

Heber City Corporation
City Council Meeting

October 2, 2008
6:30 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on October 2, 2008, 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
	City Planner	Allen Fawcett
	Chief of Police	Ed Rhoades

Dore Weber Bond Forfeiture Appeal Request: Anderson had talked with Mark Smedley about this and Smedley indicated it would require a change to the Ordinance. Smedley felt there should be an appeals process, but there needed to be criteria included with it. Councilmember Hokanson asked if it should be the City Council that acted as the appeals board. Discussion. The Council, too, felt there should be an appeals process. Councilmember Hokanson did not want it to be the Council. Councilmember Horner said he felt it should be the Council and he wanted to see the Ordinance rewritten. Anderson said the Ordinance, as written, was effective but the price to pay was harsh. Mayor Phillips suggested the Council think about what process they wanted for an appeal and when this was discussed during the Regular Meeting later tonight, they make suggestions as to how they wanted this issue handled.

Discussion of Noble Vista/Chris Goode Occupancy Issue/Pulling of Bond: Mumford discussed the subdivision on Mill Road in which Goode had a home. He said the City had made a claim on the bond for Noble Vista to complete the improvements; however, things had evolved since the City made that claim. He indicated the bank went out of business and the FDIC had taken over. The Subdivision Agreement allowed the house to be moved onto a foundation in Noble Vista. Mumford asked if the City should continue to pull the bond and should the City do something to help Chris Goode get into his house. He said the bond only covered the City's improvement, not other utilities, so it did not help Goode get in the house. It was asked if the City should continue with pulling the bond. The City needed two items completed from the bond: The retention pond in the corner of the Subdivision serves Noble Vista, Browning and

Majestic Mountain. That had to be completed so the other two subdivisions weren't held up--not a lot of money would be involved with that. Mumford continued there was an obligation on Noble Vista to pave and overlay in front of the subdivision as well as pave and widen the road to 600 South. He said that would involve a lot of money. Mumford explained that the minimum requirement he would expect would be the paving in front of Noble Vista because the pavement from there to 600 South was something that could be done later and the City would be no worse off than what it already was. He said those two things would justify continuing the claim on the bond. There was discussion about what it meant to put a claim on the bond.

It was explained Chris Goode already had his home there and would be ready to move in soon--his construction loan would run out in February. The Code dictates no building would be approved for occupancy unless the subdivision had been completed. Mumford said one possibility would be to break off that lot and make it its own subdivision. But, because the plat had been recorded, Mumford felt that process would be very complicated. All other options involved some amount of risk for the City.

Smedley said there was no way to indemnify the City. Mumford said the Council could amend the Code to allow him to move in but it would be taking a risk. Anderson said the difference in approving another home because the Council approved Goode to be in the subdivision was that another person could not get a building permit. In Goode's case, he had moved an existing home onto a foundation.

Councilmember Horner asked about Goode getting services on his own rather than through the developer of the Subdivision. Goode discussed the retention pond part of Noble Vista that would be used by other subdivisions. He asked if there was the same liability and felt it was a similar situation to the sewer line. Mumford said if the City was willing to take on the unknown they could change the Ordinance to allow Goode to move in but he suggested the liability could last a long time. There was additional discussion about the sewer line placement in the surrounding subdivisions.

Joe Spencer discussed his situation. He said he was going to auction off the note on that Subdivision; when that happened, Spencer said he was going to do everything he could to stay connected to the Subdivision.

Councilmember Straddeck asked about Mumford's comment about phasing. Mumford said he did not know the process of phasing after the plat had been recorded. A land attorney would be needed to figure out the process. He said that would take four or five months and it would cost the City a lot of money. If the plat had not been recorded, it would be a simple process. Councilmember Horner was interested into looking into Goode getting an insurance bond that would protect the City for what he needed to service his lot.

Goode asked about a partial acceptance of what was already in the Subdivision. He wanted to know if the City would accept the sewer as it stood now. Mumford said the Council eliminated partial completion of a subdivision because of the problems it created. Anderson asked the Council if they wanted staff to pursue creative ways to allow Goode to move in or leave the Code as it was. Councilmember Hokanson wanted to continue to pursue this if it was not a

tremendous risk to the City. Councilmember Patterson agreed. Councilmember Horner also agreed and felt the City had some type of moral obligation to help Goode and protect his interest in this lot. Councilmember Bradshaw wanted to get more input from the City Attorney.

Spencer said he could put in the cable, phone, electricity, sidewalk and gas, thereby making it possible for Goode to move into his home. He said he would like to claim a small portion of the bond to do those things. He could do gas and electricity for sure but probably needed the money from the bond to do all the rest.

