

Heber City Corporation  
City Council Meeting  
August 21, 2014  
7:32 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on August 21, 2014, in the City Council Chambers in Heber City, Utah

I. Call to Order

Present: Mayor Alan McDonald  
Council Member Robert Patterson  
Council Member Jeffery Bradshaw  
Council Member Erik Rowland  
Council Member Heidi Franco  
Council Member Kelleen Potter

Staff Present: City Manager Mark Anderson  
City Recorder Michelle Kellogg  
City Engineer Bart Mumford  
City Planner Anthony Kohler  
Chief of Police Dave Booth

Others Present: Janice Kennedy, Terri Goodall, Mike Altieri, Jan Altieri, Bob Brandt, Wilma Cowley, Pam Patrick, Harold Patrick, Riley Wright, Karly Schindler, Laurie Wynn, John R. Kowallis, Colleen Bonner, Janice Haynes, Tracy Taylor, Pat Kohler, Rudi Kohler, Dave Moon, Cindy Cossairt, Kendall Crittenden, Danny Goode, Merry Duggin, A. Potter, Susan Cummings, Mike Johnston, Lynna Beaman, Bill Goodall, Nancy Despain, and others whose names were illegible.

Agenda & Memo

II. Pledge of Allegiance: Council Member Robert Patterson

III. Prayer/Thought: By Invitation (Default Council Member Jeffery Bradshaw)

IV. Minutes for Approval: August 7, 2014 Work and Regular Meetings

Minutes for Approval

Council Member Rowland moved to approve the August 7, 2014 Work and Regular Meeting minutes. Council Member Patterson made the second.

Voting Aye: Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Erik Rowland, Council Member Heidi Franco, and Council Member Kelleen Potter.

**Open Period for Public Comments:**

Mayor McDonald asked those who wished to address the Council on items unrelated to the agenda to come forward at this time.

Michelle Kellogg indicated that the City had new technology that would allow the public to listen to a live streaming of City Council, Airport Advisory Board and Planning Commission meetings from their homes or mobile devices. They could access the live streaming by going to the City website.

Tracy Taylor stated the Council needed to speak into their microphones because at times it was difficult for the audience to hear them. She also commented on the Heber Light and Power item just discussed at the City Council Work meeting. She hoped people would look at the Utah Taxpayers' website to see all the information there. After months of receiving GRAMA requests, she was happy Heber Light and Power had complied by giving the requested information.

1. [Approve Resolution 2014-16, a Joint Resolution of Heber City, Midway City, Charleston Town, Wasatch County and Heber Light and Power Company](#)

[Resolution 2014-16](#)

Council Member Rowland stated he was one of the sponsors of this resolution. He apologized to Heber Light and Power employees because they had been targeted throughout this ordeal and had been led to believe that their work was not appreciated. He stressed that the issue was not with the employees but with the management of the company. He expressed his feelings regarding Heber Light and Power, and indicated he was here to represent an overwhelming number of constituents that were asking for answers and who wondered how this company got to this point. Council Member Rowland stated there was no interest to make Heber Light and Power a City utility, so he hoped this myth was terminated. He also noted Resolution 2014-13, which Mayors Kowallis and Bonner requested that the Council rescind, had no intention of taking over the company. Heber Light and Power was a monopoly, so at times there were questions that needed to be asked. He hoped the company would not threaten to sue people that didn't keep their mouths shut. Resolution 2014-13 was an attempt to keep that dialogue going. He hoped this would be a starting point to have a company the community would be proud of.

Council Member Franco stated Midway wrote this joint resolution and it would not change anything. She was more concerned that the board was not following the law. She recommended having a citizen selection committee screen candidates for the general manager position of Heber Light and Power Company. Then the board could feel comfortable that the candidate had been properly vetted.

Council Member Rowland also responded to the request of rescinding the Resolution 2014-13, that he hoped the board would make their own resolution that would bind themselves, and that would thereby rescind Heber City's resolution.

Council Member Potter felt the board and the Council had some misunderstandings, so she asked that the contention stop. She felt the joint resolution would give the entities common ground, which would be step one. She indicated she would consider suspending the former resolution at the same time as passing the current joint resolution in order to give the board time to implement some of the principles from these resolutions.

Council Member Bradshaw commented on the comment by Council Member Rowland about the employees of Heber Light and Power. He indicated the employees felt a comment against some employees was a comment against all the employees. He stated the board organized a human resources committee to look at the employee benefits. There was also an audit committee, a capital projects committee and they were working on getting some of these issues resolved. Council Member Bradshaw knew it would be hard to take away a lot of benefits at once but some steps had been taken for those hired moving forward. He felt the board was working in the right direction.

Council Member Franco moved to amend Resolution 2014-16, a Joint Resolution of Heber City, Midway City, Charleston Town, Wasatch County and Heber Light and Power Company with the following added to Section 6: that the rigorous selection process should be made up of a citizen selection committee, made up of five members. Each director's Council of Heber City, Midway City, Charleston and Wasatch County would recommend one highly qualified management expert to the selection committee in addition to the Heber City Manager. This selection committee would post, screen and recommend qualified candidates for General Manager to the Heber Light and Power Board. Council Member Rowland made the second.

Council Member Franco felt adding this language to the resolution would be a gesture of good faith. Mayor McDonald indicated applications would be coming in through the end of October. During November and December the applications would be reviewed by a committee of professionals. Council Member Franco asked who would pick the professionals on the committee. Mayor McDonald indicated at least three board members and four to six outside members would constitute the committee. Council Member Franco suggested the citizen committee format as set forth in the motion be implemented.

Mayor Bonner felt the resolution should be passed as it was currently written by the entities and then Heber Light and Power could take it and make its own resolution. She noted Midway had already passed the resolution as it now stood. Council Member Rowland asked that Midway would take the amended resolution back for passage since the lack of this language was an oversight in the current resolution. He noted this document was intended to heal the public.

Council Member Potter stated she agreed in principle but not in practice because she didn't want to make changes that would start the whole ball rolling again. Council Member Patterson agreed. Council Member Rowland stated the message he had received was to not ask questions and if we (Heber City) did, they (Heber Light and Power) would come after us. He had not heard anything to the effect that the Heber Light and Power board would even listen to the public or that they were changing. He indicated he would hope there was good faith demonstrated.

Tracy Taylor stated she didn't understand why the different entities couldn't get along. She felt allowing public involvement in the hiring process would help with transparency.  
Voting Aye: Council Member Erik Rowland, Council Member Heidi Franco. Voting Nay:  
Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Kelleen Potter. Motion failed.

Council Member Franco moved to amend Resolution 2014-16, a Joint Resolution of Heber City, Midway City, Charleston Town, Wasatch County and Heber Light and Power Company with the following: to strike the words "and cost effective" from Section 1. Council Member Rowland made the second.

Council Member Franco explained she didn't want to strengthen the ex-CFO's fraud case. Council Member Potter stated she wanted to accept the resolution "as is" tonight and then make changes tomorrow.

Voting Aye: Council Member Erik Rowland, Council Member Heidi Franco. Voting Nay:  
Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Kelleen Potter. Motion failed.

Council Member Patterson moved to approve Resolution 2014-16, a Joint Resolution of Heber City, Midway City, Charleston Town, Wasatch County and Heber Light and Power Company as presented. Council Member Bradshaw made the second.

Voting Aye: Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Kelleen Potter. Voting Nay: Council Member Erik Rowland, Council Member Heidi Franco. Motion passed.

## 2. [Guy Haskell, Request for Final Approval for Amended Swift Creek Subdivision, Phases II and III, with Associated Subdivision Agreements](#)

### [Swift Crk. Subdivision, Phase II and III](#)

Council Member Rowland moved to approve the Amended Swift Creek Subdivision, Phases II and III, with the associated subdivision agreements. Council Member Bradshaw made the second.

Voting Aye: Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Erik Rowland, Council Member Heidi Franco, Council Member Kelleen Potter.

## 3. [Approval of Disposal or Auction of Evidence](#)

### [Disposal of Evidence](#)

Chief Booth asked that the motion include that the cash to go towards Police Department expenses.

Council Member Potter moved to approve the disposal or auction of evidence and that the cash to go towards Police Department expenses. Council Member Patterson made the second. Voting Aye: Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Erik Rowland, Council Member Heidi Franco, Council Member Kelleen Potter.

4. Award Contract for Heber City 2014 Valley Hills Tank Connection Project

Valley Hills Tank

Council Member Franco declared a conflict of interest in that this award would affect her property.

Council Member Rowland moved to approve that the contract for Heber City 2014 Valley Hills Tank Connection Project be awarded to Silver Spur Construction. Council Member Patterson made the second.

Voting Aye: Council Member Robert Patterson, Council Member Jeffery Bradshaw, Council Member Erik Rowland, Council Member Heidi Franco, Council Member Kelleen Potter.

Anderson asked for clarity on what would happen with regard to further studies under Resolution 2014-13. Council Member Rowland hoped some of the words expressed tonight would be put into action. He stated he would be fine with Anderson not proceeding at this point until it could be determined if action would be taken. Council Member Franco asked that Anderson summarize a total cost difference from the benefits analysis. Council Member Potter didn't think it was necessary for Anderson to beyond what he already did as far as researching new areas. Anderson stated he was reluctant to make recommendations for cost savings.

Dept. Reports

With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder