

Heber City Corporation
City Council Meeting
February 18, 2016
6:35 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 18, 2016, in the City Council Chambers in Heber City, Utah

I. **Call to Order**
City Manager Memo

Present: Mayor Alan McDonald
Council Member Jeffery Bradshaw
Council Member Heidi Franco
Council Member Kelleen Potter
Council Member Jeffrey Smith
Council Member Ronald Crittenden

Excused: None

Also Present: City Manager Mark Anderson
City Attorney Mark Smedley
City Planner Tony Kohler
Chief of Police Dave Booth
City Engineer Bart Mumford
City Recorder Michelle Limón

Others in Attendance: Dave Hansen, Mark Davis, April Davis, Paul Boyer, Camm Haner, Kendall Crittenden, Francis Harrison, Terry Shoemaker, Laurie Wynn, Mike Petersen, Ron Pfeiffer, Randall Probst, Brian Balls, Wes Berg, Paul Berg, Shad Sorenson, Mike Johnston, Dennis Jensen, Chuck Zuercher, Todd Cates, Avan Robertson, Ed Parkinson, John Farris, Robert Montgomery, Dan Lowe, Ryan Starks, Rick McCloskey, Rich Hansen, and others whose names were illegible.

Mayor McDonald welcomed all those in attendance. He acknowledged that all Council Members were in attendance. He went on to thank Staff for their work, and he indicated that he was grateful to them for all that they did.

II. **Pledge of Allegiance: City Council Member Kelleen Potter**

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

IV. **Minutes for Approval: January 7, 2016 Regular Meeting and January 21, 2016 Work Meeting and Regular Meeting**

January 7, 2016 Regular Meeting
January 21, 2016 Work Meeting
January 21, 2016 Regular Meeting

Council Member Franco referred to the January 21, 2016, Regular Meeting minutes, Page 9, Line 28. She indicated that she would like to add the following: Council Member Franco requested the Heber Light and Power Board to pay down the OPEB liability.

Council Member Franco moved to approve the January 7, 2016 Regular Meeting, January 21, 2016 Work Meeting, and January 21, 2016 Regular Meeting minutes as amended. Council Member Potter made the second. Voting Aye: Council Members Bradshaw, Franco, Potter, Smith, and Crittenden. The motion passed unanimously.

V. Open Period for Public Comments

Tracy Taylor – Heber City

Ms. Taylor noted that she would like to mention during the last meeting they could not hear the discussion. She requested that the Council speak into their microphones.

1. Ryan Starks, Heber Valley Tourism and Economic Development Executive Director, Presentation of the Annual Report

Mr. Starks, Heber Valley Tourism and Economic Development, noted they were an interlocal governmental office, which promoted commercial development in Wasatch County. He indicated they have representation from the City, who was Council Member Jeff Bradshaw and Heidi Franco. Mr. Starks said as stake holders, they would report to the City their annual report and give the City a report for 2016.

Mr. Starks discussed their mission for 2015. He added they were asked to take over the Heber Valley Chamber of Commerce, and they now charge minimal dues. He went onto say they had 146 members for 2015.

Mr. Starks touched on the highlights for Heber Valley; he stated that Heber Valley was mentioned over 200 times in one way or another; in addition, they also launched a billboard campaign. Also, Heber Valley was selected to be the tour site for the Utah Tourism Conference in September.

Mr. Starks discussed economic development for 2015. He noted that the TRT increased 20 percent from 2013, and he thought they would finish 3 to 4 percent higher for this next year. He went on to explain that population wise, for 2014, the projection was 29,200 for the county, and he thought it was important for the Council to see that growth was happening. Mr. Starks touched on unemployment in the county, which was 3.5 percent.

Mr. Starks indicated that Heber Valley would be hosting the International Association for Golf. He noted that it's always been based on the east coast; however, they wrote a proposal to bring the conference to Heber Valley in 2016, and Heber Valley was selected. He reiterated that the

Utah Tourism Conference would be in Heber Valley in September. Mr. Starks noted that there were costs associated with these conferences. He stated with the Utah Tourism Conference, they would want to put forth their best foot, and it would cost between \$10,000 and 12,000. He said they may come back to the Council for some help. Council Member Franco said it was a good opportunity to have these events at Heber Valley, and they do want to put their best foot forward.

Mr. Starks noted that they turned their annual golf tournament into a fund raiser. He stated that they raised approximately \$4,000. He indicated that they purchased some banners, and they would like to hang the banners throughout the City.

Mr. Starks presented a video as well to the Council. He indicated that they were excited to show it and bring awareness to Heber Valley. Mr. Starks discussed the CAPS program and showed a video regarding the program.

2. [Reconsideration of Tabled Agenda Item - Fourth Amendment to the Inter-local Agreement Regarding the Red Ledges Property, Todd Cates](#)
[Red Ledges Fourth Amendment](#)
[Stone Creek Letter](#)
[Red Ledges Easements](#)

Mayor McDonald introduced the agenda item, and he recommended that they proceed forward with the agenda item with what puts in play on the City's end and whatever items are between Stone Creek and Red Ledges, let them continue to work them out.

Council Member Crittenden stated to that end, he would move to take off the table the amendment that had been hanging there waiting for this occasion. He thought they could substitute a few items basically by changing it to the amendment that was in the packet with a few changes. It was his understanding, by reading a legal brief to that effect that Red Ledges has conceded every point that we had discussed that we wanted to have a committee meeting about, and he thought it was time they moved on.

Council Member Crittenden moved to untable the motion. Council Member Smith made the second. Voting Aye: Council Members Bradshaw, Franco, Potter, Smith and Crittenden.

Mayor McDonald indicated the motion was back on the table. He went on to say they should probably remove another motion that had been made on the request to easements.

Council Member Crittenden stated he thought his motion was to substitute into that amendment to untable; to substitute the fourth amendment extension that was in their packet, and there was a different schedule that showed very distinctly that it was a road connection as well as a utility easement with that being added in the fourth amendment extension to replace it with the like letter, with that being added in, he moved that they proceed after discussion to grant that extension.

Mayor McDonald inquired if Council Member Crittenden was rescinding Council Member Franco's motion for the utility easement. Council Member Crittenden indicated that he would let Council Member Franco speak to that; he was just bringing it on to the table for discussion. Council Member Crittenden clarified what he was moving was to substitute into his motion that they substitute what was before them with the amendment that was in their packet with the addition of the other schedule that more clearly clarified the connection. He explained it now indicated it was a road and utility easement, and to be very clear they are substituting the new schedule into the fourth amendment, and he move to substitute that motion. Council Member smith made the second.

Discussion followed regarding the motion. Council Member Franco asked the motion to be clarified to say the additional road and utility easement be substituted for page 12 of the Fourth Interlocal Agreement that they are considering off the table.

Council Member Crittenden stated yes, that was exactly was he was suggesting. He indicated they should approve the Red Ledges Fourth Amendment with the one that was in their packet, with the substitution of page 12.

Council Member Franco indicated that she would like to add an additional item to the motion on item four, where it says road right-of-way dedication. She said she didn't know if it should be a second motion, but she thought before they voted on the whole thing, it should be addressed.

Council Member Crittenden stated he didn't disagree, but what they were doing was voting to substitute one for the other. Then she could amend four beyond what he was doing. Council Member Franco indicated his motion was to vote on the whole thing, and she would prefer to add in some clarifying language on page 2, paragraph four.

Council Member Franco asked Council member Crittenden to restate his motion that he was including the new page 12 into the amendment. Council Member Crittenden restated his motion.

Call the Question: Council Members Voting Aye: Council Members Bradshaw, Franco, Potter, Smith and Crittenden. The motion passed unanimously.

Council Member Franco referred to Page 2, paragraph 4. She indicated that she wanted to make it exceeding clear on some timeline and so forth. She stated she would like to amend it as follows: saying road right-of-way dedication, and instead of it starting with upon completion, she would like it to say within two weeks of completion of the bypass road and connection road,

a plat describing the 66-foot road right-of-way underlying the road way including the east road and utility connection described in Exhibit C shall be dedicated by Red Ledges to Heber City.

Mayor McDonald inquired if Mr. Smedley would like to give his thoughts on the change of that wording. Mr. Smedley indicated he had no objection to the change of wording. Mayor McDonald asked Council Member Franco to repeat the change of language.

Council Member Crittenden made the second on the amendments to the proposed language on Page 2, Paragraph 4.

Discussion followed regarding the motion. Council Member Smith clarified the motion was just to add the language.

Council Member Franco indicated there were no teeth in the proposed language, and if they wanted to put some teeth into it, they would need to refer to Item 1 or they could just refer to that. Item 1, second paragraph, and they could say if it's not received in two weeks, then the conditions of Item 1 apply, which was to say if there was a breach, the City could withhold further phase approvals.

Mayor McDonald indicated we have a motion currently in place. He inquired if Council Member Franco would like to amend her motion to include the additional language. Council Member Franco noted she could do that.

Mr. Smedley suggested that maybe they vote on the first motion, and then they could have discussion and vote on the second amendment, which would keep the record clear.

Call the Question on the motion to amend Page 2, Paragraph 4:

Council Members Voting Aye: Council Members Bradshaw, Franco, Potter, Smith and Crittenden. The motion passed unanimously.

Council Member Franco moved to add to the end of Paragraph 4 the following: if there was a breach in the timing, the conditions in Item 1 would apply.

Mr. Smedley, spoke in regards to the proposed amendment. He did not think the proposed language was necessary. Council Member Franco indicated that the language in Item 1, second paragraph only applied to construction, it did not address Page 2, Paragraph 4. Mr. Smedley said they could insert that in regards to the timing of the execution of the easement.

Council Member Franco said perhaps they could say in Number 1: finish on-site construction, or subsequent granted extension, or any further part of this agreement, that any failure on this agreement shall constitute a breach.

Mr. Smedley indicated he had no objection to that.

Council Member Franco moved to amend the motion of Number 1, 2nd paragraph as follows: the parties specifically agree that failure on the part of Red Ledges, to initiate and finish the on-site physical construction of said bypass road and connection road by October 31, 2019, or subsequent granted extensions, or any other provision of this agreement shall constitute a breach. Council Member Smith made the second. Council Members Voting Aye: Council Member Bradshaw, Franco, Potter, Smith, and Crittenden.

Council Member Crittenden indicated given the assurances Red Ledges had given; they had agreed to everything he was aware of. He had read the agreement they had proffered to Stone Creek. It had a lot of legal jargon in it; however, Red Ledges had agreed to the initial part of the road construction; the curve; and to the retention basin. He thought Red Ledges had agreed to everything they were going to discuss as a committee and they don't need the committee; it's time to move on.

Council Member Franco asked if they could get verification of that from Mr. Mumford and Mr. Kohler in regards to any review as of 4:21 p.m. today. She indicated that Mr. Smedley had weighed in on it; however, had either Mr. Mumford or Kohler looked at it. She was concerned how it matched up with the other Interlocal agreements – where the park was and so forth.

Council Member Crittenden indicated that he did not think the Interlocal agreement addressed the other three items in the settlement. Those were settlement offers beyond the extension and Interlocal agreement. Those were matters agreed to by the parties that are not part of the Interlocal agreement.

Council Member Franco stated since she did not have time to read it before the meeting, she requested Mr. Smedley to come up and verify what his understanding was of the agreement. She questioned, does it address the concerns?

Mr. Smedley addressed the Council. He indicated that his understanding of the Fourth Amendment that the Council was contemplating, with the two amendments, everything the City was looking for with regard to the water easement, the connection on the bypass road to the east, and the water pressure that concerned the other residents. Those were the primary concerns of the Council, the public and Mr. Mumford. He stated all of those things had been agreed to in an agreement ready to be executed by Red Ledges. Additionally, there were other concerns

between Red Ledges and Stone Creek, one of which was the connection, so Stone Creek received their connection. In addition, Stone Creek now had the ability for their water connection. He went on to say the nexus between the City and what is needed was weak; it's more of a nexus between Red Ledges and Stone Creek. Mr. Smedley stated his understanding was there have been proposals made by Red Ledges with regards to the retention pond and the easement for the northwest curve, and the initial work piece. The only fourth issue was the connection to the east road, which had been taken care of in this agreement. The proposal here as he understood it, was Red Ledges made a proposal to agree to those, and they are waiting to see what the response from Stone Creek was.

Mr. Smedley stated I don't see any legal reason, which would prohibit the City from approving the Fourth Amendment to the Interlocal agreement, while ideally it would be good to have a written agreement resolving all the issues between the two developers. The issues that the City Engineer, the City Council and the public seemed most exercised about appear to have been resolved by this Fourth Amendment agreement, which I agree with in my opinion. Mr. Smedley went on to say, and as I understand, the proposals from Red Ledges to Stone Creek that I have just read meet all the other matters that I have just read. While there may be some advantages to postponing approval of the Fourth Amendment, until ultimately all the parties have an agreement, the ideal, I don't think that was the initial move of those two motions. Mr. Smedley stated in my opinion, the City starts to push a little bit on that. The City pushes to limits on unnecessarily inserting itself between and in the negotiation of the parties, particularly these three, but they are almost there it appears. Any advantage to postponing this may be swallowed up in the perception that the City kind of indicated they weren't going to insert themselves, notwithstanding they pushed to get what they needed. Red Ledges had acquiesced to those three things, and then for the City to postpone and leverage this out a little bit, the perception and potential legal defense to now postpone the agreement now that Red Ledges has acquiesced given what the City had obtained could be misunderstood or perceived or mischaracterized and weakens any legal defense we may have. Particularly where in doing so the City kind of stays in between these two private entities when the record shows we got everything we were negotiating for and our nexus was complete.

Council Member Franco clarified what was included in Exhibits A and C right now are the water easements, and as they pass that, they would be dedicated to the City tonight, if they pass it. Mr. Smedley indicated as soon as they get them ready and executed and with the language, they would be dedicated to the City. Council Member Franco further clarified there was nothing else Red Ledges needed to do because it was all in the agreement. Mr. Smedley indicated that was his understanding.

Mr. Smedley noted what was before the Council now, was an agreement and once that agreement was done, they are bound, and then all that had to be done was the drafting of the legal descriptions of the recording of the easements.

Mr. Anderson indicated it was a little more complicated than that –Wasatch County and Twin Creeks still had to approve the amendment.

Council Member Franco inquired if the City had given the County Council notice of the revisions of the agreement, and the direction the City was going. In addition, would they be willing to put the amendment on their next agenda? Mr. Anderson indicated he would assume Red Ledges would make that request. Council Member Franco said she thought they should make the request.

Council Member Franco said her other concern was whatever the other parties are agreeing to, would it stand up to engineering needs and the conditions that were put into all the other agreements between the City, County and Red Ledges. Mr. Smedley indicated he was confident it would. They had done the best they could in shoring up everything. He was confident they had a good, binding agreement that took care of the City and resolved the issues.

Discussion followed regarding all signatories on the agreement, and it was noted when all signatures were obtained, it would then be recorded at the County.

Mayor McDonald turned the time over to Todd Cates, Red Ledges. Mr. Cates said he was fine with the amendments. He indicated they agreed to all of Stone Creek's changes. Red Ledges had requested one change, and it was denied. He stated they had acquiesced to what the City wanted, and they acquiesced to what Stone Creek wanted. He didn't know what else there would be at this point.

Rich Hansen, Stone Creek, addressed the Council. He said he was a little surprised how the meeting had gone given the last meeting of two weeks ago. He indicated as he recalled, two motions were carried; one motion by Council Member Franco specifically said Red Ledges would be required to immediately grant the water line easement as a show of good faith in continuing the discussions to resolve the issues. He inquired if the motion had been dealt with; had the water line easement been granted?

Council Member Franco stated she asked that question herself; she asked the City Manager about that on Wednesday. She went on to say the City Manager indicated that had been delayed by the Mayor.

Mr. Anderson clarified they met on Thursday, and by Saturday Council Member Crittenden had the framework for an agreement that seemed acceptable by the City. He went on to say as they met in agenda prep meeting, they felt if they had an agreement that met the needs of the City, there was no need to make that request. It was on Monday they had already seen the agreement.

Council Member Franco stated if we were to request the water line easement, it would not need to go to the County Council or Twin Creeks. It should have been something that should have been granted to the City immediately as a good faith effort. She went onto say, she was very concerned that motions passed by this City Council are not being enforced.

Mr. Anderson reiterated they discussed it in agenda prep, Council Member Crittenden and Mayor McDonald were there, and it was the consensus of the group that it was not necessary to immediately do that; however, he respected the concern.

Mr. Hansen inquired if that was a meeting in private. Mayor McDonald explained it was a staff meeting, and they looked at what was there; what Council Member Crittenden presented took care of all the situations at once.

Council Member Crittenden inquired, if the Fourth Agreement passed tonight, what was it of those two items that they passed would not be fulfilled. He went on to say there was no timeline on either of them. It didn't say when it had to be done. In addition, the Council may rescind the motions. But that was up to a later item. He pointed out they would get the water easement immediately, and there was no need to have a committee to what had already been conceded by Red Ledges.

Mr. Hansen said that was not entirely true. He said they had made progress; however, he left the meeting with the belief and understanding that Red Ledges was obligated as a show of good faith to grant the water line easement to continue discussions to resolve issues relating to the extension and the bypass road. He went on to say it sounded like discussions were continued in private without Red Ledges granting the water line easement. He said that was something outside of public purview.

Mayor McDonald indicated that everything Mr. Hansen requested and asked for was in the amendment tonight. He did not see his point and it was moot to keep trying to push an issue that he was getting. You are getting the water line, you get everything you need. Why do you keep fighting; can you move on? Mayor McDonald stated it was time to move on. They both needed to get together and move forward. It seemed to him that Red Ledges had offered a lot on the table.

Mr. Hansen said he was not turning anything down. He noted he didn't get the agreement until 2:30 today; he did not know what was in the agreement. Mayor McDonald indicated that was between Red Ledges and Stone Creek; it had nothing to do with the City; the City's part had been taken care of. Mr. Hansen inquired how it had been taken care of. Council Member Crittenden indicated it was taken care of because it was a private matter between the two entities.

Council Member Franco reiterated her concern that everything matched up. Mr. Hansen indicated that he did not know if it did either because he did not receive the agreement until 2:30 today.

Mr. Cates said it did. He stated he had acquiesced to everything the City and Stone Creek had asked for. Mr. Hansen noted if he had seen the agreement a day or two days ago, he may have a different story, but it came late. He indicated that he wasn't saying they hadn't made progress; it had not been timely.

Council Member Crittenden inquired if it were not true if most, but a couple sentences, were discussed a week ago when it was proffered to you that they would concede all those things. Mr. Hansen indicated that the final concessions did not occur until Tuesday of this week.

Mayor McDonald stated the agreement was between the two of them. He questioned at this point, was there anything else he would like to talk about? If not, they would be moving on in the discussion.

Ed Parkinson – Heber City

Mr. Parkinson addressed the Council. He stated I know you are doing everything you can in good faith with Red Ledges; however, they have a timeline starting in October of this year. He felt the agreement should not be extended any further because the road needed to go in; it would take a lot of pressure of Center Street and Mill Road. He went on to say a traffic study had not been completed that he was aware of since 2007. He said these two gentlemen are trying to make a project work, but you are going to give an extension for three more years. The water line easement had not been done in good faith, and it wouldn't need to be a part of this agreement if it had been done. He went on to say he thought a traffic study needed to be completed and an extension shouldn't be granted until the two parties worked out an agreement.

Mayor McDonald turned the time back to the Council.

Council Member Crittenden Called the Question.

Council Member Franco questioned if this was going to supersede the motions that were passed two weeks ago. Council Member Crittenden indicated they were still passed. They could

reconsider them or leave them there if it falls apart. He went on to say they were not a part of the motion before them. Council Member Franco said she understood that; however, she would still like to see something before them. Council Member Crittenden indicated after they voted on the motion, she could move to act on them or rescind them. He said it was up to the will of the whole group.

Council Member Franco stated the will of the whole group was given two weeks ago, and the will of the whole group was not followed. She stated it was really frustrating to her that something that was lawfully passed, in good faith, was not being enforced by the Executive Branch. She stated that was the duty of the Executive Branch, and it was asked to be done within a week. – even though it wasn't specified in the motion, it was in the discussion. Council Member Franco stated she wanted those previous motions to still stand until they got things clarified and signed on the dotted line.

Mayor McDonald inquired if anyone wanted to rescind any of the motions that had been made. No motions were made to rescind the previous motions. Mayor McDonald noted the previous motions would stand.

Mayor McDonald indicated what they have before the Council was the Fourth Interlocal Amendment regarding the Red Ledges property with all the amendments that had been made to it. He inquired if there was a motion to accept the document as modified.

Council Member Smith moved to accept the document as modified to include the language that Council Member Franco put in as well as replace Page 12. Council Member Crittenden made the second. Council Members Voting Aye: Council Member Bradshaw, Potter, Smith and Crittenden. Council Members voting Nay: Council Member Franco. The motion carried four votes in favor to one.

Mr. Anderson asked for direction from the Council. He noted they had not officially made the written request for the easement; nor had they tried to assemble a committee to meet with the property owners. He questioned if it was still the will of the Council to proceed with those two motions.

Council Member Crittenden indicated that he thought they could leave on the motion to ask for the easement; however, he saw absolutely no need to have a committee to further push against one side or another.

Council Member Crittenden moved to rescind the motion relative to the committee.

Discussion followed regarding the motion. Council Member Franco inquired if she could ask Council Member Crittenden to amend his motion to say staff would review what Red Ledges and Stone Creek are doing and make sure it lines up to the conditions that have already been agreed to by both so it was not changing anything the City has already required.

Council Member Potter pointed out shouldn't that already happen. Council Member Smith said that should happen, and he didn't think they could agree to something that wouldn't meet City standards. It would have to meet City standards.

Council Member Bradshaw pointed out there was a motion on the table. He inquired don't we need a second before there can be discussion on the motion.

Council Member Bradshaw made the second on the motion to rescind the motion relative to the committee.

Discussion followed regarding the motion. Council Member Franco said when it came to the different parts they want to negotiate, she had her own ideas when those parts would be required. She went on to say she thought it would be for either one of them. In addition, she thought that would take place in their committee. They are looking to hopefully resolve these things immediately; however, she did not know that would happen, and she wanted a report on it. She wanted to make sure all the I's and T's were dotted and crossed. She went on to say if it was not, the Council would have to deal with it in future development phases or deal with it now.

Council Member Crittenden clarified something as he saw it. He said they had a motion to rescind the committee. He went on to say they couldn't amend what they passed before; however, they could rescind it and re-motion it to address her concerns. He didn't have a problem saying staff should look at it.

Call the Question - Council Members Voting Aye: Council Member Bradshaw, Potter, Smith and Crittenden. Council Members voting Nay: Council Member Franco. The motion carried four votes in favor to one.

Council Member Crittenden indicated he thought they were in concurrence to move forward with the water easement. Mr. Cates commented as a citizen he was concerned when government was going to get involved in an agreement between two private parties. He didn't think it was the place of government. He went on to say they had to abide by all the City's laws, ordinance, etc., and they would be doing that. In addition, he reminded the Council he had already acquiesced to Stone Creek's entire request; he was not sure why the discussion was going forward.

Council Member Franco indicated if she had not had enough time to read the agreement because she received it at 4:21. Mr. Cates indicated there was a reason for that. Council Member Franco stated her only concerns were that it matched up to all the other agreements. Mr. Cates explained why the Council did not receive the agreement at 4:21p.m.

Discussion followed regarding contradictory statements in the agreement, which Council Member Franco thought she saw to other agreements. Mr. Cates indicated that there could not be any contradictory statements in the agreement, and if there were, they would be corrected.

Council Member Crittenden inquired if Mr. Anderson felt directed. Mr. Anderson indicated he did; they would request the water easement.

Council Member Potter noted that she too was concerned that the Council would vote on something, and it not be moved forward. She went on to say she would hope in the future, they would be notified of what was going on in regards to an item.

Council Member Potter indicated she was not sure if it was worth the time to send the letter. Council Member Franco said the purpose was to be ready. It would have been totally separate from having the County and Twin Creeks signing off on it, which only delayed the simultaneous easement from finally being recorded.

