Heber City Corporation
City Council Meeting
December 3, 2015
7:20 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on December 3, 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 Attorney Mark Smedley
City Engineer Bart Mumford
City Planner Tony Kohler
Chief of Police Dave booth
Senior Accountant Wesley Bingham
City Recorder Michelle Limón

Others in Attendance: Darryl Glissmeyer, Todd Cates, Jeff Smith, Tracy Taylor, Ronald Crittenden, Dave Hansen, Braxton Schenk, Chris Tapia, Mai Tapia, Kelsey Berg, Kelsey Kerr, Jeff Wade, Kylea Trudee Peterson, K.R. Coleman, Mark Arrington, Brian Baker, Vince Coley, Jan Olpin, Ryan Starks, Tom Schofield, and others whose names were illegible.

Mayor McDonald called the meeting to order and welcomed everyone to the meeting.

II. Pledge of Allegiance: Council Member Kelleen Potter

III. Prayer/Thought: By Invitation (Default Council Member Jeffery Bradshaw)

IV. Minutes for Approval: November 5, 2015 Draft Work Meeting and Regular Meeting Minutes

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November 5, 2015 Draft Work Meeting Minutes
November 5, 2015 Draft Regular Meeting Minutes

Council Member Robert Patterson moved to approve the minutes for the November 5, 2015 Draft Work Meeting and Regular Meeting. Council Member Kelleen Potter made the second. Voting Aye: Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Erik Rowland, Council Member Heidi Franco, Council Member Kelleen Potter

V. Open Period for Public Comments

Kelsey Berg
Ms. Berg indicated she worked for Congressman Chaffetz. She stated in her capacity for the Congressman, she was his Energy and Natural Resource Adviser in the State. Ms. Berg informed the Council she covered all the rural counties in the state, which included Wasatch County. She expressed that she wanted to help when it came to the federal government whether it was working with agencies or being an advocate.

Dave Hansen - Airport Board Member
Mr. Hansen indicated he was a member of the Airport Board, and he had two items he would like to discuss. The first item was more of a disclaimer. At your last City Council meeting, our chairman spoke with you, and I don't know why, but I seem to be the clearing house for disgruntled people. He indicated he wanted to make sure the City Council knew some of the statements made are not the opinion of the Board, because they never got to discuss some of those items. He went on to say they were hoping to discuss some of those items during their meeting and clarify that and give a clear idea what the Airport Board would like to propose.

On another note, Mr. Hansen indicated his second item had more to do with electric bills. He stated he didn't think much about it because his shop was a commercial use, and there are six other buildings at the airport being utilized as commercial. However, all of the hangers are being billed as if they were commercial, and they are being billed improperly; they are not commercial. They are just storage facilities. I don't know if you can't do something about it.

Mayor McDonald explained to Mr. Hansen that he needed to get on the Heber Light & Power agenda on December 16, 2015, and present his thoughts to them. Mr. Anderson indicated that hangers are treated as commercial structures under the building code because they had to meet ADA requirements and that may be the criteria they are using.

Mayor McDonald - Recognition of Council Members
Mayor McDonald indicated he would like to take a moment and recognize two of their City Council members. He said Council Member Patterson had been on the Council for close to eight years and Council Member Rowland had been on the Council for four years. He stated he would like to give them a moment to share their thoughts.

Council Member Patterson indicated it's been a good eight years. I have really enjoyed it and all the friends I've made. I'm going to miss it, mainly for the friendships I've made. I appreciate all of you. Mayor McDonald thanked Council Member Patterson for his service.

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Council Member Rowland said I think one thing that comes to mind when people ask what it was like to serve in a position like this and there are a few lessons you do learn at the end of the day. He went on to say you quickly learn there was no such thing as government conspiracy because government wasn't nearly that organized. He stated you learn how important it is to have friends and family. I would like to thank the rest of the Council for this opportunity, and it was wonderful to serve with you and staff. Thank you so much for this opportunity and for allowing me to serve.

Mayor McDonald stated both these gentlemen have been very faithful servants to the public. They attended all their meetings and have been a strong support to the community and for Council. They will be much missed and we are grateful for the service they provided for us.

1. Appointments to the Planning Commission, Board of Adjustments, and Airport Advisory Board

Appointments

Mayor McDonald indicated there were some terms that have expired for the Planning Commission, the Board of Adjustments and the Airport Advisory Board. He said he had an opportunity to talk with these individuals, and he would like to present the following three names to the Council and have their consent to extend their terms. Jeff Patton - Planning Commission; Dallin Koecher - Board of Adjustments; and Kari McFee - Airport Advisory Board.

