

Heber City Corporation
City Council Meeting
January 21, 2010

6:00 p.m.
WORK MEETING

The Council of Heber City, Wasatch County, Utah, met in **Work Meeting** on 01/21/2010, in the City Council Chambers in Heber City, Utah.

Present: Mayor David R. Phillips

Council Members Nile Horner
Robert Patterson
Alan McDonald
Benny Mergist

Excused: Eric Straddeck

Also Present: City Manager Mark K. Anderson
City Recorder Paulette Thurber
City Planner Tony Kohler
Chief of Police Ed Rhoades

Others Present: Blake Allen, Spencer Park, and Reed Parkin.

Meeting with Reed Parkin, Justice Court Judge: Judge Parkin introduced himself and offered some tidbits of information about him personally. He said he appreciated the time the Council gave him and enjoyed the trust placed in him as the Judge. He said he had been judging for five years and loved coming up to Heber each Thursday. He indicated he was the judge in two other places but had some companies/businesses of his own and did not judge full time. He also taught classes at University of Phoenix. He wanted the Council to feel free to ask questions as he gave his presentation.

Statistical Information. He said the caseload in Heber City's Court went back to law enforcement. The busier the officers were, the busier the court was. He felt there were great opportunities to be had in this court. He said he was very impressed with the professional attitude he had received from Anderson and others. He indicated the courtroom in and of itself was adequate.

Weaknesses. He indicated that over the years the record keeping had not been so great which gave him great concern. His general observation was that support staff was understaffed and the office space was small and inadequate. He said he had been working for the last two years to make the court more efficient and duties outlined. He had also worked hard to not allow a confrontational tone and wanted to always serve the court with professionalism and treat everyone with dignity.

Opportunities. Judge Parkin indicated the court was scheduled to change software in April which was something mandated by the State. He said with this new software, he would be able to see everything that was going on in the State which was court related. He continued that when he was first hired, there were many people that said they had already been seen on a particular issue and paid the fine. In searching they found that to be true. He said there had been many clerical errors in the past and he was working hard to clean that up. He said he needed exactness from his clerks—that being one of the most important issues to him. He said he couldn't have human error and felt the new software would help with that issue somewhat. He said he had had concerns with the moral of the clerks in the past but now saw an increase in the moral.

Threats: He said not being here full time could potentially be a problem as well as supervision sometimes became a problem. However, he was always available on his Blackberry.

Judge Parkin indicated he was making two requests. Increase one clerk by eight hours and allow the court to operate 8:00 a.m. - 5:00 p.m. five days a week rather than extended hours for five days a week. He said he knew it was a bad time to ask for an additional eight hours for the clerk since this was a time of cutting but that he was passionate about this and had done everything he could do to make the court more efficient. He said there were still some things they needed to do, but he had improved the daily operations of the courts. Parkin continued that he felt there was enough phone traffic and walk-ins that it would be better to push the two clerks together with one meeting the phone and walk in traffic and the other doing reports, computer work, etc. Discussion about the courts being on a 5-day work week throughout Utah. However, there had been a recent statute change and the courts could now operate on a 4-10 basis. Judge Parkin said he was not recommending that. He outlined a typical day in this court. He said he felt his request was justified and needed; however, he would respect the decision of the Council, whatever it might be.

Councilman McDonald asked if there were any ordinances in the City that might need changed or made better to administer. Parkin said he did not see many things relating to the City Code—he mostly saw traffic and non-criminal cases. He thought most City Ordinances were handled administratively.

Councilman Horner asked if there was anything that could be done in relation to training that would make Heber a more officer-friendly city. He said there had been a few studies done and he knew Heber City was on the bottom of the barrel as far as friendly officers. He said, as a councilmember, he had had a lot of complaints on how the officers were treating people. Parkin said he had not had any specific complaints. However, he had taught those kinds of classes and if there was a need for that he would be happy to be a resource. Parkin said the Chief had been very supportive of his court and he would be supportive of the Chief.

Update on Vehicle Policy Issues: Anderson said at the budget meeting on January 4, 2010, he mentioned the City had to re-evaluate some of the policies in relation to vehicles. He said he had been in touch with the IRS and the City needed to amend 2006, 2007, and 2008 W-2s because of reporting errors in relation to car allowance. He continued that with the incorporation of changes in 2009, the City would have a larger FICA responsibility as well and he and Mumford. He said that as of Monday Wes Greenhalgh would not be using the City vehicle to get back and forth to work and that he would be meeting with Mark Rounds and Steve Tozier about that issue, as well.

Councilman Horner asked why Anderson and Mumford had car allowances. Anderson responded that when he was asked to be City Manager he was asked if he wanted a City car or an allowance. He chose an allowance. Mumford, on a daily basis, is out in the field working with developers, inspecting, etc. Mayor Phillips said he remembered voting to allow Mumford an allowance. He did have a City car at one time. It was indicated this issue would be discussed later in budget meetings.

Spencer Park & Blake Allen – Discussion on Zoning Restrictions on Property located on 300 North 100 West: Tony Kohler thought Mayor Phillips was on Council in 2000 when this issue was presented to the City. He recalled that Karl Reese had asked for the zone change on this property originally. During public hearings there were a lot of neighbors who attended and expressed concern about what a commercial zone would do to the residential zone across the street. He continued the zone change was granted with conditions.

Kohler said that Spencer Park and Blake Allen had been working on a mixed-use plan for this property which would have been allowed before the change in the zone. He said, too, what they were trying to do would also be regulated by the proposed ordinance that the Council would look at later tonight. It was indicated Park and Allen wanted to know the thinking of the Council about lifting some of the restrictions that were imposed when the original ordinance was adopted. (2000-17)

Blake Allen discussed the setback conditions, the berm, and landscaping conditions placed on the property and said he had concerns about them. He said they had not yet bought the property, and didn't want to if the Council was not amenable to changes.

Kohler said staff felt that a mixed-use would be better fit to the property than just commercial. Anderson said the developers would have to go through the zone-change process to make any changes. Allen said they just wanted a feeling of what the Council would do with a request like this as it would kill the deal they were looking at if the conditions were left in place.

Councilman Mergist said he was not ready to see apartment complexes a block off Main Street in Heber City--he did not like the idea of a three-story apartment just off Main Street. Councilman McDonald said he could not make a business decision for them, but would not encourage them to put any more money into this. Councilman Horner wanted to know what the Code allowed them to build now. Kohler said the Affordable Housing Ordinance the Council would look at tonight would all apply to there project. Councilman Horner said he was not ready for apartments in this area either. He would like to see a nice commercial development there, but not apartments. He did say he would be favorable to removing the berm. Allen talked asked their thinking for the mixed-use. Councilman Mergist said if there was a plan for Heber to be a walking community, then it would be something to consider.

Anderson indicated their request had to go before the Planning Commission first. He suggested they address the formal process and see where it led. Councilman Mergist said he would be interested to see what the residents would tolerate. Councilman Horner said he would be

interested in looking at the setback and berm issue. Allen talked about the access which was now prohibited and suggested that would not work for their project.

Discuss need for a Farmers Market Manager: Anderson indicated Helen Warren had commented she was getting old and tired and did not know if she could continue overseeing the Farmers' Market. During the winter she hurt her foot which was the final straw. She said now she definitely could not manage the Farmers' Market which, he felt, was a real blow to the City. Anderson said he had talked with Suzanne Hansen and she indicated she could spend time down there to collect business license fees, etc. Discussion that perhaps CAMS could administer the Market. Anderson said he had thought of that, too, and if the Council had any other suggestions, to let him know. Anderson said there was a lot of work involved. Anderson indicated he would approach CAMS.

Discuss Council response to OK3-AIR regarding the non-disclosure agreement: The question was asked if the Council as a whole wanted to respond to the letter OK3-AIR had sent. It was indicated the Council did not want to sign a non-disclosure letter. Mayor Phillips instructed Anderson to write AbuHaidar a letter that stated the Council would address the issues on February 21. The Council wanted the reports per the lease agreement and they wanted to see insurance information, as well.

Councilman Horner suggested the name of Mick Kohler to serve on the Airport Advisory Board. Councilman McDonald said he also had a couple names that he would present to Mayor Phillips for consideration.

Discuss Issues associated with Street Banners – Review request from Wasatch High School: Anderson reviewed the policy which was no outside advertising on the banners and the event had to be non-profit. A while back he noticed a banner for the moto-cross event which was for profit which prompted him to call UDOT about regulations. He was told that the banners were to be only City sponsored events but they were too busy with other things to regulate. He asked the Council if they had any strong feelings about the banners or if the City should continue with what they had done in the past.

Councilman Mergist indicated it took two or three hours to hang the banners and it was not safe. Discussion about charging to have them hung. Mayor Phillips suggested the current policy be followed and to keep doing what had been done in the past with only non-profit businesses being allowed to have their banners hung and that no outside (soda, beer, car dealers, etc.) advertising be allowed.

Anderson indicated Wasatch High School wanted to do some progressive signs in the Main Street Park advertising their play The Wizard of OZ. The Council appeared to be fine with that.

As the time was 7:00 p.m., the Council adjourned the Work Meeting held on January 21, 2010.

Approved 02/04/2010