

Heber City Corporation  
City Council Meeting  
02/15/2007

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 15, 2007, in the City Council Chambers in Heber City, Utah.

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

Others Present: Duane Edgington, Nile D. Horner, Norm Eiting, Eleanor Nelsen, Anne Frisby, Echo Neal, Kieth Rawlings, Scott Verharren, Craig Brown, Mark Smedley, Tyler Frisby, Paul Sims, Mike Kohler, Lee Logston, Rick McCloskey, Melissa Mair, Peggy Sweat, Kevin Diaz, Sandy Mahoney, Larry Mahoney, Candace Hartzog, Randy Clark, Carol Clark, K. Day, Larry Knight, Jenise Lowe, Thomas Lowe, Stan Despres, Carol Mortensen, Tori Feiler, Terri Beth Hodges, Rick Bronson, Sarah Dansie, Bryon Day, Harold Patrick, Brenda Carlile, Gary Carlile, Eric Straddeck, Landon Bonner, Larry Hartley, Karon Hartley, Kim Danley, Kristal Day, Tyson Day, Bob Piscitella, Carol Davis, David Frandsen, Lena Frandsen, Mike Thurber, Kendall Crittenden, Randy McKee, Karen Atkin, Gordon Atkin, Dan Roberts, Katrina Royall, Greg Royall, Janet Greenhalgh, Wes Greenhalgh, Margaret Red Elk, Bruce Zollinger, John Owens, Isaac Hawkins, Ken McConnell, Rudi Kohler, Pat Kohler, Codi Jenkins, Sherilynn Edgington, Matthew Heimburger, Anna Dance, Peggy Holbrook, Ted Holbrook, Scott Phillips, Mitchel Burns, Diane Latimer, Tom Latimer, Mike Johnston, Barbara Games, Paul Kennard, Val Draper, Lou Anna Anderson, Sterling Anderson, Jace Thacker, Dan Bischoff, Karen Czirban, Russ Fautin, Kyle Peterson, Trudie Peterson, Newbold Keny, Reed Czirban, Dusty Jansen, Cody Martin, Brian Beus, Michelle Smith, Dan Smith, Scott White, Rosemary Giles, James Dahl, Trudy Brereton, Tina Moore, Tom Slater, Todd Cates, Bill Milliken, Jacqueline James, LeNell Heywood, Irene Hastings, Mary Piscitelli, Tammy Thacker, Ryan Calderwood, Sharla Calderwood, Jenny Cook and many more whose names were not legible.

Mayor Phillips explained staff had tried to get another location to hold this meeting but there was nothing available that was big enough. He pointed out that to address our elected officials was one of the greatest entitlements in American. "We are neighbors and friends and this is a special opportunity," he said. He also said he had never seen this many people to a City Council meeting before.

Pledge of Allegiance: Councilmember Jeff Bradshaw  
Prayer Councilmember Vaun Shelton  
Minutes: December 4, 2006, Special Meeting  
February 1, 2007, Regular Meeting

Councilmember Lazenby made the motion to approve the December 4, 2006, Special Meeting Minutes and the February 1, 2007, Regular Meeting Minutes. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

#### OPEN PERIOD FOR PUBLIC COMMENT

Larry Knight said he understood the City Council might consider the annexation of a piece of property for a trailer park. He wanted to know if this was true and if anyone knew about it. Anderson replied that Mike Johnston had made a proposal about eight weeks ago in behalf of Doug Heiner. He continued the City had feedback from Wasatch County and also that Steve Mahoney had presented a petition with signatures against such an action. He said though, that there had not been an annexation petition brought forward. Knight said he did not think the County had a zone for a trailer park. He said he hoped the City would not annex land for the purpose of a trailer park in. Mayor Phillips indicated the Council was not aware of a pending annexation petition.

Tom Slatter indicated he had a home here. He said he was not sure he would be popular or not but this was an important issue to him. He said he understood, because of building a school, taxes would go up. He said without driving 50 miles or so, the needs of the community were not met and he did not think it would be bad to have a retail source here. Mayor Phillips explained to him that this issue would be discussed later in the evening and the Open Period for Public Comment was for issues not already on the agenda. However, Slatter was standing in the hall, and did not hear that explained at the beginning of the meeting.

#### CONSENT AGENDA

**Kyle and Trudie Peterson - K & T's Last Stop – 1590 South Highway 40 – Local Consent – Off Premise Beer Sales:** Councilmember Lazenby moved to approve the request from Kyle and Trudie Peterson for a Local Consent, Off Premise Beer Sales License. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative.

#### APPOINTMENTS

**Margaret Red Elk/Howard Peterson – Pow Wow Committee – Request for Donation-Event to be held June 22, 23 and 24:** Dusty Jansen addressed the Council as he was the public relations agent for the Pow Wow. He indicated he was representing the Pow Wow that would be held at Soldier Hollow. He said the first time the event was held at Soldier Hollow, 2,500 people attended. The next year it was made into a three-day event and they had 5,000 people attend. He said they had also added a Mountain Man Rendezvous last year. He felt it was a wonderful set up and it added a lot to the Pow Wow. He explained this year the contest dancing would be for just two days. This year, he said, on Friday it would be a mountain man and Pow Wow show/demonstration. They would have a roving microphone to explain the dances and different events. He felt this would allow for a better opportunity for community involvement. He said they were trying hard to educate the public. Jansen said they were trying to raise \$12,000 and they had already gone to other entities in the community. He said he was asking the Council for a

\$2,000 donation. Councilmember Lange asked about available funds. Anderson said the Council had to show an economic benefit to the community, but that the City had donated to them before.

Councilmember Lazenby said this event brought economic benefit to the community by filling the hotels, people shopping in our stores and eating at the restaurants and motioned the City donate \$2,000 to the Pow Wow this year. Councilmember Hokanson made the second. No further discussion. The voting was unanimous in the affirmative.

Jansen expressed appreciation and said he felt this donation made the event the City's event, as well. He explained they would be doing small demonstrations at the schools. Anderson explained the donation would actually be to the Soldier Hollow Legacy Fund as they were partners with the Pow Wow.

#### ACTION ITEMS

**Ordinance 2007-05 – An Ordinance adopting changes to the Heber City Municipal Code – Chapter 10.16 – Parking – Continued from the 02/01/2007 Meeting:** No action was taken on this issue.

**Ordinance 2007-04 – An Ordinance adopting Chapter 18.42 to establish a Mixed-Use Residential Commercial Zone (MURCZ) – An Ordinance allowing buildings up to 200,000 square feet for commercial development and 30 units per acre for residential development under certain circumstances – Continued from the 02/01/2007 Meeting:** Mayor Phillips said there was no doubt this was a controversial issue and the most comment he had ever received on an issue. He said he had received e-mails, letters, phone calls, etc. He indicated this issue was one the Council had pondered long and hard and had listened to both sides. He said, too, this issue had been discussed on the radio and in the newspaper.

Before starting the discussion on this issue, Mayor Phillips set some ground rules. He said the Council would like to hear from as many people as possible. The Council could only listen to one person at a time. The comment period would be limited to one minute per person. He asked that the speakers state their name, make their point, and avoid repetition.

Norm Eiting - Citizen of Heber City – In his opinion and regardless of what was being printed by the media, this pristine valley had already changed. He said that as of January of last year, 24 additional subdivisions had been approved. The population of the Valley was 20,000 and approaching 25,000. He said that by 2010 it would be about 30,000. He felt this population would demand services of a big box. He pointed out that question #87 of the survey showed that 59% of the people would support a big box. 37% opposed and 5% had no position. He discussed the issue of limiting the building to 60,000 square feet but that a moratorium had been placed on building until a proper study could be done. Eiting felt the present plan addressed the issues of concern and also felt the location was a good one that tied in with transportation. He indicated the appearance issue had also been addressed. He recommended the Council move forward with this plan and felt strongly that with growth, it was going to be required.

Echo Neal – Citizen of Heber City – Neal said she had felt for a long time that Heber City needed a tax base and spoke in favor of this ordinance. She indicated others had argued it would kill downtown; however, she had lived here 20 years and during that time there had not been a down town and felt, for the most part, there had not been stores that met the needs of the people. She did not think the downtown issue was even an argument. She said the valley was growing

and had grown without a big box and she felt it was time to have somewhere to shop. She continued that she had heard the talk when Councilmember Hokanson was criticized for speaking out about the price of gas and the time it took to go shopping. She said that criticism was unfair. Neal said it would be refreshing to stay here to shop. Neal discussed the many seniors in the valley that didn't have the luxury of hopping in cars to drive 30 miles to get the things they needed. She pointed out that one day we all would be those seniors. She felt it would be nice to have those services for the seniors now. Neal also addressed the argument that a big box store in that particular location would kill the bypass road. She pointed out that had been talked about for years and did not think big box would kill it. Neal felt this was an urgent matter and said she would support a big box. She said there was a silent majority out there that wanted a big box store. Neal expressed her appreciation to the Mayor and Council and the work they did for the citizens of Heber City.

Mike Johnston – Heber City Resident – Johnston wanted to address the housing component and said he was in support offering better and different housing in the City. He pointed out that it had come to the point where most lots were unaffordable. He indicated he had tried to hire two people this year; one at \$45,000 and one at \$60,000 and neither felt they could afford to live here. He pointed out that even a ¼ acre lot was unaffordable. He said that, as an employer, he saw the need for housing and would support this Mixed Use concept.

Matt Heimburger – Resident of Heber City – Heimburger presented a letter to the Council expressing opposition, concern and disappointment. He agreed that retail options were important for the valley and that no one really opposed that. He felt the question was not for or against but rather was this the right kind of retail. He expressed concern with going from 60,000 square feet to 200,000 square feet and with the kind of development being proposed. He felt this proposal would change this valley permanently and asked if the Council wanted this valley to become like any other city and especially one like Tooele. He said their downtown was gone and all had gone to big box. He felt Heber had so much more potential than that. He said he did not want big box to dictate the future of this City. He cautioned not to forget how special and unique this valley was. “We are not just a regular city. To be like every other place in the country is not what I want,” he said. He felt that a 200,000 square foot store was a nightmare. “Its giving away the farm and this is not the precedent to set,” he said.

Bill Milligan - New to the community – “There is something to say about the small town flavor. That is what drew me to the valley. Big box will distress this City.” He encouraged community redevelopment rather than give in to big stores.

Paul Kennard - Wasatch Economic Development Community – Kennard indicated the Board supported the development of regional retail (big box). He said they didn't support any particular spot or vendor. He felt revenue sharing was important and said the Board felt an anchor store was important. He talked about the 2003 Leakage Study and said that \$28,000,000 in general merchandize sales was leaving the valley. He suggested that figure was understated because it did not factor in visitor buying and second homes and the higher housing component. Kennard indicated the board would suggest any revenue from regional retail be split up based on population which would ensure regional retail would be the right design and the right place. Kennard indicated he had looked at the survey “up and down” and thought it was pretty even but it showed that 59% of Heber City residents would support a big box and when looking at everyone in the valley, it was 52%. Kennard said a regional retail store would help some existing businesses and hurt others but felt in the end, one was needed.

Eric Goodliffe - Goodliffe indicated he knew about commercial real estate because he had been involved in it since he was 17 years old. He said he was working on a small development in town right now and they were following the ordinance and guidelines. Goodliffe said, as a resident, he was in favor of it because he also goes to Provo or Salt Lake to make purchases. He said it would be nice to have all services here. As a developer, he did not think the location was as nice as it should be. He felt there could be something nice done with the location. He said he did not think other development would be destroyed by doing this.

Larry Mahoney – Resident who grew up here – He asked if Heber wanted to see all the problems that bigger communities see. He said that even those people that are for this development are asking why at this proposed location. He said that Kendall Crittenden has said the City should be talking to them (Wasatch County) as they had a better location for it. Mahoney asked when the bypass ended up in the middle of this development, would there be stop signs, roundabouts or what. He questioned if the Council was asking enough of the developers. He discussed the actual wording of the ordinance, “200,000 square feet or as deemed good by the Council.” He felt that by bringing in big box, the Council would eliminate Main Street. He felt that if the community continued to grow, Main Street would continue to grow, as well. “Main Street is not dead,” he said.

Scott Wilhite - Against bringing in big box. “How cheap will we sell ourselves?” he questioned. He felt allowing big box would be selling our values and our children. He pointed out those kind of stores were open seven days a week and our children would be working at them. He said the values of corporate America would be brought in with a big box. “We will have to give up something and it will be our children,” he said. He suggested that for the children to have a job on Monday, they would have to work on Sunday. He encouraged the Council to look at what this community had to offer now. “This is a great community,” he said and wanted the Council to change their focus and bring business here but not retail. He suggested Polaris or something like that. He said that would bring in a real tax base, give children a place to work, and would be a benefit to this community.

Reed Austin – Austin indicated he had read the ordinance and commended the Planning Commission for making the ordinance. He felt the design criteria was very good. He said he did have concern with affordable housing and the box itself. He said the “200,000 square feet unless authorized by the Council” seemed to be the most concern to citizens. He said that once zoning was in place, they would come. He said he had concerns with parking, as well. It seemed to him if there was enough parking, they could build 5 big box stores and he questioned if the ordinance was too open. He didn’t want to see a giant parking lot and a lot of big boxes.

