

Heber City Corporation
City Council Meeting
October 1, 2015
7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on October 1, 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 (arrived 7:33 p.m.)
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 Anthony Kohler
Chief of Police Dave Booth

Others Present: Paul Boyer, Wes Bingham, Jeff Smith, Laurie Wynn, Ryan Starks, Bruce Heywood, Susan Brandt, Savannah Emmanuel, SkyJay Galli, Kole Richards, Scot W. Mathews, Don Taylor, Chris Covington, Alexa Bulkley, Deb Bulkley, Matthew Tate, Danny Goode, Brian Johnson, Rick McCloskey and others whose names were illegible.

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

III. [Prayer/Thought: Council Member Kelleen Potter](#)

IV. [Minutes for Approval: September 3, 2015 Work and Regular Meeting Minutes](#)
[September 3, 2015 Work Meeting Minutes](#)
[September 3, 2015 Regular Meeting Minutes](#)

Council Member Franco requested that the name of the committee be specified on Page 2, Line 18, of the Work Meeting minutes.

Council Member Bradshaw moved to approve the September 3, 2015 Work and Regular Meeting Minutes with the above mentioned modification. Council Member Potter made the second.

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

V. Open Period for Public Comments

Mayor McDonald invited those who wished to come forward with comments not associated with any agenda items to do so at this time. No comments were given.

1. Ben Pike and Bruce Heywood, Approve Lot Line Adjustment for Sage Acres Subdivision Lot 5 and Lot 6, Located at 720 and 760 North Mill Road Staff Report re Sage Acres Lot Line Adjustment

Kohler reviewed that the property owner was asking to move the lot line 10 feet. The requirements, that each lot's frontage had to have a minimum of 100 feet and each lot needed a minimum total square footage of 10,000 feet, were met. It was noted the lots were 5 and 6 of Sage Acres Subdivision. Heywood stated the reason for the lot line adjustment was the lack of space to back out of his garage.

Council Member Franco moved to approve the lot line adjustment for Sage Acres Subdivision Lot 5 and Lot 6. Council Member Bradshaw made the second.

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

2. Approve Appointment of Douglas Ahlstrom to the Employee Appeal Board Douglas Ahlstrom CV Article 12, Employee Appeal Board

Mayor McDonald explained the reason Douglas Ahlstrom was being appointed was to help with employee grievance appeals.

Council Member Franco moved to approve the appointment of Douglas Ahlstrom to the Employee Appeal Board. Council Member Potter made the second.

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

4. Approve Ordinance 2015-24, an Ordinance Amending the Heber City General Plan Designating All of Block 54 as Future Highway Commercial Staff Memo re General Plan Amendment Ordinance 2015-24

Kohler stated this item had been delayed so the Council members could look at the parking lot lighting in order to make sure it was not a nuisance to the adjoining neighbors. Council Member Franco noted that she talked with David Spencer, neighbor of the dealership, and he requested the last two rows of lights be completely turned off. She asked if the auto dealership would turn

off those lights for a couple of weeks and see if there was sufficient lighting without those rows. Council Member Rowland stated he looked at others areas such as behind Wendys and Days Market and he did not want to be too invasive with this particular situation or other properties around town might begin to complain as well. Kohler stated when Wendys opened there were complaints about the lighting, but over time people adjusted.

Kohler suggested telling the dealership what the City didn't want, and then let them determine the remedy: if they should adjust the wattage, turn off the lights, adjust the angle of the light, etc. Council Member Rowland suggested also making improvements to the code for similar situations that may occur in the future. Kohler noted the code did state that light couldn't shine onto residential properties. It was decided to let the dealership know that the light was unacceptable.

Council Member Patterson arrived at 7:33 p.m.

Council Member Rowland moved to continue Ordinance 2015-24, an ordinance amending the Heber City General Plan designating all of Block 54 as future Highway Commercial, and to continue Ordinance 2015-25, an ordinance amending Heber City's Zoning Map for property located at the southwest corner of 200 South and 100 East and approximately 55 East 300 South, and to have staff ask the dealership to alter the lighting further. Council Member Franco made the second.

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

5. [Approve Ordinance 2015-25, an Ordinance Amending Heber City's Zoning Map for Property located at the Southwest Corner of 200 South and 100 East and Approximately 55 East 300 South](#)
[Staff Memo re Zone Change](#)
[Ordinance 2015-25](#)

This item was continued with the previous item.

6. [Adopt Resolution 2015-14, a Resolution Superseding Resolution No. 2015-11 Adopting Policy Regarding Non-Reversionary Hangar Lease Terms and Conditions](#)
[Resolution 2015-14](#)

Council Member Franco moved to approve Resolution 2015-14, a resolution superseding Resolution No. 2015-11, Adopting Policy Regarding Non-Reversionary Hangar Lease Terms and Conditions. Council Member Rowland made the second.

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

7. [Approve Resolution 2015-12, a Resolution to Adopt the Boundaries of the State Sponsored Enterprise Zone in Heber City](#)

Resolution No. 2015-12

Kohler explained that a few years ago the Enterprise Zone was created and now it was hoped that all commercial areas could be incorporated into this zone. He noted there were no incentives for retail establishments in this zone, so the proposed hotel would not qualify for tax breaks from being in this zone.

Council Member Franco moved to approve Resolution 2015-12, a resolution to adopt the boundaries of the state sponsored Enterprise Zone in Heber City along with an updated map. Council Member Patterson made the second.

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

Starks indicated the Enterprise Zone resolution would be up for renewal every five years. Council Member Franco asked if it would be necessary to update the Enterprise Zone sooner than the five year renewal timeframe if the Master Plan was updated and it allowed for other commercial development. Starks responded that it could be renewed sooner if the Council so desired.

8. Approve Resolution 2015-13, a Resolution Requesting the Recertification of the Heber City Justice Court Resolution No. 2015-13 Letter to Council

Council Member Rowland moved to approve Resolution 2015-13, a resolution requesting the recertification of the Heber City Justice Court. Council Member Patterson made the second.

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

9. Final Approval for Stone Creek Subdivision Phase 1 A and B, Located at 550 North 1400 East and the Associated Subdivision Agreement Stone Creek Phase 1A and 1B Subdivision Agreement

Anderson stated when this subdivision was approved, it was determined the subdivision agreement needed to be updated. He referred to Paragraph K of the subdivision agreement, and explained that the right-of-way from Red Ledges had not yet been obtained. Rick McCloskey stated the developer wanted the City to get an easement from Red Ledges and now the City wanted to strike that language in the agreement. He didn't understand how he could get the easement when it was part of the bypass road. Council Member Franco asked if Red Ledges had requested a deferment to build the bypass road. Mumford stated there had been many verbal requests for deferment. Anderson indicated that at first, acquiring the easement did not seem to be a problem, but now it appeared to be more complicated. McCloskey stated that the addendum to the agreement with Red Ledges required that the bypass road would be brought to grade for the water line, and asked if this subdivision could hook up to water at another location. Mumford

indicated that the Red Ledges water line was needed for many subdivisions. Council Member Rowland stated if this water line would help the City, then the City needed to step in to ensure its construction. Mumford stated if the water line was not constructed, there would not be much water pressure in the surrounding homes. He asserted he had some discussions with Red Ledges, and they were considering granting an easement. It was noted that the City was working with these parties, but the City shouldn't be locked into this by the subdivision agreement in case permission was not granted.

Anderson asked Smedley if the City needed language offering consideration for the easement. Smedley stated language referring to a monetary offer should not be included in the agreement, but language should be added that would state good efforts will be made to mediate a resolution for the easement. He noted the responsibility should be that of Red Ledges. Council Member Franco asked if money were offered to Red Ledges would this dispute be settled or was there political motivation involved. Mumford thought Red Ledges was not agreeing for both of those reasons. It was indicated that a legal description was needed before the bypass road could be graded. Smedley stated circumstances had changed since the original agreement in 2008. He cautioned putting language into an agreement that would tie the City when it was known there was conflict between Red Ledges and Stone Creek Developments. He also indicated the City wasn't in a capacity to secure the easement.

McCloskey stated getting this water line should be a joint effort because it was important for the City as well as the developer. Smedley reiterated that he didn't want the entire responsibility to secure this easement to lie with the City. Susan Brandt asked if the City should get the water to where the developer could hook up to it. Smedley stated if the City acted as a heavy club everyone would come have the City fight their battles. After some discussion, the Council and Smedley agreed to change Paragraph K to read, "Developer will secure an easement or right-of-way for the construction of the off-site portion of the water line. The City will continue with good faith efforts to assist Stone Creek in obtaining said easement." It was also determined to insert "\$30,000" in the blank space in Paragraph G.

Mumford also explained that the internal trails of Stone Creek Subdivision would be private. There was concern expressed over not having the trails accessible to the public. McCloskey asked if the City would maintain the trails if they were public, and thought if the HOA maintained the trails, they should be private. Council Member Rowland clarified that it was stated earlier that it was the developer's understanding that the community would be open and inclusive. Mumford indicated that if the trails were public, then it was the City's responsibility to maintain them. He noted there would be a cost and liability. If an HOA was liable for the trails, then they wanted to have control over them, and asserted the HOA normally wouldn't be kicking out users. He asserted that he was in favor of the City maintaining regional trails, but not every little trail within subdivisions.

Don Taylor with the Alliance of Public Trails stated nobody he worked with had problems with public trails. He was concerned that the wording in the agreement gave discretion to the developer on whether the trails were public or not. Council Member Potter stated she would like all trails to be public.

Council Member Rowland moved to approve Stone Creek Subdivision Phase 1 A and B, and the Associated Subdivision Agreement with the cited changes which are to insert "\$30,000" in the blank space in Paragraph G, and to change Paragraph K to read, "Developer will secure an easement or right-of-way for the construction of the off-site portion of the water line. The City will continue with good faith efforts to assist Stone Creek in obtaining said easement." Council Member Potter made the second.

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

3. [Select Consultant for Planning Services for Visioning, Master Plan Update, Form Based Code Adoption and Design Criteria](#)

Council Member Rowland moved to enter Closed Session at 8:55 p.m. to evaluate the proposals for planning services and to discuss the acquisition of real estate. Council Member Potter made the second.

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

Upon adjournment of Closed Session at 9:20 p.m., Council Member Patterson moved to approve the selection of IBI Group for planning services for visioning, master plan update, form based code adoption and design criteria. Council Member Bradshaw made the second.

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

Mayor McDonald indicated he would like the City Council to meet with the County Council, and asked the Council members to let him know if there were items the Council wanted to discuss at that meeting. Council Member Franco indicated she would like to discuss the Heber Valley Historic Railroad with trails at that meeting. Anderson expressed that he wanted to present the traffic study to the combined group. Mayor McDonald also indicated he hoped to discuss sharing the cost of events that affect each other, and moving the Fair Days parade to an earlier time of day. It was also noted that updated annexation boundaries should also be discussed.

Mumford reviewed that there was an open house on trails in the valley next Tuesday evening. The Council was in favor of striping bike lanes on Mill Road since no land would need to be acquired. Mumford suggested striping both sides of Mill Road (1200 East) eight feet wide and predicted the lanes would be open to bikes most of the time. The Council agreed to this project. Mumford noted the sidewalk would go to the curb on the east side.

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder