

Heber City Corporation
City Council Meeting
11/02/2006

6:00 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on November 2, 2006, in the City Council Chambers in Heber City, Utah.

Present: Mayor David R. Phillips
Council Members Terry Wm. Lange
Vaun Shelton
Shari Lazenby (6:29 p.m.)
Jeffery Bradshaw
Elizabeth Hokanson

Also Present: City Manager Mark K. Anderson
City Recorder Paulette Thurber
City Engineer Bart Mumford
City Planner Allen Fawcett
Police Department Mike Clegg

Red Ledges Field Trip – November 18 at 8:30 a.m. – Meet at City Offices: An invitation from Wasatch County to participate in a field trip to the Red Ledges area was given to the Council tonight with their materials. Mayor Phillips discussed that field trip with Wasatch County on November 8th at 1:00 p.m. and encouraged anyone to attend that could. He said he was going to try and make that field trip. He then discussed the field trip scheduled for November 18 at 8:30 a.m. with the City Council and the City Planning Commission. He said it would probably take a couple of hours. Fawcett was asked to make sure the Planning Commission members were aware of the field trip.

Boyer Development Joint Meeting with the Planning Commission – November 30 at 7:00 p.m.: Anderson said the Boyer people had asked for a meeting with the Planning Commission and City Council to bring forward their site plan. He said they were working on a booklet to show proposed materials they wanted to use in the project. He said he expected they would also be talking about modification to zoning. Councilmember Lazenby indicated she would not be able to attend. Councilmember Hokanson indicated that day was her birthday. Anderson indicated the meeting was intended to keep the City Council and the Planning Commission on the same page.

Report on 600 South 300 West Crosswalk: Mumford said he had looked at this area and the problems associated with it. He said there were two ways to address the problem—a cheap option and an expensive option. Mumford said they had already painted the “triangle” area on

600 South. He said the cheap option would be a painted crosswalk running north and south and education of the kids with the police actually working with kids for a few days to educate them to use the painted crosswalk. It was indicated only a few (six or so) elementary school age children lived in the area and would have to use the crosswalk to get to school. The expensive solution would be to curb the area. Councilmember Lange said the excess property could be divided and given to property owners. Discussion about accidents in the area. Sgt. Clegg said the area was basically accident free. More discussion about the safest area for a crossway, either north/south or east/west. Mayor Phillips asked the Police Department to pay close attention to the area and work with the children to teach them to cross the street safely.

Paul Kennard – Discussion on Revenue Sharing and Installation of Conduit for Fiber

Optic: Kennard handed out a three-fold flyer about revenue sharing. He felt that with the Valley the way it was, there was a likely chance there could be retail going someplace “we” don’t want it to. He said there were proposals in the North Village area and that the Economic Committee had determined they were against that area being retail and wrote a letter to that fact. He felt that unless a regional plan was agreed upon, there could be a hodgepodge of retail in the Valley. He recommended there be an Interlocal Agreement for the Valley in relation to retail placement. He felt such an agreement would first make the city where the store was located whole (infrastructure cost covered) and then a formula put into place that would allocate money to the other communities from the sales tax. The Economic Committee recommend that allocation of money be based on population. He said that way the communities with the most population would get the most revenue. Councilmember Bradshaw asked for the definition of regional. Kennard answered that any project that had a regional or national anchor, or 60,000 square feet or larger, the Committee was recommending the retail be located within Heber City. He felt that if this could be directed, from a planning standpoint, to where it should go, everyone would have a higher quality of life. Mayor Phillips asked if everything in the project outside of the 60,000 square feet would be included. Kennard said yes. Kennard pointed out this would help Heber City retain their retail area.

Kennard said they were recommending set percentages. He said there were other communities that had done this...Linden and Pleasant Grove. He said theirs went beyond sales tax but the Economic Committee was recommending just sales tax. Kennard talked about Brigham City and Perry revenue sharing. Also West Bountiful and Bountiful City even though theirs was some different because they had set up a redevelopment area. Kennard felt Linden had done a nice job with their agreement as their agreement allowed for change in the future based on need--it was flexible. He said he would recommend 2006 as the base year--start from there to determine what the net would be.

