

Heber City Corporation
City Council Meeting
07/21/2011
7:20 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on July 21, 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
Alan McDonald
Benny Mergist

Excused: Robert Patterson

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: Erik Rowland, Sandy Noonan, Mark Rounds, David Remington, Adrienne Ferustron, Jeffery M. Bradshaw, Larry Newhall, Tracy Taylor, Wendy McKnight, Tish Dahmen, Wendy Mair, Jim Moore, Nettie Moore, Tammy Mair, Thad S. Fitzsimmons, Salvador Segura, Eric Mainord, Xela Thomas, Glinda Straddeck and others whose names were not legible.

Pledge of Allegiance: Councilman Eric Straddeck

Prayer: Mayor David Phillips

Minutes: 05/19/2011 Regular Meeting

Mayor Phillips commenced the meeting at 7:20 p.m. He excused Councilman Patterson who was out of town.

Councilman McDonald moved to approve the minutes of the May 19, 2011, regular meeting. Councilman Mergist made the second. No discussion. Voting AYE: Eric Straddeck, Nile Horner, Alan McDonald and Benny Mergist. Councilman Patterson was absent.

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Phillips asked for comments on any issue not on the agenda. No comments were given.

CONSENT AGENDA

Approval – Lease Agreement – State of Utah, Department of Administrative Services, Division of Facilities Construction and Management, for the Utah National Guard – 300 Square feet of Office Space – Heber City Police Department: Chief Rhoades indicated this had been a good situation in the past and had no problems with a new lease.

Councilman Straddeck moved to approve the Lease Agreement with the State of Utah, Department of Administrative Services to lease 300 square feet of office space in the Heber City Police Department building to the Utah National Guard. Councilman McDonald made the second. No discussion. Voting AYE: Eric Straddeck, Nile Horner, Alan McDonald and Benny Mergist. Councilman Patterson was excused.

ACTION ITEMS

Ordinance 2011-08 – An Ordinance Abandoning Lot 16 of the Valley Station Subdivision: Anderson said the Council had approved this abandonment last meeting subject to getting some kind of acknowledgment from the developer. He said that Tony Kohler, who had been absent during last meeting, felt it would be better to place the change in ordinance form which could then be recorded. He said, too, that Mark Smedley felt this was a prudent way to accomplish this issue. Councilman Horner asked if there had been any discussion with the owners. Kohler said yes he had and they didn't care if the change was in letter form or ordinance form.

Councilman Straddeck moved to approve Ordinance 2011-08, an Ordinance abandoning Lot 16 of the Valley Station Subdivision. Councilman Mergist made the second. No further discussion. Voting AYE: Eric Straddeck, Nile Horner, Alan McDonald and Benny Mergist. Councilman Patterson was excused.

Approval – FAA Grant Agreement for Runway Painting, Etc.: Anderson indicated this issue was not yet ready. He said he had visited with FAA earlier in the day and was assured the grant would be forthcoming. Consequently, no action was needed tonight. The issue was continued.

Resolution 2011-07 – A Resolution to Complete two studies for a Five- and Ten-Year Public

Safety Service Plan: Councilman McDonald moved to approve Resolution 2011-07 and appoint part of the Council to participate in that study. He said he did not think there had ever been a study of this kind done before. Councilman Horner made the second. Mayor Phillips asked for discussion. Councilman Straddeck commented he was not opposed to studies but the way the Resolution had been worded was vague as to what was actually wanted and what was to be accomplished. He said it was too open and he wanted to tighten the language up and have discussion as to what was actually wanted. He said it wasn't defined enough for him as to the scope of the study. Mayor Phillips questioned who should do the study. Councilman McDonald said the Council. He said Chief Rhoades could give a lot of information/input for the part A study but the Council should take the lead. He suggested the Council be over the part A study and then on part B work with the County Council. Councilman Horner wanted as many County Council members on the committee as wanted to participate. It was felt if there were too many people on the committee it would be harder to come to a consensus.

Councilman Mergist said he wanted to see a committee... representatives from the Council, the Police Department and citizens. He felt if the citizens were involved, it would give a fresh perspective as there might be some bias on the Council and some in the Police Department. He said he was not opposed to this study or any study and felt sitting down and looking at an issue was beneficial.

Mayor Phillips asked about item B1. [City Council would work with the County Council in putting a board together to do a study on the pros and cons of having the Police Department incorporated with the Sheriff's Department] Councilman McDonald said he would like to see two City Council members, two County Council members and two citizens. Chief Rhoades thought it would have been nice to give the employees a heads up on what this was about. Mayor Phillips read the Resolution so those in the audience knew what was being proposed. Councilman McDonald said he wanted to look at combining some or all of the services. He pointed out that jail and dispatch services were already combined and suggested combining other services might also be worthwhile such as SWAT, training or other services.

Councilman Mergist did not agree with the suggestion that Wasatch County be involved in the first study and said he did not think the County should be involved in that. He said that was a City issue and involved City budget. However, he was not opposed to having the County involved in the part B study.

Councilman Straddeck said it seemed to him this really was not a resolution situation and that if the Council wanted to do a study, they should just do it. Take the first study and define the scope and parameters-what the goals and objectives were. Then take the second study and do the same thing. When the studies were defined, then the Council would be able to put together a group,

whether independent, inside the City or outside the city, or whatever, the Council would present to that group what their task would be—this is what to do, what time frame they had to do it in, the budget they had, etc., and they could then do the study. He felt trying to outline here what exactly the Council wanted to have done was not the right forum to do this. He agreed this was a study that was needed but did not think there was a need for a resolution—if the Council wanted a study, then just do it.

Mayor Phillips addressed Chief Rhoades and his staff because most of the officers and staff were in attendance. He asked if there was something they wanted to share. Chief Rhoades said their feelings were that this was pretty undefined as to what the study was going to do. He questioned if this was a bridge to consolidate, a bridge to do away with the Police Department or a bridge to downsize the Department. He said this was their jobs, their livelihood and they wanted to know what the intent was. He said this had blindsided them. He indicated the Council had come out with a new process for items on the agenda a couple months ago, that items would go to a work meeting first before a regular meeting, and they had not followed that process with this issue. He said they had no chance to work with the Council on this issue in a Work Meeting. He said he understood this was just a study but to the employees it meant their livelihood. Councilman McDonald indicated it was Mark Anderson who put it on the regular agenda. Anderson said the e-mail he received from Councilman McDonald instructed him to put the item on the regular agenda. Mayor Phillips indicated that was what he had read, as well. Councilman Horner emphasized the City needed this study. He said the Council needed to know in 10 years how many officers the City would need, what the cost would be, and the Council needed to know if the City had the public safety's best interest at heart. He said discussions needed to be part of the study and that this was a resolution to start a study--this was only a resolution to have a study. Chief Rhoades indicated he was not opposed to a study. He had concerns because the Department was blindsided because this item did not follow the procedure that the Council had determined would be followed. He said his Department felt they had been tripped up and thrown to the lions. Mayor Phillips suggested this issue be put on the next Work Meeting agenda.

Councilman McDonald did not want the Department to think this was solely consolidation and apologized if that was how this was interpreted. He just wanted to have a study done and look at all the options to enhance the Department and safety of the citizens.

Councilman Straddeck suggested if the Council decided to study consolidation, then that should be done first. He said there was no need to waste the time and money to do all of part A if there was a vote to combine the agencies. Councilman Horner disagreed and said both studies were needed. He felt it should be a hand-in-hand study.

Chief Rhoades said he agreed some parameters needed to be put in place and a 5- and 10- year plan was needed. He said that up to two years ago he always had a 5-year plan in place in

relation to cars and equipment. He wanted the Council to understand that as consolidation had been discussed at different times, he had talked with Sheriff Bonner and the Sheriff said he was not pushing this and did not want the City's problems or headaches. The Chief said in the month of June, the Police Department handled 1,006 cases and the Sheriff's Department handled 531 and the month we are in right now they have had close to 700 incidences and the Sheriff's Department had 360. He said the Police Department handled more calls than the Sheriff's Department. He said they had an armed robbery at 7/11 and within four hours the City's officers had the suspect in custody. He said his Department did a lot of things for this City and a lot of things the Council never saw. He apologized for not getting more of that information to the Council and said that would change. Chief Rhoades talked about the Fire Department and how that had changed life in Heber City because of consolidation. He said his Department got requests from the Fire Department to do things they don't want to do and aren't paid to do. But if the Fire Department was asked to do something specifically by the Police Department, they say it's not in their job description. He said if he were the Sheriff and had this downloaded on him, he would have parameters—no code enforcement—he would not do certain things. The reason why was because the Sheriff was an elected official and in order to be reelected, he would not want to make the public angry. He said he did not know what Sheriff Bonner would say, but if he, Chief Rhoades were the Sheriff, that was what he would say. He suggested if the Council wanted the City to keep its identity, if they wanted to say to the Police Department they wanted a specific thing done, consolidation was not the answer because control was lost if consolidation happened. The Council could not dictate to the Sheriff like they could to a Police Chief. He talked about Midway City and that he had been asked four times to take over Midway's law enforcement and he responded they could not afford it. He said if the Council wanted his Department to make changes, they would do it as long as it was legal and ethical. He concluded that the Police Department served the Council and the citizens of Heber.

Mayor Phillips said there was good in looking at the future. He talked about the numbers we looked at over the years and how things had changed. Councilman McDonald agreed to put this item on a Work Meeting agenda. Mayor Phillips suggested then that the Council would start from a Work Meeting and determine what studies should be done. It was determined this issue would be placed on the next Work Meeting Agenda.

Councilman McDonald withdrew his motion to pass Resolution 2011-07. Councilman Horner withdrew his second to the motion.

Approval of Early Voting Election Judges: Anderson indicated the Council needed to approve these names for early voting to meet the time frame of approval set by State Statute since the August 4th meeting had been cancelled.

Councilman Mergist moved to approve the names presented as early voting election judges. Councilman McDonald made the second. Voting AYE: Eric Straddeck, Nile Horner, Alan McDonald and Benny Mergist. Councilman Patterson was excused.

As there was no further business, the regularly scheduled meeting of July 21, 2011, of the Heber City Council adjourned.

Paulette Thurber, City Recorder

Approved 08/18/2011