Council Member Robert Patterson moved to approve the appointments to the Planning Commission, Board of Adjustments, and Airport Advisory Board. Council Member Jeffery Bradshaw made the second. Voting Aye: Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Erik Rowland, Council Member Heidi Franco, Council Member Kelleen Potter

2. Approve Ordinance 2015-31 Enacting a Temporary Land Use Regulation Regarding Digital Signs

Ordinance No 2015-31 Sign Ordinance

Mayor McDonald stated the Council had an Ordinance, which would enact a temporary land use regulation regarding digital signs. He inquired if there was a Council Member that would like to lead a conversation regarding the Ordinance.

Council Member Potter stated it was to enact a temporary land use regulation regarding digital signs. She went on to say it was a recommendation from the Planning Commission that they prohibit any new digital reader board signs while they go through the process of redoing their code and master plan so they would have a lot of community input about what they want their city to look like. She said the community had a right to say this was the way we want our community to look, and some communities have chosen not to have these kinds of signs. Council Member Potter went on to say she felt there had been some expression from the public that they felt like these types of signs are not in keeping with the feel they want in their community. In

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addition, because they are taking the time to stop everything and have some community input with this, this ordinance would stop any new signs being put up during this time period before they decide what their long-term decision would be. She felt it was a good idea for that reason because if they did make that decision as a community, and a Council, there wouldn't be any more signs to deal with at that point.

Council Member Rowland indicated he was not in favor of this Ordinance. He was not aware there was an issue with signs or sign usage in the City. He said the way it originally sounded was a proposal to ban electric signs all together and then it turned into a moratorium. Council Member Rowland stated the reason he was against the Ordinance was because he felt it crossed a very fine line between government and private property uses. He went on to say, I think we have a good sign ordinance and I don't have concerns with it.

Council Member Rowland went on to say, we are not a Park City or an area that would ever look like that. He said he would rather live in a city, which has reasonable sign usage regulation than a city, which removed the rights to utilize a digital board or reader board. He reiterated that the Ordinance the City had now was fine. He indicated after receiving some of the e-mails he received this week, he believed there could be improvements. However, whether or not to ban digital boards of a reasonable size that he didn't think harmed our community, our aesthetics, or our feel of the city, crossed a very scary line between government mandates and the right for a business to sale their services.

Council Member Franco stated I do think the people need a voice. Obviously, the digital reader boards are growing at a tremendous rate in our City. She added the boards have different luminosity, and they are not in a position to monitor the brightness. Council Member Franco said she wanted to hear what the citizens had to say and that was why she was in favor of the moratorium at this time.

Council Member Franco explained part of the form-based code process was to see how much they could allow walkability in their community. She went on to explain as Heber City grew, they would probably be mixing commercial and residential in more ways. In her opinion, the only way they could get along, with the mixed use of residential and commercial, was if both property rights were respected and they don't have signs constantly flashing.

Council Member Franco indicated it was a temporary sign ordinance; it was just a short term moratorium. It was not taking away anyone's rights that already have those signs. In addition, amortization had been talked about. She explained that amortization was a legal process. The City does not pay anyone in the amortization process. It's the private companies that depreciate signs over a period of time.

Council Member Bradshaw stated he would like to know how the public felt. He was not sure how he felt about the proposed moratorium.

Council Member Patterson indicated he was in favor of the moratorium for the reasons already stated. He thought they were going though the form-based code process and the citizens should have a say.

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Mayor McDonald opened the public hearing for public comment.

Tracy Taylor - Heber City
Ms. Taylor informed the Council there were a lot of people on Facebook talking about this. She stated that may be a way for you to get more public input because there have been times when the residents are so fired up about a subject, but they never show up to a City Council meeting to talk about it. She suggested what the City may want to do, as a Council, was go out and find the people. They are already talking about what was going on; it's on Facebook.

Ms. Taylor said I respect you Councilor Bradshaw for not wanting to making a decision until you hear more from the public, but they are not necessarily here at this meeting.

Kyle Petersen, - Silver Eagle
Mr. Petersen said I think we have a problem with communication. I think she is right; you do need the community out. There seems to be a disconnect with the community and businesses with your Planning office. He stated there was something systemically wrong when he found out about a new sign ordinance or we're going to do a moratorium or we're going to do an amortization, when Jeff Wade called him to tell him they are voting to take his sign down. You might want to be at the meeting. Mr. Petersen indicated he would appreciate it if the Planning Commission would reach out and make a phone call or a visit and make them a part of the process.

Mr. Petersen stated if this is the freest city, then let it be free. He said in his experience, once you enact a moratorium, they never go away. You have a workable sign ordinance now; let the community work together if there needed to be changes. He informed the Council that he had a sign ordinance that the Planning Commission could work though, which he believed could help open up communication channels.

Mr. Petersen indicated he’s had a sign for approximately four years, and he had never had a complaint about his sign. He noted if you drive out on Highway 40, where he is at, the hospital sign is brighter than his sign. He stated he was talking about brightness because that was one of the issues being discussed. He indicated he wasn't even sure what they were talking about - digital signs or message signs. He said he had heard both, and it meant something. It needed to be defined.

Mr. Petersen explained the benefit these signs had brought to our business is invaluable. He understood that some people may not like the signs; however, he liked to go down Main Street and see what's available. He thought they are a benefit. He went on to explain these are small businesses that utilized these signs. I'm not a Maverick.

Mr. Petersen said they had talked about not becoming a Park City, and he said I hope we don't become a Park City. He would hope if people want to live in a Park City or a Jackson Hole, they would move there. Mr. Petersen stated part of this process should include them in any discussion.

Mr. Petersen went on to name some individuals of small business owners, and every one of them had a sign, which benefited their business. He pointed out those people had been here for

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generations, and they should be included in any discussion that had a material affect on their business.

Mr. Petersen stated he was extremely objectionable to the amortization part. What it came down to was seizure of private property. He said we are blessed with growth; and as far as he knew, none of the traffic patterns had changed. They have one commercial area, and it had to be well lit and advertised. Mr. Petersen indicated to do a blanket amortization was wrong. He said he thought the Planning Commission should make the rounds, and talk to them. His recommendation would be for the Planning Commission to give them a call, send them a letter, talk to us, and invite us to the meetings.

Mr. Petersen inquired what the goal was. What do we want our main street to look like? He indicated that he went through some of the City's documentation and he saw the term "branding". He questioned what branding was.

Council Member Franco invited Mr. Petersen to come to the Senior Citizen Center on December 15, 2015, at 6:30 p.m. She explained this was exactly what we are doing. We want everyone in the City to come and start talking about these issues and start saying what do we want Main Street to look like. She went on to explain they had not decided on anything; they are waiting on the public input.

Darryl Glissmeyer - Heber City

Mr. Glissmeyer stated I think people are getting confused on what is going on, and there are different ways to plan a City. He indicated do we want to continue doing what had been done in the past or do we want to go to the form-base code. That is what the December 15, 2015, meeting was all about. He indicated that nowhere had they we ever said tear your signs down.

Council Member Rowland indicated what was presented to the City Council from the Planning Commission a month ago, was to do exactly that. There was no mention of a moratorium. It was a recommendation to not only disallow digital signs but also to include an amortization for those who have digital signs.

Mr. Glissmeyer said they had changed that and were presenting to the Council what they have now. Council Member Rowland stated but that was not what you originally proposed. He went on to say I don't know whose idea it was to convert that into a moratorium. Mr. Glissmeyer noted it was input from the City Council.

Council Member Rowland indicated that was why he had issues with it to begin with. It was such a huge proposal from the Planning Commission. In addition, it didn't seem like it went through a public process. He stated it was such a surprise to him to have it presented to them because he didn't remember asking the Planning Commission to look at signs.

Mr. Glissmeyer said there were a lot of ideas and discussion on the Planning Commission. He went on to say as far as letting people know, the Planning Commission agendas are in the newspaper and on the City's website. He stated that people need to take the time to find out when the meetings are held and show up to the meetings. Mr. Glissmeyer went on to say they

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don't have the staff to call 100 businesses to say we are having a meeting this week. They need to take the responsibility on their own to look and see when the meetings are being held and come to the meetings.

Mr. Glissmeyer added that they may decide they don't like the form-base code, and they may continue what they are doing. He said that's why it's important the residents come out and look at it on December 15, 2015.

Clay Coleman

Mr. Colton questioned how many people does this actually affect. He stated it affected nine people in Heber City. He went on to say all it was, was a phone call saying we are concerned about LEDs; how bright they are; can they be adjusted? He suggested they could make a phone call to one person, which was him. He indicated that he received phone calls all the time. It's all being talked about, but no one is saying anything. Mr. Coleman stated nine phones were all it would have taken to say we are concerned about the digital boards; we want to talk about them. What can we do so they are not so obtrusive at night? Can they be turned down? He said yes, they can be turned down.

Mr. Coleman indicated just because it's in the paper; and it's here, there and everywhere; and it's being talked about, doesn't mean you can't call those people and ask us. He stated it's not 100 businesses; it's nine businesses in town. I think you could do that.

Jeff Wade - One Stop

Mr. Jeff Wade indicated his biggest concern was small businesses have very limited ways to advertise in this town. He informed the Council that 50 percent of their business, eight months out of the year, was traffic that was not from Heber City. He stated they had to be able to advertise to individuals that are driving past their businesses and the only way to do it is with digital signs.

