

Heber City Corporation
City Council Meeting

October 16, 2008
6:30 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on October 16, 2008, in the City Council Chambers in Heber City, Utah.

Present: Mayor David R. Phillips
Council Members Jeffery Bradshaw
Elizabeth Hokanson (6:56 p.m.)
Eric Straddeck (6:50 p.m.)
Nile Horner

Excused: Robert Patterson

Also Present: City Manager Mark K. Anderson
City Recorder Paulette Thurber
City Planner Allen Fawcett
Chief of Police Ed Rhoades

Others Present: Chris Goode, Willa Motley and Blake Allen

Discuss Noble Vista Subdivision Bond / Chris Goode Occupancy: Anderson reviewed that the Council had instructed staff to look into what could be done for Chris Goode. He continued that he and Mumford had met with the bonding company for Noble Vista Subdivision. The following options were considered in that meeting: 1) Do not pull the bond at this time and wait for a new owner to come in and provide a bond for the remaining improvements 2) Request the bonding company to do a portion of the improvements and give a full release of the bond with the understanding that any new owner would be responsible to provide a new bond for items that were not completed and 3) Request the bonding company to come in and complete all the remaining subdivision improvements. It was discussed that when the subdivision was sold, the bonding company no longer had an obligation and the new owner would have to provide their own bond. Mumford had furnished a report on what he felt could be allowed so Goode could occupy his home. An opinion from Mark Smedley, City Attorney, had been prepared and was discussed. Anderson said he was looking for additional direction from the Council and asked if staff should call the bond and get the work done by the bonding company. Discussion that the weather would hinder the completion of the work until next spring. Discussion about calling a partial on the bond instead of the complete bond. Mumford was on vacation, wouldn't be back until Monday and had asked Anderson to get feedback from the Council.

Councilmember Bradshaw said, after reading from Smedley's report, he wanted to be cautious with whatever the City did. Discussion on whether Smedley agreed with the bonding company's opinion about them not being obligated after a new owner bought the subdivision. Anderson said Smedley thought it was challengeable. Councilmember Horner asked Goode how long it would

take to finish his home and be ready to move in. Goode said three months or so. However, there were some things that he could not finish, such as the driveway, because he did not know the sidewalk height. Mayor Phillips asked Goode if he understood what the Council was faced with. Goode said he did understand. Goode said the developer had enough in his personal funding to get electricity and gas to this one lot. He would also be able to put in the sidewalk (Goode's lot specifically). Mayor Phillips talked about Goode holding the City harmless if the Council amended the Code to allow him to get in. It was discussed that Mark Smedley felt that was problematic. Councilmember Horner suggested the City was not holding Goode up right now. Goode said his biggest problem was he couldn't get long-term financing and if he was not in the home by January 1, the County would consider the home a second home. Goode explained long term financing was not available without an occupancy permit. Goode said his finances were in order and he should not have a problem getting financing when he was ready. He said his construction loan was in place until long-term financing. However, the construction loan should be up in February.

Willa Motley, Horrocks Engineering, questioned Mark Smedley's memo, in that he said if the City filed partially on the bond, the rest of the bond was released. Anderson clarified that was what the bonding company claimed. Motley said there were other things that needed to be checked, such as water, before Goode could occupy. Councilmember Horner said his thoughts were that the City needed to call the bond due and get to work on it as fast as possible and not drag its feet any longer. Then the City could analyze what the situation was when they finished. He felt strongly that the City needed to call the bond. He pointed out that was what a bond was put in place for. Mayor Phillips said this was a very unique situation. Goode said in all honesty he hoped when the subdivision got a new owner that everything would go smoothly. Councilmember Horner pointed out it was unknown when a new buyer might take over. Councilmember Bradshaw said he would rather call the bond than make an exception. Motley said there was a contingency in the bond of about 20%. Anderson said once the City called the bond, the bonding company would only be responsible for what was called for in the bond.

