

Heber City Corporation
City Council Meeting
April 2, 2015
5:37 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on April 2, 2015, in the City Council Chambers in Heber City, Utah

I. Call to Order

[City Manager's Memo](#)

Present: Mayor Alan McDonald
Council Member Jeffery Bradshaw
Council Member Erik Rowland
Council Member Heidi Franco
Council Member Kelleen Potter (arrived at 5:44 p.m.)

Excused: Council Member Robert Patterson

Also Present: City Manager Mark Anderson
City Planner Tony Kohler
Chief of Police Dave Booth
City Deputy Recorder Allison Lutes

Others Present: Krew Rowland, Kobe Rowland, Kiah Rowland, Annie McMullen, Tracy Taylor, Justin Johnston, Brian Balls, Kassadi Hardman, Jacee Lewis, and Bill Gaskill.

Prior to discussion on the agenda items, Mayor McDonald invited Chief Booth to discuss the color variations of the brick for the public safety building. Chief Booth drew a rendering showing the various brick patterns, and explained that the roofline, soffit and fascia were designed to extend down and were intended to cover exposed brick. However, if there was any exposed brick for any reason, due to misalignment or other, then the brick would be honed to match the correct color. Chief Booth confirmed that the building would appear just as it did in the artist rendering, and added that the Public Safety building would be the most energy efficient building in the City.

1. [Discuss Proposed Changes to the Airport Advisory Board Bylaws](#)
[Airport Advisory Board Bylaws](#)

The Council was amenable to the proposed changes to the Airport Advisory Board bylaws to allow the alternate board member to vote if one of the regular board members was absent or recused, and to define the term for the Alternate Board Member to two years.

2. Discuss Waiving Landing Fees and Special Event Permit Fees for Non-Profit Events at the Airport

After some discussion on this agenda item, Council Member Rowland confirmed that the landing fees they would be waiving would only apply to the airplanes participating in the events, and not to all who fly in and attend. Council Member Franco asked whether the City could advise the Commemorative Air Force (CAF) that the waiver of fees would be part of its contribution to their events. Anderson suggested they could include a statement that would put in perspective the financial impact on the City that the CAF would be benefitting from.

After further discussion, Council Member Rowland suggested that Terry Loboschfsky draft the letter concerning the landing fees.

Council Member Franco then turned the discussion to the March 18 Airport Advisory Board meeting, and expressed her concern regarding the FBO participating in the meeting via text message, contrary to the City Ordinance allowing only Council Members to participate in meetings electronically. She was concerned that the practice could potentially lead to others participating via text message, thus bypassing the intent of holding public meetings, so that all could see and hear the participants. Council Member Franco requested that the rules be clarified so that they would know how to handle such situations in the future. Anderson said he didn't view the instance as becoming an ongoing problem, but suggested that staff revisit the rules of order and procedure and see if they could address this issue accordingly.

Anderson added that he spoke with Nadim AbuHaidar after the Airport Advisory Board meeting, who told him he hadn't expected his comment to be shared with the Board.

At 5:44 p.m., Council Member Potter arrived.

3. Discuss Pay Grade Changes for Building Inspector II and III Building Department Pay Grades

Anderson explained that they had received two applications for the Building Inspector II position, and felt they didn't have a sufficient number of candidates to proceed with that process. As a result, they initiated a job posting for Building Inspector II and III, but before doing so, Anderson requested that Michelle Kellogg analyze the pay ranges in other jurisdictions. Based on the results of the pay analysis, Anderson felt the recommended pay scale appeared reasonable. Anderson indicated that the current job posting was scheduled to close on April 6. The Council was supportive of the pay grades as proposed.

Anderson asked whether the Council would be comfortable with staff initiating pay grade changes based on analysis as performed for the Building Inspector II and III positions, or whether they preferred the staff continue with the current practice of bringing all types of these issues to the Council. Council Member Bradshaw suggested such items be brought before the Council periodically, and suggested a once or twice a year review, rather than each time there was a new hire. Council Member Potter agreed.

4. Discuss Proposed Amendments to the General Plan Land Use Map 2015 Land Use Map Amendment

Tony Kohler projected an image of the Land Use Plan and explained that the Planning Commission recommended some changes. He further explained that the land use plan guided what future zoning would be, and in particular, it guided zoning for some annexations currently on file. One of those affected was the Strawberry Annexation, and Kohler indicated that most of the property owners near Chip Turner's log place didn't want to see the business park zone, as depicted in the City's current General Plan. The Planning Commission agreed with those owners and recommended that the area be designated as a commercial area. The second proposed change related to areas within the Strawberry Annexation that were formally designated residential and medical office use. The Planning Commission recommended changing those areas to a planned community mixed use, requiring a mixture of housing types and allowing for some commercial development. Council Member Franco confirmed with Kohler that by accepting the proposed Land Map Use changes, it would grant higher density in the affected areas. She expressed her concern that if they were to move forward on these proposed changes, they could close the door on future TDR opportunities, by not adopting a more synergistic approach to have the County participate in the program. Franco indicated that the City and County were close to a Memorandum of Understanding, and it would be the topic of discussion at the interlocal meeting which was planned for two weeks later, as well as another meeting at the end of the month.

Kohler indicated that as a City, Heber was pretty much built out. The Strawberry Annexation was probably the biggest residential annexation, unless annexation boundaries were changed. The west side of town was pretty much built out, while the north side of town would be the next biggest area. Kohler then presented the third proposed Land Use Plan change for that area, north of King's, with a proposed mixed use residential/commercial zone to accommodate a larger retailer. Kohler indicated that zoning was a PCMU zoning. He added that the proposed area would be the last significant annexation area for the City, pursuant to the 30-year plan. In response to questioning by Council Member Franco, Kohler confirmed that the proposed changes could potentially affect the Bassett Annexation by increasing density, and added that the zone was a MURCZ zone, with 20 units per acre density. However, Kohler added that most, if not all of the area was slated to be commercial and retail; the developers were not interested in building residential in that area.

Council Member Potter questioned Kohler on the timing, and asked why the request was coming before Council at this time, rather than waiting to see how the TDR process played out. Kohler responded that the Planning Commission had been struggling with the current Land Use Map while analyzing the subject annexations and wanted to see a different Land Use Map than currently existed. He added that the requested changes wouldn't re-zone anything, and that any increases in density would be driven by annexation approval, which was a legislative decision. Kohler indicated that he concurred with Mike Johnston's recommendation that commercial approval not be delayed, because the projects were in limbo, pending the land use and annexation decisions. Kohler indicated that there were three other developer groups waiting for the decision on the Land Use Map to determine which way they would proceed with their proposed projects, located South of the City. Council Member Franco suggested that should the

Land Use Map be approved, then the developers should be advised that sometime within the following twelve to eighteen months they would be required to participate in the TDR program based upon the density increases they would be receiving. Anderson added that the provision could be included in the annexation agreements.

Kohler advised that commercial developers were not currently held to the same density requirements as residential developers, and to require that they participate in a TDR program, or retroactively apply some restrictions, they would risk potentially driving out retailers and services from the City. He added that the City needed to create a TDR program that was reasonable and feasible, or risk the developers choosing to go elsewhere.

Kohler indicated that Item 3 was proposed to be an economic hub and anchor for the City, and if the Council agreed with that, he encouraged them to consider approving the changes. The proposed changes 1 and 2 to the south of the City were not requested by the developers, but rather from the Planning Commission and some of the neighbors, who thought it would be a better land use.

After further discussion, the Council requested to see some proposed language for the annexation requests that would address the TDR issue and receiving zones, and to wait until they had met with the County before making a decision on the current Land Use Map request. Mayor McDonald indicated that a tentative meeting with the County Council had been set for May 4, and told Kohler that the second Council meeting in May would be when this Land Use Map request could be brought before Council again. Council Member Franco added that an interlocal meeting had been set for 7:00 p.m. on April 14, and Anderson indicated he would attend as well.

[7. Discuss Proposed Changes to the Heber Valley Community Garden Rules and Regulations](#)

[Community Garden Rules and Regulations](#)

[Communications with Annie McMullen Regarding the Community Garden](#)

Annie McMullen addressed the Council regarding the new proposed rules whereby Heber City residents would be given first choice of garden plots, followed by Wasatch County residents, and lastly, other counties' residents, based on availability. Proof of residency would be required when signing up. McMullen asserted that the garden should be all-inclusive, and stated her concern that if the residency restriction was imposed, it would kick out people who had been there a long time. She added that she wouldn't object to turning away new people based on residency restrictions, but the current garden was filled with people from both Heber and Midway, and she encouraged the Council to consider grandfathering in people who were already working in the garden, regardless whether they were from Heber or Midway, or even Park City, as was the case with one participant, Fred Gonzales.

Council Member Rowland expressed his concern with the potential to create a private club of those who were there before and would be allowed to stay, rather than allowing others to participate and have equal rights to use the property. He added that he had been approached by residents who told him they felt they should have first rights to use the garden, since their tax dollars were paying for it, and the land belonged to the City.

McMullen suggested they build more boxes and expand the garden to allow more people to participate. She indicated she had spoken with Lynn Adams, who told her the ground underneath was hard pan, and was not suitable for cemetery use. McMullen asserted that community gardens were not operated on a lottery system, but rather once there, a person was allowed to remain each year until finished, because of the personal time, effort and money expended into cultivating the plot. Council Member Rowland countered that he felt that just because a person worked a plot one year, it shouldn't automatically give him/her the rights to the plot the following year, and likened it to extending land use rights, just because of one's presence. McMullen disagreed, and stated that blood, sweat and tears constituted a lot of equity in the ground.

