

Heber City Corporation
City Council Meeting
July 7, 2016
5:08 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on July 7, 2016, in the City Council Chambers in Heber City, Utah

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

Excused: Council Member Kelleen Potter

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

Others present: Michael Greenhawt, Jeff Mabbutt, Earl Polenz, Mike Johnston, Dennis Jensen, Justin Hatch, Belinda Smout, Jared Eutsler, Cynthia Bradley, Jason Bradley, Todd Cates, Paul Boyer, and others whose names were illegible.

[I. Call to Order](#)
[City Manager's Memo](#)

City Engineer Mumford reviewed the status of the 600 South project. The contractor was preparing to make a delay claim against the project. Some of the items were legitimate, such as Questar's work on the project, the sewer line they previously believed was abandoned, and trenches filled with reinforced concrete.

Staff met with the contractor on Thursday, June 30. The contractor submitted an estimate of approximately \$100,000 prior to the meeting, however during the meeting they provided more information which substantially increased the cost to approximately \$400,000, or 30 percent of the contract. Since the meeting, staff had been working to determine what options the City had. Mumford stated there were some items staff determined were eligible, and the City would pay for them, but the rest of the claim would need to go through a claims process. The contractor agreed to remain on the job during the claims process. Mumford stated the main goal was to complete the project before school started, or at least before winter.

Mumford stated that the claims process would proceed and it would take about 2-3 months, after which the contractor would have the option to litigate. Approximately 45% of the job had been completed and paid at this time. Mumford explained that this project was conceived because the City received a \$1,000,000 grant of federal money through UDOT. Any costs exceeding \$1,000,000 was the City's responsibility, therefore the City deposited approximately \$400,000-\$500,000 with UDOT before they would bid out the project.

Following Mumford's update, Mayor McDonald announced that a parade was scheduled for August 6 at 2:00 p.m., and he invited members of the Council to come and ride in the parade. McDonald also requested that staff purchase some candy to throw toward the crowd during the parade.

4. Jeff Mabbutt, Hangar Row Owners' Group - Proposal Regarding Hangar Row Lease Options Hangar Row Presentation

Jeff Mabbutt appeared on behalf of the hangar row owners and presented a PowerPoint in support of the lease proposal. Discussion followed concerning market assumptions, insurance costs, and lease term. Mabbutt thought this proposal would be effective January 1, with the hangar owners paying the additional fees.

Mabbutt stated he had not brought this before the Airport Advisory Board; he wanted to see it move forward at the City Council level. He added the Airport Advisory Board did not want to deal with this issue until a new Airport Layout Plan had been completed. If the City Council were to accept this proposal, Mabbutt felt approximately 70% of the hangar owners would buy into it, with payments starting January 1. If there was a 20-year lease, he felt there would be 100% participation. Mabbutt was favorable to working with a committee to work out the details of the proposed lease. Council Member Franco was not in favor of entering into any long-term non-reversionary leases until the City was certain about airport expansion one way or another.

Council Member Crittenden discussed a hybrid lease, whereby it would be a non-reversionary lease with a clause that the City could take back the hangar if needed for an expansion. Mabbutt proposed a six-month notice period to vacate. He explained that the non-reversionary lease would be more favorable to the hangar owners, and he felt 100% would buy in. Mayor McDonald was concerned that the City would not be compensated for any of its 30-year ownership of the hangars. Mabbutt countered that it would be difficult to convince the other hangar owners that they would have to pay the City a market value for the cost of the hangar (for example \$30,000), but the City had the right to take the hangar in five years without any compensation to them; they would at least want a straight-line depreciation, especially for a 30-year lease, but a 5-year straight-line depreciation would not be as favorable to the hangar owners. He also felt the compensation to the City would be derived from the higher lease rate the group was proposing that could be instituted right away. Discussion continued regarding whether the City would want to be in the business of leasing hangars or leasing land, and the associated risks and benefits.

Council Member Franco asked for an extensive financial analysis, similar to the one prepared for the Daniel Hangars.

Council Members Bradshaw, Smith and Crittenden were in favor of studying the proposal for a couple of weeks and then putting it on a regular agenda. Council Member Smith agreed to analyze the proposal. Mabbutt agreed he would work with Smith and any others who wished to come to work out the details. City Attorney Smedley would work on the hybrid version of the lease agreement, which was very close to the agreement they already had.

At this time, Mayor McDonald closed the Work Meeting to convene the Regular Meeting.

1. [Discussion Regarding the Cook Annexation at 2399 South Highway 40](#)
[Annexation Petition](#)
[Annexation Staff Report](#)
[Annexation Agreement](#)
[Annexation Plats](#)
[Annexation Staff Report](#)

At 8:38 p.m., the Work Meeting reconvened.

Tony Kohler reviewed that the Planning Commission provided its recommendations, which were incorporated into the amended Annexation Agreement. Bart Mumford stated that he met with Mike Johnston, who was representing the petitioners, and he indicated the Planning Commission's recommendations were acceptable. One paragraph dealing with an easement had been deleted: paragraph 5(c) regarding a utility easement; Mumford indicated it would be added back into the agreement before coming back to the Council for a vote.

Discussion followed regarding road alignment and the Shelton and forest service properties. Mumford indicated the road could not be shifted without purchasing all of the Cook property. Further, UDOT advised that it would not participate in areas outside of their right-of-way; it wanted the City to agree to provide accesses to meet their standards. Discussion followed concerning the dedication of the land needed for two roads and the particular language in the Annexation Agreement. Council Member Franco preferred more specific language regarding timing be included in the agreement. In paragraph 8(C), Franco requested it include, "upon City request." Council Member Crittenden felt the easements for the roads needed to be acquired now. Mumford responded he would ask them and Crittenden felt if they didn't grant the easements, then they would not be annexed.

Council Member Franco noted that vinyl siding was not allowed under the form based code, so she suggested that Section 1 (c)(1) be amended to strike out vinyl fencing. Franco also inquired about the 30 minute idling provision; Mumford stated it was a provision that came from the County. Franco requested that Kohler ask the County about the 30 minute idling period, expressing that she didn't want to grant pollution rights; she didn't know whether 30 minutes was required.

Mumford indicated that in an ideal world, they would like to see the roads in that area in 5-10 years. If the City were to go in prematurely, it would be very expensive for the City. The plan included the City providing sewer services to the property.

2. [Review Proposed Changes to Section 5.08 of the Heber City Municipal Code - Beer, Wine and Liquor Establishments](#)
[Proposed Amendments to §5.08](#)

The Council discussed this proposal with Tony Kohler. Kohler stated from a staff perspective, the idea was more user-friendly to applicants in providing a faster response to their applications. Council Member Franco expressed that she would like to change the required separation of taverns from 400 feet to 800 feet. Also, she was concerned whether microbreweries were going to be allowed in neighborhood support overlays under the form based code. Kohler agreed that they would probably have to be moved out of the neighborhood support overlays under the form based code. Following discussion, Mayor McDonald indicated the Council was favorable to moving this item to a regular meeting.

3. [Discussion Regarding Proposal for Aviation Lawyer](#)

Council Member Franco reviewed that she had discussed this with the other Council Members, and because there were several legal issues pending at the airport, it was expressed that specialized legal expertise was needed in dealing with these issues. Council Member Crittenden spoke on behalf of City Attorney Smedley, who needed to leave the meeting early. Smedley discussed the issue with David Church, and he felt it would be advisable to have an aviation attorney on retainer to deal with airport issues. Following discussion, the Council was favorable to identifying an aviation attorney.

5. [Discussion Regarding Lease Agreement with the State of Utah, Department of Administrative Services, Division of Facilities Construction and Management – Contract No. 06-0286, Amendment No. 5, For Recruiting Office in the Heber City Police Station](#)

The Council was in favor of extending the lease.

6. [Other Items As Needed](#)

At 9:33 p.m., Council Member Franco moved to enter into a closed meeting to discuss land acquisition. Council Member Smith made the second. Voting Aye: Council Members Bradshaw, Franco, Smith and Crittenden. Voting Nay: none.

At 9:49 p.m., the Closed Meeting adjourned and the Regular meeting reconvened.

With no further business the meeting was adjourned.

Michelle Limon, City Recorder