Council Member Franco moved that whatever agreement Red Ledges and Stone Creek come up with, she wanted to make sure there wasn't anything contradictory in the agreement. She requested that Staff review the agreement.

Mr. Anderson explained that he thought it would require the approval of Red Ledges and Strone Creek to provide it to the City.

Council Member Franco amended her motion to indicate they would deal with agreement(s) in future development phases and it did not need to be voted on. Motion withdrawn.

3. [Nadim AbuHaidar, OK3 AIR Annual Report](#)
[OK3 AIR Report](#)
[OK3 AIR Amended Agreement](#)

Mayor McDonald stated that due to weather, Mr. AbuHaidar would not be in attendance at the meeting; he would be coming in on March 3, 2016. The agenda item was postponed.

4. [Jon Farris, WSDA, Proposal to Acquire Land in the Power Industrial Park](#)
[WSDA Proposal](#)

Mr. Farris introduced himself, and he indicated that he was a partner with WSDA. He noted that there were other individuals present as well to discuss the agenda item. He explained they were an investment company, and they worked primarily with immigrant investors, which allowed them to invest in businesses. He noted the program was called EB5

Mr. Farris stated it was their objective to start multiple businesses in Heber Valley. In addition, they would like to purchase some land in Heber City. The first business they are looking to start was a merchant processing company and technology company.

Mr. Farris indicated the plan was to build six buildings, which would be utilized primarily for office space and potentially some warehouse space at some point. He went on to say they met with Mr. Anderson, and he mentioned some potential property the City owned in the Power Industrial Park.

Mr. Farris stated they found in their research, 74 percent of the individuals that live in Heber actually work outside the county. Because of that, the EB5 designation gave an incentive for the investors to come in and start businesses in the county. Mr. Farris indicated their plan with the first company would have 60 plus employees with an average wage around \$75,000. The primary job would be inside/outside sales and support staff.

Dan Lowe Discussed merchant processing.

Discussion followed regarding the proposed development.

Council Member Crittenden indicated the proposed plan sounded good. He inquired if Mr. Lowe had a track record. Mr. Lowe stated he was a sales director with four states. He noted they were going to take advantage of that, and move it forward. He said his company has 35,000 employees, and he had started divisions with other companies as well.

Council Member Crittenden said he was not sure what it was they wanted. They had discussed the Power Industrial Park, but he was unsure what they wanted. It was explained that Heber City would purchase back property in the Power Industrial Park for future development.

Mayor McDonald inquired if the applicants wanted all 3.5 acres. Mr. Lowes indicated, yes, that was correct. Mr. Anderson explained the improvements were being installed, and the plat had not been recorded as of yet; however, the City had an agreement to purchase the property.

Council Member Crittenden inquired if there had been a discussion as to what the applicants were willing to pay for the 3.5 acres. Mr. Lowe indicated it was in the proposal; the suggested price was \$130,000/acre. It was said they would be asking for an additional incentive for the number of jobs they create.

Council Member Bradshaw inquired if the timeline was a problem. Mr. Lowe indicated it could be an issue for them because they would probably launch the company in the next month. However, they understood the City doesn't technically own the property.

It was noted the City would not be able to hold the public hearing for the disposal of property until it actually owned the property.

Mayor McDonald indicated the City would put the agenda item back on the March 3, 2016, Work Meeting agenda. He welcomed the applicants back at that time.

Mr. Anderson informed the Council he thought it would be valuable to the City Council to know the value of the property and ask for an appraisal of the property. He went on to say what was being proposed was as good as they could hope for. He thought it was something the City should look at hard and fast. Mr. Anderson asked for direction to get the property appraised.

It was question if there was a lot the Council could do in a two-week period; maybe even in closed session, was the Council comfortable with the proposal? Council Member Smith inquired if the City did an appraisal, would they have a better idea of when they could obtain title. Mr. Anderson indicated it would take between two and four weeks to obtain an appraisal, which would cost less than \$1,000. He indicated that he thought it would be valuable for the City to know regardless of whoever purchased the property.

It was determined to obtain an appraisal and set a date after the appraisal for the applicants to come back.

