

Heber City Corporation
City Council Meeting
November 5, 2015
7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on November 5, 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

Excused: None

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

Others present: Darryl Glissmeyer, Dennis Jensen, Jeff Smith, David Eldredge, Brad Balls, Ron Crittenden, Tracy Collett, Wes Bingham, Dian Roberts, Michelle Holmes, Jonathan Holmes, Rick McCloskey, Rich Hansen, Margaret Bartholomew, Carson Bartholomew, Landon North, Ricardo Mena, Samuel Dummar, Parker Webb, Kaleb Weekes, Jacob Busch, Robby Fredericks, Aaron Hughes, Ed Parkinson, Tracy Taylor, and others whose names were illegible.

Mayor McDonald welcomed the Boy Scouts in attendance and asked each Boy Scout to stand and introduce themselves. He also acknowledged the presence of newly elected Council Members Jeff Smith and Ron Crittenden, and congratulated Council Member Jeff Bradshaw on his re-election.

II. [Pledge of Allegiance: Council Member Jeffery Bradshaw](#)

III. [Prayer/Thought: By Invitation \(Default Mayor Alan McDonald\)](#)

IV. [Minutes for Approval: October 1, 2015 Regular Meeting; and October 15, 2015 Work and Regular Meetings](#)

[October 1, 2015 Draft Regular Meeting Minutes](#)
[October 15, 2015 Draft Work Meeting Minutes](#)
[October 15, 2015 Draft Regular Meeting Minutes](#)

Council Member Patterson moved to approve the October 1, 2015 Regular Meeting Minutes and the October 15, 2015 Work and Regular Meeting Minutes. 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 asked for comments from the audience on items not addressed on the agenda. No comments were given.

1. [Ricardo Mena, Mazatlan Mexican Grill, Request Local Consent to Serve Alcohol located at 458 North Main Street](#)
[Staff Memo re On-Premise Beer License Application](#)
[Application for Local Consent](#)

Council Member Bradshaw moved to approve Ricardo Mena, Mazatlan Mexican Grill's Request Local Consent to Serve Alcohol, located at 458 North Main Street. Council Member Patterson made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, and Kelleen Potter. Council Member Franco abstained from the vote.

2. [Approve Stone Creek Subdivision Modified Subdivision Agreement for Phases 1A and 1B](#)
[Stone Creek Phase 1A and 1B Subdivision Agreement](#)

Mumford summarized the current revisions to the Subdivision Agreement, which basically eliminated the tying of the first phase to the waterline that would come from the eastern bypass off of Center Street. This would be a temporary solution until the higher pressure line was constructed, however he believed it would have minimal impact on the existing homes' water pressure. Mumford added he didn't have a problem implementing this temporary solution to the lower houses in the first phase, but he did feel it would be problematic for the higher elevation homes. This solution would provide the same pressure as the residents in Valley Hills were receiving. The ultimate goal was to construct the high pressure line to serve all of the area, and if they could get it in immediately, it would be ideal, but he believed they shouldn't hold up this first phase of development if a temporary solution was available.

Stone Creek would install the water line from Center Street to the development opening, but it required Red Ledges granting an easement. Mumford explained that Red Ledges agreed to the waterline going into the bypass road, and had agreed that if Stone Creek needed that easement, they would grant it. Because Red Ledges was responsible for the bypass, they would be responsible for grading the area to the right elevation for installation of the water line if they granted the easement before constructing the bypass. Red Ledges was currently delaying; and if they didn't grant the easement, then they could delay the water line installation.

Council Members Potter and Rowland felt the City should pursue a plan to work out the issue with Red Ledges before implementing this temporary solution. Mumford stated Red Ledges had been invited to come and discuss their reasoning, but they had been postponing. Anderson added that part of the impasse was due to staff's desire to see more guarantees, such as interim time deadlines concerning the road construction. He indicated Todd Cates would be meeting individually with each of the Council members over the next few weeks. Anderson said he encouraged Cates to come before the Council to try and work the issue out by December.

Council Member Rowland asserted he was not in favor of putting the interests of a developer before the community, especially since there were so many who have expressed their concerns.

Mumford stated he was trying to be consistent with everyone. He gave Millstream as a comparative example, whereby the City allowed them to temporarily hook into the existing water system during initial development while the City worked through the next year or two to get the high pressure system in place.

Rick McClosky, one of the owners of the property, noted that the temporary proposal would actually cost more to require they hook into existing lines and then later construct the permanent water line. He indicated the earliest any home would be online with water would be at least one year from now, and added their hope would be that this easement issue would be resolved long before the one year mark. He believed Red Ledges was using this impasse as leverage for an extension to complete the bypass road, the deadline for which was currently set for next year. McClosky felt that if this temporary proposal were granted, it may cause pressure on Red Ledges to uphold their agreement concerning the easement.

McClosky added they felt it was the City's responsibility to get the right of way. He referred to the Interlocal Agreement, pursuant to which Red Ledges agreed to grant a 66 foot easement to the City for the bypass road. The extensions that had been granted under the Interlocal Agreement did not grant an extension for the easement. Stone Creek granted their 66 foot easement in 2008, and McClosky questioned why Red Ledges did not do the same as they agreed to in the Interlocal Agreement.

McClosky reiterated his strong belief that Red Ledges was using this as leverage against the City for an additional extension on the bypass road. He felt by issuing this temporary solution, it would force Red Ledges to come to the table, because currently, Red Ledges would be obligated to build the entire road within the next year.

City Attorney Smedley stated he would need to review the Interlocal Agreement and the extensions.

After further discussion, the Council was favorable to continuing this agenda item to further discussions with Red Ledges.

Council Member Franco moved to continue this agenda item to the next meeting, to allow Council and staff work to with Red Ledges to see if the easement issue could be resolved.

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

3. [Approve Resolution 2015-15, a Resolution Allowing Potential Incentives the City May Offer to Encourage Development of Hotels](#)
[Resolution 2015-15](#)

Council Member Rowland reviewed that he received some comments from the public expressing concerns regarding allowing incentives, and he recommended continuing this item to for further review and to ensure those concerns were addressed.

Council Member Rowland moved to continue this agenda item to explore the concerns of the public regarding the matter. Council Member Potter made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

Mayor McDonald invited those in the audience wishing to comment on this item to come forward. Darryl Glissmeyer of the Planning Commission cautioned the Council to be very careful in what they granted, and to never give up impact fees. He indicated the best solution would be to develop around the hotel to bring in more guests to the hotel.

Council Member Franco stated she was very much against this resolution, and she felt they would be opening a pandora's box if this resolution were granted. She added that growth needed to pay its own way.

Anderson solicited the Council regarding what they would want the staff to address concerning this issue. Council Member Rowland stated he was still in favor of providing incentives, and had seen them work in other areas. He requested staff look into why incentives hadn't worked in certain cities, and why they did work in other cities, with a goal of responding to public concerns in a more educated and informed manner. Rowland requested that staff obtain more data concerning the economic impact of a hotel on a community. Anderson stated Ryan Stark could help in some regard with this data.

Mayor McDonald noted that because Anderson would be unavailable for the following 10 days, the item should be moved to the December 3 work meeting. The Council was favorable to scheduling the agenda item as noted.

4. [Approve Agreement with Sun Star, LLC, Regarding Water Connections from the Lindsay Hill Water Tank](#)
[Sun Star and Pollock Amended Real Estate Contract](#)

Anderson stated he had worked with City Attorney Smedley to draft an agreement to integrate comments from the last meeting. He asked for comments from SunStar, but had not as yet received any meaningful feedback.

Council Member Patterson moved to continue this agenda item until feedback from SunStar had been received. Council Member Franco made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

5. Approve Land Purchase Agreements with Gifford Hickey and Fat Trout, LLC for Right-Of-Way property located at 650 South 1200 West

[Gifford Hickey Real Estate Purchase Agreement](#)

[Fat Trout Real Estate Purchase Agreement](#)

[Proposed Right of Way](#)

At 8:05 p.m., Council Member Franco moved to enter into a closed session to discuss land purchase agreements with Gifford Hickey and Fat Trout LLC for right-of-way property. Council Member Patterson made the second. Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

At 8:50 p.m., the Council returned to the Regular Session.

Council Member Patterson moved to continue agenda item number 5 until the December meeting. Council Member Franco 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.

Allison Lutes, Deputy City Recorder