

1 Heber City Corporation  
2 City Council Meeting  
3 01/15/2009

4  
5 6:30 p.m.

6  
7 WORK MEETING

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9 The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on January 15, 2009,  
10 in the City Council Chambers in Heber City, Utah.

11  
12 Present: Mayor David R. Phillips  
13  
14 Council Members Jeffery Bradshaw  
15 Elizabeth Hokanson  
16 Eric Straddeck  
17 Nile Horner  
18 Robert Patterson  
19  
20 Also Present: City Manager Mark K. Anderson  
21 City Recorder Paulette Thurber  
22 City Engineer Bart Mumford  
23 City Planner Anthony Kohler  
24 Chief of Police Ed Rhoades  
25

26 Anderson indicated he had met with Mike Davis earlier in the day. They talked about how the  
27 County handled the road and public safety impact fee issue when Old Mill Elementary School  
28 was built. It was indicated legislation had changed since that time. Anderson referred to the City  
29 Ordinance that addressed adjustments to impact fees and referred to State Code, as well, on that  
30 same issue. He said that based on the Code the County used at the time Old Mill was built, the  
31 impact fees went to zero. This also took into consideration that the District made some  
32 improvements to a park and built a road. Anderson talked about the Code that addressed  
33 jurisdictions could include in their impact fee study any low income housing considerations and  
34 projects of broad public benefit. He did not know if the County concentrated on that or not.  
35 Heber Valley Special Service District transferred monies from their operational fund to cover the  
36 impact fees they waived. Anderson continued that according to Dan Mathews, water and sewer  
37 impact fees were paid; but Mike Davis said they had been reduced. Anderson referred to the  
38 Code that addressed how the Council had to show revenue that would take the place of waived  
39 impact fees.  
40

41 Mayor Phillips suggested the Wasatch County School Board was going to ask the City to waive  
42 the impact fees based on a meeting held earlier in the week between Superintendent Shoemaker,  
43 Jeff Bradshaw and himself. He said the District understood the City's feelings about only one  
44 segment of the County (Heber City) paying for the costs if the impact fee was waived.  
45 Discussion that the City Attorney, Mark Smedley, and the School District Attorney were  
46 discussing the issues and studying the Codes to make sure they were understood correctly.

1 Mayor Phillips said the District was hoping the attorneys could come up with a way that the City  
2 could waive the fees and not have to dip into the General Fund to reimburse those. Mayor  
3 Phillips asked if the Council was O.K. with the two attorneys working together. Councilmember  
4 Horner said according to Kent Berg, who had talked to Mike Davis, there was no impact fees  
5 paid when Old Mill Elementary was built.  
6

7 Discussion about whether Councilmember Horner should recuse himself during the High School  
8 issue listed on the Regular Meeting Agenda. Feelings expressed by Councilmember Horner and  
9 other Council Members. Anderson indicated that if a conflict of interested existed, it should be  
10 declared. However, the decision of whether or not to recuse was up to the individual  
11 Councilmember. Councilmember Straddeck and Councilmember Bradshaw both expressed  
12 concern with perception from the public. Councilmember Hokanson said if she were in  
13 Councilmember Horner's shoes, she would recuse herself; however, she supported whatever  
14 decision he made.  
15

16 Anderson said the section of Code that was provided to the Council suggested if the Council  
17 wanted to waive the fees, there ought to be provisions made for it in the capital facilities plan  
18 where the impact fees are calculated and other sources of funds should be identified as to how  
19 that would be paid. He said it was one thing to say there needed to be an adjustment but beyond  
20 that, fees were essentially being waived. Councilmember Straddeck said, and Anderson agreed,  
21 any fee needed to be determined on data and not just pick a random number. Mayor Phillips  
22 recalled how the City had worked with the Fit Stop and how the fees were determined after nine  
23 months or so of business and then charged based on true data. Anderson discussed the reason the  
24 provision was in the Code. He said that if fees were waived where impact existed, two things  
25 happen. There would not be adequate funds to build infrastructure that needed to be built or it  
26 pushed a disproportionate burden on new development because you failed to capture it where it  
27 was appropriate.  
28

29 Mumford said since the Fit Stop, he had revised the way impact fees were calculated and had not  
30 had anyone come forward with complaints or challenges.  
31

32 **Planning Workshop – January 21<sup>st</sup> – Kamas City Hass – 7:00 p.m. – 8:30 p.m.:** This  
33 meeting was mentioned and the Council was encouraged to attend, if possible, and if they felt the  
34 need.  
35

36 **Budget Retreat – January 24<sup>th</sup> – 8:00 a.m. – City Offices:** Mayor Phillips reminded the  
37 Council of the Budget Retreat.  
38

39 **Update on Southern Bypass Alignment:** An overhead was shown of the various routes that  
40 were being considered for the bypass. Mayor Phillips suggested this land was in the City limits  
41 and the City Council needed to determine the route. He felt it was time the Council took control  
42 of the City's own destiny. Mumford said the forum where this happened was the RPO and the  
43 Council attending those meetings was recognizing the Council's opinion. Anderson, referring to  
44 the overhead, said the FAA would be opposed to the purple route. Mumford said the consultants  
45 were going to prepare the pros and cons on all the routes. He said, too, that in 5-10 years, UDOT  
46 would be doing a study on the whole hub alignment; but for now, that was not even on the

1 drawing board or funded. Councilmember Straddeck felt the Council participating in the RPO  
2 was being proactive.

3  
4 **Discuss Process to Select an Airport Consultant:** Anderson indicated that in December the 5-  
5 year period recommended by the FAA for consulting services had lapsed in relation to the City's  
6 current consultant. In December RFP's were sent out for consultant services and the City  
7 received four submittals from that RFP. He asked the Council how they would like to see the  
8 process of selecting a consultant proceed as far as City Council involvement, Airport Advisory  
9 Board involvement and staff involvement.

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11 Anderson explained it needed to be determined who would be the group the City would use to  
12 work with the City and FAA on any airport related projects. Councilmember Bradshaw felt the  
13 Airport Advisory Board needed to be involved in the interview process. Mayor Phillips  
14 suggested the Airport Advisory Board do the interviewing with any Councilmember that wanted  
15 to sit in on those interviews. Councilmember Horner felt the Board needed to be involved but  
16 said the Council had to make the final decision. He did not want to turn the process over to the  
17 Board completely. He indicated he wanted a minimum of two Councilmembers sitting in on the  
18 interviews. It was determined that Councilmember Straddeck and Councilmember Horner would  
19 sit in on the interviews along with the Airport Advisory Board and that all four applicants would  
20 be interviewed. Councilmember Straddeck wanted the Board to come back to the Council with  
21 not only a recommendation, but pro and cons of each applicant.

22  
23 **Discuss the Totten and Acuirre Lot Split Sidewalk Improvements:** An overhead was  
24 shown of the Totten and Acuirre location. Anderson talked about the Skoby Downs issue and  
25 how, when Downs was before the Council, the Council approved him providing the funds it  
26 would cost for a sidewalk, in lieu of installing sidewalk in front of his house, to the City and the  
27 City in turn use those funds to install sidewalk in another part of the City. Anderson suggested a  
28 better and less complicated process would be to deed restrict these things instead of putting  
29 money aside to use later. Staff was interested in the Totten sidewalk being constructed because  
30 the 300 West corridor would be heavily traveled when Wal Mart was built.

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32 Mumford said his preference, too, was to deed restrict sidewalk and not have to deal with monies  
33 donated, not covering the cost of a later installation, etc. He said deed restriction was the cleanest  
34 way to deal with this issue. Mumford indicated he needed to take a recommendation back to the  
35 Planning Commission. Councilmember Horner said he was fine with deed restriction. The  
36 Council decided on Skoby Downs' property to deed restrict the property. It was discussed that  
37 Tom Post needed to come before the Council in relation to the Totten Lot Split and sidewalk  
38 improvements.

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40 As the time was 7:00 p.m., the Council adjourned the Work Meeting held on January 15, 2009.

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Paulette Thurber, City Recorder