

Heber City Corporation
City Council Meeting
August 6, 2015
8:03 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on August 6, 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 Recorder Michelle Kellogg
City Engineer Bart Mumford
City Planner Tony Kohler
Chief of Police Dave Booth

Others Present: Jason Norlen, Joe Dunbeck, Bob Piscitelli, Jeff Patton, Rich Hansen, LeeAnn Hansen, Rocky Netz, Paul Berg, Mike Johnston, Rick McCloskey, Clayton Vance, David Nelson, Jamie Weekes, Josh Weekes, Amberlee Shuler, Andrew Dedrickson, Marianne B. Allen, Brandon Wilson, Brad Lyle, James Neville, Alejandro Raygoza, Ryan Starks, Bethany Mumford, Daniel Mauer, Danny Goode, Tracy Taylor, Dan Boyer, Lynette Berg, Mark Rounds, Chip Turner, Kent Shelton, Bruce Baird, Rob Brasher, Darren Tuddenham, Paul Henke, Todd Cates, LeNell Heywood, Bruce Heywood, Dianna Johnson, George Bennett, and others whose names were illegible.

II. [Pledge of Allegiance: Mayor McDonald Alan McDonald](#)

III. [Prayer/Thought: Council Member Robert Council Member Patterson](#)

IV. [Minutes for Approval: July 2, 2015 Regular Meeting; and July 16, 2015 Work and Regular Meetings](#)
[July 2, 2015 Draft Regular Meeting Minutes](#)
[July 16, 2015 Draft Work Meeting Minutes](#)
[July 16, 2015 Draft Regular Meeting Minutes](#)

Council Member Franco requested that the July 16, 2015 Regular Meeting minutes be corrected to reflect the correct acronym OPEB - Other Post Employment Benefits. Kellogg noted the correction.

Council Member Patterson moved to approve the July 2, 2015 Regular Meeting minutes and the July 16, 2015 Work and Regular Meeting minutes with the above change as stated. Council Member Potter made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

V. Open Meeting for Public Comments

Mayor McDonald asked for comments from the audience on items that would not be discussed on the agenda. No comments were given.

1. [Public Hearing - Ordinance 2015-21, an Ordinance Considering the Annexation of a 50.68 Acre Parcel Known as the Strawberry Annexation and Located at approximately 1811 South to 2117 South Highway 40](#)

[Staff Report Strawberry Annexation Ordinance 2015-21](#)

Mayor McDonald stated this was a public hearing to receive comments on the proposed Strawberry Annexation. He then opened the meeting for public comments.

Chip Turner stated he was one of the property owners that would be included in this annexation. He was concerned with services being provided to the property owners because hooking up to water would be very expensive for properties that were situated closer to Highway 40. He asked if concessions would be given to those that would receive no perceived benefit, and hoped not to be charged for services he would not receive.

Mumford explained that those annexing into the City could be serviced by the City, but that services weren't always available at the time of annexation. He clarified that water and sewer fees would not be charged to residents that were not hooked up to the system. A utility fee was charged to all residents for street cleaning, ditch cleaning and storm water expenses. He further stated with regard to water and sewer lines, the current service went along the west side of Highway 40. The capacity for this annexation would be serviced by the 500 East water and sewer lines. Kohler asserted the Planning Commission recommended that a sewer line be installed along Highway 40, but there was no guarantee on the time frame for providing the service.

Anderson summarized that those living within the annexation boundaries could continue operating on their existing utilities. They could also develop and pay to extend to the existing sewer and water lines or they could wait until the lines were installed next to their properties. After further discussion, Mumford stated the City would also offer a reimbursement if the developer paid for the utilities to be extended to their properties and other developers hooked onto that line within 10 years.

Wade McCormick asked what other benefits he would have besides the opportunity to hook onto the City water and sewer if his property was annexed, and noted he owned horses. Anderson stated his property would come into the City as a nonconforming use, meaning he could keep his current number of horses, but could not expand the number. McCormick also inquired about the proposed subdivision. Kohler explained the residential plan and the buffer to his adjoining property.

Lynette Berg stated her understanding was that the Planning Commission was opposed to this annexation. Her property adjoined the annexation and the proposed residential subdivision. She cited the ordinance that required sidewalk and indicated the children in her area would be required to walk to school, which concerned her. She also asserted that this annexation was not following the City's Master Plan that annexations would spread from the City outward, and noted there were many issues that would arise due to a development coming out of order.

Paul Henke stated he lived on Highway 40 next to Chip Turner. He wanted to voice the same concern as Turner, and he also didn't think this was in the best interest of the City since the land was being developed out of order, especially since there were no plans to develop the infrastructure.

Tracy Taylor stated the Council had discussed impact fees within the last month. She expressed concern that the City was reaching out to one development when the current residents' needs should be considered first. She suggested that the Council hold off on granting any new annexations until the impact fee study was finished.

Mayor McDonald closed the public portion of the public hearing. He asked for comments from the Council. Council Member Rowland stated he sympathized with those far away from utility connections, but his concern was with the residential plan. He stated if the annexation was contingent on the subdivision, then he would prefer to wait on granting annexation. He also felt the proposed subdivision would give the City an opportunity to implement the proposed change to the Master Plan and Design Criteria.

Council Member Potter asked to resolve some of the residents' concerns. She didn't want to require these owners to pay City taxes but not receive a benefit. Council Member Franco stated a berm was required between the commercial and residential areas. She also noted she did not want the City to create an island of density without providing services. Council Member Potter asked if it was typical for property owners to annex and then wait for services to be provided. Anderson stated there were some annexations that developed soon after annexing into the City and some that had to wait to receive those services.

Council Member Bradshaw stated that this was unique that commercial and residential properties were in the same annexation. He noted that the subdivision was not guaranteed with the annexation; it would have to start a new development process. Kohler indicated that the subdivision plan in the packet materials would not conform to the current PCMU zone, which required open space.

Council Member Patterson asked how many people had opposed the proposed annexation. Kellogg noted that letters with an attached plat map were sent out announcing the public hearing of the proposed annexation, and one inquiry had been received, but no complaints.

Justin Johnson commented on the original plan for the subdivision.

Council Member Franco moved to continue Ordinance 2015-21, an ordinance considering the Strawberry Annexation until more information could be obtained. Council Member Potter made the second.

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

Council Member Rowland asked if the Council's questions were related to the subdivision or the annexation because he felt these were two different issues. It was indicated the motion was whether to annex the property into the City. Mumford stated that the City wouldn't know what was happening with each parcel of the annexation until each owner came to the Planning Commission with an application. Council Member Bradshaw asked if the Planning Commission passed the request for annexation by a unanimous vote. It was indicated it passed by a vote of six commissioners in favor and one opposed.

Council Member Bradshaw moved to approve Ordinance 2015-21, an ordinance annexing the Strawberry Annexation, located at approximately 1811 South to 2117 South Highway 40. Council Member Rowland made the second.

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

2. [Blackstone Creek LLC, Discuss Request for Subdivision Final Approval for Stone Creek Subdivision located at 550 North 1400 East](#)
[Staff Report re Stone Creek Phase One Final Application](#)
[Plat Map - Stone Creek Subdivision Phase 1](#)
[Master Plan with 3 Stub Roads](#)

Kohler noted that the plat was modified to include three access points to the subdivision, but one issue that was still in question was the bypass road. Mumford stated his concern was that a portion of the bypass road needed to be built at least from Mill Road to the subdivision in order to provide another access to the subdivision.

Council Member Franco asked how steep the cut and fill would be. Paul Berg explained the needs of fill and cuts to the different areas of the plat. It was noted the lots were one third acre. Council Member Franco asked if there was sufficient space for driveways so parking on the narrow streets would not be needed. Berg stated that most lots were designed for three car garages so the driveways would be wide. He also reviewed that this subdivision had Master Plan approval. The final approval had lapsed, necessitating this to come back to the Council for re-approval. There was discussion on the expiration of the Master Plan. Anderson read the

requirements and it was determined that the validity of the plan might be in question. Council Member Rowland stated this was a legal submission based on current codes, to which Anderson concurred. Council Member Rowland thought the Council should not deny it for that reason. Further discussion ensued. Mumford stated if the roads were private, the developers could deal with the issues, noting that he preferred that the roads remain private. Council Member Franco thought the roads should be public for the progress of the City.

Bruce Baird, the attorney for the developer, stated he agreed with Council Member Rowland and Anderson, that once the application was submitted it locked the developer into that plan. There was a buyer for this development, contingent on this plan, and the developer had been compliant with the City's standards. Mayor McDonald asked if the developer was amenable to the recommendations of the Planning Commission. Baird indicated they agreed to comply with the recommendations. Council Member Patterson felt the developer made the concessions requested, and he would recommend approval of this subdivision.

Anderson stated the development agreement had not been updated to include the new design. The developer agreed to update that agreement. A representative from the buyer, Edge Homes, stated he had 30-40 people waiting for these lots, and Phase 1 would be sold out as soon as it was released.

