

Heber City Corporation
City Council Meeting
07/06/2006

7:00 P.M.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on 07/06/2006, in the City Council Chambers in Heber City, Utah.

Present: Mayor David R. Phillips
Council Members Terry Wm. Lange
Vaun Shelton
Shari Lazenby
Jeffery Bradshaw
Elizabeth Hokanson

Also Present: City Recorder Paulette Thurber
City Engineer Bart Mumford
City Planner Allen Fawcett
Chief of Police Ed Rhoades

Excused: City Manager Mark Anderson

Others Present: Mel McQuarrie, Mike Thurber, Annie Bruehl, Carol Lee Martinez, Carl Mayers, Dee Mayers, Norm Eiting, Mike Johnston, Kathren Berg, Michael Watts, Tish Dahmen, Kevin Diaz, Tammy Diaz, and Jeff Mabbett

Pledge of Allegiance: Councilmember Jeffery Bradshaw
Prayer: Councilmember Elizabeth Hokanson

Minutes: June 15, 2006, Work Meeting

Page 4 of 5 – Line 15 – conservations should be conversation
Page 4 of 5 – Line 37 – eliminate the word “have” at the beginning of the line

Councilmember Hokanson moved to approve the June 15, 2006, Work Meeting minutes with the changes as outlined. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

OPEN PERIOD FOR PUBLIC COMMENT

Tish Dahmen, Heber Valley Chamber of Commerce, and Carol Lee Martinez, Daughters of Utah Pioneers. Dahmen explained that for nearly a year the Chamber had been working on a Heritage Preservation Policy and the preserving of local history. The purpose being to remember the past. She continued that for more than ten years Martinez had been working to get a proper museum location. Dahmen indicated that the LeRoy Sweat family had donated \$100,000 towards a heritage center. Phil Sweat, LeRoy's son, has talked with Wasatch County Council about a

center. Dahmen said she and Martinez had meet with the Sweat family. They feel now, with all the effort of Wasatch County and Heber City, as well as outside help, a museum is finally in the future. They have also made contact with Steve Olson, a resident of Heber City, who lives in Valley Hills, who works with the LDS Church Museum, and who has a long history of museum expertise. A meeting was held last evening attended by Mayor Phillips, Carol Lee Martinez, Mr. Olson, Mike Kohler, Annie Bruehl, Phil Sweat and Tish Dahmen. They learned what it took to create a museum and how to have a vision as to what message the museum portrays and reflects. Dahmen indicated Mike Kohler, Wasatch County Councilmember, had stepped up to see about donation of property at the fair grounds. They felt that would be a visible location as it would connect the museum to the Heber Valley Historic Railroad, be in close proximity to the Event Center, and be in the center of the Valley. Dahmen said they were asking for support as they moved forward with this effort-in fact they were demanding support. Some of the things they would be asking for would be the alleviation of utility bills, water and sewer bills, reduction in property tax, etc. They felt it would be possible to get this done and also would be asking for volunteers. They said they were mindful that this was in its infancy. The committee would be getting the information out to all the governmental entities. She indicated they would need to create a governing authority and make sure the museum was sustainable. Through the governing authorities, which Heber City would play a major role, the success of a museum would be possible. Dahmen indicated Mayor Phillips suggested last evening this issue needed to be given to the community via public meetings and to get input and support from the entire community. Dahmen referenced the Springville Art Museum and the example they show. She referred to the ancestry and history of this community. Councilmember Bradshaw indicated his support. He said he was from pioneer stock and had a lot of close ties to this community. He said the history of the Valley was important to maintain. Martinez talked about the vision of the DUP and how that vision was getting bigger. She said she was very grateful something was happening with this issue. She referred to the heritage of the tabernacle building and the social hall next door. Councilmember Lazenby said she was excited to see this happening and looked forward to it.

Annie Bruehl reported on the 4th of July celebration. She said they had learned a lot of lessons but also felt everyone had a good time. She indicated that Mayor Phillips, Craig Wirth and Jim Matheson spoke which made it a special event. Mayor Phillips indicated CAMS and the Chamber had done a good job. Councilmember Bradshaw said they had about 400 people eat and felt, too, that it had been a successful day. He said there were plans to do this again next year.

PUBLIC HEARING

7:20 p.m. – Resolution 2006-10 – A Resolution adopting the Heber City Water

Conservation Plan: The Public Notice was read by the City Recorder. Mayor Phillips opened the Hearing to public comments. None were received. The public comments portion of the Hearing was closed. Mayor Phillips asked for comments from the Council. Councilmember Hokanson asked about water re-use from the sewer plant and wondered if that was something that should be included in the goals. Mumford referred to the Current Water Conservation Measures and Programs Section and said one of the key issues talked about was pursuing 207 Funding which would be to install secondary irrigation throughout town and a key piece of that would be water re-use. Discussion. Mumford said he could add language to the document to reflect that more clearly, if the Council wanted. Mayor Phillips suggested adding a paragraph / sentence to page 11 about re-using water. Mumford said one of things they should be doing that he had not mentioned in his report was designate a water conservation coordinator. He did not think Heber was in the position to hire that position; but, until they came up with something better, they could designate Mumford as that person for now. The Mayor and Council concurred

until such time as a change was needed, Mumford would be designated the water conservation coordinator.

Councilmember Lange moved to approve Resolution 2006-10, a Resolution adopting the Heber City Water Conservation Plan. Councilmember Shelton made the second. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeffery Bradshaw and Elizabeth Hokanson.

CONSENT AGENDA

Award bid for demolition of the Wendy Gardner home: Councilmember Bradshaw moved to approve the Consent Agenda. Councilmember Hokanson made the second. No discussion. The voting was unanimous in the affirmative.

APPOINTMENTS

Summit Engineering – Acceptance or Rejection – Annexation Petition known as the Mayers Annexation – 10.34 acres of land located west of the present Heber City boundary at approximately 2100 South Daniels Road: Mike Johnston represented Carl and Delores Mayers. A map was presented. Johnston pointed out the area on the map and said the annexation of this property would finalize the area by filling in the gap between the town of Daniel and Heber City. He indicated the issue with this area had always been water. He said the water line was now 1/3 in place and would be completed in a few months. The question was asked if a copy of the petition was taken to the Daniel Town Mayor. The answer was yes, it had been delivered to the Mayor Duggin.

Councilmember Shelton moved to accept the petition for annexation and forward it to the Planning Commission for further study. Councilmember Lange made the second. Councilmember Lange asked if this eliminated an island. Johnston said it was an island in the County and it would eliminate that. The voting was unanimous in the affirmative.

Paul Ritchie - Discussion regarding Coyote Lane Bridge Widening and Valley Hills Water Tank – Continued from 06/15/2006: Ritchie indicated his request was no different this time from last meeting. He still was willing to have kept in escrow \$10,000 for bridge improvement and give \$15,000 for the water tank improvement. He also committed an additional \$15,000 to be donated for a pavilion in the park. Ritchie said there were four or five Boy Scouts who wanted to do work in the park for their Eagle Project and they would be coming before the City Council to talk about that in the near future.

Mayor Phillips indicated Mumford had researched the conditions of annexation. Councilmember Shelton questioned what would happen if the Bureau of Reclamation didn't allow the bridge to be changed. Ritchie said the funds would then go to the City. Ritchie said his expectation was to do the extension on the bridge; but, if that was not allowed, the funds would be the City's. He said, though, the City would have to make the request as the Bureau would not consider a change from an individual. Councilmember Lange said he would like Councilmember Shelton and himself to meet with the engineers, Mel McQuiarrie and developers and make sure everyone was on the same page.

Councilmember Lange moved to approve the recommendation of the City Engineer, as outlined by Paul Ritchie, after a field trip was held. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative.

Roger Preston – Tour of Utah – Approval – Beer sales at a Beer Garden: This agenda item was postponed until next meeting. Mayor Phillips asked the Council to be thinking about the request and be prepared to offer them alternatives to the use of the Main Street Park.

ACTION ITEMS

Ordinance 2006-14 – An Ordinance adopting Sections 5.04.015 and 5.04.017 of the Heber City Municipal Code; Inspections for Code Compliance/Notice of Infraction and License Denial or Revocation: The Council reviewed Tozier’s staff report which was given to them just prior to the meeting. It was indicated the purpose of the change to the ordinance would make the City law more defensible. Fawcett said the proposed policies addressed practices the City had been doing for years; however, because of a recent situation, it was felt the Code should be reinforced.

Councilmember Bradshaw moved to adopt Ordinance 2006-14, an ordinance adopting Sections 5.04.015 and 5.04.017 of the Heber City Municipal Code-Inspections for Code Compliance / Notice of Infraction and License Denial or Revocation. Councilmember Shelton made the second. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby, Jeff Bradshaw, and Elizabeth Hokanson.

DISCUSSION/ACTION ITEMS

Review recommendation from the Airport Advisory Board – Executive Hangar

Construction: Mel McQuarrie indicated he had been one of the respondents to the RFP and had also been involved in installing the infrastructure at the site. He asked that the Council table this until Anderson was back. He felt waiting for a detailed discussion until Anderson was back would be beneficial to everyone since he (Anderson) had been a part of all of this for the last five years and knew the history.

Councilmember Lazenby moved to reschedule this item for two weeks. Councilmember Bradshaw made the second. No further discussion. Voting AYE: Terry Wm. Lange, Vaun Shelton, Shari Lazenby and Jeffery Bradshaw. Voting NAY: Elizabeth Hokanson.

At this time a five minute break was taken.

Appointment of Airport Advisory Board Member: Mayor Phillips presented the name of David Remington. He said he was married, had children and lived in Heber City. He said he didn’t own an airplane and thought he would bring balance to the Board.

Councilmember Lange moved to support Mayor Phillips in his recommendation. Councilmember Hokanson made the second. The voting was unanimous in the affirmative.

It was indicated by the Council they appreciated what the Board did for the City. Mayor Phillips indicated he or Anderson would approach Remington and if he didn’t accept the position, he (Mayor Phillips) would recommend another name.

Discussion and Consideration of a Contribution to a Transient Program: During the Interlocal Meeting held in Midway a few months ago, they talked about a transient program, how one is run, etc. The group agreed to pursue a program and a policy was written up. It was determined the different entities and different religious denominations in the valley would be

asked to contribute \$250 each. It would be set up to take care of someone in immediate need. Heber City has been asked, along with others, to contribute. Midway City will collect the funds and distribute them through the Sheriff's Department. Councilmember Bradshaw said the way it was organized was the entity that was hosting the Interlocal meetings would be the one to handle the account. The Sheriff Department would issue vouchers and turn them over to the entity handling the account. When the collected funds were used up, reassessment would be made to determine how the program worked, if changes should be made and if it should continue. Councilmember Lange talked about a couple standing on a curb side last week who was refused help. They sat on the curb until someone came by and helped them. Mike Thurber discussed when he and his family ran a thrift store in Provo. He said they were unbiased and non-discriminatory when giving help to those in need.

Councilmember Lange moved to approve a contribution of \$250 to a Transient Program. Councilmember Lazenby made the second. The voting was unanimous in the affirmative.

Discuss cancellation of the August 3, 2006, City Council Meeting due to Wasatch County Fair Days: It was indicated that traditionally the Council meeting scheduled during Fair Days was cancelled in order to allow the Council to participate in the activities.

Councilmember Bradshaw moved to cancel the regularly scheduled City Council meeting of August 3, 2006. Councilmember Shelton made the second. The voting was unanimous in the affirmative.

Discussion and Consideration of an Attendance Policy for Elected Officials: Mayor Phillips reviewed the discussion from last meeting regarding an attendance policy. He indicated that other cities were contacted about their policies. Only one responded that they had a policy. He said the issue was after so many meetings missed, should the elected person forfeit something. The something was not definitely defined. He asked the Council to pick back up from where they left off and give comments to things they had thought about the last two weeks.

Councilmember Lazenby said it was interesting this was being discussed. She wished she had the minutes from last meeting to refer to. She said she was very offended by everyone. She said her health had been in jeopardy and still was. She said she was attending tonight to make sure nothing else was said about her health. Councilmember Lazenby indicated she had only missed one meeting in 2 ½ years and that was to go to Washington D.C. with Mayor Adams and Councilmember Burns. She indicated she had continued to work from her bed and actually did more than she should have done. She felt she had earned time. She indicated she had talked to other Mayors who had been in office and there had not been any penalties for others who were sick or absent for other reasons. Councilmember Lazenby said she would pay back every penny paid to her if that made the Council happy. She felt it was wrong that this was brought up now and she was very offended.

Councilmember Shelton said it was a matter the public expects, when they elect an individual, that they be in attendance. He said they had the same situation in the Sewer District and until there was a policy put into place, the problem didn't change. The taxpayers deserve to pay for only the meetings their elected officials attend. Councilmember Lazenby said she had been doing things even though she was not attending meetings and that she had whooping cough and couldn't be in contact with other people. Councilmember Shelton said that nevertheless, he was in favor of a policy that would encourage attendance to the meetings and discourage non-attendance.

Councilmember Hokanson indicated the Council was very careful last meeting and to not at all say Councilmember Lazenby did not deserve money or anything like that. It was brought up that at a certain point, because it was the taxpayers dollars, that if a person had to miss a certain amount of meetings, they should not be paid. No one commented anything about people not doing their job. Councilmember Lazenby said it was talked around. She had phone calls from citizens that attended the meeting. They told her she (Councilmember Lazenby) was talked around as much as possible. Councilmember Hokanson said that was not true. She was in attendance and no one had talked specifics. Councilmember Lazenby said she had three people call her and say they were embarrassed that it was brought up. Councilmember Hokanson said she had never criticized that Councilmember Lazenby did not attend meetings because of whooping cough and if people wanted to read something into it that wasn't there, that's too bad. Councilmember Hokanson said she had nothing to be embarrassed about during last meeting and neither did anyone else. Councilmember Lazenby indicated she did not believe her because she had heard the things said about her. Councilmember Hokanson indicated that Councilmember Bradshaw had suggested a policy should not be just based on attendance to regular meetings since the Council had to attend to other meetings and duties as well. Councilmember Hokanson said she felt the Council should look at a policy but be careful with consideration of health concerns. She felt the Council should consider the taxpayer's money and deduct monies at some point.

Councilmember Bradshaw said he wasn't entirely convinced whether there should be a policy or a penalty. The reason he was not sure was because they were all elected officials and if they didn't do their jobs or if people didn't think they did a good job, they got rid of them—the voting population had the say. “If the only things we do on City Council is come to two meetings a month, we aren't doing our job anyway; so how can we be judged solely on attendance of meetings?” He said he was not necessarily in favor of a penalty for missing meetings.

Councilmember Lange said Councilmember Lazenby's name was never mentioned until someone out of the audience asked if she was getting paid. That person was Fred Schloss. Councilmember Lazenby indicated Schloss was one of those who called her. Councilmember Lange indicated no one suggested a money amount or a time amount. He indicated research had been made on the legal side of it and there was nothing written about attendance. He said he was not embarrassed that the Council had talked about this and that they were talking about it now.

Councilmember Lazenby indicated she had a choice to either keep her store open or keep her seat as a Councilmember. She decided to closed her store and honor her elected position. She closed her store so she could be here. She was offended because the rest of the Council felt she was not doing her job--she still did her job from her bed. She said the last year had been a year of hell for her and until someone walked in her shoes, they couldn't know.

Councilmember Lange asked Mayor Phillips to conclude the discussion at this point without legal counsel in attendance. Mayor Phillips indicated it was clear how everyone felt. He explained to Councilmember Lazenby that Schloss got up and asked where you were and why and he was told you had health issues and to talk with you if he wanted to know more. He continued the Council talked about a policy as they are entitled to enact a policy if they desire to do that. Councilmember Hokanson indicated they just brought this forward for discussion. They had never discussed anything concrete. She thought probably they should just leave it as is and let each Councilmember have discretion over their seat as to the job they do.

Councilmember Hokanson moved to not adopt a policy. Councilmember Lazenby made the second. No further discussion. Voting AYE: Shari Lazenby, Jeff Bradshaw and Elizabeth Hokanson. Voting NAY: Terry Wm. Lange and Vaun Councilmember Shelton..

CITY COUNCIL BOARD ASSIGNMENTS: No reports were given.

As there was no further business, the meeting adjourned at 8:47 p.m.

Paulette Thurber, City Recorder

Approved 07/20/2006