

**Heber City Corporation
City Council Meeting**

April 3, 2014

7:02 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on April 3, 2014, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

Present:

Mayor	Alan McDonald
Council Members	Robert Patterson
	Jeffery Bradshaw
	Erik Rowland
	Heidi Franco
	Kelleen Potter

Also Present:

City Manager	Mark K. Anderson
Planning Director	Anthony Kohler
Deputy Recorder	Amanda Anderson
Police Department	Sgt. Jeremy Nelson

Others Present: Wayne McDonald, Merry Duggin, Ken McCarthy, Dave Kennamer, Linda English, David Johnson, Don Jacobson, Carol Clark, Mike Duggin, Debbie Whiting, Bill Goodall, Terri Goodall, Doug Murdock, Jeff Findarle, Janice Haynes, Anissa Wardell, Anthony Moore, Derek Ray, Paul Boyer, Dale Stewart, Meiga Mecham, Steve Mecham, Mel McQuarrie, Bruce Kirchenheiter, Dave Hansen, Ron Blue, Toy Blue, Justin Hatch, Alan Robertson, Toni Mecham, Lynne Shindurling, Jim Churel, Lonnie Woodard, Chris Messick, Amber Overton, Heidi World, Sharon Givens, Alison Russell, Loida Alba, Laurie Wynn, Jeff Mabbutt, Dennis Jensen and others whose names were illegible.

Pledge of Allegiance: Council Member Jeffery Bradshaw

Prayer/Thought: Mayor Alan McDonald

Minutes for Approval: March 6, 2014 Work and Regular Meetings
March 17, 2014 Special Budget Meeting

Council Member Patterson moved to approve the above listed minutes. Council Member Bradshaw made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter. Voting Nay: None.

Mayor McDonald welcomed the Scouts in the audience and asked them to introduce themselves.

OPEN PERIOD FOR PUBLIC COMMENT

Mayor McDonald asked those who wished to address the Council on items not on the agenda to come forward. No comments were given.

APPOINTMENTS

Amy Sivertsen, Timpanogos Intermediate School Student Council, Presentation of Check to Heber Valley Animal Services: Ms. Sivertsen introduced her Timpanogos Intermediate School Student Council representatives. She explained the students sold candy suckers for Valentine's Day to raise money for the Heber Valley Animal Shelter. The Student Council then presented a check for \$404.00 to Justin Hatch for the Heber Valley Animal Shelter. The children took a few minutes for pictures and were applauded for their efforts.

ACTION ITEMS

Appointment of Council Member to the Cowboy Poetry Board: Mayor McDonald asked for a volunteer for this board position. Council Member Potter volunteered.

Council Member Rowland moved to appoint Council Member Potter to the Cowboy Poetry Board. Council Member Patterson made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter. Voting Nay: None.

Approve Red Ledges Phase 2G Subdivision, a 10 Lot Subdivision, Located on Club Cabins Court, and the Associated Development Agreement: This item was tabled at the request of Red Ledges.

Barry Hancock, Approve Specialized Aviation Service Operator (SASO) Agreement for Worldwide Warbirds, LLC to Sell Aircraft at the Heber City Airport: Mayor McDonald invited Barry Hancock to take the floor. Mr. Hancock explained who he was and the purpose and intent of his company. Mayor McDonald asked if he was amenable to the current agreement, to which Mr. Hancock stated he was in agreement.

Council Member Bradshaw moved to approve the Specialized Aviation Service Operator (SASO) Agreement for Worldwide Warbirds, LLC to sell aircraft at the Heber City Airport.

Council Member Potter made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter. Voting Nay: None.

Approve Airport Hangar Lease Rates and Charges Policy: Mayor McDonald explained the lease rates and charges policy up for approval only applied to new leases. Mr. McQuarrie gave a brief history of the airport, the condition it began in and goals the Airport Advisory Board (AAB) set for anticipated growth to become an airport with participation, land, funding, etc. The decision was made to use non-reversionary leases to allow the money at the airport to be paid up front, which resulted in not having to use the City's General Fund. This plan worked well for 15 years and created self-sufficiency and cash flow at the airport. Mr. McQuarrie explained the pros and cons to the various lease options and stated the non-reversionary leases and maximizing leases were the solutions the board came up with. He stated that his understanding was all but one member of the AAB were in agreement with the proposed agreement and changes therein. Council Members Potter and Franco asked various questions to help understand the formulas used, insurance, transfer fees, and so forth.

