

Heber City Corporation
City Council Meeting
October 6, 2011

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on October 6, 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
Police Department Chief Rhoades
Lt. Bradley

Others Present: Erik Rowland, Jeff Bradshaw, Tracy Taylor, Daniel Mauer, Larry Newhall, David Mills, Adrienne Mills, Janette Hall, Jenny Cook, Martin VanRoosendaal, Mark Rounds, Mike Johnston, Jerry Duke, Dennis Roberts, Todd Cates, Randy Larsen, Rich Hansen, Lindzi Bell, Mike Carlton, Trevor Edwards, Deidre Edwards, Brian Baker, Ruth Holmes, Ferris Holmes, Renee Braday, Glinda Straddeck, and others whose names were not legible.

Pledge of Allegiance: Mayor David Phillips

Prayer: Council Member Alan McDonald

Minutes: 06/02/2011 Work; 07/07/2011 Work; 07/07/2011 Regular; 07/21/2011 Work; 07/30/2011 Special; 08/09/2011 Truth & Taxation PH; 08/18/2011 Work; 08/18/2011 Regular; 08/23/2011 Budget PH; 09/01/2011 Work; 09/01/2011 Regular; 09/26/2011 Special

Mayor Phillips opened the meeting and excused Council Member Patterson. Council Member McDonald moved to approve the minutes listed above. Council Member Mergist made the second.

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

Mayor Phillips recognized Ferris Holmes, Scout Troop 212, Second Class, and welcomed him to the meeting.

PUBLIC COMMENTS

Mayor Phillips opened the floor to those desiring to make comments not related to the agenda. None came forward.

PUBLIC HEARING

Public Hearing to receive public input regarding: (1) 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, and (2) any potential economic impact that the improvement to be financed with the proceeds of the Series 2011 Bonds may have on the Private Sector:

Anderson stated the Council adopted a Parameters Resolution in August, and indicated Randy Larsen and Brian Baker were in attendance to answer any technical questions the Council had regarding the bond. He continued the purpose of the bonds was to pay for the current road construction in the City. This hearing would give the public an opportunity to voice their support or opposition to the bonds. The intent was to borrow \$1.4 million, and pay it back in five years using Class C road funds. Mayor Phillips opened the hearing to the public. No one came forward with comments. Mayor Phillips closed the public comment portion of the meeting and turned the time over to the Council for discussion. No comments were given.

CONSENT AGENDA

Approve Villas at Red Ledges Phase 1C – Plat Amendment for Lots 3 and 4: Mayor Phillips indicated Ivory Homes asked to table this item.

Muirfield Bridge – Agreement with Spring Creek Irrigation: Anderson stated Linden Maxfield with Spring Creek Irrigation Company had requested a few changes to the agreement in the packet. Mumford passed out the changes and indicated he wanted to formalize permission to put the bridge over the canal. He stated Spring Creek wanted the City to refer to them as Spring Creek Irrigation Company and Sage Brush Irrigation Company. In the new agreement, the dimensions of the bridge were also defined, being 11'x5'. Mumford indicated he told Spring Creek he would measure that area before agreeing to their required measurements.

Mumford also stated Spring Creek wanted to strike out the sentence that this agreement superseded all other agreements, and didn't think that would be a problem. Anderson asked if staff could amend the bridge dimensions saying it could be no larger than those listed. Council agreed to have Mumford measure for the optimal measurements.

Council Member Straddeck moved to approve the amended agreement with Spring Creek Irrigation Company/Sage Brush Irrigation Company for the construction of the canal bridge contingent upon staff coming to an agreement with the irrigation company on the dimensions. Council Member Mergist made the second. Council Member Horner suggested striking the specific dimensions in the agreement. The motion was amended and seconded.

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

Approval – UDOT Aeronautics – Cooperative Agency Agreement for FAA Grants AIP 3-49-0011-21, AIP 3-49-0011-22 and AIP3-49-0011-23: Council Member McDonald moved to approve the UDOT Aeronautics Cooperative Agreement. Council Member Mergist seconded the motion.

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

APPOINTMENTS

Red Ledges – Phase 2A – Final Approval of an 11 lot Subdivision: Council Member McDonald moved to approve the request from Red Ledges for Phase 2A, final approval of an 11 lot subdivision. Council Member Mergist made the second.

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

Chay Eysser – Request to Extend the Recording period for Block 103 Commercial Condominium Plat: Anderson indicated staff had no objection to the extension being granted. Council Member Straddeck asked when they were going to start construction. Mayor Phillips recalled they were working with other property owners for parking, but that had been several months ago.

Council Member Straddeck moved to extend the recording period for Block 103 Commercial Condominium Plat. Council Member McDonald seconded the motion.

Council Member Horner asked what the deadline was. Anderson indicated the first recording was October 7, 2010 so it would expire tomorrow. Council Member Horner wanted to know what the issues were that held up this development. Council Member Mergist stated part of the issue from Wasatch Auto's perspective was that things were being proposed that Wasatch Auto didn't feel were needed.

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

Anderson stated there was concern with the easement to the north and the Tate Building, which Mr. Stone owned. It was something Eysser wanted the City to get involved in, but it was determined to be a civil matter.

Aspen Pointe Subdivision – Approval of Second Subdivision Agreement: Mumford stated Rich Hansen was representing the new developer, Russ Stokes. He explained there was a new development agreement to get everything started. Included with that was a new performance agreement with deed restrictions on some lots and the supplement to the warranty bond. Stokes' intent was to get building permits and begin construction on the lots that already had asphalt, and then in the spring get the remaining building permits.

Mayor Phillips told Hansen when houses were in the construction phase, the City asked builders to put up fences to keep tumbleweeds from blowing to other subdivisions. Hansen indicated he was a lender, and further stated he was interested in finishing the development of the first 35 lots. He stated there were over 80 lots in the subdivision. Council Member Horner asked how

many lots his group owned. He stated they owned 70 of the 81 lots, but they would like to acquire all 81. He indicated that the previous developer was a creditor to him. He stated he would prefer selling the subdivision to one developer, but more than likely he would sell parts of the subdivision to different small developers.

Council Member Horner asked what the chance was of not finishing the project at all. Hansen said it would be slim, as they had no debt on the property. He had already committed money to Heber Light and Power and Questar, plus having the bond with Heber City. Council Member Straddeck asked Mumford when he anticipated having the sidewalk on 600 South completed. Mumford stated this fall most of it would be installed.

Council Member McDonald moved to approve the Aspen Pointe Second Subdivision Agreement. Council Member Straddeck made the second.

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

AutoZone – Lot Split/Small Subdivision – Located at approximately 801 South Main Street: Anderson stated the conditions the Planning Commission imposed were contained in the staff report, and explained AutoZone agreed to comply with those conditions.

Council Member McDonald moved to approve the AutoZone lot split on the condition that AutoZone complied with the conditions set by the Planning Commission. Council Member Straddeck seconded the motion.

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

ACTION ITEMS

Consideration for adoption of an authorizing Resolution finalizing the terms and conditions of the issuance and sale by the City of its Sales Tax Revenue Bonds, Series 2011 in the aggregate principal amount of \$1,400,000; awarding and confirming the sale of said Bonds; authorizing the execution by the issuer of a Master Resolution and other documents required in connection therewith; and related matters: Council Member Straddeck moved to approve Resolution 2011-20R, a Resolution authorizing the issuance of \$1.4 million in Sales Tax Revenue Bonds for Road Improvements. Council Member Mergist seconded the motion.

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

Anderson commented that the interest rate average of 1.75% was a very good rate for these bonds.

Adoption of Police Department Outside Employment Policy and Associated Agreements: Mayor Phillips stated Lt. Bradley, Council Member McDonald, and Chief Rhoades worked many hours on this agreement. Lt. Bradley stated the Council was concerned about probationary officers having secondary employment. He indicated that an amendment was added to the

agreement since the last meeting which gave Chief Rhoades the authority to authorize secondary employment for those in good standing.

Council Member Mergist moved to approve the Police Department Outside Employment Policy and associated agreements. Council Member McDonald made the second.

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

Council Member Straddeck moved to go into Closed Session for pending litigation. Council Member Horner seconded the motion.

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

Council Member McDonald moved to come out of Closed Session. Council Member Horner made the second.

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

With no further business, the meeting was adjourned.

Michelle Kellogg, Heber City Deputy Recorder