

**Heber City Corporation  
City Council Meeting**

**September 5, 2013**

**7:00 p.m.**

**REGULAR MEETING**

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on September 5, 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

**Present:**

Mayor  
Council Members

David R. Phillips  
Robert Patterson  
Alan McDonald  
Benny Mergist  
Jeffery Bradshaw  
Erik Rowland

**Also Present:**

City Manager  
City Recorder  
City Engineer  
Planning Director  
Chief of Police

Mark K. Anderson  
Michelle Kellogg  
Bart Mumford  
Anthony Kohler  
David Booth

**Others Present:** Guy M. Haskell, Paul Berg, Drew Becker, Diane Becker, Allan Gehring, Weston Epperson, Lance Gehring, Jordon Hill, Gunner Osguthorpe, Tammy Thacker, Danny Thacker, Paul Sweat, Brian Baker, Todd Cates, Danny Goode, Jim Brown, Todd Bonner, and others whose names were illegible.

Mayor Phillips opened the meeting and welcomed those in attendance, including Boy Scout Troop 226.

**Pledge of Allegiance:** Council Member Alan McDonald

**Prayer:** Council Member Jeffery Bradshaw

**Minutes:** August 15, 2013 Work and Regular Meetings  
August 27, 2013 Special Meeting

Council Member Bradshaw moved to approve the above listed minutes. Council Member Mergist made the second. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

***OPEN PERIOD FOR PUBLIC COMMENTS***

Mayor Phillips asked for comments from those who wished to speak on topics other than those listed on the agenda. None were given.

## *MAYOR'S RECOGNITION*

### **Mayor's Recognition of Detectives Tammy Thacker and Jim Brown for Outstanding**

**Service:** Mayor Phillips stated these detectives did great work in solving cases which had no clues, and he wanted to reward them each with a \$100 check. Mayor Phillips also noted he appreciated Chief Booth recommending these employees for this recognition and for the Council that supported the recognition.

## *CONSENT AGENDA*

### **Approve Brenda Aguirre, Mini Market, Request for Local Consent to Sell Alcohol for Off-Premise Consumption at 37 West 100 South:**

Anderson stated a clean background check came back on the owner. Council Member Mergist moved to approve Mini Market's request for Local Consent to sell alcohol for off-premise consumption. Council Member Rowland seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

## *APPOINTMENTS*

**Drew Becker, Report on Eagle Scout Project:** Becker thanked the Council for having him here, and also thanked his scout leaders and fellow scouts. He commented that after being bitten by a dog and getting acquainted with the Animal Services officers, he learned of the need for a storage shed at the animal shelter. Becker then gave a PowerPoint presentation that explained his Eagle Scout project. Mayor Phillips commented that Becker did a great job with his presentation and with his project, and asked how much was spent on the shed. Becker noted that after donations, the shed cost \$1,500. Council Member Rowland proposed the City reimburse Becker the \$1,500 with funds from the City Manager Discretion Fund. The Council agreed to reimburse Becker.

## *ACTION ITEMS*

### **Approve Agreement with Wasatch Back Property Management for Providing Culinary Water Service to Property Located at Approximately 2400 South and 1300 East:**

Council Member Rowland agreed with the suggestion from Anderson's staff memo to discuss this issue with the County before making a decision. Council Member Rowland moved to continue the request from Wasatch Back Property Management to provide culinary water service. Council Member Patterson seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Anderson stated he would schedule a meeting with Twin Creeks Special Service District, Mike Davis, the developer and City representatives. It was decided the City representatives should be Anderson and Mumford.

### **Approve Agreement with Strawberry Storage for Providing Culinary Water Service to Property Located at 2117 South Highway 40:**

Council Member McDonald asked if Twin Creeks currently offered water service to this area. Berg stated the property was located within the County but was not in Twin Creeks Special Service District. It was discussed that the storage

facility would be expanding to include covered storage, and therefore water service was needed in order to provide the required fire protection.

Council Member Rowland moved to approve the agreement with Strawberry Storage for providing culinary water service. Council Member McDonald seconded the motion. Berg referred to Paragraph 1(c) of the agreement and wanted to add “or water rights” as an option after “irrigation shares”. Also, under Paragraph 1(b), he requested that the other parcels be allowed to petition for annexation if they so desired. The Council agreed to change the wording to “the Landowner agrees to be a petitioner”.

Council Member Rowland amended his motion to include the above changes in the agreement. Council Member McDonald amended his second to the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

**Approve Swift Creek Subdivision, a 27 Lot Subdivision, Located at Approximately 900**

**South to 1100 East and 800 East to 1000 East:** Kohler stated Guy Haskell, who was developing this subdivision, had asked to postpone this decision until the next meeting. Haskell stated the farm adjoining the proposed subdivision requested that a note be added to the plat that included the right to farm. Mayor Phillips suggested talking with the City Attorney with regard to the right-to-farm language, which was shown on the overhead.

Council Member McDonald asked why the irrigation easement on the west side of the plat was going to be abandoned. Mumford explained the irrigation line would be relocated into the road by the developer. The City would service the irrigation line at the road, so the easement would be abandoned because it was no longer necessary. Referring to the right-to-farm language, Council Member Mergist noted Utah was a “fence-in” state, so it was the responsibility of the farmer to keep livestock in, not the adjacent neighbors.

Council Member Mergist moved to continue the request to approve Swift Creek Subdivision, a 27 lot subdivision, until further advisement from City staff. Council Member Bradshaw seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

**Approve Red Ledges Subdivision Phase 2D, a 9 Lot Subdivision, Located Along Red**

**Ledges Blvd:** Council Member Rowland moved to approve Red Ledges Subdivision Phase 2D, a 9 lot subdivision. Council Member Patterson made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

**Approve Resolution 2013-12, Consideration for Adoption of a Resolution of the City Council of Heber City, Utah (the “Issuer”), Authorizing the Issuance and Sale of Not More Than \$1,000,000 Aggregate Principal Amount of Water Revenue Bonds, Series 2013 and Related Matters:**

Council Member McDonald asked if the City had a bond rating. Anderson stated the City wasn’t rated because it had never sold bonds. He noted with this bond, the City could borrow up to \$1 million for up to 16 years, if needed. He also stated the purpose of this resolution was to put the public on notice that the City intended to borrow money. Council Member McDonald asked if there would be penalties if the City paid off the bond early. Baker

indicated there would not be a penalty, and the Council could put that in the language. Council Member McDonald asked if there were designees or appointees, so two people would be making the decision. Mayor Phillips disagreed with only having two designees and felt the whole Council should decide on the amount to be borrowed. The Council agreed to have that changed, and Baker noted that change would be in the document. Baker reviewed that once the Parameters Resolution passed, the public would have 30 days to protest.

Council Member McDonald moved to approve Resolution 2013-12, consideration for adoption of a Resolution of the City Council of Heber City, Utah (the "Issuer"), authorizing the issuance and sale of not more than \$1,000,000 aggregate principal amount of Water Revenue Bonds, Series 2013 and related matters with the amendment of inserting the standard language of having the Council's approval. Council Member Patterson made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder