

Heber City Corporation  
City Council Meeting  
08/19/2010  
7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on August 19, 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
	Chief of Police	Ed Rhoades

Others Present: Troy D. Ostler, CIVCO Engineering, John Clarkson, UDOT, Bret Reynolds, CIVCO Engineering, Norm Eiting, Mike Thurber, Janene Hodges, Erik Rowland, Stephen Capson, David Hartmann, Clark O. Stewart, Joann C. Stewart, Kathryn Berg, Chris Richard, Sandra Richard, Andrew Jackson, Greg Gagon, Nate Sergeant and Robert Ranci.

Pledge of Allegiance: Councilman Alan McDonald  
Prayer: Mayor David Phillips

Minutes:	July 15, 2010, Work Meeting	July 15, 2010, Regular Meeting
	June 17, 2010, Work Meeting	June 17, 2010, Regular Meeting
Meeting	May 27, 2010, Special Meeting	

Councilman McDonald moved to approve the minutes listed above. Councilman Patterson made the second. No discussion. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

*OPEN PERIOD FOR PUBLIC COMMENT*

Mayor Phillips asked for comments from anyone wishing to address the Council on items other than what was on the agenda. No comments were received.

## CONSENT AGENDA

### **Application for Local Consent – Single Event Permit – St. Lawrence Catholic Church – 5 South 100 West (Tab 1):**

### **Farm Lease Agreement – Approval of Agreement between Randy Wade and Heber City Corporation – Property located by the Heber City Cemetery (Tab 2):**

**Ratification – Ordinance 2010-06 – An Ordinance Adopting Section 15.05.010 – Status Verification System for Physical Performance of Services Contracts (Tab 3):** Councilman McDonald indicated he wanted the word “new” taken out of the language in proposed Ordinance 2010-06 and wanted additional reference made to state and federal numbers. He questioned if subcontractor could be added and suggested they should be added. Anderson said he understood that the subcontractor was responsible to the contractor and the contractor was responsible to the City. Councilman McDonald said he did not like the word “knowingly” used in the Ordinance and wanted to talk with Mark Smedley about changes.

Councilman McDonald moved to approve the items listed under Tab 1 and Tab 2 on the Consent Agenda. Councilman Patterson made the second. No further discussion. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

Councilman McDonald moved to table the item under Tab 3 of the Consent Agenda until he had further discussed the issue with the City Attorney. Councilman Straddeck made the second. No discussion. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

## APPOINTMENTS

**Airport Advisory Board – Presentation – Airport Hangar Marketing Plan (Tab 4):** Eric Rowland, a member of the Airport Advisory Board, thanked the Council for their time and recognized the presence of Norm Eiting and Kathryn Berg, also members of the Board. He referred to the marketing proposal that the Council had received in their packets. He said that as a Board, they recognized that Heber airport hangars were not a dull topic. He wanted the Council to know the Board knew the situation of the hangars. He discussed the status--four of the eight had sold and sold despite any marketing being done at all and that was done in the worst economic situation for the aviation industry in years.

Steve Capson, CPA – Capson said, because of his occupation and experience working in the aviation field, he understood the situation very well. He presented a sheet showing three scenarios he had put together in relation to cash flow and what that cash flow would be based on: 1) selling the remaining four hangars for the same amount as the last building sold, 2) selling the remaining four hangars for the average sales price of the first four buildings and 3) selling the remaining buildings for the median sales price of the first four buildings. He said these cash flow scenarios were based on a conservative methodology.

Rowland suggested that information painted a picture of how aggressive the Council should be and insight on what should be done with the hangars now. The Board felt, considering the

economy, the City had done very well by selling the first four hangars, especially without a marketing plan. Rowland said there needed to be a goal put in place and the public needed to be educated. He said they had numerous pieces of information about how much income an airport created and that information needed to be gotten to the public and a way figured out how to do it. Rowland said, referring to Capson's numbers, one hangar could be sold a year and the City would still be okay. However, they felt, if they could foster the support of the Council and the public, they could get the balance of the hangars sold sooner. He suggested one thing they could do easily with no capital investment was demonstrate there were financial solutions out there already because of the experience the City already had with Zions Bank and other banks that had said they were interested in participating with the financing. Another thing to do was encourage group ownership. He said, as a Board, they felt they have a very marketable asset and with some marketing and education and establishing some goals, they could be sold quickly.

Rowland talked about the internet that had free marketing links. Councilman McDonald suggesting advertising in trade magazines and get them listed on the City's web site--do everything you can to get the information out. Rowland said if they had the Council's support, they would move forward. Councilman McDonald said "go for it". Councilman Straddeck said to do what they could at no cost before going to expensive trade magazines. He felt there was time. Anderson said right now, in relation to the budget, \$980,000 was borrowed from other funds and said there were some other projects that could not be done because those monies were tied up. Councilman Horner said the City was a non-profit organization and the investment in the hangars was tying up funds in which to do other things. He wanted the hangars sold as fast as possible to free up other funds. He discussed the Valley Hills Park and what the citizens wanted done with that park and that there had been discussion about raising taxes. He asked how the Council could do that when they were sitting on that kind of money trying to make a profit. He was in favor to do whatever it took to sell the hangars as quickly as possible. He said he appreciated the time Rowland and Capson had taken. Rowland said they were curious to see what would happen if the hangars were marketed some. Discussion about other marketing ideas.

Kathryn Berg, referring to a suggestion by Councilman Horner, said the sign idea was great. She thought CRC would make them and they wouldn't be too expensive. If the Council did go that route, she suggested the signs be as visible as possible. There was discussion about what price to list on the internet. \$309,000 was suggested. Rowland talked about a brochure that could be distributed. He said he would put some things together for Council review.

**Armstrong Consulting – Approval of Professional Services Agreement – Airport Snow**

**Removal Equipment Building (Tab 5):** David Hartmann, Armstrong Consulting, indicated he had been working on airport projects for Heber for the last 10 years of which the current project was the Snow Removal Equipment Building. He said they were currently working with a local architect on design. He indicated there had been a lot of administrative paperwork that had gone on with this project over the last two years and they would like to finish this up and get the building built. Hartmann pointed out that when working with smaller dollar amount grants, the engineering fees looked somewhat skewed. Councilman McDonald said he wanted to make sure the doors were big enough to get the equipment in them. Anderson said the intent was to bring forward a design at the next meeting. Councilman Straddeck said the City needed to move

forward and get this built and finished. Discussion about the way the monies were reimbursed by the FAA.

Councilman Straddeck moved to approve the Professional Service Agreement for the Airport Snow Equipment Removal Building. Councilman Patterson made the second. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, and Alan McDonald. Voting NAY: Benny Mergist.

**Rooftop Anchor Properties, LLC – Review Recommendation from the Industrial Park Board – Discuss Potential sale of Property in the Manufacturing & Business Park (Tab 6):**

Anderson said since Brian Lee met with the Council in July the Industrial Park Board had met twice with Gagon and his group. The recommendation of the Industrial Park Board (IPB) was to sell the land to Rooftop Anchor. Anderson indicated Tony Kohler had looked at the Code and determined the amount of parking spaces required for the business. He said, too that Rooftop understood there had been requests for this parcel to share parking for an aquatics center. He said they proposed to purchase the entire site and build the parking spaces in the front. If the aquatics center did need parking, they would build additional parking on the rear. Anderson said Activa was more interested in the aquatics center being in this location but, in talking with Mike Davis, the County would prefer the aquatics center to be in the old location of the fair grounds. The Industrial Park Board also expressed concern about mixing industrial traffic and kids walking around and going swimming. Anderson discussed his comments in the staff memo. He said it did require a public hearing to dispose of public property and Thurber had already advertized for a potential Public Hearing on September 2 in order to move forward with this issue. Councilman Mergist asked if the County had given written information as to their preference. Anderson said it had always been expressed by Activa people and not the County as far as the aquatics center location. Councilman Horner wondered what gave Brian Lee the idea the City had to provide parking for the aquatics center. Councilman Horner said he met with Gagon in the capacity of Industrial Park Board and since that time had talked to other people and City Council people. He did not think the City had any obligation to provide parking for the aquatics center. It appeared to him the County was looking to locate the aquatics center in the old rodeo grounds. Councilman Horner said the pool was no issue to him and he did not want kids or anyone walking along the Heber Light and Power substation. He said he was in favor of selling the entire piece of ground to Rooftop Anchor. To him the aquatics issue was mute. Councilman McDonald agreed and said that area was meant for industrial use. However, he said he wanted to sell closer to market value. Councilman Patterson was in favor of selling the whole thing. Councilman Straddeck agreed. Mayor Phillips said the Council would talk in Executive Session about price. Gagon said they had a good relationship with Activa and thought there was a possibility of leaving both requests on the table. Councilman Horner said they could work out any agreement they wanted with Activa. Anderson said Rooftop Anchor representatives had seen past agreements involving the purchasing of land in the Manufacturing and Business Park and knew what requirements were in other agreements.

