

Heber City Corporation  
City Council Meeting

August 18, 2011  
6:00 p.m.

WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work 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 Department Ed Rhoades and  
Jason Bradley

Mayor Phillips opened the meeting. Anderson mentioned one item not on the agenda was the results of the City Survey, which would be distributed at the close of the meeting. Council Member McDonald stated he would be out of State for the budget meeting, so would phone in to be present. Anderson indicated Council Member Straddeck would also be calling in for that meeting.

**Draft RFP – Water/Pressurized Irrigation/Sewer/Storm Drain Rate Analysis:** Anderson stated Mumford and he had worked together to put this proposal together and they were looking for approval from the Council so they could proceed. Council Member McDonald liked the proposal but wanted to push for a utility basis analysis. Anderson said he would have both a cash needs analysis and a utility basis analysis done. All Council members gave their approval to proceed.

**Review Policy for Contracted Law Enforcement Services:** Anderson stated Council Member McDonald and Lt. Bradley had been working on a proposed policy for contracted law enforcement services. Mayor Phillips asked if the language in the proposal would help avoid problems in the future. Anderson stated in the proposed policy, there were clearly set services the City would provide, which would be for law enforcement services, and any compensation provided for services or equipment would be paid through the City. Council Member McDonald commended Lt. Bradley for his efforts. Lt. Bradley said this was a policy that had been in place for awhile but changes were made to accommodate concerns. He referred to the packet materials which contained the proposed policy and the supporting documentation. Lt. Bradley stated if law

enforcement services were requested, the company would pay the City, which in turn would pay the officers. He said there were also restrictions placed on the officers if they wanted secondary employment. Lt. Bradley asked the Council for a consensus on this policy so he could send it to the State, and thereby be in compliance with the State law.

Council Member Straddeck asked about the term “outside overtime.” Lt. Bradley stated the definition for outside overtime was working for the Police Department on an outside job at time and a half wages. Also in the contract was a car charge of \$100 per day.

Council Member Straddeck objected to probationary officers not being allowed to have secondary employment. Council Member McDonald stated this language came from two law enforcement manuals. Council Members Mergist and Horner were in favor of leaving the language as written. Council Member Straddeck asked about the prohibited secondary employment. Lt. Bradley stated he compiled the list but took it from other agencies. The list consisted of jobs that might possibly conflict with the job as a law enforcement officer, such as a tow truck driver.

**Muirfield Park Trail (MPT)– HOA Report:** Larry Newhall and Mark Rounds were present. Newhall stated he was here on behalf of the Muirfield HOA. He was asked at the last meeting to talk to the neighbors in the HOA concerning the proposed trail, and wanted to report back to the Council. He stated in talking to 23 homeowners, two had objections to the trail altogether, and two thought there was no advantage of having access to the trail from their properties. They wanted a fence separating the property from the trail, and also wanted signage posted for the designated parking area. Newhall then talked with Rounds and Mumford, and asked if dogs would be allowed on a leash at the MPT. He was told the park would be constructed in three phases and the dog park was not in the current phase. Newhall asked if the access road would connect Muirfield with Elmbridge, and indicated the residents understood that access to Elmbridge from HWY 40 was to Elmbridge only and not a through road to Muirfield. Mumford thought the road would proceed from Elmbridge to Muirfield.

Newhall stated the canal grasses would be mowed twice per year, and the park would be managed one time a week. He suggested posting bilingual signs pointing the way to the parking area at the park. He also indicated the HOA wanted the trail moved 25-50 ft. back from the property lines. Council Member McDonald asked Rounds if a new walking trail could be cut further north and Rounds indicated it could be done. Newhall stated the residents had asked if bikes or horses would be allowed on the trail, but stated the biggest issue from the homeowners on 200 West was the apparent connectivity from 750 North to Highway 40. He indicated it was the understanding from a meeting in 2007 that the road would not connect. Council Member McDonald requested a copy of Newhall’s notes. Newhall indicated he would email his notes to Mumford. Mayor Phillips asked Mumford to get a copy of those notes to the Council and himself.

Mayor Phillips asked Kohler if the park rules just passed by the Council would apply to this proposed park. Kohler replied most of those rules were intended for parks with pavilions but the other rules should be applicable at the MPT as well. Newhall suggested dog stations at certain points of the park to encourage owners to clean up after their dogs.

Mumford said the HOA proposal included shifting the trail further north, installing dog stations, adding signage, and directing traffic to 200 West. Council Member Mergist asked to see a barrier

of some sort, preferably a buck pole fence, along the property line between the City and the homeowners. Mumford stated a three to four foot rail fence would also be installed along the trail.

Council Member Straddeck asked if there was a cost associated with each of the three phases of this park. Rounds indicated the first phase would cost \$3,000-\$4,500, coming from park impact fees. Council Member Horner liked Council Member Mergist's suggestion on the boundary fence. Council Member Straddeck wanted to see a cost estimate on the fence. The Council approved the moving of the trail northward 25-50 feet. Mayor Phillips stated the Council would compose a list of items to proceed on after they were decided upon. Mumford stated concerning the access issue, he would need direction soon or the access road would go from Highway 40 to 200 West. Mayor Phillips asked Mumford to bring the plans for Elmbridge to the next work meeting.

**Review Draft Resolution - Studies for Public Safety 5- and 10-year Operating Plan:**

Council Member McDonald proposed continuing with the study. He didn't think there would be a huge cost involved if volunteers were asked to participate. Mayor Phillips stated he talked to Chief Rhoades, and that combining departments with the County was not the underlying issue, but rather there were several issues to consider. Anderson stated Chief Rhoades had some suggestions concerning this study. Chief Rhoades reviewed the handout in the packet and gave credit for the material to a New Jersey police department. Mayor Phillips asked for a copy of the New Jersey materials. Council Member Straddeck stated he was in favor of a study but wanted professionals to study the data, just as the Council did with City financial studies. He asserted this issue was very important; thus law enforcement and safety shouldn't be handled by the average citizen. Mayor Phillips suggested looking to see what other communities did as they did their studies.

Mayor Phillips asked if the Council wanted to be part of the study group or have a committee set up that would report to the Council. Council Member Horner stated he preferred having at least two Council members involved in each committee. Council Member Mergist liked the idea of professionals analyzing the data, as well as looking to other cities' studies, and asking those leaders why they consolidated: whether for budgetary reasons, it was required for the best interest of the community, cost effectiveness, and how it had worked out so far. He wanted to hear the input from those leaders. Anderson asked the Council if they were willing to implement the results of the study without public consent, and stated if they wouldn't act without that consent, they shouldn't get involved with study until public opinion was made known. Council Member Mergist stated according to the BYU study, there was support for consolidation. Chief Rhoades said according to his materials, there were four reasons for doing a survey. He quoted the International Association of Chiefs of Police, "All too often, jurisdictions considering consolidation rush into spending thousands of dollars to hire consultants to conduct a study and recommend for or against consolidation. The step most often missed is that of gauging the existing local city and/or county support for consolidation of any kind. If no consensus to move toward consolidation exists, consultant recommendations to consolidate are premature and of little value. Jurisdictions must first gauge if law enforcement personnel, local and county officials, and citizens actually want to proceed with consolidation, and generally view such step as feasible politically and financially."

Council Member Horner indicated he was in favor of the study because he wanted to know the Police Department needs in five to ten years and the costs associated with those needs, so he

could determine how the citizens would be best served. Council Member Mergist thought legal counsel would be beneficial as well. All agreed to move this Resolution to the regular City Council meeting agenda. Mayor Phillips stated he would approach Sheriff Bonner to discuss the thoughts of the Council. Council Member McDonald suggested a Council member go with him to that meeting. Council Member Horner suggested also meeting with the County Council since they had a say in the funding.

**Change Orders – Airport Snow Removal Equipment Building (SRE):** It was determined the door hardware wasn't included in the bid. Council Member Horner stated that omission was an engineering problem and Armstrong Consultants should be held responsible. Anderson requested the Council approve the \$429.85 change order. Council Members Horner, Mergist, and McDonald stressed he wanted the engineers to pay for tsince it was their error, but would agree to pay it so as not to hold up the project, and afterwards request reimbursement. Council Member Straddeck stated since it was not done wrong, but only left out, the City should pay for it. Anderson asked if the \$429.85 could be paid with FAA grant funds. Council Member Horner re-stated he wanted the engineer to pay. Council Members Straddeck and McDonald wanted to hear from the engineers. Council Member Mergist didn't want the City to pay it. Anderson also mentioned he authorized payment for the gas line installation in order to keep the project moving.

**Review - Powers and Duties: City Treasurer:** Anderson stated 2.20.010(c)(1) conflicted with the job description for the Finance Director. Council Member McDonald indicated the language for the Treasurer was taken directly from the State statute. Mayor Phillips asked Anderson to get clarification on this language. Anderson recommended in paragraph six, the language be changed from "prepared" to "approved". The Council said "prepared" could be interpreted as authorized. Council Member McDonald also suggested excluding City Recorder as an alternate check signer. Anderson stated he could report back on the bond amount for insurance. Council Member Straddeck asked Anderson to correct the word treasures to Treasurer in paragraph seven. This item was moved to the next regular City Council meeting.

**Utah League of Cities and Towns Convention Registration:** Mayor Phillips encouraged all to fill out and return their registration forms.

Anderson distributed the City Survey results and asked the Council to review them for future discussion.

With no further business, the meeting was adjourned.

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Michelle Kellogg, Deputy City Recorder