Nile Horner – Horner indicated he had been to the last few meetings. He said his first thought was it would be good to get the tax base and added income to the City. He said he was for raising the tax base and retail. However, the more he listened to people, the more he felt that the 60,000 square foot store was sufficient and opening it to 200,000 square foot would bring added retail and added tax base but also affect the business already here. He said it would take that tax base away and hurt small business already located here in this valley. He questioned how having a higher tax base would really benefit the City. He said he did not think it would be beneficial to have homes at 30 units to an acre. He asked how many more cops would be needed and how much more fire protection. He asked, too how many more schools would be needed in comparison to the little bit more tax revenue that comes from a big box. He felt in the end, there might not be a tax increase. He said the most disturbing issue was the Boyer Company had said it was not feasible to build without 30 units an acre. He indicated that on the news the other

night, it was stated small business was the backbone of America. He said that if Boyer said its not feasible without 30 units per acre, maybe they shouldn't come. He felt the City needed small businesses instead of corporate America. He encouraged the Council to look at opportunities for children in the future.

Trudy Brereton – Brereton indicated she was against the Mixed Used Commercial Residential Zone. She read from an article which was against Wal Mart. She said she did not feel it would give the City the tax base the Council thought it would.

Tuck Lowe - Lowe questioned what 30 units an acre meant. He said it seemed there should be other priorities. He suggested the residents of Heber City wanted to keep the small town flavor. He expressed concern with double oil tank trucks going down Main Street at 40 mph and suggested the bypass road should be a priority before Wal Mart. He asked, "Do we want big box to be our down town?" He suggested promoting downtown instead and without big box. He said he felt something like this was inevitable but felt other things should be worked out before this ordinance.

Ken McCartney – McCartney indicated he was excited when he saw the design of this as he might get a better fence out of the deal. "What we might get is a better tax base. That would be easy." He suggested "we" do it the hard way and plan to get a better Main Street instead. He said the hard way was the best way. He felt Kings, Reems, Smiths, Days, and Heber Tack would all be gone if a big box was allowed to develop. He said the easy route was sticking with big box or the hard way was sticking with 60,000 square feet.

Susie Shower – Shower indicated she had lived here for six years. She said that while driving around the United States looking for a place to live, she drove into Heber and said this was the place. She said she was not against mixed use and if built correctly, it could be good. She felt mixed use was a good concept. She did have concern with bringing in big buildings. She asked if they would give back to the community. She questioned whether these kind of stores would donate to the community, the schools, build bike routes, etc. She said the City just needed to plan and be proactive. She especially wanted parks to be planned for. "We are going to get stores, we know that, but we need to plan," she said.

Stan Despres – Despres said he felt most of the concern was with the 60,000 square feet or 200,000 square feet. He said maybe the issue was really the correct size. He suggested the answer might not be 200,000 square feet. He indicated he attended the Planning Commission the night they approved this ordinance. He said it was late and the most concern expressed was the County might get the opportunity before the City did. He said the Council needed to answer the concern of size first and said it was a disservice to both sides to not answer that question.

Larry Knight - Suggested "we need to get real." It all boils down to who is going to get big box first. Who is going to get the tax base. Knight felt that was all the Council was considering. He suggested the City should build the bypass road first and they would come. He thought the proposed location was the worst place in the area. He talked about Park City and asked about where their big boxes were--not in the downtown but rather outside the city. Comments on the Dan Jones survey don't add up. He asked how did we go from 60,000 to 200,000 within a year. "If this has to come, put it out somewhere else. Don't put it in the City."

Terry Beth Hodges – Hodges talked about Vermont and fighting Wal Mart. She said they put a limit on the size and they put it outside of town. She said their downtown flourished, too. “If you set the limits and they really want to come, they will do it your way.”

Rudy Kohler – Councilmember Lange told Kohler he owed Councilmember Hokanson an apology. “You three guys on the radio are rude and crude and you owe her an apology,” he said. Kohler said he did not make any comment detrimental to Hokanson. He talked about the leakage and the tax base. He talked about the wages of Wal Mart employees. Kohler felt bringing in 60 children from people that would be working for Wal Mart would wipe out any tax gain. He talked about the 30 units to an acre and that it would add an additional burden on the tax payers. He indicated the bypass had been talked about for 17 years and now was the time to talk about the route. He felt the only sensible route went through the Boyer project. He felt the Boyer project would kill the bypass. He indicated that 89% of the people surveyed said they wanted a rural atmosphere. “If we go ahead with this proposal we will be less rural than it is now.” He read from the ordinance that states attempts to circumvent the 60,000 square foot limit would be strictly prohibited.

Toni Webb – Webb indicated she was a very concerned citizen. She said she grew up here and was connected here. She said she was upset with this project and also the Red Ledges development. She felt the will of the people was they did not want either of these projects. She felt these projects ruined the quality of live and the rural atmosphere. She said the citizens didn’t want a bigger tax base and she didn’t think that would happen anyway-any small amount of money realized would be eaten up in more costs for roads, schools, etc., and more crime would be attracted. She questioned why this issue had gotten so far. “You are going against the will of the people,” she said. She pointed out that most of the Council candidate’s political platforms were to protect open space, keep rural, keep beauty of valley, and protect businesses. She didn’t see that happening with either of these projects. She talked about Days, Smiths, and Timberline and said the people that worked at these places were our friends and wondered where the employees of existing businesses would go. Webb said everything she shopped for she got out of this valley except clothing and that could be available through a smaller proposal. “We have a beautiful place here and shopping is so close to us without bringing something else here.” She felt if we had a couple small clothing stores, we could have everything we need. She suggested that people travel to Provo and Salt Lake City to work and the Council didn’t need to fill jobs for everyone that lived here and there was no way to get affordable housing for everyone. She suggested that affordable housing for our teachers and cops could be trailer houses. She said she was in favor of a western bypass and asked why that discussion was being put “under the rug.” She suggested it should be in the process right now because Main Street was not safe. She said she was afraid for her children to walk across Main Street and that issued needed to be resolved first and was more important than big box. She suggested a big box went against the General Plan and the quality of this valley. She suggested this valley didn’t need to be the fastest growing area in America and felt the growth would never stop if we go this route. “This is our home. If it is ruined, where will we go? If we give these things away, we will never get them back.”

Tyson Day - Day felt that when most people thought of Wal Mart, they usually thought it was a good idea. He said the people that voted for Wal Mart did not think about the repercussions and most of the people at school thought it was a good idea but after explaining the negative, they changed their minds.

Anna Dance – Dance indicated she was against the Mixed Use Ordinance. She referred to a document on the Heber City Web Site that had Heber City's seal and Wal Marts'. She read from that document. Dance indicated the article suggested local firms were better for local communities. She encouraged everyone to read the document on the Heber City Web Site. She discussed the increased crime that would result in a big box and asked the Council to reconsider and re-look at the issue.

Tom Slatter – Slatter said he had learned a lot tonight from the discussion. He said he moved here because he liked lakes, fishing, and quiet. He said he had changed his mind about big box after listening to the discussion. He encouraged the Council to allow only what met the current quotas.

Mayor Phillips indicated he and the Council appreciated the comments given. He turned the time to the Council for comment and consideration.

Anderson explained that two years ago discussions took place and it was felt, as a community, we needed to do this based on our terms and not big box terms. Other communities were visited with to see what their position and comments were. About 18 months ago a cap was placed on the size of stores in order to allow work on an ordinance that would minimize the negative and maximize the benefit of big box. A design committee put together design criteria for commercial areas. He said the Planning Commission had worked and evaluated this and put forth a lot of energy. They have now recommended the Council adopt this proposed Ordinance. A site plan was shown. It was explained this was a work in progress but it had been before the Planning Commission and the City Council. The plan showed two 140,000 square foot buildings and had been designed to try and place the box further back in the development instead of right up front. It was explained the residential aspect was comprised of 11 acres. The transportation corridors were pointed out. It was explained this was a concept plan but there could be some changes. It was indicated there would be public hearings at Planning Commission level before a project was approved.

Anderson discussed the economic analysis and explained that at the time it was done there was only one large retail development anticipated. He said the Council had asked them to update that based on two large retail stores. He said that at build out, the annual revenue expected for Heber City would be \$1,600,000 sales tax and property tax. The cost would be \$492,000 with an expected benefit of approximately \$1,100,000. He said a certain percentage of those figures come from existing businesses so that figure would have to be reduced by 20 or 30%. There would still be a net possible of \$700,000 or \$800,000 annual benefit. He said the total property tax to all entities over a 15 year period would be \$23,000,000 of which \$4,000,000 to Wasatch County and \$6,000,000 to the school district. He said those figures were based on today's dollars.

Councilmember Hokanson said she had been concerned with the proposed 30-units per acre. She thought that proposal was too high. She said she would like to take that down to 20-units per acre. Councilmember Bradshaw wanted it even less. Councilmember Lange discussed a walkable community and said he agreed with Councilmember Hokanson about less units. He said Provo's ordinance allowed 15 to the acre. Councilmember Lazenby agreed that 30 was too much. Councilmember Hokanson wanted to discuss the amendments the Council had gotten on Tuesday and said she was in favor of the proposed changes but particularly #3) Setbacks and #6) Building height to not exceed 45' for residential and 50' commercial.

Councilmember Bradshaw indicated he knew everyone in this room loved this valley and that people lived here for a lot of good reasons. He said he was raised here and his ancestry went back to 1859 so his roots were deep. He said he had owned a business on Main Street since 1974 and had seen a lot of businesses come and go. He said he had come to the conclusion that the change to Main Street happened years ago when he was young. He said it used to be everyone shopped in town. He named several different stores that used to be located here. He said the change in the early 70's was due to the University Mall being built. That was when people stopped shopping locally and went to the lower valley to buy goods and that was what happened to some of the local stores. "The fact is the most of Main Street went a long time ago," he said. He pointed out that most businesses here now were specialty stores. He said Heber had suffered the ravages of Wal Mart and other stores for 30 years. He talked about the survey which indicated 85% of Heber City respondents said they had walked into Wal Mart within the last 90 days. He thought that was typical. He said, too, that shoppers' habits had changed in America and that small stores could not compete with big stores. "If you want durable goods at a reasonable price, a small store cannot compete," he continued. He questioned how many stores would want to come to Heber at 60,000 square feet. "The fact is, that is not big enough." He said he recognized there were some types of retail that could survive in small town, "but we are kidding ourselves if we think we can keep out the big box stores." He said the businesses that were located in Heber right now had survived big box to a certain extent. He said the facts are that Wal Mart helps the businesses downtown. People not only go to Wal Mart, they would shop Main Street, as well. He thought the current stores would thrive with a Wal Mart and said he thought the alternatives were bad. Councilmember Bradshaw commented about the things said on radio and printed in the newspaper. He said "We are not going to get gambling in Heber City." He pointed out that Heber City's survival, as a city government, was dependent upon on the dollar. "You can call it money grabbing if you want, but we can't survive without revenue. We haven't raised property taxes in 16 years. That will be something that will come up if we bypass major retail." In discussing employment he said the fact was nearly 1/2 of our community goes out of town to work. A lot of people that live in Heber City work at Wal Mart now. He did not think the employment problem was as big a problem as some people thought.

Councilmember Bradshaw moved to approve Ordinance 2007-04 – An Ordinance adopting Chapter 18.42 to establish a Mixed-Use Residential Commercial Zone (MURCZ) – An Ordinance allowing buildings up to 150,000 square feet for commercial development and anything above that needing approval from the City Council and 15 units per acre for residential development. Councilmember Bradshaw indicated he wanted all changes made as suggested by Planning Staff in their memo of February 15, 2007, included in the motion. (copy attached). Councilmember Shelton made the second. Discussion. Councilmember Lazenby wanted 20 units per acre instead of 15. Councilmember Bradshaw amended the motion to be 20 units per acre. Councilmember Shelton agreed to that in his second to the motion. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

At this time a 20 minute break was taken.

**Ordinance 2007-11 – an Ordinance amending the General Plan of Heber City by changing the Land Use Designation of certain property located between Industrial Parkway, Highway 189, Highway 40, and 1000 South from a Highway Commercial, Business and Manufacturing Park, and Residential Agriculture uses to a Mixed Residential Commercial Use:** Mayor Phillips indicated this ordinance was related to the discussion that just concluded and the Ordinance just passed. There was no further discussion.

Councilmember Shelton moved to adopt Ordinance 2007-11 – An Ordinance amending the General Plan of Heber City by changing the Land Use Designation of certain property located between Industrial Parkway, Highway 189, Highway 40, and 1000 South from Highway Commercial, Business and Manufacturing Park, and Residential Agriculture uses to a Mixed Residential Commercial Use. Councilmember Hokanson made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

**Ordinance 2007-12 – an Ordinance changing the Zoning of certain properties, located between Industrial Parkway, Highway 189, Highway 40, and 1000 South from Residential Agricultural (RA-2), C-2 Commercial, and B&MP Business and Manufacturing Park to Mixed Use Residential Commercial Zone:** Mayor Phillips explained this Ordinance would change the zoning on the same property as discussed earlier.

The Council requested Scott Verharren discuss the issue of the trailer park. Verharren indicated there had been some preliminary discussions about help with relocation. He said they were willing to provide assistance to those living in the trailer home area to help with relocation. He said they were open for more ideas from the City and the County. Mayor Phillips said there didn't appear to be "warm fuzzys" in creating a new trailer park. He pointed out that some of the trailers in the park were too old to move to a new park. Mayor Phillips did not think an annexation for the purpose of a new trailer park would go any farther. He suggested the only other option would be to include a trailer park in the proposed development. Anderson indicated the ordinance just adopted did not provide for a trailer park. Mayor Phillips indicated this was not just a City problem but a County and State problem, as well. He referred to similar happenings in Salt Lake City right now. Councilmember Lazenby expressed concern for the people in the trailer park and said she wanted to help the people as much as possible and asked the developer to help, as well. Verharren said they had made that offer to help financially with relocation. Councilmember Lange agreed with Councilmember Lazenby but continued that the comments received by the Council was nobody wanted a trailer park in their neighborhood. "We can't move them to Duchesne like we do our garbage," he said. He was not aware of anywhere in the County that would allow a park. Councilmember Hokanson wanted a continuance on this issue.

Councilmember Hokanson moved to continue Ordinance 2007-12, an Ordinance changing the Zoning of certain properties, located between Industrial Parkway, Highway 189, Highway 40, and 1000 South from Residential Agricultural (RA-2), C-2 Commercial, and B&MP Business and Manufacturing Park to Mixed Use Residential Commercial Zone and discuss at next meeting. Anderson asked what specifically did the Council want the developer and City staff to come to discuss. Mayor Phillips said they needed to know what kind of transitional assistance was available and suggested the Council wanted to be able to review those materials before the meeting. Councilmember Bradshaw wanted to see a definite plan. He wanted to know how the trailer issue would be resolved as well as timing. Anderson asked Verharren if he had an updated master plan as far as potential tenants. He also asked about road improvements and what compensation they had set aside with Heiner to facilitate the removal of trailers. He explained to Verharren he needed something by next week to send out with the packets. Councilmember Lazenby made the second to continue the issue. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

## DISCUSSION/ACTION ITEMS

### **Review/Approval of Interlocal Agreement Regarding the Development of the Red Ledges**

**Property:** An overhead was shown of the latest proposal for roads. It was explained that last week on Tuesday there had been a meeting about a bypass or collector road that would come off Center Street to Mill Road and through Wasatch View Estates. Since then there had been a lot of discussion with Wasatch County, property owners, City officials and staff. Anderson said the current proposal had not been accepted formally, but it was worthy of discussion.

Todd Cates indicated he had been working with City and County officials a lot on road alignment and felt most issues had been worked out. The overhead shown was what seemed to work for all parties. He said they had been talking to Stone Creek about the different options. He said this proposal had the greatest impact on their community and the Stone Creek community. However, in the interest of time and in the interest of moving the project forward and being the best neighbor to the community, this alignment made the most sense to all parties. He said one of the biggest concerns with this proposal was it had the most impact to Stone Creek so there were some things they would ask for to compensate them. He said this would pull traffic off Center Street. Mayor Phillips said this was 180 degrees from what was talked about in Executive Session. Cates said from the last two meetings, it was understood they would be responsible to provide the easement and build the road. Cates said they would make a couple very small changes to this alignment. It was felt by all parties that a straight road invited 50 mph traffic so they thought a small buffer and light meandering would provide for slower traffic. He said they would add esthetics to the road. He said they liked the idea of a landscaped median. Cates said they had made a huge concession and wanted to talk to the County about the landscaped median.

Rick McCloskey indicated they would be redesigning their project based on this proposal. He said they had spent a lot of time the last few days working on the issues involved and had concluded the timing and other issues had become urgent and there was a need to move forward. Moving forward and not having a real sure feeling about issues was not good and they felt they needed to put this issue to bed. Consequently they decided to work with this proposal. He said he was standing before the Council expecting and hoping to get some help with regard to open space and density that they would like to have to make this project as good as it was before all this came about. He said he didn't know if this was the time to address specifics but he was "taking a leap of faith here". Mayor Phillips said the Council would be meeting on Tuesday with the County Council and then they would be meeting separately. He encouraged McCloskey to have something ready for the entities to work with. It was suggested meandering roads, landscaping on the road, consideration of road widths to be 26' with rolled curb and gutter, gated community, or at least the option if they decided that was best for them, a density bonus of 125 or 126 from the original 120, and consideration of open space were issues to finalize. McCloskey talked about a water line and suggested the impact fees might help with that. It was stated the plan was to run the water line and storm drain along the road. McCloskey said speed was part of their request, as well, so they could move forward as quickly as possible

Mayor Phillips pointed out the City Council and the County Council had worked long hours, held extra meetings and they wanted to facilitate as much as possible, but they wanted to move smartly, too. Cates said thanks to the City Council, the County Council, attorneys, etc., and appreciated the hard work they had all done.

McCloskey indicated they had tried to be sensitive to neighbors. Mumford asked McCloskey when a revised concept plan could be turned in. McCloskey said probably within a week. He said

they were very anxious to move as quickly as possible. Mayor Phillips indicated the Planning Commission had recommended approval and questioned at what point did this go back or what the process was. Anderson suggested it start at preliminary and then move as quickly as possible. Fawcett said if it involved a change in the Code, State requirements for those Code changes had to be followed. Discussion about borrowing open space from Red Ledges. Cates asked if preliminary and final concepts could happen at the same meeting. McCloskey said he was not wanting to railroad things through but wanted consideration for the time they had lost.

Council Councilmember Draper said this was the route he had always wanted. He appreciated their efforts and thanked those involved. He suggested he wanted to have the County participate in the development of the park. He said Todd Bonner wanted to work with Stone Creek, as well.

At this point, Councilmember Lange said he wanted to hear from the audience.

One woman in the audience indicated she did not want to speak for everyone but personally felt most of them wanted this route and appreciated what they had done to make the residents happy. She said she felt they had been listened to and thanked them for that.

Mary Piscitelli - Mrs. Piscitelli indicated her family had the most impact from this development and said what was being proposed now was changing her quality of life. She said she realized her one acre, compared to the size of the development, didn't count for much influence but stated she was getting no concessions, like this developer, but her quality of life would be changed directly.

Shawna Denson – Denson asked that a proper cul-de-sac or something should be installed so they didn't look like the poor relations. Mayor Phillips wanted to make sure the stub ins were still in place. Chief Rhoades agreed and said there was a need to make sure the stub ins were built for law enforcement purposes.

Sara Dansie - Dansie said she was pleased that this road did not go directly next to the canal. She, too, wanted the road to meander more. She said she understood the park was not planned yet but wanted to make the request that the neighborhood be involved in the planning.

Mike Johnston indicated he supported the landscaping in the medium.

Bob Pisciletti - Mr. Piscitelli indicated they currently had a well and septic tank which were right under the proposed road. He said that needed consideration when planning the road. He said the drain went to the road. He said he felt the speed of the road would be an issue even if it meandered.

Greg Royall, 1300 East - Royall said he was O.K. with this proposal. He did have concern with the stop signs now and said he would like to see 4-way stops now. He expressed concern about speed, as well.

**Set a Public Hearing for the request of Joshua Yeates for annexation on property located at approximately Highway 40 and 850 North known as the Elmbridge which consists of the Swena and Reinholdt properties. Property contains 21.5 acres:** Councilmember Lazenby moved to set public hearing to consider the annexation request of Joshua Yeates on property located at approximately Highway 40 and 850 North known as the Elmbridge Development which consisted of the Swena and Reinholdt properties for March 15, 2007. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

**Adoption of Policy – Establishment of procedures and guidelines for the use of the Heber City Police Department Facility, including classrooms, gymnasium, workout center, grounds, or facility equipment:** Mayor Phillips asked that this issue be rescheduled for discussion at another time.

**Discuss parameters for selling of the old public works building – 400 North 400 West:**  
There was no discussion on this issue.

#### COUNCIL/BOARD ASSIGNMENTS

Wasatch County Housing Authority – 1<sup>st</sup> Wednesday – **Shelton**  
Heber City Planning Commission – 2<sup>nd</sup> Thursday – **Bradshaw**  
Historic Preservation - **Lazenby**

No reports were given.

At 10:37 p.m. the regularly scheduled meeting of the Heber City Council adjourned.

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Paulette Thurber, City Recorder