Discussion about the language in the Code now and what it read years ago about substantial completion. Councilmember Hokanson said she felt calling the bond was the right way to go. Councilmember Straddeck agreed and said he was not in favor of changing the Ordinance. Anderson suggested Joe Spencer would be impacted the most. Motley said the power poles existing now were in the sidewalk line and would need to be removed before the sidewalk could be poured. She said if those were not removed, it would also affect the Browning Subdivision and the Majestic Mountain Subdivision. Motley did not think the bond would cover the moving of the power lines and that the power company needed to move the poles from Noble Vista. It was suggested the power company had the money to move the Browning and Majestic lines. It was pointed out Blake Allen would not be able to get final approval either until the power lines were moved. Discussion about where the money would come from to move the power poles in Noble Vista. Anderson said the City might have to give exception to Blake Allen to get occupancy. Discussion. Allen said he had already dug the underground but Heber Light and Power did not want to pull the wire without reimbursement because it was "ungodly" expensive. Motley said there were storm drain issues that had to be dealt with, as well. She did not think Allen's subdivision could be given final approval until that was fixed. Mayor Phillips asked Anderson to get with Motley and Mumford and give them the instruction of the Council based on the discussion held tonight.

Update on Valley Hills Tennis Court Retaining Wall: Anderson referred to an e-mail he had sent the Council about the retaining wall at the Valley Hills Park failing. The City had a geotechnical person look at it and he said it needed to be determine where the water was coming from first before making plans to deal with the problem.

It was indicated the water in the Timp Canal was taken out of the Canal last week. When inspected, an area was found where the Canal was lined with rocks where there was water escaping from the bottom of the Channel.

Pictures were shown on the overhead. It was indicated engineering needed to make sure the water from the Canal was what was causing the wall to fail. Anderson said the wall would have to be removed (or a section of it) when the hillside was dry enough to make sure nothing sluffed off. The wall would eventually have to be re-established when the problem was fixed. At this point in time, staff needed to observe more and then come forward to suggest an option for a fix.

Anderson said staff did not think this was a culinary water leak problem and as flows continued to subside, it could be determined in a couple weeks what was causing the problem. He said that if it was water seepage from the Canal, the City would look to the canal company to fix the leak.

It was indicated Devin McKrola lived in the area and was aware of the situation and that the canal company was also aware. Motley said she and Mumford had looked at the contour and it was likely that the Canal was the source of the problem. It was indicated Mumford would give an updated report to the Council in three weeks.

Update on Accounts Payable / Cemetery Position: Anderson indicated the Accounts Payable/Cemetery position had been advertised internally and that no one applied officially. However, Mindy Kohler, Building Department Secretary, suggested that because building was so slow, she could help out. Annette Williams also would help an extra eight hours a week. Anderson said this might only be a short-term fix, but with the economy the way it was, the City wouldn't have to hire someone at this time. He explained the way he had placed the duties with these women: Mindy-Accounts Payable and Cemetery and Annette-Purchasing. He explained that Mindy had worked in the Accounts Payable Department at Midway City and was already familiar with the system.

Discuss need to advertise for Airport Engineering Consultant: Anderson said it had been five years since the City had selected an engineer for the Airport. He said the FAA wanted that done every five years so he would like to start that process now. The Council was O.K. with starting that process.

Discuss November 6th City Council Meeting: It was pointed out that Cowboy Poetry conflicted with the November 6, 2008, City Council Meeting. Anderson said he had not received any tickets for the Council yet, but knew he would soon. Anderson talked about what was on the agenda for November 6 so far and suggested, since this was a five-Thursdays month, there was an open Thursday night if the Council wanted to hold a special meeting on October 30. Mayor Phillips asked the Council if they wanted to have a meeting on November 6. Councilmember Bradshaw said he was in favor of having a meeting on October 30 and not having one on November 6.

Councilmember Straddeck said the Council should consider reviewing the budget and see if there were adjustments that needed to be made. He felt if the City needed to cut back, he would like to see that sooner than later. Anderson said the revenues were on target right now. He said he could give the Council some numbers at the next meeting. He indicated he had told the department heads in the last Monday morning staff meeting to tighten their belts. Councilmember Straddeck told Anderson if he didn't see anything affecting revenues, the Council could look at it in December. Anderson said the auditor had been in and the audit should be ready for presentation on November 20. He said that in talking with Ogden, our community was the only one he worked with that had exceeded the budget for building permits.

Anderson said the Planning Commission was reviewing the dark store agreement during their meeting this week so it was possible the Council would have that on their next agenda. He said, too, that the Boyer Company would be on the agenda to request building permits.

As there was no other business, the October 16, 2008, Work Meeting of the Heber City Council adjourned.

Paulette Thurber, City Recorder