

Heber City Corporation
City Council Meeting
November 20, 2014
7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on November 20, 2014, in the City Council Chambers in Heber City, Utah

I. Call to Order
[City Manager's Memo](#)

Present: Mayor Alan McDonald
Council Member Robert Patterson
Council Member Jeffery Bradshaw
Council Member Erik Rowland
Council Member Heidi Franco
Council Member Kelleen Potter

Also Present: City Manager Mark Anderson
City Recorder Michelle Kellogg
City Planner Tony Kohler
City Engineer Bart Mumford
Police Chief Dave Booth

Others Present: Brian Phillips, Brad Lyle, Robert Muir, Dave Nelson, Fred Schloss, Jaxon Nielsen, Jared Nielsen, Pam Skinner, Stefanie Grady, Allen Fawcett, Tuck Lowe, Dax Masayret, Dave Hicken, Austin Hicken, Dan Dearden, Marianne Allen, Ron Ririr, Paul Berg, Patricia Mathis, Rex Mathis, Jennifer Lee, Mark South, Rick Murano, Mike Johnston, Jean Daly, Branden Olsen, Kate Maupp, Steve Pitt, Kristin Tast, Jim Tast, Barbara Games, Cinde Wilde, Bridger Wilde, Tony Hadlock, Jeremy McAlister, Ryan Bennett, Ryan Starks, Patricia Thompson, Larry Fagot, Sid Ostergaard, Tracy Tayler, Nick Lopez, Kellie Whitton, and others whose names were illegible.

II. Pledge of Allegiance: Council Member Kelleen Potter

III. Prayer/Thought: Council Member Jeffery Bradshaw

IV. Minutes for Approval: November 6, 2014 Work and Regular Meetings

[11-6-2014 Work Meeting Minutes](#)

[11-6-2014 Regular Meeting Minutes](#)

Council Member Robert Patterson moved to approve the above listed minutes. Council Member Heidi Franco made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

1. [Patricia Mathis, Presentation of Heber City 125th Anniversary Quilt](#)

Mathis stated that it was a privilege to make the quilt, and explained to the Council the different historic features that were included in the design. It was noted it took about 100 hours to make the quilt. The Council thanked Mathis for her time and praised the fine workmanship.

2. [Police Officer Ryan DeMille, Presentation of Patriotic Employer Award Recognizing Chief Dave Booth and Sergeant Jeremy Nelson for Supporting the Armed Forces](#)

Officer DeMille stated he was a police officer and also a member of the military; serving in the National Guard for 20 years. The military required him to take time off for training, and he appreciated the support from Chief Booth and the City so that he could fulfill his military obligations. He presented the Patriotic Employer Award from the National Guard to Chief Booth and Sergeant Jeremy Nelson. Chief Booth indicated that about a year ago, the Personnel Policy was changed to favor those serving in the military, and thanked the Council for their support of employees who served in the military as well. Mayor McDonald commented that the Police Department did a great job for the City and its citizens.

3. [Approve Ordinance 2014-21, an Ordinance Amending the Heber City General Plan for 11.01 Acres from a Land Use Designation of High Density Residential to Highway Commercial and 2.09 Acres from a Land Use Designation of Low Density Residential to Highway Commercial located West of the Mountain Valley RV Resort, which is Located at 2120 South Highway 40](#)

[Email from Pam Skinner](#)

[Kohler Report on General Plan Amendment and Zoning Change](#)

Kohler explained the purpose of the Ordinance and stated the petitioner planned to expand the RV park. Council Member Franco asked if the zoning could revert back to the original zoning if the RV park ever changed its use for future development. She also asked in which phase of construction would the fence installation occur. Kohler stated the construction of the fence was detailed in the general agreement and it was assumed that it would be installed during Phase Two of the construction process. Council Member Franco stated she preferred having the fence installed during Phase One of the construction process.

Anderson remarked that the residential owners preferred having the RV park located next to them rather than high density residential for which this parcel was currently zoned. He felt the land should go back through the public process for a zone change if the RV park owners ever sold the land. Kohler agreed.

Council Member Potter asked Paul Berg if the expanded RV park area next to Daniels Town would be quieter than the existing facility. Berg indicated Phase One included a family friendly pool and playground. Phase Two would include a lap pool and other amenities designed for

retired couples. He felt Phase Two would be much quieter than Phase One. He also noted that he anticipated that Phase One of the expansion would begin next fall. The total project would be completed within five years at the most.

Council Member Erik Rowland moved to approve Ordinance 2014-21, an ordinance amending the Heber City General Plan for 11.01 acres from a land use designation of High Density Residential to Highway Commercial and 2.09 Acres from a land use designation of Low Density Residential to Highway Commercial located west of the Mountain Valley RV Resort, which is located at 2120 South Highway 40. Council Member Jeffery Bradshaw made the second.

Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, and Kelleen Potter. Voting Nay: Council Member Heidi Franco.

4. [Approve Ordinance 2014-22, an Ordinance Amending the Heber City Zoning Map for 11.01 Acres of R-3 Residential Zone to C-2 Commercial Zone and 2.09 Acres R-1 Residential Zone to C-2 Commercial Zone Highway and 1.62 acres of R-1 Residential Zone in Future Collector Road Right-of-Way to Remain as R-1 Located West of the Mountain Valley RV Resort, Located at 2120 South Highway 40, and the Associated Conditional Zone Change Agreement](#)
Ordinance 2014-22

Kohler explained some aspects of the development agreement. Council Member Franco was concerned that if the RV park redeveloped to commercial zoning, a big box store would be built next to a residential area. Dave Nelson, the developer of the RV park, stated the investment into this park showed the commitment of the developer and the mindset that this RV park was here to stay. He also indicated he had no problem with the conditions of the development agreement, and noted the fence would be built as soon as possible.

Council Member Heidi Franco moved to amend the language in the development agreement under 3a, by adding the sentence, "The fence along the western border would be installed during Phase One construction and prior to March, 2016." Council Member Erik Rowland made the second.

Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

Council Member Erik Rowland moved to approve Ordinance 2014-22, an ordinance amending the Heber City Zoning Map for 11.01 Acres of R-3 Residential Zone to C-2 Commercial Zone and 2.09 Acres R-1 Residential Zone to C-2 Commercial Zone Highway and 1.62 acres of R-1 Residential Zone in future collector road right-of-way to remain as R-1 located west of the Mountain Valley RV Resort, located at 2120 South Highway 40, with the aforementioned change to the development agreement, the associated Conditional Zone Change Agreement and other conditions as stated in the packet. Council Member Jeffery Bradshaw made the second.

Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

5. [Approve Ordinance 2014-23, an Ordinance Abandoning Lot 34, Valley Hills Plat C Subdivision](#)
[Ordinance 2014-23](#)

Kohler stated this ordinance was a technicality needed by the County Recorder before a subdivision could be platted in the lot's place.

Council Member Kelleen Potter moved to approve Ordinance 2014-23, an ordinance abandoning Lot 34, Valley Hills Plat C Subdivision. Council Member Erik Rowland made the second.

Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

6. [Approve Valley Heights Subdivision Plat A and Plat B, a 28 Lot Subdivision Located at 1200 East and 1050 North, and the Associated Development Agreements](#)

[Staff report re Valley Heights Subdivision](#)
[Plat A Subdivision Agreement](#)
[Plat B Subdivision Agreement](#)
[Draft CCRs Valley Heights](#)

Council Member Patterson was concerned with the grading for Phase One. Paul Berg clarified that part of the road would be cut a few feet but when the homes were built, the homes would have walk out basements and it would look very natural. In Phase Two, the depth would be more significant but it would not extend beyond the 30 foot setback.

Council Member Franco asked if the new homes would obscure the views of homes on Cottonwood Circle, and asked if the developer would consider imposing a 25 foot height restriction on one lot in the CCRs, so a home on Cottonwood Circle could still have its view. Berg stated he would have to consult his client regarding that question. Council Member Franco also asked about the timing for the subdivision. Dave Nelson, the developer, stated both phases would have the infrastructure completed at the same time, but the Phase Two homes could not be sold until the Red Ledges water line was completed. Nelson also addressed Council Member Franco's request regarding the height restriction of a home, and asserted he was following the same conditions that existed for the current Valley Hills Plat C, Lot 34. He was opposed to implementing her requested restriction, and didn't think a landowner had to concede to different requirements because a previous owner took priority. He indicated he was a property rights adherer.

Council Member Franco asked Kohler if the Council needed to approve the CCRs. Kohler stated there was open space that needed to be maintained, and the City wanted to make sure that the responsible party for the maintenance was indicated in the agreement. He noted the open space would be dedicated to the HOA. He also indicated that the CCRs conformed to the requirements in Valley Hills Plat C.

Council Member Erik Rowland moved to approve Valley Heights Subdivision Plat A and Plat B, a 28 Lot Subdivision located at 1200 East and 1050 North, and the associated development agreements. Council Member Kelleen Potter made the second.

Council Member Franco requested to amend the motion to state that further discussions could ensue regarding the height restrictions. Council Member Rowland denied allowing that amendment to the motion. He stated he was in favor of private property rights and those rights shouldn't be dictated by government. Council Member Potter concurred with Council Member Rowland.

Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, and Kelleen Potter. Voting Nay: Council Member Heidi Franco.

7. [Approve Extension Request for Haack Subdivision, a Small Subdivision Located at Approximately 850 East Center Street](#)
Report re: Haack Subdivision

Council Member Jeffery Bradshaw moved to approve the extension request for Haack Subdivision, a Small Subdivision located at approximately 850 East Center Street. Council Member Erik Rowland made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

8. [Approve 2014 Employee Christmas Bonuses](#)
[Estimated Christmas Bonus Cost](#)

Council Member Erik Rowland moved to approve the 2014 employee Christmas Bonuses. Council Member Robert Patterson made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

9. [Approve 2015 Holiday Schedule](#)
[Summary of Holidays](#)

Council Member Kelleen Potter moved to approve the 2015 Holiday Schedule. Council Member Robert Patterson made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

10. [Open House for Comments from the Public](#)

Mayor McDonald announced the Council would come down to talk one-on-one with those in the audience at this time on issues of interest to the public.

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder