

Town of Independence
Town Council Meeting
09/14/2022 7:00 p.m.

In attendance: Mayor Phil Sweat, Councilmembers Gary Ryan, Rose Heaton, Bill Duke, Bonnie Wilson, and Tracy Sabey.

Staff attendance: Cathy Bingham, Lauren Bolger, and Jodi Hoffman.

Others in attendance: Kim Tolbert, Will Duke, Vicki Swope, Joan Binggeli, Dave Mitton, Lindzi Bishop, Max Covey, David Fuller, Landon Owens, and John Michie.

1. Call to Order. Mayor Sweat called the meeting to order at 7:05 p.m.
2. Pledge of Allegiance. Councilmember Duke offered the Pledge of Allegiance.
3. Review and possible adoption of draft minutes for August 10, 2022.
 - Councilmember Heaton moved to approve the draft minutes for August 10, 2022.
 - Councilmember Ryan seconded the motion.
 - The motion passed unanimously.
4. Discussion and possible adoption of Ordinance 2022-04, Flood Damage Prevention Ordinance.
 - Ms. Bolger reported that FEMA reviewed the Flood Damage Prevention Ordinance that the council discussed at the August 10, 2022 meeting. FEMA suggested a few edits to the automatic adoption language in the ordinance, but otherwise gave a greenlight to the draft Ordinance 2022-04.
 - Councilmember Heaton asked if the Town can add flood areas to the Flood Zone area if needed.
 - Ms. Bolger replied that this Ordinance is based off of the lowest acceptable levels FEMA and National Flood Insurance Program (NFIP) standards, which includes only the FEMA maps. The Town can increase the requirements in the ordinance and can ask for additional areas to be studied and/or added to the FEMA mapping. The Town could also hire separate engineers/surveyors to do flood studies and the Council could adopt additional flood areas not included in the FEMA maps.
 - Mayor Sweat asked if this Ordinance passes would damages be covered by FEMA if a flood occurs.
 - Ms. Bolger replied yes, residents of the Town would immediately be eligible for coverage under the Emergency provisions of the NFIP. Once the current FEMA/NFIP map update FEMA is complete, the Town will be added to the NFIP program, and residents will be able to purchase flood insurance.

- Councilmember Heaton asked if this Ordinance covers disasters.
 - Ms. Bolger replied yes as to flooding— if the property owners have flood insurance through the NFIP or once the Town has been accepted in the NFIP program if a flood occurs, those properties within the FEMA designated flood plain would be eligible for disaster assistance. She reported that any new proposed structures within the floodplain, such as bridges or culverts, would be required to be engineered to prevent property owners up- or down-stream from the new structure from being damaged.
 - Ms. Hoffman stated that in the case of a disaster the Federal Government would offer disaster relief assistance in addition to the insurance from the NFIP if property is insured through the NFIP.
 - Councilmember Wilson asked if this would cover damages from the flooding issue in the winter when ice causes the creek to flow over onto Center Creek Road at 2400 East.
 - Ms. Bolger suggested the County be contacted to discuss possible ways to control this.
 - Councilmember Ryan reported the 90 degree bend at that intersection is what causes the back-up and freezing resulting in overflow. This is usually caused when the water enters a bridge or culvert.
 - Ms. Bolger again stated this Ordinance includes language that any new structures would need to be inspected and approved to prevent these situations. If any current property owners upgrade or improve their property the Town can require them to upgrade their bridge or culvert.
 - Councilmember Heaton asked if the Town Council has any responsibility to let residents know this insurance is available to them.
 - Ms. Hoffman replied that legally no, the Council didn't have to let the residents know but could certainly spread the word. Residents are only covered if they purchase the insurance. Homeowners are usually made aware of the availability of the NFIP insurance when they purchase or finance property. FEMA maps showing the Flood Plain Zones are available for anyone to view.
 - Councilmember Heaton moved to adopt Ordinance 2022-04, Flood Damage Prevention Ordinance.
 - Councilmember Sabey seconded the motion.
 - The motion passed unanimously.
5. Discussion and possible adoption of Resolution 2022-03, National Flood Insurance Program (NFIP) participation.

- Ms. Bolger explained that since the Town passed Ordinance 2022-04 this Resolution states that the Town would like to participate in the NFIP and is a requirement of the NFIP application.
 - Councilmember Ryan moved to adopt Resolution 2022-03, National Flood Insurance Program (NFIP) Participation.
 - Councilmember Duke seconded the motion.
 - The motion passed unanimously.
6. Discussion of Center Creek Sewer Connection Options.
- Ms. Hoffman explained to the Council that Twin Creeks Special Service District (TCSSD) is constructing a new 8" sewer line on the north side of Center Creek Road (which is Wasatch County's side of the road) which runs east from 3600 East to approximately 4800 East to serve properties on the north side of the road. This new sewer line also has capacity to serve properties on the south side of Center Creek Road.
 - Ms. Hoffman has received preliminary plans for a subdivision on the south side of Center Creek Road, East of 3600 East, which would require a connection to TCSSD sewer. A formal application for this subdivision has not been received yet.
 - Because of old septic systems some Independence residents along Center Creek Road have expressed interest in connecting to the TCSSD sewer line.
 - Ms. Hoffman reported that connecting to the sewer shouldn't be a problem, but she did not believe Center Creek Road, in its current condition, could bear multiple road cuts for laterals within approximately ¼ mile. Ms. Hoffman asked those in attendance approximately how many residents were interested in having a lateral run to their property. The laterals could be run now and the cost of connecting to the sewer (impact fees and service fees) could be paid when each resident hooked up to the sewer. If there are 5 or more residents who want a lateral run to their property, the Town would require the entire ¼ mile of the road (the south side of the road) be paved from the first cut to the last cut.
 - Councilmember Duke asked if the 8" line would be adequate to serve new developments on the south side of the road.
 - Ms. Hoffman explained that the 8" line would be adequate for the proposed subdivision on the Bodell/Ryan property. The current zoning for Independence shows approximately 200 homes in this area and an 8" line would be sufficient for that.
 - Mr. Covey from TCSSD stated under the TCSSD Master Plan there would be approximately 600 hook-ups available for the Town.

- Mayor Sweat asked about the Kimball property and if they would be connecting to this line.
 - Ms. Hoffman replied a potential buyer for the property is considering extremely low density which would leave the fields intact and keep the Town within the available sewer capacity from TCSSD.
- Mayor Sweat asked Mr. Covey how many homes were planned for the north side of Center Creek Road.
 - Mr. Covey replied as of now there are 128 lots between Lake Creek Farms and Center Creek Road planned to be served by this sewer line.
- Mr. Covey explained that TCSSD hasn't addressed the sewer flows for Independence, but the TCSSD 2015 Master Plan includes the area from the top of Center Creek Road to the hillside to the south. Anything outside that area is not in the TCSSD master plan but is in the TCSSD service area which extends to Daniels Canyon. TCSSD is currently updating their Master Plan. Mr. Covey encouraged the Town to coordinate with TCSSD on any additional needs for sewer while this update is being done.
- Ms. Hoffman broke down the cost to run the laterals from the main line to property lines (approximately 35 feet), the current impact fee breakdown, and the current monthly rate for the service from TCSSD for the residents in attendance. The cost to run the lateral will be paid by each resident to the developer when the lateral is run to the property. The impact fees and monthly service fees will be collected when each home is connected to the TCSSD sewer.
 - Cost of running the lateral to the property line (roughly 35 feet) = approximately \$3,100.
 - Impact fee for Heber Valley Special Service District (HVSSD) = \$4,170.
 - Impact fee to Twin Creeks Special Service District (TCSSD), which includes the Heber City Impact Fee = \$2,130.
 - Monthly service fee = \$47.
- Ms. Hoffman explained that if the \$3,100 cost of running the lateral doesn't include paving the ¼ mile of road, the Developer would be responsible to pave that portion.

- Councilmember Wilson asked what would be required for her as a resident, and the other residents along the south side of the road to get a lateral run to their property line now while the construction crews are installing the main line.
 - After discussion with those in attendance, at least 5 residents want to have laterals run to their property. The Town and TCSSD agree to work together to help these residences connect to sewer, however; Ms. Hoffman explained that the road would need to be repaired and paved from the first cut to the last cut.
- Councilmember Heaton felt that the winter could cause a lot of damage if 6 road cuts were made.
- Mr. Covey stated it would be cheaper to run the laterals now. The County will have a 2 year moratorium on their road once the line is in and that portion is paved.
- Councilmember Ryan stated that eventually road cuts will be made.
- Dave Mitton with Signature Development asked Ms. Hoffman what would be required when they develop the Bodell/Ryan property. Would they be required to improve the south side of the road from 3600 East to his property or just the frontage of his property?
 - Ms. Hoffman explained they would be required to improve the road from 3600 East to their property.
 - Mr. Mitton stated they were anticipating moving forward with plans for the development next year and could possibly improve and pave the road now.
 - Ms. Hoffman explained that since the time frame for asphaltting would expire within the next few weeks, an agreement could be made to pave next spring.
 - Ms. Hoffman also suggested Mr. Mitton enter into a pioneering agreement that could require future developments to pay their share of the cost of the new road.
- After discussing this matter it was agreed that the sewer laterals could be run if the following conditions were met.

- Developers shall improve and pave the south side of Center Creek Road between 3600 East and 4800 East no later than the spring of 2023.
- A pioneering agreement shall be drafted to require future developments to reimburse Signature Development for the paving of the road.
- An interlocal agreement shall be drafted and agreed to between TCSSD and Independence.
- The developer shall submit construction drawings showing the laterals and road improvements stamped and approved by TCSSD to Independence for approval.
- Residents must pay the \$3,100 cost to the developer to run the lateral to their property line.

7. Development Update. Ms. Hoffman reported on developments that she is working on.

- Permitting Cell Tower improvements at Daniel Summit.
- A building permit has been issued in the Benson Farm Preservation Subdivision.
- Engineers are working on the design of a new culvert at Duke Lane and Eagle Rest Road.
- There has been no new contact with UBA investors to report.
- Ms. Hoffman has received inquiries about a possible annexation of a large parcel of property located south of the Town.
- Potential buyers/developers have been in contact with Ms. Hoffman regarding the Kimball property.

8. Public Comment.

- Councilmember Heaton reported that T-Mobil internet is available if the signal comes from the tower located behind her house.

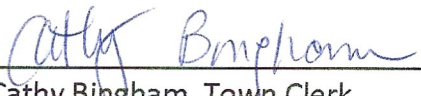
9. Adjourn.

- Councilmember Sabey moved to adjourn at 8:11 p.m.
- Councilmember Duke seconded the motion.
- The motion was approved unanimously.

Dated this 12th day of October, 2022

A handwritten signature in black ink, appearing to read "Phil Sweat", written over a horizontal line.

Phil Sweat, Mayor

A handwritten signature in blue ink, appearing to read "Cathy Bingham", written over a horizontal line.

Cathy Bingham, Town Clerk