

Heber City Corporation
City Council Meeting
01/19/2006

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on January 19, 2006, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Terry Wm. Lange Vaun Shelton Jeffery Bradshaw Elizabeth Hokanson
Excused:		Shari Lazenby
Also Present:	City Manager	Mark K. Anderson
	City Recorder	Paulette Thurber
	City Planner	Allen Fawcett
	Chief of Police	Ed Rhoades
	Code Enforcement	Anthony Kohler

Others Present: Kieth Rawlings, Pat Kohler, Phillip Proctor, Anne Bruehl, Kendall Crittenden, Harry Zane, Steven Bruehl, Robert Patterson, Val Draper, Dennis Schindler, Mike Thurber, Kortnie Powell, Iris Eaton, Sherman Christen, David Groth, Brent Groth, JaLaine Hicken, Jenny Reedy, Chris Reedy, Diane Giles, Stanley Giles, Tamara Shapiro, Eleanor Nelsen and Kelli Rhoades.

Pledge of Allegiance: Councilmember Elizabeth Hokanson
Prayer: Mayor David Phillips

Minutes: January 5, 2006, Work Meeting

Councilmember Lange moved to approve the Work Meeting minutes of January 5, 2006, as presented. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

Kendall Crittenden - Wasatch County Councilmember Crittenden expressed appreciation to the City Council for the donation they made to the Event Center. He explained that the last time they met, the County Council was looking at a concrete floor for the Event Center; but, since that time, they had looked at an alternative and wanted to show the material to the City Council. They presented a sample of the flooring they were looking at. County Councilmember Crittenden explained there were a number of different flooring scenarios done in these kind of centers--part

cement, part hard flooding, part dirt etc. He indicated \$90,000 was a rough estimate on the product they had an example of in comparison to \$160,000 for the cement floor and said this particular product had a 10/15 year life. He explained this material could be put down and then rolled up when not in use (in 10x50 foot sections). He indicated West Jordon, Salt Lake Parks and Recreation and others use this product and recommend it highly. Mayor Phillips thanked them for coming to the City Council with their thoughts. Councilmember Lange indicated he wanted the decision to be made based on durability. Val Draper said the County Council was excited with the versatility of the product. Councilmember Hokanson asked if the County Council was comfortable with replacing the flooring in 10 or 15 years. County Councilmember Crittenden said that was one of the issues they were discussing. County Councilmember Draper said they had talked to different maintenance people and all opinions were very favorable about this product. They indicated the rodeo people don't like cement flooring and were happy with this proposal.

Annie Bruehl, CAMS, indicated Peter Kumble would not be in attendance tonight to make the presentation for Utah State University but that Tamara Shapario would make the presentation instead. They would like to have 12 people or more to go to Logan after the Charrette is finished and spend time with the students to put together the information gathered by the teams. Mayor Phillips wanted Bruehl to make the information available to the Wave.

PUBLIC HEARING

7:15 p.m. TEA-21 Funding – Transportation Enhancements Funds - 100 South (Midway Lane): The Notice of Public Hearing was read by City Recorder, Paulette Thurber. Staff showed an overhead of the proposal. Kohler explained the Public Hearing was required before the application was submitted. It was indicated that one of the strengths of the application was the project was on a scenic byway. It was pointed out the project was part of the larger plan to work with Wasatch County to connect to trails and that it fit in nicely with Heber City's Trail Plan, as well. The project would possibly include tree planting, sidewalks and a bike path. Mayor Phillips asked if it included curb and gutter. Kohler said Transportation Enhancement Funds did not allow for curb and gutter.

Stan Giles - Giles asked about tree roots and sidewalks. Kohler said there was only one tree that was putting the integrity of the sidewalk at risk which was the one in front of Dawn Richardson's home. Fawcett explained they wanted to put in new trees when the trees had to be phased out and replaced. He stressed the importance of continuing with the tree lined street. Additional discussion about tree roots tearing up the sidewalk. Kohler indicated that most of the trees did not seem to be causing a problem with the exception of the one he had mentioned earlier. Kohler showed a pencil drawing of what the Planning Department envisioned in the area. It was said the estimated project cost totaled \$630,000 with a local match of \$130,000 (20%). Anderson said he had talked with Tracy Conti prior to him leaving the position of Region III Director and Conti had given him the impression the project had a good chance of being funded. Anderson said his intention was to meet with the new Region III Director and remind him that this was given approval by Conti. Mayor Phillips opened the Hearing to public comment.

Iris Eaton - Eaton asked about the bike path and if there were any changes from last year's proposal. Kohler said the width of the sidewalks was the only change and it was changed from 5' to 4'. Eaton asked if the bike path would be changed to 200 South as was discussed last year. Kohler responded that if a bike path on 100 South was dangerous, they would have to talk with

UDOT and make a change. Eaton asked about sprinkling systems and if that would still be maintained. Kohler said if not replaced, maintained. She asked about pavers. Kohler said they had not planned for pavers because of the increased cost. Eaton then indicated that as residents get older and had less ability to get around, would the City provide a service to keep the sidewalk cleaned. Anderson said that would have to be a policy decision of the Council and explained there was a cost to that. He said that even though there was not a lot of sidewalk in old town, there was a lot of it in the subdivisions and maintenance of sidewalks would be costly if the City decided to do that.

Brent Groth – Groth thought the project was pretty and would improve the area. He said he drove the road seven or more times a day and when he made a left-hand turn, drivers did not stop but rather accelerated when they passed him. He felt that with the amount of traffic down that street, there needed to be a turn / center lane or it should be a 4-lane road. He suggested that if this project happened and then the road had to be widened, the project would have to be done again with additional costs. Fawcett indicated they originally thought about 6' sidewalks which would accommodate the trail and sidewalk. (He pointed out the existing sidewalk was almost gone.) Studies and experts have determined it is better to put bikes on the street and not on the sidewalk. He pointed out also there was a very generous planter strip of 6 to 7 feet at the narrowest point. He said there was potential to widen the street. He said that was another reason to put the bike path on the street which might encourage width to the street.

Kendall Crittenden – Crittenden asked if there had been any study or thought given to a turn lane on 100 South. Councilmember Lange said at the intersection there was a turn lane but it couldn't be seen very well.

Kieth Rawlings – Rawlings asked if the City would consider putting in the curb and gutter themselves. Anderson said he would talk with the State and see if they had funding for curb and gutter as it was a State road.

It was clarified that the road would be laid out in the following order: curb, parking, then bike lanes.

Mayor Phillips felt there was a need to be especially careful with trees. "As we work with neighbors, we need to be careful and replace the junk trees and not leave any holes," he said.

JaLaine Hicken – Hicken asked where the additional sidewalk was coming from. She expressed concern with the bike lane and the drop off of the street at the curb. Kohler said there was additional room to put the sidewalk but care needed to be taken to protect the rootzone for the trees. He said the actual design of the sidewalk had not been done. Anderson explained the sidewalk would be on public right-of-way and not private property. Mayor Phillips indicated there would be some sprinkler systems that would have to be dealt with. Fawcett agreed but said there would not be a lot of replacement of lawn and sprinkler systems.

Harry Zane – Zane also expressed concern with the safety of bike riders.

There were no further comments and the public comment portion of the Hearing was closed. Mayor Phillips asked the Council and/or staff for additional comments. Councilmember Lange pointed out there would soon be a light on Center Street which might suggest some alternatives. Fawcett indicated he had factored in some driveway replacement from curb to sidewalk. It was

said the application was due February 1 and it would be several months before it was awarded and probably two years before construction started. Anderson explained the local match funds would come out of the General Fund and there would be no direct cost to the people who live on the street.

Councilmember Hokanson moved to approve application submittal for Transportation Enhancement Funds on 100 South. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

APPOINTMENTS

Peter Kumble – Utah State Assistant Professor – Landscape Architecture – Charrette

Overview: It was explained that in September the City Council had a meeting with Peter Kumble, Utah State University, and others to talk about a charrette. (study group/brain storming session) At that time there was talk about the cost, transportation, and meals for the students. Since that time they had met to talk about what the students would try to accomplish. A member of CAMS passed out a proposed time schedule of events for the day. Mayor Phillips pointed out that CAMS operated on a limited budget. Discussion that Utah Main Street Alliance had agreed to pay one half of the cost if Heber City would pay the other half.

Tamara Shapiro, Utah State University, represented the University and indicated the charrette was planned for February 6. She said they would be bringing approximately 120 students and faculty to Heber City on that day. There would also be some professionals with the group that had agreed to participate and help the students. They would be broken into 12 teams and each team would be assigned a topic. She reviewed some of the topics that would be covered by the students. She indicated the extension at Utah State University was donating time, computer time, and personnel. She indicated she and Bruehl would make sure the press was aware of this activity since the students would be walking around with pad and pencil and asking people questions. She reviewed the schedule and what would take place on each day. Shapiro then made a power point presentation which showed slides of a charrette the students had done in Richmond and Tooele. Mayor Phillips asked if the Planning Commission had been apprised and kept in the loop with this. Some of them were aware. Harry Zane asked about senior citizens transportation and asked if that issue could be studied. Shapiro indicated they would add that on to their study topics. Pat Kohler asked if parking and medians would be studied. Shapiro said at least one group would be doing that and possibly more than one group. Kendall Crittenden suggested that one other group that might need to be brought into the loop was the Mountainland RPO group. (Shawn Seager) Mayor Phillips indicated he had a meeting with Seager next week and would make him aware. Councilmember Hokanson indicated an Historic Preservation Committee had been formed and did not want to have duplication of efforts in that respect. She wanted that effort coordinated. She referred to Kumble's memo and said she would like to see something done with the downtown park and possibly have a water feature. She definitely would like to see suggestions for improvement with the Main Street Park. Bruehl said CAMS was putting together wish lists and if people were wanting something in particular to contribute to, they needed to let them know. Councilmember Hokanson again referred to the Historic District and the Design Criteria Committee. She said that some of the blocks that fell into a blight category needed to be looked at and that suggestions from the students would be welcome. There were no other comments. Mayor Phillips indicated the City appreciated Shapiro driving up from Logan to make the presentation and answer questions.

ACTION ITEMS

Ordinance 2006-01 – Planning Commission – Created/Membership – City Council Member to the Planning Commission – Liaison or Voting Member: It was indicated there had been discussion last meeting about possible changes with the City Councilmember being a voting member. A draft ordinance with suggested changes was presented. Mayor Phillips indicated he felt the City Councilmember should be a voting member.

Sherm Christen – Christen, a member of the Planning Commission, said in his opinion the Planning Commission would do what the City Council wanted. However, the Planning Commission members had all attended training and had been taught the City Council member should not vote. Mayor Phillips asked Christen, since he had been on the Planning Commission for years with a City Councilmember voting, what his personal feeling was. Christen felt that if a City Council member voted on the Planning Commission and again at the City Council level, it lead to law suits. Discussion about one member of the Planning Commission not voting to prevent a possible tie vote. The Planning Commission members all felt they should have a vote if they were serving on the Commission, including the Chairperson. Additional discussion about eight members and a possible tie vote.

Kieth Rawlings – Rawlings indicated it was specifically outlined in the State Statute if a City Councilmember was a voting member and there was an appeal, the City Councilmember could not vote the second time. Mayor Phillips indicated the Council wanted to follow the law and would look at the Statute. He felt the biggest issue was the problem of a 4/4 vote which would result in a motion not passing. Discussion about language in the Planning Commission bylaws about the chairperson being the deciding factor in the case of a 4/4 tie. Anderson pointed out there had to be five votes in favor or a motion would fail. Councilmember Lange said he did not recall any time there had been a tie and revote. Someone suggested it made the members think more when there might be a possible tie. Councilmember Lange said his time on the Planning Commission was some of the best and it was very valuable time.

Mike Thurber said he had a problem with the language in the draft ordinance about the terms and not having flexibility. Mayor Phillips reviewed the language and indicated it could be left off.

Anderson said in the materials provided to the Council prior to the meeting, there was an alternate ordinance for the Council to look at.

Kieth Rawlings – In his opinion, the City Councilmember could be a voting member or non-voting. They should still be able to have input and help make decisions. He emphasized the Councilmember would have an opportunity to vote if/when the issue went to the City Council.

Sherm Christen - Some discussion had been “every member a voting member. But if you take it away from the chair, it would not be every member a voting member.”

Eleanor Nelsen – She asked where the idea came from to have eight members instead of seven. She did not think that was a good idea. Mayor Phillips explained the regular seven members of the Planning Commission and the one City Councilmember would make eight. Nelsen suggested the alternate was a member, too, but not allowed to vote. It was discussed the alternate would only vote if they were replacing a regular member. Nelsen said trainers had always said get the City Councilmember off as a voting member.

Councilmember Hokanson said this last year with Councilmember Lazenby being a non-voting member, had been useless. “The input wasn’t the same and the direction wasn’t the same,” she said. She indicated she just did not agree with League of Cities and Towns on the issue.

Sherm Christen – Christen suggested when the City Councilmember sat at that table and had input, it was good.

Mayor Phillips concluded the Council wanted a City Council voting member. “Consequently, we go with seven members and one not voting or eight members and having problems with a tie vote.” Another possibility was a nine-member Commission. Harry Zane suggested the alternate be the tie breaker. Councilmember Hokanson said the seven member Commission was great and ideal and did not want to look at removing anyone. Another option discussed was to keep the Commission at eight and have the City Councilmember break the tie. Discussion about fixing something that wasn’t broken.

Councilmember Hokanson said the Council wanted to support the Planning Commission in what they thought.

