

Heber City Corporation  
City Council Meeting  
February 18, 2010

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 18, 2010, 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	Allen Fawcett
	City Planner	Anthony Kohler
	City Planning Office	Jason Boal
	Chief of Police	Ed Rhoades
	Police Department	Jason Bateman

Others Present: Amanda Jones, Russ Neff, Fred Schloss, Kieth Rawlings, Rachel Frank, Jenny Rowser, and Steve Meeks.

Pledge of Allegiance:	Councilman Eric Straddeck
Prayer:	Councilman Benny Mergist

Mayor Phillips recognized the Scouts in the audience.

***OPEN PERIOD FOR PUBLIC COMMENT***

Mayor Phillips invited anyone wishing to address the Council on items not on the Agenda, to do so. No Comments were received.

***APPOINTMENTS***

**Amanda Jones and the Command Council of the Utah Civil War Association – Civil War Reenactment:** Ms. Jones thanked the Council for allowing her and the Command Council of the Utah Civil War Association to make a presentation. They presented Mayor Phillips, the

Councilmembers and Mark Anderson a cup of lemonade and a piece of corn bread. She introduced the rest of her party: Jenny Rowser, Russ Neff, Rachel Frank, and Steve Meeks. Neff said reenactments had been taking place in the lower valley for a quite a while. He said when Jones approached him about doing an event in Heber, he was excited. Neff said he turned to the event enactment people from Spring Mountain in Las Vegas, Nevada, for suggestions who had been doing their event for about four years. He provided an outline and possible schedule. He indicated that in order to have help from people outside their organization, they may require a bounty and asked for support and help from the City in support of this event.

Councilman Mergist asked where they proposed to hold the event. Jones said they had looked at the Heber Old Village. However, if there was an actual reenactment, it would be at Southfield Park. She said they had also looked at Soldier Hollow, but didn't know if their event could support that cost yet. Neff said he wanted to put together a web site, get information out, and see what interest they might get for help.

Councilman McDonald wondered if there would be a cost to attend. Neff said with the economy they might not have an entrance fee, but in some areas \$1.00 was charged. Councilman Mergist asked if they would be interested in a marriage between Cowboy Poetry and their event. Jones did not think that was appropriate. She suggested there was a separation between cowboys and mountainmen and this type of event (Soldiers). Neff said they were looking at September to put on the event. Discussion about holding the event when school was in session so there could be field trip situations for the school children. It was felt that the educational part of this event was important for school aged kids. It was pointed out there was a gentleman that taught at the charter school in American Fork that had a lot of knowledge about the Civil War era. Also there was a man in Manti that made clothing of that era and he would be interested in displaying his clothing in a museum-type setting. Neff said a soldier's life had a lot of aspects and there were people from all over that could bring that information to this event. It was indicated they were a non-profit organization and couldn't spend a lot of money. However, they had always had a lot of volunteerism with their events. Neff explained the advertisement and/or insurance would be the major cost. He questioned if the insurance could fall under the City's insurance umbrella. He said, too, Jones had suggested the City might donate \$3,000 to help with the event. He stressed again that they wanted to make sure the children were taught the importance of this part of the United States' history.

Councilman Patterson indicated he was on the economic counsel in the valley and suggested they make a presentation to that group and ask for TRRT monies first. Jones indicated she had turned that application in today to Marie Sabey's office. It was suggested they wanted to have the local businesses participate in the event as much as possible.

Mayor Phillips and the Council thanked them for their presentation and encouraged them to move forward with their plans.

**Discussion – Amendments and Changes to Wasatch Irrigation Bylaws:** Anderson said he had not been able to meet with Councilman Horner, Councilman Mergist and City Attorney Smedley to draft what they wanted to bring forward to the rest of the Council. He suggested that meeting take place first and then bring this item back to the Council unless there were specific issues the

Council wanted to talk about now. He suggested one of the issues to consider, outside the scope of the bylaw amendment, was the per-lot charge.

Councilman McDonald indicated he wanted to follow the advice of Attorney John Maybe. Anderson suggested the Irrigation Board was waiting for feedback from the Council. Councilman Straddeck said he would like to see an overall strategy of how all the changes would fit together. He said as he went over them, he had a hard time bringing them all together and would like to see Smedley and Councilman Horner and Councilman Mergist put that together and bring back to the Council with their recommendation as well as the pro's and con's of the changes. Councilmember Horner said his thoughts and recommendation would be to look at John Maybe's #1 thought and comment which was the election of the directors. He suggested there was a board drawing up the bylaws that was an improper board as it was. He wanted to call a new election under the standing bylaws. Councilman McDonald thought that was a good suggestion to call for another election. Councilman Horner felt addressing that first might clear up some of the other issues. Councilmen Mergist suggested the Irrigation Company was trying to push through the bylaws; however, he did not feel there was a need to hurry. He said he wanted to see another election, too, and after that the bylaws could be addressed. Councilmember Horner suggested the City was giving up a lot of things in the proposed bylaws that the City should not have to give up. He indicated he had a lot of people approach him and most felt the bylaws had worked since 1946 and there was no need for change. He would recommend going with the advice of John Maybe and call for a new election. Anderson asked if the Council wanted to challenge the fees and ask for a refund. Councilmen Horner felt it was not proper to ask for anything until a legal governing board was on board.

Mayor Phillips asked the Council what they wanted to do as far as drafting a letter. Councilman Mergist asked the rest of the Council which attorney they wanted to use. Councilman McDonald said John Maybe. Councilman Mergist said he preferred a water attorney. Councilman McDonald suggested John Maybe draft the letter and then have both Maybe and Smedley sign the letter.

Councilman McDonald moved that a water attorney, John Maybe, write a challenge and request to the Wasatch Irrigation District about the elected board and have Mark Smedley sign it as well. And ask for a response back. Councilmen Mergist made the second.

Councilman Straddeck suggested this was not a water issue, it was corporate law—Articles of Incorporation. He said this happened to be a water organization, so from a cost perspective, it would be good to have Maybe involved, but thought the City would get the same level of service if Maybe was giving direction and the City Attorney was doing the drafting. Councilman Horner disagreed. He said the water companies were under a lot of different rules than corporations. Councilman Straddeck argued this was just challenging the legality of the election and Smedley could do that. No further discussion. Mayor Phillips called for the vote on the motion.

Voting AYE: Councilmembers Horner, Patterson, McDonald and Mergist. Voting NAY: Councilmember Straddeck.

**Jason Bateman/Chief Rhoades – Presentation on Heber City Police K-9 Program:**

Officer Bateman said the dog was the most loved Police Officer in the Department. He said he was a tool that was great for public relations and they, as a team, found a lot of drugs they would not otherwise find because of the dog. He continued that they had had 107 K-9 cases this year so far.

Councilman McDonald said he was supportive of the K-9 Program and wondered if he had gone to the public sector yet for funds. Officer Bateman indicated he had. Officer Bateman reviewed the K-9 Program with the Council.

Councilman Straddeck moved that the Police Department move forward to raise funds to pay for the purchase of a new K-9 and when Nija retired that Officer Bateman own her personally, if he wanted. Councilman Mergist made the second. Officer Bateman explained the new dog would be dual trained-perpetrators and drugs. It was indicated the old high school building had been used for training. Anderson said Officer Bateman had done a great job with the K-9 Program and Nija. Voting AYE: Councilmembers Straddeck, Horner, Patterson, McDonald and Mergist.

**Appointment to the Airport Advisory Board:** Mayor Phillips asked Anderson to prepare a letter of thanks to Jeff Mabbett for his service on the Airport Advisory Board.

Mayor Phillips recommended Steve Capson to serve on the Airport Advisory Board.

Councilman Patterson moved to approve Mayor Phillips' recommendation of Steve Capson to serve on the Airport Advisory Board. Councilman McDonald made the second. No discussion. Voting AYE: Councilmembers Straddeck, Horner, Patterson, McDonald and Mergist.

**Election of a Mayor Pro Tempore:** Councilman McDonald suggested Councilman Mergist serve as Mayor Pro Tempore. Councilman Patterson suggested Councilman Straddeck serve as Mayor Pro Tempore. Discussion. It was decided that Councilman Straddeck would serve as the mayor Pro Tempore.

At 7:54 p.m. the Council moved into Closed Session to discuss Personnel. At 8:07 p.m., the Council moved into Open Session and adjourned the meeting.

---

Paulette Thurber, City Recorder