Council Member Rowland moved to approve the Stone Creek Subdivision with the conditions to amend the subdivision agreement based on the current design tonight and the Planning Commission recommendations.

Council Member Franco asked if the motion could be amended to make the roads public. Mumford stated he was opposed to these roads being public, but the Council could request it of the petitioner if they so desired. Mumford also responded to the inquiry of retention ponds and pointed to them on the overhead plat. He also noted he was in favor of requiring the construction of the bypass road from Mill Road to the access point of the subdivision. Kohler stated the neighbors of the development wanted this portion of the bypass road to be used as a construction entrance. Mumford also thought this portion of the bypass road needed to be constructed in order to put additional pressure on Red Ledges to complete its portion of the bypass road.

Council Member Rowland amended his motion to include having the retention pond on-site and that the subdivision hook-on to the bypass road would be connected upon construction of the bypass. Mumford asked if the hook-on could be attached to a future phase in case something happened with the bypass. McCloskey explained some of the terms of the prior agreement. Council Member Franco asked that a time frame be included in the motion for the hook-on to the bypass. Bruce Baird suggested adding language that the hook-on would be built during the next construction cycle. Council Member Rowland agreed to include Baird's suggestion with his motion. Council Member Bradshaw seconded those amendments to the motion.

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

6. [Approve Heber Gateway Subdivision Lot 1 Split](#)
[Staff Report re Gateway Subdivision Lot Split](#)

George Bennett stated he represented the development of the Best Western Hotel. In order to facilitate the development, he was present to request a lot split of the parcel.

Council Member Rowland moved to approve Heber Gateway Subdivision Lot 1 Split. Council Member Patterson made the second.

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

7. [Approve Red Ledges Phase 2G Subdivision - A 7 Lot Subdivision](#)
[Staff Report re Red Ledges Phase 2G](#)

Council Member Franco asked about a timeframe for the open space in Red Ledges to be finalized. Todd Cates indicated that the County Council asked for more time to review the current conservation easement with open lands, and noted the County was looking at this open space as a whole entity and the process was moving forward.

Council Member Franco asked when the secondary access from Club Canyon Court would be connected to Lake Creek Road. Cates stated that was originally used as a construction entrance, and when the lots were sold out, they would pave that area, although that road would only be used for emergency access.

Council Member Rowland moved to approve Red Ledges Phase 2G Subdivision. Council Member Patterson made the second.

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

3. [Approve Ordinance 2015-22, an Ordinance Amending Heber City's Zoning Map for Property Located at Approximately 801 East 1200 South](#)
[Staff Report re Rezone Request to COSZ](#)
[Ordinance 2015-22](#)

Dale Johnson was present representing the developer. Council Member Franco asked him to consider a redesign of the development because she was concerned about safety issues. Kohler stated Midway and Park City had developments like this proposal, so during the planning process, research could be done on any problems that were associated with this type of development and they could be addressed at that time.

Council Member Rowland moved to approve Ordinance 2015-22, an ordinance amending Heber City's Zoning Map for property located at approximately 801 East 1200 South. 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.

4. [Approve Ordinance 2015-23, an Ordinance Amending the C-2 & C-4 Design Criteria: Definitions; Section 102, Building Orientation; Section 103, Building Setback; Section 107, Parking Infrastructure; Section 202, Right of Way Landscaping; Section 207, Landscape Requirements; Section 304, Relationship to Street; and Section 307, Building Width](#)

[Staff Report re C-2 and C-4 Design Criteria Ordinance 2015-23](#)

Council Member Patterson moved to approve Ordinance 2015-23, an ordinance amending the C-2 & C-4 Design Criteria: Definitions; Section 102, Building Orientation; Section 103, Building Setback; Section 107, Parking Infrastructure; Section 202, Right of Way Landscaping; Section 207, Landscape Requirements; Section 304, Relationship to Street; and Section 307, Building Width. Council Member Rowland made the second.

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

5. [Review Recommendation from the Airport Advisory Board to Offer the New Non-Reversionary Lease Agreement to Existing Non-Reversionary Lease Holders](#)
[Airport Board Recommendation](#)
[Resolution 2015-11](#)

Council Member Franco moved to approve Resolution 2015-11, a resolution to offer the new Non-Reversionary Lease Agreement to existing Non-Reversionary Lease Holders. Council Member Rowland made the second.

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

8. [Approve Disposal or Sale of Evidence](#)
[Evidence List](#)

Council Member Franco moved to approve the disposal or sale of evidence. Council Member Bradshaw 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.

Michelle Kellogg, City Recorder