

Heber City Corporation  
City Council Meeting  
07/20/2006

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on July 20, 2006, in the City Council Chambers in Heber City, Utah.

Present:	Mayor	David R. Phillips
	Council Members	Vaun Shelton Shari Lazenby Jeffery Bradshaw
Excused:		Terry Wm. Lange Elizabeth Hokanson
Also Present:	City Manager	Mark K. Anderson
	City Recorder	Paulette Thurber
	Code Enforcement	Anthony Kohler
	Chief of Police	Ed Rhoades

Others Present: Kathryn Berg, Mike Thurber, Charlene Roberts, Karen Pena, Steve Bates, Mark Cleveland, Jennifer Kohler, Irene Hastings, John Nebeker, Garrett Nebeker, Jeff Mabbutt, Norm Eiting, Colton McQuarrie, Mel McQuarrie, Courtney Gressman, Meredith Brown, Michael Watts, Mary Bardole, Devon Bardole, Chase Bardole, Michael Bardole, Joline Esposito, Vincent Esposito, Kieth Rawlings, Clifford Lee and others whose names were not legible.

Pledge of Allegiance: Councilmember Vaun Shelton  
Prayer: Mayor David Phillips

Minutes: June 15, 2006, Regular Meeting Minutes  
July 6, 2006, Work Meeting Minutes  
July 6, 2006, Regular Meeting Minutes

Councilmember Lazenby moved to approve the minutes of the June 15, 2006, and July 6, 2006, Regular Meetings and the July 6, 2006, Work Meeting. Councilmember Bradshaw made the second. No discussion. The voting was unanimous in the affirmative. Councilmember Lange and Councilmember Hokanson were excused.

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Phillips invited anyone interested to address the Council with any item not already listed on the agenda. There was no response.

## APPOINTMENTS

### **Roger Preston – Tour of Utah – Requesting approval for Beer Sales at a Beer Garden –**

**Location to be determined:** Jennifer Kohler, Heber Valley Chamber of Commerce, represented this issue. She explained the Chamber was working with the Tour of Utah as they had come to the Chamber looking for a host city. She said the event was scheduled for Wednesday, August 9, 2006. She said they also wanted to host a festival in the Main Street Park. It was pointed out that last June the Chamber helped host the HOG Rally and that Event went very well. One of the things brought up immediately following that Event was that all other cities allow a beer garden in their parks. She reviewed the State Code and the restrictions and stringent of rules associated with that. Kohler explained this particular Event had a big sponsor in Wasatch Beers. She indicated they had presented last night to the Wasatch County Council where the bike route had been approved.

Karen Pena said she was excited to be involved with this Event as the festival brought with it an interesting environment. She talked about the Tabernacle Building and the heritage of this community. She indicated that she found representing the Tour exciting. She explained the mean age of cyclists was between 25 and 45, participants had an average income between \$60,000 and \$75,000, and that this Event was family oriented. Pena said the growth of this type of recreation was phenomenal. She said she was excited about Heber being involved with the Event because of the elevation and beautiful scenery. She introduced the sponsor of Wasatch Brewery, (actually the Coalition of Utah Brewers) and explained they work to give an organized and localized focus and were Utah based. Other sponsors mentioned were Larry H. Miller, Zions Bank, Zango, USANO, and Deseret News. She pointed out the advertising dollars for this Event were about \$250,000. She said it was a very large, very advertised event. She explained that because this was the first time in Heber, they didn't know what to project but felt the following they would bring with them would bring interest into the City in the future. Pena indicated they were wanting to have a beer garden. It was explained it would have a gated entrance and be completely enclosed. She said there was no risk as there would be people checking IDs, wrist bands issued, and there would be security in place. There would be no walking outside the enclosed area—no walking around the park with beer. She explained the procedure for the beer garden and that it was a very confined part of the festival--as a whole the festival was a family event. She said there would be a health and fitness expo portion including health screenings. She said they were focused on cycling and pulse rate when cycling but they also had other health screenings. There would also be children's activities and other things that attract families. She indicated cycling was one of the top three family activities in the nation. It was said they were looking for local vendors and would also bring vendors from the outside.

Councilmember Bradshaw asked about local vendors. Kohler indicated they had been contacting the vendors from the Farmers Market and giving them first chance because they already had their permits; however, they were also contacting other outside vendors.

Charlene Roberts addressed the Council saying she was one of the organizers along with Pena. She wanted to point out this was the first year to have this as a national event. There future goal (a couple years) would be to bring in international competition. Robert indicated she understood Heber City and Utah County were very conservative communities. She presented a letter from Mayor Billings of Provo City who gave support to and was an advocate for this Event.

Mayor Phillips discussed the City's current ordinance that did not allow beer sales and consumption in the City Park and that the City Council could not waive the Code. He explained

with three Councilmembers present, it would take all three to vote favorably on a change in the ordinance before a change could take place. He indicated Mark Smedley, City Attorney, had prepared a new ordinance that would narrowly allow for a beer garden under certain circumstances. The ordinance would have to be adopted in order to allow a beer garden. Pena said it did not eliminate Heber City from the Event if a beer garden wasn't permitted, but they were hoping to have it. She indicated they wanted to partner with the City in future years.

Councilmember Lazenby said she would like to see this Event come to the City. She agreed with Kohler that the HOG Rally had run very well and had been successful. She felt if it was held in the area as proposed on the map provided, it would work. She felt an ordinance should be enacted that would give the City the ability to hold events like this in the future.

At this point, the Council moved to Item 6 on the Agenda which addressed a change in the City Code.

**Ordinance 2006-16 – An Ordinance Amending Sections 5.08.060 (I) and 9.44.020 of the Heber City Municipal Code by Allowing a Beer Garden Exception for Special Occasions, Single Event Permits and Public Consumption of Alcohol Prohibited in Parks:**

Councilmember Lazenby moved to enact Ordinance 2006-16, an ordinance amending Sections 5.08.060 (I) and 9.44.020 of the Heber City Municipal Code by allowing a Beer Garden exception for Special Occasions, Single Event Permits and Public Consumption of Alcohol Prohibited in Parks. Councilmember Shelton made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lange and Councilmember Hokanson were excused.

Mayor Phillips indicated that now that the City had an ordinance in place, the Council needed to approve the use of the Heber City Main Street Park for the festival. Councilmember Bradshaw moved the Heber City Main Street Park be used for the Tour of Utah Event. Councilmember Lazenby made the second. The voting was unanimous in the affirmative. Councilmember Lange and Councilmember Hokanson were excused.

It was pointed out the time to allow beer sales and consumption in the new ordinance would prohibit this Event from taking advantage of the new law because the Tour of Utah Event was held earlier in the day than the Ordinance allowed beer sales and consumption.

Councilmember Lazenby moved to amend Ordinance 2006-16 to allow beer consumption from 10:00 a.m. to 9:00 p.m. Councilmember Bradshaw made the second. No further discussion. The voting was unanimous in the affirmative. Councilmember Lange and Councilmember Hokanson were excused.

**Paul Ritchie – Presentation of Proposal – Scout Project – Landscaping of Cove Park and Pavilion:** Anderson said Paul Ritchie called and was not able to make this meeting. Colton McQuarrie represented himself and four other Life Scouts who would be doing this work for their Eagle projects. He indicated they wanted to put in trees, bushes, a pavilion and a concrete pad for tables and fire pits. He said they had all the labor covered and ½ the concrete (from Binggeli Rock) was covered. The cost would be about \$1,000 for a 36'x36' pad. The cost of the sod would be about \$ .23 per square foot and there was 55,000 square feet. He indicated the tables would run \$1,000 to \$1,500 and they wanted to put in 20 to 25 trees at \$75 to \$100 per tree. Colton said the five Scouts would each take a different part of the project. He said there would be approximately 250 man hours involved plus 100 hours for each Scout.

Mayor Philips asked if the City had a provision to keep the grass from dying once it was planted. Anderson said the developer would make provisions and there would be an adequate sprinkler system in place before the sod was laid. Anderson indicated that his conversation with Paul Ritchie earlier in the day was that Ritchie and his development group had committed \$15,000 toward the construction of a pavilion. They were also willing to pay the additional cost of sod versus hydro-seeding. Anderson said it sounded like there would be significant contributions on concrete. He told Colton the City bought sod for \$ .20 so they might want to work through the City for that. Anderson encouraged the Council to work closely with these scouts, Bart Mumford and himself. He said the City had had good success with other projects similar to this. He also indicated there were park impact fees for those materials that were not donated. Mayor Phillips asked about basketball standards. Anderson said it was not in the proposal. Mayor Phillips indicated Heber City citizens would be the beneficiary of this great project. Anderson indicated that the Nelsons were taking responsibility for the pavilion and because they had built some before on their own property, they felt they could do it for a very reasonable cost. He said, too, there were some people involved with this that had some significant resources available to them.

Councilmember Lazenby moved to authorize the City Manager, Mark Anderson, and City Engineer, Bart Mumford, to work with these scouts on there Eagle Scout projects. Councilmember Shelton made the second. No further discussion. The voting was unanimous in the affirmative. Councilmembers Lange and Hokanson were excused.

Mayor Phillips thanked Colton for his presentation.

**Devon Bardole – Discussion regarding Organization of a Youth Free-Running Group:**

Mayor Phillips read the letter provided from Mike Bardole. A three minute video was shown which gave the Council a better understanding of “free running”. Devon Bardole introduced himself and indicated he wanted to talk to the Council about the need for a combination skate and free running park. He explained that free running was a combination of urban obstacle course and aerobatics. He explained they had no where to go to do this sport other than public places and if they do that, they get in trouble. He said the current skate park wasn’t in good shape as it had holes in it and the ramps weren’t put together very well. Devon encouraged discussion about a skate park and free running park. Mayor Phillips questioned whether or not one facility could handle both activities. Devon felt it could be designed to accommodate both.

Mary Bardole explained she started making phone calls because she knew one of the issues would be liability. She said she had talked to Carl Hearst, head of the Park and Recreation Department in Orem. She said Orem City had a wonderful skate park. It is about 30,000 square feet and cost about \$500,000 to build. As far as liability, she said all they did was post it as “Skate at your own risk”. She asked Hearst if they had anyone stay on site to supervise it. He indicated no, they just had the sign. It was indicated the skaters and bikers took turns. Bardole (Mary) said the way it was designed, beginning skaters could also skate. She indicated that in the few years that Orem City had the park open, there had been no lawsuits filed. She talked to Jessica Morran in Park City and they had a 22,000 square foot park which was more advanced than Orem City’s. The cost of that park was also \$500,000 and they were adding 8,000 square feet more to it right now. Morran indicated she would be willing to help Heber City if they decided to build a park as she lived in Heber City. Bardole felt the community had a lot of things for young people to do, but not much for teenagers. She said she realized not everyone was going to do what Devon did but felt there was a need for more activities for teenaged kids. Bardole discussed an obstacle course in the Aspen Grove area and said it was a wonderful obstacle

course, almost military looking with poles, tires, etc. She suggested the City contact them to see who built that course. She also suggested getting donations from the community to help with the cost of a park. Bardole said the kids didn't need a huge area, but there was a definite need for a place for skate boarders, free runners, and bikers to play--a place teenagers could play without being on private property and getting picked up by the police. Councilmember Lazenby talked about a child that was hit in front of her house because of skating in the road.

Mike Bardole showed pictures of the City's current skate park. He explained that Devon got cited for doing free running. He said the kids needed a place so they didn't get cited as they had been using places that were not posted. He explained the skaters and free runners were always told to get off the property. We need to have something for these kids, he emphasized. He indicated Devon was going to study medicine when he finished high school and couldn't afford citations that would jeopardize his future. Bardole (Mike) said he would be talking to the Army to try and get some support and there were a lot of parents that would put in elbow grease.

Mayor Phillips indicated the Interlocal Meeting group had discussed the idea of recreation at their meetings. He continued that Heber City's position was that this should be a County responsibility. Because of those discussions a committee was formed from the Interlocal group and Councilmember Lazenby was put on that committee. He said they had not met as yet, but felt a presentation like this would be great for the Interlocal Meeting. Councilmember Lazenby said that each one of the committee members had been instructed to talk with the community. She said everyone seemed to want a facility but the real question was where does the money come from. She wanted Devon to make a presentation to the Committee and said she wanted to move forward with this.

Councilmember Bradshaw said there was definitely a need for something like this. He said the City wasn't prepared to tackle this all by itself but would consider it with other entities of the County. He agreed with Mayor Phillips that the Interlocal Governments Meeting was the place to start.

Norm Eiting, who lives across the street from the Wasatch County Parks and Recreation Offices, said that any evening you want to pick you could see as many as 12 people skating on the handicapped ramp at the old Senior Citizens Center. He said he had asked some of the skaters about the current skate park and their response was that it was a piece of junk. Eiting indicated he had talked to Tom Bonner, Wasatch County Parks and Recreation Director, and Bonner indicated they weren't really interested in a skate park that they were more interested in baseball. Eiting said the County had finally gotten interested in soccer. Eiting thought Heber City should take the lead in this issue. Mayor Phillips said the City would take the lead and get it on the agenda of the Interlocal Meeting.

Mike Thurber indicated he had been working on a similar thing. He explained his interest in skateboarding. He described a video he wanted to show the Council of a skate board park that was designed and built by skateboarders in conjunction with architects. Thurber indicated he had talked to Enoch of Brothers Bikes who was excited about a skate board and bikers park and would help. Enoch is going to talk to his company representatives about a sponsorship. Thurber indicated his intention was to work on some sponsorships before presenting to the Council but felt he might as well bring it up since this all worked together well. He thought the three, free running, skate boarders and biking could work together for a park. He said he would work with Mike Bardole. Mayor Phillips pointed out that having a place for kids to go not only gave them a

place to play but eliminated other problems, as well. He said he would make sure this issue was placed on the Interlocal Meeting agenda.

Mayor Phillips thanked the Bardoles for their presentation and the kids for waiting quieting while the subject was addressed.

#### ACTION ITEMS

#### **Executive Hangar Construction – Review/Approval of recommendation from the Airport Advisory Board (Continued from July 6, 2006, meeting):**

It was explained McQuarrie requested this issue be postponed from last meeting to this meeting because Anderson was absent from the last meeting. McQuarrie explained that some time ago (3 or 4 months) the RFP had come out for this executive hangar slot. It is south of the existing one McQuarrie occupies. It was indicated McQuarrie and Anderson had had discussions off and on about this hangar site even before McQuarrie built his existing hangar and before the area was master planned, McQuarrie had requested this site. It was left on standby. McQuarrie said that as he put in the improvements to service the hangars he had built, he always had in the back of his mind he would occupy that area. He explained he was not on the Airport Board and did not know all that was going on. He said he was not aware that Gear Down Development ever dedicated the septic tank, the electrical and other utilities and the taxiway in front of his building that he put in 100% with his money to the City. He said it was like letting him develop the land and put the improvements in and everyone else getting the benefit. McQuarrie presented a map, reviewed the outlay of the area, how it was serviced and how the future hangars could be serviced. He asked for compensation for the improvements he had put in or let him finish what he started. McQuarrie indicated he did not think the RFP should have been issued; but because it was, he submitted one. He said he picked up copies of the three that responded—himself, Michael Watts and Greg Peterson. He said Watts' proposal and his proposal were the same if square foot cost was looked at. He reviewed additional elements of the proposals and compared his proposal to Watts' proposal. He pointed out that Peterson's proposal was the highest bidder. He did not understand how the Airport Board recommend the lowest price be awarded. Mayor Phillips asked McQuarrie if he had come to the City with concerns when the RFP came out. He said yes, he had discussed it with Anderson on at least three occasions. McQuarrie talked more about the improvements he had put in. He indicated he would not have put improvements to the area if he had not been encouraged to do so. He clarified that when he said earlier "let me finish the development", it was because he put in the services. McQuarrie indicated he had factored his cost of all the improvements into what he sold the hangars for. Again McQuarrie said he would not put in services to see someone else benefit from unless he was compensated.

Anderson said he couldn't disagree with what McQuarrie said about the history—what he had represented to the Council was pretty accurate. However, the Agreement they had in place did not guarantee any future development. Without that obligation, he felt future development needed to be advertised for. He said it was fair to say, if the development went well, the City might favor McQuarrie if everything else was equal. He said he understood the improvement potentially benefited others in the future. On the other hand, he did not know if there was improvement there that was not necessary to support the development that existed there in that there still had to be water, septic, electric, telephone, and gas on the back side of the most further hangars to the west. Ideally the future five or six hangars to the west would benefit, as well.

McQuarrie indicated that when he calculated his profitability as a developer, he did not base it on five hangars but ten hangars. He said that part of the risk of being a developer was you put some

on the table today and hope for some on the table in the future. He said he was being robbed of the opportunity for it to come back. McQuarrie pointed out on the map what improvements were placed where.

Councilmember Lazenby asked if he was given any written documentation that indicated he got first opportunity. McQuarrie said there wasn't anything in the contract; but, in the RFP they had awarded to him, it did outline that. He said in the meetings held after the first RFP was awarded to him, it was "heavily" discussed. McQuarrie read from his proposal which read "the developers would initially accept five acres of leased properties with a 2-year option on the five acre parcels remaining. Thus 20 acres will be leased no later than the year 2005." He said there were discussions that indicated if they were doing what the City wanted, there wasn't any reason the City wouldn't allow him to continue. McQuarrie said he was sorry for wasting Mr. Watts' time, but if he didn't bring up the issue, the Council wouldn't know. He proposed that the RFP be pulled and not awarded to anyone and let him come back to the City with a proposal and further discussion.

Michael Watts indicated that in researching what improvements he had to do, on the sewer he said he would not tie in to an existing system as it would be easier and cheaper to do his own. Consequently that existing improvement would not benefit him. As he looked at the other improvements he found there were no stubs put in for the lot. He would have to go in and put the stubs in and the improvements associated with that to make it work. He felt the size of the water line put in was determined for the existing structures. He said as far as the lease, there were other elements in the lease besides the square foot costs and he asked the Council to look at the whole picture. Anderson said that as he and Watts talked, a couple things had surfaced. He said it was in the best interest of the City to limit the hangar to 100' x 100' because of the 30' set back off the road way. McQuarrie had proposed a larger hangar. He said the other thing was, in looking at the original agreement, McQuarrie had actually expanded a little bit beyond what was originally agreed to by 10'. He said what the final plan legal description was and the final product was slightly different. Anderson said that made it more complicated. Anderson also indicated the Agreement suggested once the development was done, the improvements become the property of the City. He said he felt those were City improvements now since all the hangars had been built and the City shouldn't preclude others from attaching on to them. Mayor Phillips felt that was a big factor. McQuarrie said that was where the disagreement lied. McQuarrie said the septic tank was never dedicated to the City because the City did not want the liability to maintain it. He said he had not dedicated anything to the City. He built it all to City standards except the septic tank. McQuarrie said he didn't want to be negative or cause issues but there were serious disagreements to settle. He said to award something tonight would be suicide for the City. He wanted to be fair, though. He continued that if the City awarded the RFP to him, there would not be any liability; but if the City awarded it to Watts, there would be liability to the City. Mayor Phillips said he was not finding fault with McQuarrie's thinking; however, he didn't know if McQuarrie was right or not.

Councilmember Bradshaw ask how many dollars were involved as far as improvements. McQuarrie said some were opportunity dollars, some cost dollars, and the time of money. Councilmember Shelton said that based on the opinion of legal council, the City owns the property. He felt that before a decision was made, that needed to be clarified. He felt that if there were any questions, they had to be cleared up before any award was made. Councilmember Lazenby agreed and said she wanted to do more research. She said she did not want to cause a legal issue and wanted to make sure everything was O.K.

Kathren Berg, Chairman of the Airport Board, referred to McQuarrie's comment that he did not understand how the Board made their decision. She said their decision was based on information they had on paper and there was no bias or discrimination in it. Anderson said Watts' bid was not more economically attractive but more compliant to providing the information requested in the RFP and that McQuarrie's was the least compliant. McQuarrie said he felt the Airport Board did not have the total history. However, he in no way was offended by the Airport Board. "They are great and they did what they were asked to do."

Watts asked about the legal opinion that was mentioned. Councilmember Lazenby said she just wanted it all to be reviewed by the City Attorney and everything done properly. Watts asked what the Council wanted the attorney to review. Councilmember Lazenby said she wanted him to review the contract, RFP and any other information that played into the decision. Anderson asked if the Council wanted clarified whether or not it was believed McQuarrie still had an ownership interest in the improvements. He acknowledged the hangar owners had the responsibility for liability to the septic system. He said it made financial sense to not run a line to tie in but to install a separate septic system for the new hangar. Discussion about where a line would be placed. Watts agreed it would be cheaper to put in a septic tank than tie in to the existing one. Anderson said it was clear there was no guarantee in the previous Agreement that McQuarrie would have the right to develop any more hangars. It was also pointed out what was presented to the Airport Board was also very clear.

Anderson talked about an updated ALP that identified that area would not need to be used for anything other than a hangar. Norm Eiting gave some history. Dave McCoy was the FBO at the time. Eiting said he was involved with the Airport Board and involved with several discussions about an Airport Layout Plan. He said the City's plan at the time showed hangar development like you see here--the thinking at the time was phase one even though he could see they would anticipate a phase 2. However, there was no guarantee of a phase 2 or who would get that work.

Mayor Phillips reminded everyone that the Airport Advisory Board was just that—an advisory board. He said there were some issues here the Board was not aware of--they came up with their collective wisdom and made a recommendation. He said the City Attorney would need to review the ownership of the infrastructure.

McQuarrie questioned whether the RFP had been written properly or not. Mayor Phillips said he respected McQuarrie more as an engineer than an attorney and that the City needed to find out if McQuarrie had some ownership in the infrastructure.

Anderson said he understood McQuarrie's concern and had for a long time. At the same time, he felt the City was obligated to put out the RFP since there was no guarantee to McQuarrie. He indicated he wanted clarification from the Council as to what they wanted. What is relevant, he asked. Anderson suggested maybe the City needed to review the financial part of Gear Down Development to see what he actually realized from the sale of the hangars. McQuarrie agreed it might be a good idea to go down that road.

Councilmember Bradshaw wanted to continue this issue and discussion until the City Attorney, Mark Smedley, could be involved. Anderson asked what questions the Council wanted the attorney to address. Councilmember Bradshaw wanted to know if there was any difference in McQuarrie putting in improvements and not turning them over to City versus him putting the improvements in and each of the land owners having their own liability and the City not having any. Councilmember Lazenby wanted the Attorney to address vested rights, that the process had

been followed correctly and that everything had been completed correctly. Anderson asked about when the Agreement expired because it suggested in the Agreement that all facilities should remain with the property and become the property of Heber City.

Mayor Phillips reviewed the June 6<sup>th</sup> letter from Mark Smedley. He then reviewed the two issues he thought were before the Council--awarding the bid and reimbursement to McQuarrie. He said they could be stand alone issues. He said he understood McQuarrie's concerns and if it was found the City owned him reimbursement, the City wanted to pay him.

McQuarrie said he wanted to see Watts have a hangar. If he was going to be his neighbor, he wanted to be friends.

Anderson said he thought if there was compensation due to McQuarrie, they would be limited to the value of the improvements and not the value of the leasehold because the City was the property owner. What we are talking about here is pipe, conduit, telephone and gas lines, etc. He didn't think McQuarrie could claim value to the development value potential. McQuarrie said he disagreed with that statement.

Councilmember Shelton moved to table this issue until the next meeting, August 17, 2006. Councilmember Lazenby made the second. It was felt the Council needed to understand the City's position more clearly. No further discussion. The voting was unanimous in the affirmative. Councilmembers Lange and Hokanson were excused.

**Resolution 2006-11 – Adoption of a Certified Tax Rate:** Councilmember Bradshaw moved to approve Resolution 2006-11, a Resolution to adopt a Certified Tax Rate. Councilmember Shelton made the second. No discussion. The voting was unanimous in the affirmative. Councilmembers Lange and Hokanson were excused.

#### DISCUSSION ACTION ITEMS

**Authorization for a variance for On-Premise Beer Sales for Spin Café located at 220 North Main Street:** Mayor Phillips clarified there had never been an alcohol license at the 220 North Main restaurant location. Discussion about the 600' rule and that the distance between the restaurant and the alternative school was 592'. Mrs. Esposito said there understanding initially was there would be no problems from the State. However, someone else in the department had looked at the applicaiton and felt there was a distance issue. Mrs. Esposito clarified the request was for a liquor license and not a beer license. It was discussed that a public hearing would be held by the Alcohol and Beverage Control Department of the State if approval for a variance from Heber City was given. The public hearing would allow for public comment and concern. After that, a final decision would be made by the State.

Councilmember Lazenby moved to grant the variance requested by the Spin Café allowing for a distance variance to be approved. Councilmember Bradshaw made the second. The voting was unanimous in the affirmative. Councilmembers Lange and Hokanson were excused.

**Discussion regarding an Instant Award Policy:** Mayor Phillips referred to the proposed language in Anderson's staff report and suggested, if it was what the Council wanted, it could be put into resolution form. Councilmember Lazenby wanted to add to the language that the award be presented in City Council meetings and that it be put in the monthly newsletter. Anderson suggested the employee have the option of recognition in City Council meeting and the

newsletter or not. It was felt public recognition might embarrass some employees. Councilmember Bradshaw agreed. Mayor Phillips asked that Councilmember Lange and Chief Rhoades be reimbursed from last meeting when they gave money to Kevin Diaz. Additional discussion about whether the award should be presented in City Council meetings and noted in the newsletter. It was determined it would be left up to the individual employee.

Councilmember Lazenby moved to implement an Instant Award Policy and to do so by Resolution and also by adding language to the Personnel Policy Manual. Councilmember Bradshaw made the second. It was felt \$1,000 a year was an adequate budget. The voting was unanimous in the affirmative. Councilmembers Lange and Hokanson were excused.

#### CITY COUNCIL BOARD ASSIGNMENT REPORT

Heber City Planning Commission – 2<sup>nd</sup> Thursday –**Bradshaw**  
Wasatch City/County Health Department – 3<sup>rd</sup> Tuesday –**Lazenby**  
Heber Valley Special Service District – 3<sup>rd</sup> Wednesday – **Phillips, Shelton, Hokanson**  
Historic Preservation – **Councilmember Lazenby**

No reports were given.

At 9:28 p.m., the July 20, 2006, Regular Meeting of the Heber City Council adjourned.

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Paulette Thurber, City Recorder