McMullen asserted that if they had a waiting list for boxes, then it would be a perfect Eagle Scout project to make more boxes; there was plenty of space available to construct more boxes.

McMullen indicated a good problem to have would be a waiting list, but Council Member Rowland disagreed, and stated that the current model, whereby garden box holders were given automatic first rights to the boxes each year, would create a sense of entitlement. He felt they could explore solutions that would account for everyone's needs. Council Member Rowland added they should put in place a set of rules now, as opposed to retroactively applying rules in the future when problems would arise. After further discussion, Council Member Rowland suggested they consider imposing a two to three year limit on use, or fees that would cover multiple years, to allow others to participate in the garden. McMullen countered that her preference would be to add more boxes.

Further discussion ensued, and the Council was supportive of allowing a gardener to remain in his or her allotted area, and to not make them abandon their spot year after year. McMullen reiterated her request to grandfather in Bill Baker from Midway and Fred Gonzales from Park City. Mayor McDonald felt the request was reasonable.

McMullen asked whether the Council would consider her proposed rates on the boxes. She also requested they consider funding for a new deer fence, and added she could submit rates for a fence. She received a bid last year for approximately \$5,200 for a 7-foot chain link fence.

Council Member Franco suggested that if a new person wanted to come in, and there was a waiting list, then they would need to build a box. McMullen was favorable to the idea, and added that there were Eagle Scouts who were lined up to do community garden projects.

The Council was favorable to allowing Heber City residents first choice access, followed by Wasatch County, and then other counties, and grandfathering in the current two outside residents, Fred Gonzales and Bill Baker. Further, Council indicated they would consider imposing a time limit on currently existing box gardeners who were not City residents. Additionally, they discussed the possibility of charging a different rate for City vs. Non-City residents. McMullen further advised Council that she donated one of the boxes to the 4th District Judicial Junior Court, because they had completed over 400 hours of work in the garden. Council Member Franco added that it might be something they consider with the City food

pantry. McMullen agreed they may be able to dedicate a plot or two to social services if people were to come and work on those lots.

Mayor McDonald wrapped up discussion on this agenda item, and stated they would have Michelle Kellogg work on the language on the proposed rules and review the rates and it would be brought before the Council for a vote in the next meeting.

5. [Discuss Potential Agenda Items for the UDOT Transportation Meeting Scheduled for April 14, 2015](#)

Mayor McDonald reminded the Council that the UDOT meeting was scheduled for 4:00 p.m. on April 14 in the County Council chambers. He added that while the meeting really was UDOT's meeting, there were certain discussion items they wanted to include: status of the pipeline, Main Street public safety, and to provide information on the bypass road. Mayor McDonald solicited the Council's thoughts on any additional agenda items. Anderson stated that just prior to the current meeting, he forwarded an email from Brian Phillips about pedestrian safety issues on Main Street that gave an update on the estimated costs on improvements, and certain studies requested.

Council suggested certain items for follow up with UDOT in the proposed meeting: installing flashing signs at City entry points to advise drivers of reduced speed; aligning the intersection at the Hub and installing four lights for the four lanes; and confirming when traffic studies would be conducted on 100 West at 600 South (end of April); and Main Street at the park (end of June, first of July).

Council Member Franco stated that UDOT advised funding wouldn't be available until the new fiscal year in July, and if anything needed to be built based upon the survey, it would not happen until the fall. She felt they needed to hold UDOT to their stated schedule for surveys and funding for the crosswalk at the Main Street Park. Tracy Taylor from the audience took the podium and expressed that there were many comments from the public concerning this issue on Facebook. She suggested they consider the overhead flashing lights, such as those currently installed in Moab, for the crosswalk on Main Street at the City park and by the Junior High near McDonald's. She added that from Center Street to 500 North, there were currently no stop lights, allowing trucks to gain speed, which was perceived as an unsafe condition. She suggested they consider installing a stop light at 200 or 300 North. The Council responded that they had looked into the overhead, or HAWK lights, and UDOT told them it would be \$150,000 for one, and only based on justified need. UDOT conducted their justified need study in November, during a slow period, and determined Heber City did not qualify for funding of the HAWK system. The City then requested they perform another study in the summer, when pedestrian traffic is at its peak.

6. [Discuss Potential Agenda Items and Set Date for Meeting with the County Council](#)

The Council agreed to set the date for the meeting with the County Council for 6:00 p.m. on May 4 at the Senior Center. The TDR's would be the main subject for discussion.

With no further business, the meeting was adjourned at 6:55 p.m.

Allison Lutes, Deputy City Recorder

APPROVED 04-16-2015