

Heber City Corporation  
City Council Meeting  
August 18, 2011  
7:00 p.m.  
REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on August 18, 2011, in the City Council Chambers 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  
Deputy City Recorder Michelle Kellogg  
City Engineer Bart Mumford  
Planning Director Tony Kohler  
Police Chief Ed Rhoades

Others Present: Larry Newhall, Mark Rounds, Tracy Taylor, Jeffrey M. Bradshaw, Paul Berg, Erik Rowland, Lonny Reed, Dan Bunnell, Brian F. Baker-Zions Bank, Travis J. Thomas, Steve Helprin, and others whose names were not legible.

Pledge of Allegiance: Council Member Nile Horner  
Prayer: Mayor David Phillips

Minutes: Council Member Straddeck moved to approve the minutes for the July 21, 2011 Regular Meeting. Council Member Mergist made the second. Voting Aye: Council Members Straddeck, Horner, McDonald and Mergist. Council Member Patterson was excused.

***PUBLIC COMMENT***

Mayor Phillips asked for comments from the audience on topics not listed on the agenda. None were given.

***PUBLIC HEARING***

**Abandonment of a road at 250 South 600 East in the Paul King Subdivision, Plat A:** Mayor Phillips asked for the public notice to be read. Afterwards, he opened up the meeting for public comment. No comments were given. Mayor Phillips closed the public comment portion of the public hearing.

Council Member McDonald moved to abandon the road at 250 South 600 East in the Paul King Subdivision, Plat A. Council Member Straddeck made the second.

Voting Aye: Council Members Straddeck, Horner, McDonald and Mergist. Council Member Patterson was excused.

## *CONSENT AGENDA*

### **St. Lawrence Catholic Church – Fall Festival – Local Consent Application - Beer, Wine and Alcohol:**

### **Approval of Election Judges and Counting Judges for 2011 Primary and General Elections:**

### **Airport Grant Approval – Project 3-49-0011-23 – Rehabilitate Runway 3/21 Lighting, Marking and Signs:**

**Ordinance 2011-09 - Amendment – Heber City Municipal Code – 2.16.010 City Recorder - Powers and Duties Generally:** Council Member Straddeck asked if legal counsel had reviewed the ordinance, and wanted that done before this was voted on. He also questioned Section 2.16.010(D). He asked if the City Recorder was responsible for all records, would that include financial and police records. Anderson clarified that it would include agreements, contracts, minutes, agendas, and other records. Records not maintained by the City Recorder would include court and police records. Mayor Phillips suggested adding “in accordance with State Statute” to the language. The Council agreed to the additional language in the ordinance. Council Member Straddeck also asked for clarification on Section 2.16.010(O)(1)(c) concerning the efficient management of the City’s records. Kellogg explained the filing system and Anderson added that documents were currently being scanned and digitized for preservation and easy access. Concerning Section 2.16.010(O)(1)(d), submitting proposed schedules of records to the State, Kellogg explained the State Retention Schedule, which gave municipalities a minimum time period for retaining a certain document. If the municipality opted to retain documents longer than the minimum time period, it would submit its proposal to the State.

Council Member Mergist moved to approve all consent agenda items, and to include the additional language in Ordinance 2011-09, Section 2.16.010(D) “in accordance with State Statute”. Council Member Horner seconded the motion.

Voting Aye: Council Members Straddeck, Horner, McDonald and Mergist. Council Member Patterson was excused.

## *APPOINTMENTS*

**Resolution 2011-09 - Amendments to the Heber City Personnel Policy: Amendment to Article I of the Personnel Policy – Section 1.3, Personnel Committee: Article I, XI, and XII; Section 1-5 Definitions, Section 11-3 Procedures and Section 12 Grievance Board:** Anderson stated Resolution 2011-09 was in the same form that had been reviewed at the last meeting.

Council Member McDonald moved to accept Resolution 2011-09 - Amendments to the Heber City Personnel Policy: Amendment to Article I of the Personnel Policy – Section 1.3, Personnel Committee: Article I, XI, and XII; Section 1-5 Definitions, Section 11-3 Procedures and Section 12 Grievance Board. Council Member Mergist made the second. Council Member Straddeck

indicated he was in favor of the personnel policy changes but not in favor of only one person being the Appeals Board.

Voting Aye: Council Members Horner, McDonald, and Mergist. Voting Nay: Council Member Straddeck. Council Member Patterson was excused.

**Activa Plaza – Approve 2<sup>nd</sup> Amended Condominium Plat:** Mayor Phillips explained Activa Plaza wanted to reconfigure an area of the plat.

Council Member Mergist moved to approve the Second Amended Condominium Plat. Council Member Horner made the second.

Voting Aye: Council Members Straddeck, Horner, McDonald and Mergist. Council Member Patterson was excused.

**Resolution 2011-08 - A Resolution authorizing the issuance and sale of not more than \$1,500,000 aggregate principal amount of Sales Tax Revenue Bonds, Series 2011, of Heber City, Utah; Fixing the maximum aggregate principal amount of the Bonds, the maximum number of years over which the Bonds may mature, the maximum interest rate which the Bonds may bear, and the maximum discount from par at which the Bonds may be sold; providing for the publication of a notice of Public Hearing and Bonds to be issued; providing for the running of a contest period; and related matters:** Mayor Phillips asked if

the purpose of the bond was to pay for the pavement of the city streets. Anderson stated \$1 million would cover the cost of paving and the additional \$400,000 would retire the existing bond debt. Anderson stated in the draft proposal, it recommended a public hearing be held on September 15<sup>th</sup>, but since it was proposed on tonight's agenda to cancel the September 15<sup>th</sup> City Council meeting, he suggested combining a public hearing with an action on October 6<sup>th</sup>. Brian Baker from Zions Bank addressed the Council and stated there was a legal time period with bonding, and the process should begin now. He didn't want to request bids from financial institutions until the Council approved the resolution. Council Member Horner asked if the request was a conflict of interest for Zions Bank since it could bid, and would also be facilitating the selection. Baker indicated Anderson could receive the bids so they could remain confidential. Council Member Horner asked why Zions Bank was needed to put out the bid. Baker said as the financial advisor, he would help analyze the results, since these institutions would be offering a variety of options to financing.

Council Member Straddeck moved to approve Resolution 2011-08 - A Resolution authorizing the issuance and sale of not more than \$1,500,000 aggregate principal amount of Sales Tax Revenue Bonds, Series 2011, of Heber City, Utah. Council Member Mergist seconded the motion. Council Member Horner asked if the \$1.5 million bond would include paying off the current bond. It was indicated it would pay it off. He also asked why the City didn't know the exact paving cost. Mumford stated change orders could come up or the quantities could increase or decrease. Anderson said some of the cost would be paid for by Red Ledges, and some by the school district. Mumford talked about the contract price, and indicated there was a little cushion so the total City funds would not be expended. Council Member Straddeck asked if the debt payment was included in the budget. Anderson stated the budget would need to be amended.

Voting Aye: Council Members Straddeck, Horner, McDonald and Mergist. Council Member Patterson was excused.

It was agreed to hold the public hearing on October 6, 2011.

**Red Ledges – Plat Amendment – Consolidation of Lots 132, 133 in Phase 1:**

Mayor Phillips stated the Planning Commission voted unanimously for this consolidation.

Council Member McDonald moved to approve Red Ledges Phase 1, plat amendment, for the consolidation of Lots 132 and 133. Council Member Mergist made the second.

Voting Aye: Council Members Straddeck, Horner, McDonald and Mergist. Council Member Patterson was excused.

***ACTION ITEMS***

**Park Usage Policy:** Council Member Straddeck thought the need for a certificate of insurance was not needed. It was clarified a certificate was only needed for special events, and not for individuals wanting to reserve the pavilion. It was agreed to eliminate that paragraph on the Waiver and Release form and strike the certificate of insurance on the first page of the Application for Pavilion Rental.

Council Member Straddeck moved to approve the Park Usage Policy with the changes listed. Council Member McDonald seconded the motion.

Voting Aye: Council Members Straddeck, Horner, McDonald and Mergist. Council Member Patterson was excused.

***DISCUSSION/ACTION ITEMS***

**Cancellation of the September 15, 2011, City Council Meeting due to Utah League of Cities**

**and Towns Convention:** There was discussion about the Council attending this convention. It was agreed that the regularly scheduled September 15, 2011 City Council meeting should be cancelled.

**Budget Meeting Item:** Anderson stated one issue resulting from passing the budget was how to fund storm drain expenses since it could not remain as a separate fund. Council Member Horner wanted it to stay in the General Fund. Council Member Straddeck asked if expenses could still be tracked if storm drain was in another fund. Anderson indicated it could be broken down. He indicated the City had \$170,000 budgeted for this, which was high. Some of that was the Storm Water Master Plan, so the City could stay ahead of having regulations forced upon it by EPA. Anderson said he would feel comfortable increasing projected revenues to \$200,000 based on the recent performance of earnings. He reminded the Council of the Budget meeting on August 23<sup>rd</sup>, at 7:00 p.m. Mayor Phillips also informed the Council that the FEMA meeting would be August 25<sup>th</sup>, for Mayor Phillips, Anderson, and Tozier to talk about reimbursement for the damage to the flood canal. Council Member Straddeck suggested this would be a perfect place to use impact fees owed by Wasatch County.

With no further business, the meeting was adjourned.

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Michelle Kellogg, Deputy City Recorder