

**Heber City Corporation
City Council Meeting**

November 21, 2013

7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on November 21, 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
Chief of Police

Mark K. Anderson
Michelle Kellogg
Bart Mumford
David Chief Booth

Others Present: Heidi Franco, Mark Smedley, Laurie Wynn, Kelleen Potter, Janice Haynes, Tracy Taylor, Anissa Wardell, Cammie Nebeker, Sheryl Nelson, Nile Horner, Ronald R. Crittenden, Nathan Haack, Amy Haack, Robert Haack, David Nelson, Fred W. Schloss, Mike Johnston, Gavin Brush, Cason Rasmussen, Danny Goode and others whose names were illegible.

Mayor Phillips welcomed those in attendance and asked the visiting Boy Scouts to introduce themselves. They indicated they were from Troop 222.

Pledge of Allegiance:

Council Member Patterson

Prayer/Thought:

Council Member Jeffery Bradshaw

Minutes for Approval:

October 29, 2013 Special Meeting
November 7, 2013 Work and Regular Meetings

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

OPEN PERIOD FOR PUBLIC COMMENT

Mayor Phillips invited the public to address the Council on matters that would not be addressed in the meeting. No comments were received.

PUBLIC HEARING

Public Hearing to Accept Comments on Heber City's Application for a Low Interest Loan from the Community Impact Board (CIB). The City Intends to Apply for a \$6,700,000 Loan from the CIB to Partially Fund the Construction of a \$7,800,000 Proposed Police/Justice Court Facility at 301 South Main Street. A Presentation About the Nature and Scope of the Project Will be Made Which Will Include the Potential Impact to Citizens if the Loan is Received: Mayor Phillips announced that a PowerPoint presentation would be given and then the public hearing would be opened for public comment. Anderson turned the time over to Chief Booth. Chief Booth gave the presentation to the audience and Council that he previously gave at the City Council Work Meeting held November 7th (see attached presentation). At the conclusion of the presentation, the following comments were given:

Anissa Wardell stated she saw a need for this building, but she asked if the City was planning for the next 30 years or for the next 10-15 years, in which the latter time frame would be more cost effective. She noted that the talk on some social media sites was that many thought there was a need, but were not in favor of spending \$7.8 million. Also, she thought CIB only made loans in the amount of \$5 million. Another concern she expressed was that some people felt the project was just sprung on them and had not been discussed over a long period of time. She concluded that the citizens would like to be part of the process.

Cammie Nebeker, Heber City, asked where the Police Department would be located while the construction took place. Chief Booth indicated part of the building would be torn down to make room for the new building. After the new building was completed, the other part of the current building would be torn down.

Council Member McDonald clarified that 80% of the new building would be used and only 20% would be for future growth. Chief Booth confirmed that the rooms might be a little larger to allow for future growth, but all the rooms would be in use. He didn't want the perception that half the building would be empty waiting for future needs. He stated there would be some areas in the building that future needs could not be forecasted, such as the evidence room and lab. Those rooms would be built in an area where expansion to those areas could be done easily and for minimal cost.

Anissa Wardell noted the Justice Court was only used two days a week, so there were some areas that could still be looked at in order to save money.

Heidi Franco asked what the potential square footage of the new building would be. It was indicated the anticipated square footage was 22,000. She asked how much of the square footage would be used by the current staff, and was told approximately 18,000 square feet. She asked how long evidence had to be kept by the police. Chief Booth said the State continually changes the length of time for evidence storage, especially because of the constant change of technology. Franco asked how much of the 22,000 square feet would be used for the Justice Court. It was indicated 4,000 square feet and up to 4,800 with future growth. She also asked what would happen to the land when the last half of the current building was torn down, and was told it would be used as lawn, public parking, and secured parking.

Ron Crittenden was concerned that there was no vision to look ahead. He asked why the City paid \$2 million for that property. Anderson stated the City paid \$800,000 for the whole Central
Page 2 of 6

School block. Crittenden asked if the City looked at buying the old high school. He suggested all the City offices could be housed there. He suggested the City build a public safety building that would cost \$5 million so the City would be assured of receiving the CIB loan instead of requesting a \$7 million loan and having the risk of not getting it. He noted if the City didn't get the CIB loan, it would have to go with a market rate loan at a much higher debt service.

Council Member Patterson asked Chief Booth to discuss the issue about combining services with the County. Chief Booth said in speaking with the County, the Fourth District Court operated five days a week, and the County Justice Court had three Fridays a month where the court was not in use. He stated the City was here to provide for its citizens' needs, and noted that even if the courts could be combined, there was still the issue of the clerks, court files, etc. Touching on the suggestion to buy the old high school, Chief Booth asserted that it was not structurally sound to withstand a natural disaster.

Tracy Taylor stated her major concern was that the City needed to include the public in this process. She stated the application to the CIB was filed in October and a public hearing was supposed to be held prior to sending the application. The fact that a public hearing was not held prior to sending off the application reflects that reaching out to the public was an afterthought. She felt \$7.8 million for a public safety/court building was excessive. She noted the School Board was also meeting tonight about bonding for new school buildings, and an aquatic center was scheduled for the ballot next year. She was frustrated that each entity only considers their own needs, but people cannot afford to do it all. She also thought comparing this project to the school bond for the new high school in the PowerPoint presentation was not comparing apples to apples. The first \$40 million bond didn't pass because the School Board didn't have a plan, or a design. In the end, the school cost \$80 million. She asked why the City hadn't fixed the deficiencies in the current building so that it wouldn't be toxic to the staff.

Crittenden asked if maintenance costs would increase in a 22,000 square foot building. Chief Booth indicated there would be a 30%-40% cost savings in utility expenses. Anderson said there might be additional cleaning expenses with the new building. He stated he felt partially responsible for not having a public hearing on this issue before now. But when the budget passed in June, it included \$400,000 that was allocated for the design of a public safety building, and the City had adopted a Reimbursement Resolution in May. So he felt the City had been upfront with regard to making the public aware of its intentions to build a new public safety facility. The City's financial advisor recommended applying for the CIB loan in October because interest rates had risen over the summer months. Anderson indicated he notified CIB about not having a public hearing and they were aware the public hearing came after submitting the application.

Heidi Franco questioned the utility costs for the building.

Fred Schloss stated this was the second time in recent history that the City was going through the process of raising taxes. He had lived in Heber for 30 years, and was tired of people on the radio saying things every morning that weren't true. He was 82 years old and a veteran. He suggested that before this building was built, that the design was laid out with the Planning Department so that it would grow with the community. Downtown Heber City was planned as a walking community. He stated he was in favor of this new public safety/court building. He knew the architects weren't grabbing numbers out of the air. They had looked at other buildings and had experience in these things. Schloss supported Chief Booth and this new building.

Danny Goode asked what would happen if the City withdrew its application with CIB and re-applied in February. Anderson stated it would delay the decision by four months and construction would begin in the winter months, which would increase costs. Goode also asked if the building was scaled back now, when would the City need to add on and what would be the impact. Chief Booth stated the rooms would need to be larger, which would be difficult to accomplish on an existing building. Anderson stated the interest rate would also be a guess when the time came for adding on.

Mayor Phillips closed the public comment portion of the meeting. He didn't know the answer for future needs, but the City tried to be conscientious in its estimations. It had been 24 years since taxes were raised. He discussed the Council's decision to build on the central school property, and stated the City wanted to build for its needs, but not build a TajMahal.

Council Member McDonald thanked the public for coming tonight. He stated the City was trying to get the word out of the City plans for a public safety facility. The people he talked to were all aware of the need to have a new public safety building. He asserted it was much more feasible to build for future needs than to spend the time and expense of remodeling and adding on in the near future. He supported this decision.

Council Member Bradshaw stated we could all agree that the property tax system was not a fair way to tax us. But that was what we were faced with. He pointed out that the cost was based on the 12,500 population. But over the years, the cost would be spread out among the increased population, so the tax burden per individual in years to come would diminish. He stated we would be kidding ourselves if we thought building a public safety building was even an option. There had been a need since 2008 and the need was greater now. Trying to consider moving into the high school was not a good idea. It was built in 1964 and the life of that building had been spent. He indicated the City would be as frugal as it could to get what it needed in this facility.

