded and it was indicated there was standing water in the retention pond. Mayor Phillips asked about FEMA flood maps. Mumford indicated FEMA covers surface flooding. Mumford discussed other retention ponds with standing water and said it was evident that ground water table was elevated and he assumed that was from the snow pack from the last two years. With that higher, seepage from the canals, rather than going down is now going out and aggravating the situation.

Councilmember Horner felt that relocating the canal could have contributed to the problem. Mumford felt it was not the primary cause, but that might have some relationship to the problem; however, if the ground water was not high, the moving of the canal would not be an issue. Councilmember Horner asked if the City had required the relocated part of the canal to be lined. Discussion. He thought the Council should re-think that issue in the future. He suggested that if the canal was piped, it might help the problem somewhat. He suggested the City needed to be very careful when allowing people to “start playing” with the canals. He stressed that needed to be looked at and if a canal was moved, it should be lined. Mumford said this re-located canal was intentionally left unlined because it was governed by the Core of Engineers and they rely on the seepage to maintain the habitat in the area.

Mumford said people were asking where the responsibility fell. He said he did not think there was negligence on the part of the City.

Councilmember Hokanson asked if the canals picked up flows of the ground water. Mumford said no. He continued there were canals and natural streams. The Canals were normally lined but the natural streams were not. He said this was a natural stream. Discussion. Mumford said if ground water was high enough, it could seep into the canals.

Mayor Phillips asked why Stoddart’s neighbors had been required to have a higher basement and wondered why one basement requirement was different than the others. Mumford said they checked the FEMA Flood Zone when Stoddarts applied for their permit and found they were not in that Zone. He said the Stoddarts were the first to get a building permit. When the 2nd and 3rd building permits were requested, the Building Department put a note on the plans that the basement needed to be raised. It was indicated that FEMA would not allow basements in the Flood Zone.

Mumford indicated people were putting in sump pumps and some were ripping out their finished basements. Councilmember Hokanson asked if the recommendation was to install sump pumps. Mumford said the City was not directing anything, but if people were concerned, they needed to watch what was happening around them and make a determination one way or the other.

Mumford indicated if the water level in the ponds went up significantly, it would be an indication of additional problems.

Anderson said he visited with the people that processed claims that were submitted against the City and asked them about liability to the City. In both instances, they said that unless the City had done something that caused the flooding, they couldn't see any liability to the City. He indicated the City had soil studies done in both subdivisions. He said it was a fine balance--the City could be over zealous in trying to protect to a point where the developers would challenge that the City was making it unduly difficult to develop. He continued the City did have a responsibility; however, he felt the City had not done anything to suggest negligence.

Discussion about requirements for future permits in the area. Mumford said he had not had that discussion with Ivory Homes as yet. However, he felt it would be a good recommendation for them to suggest that to future home builders. Mayor Phillips asked about additional drain fields in the area. Mumford said that could be a solution but the water still had to go somewhere lower. He indicated that would be a very expensive project. Mayor Phillips asked if the City should be leery about issuing permits in an area where there was a history of water problems. Mumford said yes.

Update on 600 South Sidewalk – Bart Mumford: Mumford said he and Chief Rhoades met with Mr. Case, principal, this week and they had come to a resolution for the sidewalk location. Everyone was agreeable to installing the sidewalk on the North side of the road. He said cost wise, it was about a wash and there were pro's and con's to both but in the end they felt that was the best location. He said that with the Council's blessing, he would proceed. He asked the Council if, in order to expedite this, they would waive the bid process and ask for proposals from three or four contractors directly. He suggested the bid process would add 30 to 45 days to the process. Mumford said he was trying to cut the time frame so that this could be done timely. The Council appeared to be agreeable to letting this be done without a bid. Anderson said he and Mumford had talked about this and the policy allowed for the Council to waive the bidding process. Mumford said he was not trying to exclude anyone and if the Council had anyone they wanted Mumford to contact personally, he would. He said he would give preference to local contractors and award to the lowest bidder, if all requirements were met. Councilmember Horner wanted something put in the newspaper. He wanted to make sure as many people as possible knew about the work.

Discuss Bid to lease the 38.5 acre parcel owned by the Heber City Airport: Anderson said this was advertised in December and no bids were received at that time. He re-advertised a couple weeks ago and received one bid. It was pointed out this was the old Errol Mahoney piece. Anderson said the one bid received was for \$500. He said the cost of the water was approximately \$800 a year so he did not want to award a bid for under that amount. He suggested the bid be rejected or to go back to the bidder that we would accept the bid for at least the cost of water. Anderson said Mark Rounds knew of someone who might be interested. Councilmember Horner said he would put the word out and felt sure there were people out there that would be interested.

The Council wanted to re-advertise the bid and have a minimum amount on that bid rather than accept the one bid that was below the cost of water. Discussion about the agreement language. Anderson said typically the agreement was for a 5-year lease with the provision of cancelling with a 60-day notice.

Anderson indicated he had been talking with the Police Department about Code Enforcement. He said staff was considering and/or wanted to change the process somewhat. Instead of giving an Administration Citation the Enforcement Official would enter into a Voluntary Correction Agreement with the challenged party. He said the Voluntary Correction Agreement proposal would be such that if a resident failed to come into compliance, they would then be issued a citation and they would have to appear before Judge Parkin. Anderson said the City didn't have the administrative arm of Code Enforcement, as far as an administrative law judge, who would determine noncompliance and start imposing fines. Anderson wanted to make sure the Council was o.k. with staff working with people first and then if they failed to respond, Enforcement people would cite them into court and they would have to tell their story to the Judge. This would make it such that some of the violations would be criminal actions opposed to civil actions. Mayor Phillips cautioned the Council that if they decided to go this route, people would be calling the Council questioning why and they should be prepared to answer. Councilmember Straddeck said he was for taking care of these types of things in a shorter time frame, but he was not in favor of criminal action. Anderson said the City did not have the administrative law judge part of the process in our current Code which made follow up difficult. Mayor Phillips suggested this issue be discussed at next meeting. Councilmember Hokanson agreed with Councilmember Straddeck. Sgt. Bradley indicated another alternative would be small claims but that would put more burdens on the City Attorney, as well as staff.

Anderson referred to a hand out in the packets received tonight on banners and tee-shirts commemorating Heber City's 150 year. Mayor Phillips indicated he had already purchased a shirt.

As there was no further business for the work meeting, the meeting was adjourned.

Paulette Thurber, City Recorder