

Heber City Corporation
City Council Meeting
01/20/2011

6:35 p.m.
WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on January 20, 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
	City Recorder	Paulette Thurber
	City Engineer	Bart Mumford
	City Planner	Tony Kohler
	Chief of Police	Ed Rhoades

ULCT Spring Convention – St. George – April 13-15 – Reservations have been made at the Hilton Garden Inn: Mayor Phillips reminded the Council of this conference. It was indicated the Hilton Garden Inn was right next door to the convention center.

Daniel Irrigation Company Annual Meeting – Wednesday – February 2 – 7:00 p.m. – Senior Citizen Center – Appointment by Proxy: Anderson said a notice of this meeting had been placed behind Tab 7. He indicated Heber City had a few shares and those shares needed to be voted.

Extension Irrigation Company Annual Meeting – Saturday – February 5 – 10:00 a.m. – Senior Citizen Center – Appointment of Proxy: Councilman McDonald said he would try and make it. It was indicated Mayor Phillips would be on vacation. Anderson said there were no issues with this Irrigation Company. Councilman Horner said he would be attending this meeting.

Wasatch Irrigation Annual Meeting – Saturday – February 5 – 11:00 a.m. – Senior Citizen Center – Appointment of Proxy:

Anderson said as many Council Members as possible needed to attend this meeting. He said the Council needed to determine who would be voting shares. Councilman Horner suggested they might try and change the bylaws before the proxy vote was taken. Councilman Mergist said they fully planned to vote on bylaws at that meeting. Councilman Horner said he would be attending this meeting. He asked who the Council wanted to nominate to the Board to represent Heber City. Anderson said Kent Shelton had expressed an interest in serving as had Jim Smedley. Councilman Horner asked if they were both qualified. Anderson said yes. Councilman Horner wanted to know if the City wanted to try and transfer shares. Anderson said he did not think the Irrigation Company would allow the City to do that based on past experience. Anderson indicated the Council would be meeting on February 3 and there could be discussion at that time.

Review letter from Wasatch Irrigation Company: Anderson indicated the City had paid its assessment a couple weeks ago and challenged their method of figuring the fees. Referring to a letter from Clyde/Snow, their response was that they had showed the City in 2009 how those charges were figured and would show the City again during the meeting on February 5. Anderson said he had reviewed what was presented in 2009, and what was indicated at that time was 40% of their costs were administrative and 60% operating. He said if they only charged what was allocated administratively it would be \$16/lot. He said they only charged \$10. He said he personally did not have an issue with them charging a per/lot charge but there was no nexus to reach into every lot in every subdivision. Councilman Mergist discussed that the City challenged them on the per-lot charge. Councilman Horner said the problem was Wasatch Irrigation Company could not impose, with the bylaws in place right now, a different fee to one shareholder over another. He said the CUP was trying to get Wasatch Irrigation to charge this fee for them (this was a direct charge for the CUP). Mayor Phillips said the last proposed bylaws he had seen proposed putting two Heber City councilmen on the Board. He indicated that at one time the Council had talked about Councilman Horner and Councilman Mergist being on that Board. He felt the City had to go in with a plan. Councilman Horner felt the City should not vote in favor of the bylaws. Councilman Mergist felt the City and the Irrigation Company were at an impasse and the City needed to move forward and down another avenue, and if that meant litigation/mitigation, the City should move forward. He said the Council had met with them three times and it was evident they would not be changing their position. Councilman Straddeck said he had never been associated with an organization that blew off their owners like this company did the City Council. He said he could not believe it.

Review proposed repair and estimated cost to install a second culvert in the Spring Creek Channel – Discuss request to help cover homeowner claims:

Anderson said Mumford and Tozier had looked at the Spring Creek Canal issue and proposed putting in a 52" squash culvert next to the existing one. Councilman Mergist said he had a problem with a squash culvert and

had envisioned a square box concrete culvert when earlier discussion had been held. He said that kind of culvert was more expensive but it carried a lot more weight, was easier to clean and provided a bridge. Anderson said some of the concern was that the area was in a low-flow period of time right now and the longer the delay, the more water the crew would be fighting during installation. Councilman Mergist said the concrete culverts were precast sections and suggested it was no more trouble than a squash culvert. Anderson said the number for a 54" squash culvert was \$5,700. He said he would get a price for a concrete box and send that out to the Council next week. Councilman Mergist felt installing a squash culvert was asking for trouble down the road. Anderson said there had been requests from the homeowners for financial help from the City. He said he had talked to the insurance company about the situation and they had indicated the City was not liable. His question was then, did the Council want the homeowners referred to the insurance company or not. Councilman McDonald said he would like to help the homeowners but did not think the City could. Councilman Straddeck said that was why the City had insurance. Anderson said the insurance company had indicated it had been an abnormally high water year and there would be a lot of claims in the State. Councilman Horner said he felt sorry and would like to be able to help them. He felt the only way he could see that the City contributed to the problem was the fact the City might not have alleviated the problem quickly enough. He suggested that was what the homeowners would have to prove to the insurance company. Anderson said he would refer and claims to the insurance company.

Review draft coordination letter to be sent to the Central Utah Water Conservancy

District: It was indicated that Councilman McDonald had worked with Smedley on this draft letter. Anderson wanted the Council to look at that and be comfortable with it before it was mailed. Councilman McDonald said he was comfortable with it. He suggested it also had to go out to the State coordinator. Council was okay for the letter to be prepared for the mayor's signature.

Discuss inquiry from Millstream Properties LLC regarding the sale of .57 acres of land they currently lease from the City on Airport Road:

Anderson indicated that Brad Lyle of Millstream Properties had contacted him about this issue. An overhead was shown of the property they were currently leasing from the City. They had asked if the City would consider selling that property to them instead of just leasing. Anderson said the agreement we had with them outlines they had a first right of refusal if the City ever decided to sell. Councilman Horner said he was not interested in selling. Councilman Patterson said he did not have a problem with selling. Councilman McDonald said no as did Councilman Mergist and Councilman Straddeck. Anderson said the rate of return on the money the City received on the lease was more than the City would get if that same money was in the bank.

Review of 2nd Quarter Financial Statement: The Council was provided the second quarter Financial Statements.

Reports from other Boards: No reports were given.

As there was no further Work Meeting business, the Heber City Council Work Meeting of January 20, 2011, was adjourned.

Paulette Thurber, City Recorder

Approved 02/03/2011