

Heber City Corporation  
City Council Meeting  
September 1, 2011

6:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on September 1, 2011, in the City Council Chambers 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
	Deputy City Recorder	Michelle Kellogg
	City Engineer	Bart Mumford
	Planning Director	Tony Kohler
	Police Department	Sgt. James Moore

Others Present: Erik Rowland, Larry Newhall, Mark Rounds, Mike Johnston, David Remington, Daniel Mauer, Mark Smedley, Cooper Skinner, Rikki Skinner, Lee Skinner, Dennis Roberts, Dave Kennamer, and others whose names were not legible.

Pledge of Allegiance: Councilman Robert Patterson  
Prayer: Mayor David Phillips

Minutes: May 28, 2011 Budget Meeting, June 16, 2011 Regular Meeting, June 16, 2011 Work Meeting

Mayor Phillips opened the meeting and welcomed all in attendance. He asked for a motion on the minutes.

Council Member McDonald moved to approve the above mentioned minutes. Council Member Patterson seconded the motion.

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

***OPEN PERIOD FOR PUBLIC COMMENTS***

Mayor Phillips invited the members of the audience to come forward and address the Council with any concerns not already listed on the agenda. No comments were given.

## *CONSENT AGENDA*

**Ordinance 2011-10 – An Ordinance Amending Chapter 2.20 of the Heber City Municipal Code – City Treasurer:** Council Member McDonald changed the word designed to designated, as that was a typographical error, and also added “under the direction” of the Director of Finance. Anderson asked the Council to look at Section 2.20.020(d), and wondered if the Council would like to put an amount in the blank. Council Member McDonald asked if the bond was a blanket bond. Anderson stated it was a Treasurer’s bond. Mayor Phillips asked if the amount would change year to year, and Anderson stated it would. Mayor Phillips felt the Council shouldn’t tie itself down by putting in an amount. It was decided to remove the blank and insert “an amount not less than that established by the State Money Management Act.”

Anderson stated there was a \$500,000 bond requirement, and the City had a \$650,000 bond, which was over the minimum. It was indicated this bond covered the Treasurer, and the premium was about \$450 per year. Council Member McDonald wanted it increased to \$1 million if the premium didn’t increase much more than \$100 per year. Council Member Straddeck asked Anderson to present bond amounts and premiums to the Council at the next meeting.

**Ordinance 2011-11 – An Ordinance Abandoning the Right-of-Way dedicated as part of the Paul King Subdivision Plat A – Approximate address - 250 South 600 East:**

Council Member McDonald moved to approve the Consent Agenda with the changes mentioned for Ordinance 2011-10. Council Member Mergist seconded the motion.

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

## *APPOINTMENTS*

**Cooper Skinner – Presentation on Proposed Eagle Scout Project – Landscaping improvement near the Commemorative Air Force (CAF) Hangar located at the Heber City Airport:** Cooper Skinner came forward and talked about the small field next to the airport museum. He indicated Boy Scouts went there to camp and to earn their aviation merit badges, but added it was not a good area for camping because of the weeds and the uneven ground. For his Eagle Project, he would install sprinklers and level the ground. Skinner asked permission to hook the sprinklers up to the airport water system, and indicated the hangar staff had agreed to mow and maintain that area.

Council Member Mergist asked if this project had been reviewed and approved by the Boy Scouts of America. Skinner indicated there was still more paperwork to do. Anderson suggested that he could use the existing water connection the CAF had. Then if it became a hardship for CAF, the City could help out. Council Member Mergist asked if Anderson had talked to CAF about the water. Anderson indicated he had not yet talked to them. Council Member Horner was pleased the City would be getting 2,500 feet of ground landscaped which would beautify the area, and which the City wouldn’t have to maintain. Skinner indicated he was trying to get the project done by September 30<sup>th</sup>.

Council Member Straddeck moved to approve Cooper Skinner’s proposed Eagle Project of Landscaping near the Commemorative Air Force Hangar. Council Member Patterson made the second.

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

Anderson requested approval for the City only charging the base water usage fee to CAF to cover the water usage for the landscaping. The Council willingly agreed.

