

Heber City Corporation
City Council Meeting
03/17/2011
7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on March 17, 2011, in the City Council Chambers located at 75 North Main Street in Heber City, Utah.

Present: Mayor David R. Phillips
Council Members Eric Straddeck
Nile Horner
Robert Patterson
Alan McDonald
Benny Mergist

Also Present: City Manager Mark K. Anderson
City Recorder Paulette Thurber
City Engineer Bart Mumford
City Planner Anthony Kohler
Chief of Police Ed Rhoades

Others Present: Martin VanRoosendaal, Willa Motley, Mary Kelly, Brent Kelly, Blaine Bowden, Janine Hodges, Kelly Jarvis, Fred Schloss, and E.T. Franco, Ben Flores, Rex Bowden and Blaine Bowden from Scout Troop 222. Also present Lt. Bradley and Detective Thacker from the Police Department.

Pledge of Allegiance: Councilman Benny Mergist
Prayer: Councilman Alan McDonald

Minutes: February 3, 2011, Regular Meeting; February 17, 2011, Special Meeting;
February 17, 2011, Regular Meeting; and March 3, 2011, Work Meeting.

Councilman McDonald moved to approve the above listed minutes. Councilman Patterson made the second. Voting AYE: Eric Straddeck, Robert Patterson, Alan McDonald and Benny Mergist. Voting NAY: Nile Horner.

Mayor Phillips recognized the Boy Scouts in the audience and invited them to introduce themselves, what Troop they were with and their rank.

OPEN PERIOD FOR PUBLIC COMMENT

Kelley Jarvis: Jarvis referred to a letter he had sent to the Council earlier in the month which related to getting a permit to move a building. He explained that Murphy Oil approached him about an easement and the metal building at the location being moved. He said he had made contact with Valguardson who had moved his house a few years ago. Valguardson suggested that Jarvis approach the Council about using the same route to move the 80x40 building that had been used with his old house. He said the reason for asking for permission to go across the airport was because of the cost to raise the power lines down Daniel road was so great. He said this route would save \$7,000 – \$12,000.

Anderson said three fences would have to be opened and the airport would have to be shut down. Jarvis said they planned to restore the fences to their original condition. Anderson said he would have to find out if the City needed permission from the FAA.

Councilman Horner indicated that most of the time a steel building was torn apart and re-erected. Jarvis said it was a wood building.

Mayor Phillips suggested this was a chance to be a good neighbor if the FAA did not oppose. Councilman Mergist said he had no issues with this happening as long as everything was restored and the City inspected and approved that restoration. Councilman Horner asked when this would take place. Jarvis said probably May.

Councilman Mergist moved to approve a permit to move the building across the airport property contingent on permission of the FAA and restoration of fences and inspection by the City to make sure the City was whole and any property be restored, if necessary. Councilman Horner made the second. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

PUBLIC HEARING

TAB 1: Ordinance 2011-03 – Heber City Capital Facilities Master Plan Update – Adoption of Ordinance 2011-03 – An Ordinance Amending Chapter 15.16 – Impact Fees, of the Heber City Municipal Code: Mayor Phillips indicated the Council had held one Public Hearing in relation to this issue already but it was felt another was necessary because of additional changes that had been made. The Public Notice was not read but was available for inspection for anyone that wanted to review it.

Mayor Phillips opened the Public Hearing. No public comments were heard. Mayor Phillips closed the public comment portion of the Hearing. He turned the microphone over to Mumford.

Mumford said the reason another public hearing was being held was because of changes that were made to the document since the first hearing. The changes centered around the change in the population projections and the revised balances in the impact fee funds which consequently changed the fee schedule. He said the most recent changes since the last review were because of questions from Councilman McDonald. Discussion about updated impact fees based on the 2011 schedule and a non-residential proposal. Discussion about no non-residential impact for parks. Discussion about the storm drain system.

Councilman Horner indicated businesses generated more property and sales tax, consequently he felt the City was hindering businesses by charging a higher fee. He said he was opposed to higher impact fees for businesses especially if they were taking care of their own storm drain. Willa Motley said that with respect to storm drain during the last meeting it was changed to per trip but the numbers did not change.

Mumford talked about the monthly utility fees as listed on the summary table 1.3. Discussion about making changes to the Master Plan at various times. Anderson said the Council could adopt certain chapters of the Plan and continue discussions on others but they would have to hold public hearings later on what might not be adopted tonight.

Councilman Straddeck moved to approve Ordinance 2011-03 - Heber City Capital Facilities Master Plan Update – An Ordinance Amending Chapter 15.16 – Impact Fees, of the Heber City Municipal Code. Councilman Patterson made the second. Mayor Phillips asked for discussion. Councilman Horner said he wanted to make sure the Council really wanted to raise the impact to businesses by \$9,000 + dollars. Voting AYE: Eric Straddeck, Robert Patterson and Alan McDonald. Voting NAY; Nile Horner and Benny Mergist.

APPOINTMENTS

TAB 2: Nadim AbuHaidar – Extension of Lease – Hangar E: This issue was postponed.

TAB 3: Tom Whitaker/Mary Kelley – Cowboy Poetry – Request for funding: Mary Kelly indicated Tom Whitaker was in Denver and not able to attend this meeting. She had her husband, Brent, read a letter that had been presented to the Council. The letter indicated the Cowboy Poetry Event had been cancelled.

Discussion about Heber City and Wasatch County taking over this event. Kelly said she usually had entertainer contracts signed by March and tickets ready by June. It was indicated the Elko

Cowboy Poetry had lost money last year. Kelly said this event needed a home and felt Heber City and Wasatch County needed to partner, if they wanted to keep it going, and have a full-time staff. Mayor Phillips asked if the Council wanted to coordinate with Wasatch County or not.

Councilman Patterson moved to get together with Wasatch County soon, as well as Midway City and Charleston Town to try and save this event. Councilman Horner made the second. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

Mayor Phillips discussed a structure between Heber City, Wasatch County and professionals like Mary Kelly.

ACTION ITEMS

TAB 4: Award Bid for Airport Snow Removal Equipment (SRE) Building: Anderson said last Thursday the bid opening was held for the Airport Snow Removal Equipment (SRE) Building. He said the City received eleven bids with the lowest bid being CK Construction. He said bids had been checked by Armstrong Consultants and they had indicated they were in compliance. He said the bid had gone over the original estimate but the FAA had approved to amend the grants that are available to the City. This would then increase the City's 5% contribution by approximately \$3,500. With the amendments, there would be adequate funding for the project.

Discussion about the closeness of bids 2-4. Discussion about time frames and change orders being approved by the Council. Councilman Mergist asked if AbuHaidar would have any dealings with the building. Anderson said no.

Again Anderson said bids were checked and reviewed by Armstrong Consultants. Councilman Horner said he did not like the way bids were reviewed and thought some of the Council should be on the review boards.

Councilman McDonald moved to accept the bid of CK Construction as long as the City had done their due diligence. Councilman Patterson made the second. No discussion. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

TAB 5: Resolution 2011-05 – A Resolution of the Heber City Appointing Temporary Judges to the Justice Court: Mayor Phillips asked in the event this happened who paid the salaries. Anderson said typically the City had not had to pay because it was a trade between the judges.

Councilman McDonald moved to approve Resolution 2011-05 – A Resolution of Heber City Appointing Temporary Judges to the Justice Court. Councilman Patterson made the second.

Discussion about conflict of interest that judges had on occasion.

Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

At 8:50 p.m. the Council moved into Closed Session: Those going into Closed Session were Mayor David Phillips; City Council Members Straddeck, Horner, Patterson, McDonald and Mergist; City Manager Mark Anderson; and City Recorder Paulette Thurber.

At 10:28 p.m. the Council returned to regular meeting and adjourned the regularly scheduled meeting of the Heber City Council held March 17, 2011.

Paulette Thurber, City Recorder

Approved 05/05/2011