Mayor Phillips clarified it would be based on sales tax from the entire development, not just the anchor. He asked about the loss of tax to existing businesses that would move to the new businesses. Kennard said that was why they started with a base year. The city would be guaranteed the tax revenue of the base year.

Councilmember Lange asked how well they had studied the Linden and Pleasant Grove agreement. Kennard said there were several projects and not just located in one city. Kennard said their agreements were fairly broad. Kennard said he had talked to Linden and Linden felt

good about the agreement even though they don't have a lot of history yet. Kennard said a regional sharing agreement kept communities from fighting amongst themselves.

Brad Baird indicated he had given a presentation to Davis County and they had been dealing with this same issue. He said they had communities that were exploding residentially and had no economic development and property taxes were going through the roof. Other cities had a lot of sales tax base. Consequently, he said, they were fighting and trying to deal with their individual problems. Baird suggested if this community worked on this issue up front, they can avoid issues like Davis County. He talked about Cabelas and how Lehi City had given up sales tax for 15 years to satisfy the developer.

Councilmember Hokanson asked if the Economic Committee was wanting the City to do this with the Boyer project. The answer was basically yes. She said she felt this was an 11th hour thing and now the City was being asked to share the revenue. She said she was really suspect. Baird said they had been working on this for a year. Councilmember Hokanson said the City had been working on Boyer for longer than that. Baird replied this was not something new but clearly the Boyer project has pushed this to the forefront.

Baird suggested this was an opportunity for Heber City to think about this carefully and how they want this community to develop. He said this would force the other communities to look at something for themselves.

Mayor Phillips had some concerns. He said he did not want to look back in 10 years and say "Gee, look how this came out." He said he didn't want to see retail all over the valley, but rather in one place. He felt that by putting retail, which he believed should be in Heber and not in the middle of the Valley, and push those type of developments, the City would see other development that the City would not have to share revenue on. He felt by giving up some, the City could possibly get more from other opportunities around us.

Mumford asked what would prevent other entities from opting out of the agreement if perhaps one of the stores went to them and they got four times the revenue. Kennard said that was something the Committee had discussed and felt language in the agreement would address that.

Kennard said once he got everyone's feedback, the Economic Committee would like to draft an agreement and have everyone look at it. He said he wanted to meet everyone's needs.

Baird said they had this discussion within the first two weeks of his getting on the Economic Board. Because of rumor of big development, they had pushed this ahead on their priority list.

Mayor Phillips said he would discuss this more with the City Council members. He said he wanted to keep this moving and felt this was a high priority. He felt the City needed to study this concept. Mayor Phillips talked about community spirit and unity. He again said he did not think these type of buildings needed to be popping up all over. Kennard said that made sense from the Committee's standpoint. Baird concluded the downside was sharing revenue but the upside was pushing all the retail into Heber City.

Discuss Employee Christmas Dinner – December 9, 2006: It was explained this date had been reserved in January for this year's employee Christmas dinner. The Council were in agreement about having this dinner and asked Anderson to move forward with the plans.

Discuss City Work Schedule and Holiday Schedule for 2006-2007: Anderson provided the Council with the materials he had given to employees today during the two meetings he had held with them. He explained the Personnel Policy Committee had met two weeks ago and came up with the plan that was outlined in the materials. This was then presented to the employee today. He discussed/reviewed the spread sheet he had prepared. Mayor Phillips summarized what Anderson had discussed and clarified that even though an employee worked an alternate work schedule, they still only had 104 hours of holiday pay. He continued that it took some adjustment and flexibility to maintain those number of hours during this new scheduling. Anderson said he wanted the employees to be aware and understand that because the employees were working different schedules, different alternatives had to be presented as to how the holiday schedule for next year would work between those different schedules. The Council was O.K. with what Anderson had presented.

Review of Agenda Items: Mayor Phillips discussed the issue of possibly obtaining right-of-way for future curb, gutter and sidewalk from property owners outside of, but next to, new annexation areas. The discussion was focused on the Cook-Houston Annexation area. Mumford indicated he had talked to the County people and their preference was for the City to just annex to the curb and gutter area and not include the sidewalk area. Councilmember Lange expressed concern with any plan to try and get right-of-ways from people so far in advance of installation. He said the only reason we did what we did with the Cook and Coleman properties was for the safety of the school children walking to school. Anderson felt that what would happen was the Kimball Probst and the Cook-Houston properties would develop and then there would be stretches of road without curb, gutter and sidewalk. He said the City would get pressure from the people living in the subdivisions to make that continuous. Councilmember Shelton suggested that property owners who were not willing participants of the annexation might not be that willing to give the City right-of-way for potential curb, gutter and sidewalk that may be years in the future before being installed. Councilmember Lange did not want to set a precedence on asking people years in advance for right-of-way for future development. In trying to make the issue more clear, Mayor Phillips commented that if the City chose to install curb, gutter, and sidewalk, wouldn't it be nice to not have to buy the right-of-way but rather to have an agreement in place already regarding a right-of-way. Councilmember Lange said the City wouldn't have to buy the right-of-way—if they wanted curb, gutter, and sidewalk they could install it themselves—the City only had to tell them where to install so it matched up with existing. Anderson pointed out the City had monies coming in the year 2012 for improvements on 1200 East. Discussion about water and sewer services for people outside of City limits and how successful/unsuccessful that was. Mayor Phillips suggested that property owners might not be inclined to give a right-of-way if they didn't see the benefit of the curb, gutter and sidewalk immediately. Anderson said Joe Spencer, who was buying the Cook-Houston piece and the Probst piece, had talked to the Wrights and Witts who seemed to be reasonably favorable to the concept of giving the right-of-way. Discussion about the width of right-of-ways as established by current County roads versus the need for additional widths under City standards. Anderson said there was nothing in the annexation agreement right now that required the developer to work with property owners

outside the annexation area. He said he was just looking for ways to avoid costs to the City in the future if right-of-ways could be obtained now. Anderson pointed out 1200 East would be a huge traffic corridor in the future. Mayor Phillips said there were four options: 1) do nothing; 2) ask now for right-of-ways for future use; 3) wait until the City was ready to do it and ask; or 4) wait until the City was ready and then the City pay the complete cost. Councilmember Lange's opinion was not to approach the property owners now. Councilmember Shelton suggested approaching the property owners without any condition that the City would put the improvements in at a later date and ask if they would give up that much property for future sidewalk and road without committing anything. Councilmember Hokanson agreed with Councilmember Shelton. She wanted to try and get the right-of-way as soon as possible but was not ready to just open the City's wallet. She said she was very concerned with the precedent the City was setting with people coming to the City and saying "pay me, pay me, pay me". Councilmember Bradshaw said he was inclined to agree with Councilmembers Hokanson and Councilmember Shelton. If the property owners were willing to give up land for a right-of-way without a commitment from the City, it would make the City's job easier in the future. Councilmember Lange said he would go along with the others. Anderson suggested the City could go to the property owner with an agreement that stated they (property owners) agree to give the right-of-way when the City did develop and not up front. Councilmember Shelton said we would have to have that as a deed restriction in case the property changed hands. Anderson agreed.

Mayor Phillips asked if the Council wanted to set the public hearings for the tab 3, 4, 5, and 6 agenda items in one motion. Councilmember Shelton wanted to have discussion on tab 6 as he had questions on subparagraph B on the proposed City/County Agreement. Anderson said the City would accept responsibility for road impact fee in relation to the movement of the rodeo grounds and potential recreation center and/or more ball diamonds. Anderson clarified that the subparagraph B said the City would come up with the funds to pay for road impact fees. Discussion about how much ground the County would have to improve. The Council indicated they wanted to set the public hearings in one motion.

As the time was 7:00 p.m., the November 2, 2006, Work Meeting of the Heber City Council adjourned.

Paulette Thurber, City Recorder