Dennis Schindler – Schindler wondered if it was just a matter where the Councilperson sat. “If he is up there, he might not need to vote but it is easier to get their input,” he said. Nelsen agreed that having the Councilmember on the stand had been helpful. Mayor Phillips suggested another option would be to leave status quo and see how it works as time goes on. Councilmember Bradshaw asked if it had only been one year since the City Councilmember had not had a vote. Yes. He said he was having a hard time getting a “point of reference” because he had only been to one meeting. Fawcett said that from a staff viewpoint, not having a microphone at the table where the Councilmember sat was a real disadvantage—there should be a microphone for each person. Mayor Phillips thanked everyone for their comments and indicated he felt the Planning Commission was very critical to the City. He thanked the Planning Commission members for their work. He said he had a letter drafted to them but didn’t know if he would send it but wanted to make sure they knew they were important to the City but they had to attend their meetings. He emphasized they were “key people.”

The Council was polled on the issue: Councilmember Shelton said continue status quo until next vacancy. Councilmember Hokanson agreed as long as the Councilperson was sitting on the stand with the rest of the Commissioners. Councilmember Bradshaw said he was not sure how he felt. Councilmember Lange said to continue it for one month but go back to City Council being a voting member and sitting on the stand. His preference was seven on the Committee and having a City Councilmember vote. He did not think there would be a problem with a tie vote. Councilmember Bradshaw then indicated he felt if he was working with the Planning Commission, he should have a vote. Discussion about reporting to the City Council.

Councilmember Hokanson moved to have eight voting members on the Planning Commission including the City Councilmember with the alternate member making the decision on a tie. Councilmember Lange made the second. Anderson indicated at next meeting there would be a draft ordinance prepared for Council review. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

At 8:45 p.m., a five-minute break was taken.

Appointment of Heber City Recorder and Heber City Treasurer: It was explained that Heber City was a 5th class city and after each election the recorder and treasurer had to be reappointed. Mayor Phillips recommended the Heber City Recorder, Paulette Thurber, and Heber City Treasurer, Nioma Duke, be reappointed. Councilmember Bradshaw moved that Paulette Thurber and Nioma Duke be reappointed to City Recorder and City Treasurer respectively. Councilmember Lange made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent. Mayor Phillips indicated he appreciated the work Paulette and Nioma did for the City.

DISCUSSION/ACTION ITEMS

Discuss/Review proposed agreement between Heber City Corporation and Spring Creek Irrigation: A new draft was presented to the Council in their materials submitted tonight. It was indicated the concept was that the City wanted to show a willingness to cooperate, that the City was willing to maintain the areas it most impacted and wanted to develop a pond somewhere between Heber City and the flood channel. Anderson talked about Wasatch County's willingness to participate. It was indicated Spring Creek may not want Wasatch County to be a participant so there may need to be a separate agreement between Wasatch County and Heber City. Anderson indicated Spring Creek hadn't seen the agreement yet as he wanted Council to review it first. Anderson indicated he recommended the third draft but was not sure if Wasatch County should be a part of it. Mayor Phillips felt Spring Creek probably would want more discussion. Councilmember Shelton felt it was a good draft but agreed they would probably want some changes.

Councilmember Lange moved to present the draft to Spring Creek. Councilmember Shelton made the second. Anderson recommended we eliminate Wasatch County from the Agreement. He felt it would only irritate Spring Creek. Councilmember Lange added that recommendation to his motion and Councilmember Shelton indicated his second also stood. The voting was unanimous in the affirmative. Councilmember Lazenby was absent.

Airport Advisory Board and Historic Preservation Board – Membership and Terms: Mayor Phillips recommended to the Airport Advisory Board: Dave Hansen and Jeff Mabbutt.

Mayor Phillips indicated he had sent an e-mail to Councilmember Lazenby about the Historic Preservation Board but had not heard back from her. His recommendation to that Board was: Layne Lythgoe, Don and Lucille Tuttle, and LaVon Provost.

Councilmember Lange moved to approve the appointment of Dave Hansen and Jeff Mabbutt to the Airport Advisory Board and Layne Lythgoe, Don and Lucille Tuttle, and LaVon Provost to the Historic Preservation Board. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Lazenby was absent. Anderson was asked to approach these people.

BOARD ASSIGNMENTS REPORTS

Heber City Planning Commission – 2nd Thursday – Bradshaw
Wasatch City/County Health Department – 3rd Tuesday – Lazenby
Heber Valley Special Service District – 3rd Wednesday – Shelton

No reports were given.

At 9:12 p.m. Councilmember Lange moved to go into Closed Session for personnel issues. Councilmember Shelton made the second. The voting was unanimous in the affirmative. Those going into Closed Session were: Mayor David Phillips; Councilmembers Lange, Shelton, Bradshaw and Hokanson; City Manager Mark Anderson; and City Recorder Paulette Thurber. At 10:10 p.m. the Council adjourned the Closed Session Meeting and reconvened Regular Session.

At 10:15 p.m. the regularly scheduled meeting of January 19, 2006, of the Heber City Council adjourned.

Paulette Thurber, City Recorder

Approved 02/02/2006