Ron Blue stated that upon moving to Heber City he had wanted to buy an airport hangar. At the time, he stated there were a significant number of people interested in airport hangars. He then stated that upon completion of the airport, with the reversionary lease option, the number of interested parties decreased drastically, and when a non-reversionary hangar opened up he jumped at the opportunity and currently leases it. He stated he felt the non-reversionary leases were the logical way to go.

Mr. McQuarrie continued to explain and support the AAB suggestions. There was discussion with regard to the proposed policy between Council Member Franco, Mark Anderson, Council Member Erik Rowland and Mr. McQuarrie. Mayor McDonald asked Mark Anderson for his input and thoughts. Mr. Anderson provided background to the past practices of the airport. He stated reversionary leases were the recommended option and voiced the pros and cons to both reversionary and non-reversionary leases. Mr. McQuarrie stated he felt the consultants had been swayed and he felt that the consultants did not provide an accurate recommendation for the airport. Mr. Anderson stated the basis and reasoning behind the recommendations for reversionary leases. He clarified that he had not persuaded or pushed the consultants in any way.

Mr. Boyer invited Barry Hancock to display a PowerPoint presentation (please see extra materials) in support of non-reversionary leases. Various audience members briefly discussed their concerns with the proposed changes. After some discussion, Mr. Paul Boyer proposed moving forward without spending taxpayer money on consultations and so forth and urged the Council to make a decision.

Council Member Bradshaw stated that throughout the evening the Council had been presented with arguments that conflicted and his opinion was that there should be no decision made during the current Council meeting and that a decision would be made after further education. Mr. Anderson had a brief discussion with Mr. Boyer about the lease rate amounts, after which Mr. Hancock defended the presentation given previously in the evening. Council Member Franco stated that with matching funds and the General Fund at the City, the tax shift had already occurred and she wanted to find a balance where everyone involved benefited. Mr. McQuarrie stated the AAB decided that the non-reversionary leases were the solution they felt would benefit the City, as well as the airport. Mr. Boyer gave other examples of airports moving from reversionary to non-reversionary leases.

Council Member Bradshaw made a motion to continue the issue until it could be studied further and more information was gathered with regard to the issues discussed. Council Member Franco seconded the motion. Council Member Rowland stated he was concerned with further time spent and would like to get policies in place as soon as possible, rather than putting the discussion on hold.

Council Member Bradshaw amended his motion to include, "to continue the reversionary vs. non-reversionary issue for one to two weeks."

After some discussion among the Council, Mayor McDonald stated he would like the AAB to meet with the City Council to discuss the matters at hand.

Council Member Bradshaw withdrew his prior motion and his amended motion and made a motion to meet jointly with the Airport Advisory Board to work out these matters before deciding upon the current issues. Council Member Franco seconded the motion.

Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter. Voting Nay: None.

Mayor McDonald reiterated that the Council would meet May 14, 2014 to discuss further.

Review/Approve Proposed Amendment to the Airport Advisory Board Bylaws: Mr. McQuarrie presented the proposed amendments to the Council. Mayor McDonald asked for some clarification with regard to the proposed amendments and Mr. McQuarrie stated the provided document was correct. Council Members Potter and Bradshaw, as well as Mayor McDonald were in agreement that the FBO should be a non-voting member on the Airport Advisory Board. If this change were implemented, Mayor McDonald stated the board would be a six-member board and his recommendation was to change the Council Member on the board to a non-voting member, which would create a five-member board. McQuarrie stated that if a

change was made to have two City Council Members on the board, one would need to be a voting member. Council Member Potter stated she did not agree with the removal of a Council Member as a voting member, as having a Council Member serve on boards was standard procedure in government and business. Mr. McQuarrie explained the Council Member would have a vote eventually, not on the Airport Board, but at the Council meetings. Council Member Rowland stated he would like to see two Council Members on the AAB. Council Member Patterson voiced his concerns and after some discussion among the Mayor, the City Attorney and the Council Members with regard to residency and so forth, it was decided to change the following items under Article 3, Appointment and Terms of Members: #1: Two (2) City Council Members non-voting members. #2: Three (3) Heber City residents. #3: Two (2) At-Large members who are residents of Wasatch County, the definition of resident to be decided at a later time. #4: The FBO representative may serve on the AAB as a non-voting member. The quorum would be based on three (3) voting members, with a quorum of five (5).