Mr. Wade said as far as the moratorium, the new businesses that come to town, you are hindering their opportunity to succeed. He acknowledged that not every business needed a digital sign because they are a set business. Mr. Wade pointed out their tax dollars trickle down to the city, which in turn affects the City and the residents. He said if their tax revenue goes down, in turn that could adversely affect the residents by raising their taxes. Mr. Wade indicated he didn't like to see the City stifle business in town. The moratorium and amortization would really crush businesses in Heber City.

Vince Coley - Utah Sign Association

Mr. Vince Coley said one of the biggest complaints was the brightness and everyone had already pointed that out. He noted that they could be turned down. He acknowledged he saw a few that were too bright. Mr. Coley indicated he thought there were a lot of good things to have for these signs for a small business to stay in business. He said businesses had a few months to stay in business; and if they lose money, they are going to go away.

Mr. Coley stated I would ask that you don't move forward with the moratorium. He indicated that Heber City was not the first group of individuals that are making this decision. He went on

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to say the International Sign Association could give some good information and help fix some of the problems.

Brian Baker - President, Western State Sign Council

Mr. Baker stated he wanted to differentiate, and he knew there was a perception that message centers were for big towns like Las Vegas. However, he wanted to point out that message centers were for all size towns. Mr. Baker explained he went on a trip, and what he noticed at the end of the trip, was all the towns had in common, was they all had message centers. He added that they were all towns much smaller than Heber City.

Mr. Baker said our end users, the people that have message centers, know the value of them. They are a value to the businesses and to the community. I think it would be a good idea to keep in mind the value they do bring into the community.

Mr. Baker indicated that he thought the amortization was a very bad idea. In addition, he thought if the City reached out to the International Sign Organization, they could help the City work with their sign ordinance.

Chris Tapia - Mountain America Credit Union

Mr. Tapia stated they were not a small institution that required some of the advertising some of the smaller businesses required; however he wanted to express some of his frustration of how everything had played out.

He stated they were a little disappointed with the communication part of this. He noted it took someone coming into their branch for them to become aware of what was going on tonight. He went on to say it had been previously stated that they should be on top of what was going, which he can agree with to a certain extent. He stated that sign ordinances changed, but when you are going to take something from someone that they have, he believed it was common courtesy to reach out to them.

Mr. Tapia addressed the amortization. He explained Mountain America was a credit union not a bank, and they were a non-for-profit organization. He said their purpose was to serve the communities that they were located, and to help them save as much money and achieve financial success as much as possible. He went on to explain their message centers were a way to communicate their products with the community.

Mr. Tapia said as far as the moratorium, and in dealing with other cities, what usually passed stayed in place. He continued and addressed the amortization as well. He noted you could place a dollar figure on the sign itself; however, you cannot place a dollar value on what it provided them to be able to communicate with the community. Mr. Tapia stated they felt the sign ordinance was already pretty restrictive.

Mr. Tapia indicated they had been able to grow with the community, and they felt like they are a part of the community. They just want to be able to continue to have the ability to communicate with their members. Mr. Tapia stated they understood the dimness issues of the message centers;

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they deal with that in other cities. They can dim the signs at night. However, as far as getting rid of those signs all together, that for them was a deal breaker for them at times.

Mayor McDonald indicated we have had an opportunity to hear from the public, and that was what the Council liked to do; they liked to get your input and what your thoughts are. He thanked everyone for taking their time to express their thoughts to the Council tonight. Mayor McDonald explained the Council had Ordinance No. 2015-31, Enacting a Temporary Land Use Regulation Regarding Digital Signs before them at this time. He inquired if there was a motion from the Council.

Council Member Heidi Franco moved to approve Ordinance 2015-31 Enacting a Temporary Land Use Regulation Regarding Digital Signs. She added that she would like to invite everyone here, to bring your family, your friends because this is a really serious, good faith effort to get the City involved in not only signs, but what our future can be. Council Member Robert Patterson made the second.

Discussion followed regarding the motion. Council Member Rowland stated he would like to implore the Council; he said a thought came to his mind and it is that it's hard to have our cake and eat it too. He pointed out that most of the City's revenue came from the financial success of their local businesses. He went on to say, they have consistently been asked to be more supportive of local businesses, and to him, this directly contradicts their ability to be supportive to local businesses.

Council Member Rowland continued, if we had other means of revenue; if we were a Park City and most of our revenue could come through TRT funds or property taxes, but that's not the case. We receive our revenue though sales tax. Council Member Rowland went on to say we should be sending the message that we support our businesses, and find more ways to work with them rather than doing an ordinance like this. He indicated this would directly affect business in ways he didn't even think they could calculate. I understand the aesthetics issues and wanting to have a small town feel. He stated what he did not understand was how having signs contradicted that; we have a good ordinance.

