

Heber City Corporation  
City Council Meeting  
05/19/2011  
7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on May 19, 2011, in the City Council Chambers located at 75 North Main Street in Heber City, Utah.

Present: Council Members Eric Straddeck  
Nile Horner  
Robert Patterson  
Alan McDonald  
Benny Mergist

Excused: Mayor David R. Phillips

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

Others Present: Martin Van Rosendaal, Perry Rose, Jon Dickerson, Michelle Kellogg, Rick Kellogg, Vickie Todd, Tracy Norr, Kim Holindrake, Spencer Maschin, David Todd, Brittney Bacon, Daryl DeMoss, Cassie Daniella, Jennifer Dair, Janene Hodges, Reed Fuller, Maggie Wade, Abby Wade, Christina Cole, Lacy Welch, Ben Welch, Robbie Perazi, Norm Hayter, Wyatt Welsh and others whose names were not legible.

Pledge of Allegiance: Councilman Robert Patterson

Prayer: Mayor Pro Tempore Straddeck

Mayor Pro Tempore Straddeck excused Councilman Horner for a period of time for a family matter.

Minutes: 04/01/2011 Special Budget Meeting  
04/07/2011 Regular Meeting  
05/05/2011 Work Meeting

Councilman Patterson moved to approve the above listed minutes as presented. Councilman McDonald made the second. Voting AYE: Eric Straddeck, Robert Patterson, Alan McDonald and Benny Mergist. Councilman Horner was excused for a short time for a family matter.

**Kim Holindrake and Tracy Norr – Recognition of Michelle Kellogg in obtaining her CMC (Certified Municipal Clerk) Certification:** Kim Holindrake and Tracy Norr, representing the Utah Municipal Clerks Association (UMCA) and the International Institute of Municipal Clerks (IIMC), recognized Michelle Kellogg for her efforts and hard work in obtaining her Certified Municipal Clerk (CMC) Certification. It was indicated IIMC promoted the continued education of clerks/recorders by partnering with the University of Utah which held annual training for municipal recorders/clerks. Holindrake reviewed the education and work experience needed to be certified.

Mayor Pro Tempore Straddeck offered congratulations to Michelle in behalf of himself and the rest of Council.

***OPEN PERIOD FOR PUBLIC COMMENT***

No comments received.

**Community Development Block Grant (CDBG) 2nd Public Hearing - Proposed Project 300 West Water Line Replacement:** The Public Hearing Notice was read. Mayor Pro Tempore Straddeck read the following information as required by CDBG requirements:

*This Hearing has been called to allow all citizens to provide input concerning the project that has been awarded under the 2011 Community Development Block Grant Program. Heber City has amended its capital investment plan and has applied for funds on behalf of the 300 West Waterline Project. Copies of the capital investment plan are available if anyone would like a copy. Heber City's application was successful in the regional rating and ranking process for the 300 West Waterline Project, and has been awarded approximately \$150,000.*

*The 300 West Waterline Project will involve the construction of 2,436 lineal feet of eight inch (8") culinary waterline along 300 West from 300 South to 200 North to replace the existing four inch (4") and three inch (3") waterlines which are now substandard as they do not provide adequate water pressure or meet current standards. Twenty new laterals will be connected from the new water line to the properties that are currently connected to the waterlines on 300 West. A fire hydrant will be placed at 100 West to provide fire protection in an area that currently lacks fire protection. The project's new waterline, laterals, and fire hydrant will serve 31 dwelling units and the engineer's estimated cost for the project is \$296,000.*

Mayor Pro Tempore Straddeck opened the Public Hearing and asked for comments from the public. No comments were received. Mayor Pro Tempore Straddeck closed the public comments portion of the Hearing and asked for discussion from the Council. No discussion.

Councilman McDonald moved to approve the Community Development Block Grant (CDBG) Project - 300 West Water Line Replacement. Councilman Mergist made the second. No comments.

Voting AYE: Eric Straddeck, Robert Patterson, Alan McDonald and Benny Mergist. Council Horner was excused temporarily for a family matter.

**Resolution 2011-04 – A Resolution to adopt a Promissory Note & Security Agreement between Heber Valley Historic Railroad Authority and Heber City Corporation:**

Anderson reviewed that in February when Craig Lacey, Heber Valley Railroad, approached the Council about a loan, the motion was to grant an additional \$10,000 if the RR could get some funding from other sources. Since that had happened, the proposed updated Resolution needed to list the interest rate and date of payment requirements. Councilman Patterson wanted 0% interest and payback at the end of the year. Councilman McDonald agreed with 0% interest and payback by December 31, 2011.

Councilman Patterson moved to approve \$10,000 loan to the Heber Valley Railroad Authority at 0% interest with pay back end of year. Councilman McDonald made the second. No further discussion. Voting AYE: Eric Straddeck, Robert Patterson, Alan McDonald. Voting NAY: Benny Mergist. Councilman Horner had left the meeting temporarily.

Mayor Pro Tempore Straddeck recognized the Boy Scout attending the meeting who was working on his Citizenship in the Community Merit Badge. Several students were recognized who attend Wasatch High School and who explained they needed to attend a public meeting to meet the essay requirement for their American Government classes.

**Awarding of Bid – Valley Hills Park Retaining Wall:** Mumford said the engineer's estimate for this project was \$90,000. The low bid was \$79,717.60 by Greg Allen Excavating. He referred to his memo and bid tabulation document. Councilman McDonald indicated he had talked with Mumford earlier in the day and was comfortable with the bid from Allen Excavating.

Councilman McDonald moved to accept the bid from Greg Allen Excavating in the amount of \$79,717.60 for the Valley Hills Retaining Wall Project and set the budget for the project at \$95,000. Councilman Patterson made the second. No further discussion. Voting AYE: Eric Straddeck, Robert Patterson, Alan McDonald and Benny Mergist. Council Horner was excused temporarily for a family matter.

**Ordinance 2011-04 – Amendment to the Heber City Municipal Code - 15.08.070D –**

**Building and Final Completion Bond:** Anderson addressed this issue by stating that several years ago the Council set a policy that the City would pay \$3 month interest on the \$1,000 building construction bonds that were put into place to guarantee completion of projects. He said it did not make sense to continue to pay this money since the City only received .5% interest on funds invested. Consequently, staff recommended this provision be eliminated.

Councilman Patterson moved to adopt Ordinance 2011-04 which amended 15.08.070D of the Heber City Municipal Code - Building & Final Completion Bond. Councilman Mergist made the second. Voting AYE: Eric Straddeck, Robert Patterson, Alan McDonald and Benny Mergist. Council Horner was excused temporarily for a family matter.

**Ordinance 2011-05 – Amending to the Heber City Municipal Code - 13.32.205 - Mandatory Requirement to pay for Secondary Water Irrigation Service:**

Anderson reviewed the Code in which it was required anyone having access to secondary irrigation to pay for that service whether used or not. The point was to encourage people to use secondary water and save culinary water. He indicated that this last year the City initiated the expansion of the system on Center Street which had added approximately 50 more users onto the system, some of which were customers of Wasatch Irrigation. He said the intent of this was to give those people the opportunity to connect to the system before mandatory billing commenced. At this point Anderson read the proposed amended 13.32.205. Anderson said that as he looked at the Code, it was not clear as to when people in developed areas, and when the City initiated the expansion of the system, would be billed for that service if it was mandatory to connect. It was indicated this would not apply to those customers of Wasatch Irrigation. He continued there were several who had connected onto the system last fall but approximately 20 that still needed to connect. Discussion about the purpose of the proposed ordinance being to encourage people to connect to the secondary system and conserve on the culinary system so as to not have to develop new sources, etc.

Mumford explained there were 11 users that had been ditch users that were forced off the ditch system. He said those people would not be billed by the City because they were customers of Wasatch Irrigation. However, the City would still need to inspect for cross connections, etc. He explained this was not meant to expand Wasatch Irrigation users--this only applied to those 11 people. Councilman Mergist wanted language added to this Ordinance clarifying the Wasatch Irrigation users, if they sold their shares, would then become customers of Heber City rather than Wasatch Irrigation. No further discussion.

Councilman Mergist moved to approve Ordinance 2011-05, an Ordinance amending the Heber City Municipal Code - 13.32.205 - Mandatory Requirement to pay for Secondary Water Irrigation Service with adjustment to the language with respect to Wasatch Irrigation users not

being charged by Heber City unless they sold their shares at which time they would become regular Heber City secondary irrigation customers. Councilman Patterson made the second.

Councilman Horner returned at 7:35 p.m.

Councilman Horner asked for clarification of the motion since he had not heard the discussion. Mumford said there was a distinction between people that owned Wasatch Irrigation shares that were not currently being served by the ditches and this was not an expansion for those people--it was only those people that were currently on the ditch system that the City took off the ditch that would be affected by the amendment. It was explained the purpose was to reduce the pool of culinary users on outside watering, not expand it.

Councilman Horner asked if someone currently on the ditch and moved to somewhere that had secondary water service were they able to transfer that water share or did that water share become stagnant. Mumford said the intent was to not transfer to other properties. Anderson said if it was a plated lot within a subdivision, they would be required to use the secondary system instead of flood irrigation.

Voting AYE on the motion: Eric Straddeck, Nile Horner, Robert Patterson, and Alan McDonald.  
Voting NAY: Nile Horner.

**Ordinance 2011-06 Amendment to the Heber City Municipal Code – 18.68.120 – Heights of Fences and Walls and Adopting 18.08.207 - Fence:** Mayor Pro Tempore Straddeck ask if Kohler wanted to make comment. Kohler responded only if the Council wanted some additional discussion. Councilman McDonald asked Kohler to explain the reasoning behind this Ordinance amendment. Kohler showed an overhead and explained basically what the amendment would do. Discussion. The Council indicated they wanted to eliminate item “J” on the proposed Ordinance. Councilman McDonald felt this was a better regulation. He said it gave more flexibility to homeowners and also gave them more freedom and privacy.

Councilman McDonald moved to approve Ordinance 2011-06, an Ordinance to amend the Heber City Municipal Code – 18.68.120 – Heights of Fences and Walls and Adopting 18.08.207 – Fence, as presented except to eliminate item “J”. Councilman Mergist made the second. Councilman Patterson said this was regressing back in time and stated he was not in favor of this amendment. Voting AYE: Nile Horner, Alan McDonald and Benny Mergist. Voting NAY: Robert Patterson and Eric Straddeck.

**Review proposed changes to the Heber City Personal Policy – Grievance/Appeal Board makeup (Continued from 05/05/2011):** Councilman McDonald had made several change

recommendations to this policy which Anderson had incorporated into the document in redline/strikeout format. The Council wanted additional time to review the changes.

Councilman McDonald moved to table this issue until the Council had time to review his proposed changes. Councilman Mergist made the second. Discussion. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

It was indicated this issue would be placed on the next Work Meeting Agenda. Councilman McDonald indicated he also wanted to have a form created which outlined a step by step process.

**Review proposed policy for Contracted Law Enforcement Services. (Continued from 05/05/2011 meeting):** Mayor Pro Tempore Straddeck referred to staff reports and also Councilman McDonald's comments that had been e-mailed to the rest of the Council. He questioned if this was really a Secondary Employment Agreement. Anderson said this was an agreement to be signed by people that wanted to contract with the City for a special event, etc., and not the officers. Mayor Pro Tempore Straddeck questioned the title. Anderson said the title needed to be changed because it was confusing.

Councilman McDonald suggested that numbers 3,5,6,7,8,9, fall under a secondary employment agreement and 1,2,6,10,11,12 fall under a different agreement. He stressed that the City needed two different policies. He wanted staff to draft those two agreements because it was too confusing when talking about secondary employment and situations where it was City employment. Councilman Horner agreed that this needed to be continued and have it placed on the next Work Meeting Agenda. He questioned why the City needed an agreement for secondary employment other than the fact the City allowed it to happen if the officers so chose to work outside the City employment. He wanted additional discussion in a work meeting and wanted staff to rewrite the policy.

Councilman McDonald moved to continue this item and place it on the next Work Meeting Agenda. Councilman Mergist made the second. No further discussion. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

Chief asked about RAGNAR next month. He asked the Council if they wanted him to tell the officers to not work. Council Horner said the only way to do this was if they come into City Council for discussion and that the City paid the wage. Chief Rhoades said there was not enough time for them to come before the Council. He said he had been given direction to not do anything until a new contract was in place. Councilman Mergist said that was not the direction—the direction was not work the train but to do RAGNAR; however, that had to be paid through the City.

Anderson referred to his staff report about rates the City would charge. Councilman Horner indicated the \$60/\$50 was approved last meeting.

As there was no further business Councilman Mergist moved to adjourn at 8:00 p.m. Councilman Patterson made the second. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

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Paulette Thurber, City Recorder

APPROVED 07/21/2011