With regard to line #5, Council Member Rowland explained why they asked about aviation experience and explained this benefited the Board, but was not required to serve on the AAB. Mayor McDonald's recommendation was to remove the entire section. Council Member Rowland explained again why the AAB wanted these questions answered and how they benefited the AAB. Tracy Taylor took the floor and stated these were standard questions across the County and suggested asking them. She explained again that she did not feel there should be a hangar owner or property owner at the airport serving on the AAB as it was a conflict of interest. The Council continued to discuss the topics at hand with regard to the AAB.

Council Member Franco asked to include the following in the amendment to #5 at the end, "As such hangar ownership or other property interests in the initial application to the board, as well as in the annual disclosure reports" and a quorum is based on five voting members, three or more and any motions that are passed are by that minimum quorum of three votes. Mark Smedley explained the process involved with these changes and Mayor McDonald felt it would be around May before the changes would take effect.

Approve Memorandum of Understanding, State of Utah, Office of State Debt Collection, Regarding Court Fines: Council Member Franco asked how old the "old debt" was. Anderson stated it was at least five years old and that there was no cost involved and it would be at the Judge's discretion.

Council Member Rowland made a motion to approve the Memorandum of Understanding, State of Utah, Office of State Debt Collection, Regarding Court Fines. Council Member Patterson made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter. Voting Nay: None.

Award Construction Manager/General Contractor (CM/GC) Contract: Council Member Bradshaw made a motion to award the Construction Manager/General Contractor (CM/GC) contract to Hogan & Associates. Council Member Potter made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter. Voting Nay: None.

Approve Ordinance 2014-05, an Ordinance Amending Heber City Block 43 of Heber City's Zoning Map, Located at 301 South Main Street

Approve Ordinance 2014-06, an Ordinance Amending Heber City's C-2 and C-4 Commercial Design Standards and Guidelines

Approve Ordinance 2014-07, an Ordinance Amending Section 18.72.030, Parking Spaces Designated, of the Heber City Municipal Code: Ordinance 2014-05, Ordinance 2014-06 and Ordinance 2014-07 were combined as one item. Council Member Franco questioned the two-story façade and asked for clarification with regard to placement of the building, appearance, cost, etc. Mr. Anderson explained the setback, sidewalks, and so forth. Council Member Franco was concerned with the cost of the “look” of a two-story building over the entire building as opposed to a portion of the building. Council Member Potter shared her concerns. City Engineer, Bart Mumford, stated the verbiage was not specific and could be interpreted very loosely. There was discussion among the Council and staff with regard to the above Ordinances and what they would bind the City to in the future.

Council Member Franco made a motion to approve Ordinance 2014-05, an Ordinance Amending Heber City Block 43 of Heber City's Zoning Map, Located at 301 South Main Street, Ordinance 2014-06, an Ordinance Amending Heber City's C-2 and C-4 Commercial Design Standards and Guidelines and Ordinance 2014-07, an Ordinance Amending Section 18.72.030, Parking Spaces Designated, of the Heber City Municipal Code. Council Member Patterson made the second. Voting Aye: Council Members Patterson, Bradshaw, Rowland, Franco and Potter. Voting Nay: none.

Resolution 2014-03, a Resolution Designating Arbor Day as the Last Friday of May:

Council Member Patterson made a motion to approve Resolution 2014-03, a Resolution Designating Arbor Day as the Last Friday of May. Council Member Potter seconded the motion. Voting Aye: Council Members Patterson, Bradshaw, Rowland and Potter. Voting Nay: Council Member Franco.

With no further business the meeting was adjourned.

Amanda Anderson
Deputy Recorder