Council Member Bradshaw said he was of the opinion that putting a moratorium on it now would not have a lot of affect. He indicated that he thought they should wait and see what comes out of our form-base code study before they do anything like this. I really don't want to put a moratorium on this.

Council Member Potter stated her understanding was there were different options. For example, there were no digital signs or they have digital signs; they just don't have the moving words on them. She asked for clarification; would this prohibit any digital sign for this moratorium. It was indicated that was incorrect. Council Member Potter asked for clarification; she indicated it was her understanding it was only going to affect those signs that had the moving words. Mr. Kohler indicated it was those with changeable text. Council Member Potter said so it's capable of changing. She noted any sign was capable of changing that was why she was confused.

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Mr. Smedley explained it was pretty self explanatory. The moratorium was any changeable graphics or text. He went on to say it was in his memo; any time they change it - weekly, monthly, daily, annual. In addition, it talked about making those changes by computer.

Call the Question: Voting Aye: Council Member Robert Patterson, Council Member Heidi Franco. Voting Nay: Council Member Jeffery Bradshaw, Council Member Erik Rowland, and Council Member Kelleen Potter. The motion failed three votes to two.

3. Public Hearing - Resolution No. 2015-18 Amending 2015-2016 Operating Budget

Ordinance No 2015-18 Budget Amendments

Mayor McDonald explained Heber City had a budget that they put together every year, and they try hard to put everything thinkable into that budget; however, sometimes they had to amend that budget. He went on to say he would turn the time over to City Manger Mr. Mark Anderson before they opened the public hearing to explain what was being amended to the budget.

Mr. Anderson addressed the Mayor and Council and indicated what was being proposed for consideration was as followed:

Mr. Anderson indicated the first item was the Council had talked about development volume as well as City projects, and they consider the hiring of an Assistant City Engineer. He noted the cost would be shared between the General Fund, the Roads Department, the Water and Sewer Funds, as well as the Utilities Funds.

Mr. Anderson addressed the second item. The Council had expressed some interest in removing part of the retaining wall on the west side of the City Park on Main Street and replacing that with something that would be less congestive during Farmer's Market. He noted the estimated cost of the project was $30,000.

Mr. Anderson explained the next item was related to the Airport Capital Projects Fund. He said when they finished the Airport runway and apron rehab and expansion, it was determined there was some problems with the taxiway lighting. The Council expressed support for the upgrading/replacement of the taxiway lighting, and the FAA had agreed to provide a grant for that purpose.

Council Member Franco clarified the taxiway lighting upgrade was going to be covered in the surplus that came out of the paving project - now you are saying it is not? Mr. Anderson said it was coming out of the surplus of the grant that was available; however, they had not budgeted for it. They did not anticipate that work would be completed when the budget was adopted. He went on to explain the grant funding was already there to pay for it from the FAA. They just needed to go through the formal process of establishing a budget to support the expenditure of those funds.

Council Member Franco inquired once the budget was established for the taxiway lighting, did they have to apply to the FAA for more of the grant money. Mr. Anderson explained they would

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make an additional pay request. He noted the grant that was initially allocated to the project came under budget so there was still grant funding available so it didn't required a new grant agreement. It would be covered under available funds within the existing grant.

Council Member Franco questioned if that would come out of the City's pocket. Mr. Anderson stated that 4.685 percent would.

Mr. Anderson went on to explain the other part of the budget amendment. The Council expressed interest during a Work Meeting to the potential acquisition of some land on Heber Parkway, which was in the runway protection zone. He said what was being proposed in this budget amendment was sufficient funding to have the property appraised, do an environmental assessment, and engage a consultant to assist with that process to ensure we follow appropriate FAA land acquisition procedures. He stated he had spoken with a consultant and that $30,000 number is probably $10,000 higher than what they would actually need. They have agreed that their fees would be an hourly rate not to exceed $7,500.

Council Member Franco inquired if the consultant would need to be put out for an RFP. Mr. Anderson explained not necessarily. They already have an Airport Engineer that had been selected. He went on to explain, every five-years they go through an engineer selection process rather than getting a new engineer every time they have a new project. Mr. Anderson noted that the current Airport engineer is Armstrong Consulting.

Council Member Potter inquired why they would need to do an environmental assessment if they were not going to do anything with the property. Mr. Anderson explained the FAA wanted to make sure there were no environmental concerns the FAA or the City would inherit if we acquired the land that would require remediation and place a burden on the City to clean up.

Council Member Potter question how much that would cost. Mr. Anderson indicated it would cost approximately $3,500. He went on to say in speaking with the individuals that have the property under contract, one has been done recently. The City may be able to just update it.

Council Member Franco asked if the consultant would do the EIS. Mr. Anderson indicated no; the City would engage someone that specialized in environmental assessments. He continued, our conversation was the real cost would probably be closer to $17,500 to appraise the property, obtain a review appraisal, do an environmental assessment, engage a consultant to assist us through the land acquisition process and make the grant application, and so on. Mr. Anderson stated once we had that information available, and the City Council could look at the appraised value of the property, and decide how they wanted to proceed from that point forward.

Council Member Franco indicated that she thought she heard Mr. Anderson say there would have to be two appraisals in this FAA process. Mr. Anderson noted that was correct. He stated there were the initial appraisal and the review appraisal that would be required to meet federal land acquisition guidelines, which would be approximately $6,000 for the two appraisals. Mr. Anderson noted if they even established a budget of $20,000, he thought it would be adequate. The $30,000 would not be necessary.

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Discussion followed regarding the amendment for the Capital Improvement for Transportation Tax. Mr. Anderson informed the Council when they widened the asphalt surface in front of the new Public Safety building, it was determined there was not appropriate sub-base to support the new asphalt. He explained the project is approximately 75 percent completed. There is a portion on 300 South, closest to Main Street, that is yet to be competed because they want to leave it open for when they demolish the building, so they don't damage it during that process. He went on to explain, they have incurred $16-17,000 worth of additional expense to bring in new sub-base. They are projecting they would see similar things in the last quarter, and that is why they are recommending a $25,000 budget increase.

Mr. Anderson informed the Council the other $90,000 was for the purpose of purchasing the property the Council expressed interest in on 650 South and 12 West, which was not initially budgeted. The Council approved that agreement subject to approving a budget for that purpose.

Mr. Anderson said the next item was the Enterprise Fund for water, which documented the estimated costs that would be allocated to that department for the hiring of the Assistant City Engineer. In addition to that, Engineering and Public Works were requesting up to $422,000 to replace two sections of undersized, failing waterlines on Main Street from 500 North to 700 North and a section from 400 South to 550 South. Mr. Anderson stated this caused him concern because they don't have significant surplus in the water fund; however, they thought it was important because UDOT would be resurfacing Main Street next spring, and they think it's prudent to address it before they do that. He went on to explain funding this project would impact their ability to expand the Public Works facility, which they had allocated funds for in this fiscal year.

Mr. Anderson indicated that the amendment to the Sewer Fund was funding for the hiring of the Assistant City Engineer. In addition, the biggest issue was increasing the budget for the northwest sewer line. He explained when they talked about it in July, they thought it would cost 2.5 million dollars; however, in speaking with Mr. Mumford, he believed the City may need as much as 2.8 million dollars based on conflicts they had with the gas line. Mr. Anderson informed the Council it would have a dramatic affect on what they adopt as far as sewer impact fees.

Council Member Franco stated this project was huge and she felt it was affecting the City's budgets. She went on to say they need everything out of future growth to help us pay for these types of things, and that is why she was against giving incentives to any businesses. They have to cover these ever increasing costs.

Mr. Andersen addressed the Utility Fund. He said it was the allocation of funds for wages and benefits for the Assistant City Engineer.

Finally, Mr. Anderson indicated that earlier in the budget year it made sense to move the code enforcement function from the Planning Department to the Police Department. This was just moving the wages and benefits from the Planning Department to the Police Department.

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Public Hearing
Mayor McDonald indicated in accordance with State requirements, they also had to have a public hearing to amend the budget. He opened the public hearing for the amendments to the Heber City Budget as outlined by Mr. Anderson.

Tracy Taylor - Heber City
Ms. Taylor indicated that her thoughts were on the airport. She stated she appreciated the description that had been given on the costs, but as she had been sitting in on the meetings the past three months or so, she was glad they were slowing down a little bit and doing some due diligence on the property. However, she thought they were jumping ahead again.

Ms. Taylor said she was under the impression by what the agenda said tonight, and she referred to the agenda, item number four, a Resolution authorizing Heber City staff to solicit and receive property appraisals for certain real property desired for purchase, was all they were considering. Ms. Taylor stated it doesn't say anything about environmental assessment money being used or any kind of consultant money being used. She indicated that she had to question the agenda.

Mayor McDonald stated they were discussing budget amendments. He indicated what she was talking about was item number four, and they were not to that item yet. He asked Ms. Taylor to stay on stay on subject.

Ms. Taylor said it was related to item no. four. She said she assumed the appraisal for $30,000 was for professional services. She inquired if that was where the appraisal was. Mr. Anderson explained the appraisal was included in the $30,000 along with environmental assessment and engaging a consultant, which is more around $17,500. Ms. Taylor stated she understood that it was closer to $20,000 than $30,000; however, as your agenda said, I thought we were just discussing appraisal of property before we spent more money on consultants and environmental assessments. She asked the Council to reconsider just spending money on the appraisal and find out what it came back at before they start spending money on consultants and environmental assessments.

Ron Crittenden - Heber City
Mr. Crittenden addressed the airport property. He indicated that he did discuss this earlier with Mr. Anderson as to what the $30,000 was for. He went on to say he had been attending meetings since he had been elected, and he was trying to get an understanding. Mr. Crittenden stated in all the meetings he had attended, with the exception of a work meeting, he never heard any discussion other than we needed to get an appraisal. It did not talk about an environmental study or a grant application.

Mr. Crittenden went on to say, when he asked about where the $30,000 was going to come from, if you would read up in your agenda, it said it was anticipated most of these projects would be funded these ways. He went on to say if he understood it right, the $30,000 was part of that grant application; it still needed to be sought after.

Mr. Crittenden pointed out the appraisal, which had been discussed, and the Council had given implicit directions to pursue, had a Resolution to be approved next. However, in his opinion, he

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did not believe they had done that for the others items. Mr. Crittenden stated, what I implore you, as a Council, to do tonight with that $30,000 was to authorize $6,000 to $7,000 along with item number four, which was asking to get an appraisal. When you see how close that is to what Maverik wanted, then those items might be pertinent. I think you're way ahead of yourself.

Discussion followed regarding the public input.

Council Member Franco stated in the past, she had been hesitant regarding water and sewer fund rate increases; however, with these continuing numbers and costs, she thought next budget year they should seriously consider increasing their next year's water and sewer fees.

Mr. Anderson noted they do anticipate enacting a rate increase in the water fund in January. He went on to explain the sewer increase already went into effect in July.

Council Member Franco indicated she was not against limiting the idea on the appraisal and looking at the appraisal first. She said they do have a long way to go, and she suggested they could do the environmental assessment later after they received the appraisal.

Council Member Franco inquired how soon an appraisal could be obtained. Mr. Anderson indicated he thought they could solicit bids next week, and maybe get someone engaged in the next two weeks.

Council Member Bradshaw questioned if there were any issues with getting the appraisal first, and then the FAA saying you should have gone though these steps first. Mr. Anderson indicated that was why he would like to have a consultant on board to foster that process to make sure they follow the process very closely. In addition, they would do the grant application and pay requests and make sure they follow all the federal guidelines.

Mr. Anderson stated he thought the Council needed to understand there may be some concern about what if the number that the appraisal came up with was not acceptable to the property owner. He said my hope was that it would be representative of the value of the property and the property owner and the City would be able to come up with an agreement that was amicable. Mr. Anderson informed the Council it does not preclude the City from requesting an order of immediate occupancy and then debating the value of the property in the court system.

Council Member Franco inquired how long it would take to get the consultant contract written. Mr. Anderson indicated he already had a scope of work in his possession, which was an hourly contract not to exceed $7,500. Mr. Anderson explained the scope of work was fairly comprehensive; it would lessen the burden on staff significantly.

Council Member Franco questioned if they knew if the Maverik contract was dependent on them getting a building permit. Mr. Anderson indicated he was not privy to that; however, he did know they do have it under contract; they could close at any time, but they have yet to do so. He said he had spoken to Maverik's representatives today, and they were concerned about this meeting. He went on to say, they want to make sure they had an opportunity to come before the Council and express their position on this issue.

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Council Member Potter inquired why Maverik's representatives did not come to the meeting this evening. Mr. Anderson explained Mayor McDonald had spoken to Mr. Tom Welch today and he had spoken with Mr. Dunkley as well.

It should be noted that Maverik had representation at the meeting; however, they did not speak into the microphone, and what they expressed was inaudible.

Mr. Anderson indicated that he thought Maverik would want an opportunity to speak to the Council, and he informed Maverik before the property could be purchased there would be another public hearing to establish a budget. He noted he also informed Mr. Dunkley if Maverik wanted to come and address the Council before that time, he was sure they would be welcome to do so.

Mr. Crittenden noted he had spoken to the agent of the seller of the property; and from his point of view, there is a solid contract. He went on to say there would be earnest money that would be defaulted because the contingency period had passed.

Council Member Potter stated I don't think Maverik was irresponsible. She was just curious if Maverik was concerned about building a gas station in a runway protection zone; were they aware it was a runway protection zone.

Maverik's representative said yes they were aware; there are easements recorded against a portion of the property but not the entire property. He noted there were restrictions, but people dealt with that all the time. He pointed out there had been an approval recommended by the Planning Commission already on this action. He indicated they would not be ready to close on the property if they didn't have a recommendation from the Planning Commission.

Council Member Rowland stated they only reason it was approved was because they don't have regulations; their hands are tied. They had to give the approval. We don't have the regulations, which would deny the building of that type in that zone. He continued, I just don't want to imply that the City said go ahead and do this when their hands were tied.

Maverik's representative stated he understood; however, there was nothing in place in this area to prohibit what was planned and for the site plan that was submitted. They developed around the restrictions that are in place. Everything was developed to take those items into account. It was his opinion that because they took those items into account, the Planning Commission felt like they couldn't deny it. He stated now they are left in a position where we are continued to be held up in the process. He stated, where does that leave us. We're going to be out some money.

Mr. Anderson stated Maverik had no fault in the process. I asked FAA to evaluate this site plan. They said they would hope the City would obtain the property. Mayor McDonald indicated he had more concern with bus garage being out there than a gas station.

Council Member Erik Rowland moved to approve Resolution No. 2015-18 Amending the 2015-2016 Operating Budget. Council Member Robert Patterson made the second.

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Discussion followed regarding the motion.

Council Member Franco inquired if Council Member Rowland would consider amending his motion on the Capital Improvements, Airport part instead of the $30,000 figure to put it to the $20,000 figure. Council Member Rowland said no, I am fine as the way it is written.

Voting Aye: Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Erik Rowland, Council Member Heidi Franco, Council Member Kelleen Potter. Voting Nay: None.

4. Resolution 2015-17 - A Resolution Authorizing Heber City Staff to Solicit and Receive Property Appraisals for Certain Real Property Desired for Purchase

Avigation Easement

Mayor McDonald informed the Council that Mr. Tom Welch stated today he would like this item removed from the agenda, and wait until they could have a representative at the meeting to talk to the Council. Mr. Anderson explained he had spoken to Mr. Dunkley as well this afternoon and talked about the same issue. He said as long as they have an opportunity to talk before the Council, he was okay with them moving ahead. He realized that waiting to get the appraisal another month rather than sooner would probably harm both parties.

Mayor McDonald presented Resolution No. 2015-17 for approval.

Mr. Anderson stated in light of the conversation that had occurred on the issue, the Council may want to, if they choose, consider expanding the scope of the authorization that Staff had in light of the budget that had been adopted.

Council Member Rowland inquired in terms of what. Mr. Anderson suggested that the Resolution also include the ability for Staff to obtain an environmental assessment and to engage a consultant to assist with the process to meet FAA grant requirements.

Council Member Erik Rowland moved to approve Resolution 2015-17, A Resolution authorizing Heber City Staff to solicit and receive property appraisals, and to expand their authority to include working with the FAA in determining time and costs of environmental studies and grant submission process though a consultant for certain real property desired for purchase. Council Member Robert Patterson made the second. Voting Aye: Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Erik Rowland, Council Member Heidi Franco, Council Member Kelleen Potter. Voting Nay: None.

Resolution 2015-17

5. Approve Stone Creek Subdivision Modified Subdivision Agreement for Phase 1A and 1B

Stone Creek Subdivision Agreement

Approved 1/21/2016

Mr. Anderson stated the agreement that was originally posted was the original agreement, and it did not include the revised language, which was being proposed by the City Engineer. He explained there was a new document on their Granicus that would allow the developers to move forward with Phase 1A and 1B by hooking onto the waterline on 1200 East or Mill Road.

Mr. Anderson indicated his recommendation was it only becomes effective if within 60 days the City has been unsuccessful in acquiring the easement from Red Ledges for the waterline. That way Stone Creek would know if they could move forward in the spring.

Council Member Potter questioned why they just don't wait 60 days. Mr. Anderson said Stone Creek was anxious to know if they could move forward one way or another. He added there were representative from Stone Creek present if the Council would like to hear from them.

Council Member Rowland stated he felt confident they could get it resolved with the parties in the near future. He didn't have a problem giving them approval with that condition.

Council Member Robert Patterson moved to approve the Stone Creek Subdivision Modified Subdivision Agreement for Phase 1A and 1B with the modification of 60-days in paragraph K. Council Member Jeffery Bradshaw made the second. Voting Aye: Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Erik Rowland, and Council Member Heidi Franco. Voting Nay: Council Member Kelleen Potter.

With no further business to come before the Council at this time, the Council reconvened into their Work Meeting at approximately 9:03 p.m.

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Michelle Limón, City Recorder

Approved 1/21/2016