**5. Approval of Memorandum of Understanding for Citizen Core Council - PD
Staff Report - MOU for Citizen Core Council
MOU - Citizen Core Council**

Lieutenant Bradley addressed the Council. He noted they discussed the MOU during the previous Work Meeting. He inquired if any of the Council Member had any questions.

Council Member Franco moved to approve the Memorandum of Understanding for Citizen Core Council. Council Member Potter made the second. Voting Aye: Council Members Bradshaw, Franco, Potter, Smith, and Crittenden. The motion passed unanimously.

**6. Final Approval of the Morgan Commercial Subdivision Located at 1320 South Daniel
Road, Russell Morgan
Morgan Commercial Subdivision
Engineering Staff Report**

Council Member Franco stated given what Mr. Mumford sent out today, was his information included on what they are voting on today or was it an appeal.

Mr. Mumford indicated if the Council wanted to consider the applicants request, they could. He noted the applicant made the request, and he responded with his reasoning. He stated the recommendation would just stand as is unless the Council directed him otherwise.

Mr. Mumford indicated the issue at hand was in regard to a pressurized irrigation line. The applicant wanted to tap into that line and it's not the City's line. Mr. Berg informed the Council during the DRC meeting, they acted like it was a City decision.

It was pointed out that Mr. Mumford's report said the City's policy was for the pressurized irrigation line to be put in street frontage. Mr. Berg explained to bring the line down the road only provided pressurized irrigation to the neighbors to the south. He went on to say when Heber Parkway was constructed; they didn't put in any utilities. To build this infrastructure was not cost effective for the owner.

Discussion followed regarding pressurized irrigation.

Council Member Franco pointed out the development would not have any pressurized irrigation if they didn't tie it in. Mr. Berg reiterated at the DRC meeting, they said it was the City's decision. Council Member Franco stated they are part of the City; they need to do their share of the infrastructure to make sure there is connectivity.

Mr. Berg said if the City had followed its own policy, it wouldn't be an issue. Council Member Potter inquired why the City didn't install it in the road. Mr. Mumford explained there hadn't been any developments come in to put it in place; there was no need for the infrastructure. This was the first development.

Mayor McDonald indicated the question was to approve the subdivision as it was or with the pressurized irrigation. Council Member Smith stated it was a unique situation; however they needed to follow the City's code.

Council Member Franco moved to grant Final Approval of the Morgan Commercial Subdivision Located at 1320 South Daniel Road and would encourage the applicant to follow all City codes. Council Member Smith made the second. Voting Aye: Council Members Bradshaw, Franco, Potter, Smith, and Crittenden. The motion passed unanimously.

7. Approve Ordinance No. 2016-6, an Ordinance Vacating Lot 4 of the Milliner Subdivision Duplex Lot Amendment located at approximately 440 North 550 East
Staff Report - Vacating Lot 4 Milliner Subdivision
Ordinance 2016-6
Petition to Vacate Lot 4 Milliner Subdivision

Mr. Kohler informed the Council the request was to vacate Lot 4 of the Milliner Subdivision, which was located on 400 North and 550 East.

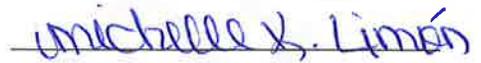
Mr. Kohler explained the lot had no lot frontage and was not a buildable lot, and the people that own it are part of the subdivision. He went on to explain it was recorded on the plat of the subdivision that the lot had to be owned by someone in the subdivision. The owners want to build an accessory apartment; therefore, they want to vacate Lot 4 out of the subdivision, and if that is done, they would merge that legal description into Lot 3; creating one parcel.

Discussion followed regarding the lot and what the owners want to do with it.

Council Member Franco moved to approve Ordinance No. 2016-6, an Ordinance Vacating Lot 4 of the Milliner Subdivision Duplex Lot Amendment located at approximately 440 North 550 East. Council Member Bradshaw made the second. Voting Aye: Council Members Bradshaw, Franco, Potter, Smith, and Crittenden. The motion passed unanimously.

8. Closed Meeting As Needed

With no further business to come before the Council at this time the meeting adjourned at 8:33 p.m. and reconvened back into the Heber City Work Meeting.


Michelle Limon, City Recorder