Councilmember Straddeck said he wanted to see a solution. He understood Goode's situation. However, the Council had the responsibility to make sure the City was not swept up in this whole situation. He was not in favor of just unilaterally accepting everything or the risk. He also wanted to follow up with the City Attorney. Councilmember Horner said he was not in favor to open the bond for the sidewalk. Mumford said in pulling the bond, the City had to determine what needed to be finished in order to get completion. There was additional discussion about the bond.

Update on SB291 – Off Highway Vehicle Amendments: It was anticipated that Dave Fassold would be in tonight during the Open Period for Public Comment. Fassold runs the recreational vehicle business on Main Street. It was indicated there was a new law that went into effect on October 1 about off-road vehicles that allowed people to use 4-wheelers on public streets provided the machine was street legal. Anderson said there were some restrictions—there had to be two lanes (not more) and the speed could not be more than 45 MPH. Also the population of the City was a major criterion. Any city with a population of 7,500 or more or cities in a 1st Class County could modify their regulations, but otherwise the law was mandatory. Anderson said the City would have to adopt an ordinance to implement this new State law. He suggested the Council identify the roads that they would permit off-road vehicles on and adopt it in ordinance form. Chief Rhoades said Fassold's argument would be that the last census showed Heber City's population at 7,200. So Fassold would argue the State law, as adopted, applied to Heber. Chief Rhoades felt the City needed to use what the actual population was today instead of what was listed at the last census thus being able to designate the roads to use. Chief Rhoades pointed out all the communities around Heber City were less than 7,500 people and would be required to adopt the law as written. He reviewed the pros and cons of adopting an ordinance. He said regardless of the action taken by the Council, it would be a lot of work for his Department.

Update on 300 South Roadway Improvements: Anderson referred to an e-mail he had sent the Council regarding this issue. He said the City was not going to get Miller's improvement in this fall but that Davidson's improvements were being put in right now. He said the City would have to live with a not-so-good storm drain situation until Spring. Mumford would talk with Miller about angle parking. There was some discussion about angle parking in front of Miller's home. The Council agreed there needed to be angle parking and the curb, gutter and sidewalk needed to match.

Councilmember Straddeck wanted to have the City participate in the extra cost of the asphalt and said it was the right thing to do. Councilmember Bradshaw felt the City was benefitting with extra parking and it would be fair for the City to participate. Councilmember Hokanson agreed.

Councilmember Patterson said he could go either way. The Council wanted Anderson to look at storm drain monies to cover the cost. There was discussion about putting in the curb, gutter, sidewalk on 100 West, as well. The Council said yes to both sides.

Update on Hangar Construction Project: Anderson indicated the bids were out and those submitted would be opened up Tuesday, October 14th. He said he would present them to the Council on the 16th. Anderson indicated the foundation walls were completed and the first slab would be poured tomorrow. Anderson said he was pleased with how construction had progressed. He thought the asphalt could be put down before winter and that the first two buildings would be delivered next week. He thought the project would be done in January. Anderson felt all of the hangars could be occupied in January.

Discuss Proposed Management Training: Anderson said he had talked with Reed Parkin, Justice Court judge, who worked for the University of Phoenix. Parkin had agreed to do some seminars for the staff for a couple hundred dollars. He referred to Parkin's letter. Anderson felt it would be a good investment and said he had money in the budget for training purposes.

Councilmember Straddeck said he wanted to see some changes in how performance evaluations were handled. Anderson said the evaluation form was standard but that each manager performed his/her own evaluations according to their own management style. Councilmember Straddeck also wanted to revisit how the City dealt with employee issues. He felt what was in place was not working. He was in favor of the personnel committee meetings being held.

On-Line Bill Pay – Credit Card Acceptance: Anderson said the City had budgeted money for the on-line bill-pay system. There was discussion about the different types of payment. Councilmember Hokanson said she wanted to update any kind of technology as the City was outdated on those kinds of issues. Anderson said he would talk to Tony at Heber Light and Power who already used an on-line bill pay system. The Council felt it would help with collections.

Employee Updates--Paula Mories, John Emmanuel and Kevin Diaz: Anderson said Paula Mories had given her notice and would be quitting. He said her health was very poor. John Emmanuel had returned from Iraq. Anderson said John and his wife were in the office today. Emmanuel would be released from active duty in about a month and would be returning to work for the City. Diaz had been on Workers Comp and was planning on being released for light duty starting next week. Anderson and Chief Rhoades were working on something for him to work on a couple hours a day.

The Council scheduled a dinner for November 14th.

Paulette Thurber, City Recorder