

**Heber City Corporation
City Council Meeting
May 16, 2013**

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May 16, 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

Present: Council Members Robert Patterson
Alan McDonald
Benny Mergist
Jeffery Bradshaw
Erik Rowland

Excused: Mayor David R. Phillips

Also Present: City Manager Mark K. Anderson
City Recorder Michelle Kellogg
City Engineer Bart Mumford
Planning Director Tony Kohler
Police Chief David Booth

Others Present: Bruce Gardner, Mel McQuarrie, Victor Garcia, Dave Lundberg, Rob Mills, Josh Pedersen, Laurie Wynn, and others whose names were illegible.

Mayor Pro Tempore Rowland opened the meeting and excused Mayor Phillips.

Pledge of Allegiance: Council Member Jeff Bradshaw

Prayer: Council Member Erik Rowland

Minutes: May 2, 2013 Work and Regular Meetings

Council Member Patterson moved to approve the above listed minutes. Council Member Bradshaw made the second. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Pro Tempore Rowland opened the meeting to those who wished to address the Council on topics not listed on the agenda. Nobody came forward.

PUBLIC HEARING

Public Hearing – Approval of The Cove at Valley Hills Amended Subdivision Plat: Mayor Pro Tempore Rowland opened the public hearing to those in the audience who wished to address the Council.

Bruce Gardner- Callaway Dr. Gardner indicated that before he made an offer for his home, he looked at the plat, and the land behind his property was designated open space. He knew that open space increased the value of several lots during development, and now he felt the developer wanted to sell the open space which equated to a “bait and switch.” He stated his very private backyard would now become a fishbowl.

Dave Lundberg, Callaway Dr. Lundberg stated that this issue had been discussed previously by the Council. He thought if a group developed a plat with open space, it should be respected as such. The developer should not designate the land as open space and then pull it back to be developed. He sympathized with the City’s need to access the water tank, but felt homeowners should not be penalized in the process.

Mayor Pro Tempore Rowland closed the open portion of the public hearing. Council Member McDonald stated he preferred to preserve the open space as was originally designated on the plat. He also reminded McQuarrie of his commitment to keep the debris off the sidewalk. McQuarrie said the open space was owned by Coyote Development and was not designated to the development. He also stated that the fallen dirt and rocks should be taken care of and a lien could be put on the property if it was not done, but he committed to taking care of that. He added that if the City wanted the land designated as open space, it should have required it. Council Member Rowland asked Mumford if the plat met the city requirements for approval. Mumford deferred to Kohler, who stated years ago, a geotechnical study was done and it was determined that homes would be stable on the slopes.

An email sent by Daniel Harvath to some in the Council was discussed.

Mayor Pro Tempore Rowland confirmed that one of the lots would need to have a well because of its location relative to the water tank and the resulting lack of water pressure. He inquired if McQuarrie had read and understood the subdivision agreement. McQuarrie said upon first look, it looked good.

Council Member McDonald asked Kohler of his thoughts regarding the open space wording. Kohler referred to the State Code that stated open space was owned by all the residents of the plat unless the open space was designated, which in this case it was designated to Coyote Development. Mumford also explained the need for easements to the water tank and the need for a deed for the property on which the water tank sat. There was also additional discussion on keeping the sidewalk clean.

Council Member McDonald stated the plat met the city requirements and moved to approve the amended subdivision plat of the Cove at Valley Hills, with the recommendations of the Planning Commission. Council Member Bradshaw made the second.

Voting Aye: Council Members McDonald, Bradshaw and Rowland. Voting Nay: Council Members Patterson and Mergist.

ACTION ITEMS

Resolution 2013-06, Consideration for Adoption of a Resolution Declaring the Official Intent of the City Council of Heber City, Utah to Reimburse Itself From the Proceeds of Tax-Exempt Bonds for Certain Capital Expenditures Advanced by the City in an Amount not to Exceed \$6,000,000:

Anderson stated this resolution would allow the City to reimburse itself for already incurred expenses if a bond was issued for water projects and a public safety building.

Council Member McDonald moved to approve Resolution 2013-06, consideration for adoption of a resolution declaring the official intent of the City Council of Heber City, Utah to reimburse itself from the proceeds of tax-exempt bonds for certain capital expenditures advanced by the City in an amount not to exceed \$6,000,000. Council Member Bradshaw seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

Award Main Street Paver Construction Project Contract: Council Member McDonald asked if the trees would be removed in this project. Mumford stated the trees would be preserved. He commented that there were a few issues in the past with business owners not wanting trees in front of their doors, but Tony Kohler was willing to go to the business upon request and evaluate the situation. If the business owners would be willing to pay any difference in cost, the City would remove the tree in question. Mumford stated the low bid for this project was from Goran Construction.

Council Member Patterson moved to approve Goran Construction as contractor for the Main Street Paver Construction Project. Council Member Bradshaw seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

Anderson noted that the City was replacing the water meter barrels for these four blocks.

Approve Amended Purchase Agreement between Heber City and JDS, LLC for the Sale of 1.9 Acres of Ground Located at 1000 South and 300 West: Anderson stated that in conversing with Mrs. Calls Candy Company, and because of the need to move power lines, it was agreed the dates of the agreement would not be met. So the construction commencement date was changed to September 1, 2013 in the amended agreement and a sentence was added that required Heber City to move the obstructing power line.

Council Member Bradshaw moved to approve the amended Purchase Agreement between Heber City and JDS, LLC for the sale of 1.9 acres of ground located at 1000 South and 300 West. Council Member Patterson made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

Council Member Mergist moved to go into Closed Session at 7:50 p.m. for the sale or purchase of real estate. Council Member Patterson second. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

Council Member Mergist moved to adjourn from Closed Session at 8:12 p.m. Council Member Rowland made the second. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

APPROVED 06-06-2013