

**Heber City Corporation
City Council Meeting**

September 19, 2013

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on September 19, 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

Present:

Mayor
Council Members

David R. Phillips
Robert Patterson
Alan McDonald
Benny Mergist
Jeffery Bradshaw
Erik Rowland

Also Present:

City Manager
City Recorder
Planning Director
Chief of Police
City Attorney

Mark K. Anderson
Michelle Kellogg
Anthony Kohler
David Booth
Mark Smedley

Others Present: Larry Newhall, Maddie Kirby, Amanda Buchmuller, Nick Buchmuller, Danny Goode, and others whose names were illegible.

Mayor Phillips opened the meeting and welcomed those in attendance.

Pledge of Allegiance: Council Member Benny Mergist

Prayer: Council Member Erik Rowland

Minutes: September 5, 2013 Work and Regular Meetings

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

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Phillips invited any member of the audience who so desired, to come forward and address the Council on a topic that would not be covered on the agenda. No comments were given.

PUBLIC HEARING

Ordinance 2013-09 – An Ordinance Considering the Annexation of a 4.014 Acre Parcel known as the Gardner Annexation, a Parcel Located at Approximately 2530 South Southfield Road:

Mayor Phillips opened the public hearing to the members of the audience for

comments. No comments were given. Mayor Phillips closed the open portion of the hearing, and stated the Planning Commission recommended annexing this parcel of land.

Council Member Patterson moved to approve Ordinance 2013-09, an ordinance considering the annexation of a 4.014 acre parcel known as the Gardner Annexation. Council Member Bradshaw made the second.

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

ACTION ITEMS

Adoption of Ordinance 2013-06, An Ordinance Amending Section 10.16.030, Unlawful

Types of Parking: Mayor Phillips commented that this was a follow-up from a few prior meetings. He reviewed this item had been under discussion for semi-truck parking time limits and prohibiting parking on Main Street all together. Council Member Bradshaw and Council Member Patterson were in favor of doing nothing. Council Member McDonald was in favor of the ordinance as written with a 30 minute time limit for semi-trucks. Council Member Rowland was concerned with the safety issue connected with limited visibility due to parking on Main Street, and felt shorter parking setbacks were better than no setbacks. Chief Booth stated he was not in favor of painting curbs because of maintenance needs and snow covering the paint during the winter months, and was also concerned about an overload of signs that would need to be erected along the designated areas of Main Street. He indicated that as much as government tried to mandate safety, there were always unintended consequences resulting from the mandates. Council Member Rowland felt there were areas of the City that had more likelihood of accidents, but he respected staff's perspective.

Council Member Bradshaw moved to keep the parking issues on Main Street status quo and not adopt this ordinance. Council Member Patterson made the second.

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

Adoption of Ordinance 2013-08, Beekeeping: Council Member Mergist indicated at the recent Utah League of Cities and Towns (ULCT) roundtable, there was a beekeeping discussion by an attorney from Midvale, who was a professional beekeeper. The attorney did not think an ordinance was needed, and that complaints could be addressed under a nuisance law. Council Member Mergist related that bees would become a nuisance if there was no water. He stated the attorney giving the presentation recommended two hives per residence be allowed within the City limits of Heber. Council Member Rowland stated he had a conflict of interest with this issue, in that he was a beekeeper. He asserted he would not be recusing himself from a vote, but because there were concerns with neighbors about his beehives, he would move the hives to St. George. With that said, he felt he could judge this issue impartially.

Maddie Kirby, Valley Hills, spoke to the Council and indicated Council Member Mergist had addressed some issues concerning bees. Her neighbor two doors down had three hives and there were so many more bees that the neighbors had begun to notice. She preferred that the number of hives in the ordinance be reduced from five to one or two, or that this proposed ordinance be eliminated altogether. She was concerned that with so many more bees, it could be dangerous to

children and elderly people. She also commented that it was difficult to tend her flower garden now since they were thickly covered with bees.

Council Member Rowland clarified that he was the neighbor Kirby was talking about. He commented that he notified his neighbor before bringing in the hives. He also didn't think Kirby should assume that all the residents in the City would get bees if this ordinance was passed. He asked if it would be illegal to have bees in the City limits if the City didn't have a beekeeping ordinance. Kohler indicated that it would be illegal to keep bees within the City limits without such an ordinance. People could keep bees, but if there was a complaint, the City would insist that the owner relocate the bees to an area outside the City limits.

Council Member Mergist stated he could not support this ordinance. Council Member McDonald indicated this ordinance concerned him because of high density housing. The five hives per residence seemed to be a high number. He could see neighborly friendships being lost over the nuisance of bees. He would like to see permission from neighbors given before people could have hives. Anderson stated the goal of the ordinance was to permit beekeeping because if something wasn't permitted in the City, then it was automatically prohibited.

Council Member Rowland did not have a problem with reducing the number of hives per property. He did want to alter the language with regard to property barriers. Mayor Phillips wanted to know if there was support for the ordinance before it was fine-tuned.

After some discussion, Kohler stated the ordinance came from a model ordinance in Florida, and was adopted by several cities in Utah. He felt that if people were going to keep bees, there should be an ordinance to allow that.

Council Member Bradshaw felt the City should not have an ordinance, but that any problems could be covered under the nuisance ordinance. Council Member McDonald didn't favor an ordinance at this time because it would create more situations that the City would have to monitor and control. Council Member Patterson was against the ordinance, but he stated he would like to make beekeeping reasonably accessible to those that wanted to make that endeavor. Kohler asserted that bees were not pets, agriculture, or farm animals, so there was nothing in the Code that bees would fall under.

Council Member McDonald moved to not adopt the ordinance. Council Member Mergist made the second. Council Member Rowland clarified that beekeeping was illegal. Kohler said this had never been an issue in the past, but now he knew four or five people with hives, so there would be issues and he had hoped to have something in place before the issues came forth.

Amanda Buchmuller stated if an ordinance was considered in the future, the Council should be aware that some people were allergic and could die from a bee sting.

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

Adoption of Resolution 2013-13, a Resolution Amending Section 1.5, Definition of Terms; Section 6.1, Educational Assistance; Section 13.4, Total Compensation; Section 14.13, Benefits For Part-Time Employees of the Heber City Personnel Policy: Council Member McDonald stated it was unfortunate that the City had to lower the minimum work hours to 30 in

order to comply with the federal mandate for employers offering health insurance benefits because this could adversely affect hours worked by part-time employees.

Council Member Rowland moved to approve Resolution 2013-13, a resolution amending Section 1.5, Definition of Terms; Section 6.1, Educational Assistance; Section 13.4, Total Compensation; Section 14.13, Benefits For Part-Time Employees of the Heber City Personnel Policy. Council Member Bradshaw seconded the motion.

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

Approve Swift Creek Subdivision, a 27 Lot Subdivision Located at Approximately 900 South to 1100 South and 800 East to 1000 East: Anderson stated the developer asked to have this item continued. Council Member Mergist moved to continue the Swift Creek Subdivision request for approval. Council Member Patterson seconded the motion. Council Member McDonald asked if CUP signed off on the subdivision agreement. Anderson stated CUP was fine with the relocation of the water main to the road, and they would abandon their easement. Council Member McDonald asked that the City have a letter of consent from CUP.

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

Approve the Sale of .2 Acre of City Owned Land Located on the Southwest Corner of 600 South 300 West to Activa Plaza: Council Member Bradshaw moved to approve the sale of .2 acre of City owned land located on the Southwest corner of 600 South 300 West to Activa Plaza. Council Member Rowland seconded the motion. Council Member McDonald clarified that the offer of \$5,000 was accepted by the City. Anderson indicated the Council could accept this offer without holding a public hearing because it was not considered a significant parcel of land.

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

Select Consultant to Perform the Business License Fee Update Study: Mayor Phillips reviewed that the recommended consultant was Zions Bank Public Finance because they had the most experience and were also the lowest bid. Council Member Rowland moved to approve Zions Bank Public Finance for the Business License Study. Council Member Patterson seconded the motion. Anderson asked if the Council was interested in having Zions perform a rental study as well. The Council was not in favor of having a rental study done at this time.

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

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder