

**Heber City Corporation
City Council Meeting
May 15, 2014**

7:22 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May 15, 2014, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

Present:

Mayor	Alan W. McDonald
Council Members	Robert Patterson
	Jeffery Bradshaw
	Erik Rowland
	Heidi Franco
	Kelleen Potter

Also Present:

City Manager	Mark K. Anderson
City Recorder	Michelle Kellogg
City Engineer	Bart Mumford
Planning Director	Anthony Kohler
Chief of Police	David Booth

Others Present: Sonya Duke, Patti Eddington, Laurie Wynn, Tracy Taylor, Blake Allen, Lee Burbidge, Brandon Burbidge, Todd Cates, Blaine Stewart, Jason Norlan, Doug Harvey, Blake Kohler, and others whose names were illegible.

Mayor McDonald opened the meeting and welcomed those in attendance.

Pledge of Allegiance: Council Member Robert Patterson

Prayer: Council Member Erik Rowland

Minutes: April 17, 2014, Work and Regular Meetings
April 26, 2014, Special Budget Meeting
May 1, 2014, Work and Regular Meetings

Council Member Franco moved to approve the above listed minutes. Council Member Patterson seconded the motion. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter

OPEN PERIOD FOR PUBLIC COMMENTS

Mayor McDonald invited those in the audience who wished to address the Council on issues not listed on the agenda to come forward. No comments were given.

APPOINTMENTS

Item 1 – Sonya Duke, Utah Valley University, Wildlife Conference Announcement and

Invitation: Sonya Duke introduced herself and her associates, Patti Eddington and Doug Harvey, and indicated they were with the marketing department of UVU-Orem campus. Duke explained the wildlife conference, and noted this event would bring people to the valley. Eddington indicated it was the goal to highlight the UVU Wasatch campus and benefit the residents in the community, which was one reason their team had partnered with local businesses. She felt this event would appeal to people interested in outdoor life, such as wildlife lovers. It was indicated there would be 300 attendees and they hoped it would become an annual event.

Item 2 – Blaine Stewart, Heber Light and Power Company, Discuss Rate Redesign and

Increase: Stewart reviewed the history of the power company. He explained there was a need for a rate increase and showed a PowerPoint presentation. The last rate increase was 4.5% in 2011, and the proposed increase was another 4.5% increase.

Jason Norlan explained the power demand costs. Council Member Bradshaw asked how many small/medium customers there were versus large customers. Norlan indicated there were 11-12 large businesses, and the majority of the businesses fell under the small/medium category. Council Member Franco asked if there had been studies to show the consequence if the residential charge was not on an inverted rate. Norlan stated not implementing an inverted rate would penalize the customers. Council Member Bradshaw added that residential customers used power to live on, but businesses used it to make money, therefore they should be charged a different rate.

Council Member Franco asked how many small/medium businesses would see an increase with the base fee implemented. Norlan thought for many businesses, this rate adjustment would increase their bill. He stated the average customer's bill would increase by \$3.08 per month and commercial businesses' would see a higher increase in their bills.

Tracy Taylor stated the Heber Light and Power bond rating went down from AA- to A+ due to the proposed rate increase in 2013 that wasn't followed through. It was explained that one reason for not following through with the rate increase was that commercial power costs were very low last year. A governance finding was also an issue. The rating board felt the Heber Light and Power board violated its bylaws. Now, the project with Rocky Mountain Power was the main reason for the rate increase this year.

ACTION ITEMS

Item 3 - Blake Allen, Approve Heber Homes 9 Subdivision located at 390 North 300

East: Council Member Potter moved to approve Heber Homes 9 Subdivision. Council Member Franco made the second. Council Member Rowland asked that a deed restriction be included in motion. The motion was amended to include the deed restriction, water rights, and water and sewer laterals provided by the developer per the recommendation of the Planning Commission.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

Item 4 – Todd Cates, Approve Red Ledges Phase 2C located at the Intersection of Haystack Mountain Drive and Chimney Rock Road: Council Member Franco asked if this subdivision had the same density as the originally platted subdivision. Cates indicated the original plat had 30 lots, but last year they redesigned it to include 50 lots. Council Member Franco asked if a fence would go along the border of the subdivision. Cates stated no fence was planned since there was raw ground on the other side, which was the Stone Creek Subdivision. Cates also noted that the County was preoccupied with other matters and the open space item was on hold for now.

Council Member Rowland moved to approve Red Ledges Phase 2C Subdivision. Council Member Bradshaw made the second.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

Council Member Franco asked about the progress on correcting the erosion related to the back trail. Cates reported he was working on that.

Item 5 - Approve Ordinance 2014-11, an Ordinance Amending the General Plan Land Use Map on Block 80, along Center Street Between 100 West to 200 West: Kohler explained the Questar facility was abandoned and was for sale. Since the building would no longer be a utility building, zoning requirements would need to be changed to allow limited commercial retail and offices in this area. He asserted the block would still have a residential character. Kohler indicated that a public hearing was held at the Planning Commission meeting and no adverse comments were given.

Council Member Rowland moved to approve Ordinance 2014-11, an Ordinance amending the General Plan Land Use Map on Block 80, along Center Street between 100 West to 200 West, Ordinance 2014-12, an Ordinance amending the Zoning Map on Block 80, along Center Street between 100 West to 200 West, and Ordinance 2014-13, an Ordinance amending the Zoning text found in Chapter 18.50 of the R-C Residential Commercial Zone. Council Member Patterson seconded the motion.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

Item 6 - Approve Ordinance 2014-12, an Ordinance Amending the Zoning Map on Block 80, along Center Street Between 100 West to 200 West: See Item 5 for the motion on this issue.

Item 7 - Approve Ordinance 2014-13, an Ordinance Amending the Zoning Text Found in Chapter 18.50 of the R-C Residential Commercial Zone: See Item 5 for the motion on this issue.

Item 8 – Approve Ordinance 2014-14, an Ordinance Repealing Section 111 of the Heber City Commercial Districts: C-2 and C-4 Zones Design Standards and Guidelines: Kohler explained in 2006, the City put together design criteria for C-2 and C-4 commercial zones. The criteria require a dark store/vacancy agreement for buildings over 15,000 square feet. The proposed ordinance would eliminate this requirement. Kohler wanted to eliminate red tape and promote more downtown business and thought this change would help attract more

development in the downtown area. He indicated this would not remove the City's ability to use eminent domain or raze the area and rebuild a more suitable building if needed.

Council Member Franco asked how the City could act retroactively, as the proposed ordinance indicated. Kohler explained the language exempting applications made after January 1, 2014. Council Member Franco asked to omit that language and to instead do an administrative application in order to be in compliance.

Council Member Franco moved to approve Ordinance 2014-14, an Ordinance repealing Section 111 of the Heber City Commercial Districts: C-2 and C-4 Zones Design Standards and Guidelines, but strike the wording "Any application for a commercial building over 15,000 square feet approved by the Planning Commission after January 1, 2014, shall be exempt from the Section 111 Design Criteria Requirements for a Dark Store/Vacancy Agreement". Motion failed for lack of a second.

Council Member Patterson moved to approve Ordinance 2014-14, an Ordinance repealing Section 111 of the Heber City Commercial Districts: C-2 and C-4 Zones Design Standards and Guidelines. Council Member Bradshaw seconded the motion.

Voting Aye: Council Members Patterson, Bradshaw, Rowland and Potter. Voting Nay: Council Member Franco.

Item 9 – Declare Lots 3 and 4, Habitat for Humanity Lot Split Subdivision Located at 300 North 400 West as Surplus Property: Anderson explained these undeveloped lots had received interest from the School District, the Wasatch County Housing Authority, and two private individuals. Council Member Franco indicated she favored selling the property at a profit for the City.

Council Member Bradshaw moved to table this item until the Council could review the appraisal. Council Member Patterson seconded the motion.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder