

Heber City Corporation
City Council Meeting
06/02/2011
7:15 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on June 2, 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

Excused: Mayor David R. Phillips
Council Member Benny Mergist

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

Mayor Pro Tempore Straddeck excused Mayor Phillips as he was out of town. He also excused Councilman Benny Mergist as he was ill.

Others Present: J. Mark Smedley, Jerry Duke and Scott Murdock

Pledge of Allegiance: Mayor Pro Tempore Eric Straddeck

Prayer: Councilman Alan McDonald

Minutes: April 30, 2011 Special Budget Meeting

Councilman McDonald moved to approve the April 30, 2011 Special Budget Meeting minutes. Councilman Patterson made the second. No discussion. Voting AYE: Eric Straddeck, Robert Patterson, and Alan McDonald. Voting NAY: Nile Horner. Councilman Mergist was excused.

OPEN PERIOD FOR PUBLIC COMMENT

No public comment was received.

CONSENT AGENDA

Item 1: Local Consent – Off Premise Beer Sales – WalMart: Councilman McDonald moved to approve the request from WalMart for Local Consent for Off-Premise Beer Sales. Councilman Horner made the second. Mayor Pro Tempore Straddeck asked for discussion. Councilman Horner wondered whether there was a maximum number of licenses available. Kohler said there was no limit on off-premise sales. Councilman McDonald wanted Kohler to make sure WalMart personnel had a copy of the City Code in relation to beer sales. No further discussion. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, and Alan McDonald. Councilman Mergist was excused.

Scott Murdock, general manager of the Heber WalMart Store was in the audience. He indicated the plan was still to open August 17. He said they had not hired anyone yet but were moving into that phase. He said they would hire approximately 200 people and that tomorrow they would actually do hiring for key positions. He indicated that on July 11, as long as construction was ready, they would request a temporary Certificate of Occupancy in order to get the store stocked. He brought up the fact that they wanted to give back to the community and asked for suggestions of what they could do. He asked the Council to get back to him if they had any ideas. He said he also wanted to see the associates give back to the community by volunteering their time. He explained that WalMart matched that volunteer effort in the form of grants.

ACTION ITEMS

Item 2: Resolution 2011-06 – Park Usage Policy: Councilman McDonald said he was comfortable with the language in the Policy but wanted to add a waiver and hold harmless clause. Mayor Pro Tempore Straddeck said he had comments he wanted to address in Work Meeting. Councilman Horner wondered about insurance and if that was something the City required. Anderson said the City did ask them to provide a Certificate of Insurance. Discussion about Farmers Market and the fact it was sponsored by the City. It was pointed out the vendors had to sign an indemnification.

Anderson said he had talked with Wasatch County and when they had these kinds of requests, Mike Davis had some discretion about providing a separate policy or a rider on the County insurance.

Discussion about Wasatch Chevy and if they had insurance as a group. Anderson said one of the questions he had was the \$1,000,000 and \$2,000,000 figures and questioned if that was in line with policy. Anderson said it needed to be clarified whether the amount was \$1,000,000 per occurrence or aggregate. Anderson reviewed what staff thought would be appropriate uses of the Park and said it could be expanded on or subtracted from. Councilman Horner asked about stipulations for a rider on the City's insurance policy. Anderson indicated the City had provided riders for Cowboy Poetry--it had to be an event the City was sponsoring to add a rider. As far as Farmers Market, staff needed to look into insurance for vendors.

Mayor Pro Tempore Straddeck questioned #9 under park rules and asked why the City was stipulating a covered structure. Kohler said so it would not look like a flea market. He said it was to set a standard. Mayor Pro Tempore Straddeck said to simplify it needed to read either be covered or on a table. Councilman Horner suggested just saying the product could not be on the ground and must be contained in their particular area. Councilman McDonald agreed with Kohler that there needed to be standards. The Council wanted Kohler to come back with additional language. Councilman Horner wanted better clarification on insurance and what individual vendors were required to have.

Mayor Pro Tempore Straddeck asked why stakes were prohibited as listed in #1. Anderson said to protect the sprinkler system in the Park. It was pointed out sand bags or barrels were used for tents/awnings instead of stakes.

It was discussed that #3 was in place because animals were not allowed in the Park.

Mayor Pro Tempore Straddeck had a number of comments on the waiver and release form and wanted Smedley to look at this and put into a legal format. It appeared to him there was some duplication and he wanted Smedley to look at it. Councilman Horner asked about Chevys Car Show and if someone fell because of a hole in the ground at that event who would be responsible, Wasatch Chevy's or the City. Councilman McDonald said it would be the property owner. Councilman Horner said he did not think the City could be indemnified if it happened on City property. Councilman Straddeck said the indemnification was by the action.

Anderson was asked to forward the proposed document to Smedley for review on the issues discussed.

Councilman Patterson moved to continue Resolution 2011-06, Park Usage Policy. Councilman McDonald made the second. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, and Alan McDonald. Councilman Mergist was excused.

As there was no further business, the 06/02/2011 Regular Meeting of the Heber City Council adjourned.

Paulette Thurber, City Recorder

Approved 06/16/2011