**Ivory Homes – Mill Road Estates Phase 4 – Final Plat Approval of a 32 Lot Subdivision – Approval of Development Agreement:** Anderson indicated Ivory Homes asked to table this item.

Council Member Mergist moved to table the Final Plat Approval of Mill Road Estates Phase 4. Council Member Patterson seconded the motion.

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

**Rod Beckstead – YoBar – Discussion in relation to impact fees for a proposed addition:** Beckstead stated he was building an 8'x12' drive-through coffee building with no utilities. When he talked to Mumford, he was told this additional building would bring more traffic to the intersection than the former gas station had. He thought the \$2,000 fee was excessive. Mayor Phillips asked Mumford if he had explained where the fees came from. Mumford stated in looking at the figures from a different perspective, he was able to lower the number from \$2,000 to \$1,500. Beckstead asserted that \$1,500 was still unacceptable. It was suggested to make the building portable to avoid any impact fees. Beckstead stated he wanted to spend serious money and make this building nice-something that would fit in with the community.

Mumford explained he had books to help figure out these fees and that was how he came up with the numbers. Council Member Horner stated he thought \$1,500 was ridiculous and was happy Beckstead was in there beautifying that corner. He was in favor of doing away with the impact fee.

Council Member Horner moved to waive the impact fee charged to Beckstead. The motion died for lack of a second. Council Member McDonald stated the City had to be fair and charge the fee to all businesses. Council Member Horner disagreed and said there was no impact in this case, so no fee should be charged. Mayor Phillips indicated the engineer did the study, and Beckstead would build it with the hope customers would come to buy coffee.

Mumford stated he would like to help businesses but was stuck in the middle because he had to assess a charge. He explained the figures were taken from studies which gave an average impact. Sometimes it could come out a little high and sometimes a little low. But, Mumford continued, he couldn't pick an arbitrary number, and indicated this study was based on square footage. Council Member Mergist stated those numbers were taken from new buildings, and asserted Beckstead's business was in an existing building. He didn't think there was any extra impact, and said he had a hard time supporting that impact theory. Mumford stated the numbers had to be based on studies and not on what "feels right."

Council Member McDonald asked what the legal ramifications would be if the City Council waived the fee. Beckstead stated he hoped a compromise could be reached. Council Member Horner stated a compromise could not be reached because if the impact wasn't waived, the Council would have to go with Mumford's figure.

Council Member Mergist moved to mitigate the impact fee to \$500. The motion died for lack of a second.

Council Member Horner moved to mitigate the impact fee to \$1. Council Member Mergist made the second. Council Member McDonald asked who would pay if the fees were waived. Mumford stated the money had to come from somewhere. Council Member Mergist thought the \$1,500 would not have to be paid from the City fund. Council Member McDonald stated because of potential future litigation, he could not support that. Mayor Phillips said he felt the City never charged impact fees inappropriately.

Anderson read from the Municipal Code 15.16.060 Adjustment of Impact Fees. He thought paragraph C was more relevant to this situation, which indicated the applicant could submit his own studies. Council Member Horner couldn't understand why a coffee shop would get more traffic than a gas station, which was an unusual circumstance as described in paragraph A. Mayor Phillips called for a vote.

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

### ***ACTION ITEMS***

#### **Approve Notice of Easement Abandonment – Property located in Mill Road Estates Phase**

**II:** Anderson asked Mumford if the easement needed to be maintained. Mumford stated no maintenance would be needed. Mayor Phillips asked if the period for the Phase 4 final plat approval had lapsed. Anderson stated it had and now Ivory Homes would be coming back for re-approval. He further stated this easement needed to be abandoned to facilitate the approval of Phase 4.

Mumford stated when Ivory Homes received its first approval, the City assumed this was a temporary easement that would go away. Now, it was customary for the City to officially abandon these easements before plat approvals. Once Phase 4 was built, the easement would not be needed. Anderson suggested approving the abandonment subject to the completion of Phase 4.

Council Member Mergist moved to approve the easement abandonment in Mill Road Estates Phase 2, subject to the completion of Phase 4. Council Member Patterson made the second.

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

#### **Resolution 2011-07 - A Resolution to Complete Two Studies for a 5- and 10-year Public Safety Operating Plan:**

Council Member McDonald stated this Resolution was the same one the Council had previewed. He proposed a way to set up committees. He wanted five member committees for Part A and Part B, which would include one Council member on each committee as well as a Police Department representative, and also citizens from the community. He indicated he would volunteer to serve on Part A.

Council Member McDonald moved to accept Resolution 2011-07, to Complete Two Studies for a 5- and 10-year Public Safety Operating Plan. Council Member Horner seconded the motion. Mayor Phillips said Council Member Straddeck had wanted professionals on these committees as

well. Council Member McDonald stated law enforcement should be involved, and there were plenty in the valley that could help out. Mayor Phillips asked if the \$2,500 cost would be included in motion and Council Member McDonald stated he wanted that included in his motion. Council Member Horner seconded the \$2,500 cost addition to the motion. Council Member Straddeck stated he thought there had been no planning if \$2,500 was thought to be enough to cover this study. He thought it would cost much more than \$2,500. He indicated he was not against the study, but he was against approaching it in this manner. Council Member Patterson stated he was against the study.

Council Member Horner stated the study should proceed and if the group felt professionals were needed, they could ask for help. He indicated Chief Rhoades knew the needs of his department more than anybody else. Council Member Mergist stated Chief Rhoades could help in Part A, but there weren't enough monies set aside to do a comprehensive study, especially for Part B. He continued it was not a matter of recruiting volunteers, it was the information they would need to make a good decision. He thought more than \$2,500 should be set aside.

Mayor Phillips asked if the volunteers would be from Heber. Council Member McDonald stated they would not all be from the Heber City Police Department, but he wanted somebody in there from the Heber Police Department.

Council Member Mergist wanted to know the costs of a new law enforcement building, a remodeled building or finding a new location altogether. Council Member McDonald indicated the committee would discuss the options and then give the Council direction and create the scope of work. Council Member Straddeck emphasized that this was the wrong way to go about this project. He said the Council shouldn't organize the committee and say, "you tell us what you want to do and how big or small you want it to be." He continued, the Council should get together, consult with staff and other professionals, define a scope, and then give direction to the committee concerning the needs and budget of the project. Mayor Phillips agreed that without direction, the committee would flounder. He also said in meeting with the Police, they weren't concerned about Part A, but were very concerned about their jobs and were concerned that the City would abandon them and turn the Police Department over to the County.

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

**Resolution 2011-10 - A Resolution Amending Section 13.26 of the Heber City Personnel Policy – Insurance:** Anderson forwarded this Resolution to Select Health and they said they would follow the minimum standard according to the law. Mayor Phillips clarified that this Resolution would affect the two recently retired employees. It was indicated the City was now using a different health plan so it would allow these retirees to be insured by COBRA for 18 months, after which the City would provide them the same amount of money offered to a single employee with insurance for the next 42 months.

Council Member Horner asked how the policy read now. Anderson referred to the packet and noted the changes. Council Member Horner felt the City should no longer offer five years of insurance to a retiree that had given 25 years of service, but only the 18 months of COBRA. Discussion on COBRA benefits.

Anderson stated this would take the existing policy and set it into terms that we could comply with. Anderson indicated the only difference was that the City couldn't offer insurance past the Cobra period. It was noted that a spouse or dependents could be insured, but the additional premium cost would not be the City's responsibility.

Council Member Straddeck moved to approve Resolution 2011-10 - A Resolution Amending Section 13.26 of the Heber City Personnel Policy – Insurance. Council Member Patterson made the second. Council Member McDonald suggested moving the 2% administrative fee of the premium payment obligation to the COBRA participant. It was decided the City could not lower the premium amount.

Straddeck added to his motion, “The COBRA participant is obligated to pay the health plan premium.”

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

With no further business, the meeting was adjourned.

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Michelle Kellogg, Deputy City Recorder