Councilman Mergist asked if there had been any projections as to jobs that would be brought into the valley. Anderson said it had been presented to the Industrial Park Board. Councilman Horner suggested the City was competing with the private sector. He asked if the City's hands were tied to anything at all. Anderson said there were no restrictions on price and as the economy changed, the price had gone up. Councilman Horner wanted to know the market value as did Councilman McDonald. Gagon said he had two companies to bring to Heber with 18 employees. He said he

currently had offices in the Activa Center with 5 employees and that half of his employees now lived in Heber and had additional people that would move here plus people that would be staying in the hotels as they come in to do business with them. He said he would also hire six or eight young men in the summer.

Gagon said he had two issues relating to the purchase agreement he wanted to discuss—the language relating to if the property was sold within 5 years and suggested that be changed to three. He said they did not intend to sell but wanted to make that change. Anderson indicated the City was trying to make long-term commitments to the community. The other issue to discuss was they had two entities and the contract said one entity. He indicated they were an LLC and they would want to have two signs; however, the ownership would be the same. Anderson said he did not think he could get an appraisal in two weeks but perhaps a ballpark figure. Gagon said they would make an offer and present that at the next meeting.

**Andrew Jackson – Brigham Young University – Discuss Citizen Survey Regarding the Heber City General Plan and Land Use as a Student Project (Tab 7):** Mayor Phillips introduced Jackson. Jackson said he had been with Mountainland Association of Governments for 13 years but he also taught land-use planning classes at BYU. He had met with staff and felt the City could use some free work on the land-use plan. Some of that could be done via this proposed survey. Jackson talked about how these surveys were done. With technology they could have a link on Heber City's website and also linked to Mountainland and could have hard copies at the library, etc., for those people that did not have computers. This would be an opinion survey. Councilman McDonald wondered about the percentage of people that responded. Jackson said about 50%. Councilman McDonald asked about the cost to the City. Jackson said just the material costs. Councilman Straddeck said these examples were exactly what he envisioned when he suggested a survey during the budget process. He thought this was perfect. Mayor Phillips asked if Jackson would crunch the numbers and get the information back to the Council. Jackson said yes but also they would hold a meeting with Council and Planning Commission with the students asking questions. They could also do a cross tab and get information from people that had lived here one year compared to someone that had lived here 20 years. Councilman Straddeck asked if there was a way to identify unique visitors. Jackson said yes. The Council wanted to move forward with this. Councilman Horner said the City had close relations with Wasatch County and he wanted some questions that would pertain to that. He said he needed some help forming some of those questions. Councilman Mergist asked if there would be advertisement so people would know about this and also how people without a computer could participate. Councilman McDonald asked where the best results were gotten. Jackson said door-to-door.

#### *ACTION ITEMS*

**Approval of Proposed Amendments to the Heber City Airport Minimum Standards (Tab 8):** Kathryn Berg said that the Minimum Standards had been approved in January 2007. However, things changed rapidly and there was need for an update. She said during this process there had been input from the Airport Advisory Board, pilots, the FBO, the FAA and other airports of like classification. She said they started with a boiler plate document but found not everything applied to Heber. Anderson said they added a section pertaining to hot air balloons.

Councilman McDonald moved to approve the updated Heber City Airport Minimum Standards and thanked the Airport Advisory Board for their work. Councilman Mergist made the second. Councilman Straddeck asked Berg about 2.10.2 and why the deadline had been removed. Berg said there were several cases where the time line had been taken out. She said they wanted to make the document more realistic because there was no help at the Airport. Councilman Straddeck asked about 4.2.1, page 10, and said he was curious where the 5600 square feet had come from. Anderson said it was reflective of the 75x75 hangars. Councilman Straddeck questioned 4.7 and asked Berg if the Board was confident that the FAA covered everything that was removed. Berg said yes.

It was asked, in terms of hot air balloons, did this impact the operations of the hot air balloon companies in the valley and had they had input into this. Berg said representatives of that community had been to many of the meetings. It was indicated the FAA said the City could not deny them. She said this was one area the FAA counseled with the Board on.

Councilman Straddeck asked about the strikeout on attachment A, Minimum Insurance Requirements on Aircraft Rental. Berg said that was an error and needed to be corrected. There was no further discussion.

Mayor Phillips asked for the vote on the motion. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

**Application for Local Consent – Limited Restaurant License – Mostly Italian – 32 South Main Street, Suite A (Former location of Tony’s Tacos) and Discussion on the number of available licenses in the City per City Code (Tab 9):** Kohler said the only additional issue for discussion was the daycare/preschool in the back of the building. He called the Department of Alcohol and Beverage Control and it was indicated they didn’t consider that type of daycare a school.

Anderson said the City’s experience with these kinds of licenses in the past had been good. He said the Department of Alcohol and Beverage Control (DABC) would have to hold a public hearing. Anderson said this would be the last license the City could offer based on the current Code. Anderson indicated the City had not had an issue with restaurants having this kind of license and with the Boyer project coming up, there might be other requests. He said the State did have some limitations on these licenses and that it was not easy to get a license now because the State’s ratio was much higher than the City’s.

Councilman Horner moved to approve the local consent request for a Limited Restaurant License for Mostly Italian located at 32 South Main Street. Councilman Mergist made the second. No discussion. Voting AYE: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

Mayor Phillips asked if the Council wanted to look at the ratios currently outlined in City Code. Councilman McDonald said he wanted to adopt the state code categories and ratios. Mayor Phillips asked staff to look at that and get back to the Council. Kohler indicated he would gather

the data and report back. He continued that he and Councilman McDonald had been working on this and he thought he understood what Councilman McDonald wanted.

**Appointment of Justice Court Judge by Mayor Phillips to the Heber City Justice Court:**

Mayor Phillips said he and Councilman Mergist had held interviews with the four candidates recommended by the Selection Committee. He indicated he was recommending Randy Birch to fill the Justice Court Judge position.

Councilman Mergist moved to approve the recommendation of Mayor Phillips to appoint Randy Birch to fill the Justice Court Judge position. Councilman Patterson made the second.

Councilman Straddeck asked if there was any concern expressed about a local practicing attorney being the local justice court judge. Mayor Phillips said Birch had brought that up during the interview and indicated he would cease doing any conflict work. Voting AYE on the motion: Eric Straddeck, Nile Horner, Robert Patterson, Alan McDonald and Benny Mergist.

*DISCUSSION/ACTION ITEMS*

**Discuss Repair of the Valley Hills Tennis Courts – Discuss Scope of Work and Funding**

**Options (Tab 10):** Mayor Phillips asked if everyone was familiar with this issue. They were. He said it was a large piece of land. Mumford said there was a natural storm drain channel there but that the seepage problem had been addressed. He suggested it was a funding issue as there were a lot of things that could be done with the park. Mumford indicated the retaining wall and the tennis court were interrelated. Discussion about taking the retaining wall out and sloping that area. Mumford said the wall, in his opinion, was stable but had been fenced off. Councilman Mergist said he wanted to take the tennis court out and slope the hill even though he knew the Council would take some criticism if they took that route. Councilman McDonald agreed. Councilman Mergist suggested if the residents of Valley Hills really wanted a tennis court, then it should be put on the bottom of the park in a different location. Councilman Horner said he was in favor of restoring the wall and the tennis court. Councilman Straddeck said he also was in favor of fixing the wall and keeping the tennis court. Discussion about funding. Anderson said it could be funded. The Council asked Mumford to get costs on repairing the wall and different surfaces for the pad.

**Discuss Reinstatement of City Council Travel Allowance:** Mayor Phillips gave some background by saying the Council had not had a raise in 10 years and they definitely were not overpaid. He said that Councilman Patterson would like reconsideration of this issue and putting those funds back into the payroll. Councilman McDonald said he was okay with doing that. Councilman Straddeck said he was against taking it out in the first place. However, the Council had a Public Hearing on the budget and it was the residents' expectation of the budget as presented that he had concern with. He continued the Council passed the budget without it and that was what the residents were expecting. So, from that perspective, he thought it should stay out. Councilman Mergist was of the same opinion as Councilman Straddeck. Councilman Horner agreed with Councilman Straddeck and Councilman Mergist. He reviewed that the Council was asking the public and the employees for cuts. Mayor Phillips suggested that year in and year out the Council had raised the employee's salaries and the Council never got one. He

said it was one thing to raise salaries and it was another thing to take away. Councilman Straddeck agreed with what Mayor Phillips said and said initially he did not think it should be taken away; but, because the public was now aware, it was not the time to change it. Mayor Phillips said there would be other changes in the budget throughout the year. It was decided to not reinstate the travel allowance

**Discuss Employee Summer Party:** Mayor Phillips indicated the HVHRR had offered the train again this year for an employee summer party like last year, which was held on a Monday evening. A suggested date for a party was September 13 with sandwiches being brought in like last year. Anderson said he would check with Craig Lacey to firm up that date.

**Discuss Cancellation of the September 16 City Council Meeting due to a Conflict with the Utah League of Cities and Towns Convention:** The Council agreed that with the conflict with the Utah League of Cities and Towns Convention, which they would be attending, the September 16 City Council meeting should be cancelled.

As there was no further business, the City Council meeting of August 19, 2010, was adjourned.

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Paulette Thurber, City Recorder