

Heber City Corporation
City Council Meeting
June 18, 2015
7:11 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on June 18, 2015, in the City Council Chambers in Heber City, Utah.

I. Call to Order
[City Manager 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 Engineer Bart Mumford
Chief of Police Dave Booth
Deputy City Recorder Allison Lutes

Others Present: Kraig J. Powell, William Otley, Kelly Ash, Mark Haroldsen, Joy Hardman, Tracy Taylor, Ronald R. Cittenden, Brad Lyle, Tammy Parker, David Nelson, D.R. Glissmeyer, Joe Walker, Lewis Scovil, Terry Edwards, Mike Johnston, Justin Johnston, Dianna Johnston, Paul Berg, Rob Heywood, and others whose names were illegible.

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

III. [Prayer/Thought: Council Member Jeffery Bradshaw](#)

IV. [Minutes for Approval: May 21, 2015 Work and Regular Meetings](#)
[May 21, 2015 Draft Work Meeting Minutes](#)
[May 21, 2015 Draft Regular Meeting Minutes](#)

Council Member Rowland moved to approve the minutes of the May 21, 2015 Work and Regular Meetings. Council Member Patterson made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

V. [Open Meeting for Public Comments](#)

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

1. Public Hearing - Resolution 2015-09: A Resolution Adopting the 2015-2016 Operating Budget and Amendment of the 2014-2015 Operating Budget to Allow for Additional Revenues and Expenditures

Public Hearing PowerPoint

Resolution 2015-09

2015-16 Proposed Budget Amendments

Anderson projected a PowerPoint to summarize and review the budget and to define the purpose of the public hearing. Anderson explained three budgetary items on which the City was required to hold public hearings pursuant to State code: 1) compensation for statutory employees, e.g. Chief of Police, City Recorder, City Treasurer, and City Attorney; 2) contributions the City was considering to outside agencies; and 3) proposed changes to the 2014-2015 operating budget. Concerning the General Fund, the City projected \$40,000 less in building permit revenue; sales tax revenue was projected to be up 6%-8%; and General Fund surplus was estimated to be approximately \$302,000, which would need to be appropriated to properly fund the budget. Anderson added that there was an unappropriated surplus of approximately \$1,131,000, which represented approximately 14.35% of the General Fund budget. Pursuant to State statute, the City was required to maintain 5-25% reserve of the General Fund budget; Heber City retained approximately 14%. Anderson then proceeded to discuss the specifics of the PowerPoint presentation.

Anderson turned the discussion to a memo of the same date, which contained additional amendments to the 2015-16 proposed budget, which he detailed for those present at the meeting.

Mayor McDonald invited public comment on the proposed budget. Ron Crittenden approached the podium and posed a question concerning the proposed Best Western Hotel impact fees, as discussed during the evening's work meeting. Crittenden asked what effect the proposed Best Western impact fees would have on any potential budget reductions. Anderson responded that the budget reflected impact fees anticipated during the following year. The budget was based on historical activity, noting that an average year for the City would be \$150,000 collected in sewer impact fees. Anderson stated he did not believe the Best Western impact fees would have a significant impact on the budget, adding it could reduce the money the City would need to borrow to complete the northwest sewer line project, if those funds were available. Anderson clarified that impact fees could only be utilized for installing infrastructure in support of new growth.

Mayor McDonald closed the public hearing and solicited comments from the Council. Council Members Bradshaw, Franco and Potter expressed their appreciation to City staff for their work on the budget.

Council Member Bradshaw moved to approve Resolution 2015-09 adopting the 2015-2016 Operating Budget and amendment of the 2014-2015 Operating Budget. Council Member Potter made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

Following the vote, Mayor McDonald added his comments and expressed his appreciation to the Council and staff for their united work on the budget process.

2. [Approve Resolution 2015-10, a Resolution Adopting a Certified Tax Rate for Fiscal Year 2015-2016](#)
[Resolution 2015-10](#)

Anderson explained that the County and State provided the tax rate during the week prior to this meeting. The tax rate decreased from the prior year, which represented the increase in valuation of property in the city: as values rose, rates decreased.

Council Member Patterson moved to approve Resolution 2015-10, adopting a Certified Tax Rate for Fiscal Year 2015-2016. Council Member Bradshaw made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

3. [Public Hearing on Unbilled Services for City Consumed Water, Sewer and Utility Services](#)

[Presentation on Public Hearing on Unbilled Services](#)

Anderson projected a PowerPoint presentation and explained that the City was required to hold a public hearing regarding the City not charging itself for its services, pursuant to Utah Code §10.6.135. Anderson then detailed the water, sewer and utility services the City provided to the General Fund at no charge. Following Anderson's presentation, Mayor McDonald invited members of the audience to come forward to address the Council or staff concerning the foregoing. No comments were given. Mayor McDonald closed the public hearing and solicited comments from the Council; none were given.

Council Member Rowland moved to approve the continuation of the City's practice to not bill itself for utility services such as consumed water, sewer and utility. Council Member Patterson made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

4. [Terry Edwards, Request Donation for Memorial Hill](#)

Terry Edwards, spokesman of the Memorial Hill Wasatch County committee introduced himself, Lieutenant Colonel Tom Walker (ret.) and Captain Lewis Scovil. Edwards explained the committee was requesting funding for a new monument to add names to the plaque, and offered a preliminary project plan for the Council's review. He explained that while the hill was owned by Wasatch County, the committee felt it only fair that each city within the County participate in funding. Edwards noted that Midway had provided them with \$5,000 for the last 3 years. The committee was requesting \$15,000 from Heber City to launch the project. Edwards estimated the total project cost would run approximately \$60,000 - \$65,000. He indicated they had a meeting scheduled with Midway City Council on July 1. Edwards also stated that the bronze casting would take three months, and since the gate to the hill was closed every Veterans' Day until May 1, they had a good window of time to work on the project. Edwards further explained they needed to make room for 100 more names on the plaques, which was what prompted the

project. Once the City contributions had been made, Wasatch County would need to provide the remaining funds. Edwards said they hoped to have participation by all in the area, since many veterans resided in the valley, and in Heber City in particular. Council Member Rowland confirmed with Anderson that funds formerly designated for a veterans' memorial in Heber City had not been earmarked since for any other project. Rowland opined that he didn't think the requested donation was excessive, and believed \$15,000 was a small amount given the sacrifices the veterans had made. He added that a donation of this amount represented a small percentage of the funds proposed for the Heber City veterans' memorial project that had never commenced. The Council expressed its support for a \$15,000 donation toward the Memorial Hill project.

5. [Approve Ordinance 2015-14, an Ordinance Amending Heber City's Land Use Map Ordinance 2015-14](#)
[Memo re 2015 Land Use Map Amendment](#)

Council Member Rowland moved to approve Ordinance 2015-14, amending Heber City's Land Use Map. Council Member Patterson made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco, and Potter.

6. [Discuss Approval of the Memorandum of Understanding \(MOU\) with Three Strings Holdings](#)
[Three Strings Holdings MOU](#)

Anderson explained that Three Strings had been anxious for the City to make a decision on what land, if any, it would want to acquire from them for the purpose of protecting the area for a proposed bypass. As a result of the traffic study which the Council viewed during the evening's work meeting, staff was recommending the City acquire the 25.88 x 344 feet of property fronting Daniels Road. Anderson believed there was still more work to do pertaining to whether to purchase the other forty feet of property. Anderson also expressed his concern with Paragraph IIIB of the Memorandum of Agreement ("MOA"), which stated, "The termination of this Agreement shall constitute a legally enforceable waiver of Buyer's right to acquire the 25.88 and 40.0." Anderson added that staff recommended the City indicate its intent to acquire the 25.88 foot parcel on Daniels Road, but it would not agree to sign the MOA, and would meet with Wasatch County and the City of Daniel to discuss the results of the traffic study. Anderson projected the map of the area for reference, and indicated the area in blue on the map was the 25.88 foot parcel the staff was recommending the City purchase. Anderson indicated that if the City were to indicate its intent to purchase the 25.88 foot portion, it should satisfy Three Strings for the time being. Mumford clarified that the blue area on the map, the 25.88 foot parcel, needed to extend all the way to the property line. The current map indicated it intersected with and terminated at the orange, 40 foot parcel. Anderson was fairly confident Three Strings would be willing to sell the 25.88 foot parcel extending to the property line, but it would be predicated upon its having access to the rear of the property as an alternative access point to the property. Anderson added that Three Strings' deadline for the City's decision as to the two parcels was July 6.

Council Member Potter moved that the Council not approve the Memorandum of Agreement as currently drafted, but that the Council offer to purchase the 25.88 foot parcel, extending all the

way down to the end of the property line. Council Member Franco made the second. After further discussion, Council Member Potter withdrew her motion.

Council Member Potter moved that the Council accept the Memorandum of Agreement contingent upon the deletion of Paragraph IIIB, and that the 25.88 foot parcel extended to the far south edge of the property. Council Member Potter withdrew the motion.

