

Heber City Corporation  
City Council Meeting  
March 5, 2015  
7:09 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on March 5, 2015, 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 Engineer Bart Mumford  
City Planner Tony Kohler  
Chief of Police Dave Booth

**Others Present:** Wes Bingham, Ryan Starks, R.J. Ford, Clark Shumway, Carol Clark, Randy Clark, Dennis Jensen, Jeffrey Patton, Ryan Stack, Merry Duggin, Wade Kelson, Robert Muir, John Huhn, Blaine Smith, Ruth McGuire, Darwin McGuire, Tracy Taylor, Dave Nelson, Michelle Holmes, Brad Lyle, and others whose names were illegible.

II. [Pledge of Allegiance: Council Member Erik Rowland](#)

III. [Prayer/Thought: By Invitation \(default Council Member Heidi Franco\)](#)

IV. [Minutes for Approval: January 27, 2015 Special Meeting; February 19, 2015 Work and Regular Meetings](#)  
[01-27-2015 Special Meeting](#)  
[02-19-2015 Work Meeting](#)  
[02-19-2015 Regular Meeting](#)

Council Member Patterson moved to approve the January 27, 2015 Special Meeting and the February 19, 2015 Work and Regular Meetings. Council Member Franco made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

## V. Open Period for Public Comments

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

### 1. Approve Board Appointments to the Planning Commission and Airport Advisory Board Board Appointment Bios

Mayor McDonald proposed that the Council approve his appointment of Jeff Patton and Ryan Stack as members of the Planning Commission, and as an alternate member, Dennis Gunn. He also proposed appointing Rob Shellenburger as an alternate member of the Airport Advisory Board.

Council Member Patterson stated he knew Gunn and felt Gunn was an excellent choice for the Planning Commission. Mayor McDonald affirmed all those chosen were excellent candidates.

Council Member Rowland moved to approve the board appointments to the Planning Commission and Airport Advisory Board as proposed by Mayor McDonald. Council Member Potter made the second.

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

### 2. Public Hearing to Discuss the Sale of Approximately 38.5 Acres of Public Property Located at Approximately 2200 South 500 West

Mayor McDonald indicated the City was in the process of selling this land for the purpose of building an industrial park. He then opened the meeting for public comment.

Darwin McGuire, Daniels, was opposed to the City running the airport all the way to 3000 South. Mayor McDonald clarified that the public hearing was for the purpose of selling land and had nothing to do with the airport.

Tracy Taylor stated there might have been a misunderstanding to her letter to the editor. She didn't understand or know about the sale of the property, and asked the Council for a presentation of the plan for the property before asking for public comments.

Anderson reviewed the history of the Airport Industrial Park. The property was purchased for the purpose of building a public works facility, but that facility was eventually built in the core of town. Now, 14 years later, the City decided to sell the property for the purpose of building an industrial park. A concept map was displayed.

Dennis Jensen was concerned that businesses would come into the industrial park that would anticipate doing business if the airport expanded. It was explained that there was no relation at all with the business coming to the industrial park and the airport. Council Member Rowland

asserted that the goal was to provide an attractive industrial park that would provide jobs in the valley.

Merry Duggin, Town of Daniel, stated many residents next to the airport were concerned about an expansion of the airport. She knew Heber wanted to do the best for its citizens, but requested that the Council keep in mind the concerns of the airport's neighbors.

Tracy Taylor asked if an appraisal had been done on the property. Anderson stated no appraisal had been done, but from an analysis done by the City, it was determined to be a fair price. Taylor didn't think \$75,000 per acre was a fair price for commercial property. Anderson stated in comparison to other City properties sold at a reduced price to attract businesses and promote new jobs, this offer was closer to market value. Council Member Bradshaw stated the City considered that attracting jobs to the valley was a greater benefit than receiving \$5,000 more per acre. Taylor expressed concern that the City was losing control of the property. She felt it was premature to sell the property based on no appraisal and that the City would lose control.

Dennis Jensen asked if there was a right-of-way to the property. Anderson indicated there were two right-of ways to the property. Jensen also concurred that the City needed to get the property appraised.

Mayor McDonald closed the public hearing and turned the time to the Council for any remarks they would like to make. Council Member Franco stated she had suggested aviation-related businesses when discussions to sell the property were initiated, but those suggestions were not given in anticipation of expanding the airport. She also noted the revenue to the City would be \$2.7 million, which would go back to the Water, Sewer and General funds.

Council Member Bradshaw stated when the property owners sold the land to the City, it was their intention to bring businesses to the valley. The Council wanted to see the property developed and businesses to come to the valley so jobs could be generated.

Council Member Rowland stated the sale of this property was not comparable to selling a home, because water rights, infrastructure and the right to buy back part of the land were part of the negotiations. He noted he was happy with the process, and asserted the City would benefit by getting much needed money and jobs.

Council Member Franco felt a closed meeting was needed. Anderson stated an amended sales contract was put before the Council. Taylor asked which contract was amended. Anderson stated the new contract was not published. Council Member Franco stated that was poor form not to distribute the newest contract to the audience. It was decided to proceed with Agenda Item Four before moving into a closed session.

#### [4. Approve the Disposal or Sale of Equipment Surplus Vehicles and Equipment](#)

Council Member Franco moved to approve the disposal or sale of the listed equipment. Council Member Patterson made the second.

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

5. Closed Meeting for the Purpose of Discussing the Sale of Real Property

Council Member Patterson moved to enter Closed Session at 8:02 p.m. for the purpose of discussing the sale of property. Council Member Bradshaw made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, and Kelleen Potter. Voting Nay: Council Member Heidi Franco.

The Council adjourned from Closed Session at 8:36 p.m.

Michelle Holmes from the audience felt the current businesses in Heber were all hiring, and there were not enough qualified people in the area to work. Because of this, there was a high turnover at the different businesses. She thought the City needed to balance its commercial, residential and farmland. She thought the new businesses coming to the valley would go under because there weren't enough qualified people to fill the positions.

Council Member Rowland indicated part of the reason for this industrial park was that only jobs that could sustain a family would go into this area, so people wouldn't need to leave the valley to go to work. Council Member Bradshaw stated the majority of people in valley left the valley to work.

3. [Approve Contract with Three Strings Holdings, LLC for the Sale of Land](#)  
[Heber City Purchase Agreement](#)  
[Three Strings Holdings, LLC Counter Agreement](#)  
[Amended Purchase Agreement](#)

Anderson reviewed that Three Strings Holdings had requested additional water rights and the right to purchase more water above and beyond the requested amount. Other requests were that the spec building would be delayed until the current Probst Electric building was sold or leased, and the clarification that the land sold back to the City would not include water rights. It was noted this property was not considered greenbelt property. The final request was that Three Strings would have 75 days to close this purchase.

Anderson also indicated that the cost of the land plus the improvements would total approximately \$125,000 per acre. Wade Kelson, representing Three Strings Holdings, indicated they would work closely with the City with regard to zoning, so as to attract desirable businesses to the industrial park.

Tracy Taylor asked if earnest money was being put down with the offer. Anderson stated that was not part of the agreement. Taylor didn't understand why the City would buy back part of the property. It was indicated the City wanted to retain some parcels to attract future businesses.

Ryan Starks indicated that many cities gave land away to attract jobs, so he thought this project was a very smart move. Kelson indicated consideration didn't necessarily have to be monetary. There were promises made with this deal.

Council Member Rowland moved to approve the contract with Three Strings Holdings, LLC for the sale of 38.5 acres of land, along with the given amendments, and to include the authorization to sell the land. Council Member Patterson made the second.

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

With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder

APPROVED 3-19-2015