The Council solicited input from City Attorney Smedley concerning articulating the motion. Council Member Potter moved that the Council abstain from approving the Memorandum of Agreement in its current form, but to put forth terms of an agreement that followed the City's intent to purchase the 25.88 foot portion of the property to include the entire length of the western boundary of the property. Council Member Franco made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

7. [Approve Memorandum of Understanding \(MOU\) and Draft Request for Proposals \(RFP\) for Transfer of Development Rights](#)
[Transfer of Development Rights MOU](#)

Council Member Potter understood that the County defeated this Memorandum of Understanding ("MOU") based on some concerns, but she was not clear on the nature of the County's concerns. Anderson clarified City Planner Kohler indicated to him that Mike Davis expressed concern that the water rights were inadequate to redevelop downtown Heber in the densities proposed. Anderson added that the City of Midway was not interested in participating financially. Anderson confirmed that there had been no formal communication with the County on this issue. The Council agreed that the motion should be approved and then to initiate further dialogue with the County on the issue.

Council Member Franco moved to approve the Memorandum of Understanding (MOU) and Draft Request for Proposals (RFP) for Transfer of Development Rights.

After further discussion, Council Member Franco amended the motion to state as follows: motion to approve the Memorandum of Understanding (MOU) and Draft Request for Proposals (RFP) for Transfer of Development Rights; the City would seek the County's feedback and communicate in a formalized manner. Council Member Bradshaw seconded the motion. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

Anderson stated the staff would reach out to the County, per the Council's directive on this item.

8. [Approve the Northwest Sewer Bid Award](#)
[Staff Report re Northwest Sewer Contract Award](#)
[Sewer Revenue Bonds Calendar of Events](#)

Mumford explained that additional bids had been received. The project costs were significantly higher than originally anticipated, due to the depth of the sewer that was proposed to service the entire northeast area of Heber. He further explained that Geneva Rock's bid was significantly lower because they had crews coming off other projects that could be allocated to the sewer

project. Further, Geneva reviewed its costs and believed the project would come in at the stated figure, but indicated it wanted to start construction at the first of July, or risk losing its window of opportunity. Anderson stated he had a meeting with the property developers on Monday, June 22 at 3:30 p.m., and proposed that he communicate with the council via email the results of that meeting. Anderson further suggested that after communicating with the Council, he could be given the authorization to award the bid or hold off. Anderson noted different payment options, of which bonding was one. He added he wanted more time to determine what the City could do to borrow from itself to avoid the \$20,000 bond issuance cost. Anderson indicated he should be able to complete his analysis regarding the funding of the project in the early part of the following week.

Council Member Rowland moved to allow Mark Anderson to award the bid contingent upon the anticipated meetings in the following week, and give him the authorization to make a decision. Council Member Franco offered a clarification concerning developer pre-payment, or timely payment, and to ensure the developers were aware that impact fees would not cover the entire cost of the project, and that the City's need to borrow would be minimized.

After further discussion, Council Member Rowland amended his motion as follows: motion to allow Mark Anderson to meet with the developers as scheduled and authorize him to make a decision to award the bid after communicating with the Council and soliciting their approval of same, to be ratified at a subsequent City Council meeting. Council Member Bradshaw made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

9. [Approve Amsource Heber, LLC's Request for Approval of a Small Subdivision/Lot Split to be Located at Approximately 650 South Main Street, the Former Wasatch High School](#)
[Memo re Amsource Subdivision at 601 South Main Street](#)
[Amsource Subdivision Agreement](#)

Council Member Franco expressed concern that the north sidewalk widening was not addressed in the materials as presented. Mumford stated this was addressed in the subdivision agreement, however upon review, he noted that the most current agreement was not included within the meeting materials. Mumford projected a current marked version of the agreement that included the integration of sidewalks on 600 North. Mumford suggested including in the motion that approval was subject to the developer reviewing and approving the most current agreement.

Council Member Franco moved to approve the June 11, 2015 version of the Amsource 6th and Main Commercial Subdivision Agreement, the version that was emailed to the staff and discussed during the June 18, 2015 Council meeting. Council Member Rowland made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

10. [Approve Watts' Enterprises' Request for Subdivision Final Approval of Ranch Landing Cottages - Plat B to be Located at 980 South 600 East](#)
[Memo re Ranch Landing Plat A Final Approval](#)

Council Member Potter moved to approve Watts' Enterprises' request for subdivision final approval of Ranch Landing Cottages, subject to the conditions outlined by the Planning

Commission. Council Member Rowland made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

After the vote, Council Member Patterson noted that the staff report indicated Plat A, but the request related to Plat B. Council Member Potter revised the motion as follows: motion to approve Watts' Enterprises' request for subdivision final approval of Ranch Landing Cottages, Plat B, subject to the conditions outlined by the Planning Commission. Council Member Patterson made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter.

With no further business, the meeting was adjourned.

Allison Lutes, Deputy City Recorder