Council Member Rowland stated one enjoyable thing about being on the Council was seeing many new things, and he realized how much he didn't know. The Council relied a lot on staff and experts. He commended Chief Booth on the time he spent researching, traveling, talking to other police chiefs and architects, gathering information to help the Council make good decisions, and getting answers to questions presented to him. He supported this new building as well and thought it was overdue.

Anderson stated he met with a realtor today that stated there was a possible offer coming for the old high school.

Council Member Patterson stated there was a lot of misconceptions that the Council hadn't put much thought into this building, but the topic had been discussed for at least six years, which was the whole time he has been on the Council. He felt the building was definitely needed now and for the future, not just the next 4-5 years. He commended Anderson and Chief Booth, along with other staff members, for all the work put into this project. He felt it was definitely the right decision, and fully supported the new building.

Council Member Mergist also supported the idea. Council Member McDonald wanted to move forward and make the presentation to CIB in January. The Council agreed.

APPOINTMENTS

Nile Horner, Request for Free Water and Sewer Hookups to Horner's Corner, LLC, Located at 1520 South Highway 40: Council Member McDonald recused himself from this item because of his personal relationship with Horner and business dealings with him.

Horner stated he was here requesting water hookups and referred to the prior work meeting when he came before the Council. Mayor Phillips reviewed that in 1997 an annexation took place and Horner's recollection was that his father was promised hookups in exchange for agreeing to the annexation.

Council Member Mergist moved to not charge Horner impact fees, and that the funds be taken from the General Fund to fund the Impact Fee Fund. Motion died for lack of a second.

Horner said the Council should look at this issue as two issues. One issue was the water and sewer hookups. He explained the three other property owners didn't want to annex with Ray Hult and they stalled the annexation. They allowed the annexation to go through with the promise of water hookups. Horner met with Mumford and Smedley two weeks ago and presented a letter from Paul Cook, which letter stated that his recollection was that the City offered a sewer and water hookup in exchange for not opposing the annexation. It was not the impact fees that were discussed, but the actual hookups. Horner asked Smedley his opinion on the matter and Smedley felt if those were the facts and the promise was actually made, it would not be remiss that the City honor the promise.

Council Member Bradshaw asked when impact fees were implemented. Anderson stated impact fees were implemented in 1993. Council Member Bradshaw asked if there were separate fees for water hookups and impact fees. Anderson stated they were basically the same thing. He noted that Scott Wright was the Mayor at the time, but Wright had not been contacted to see if he remembered the incident.

Horner asked for a motion to connect to the water and sewer line hookup with a meter, so he could run a line to the hookup. Mayor Phillips said he thought the promise had been made and if his vote was needed, he would favor Horner. Council Member Patterson asked if the costs were for the stubs for hookups. Mumford indicated that his estimate was for the stubs. Horner asked if he could hookup to the City water without discussing the impact fees if the hookups were awarded. He acknowledged that Cook paid to run a line to the water main and that he paid an impact fee. Horner said the water main was now in front of his property, so now it was feasible for the City to honor the promise and award the hook up.

Council Member Rowland indicated he was in favor of providing relief to the requirement to provide water rights to the City, but not in favor of negating the impact fees. He didn't feel there was enough information to relieve the impact fees.

Council Member Rowland moved that the City pay the water install, water rights, water meter, and sewer install, but not impact fees. Council Member Mergist made the second.

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

Horner thought that was fair and appreciated the Council for that vote. But he noted that Cook paid the impact fee because he had a building permit to add on to his building. Horner was not adding anything to what was there in 1998. He knew there was a method in the law that gave the Council the ability to waive the impact fee if it was for the greater good of the citizens of Heber City. His argument was that in 1998, his father allowing the annexation benefited the City because then the water and sewer lines were run to the southern part of the City.

Council Member Rowland stated there were 30 other parcels along Highway 40 that would be affected by this, and a precedent would be set if the impact fees were waived. He felt the promise was kept by the motion just passed, and the impact fee request was going beyond the intention. Council Member Rowland asked if Horner would allow the curb and gutter and sidewalk on Daniels Road. Horner said that was a needed project and he should not be impacted by it. It would be a prescriptive easement only. Horner asserted that issue was still under discussion.

Council Member Rowland moved to have Mumford and Horner continue to talk about the impact fee and the Daniels Road prescriptive easement issues. Council Member Patterson made the second.

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

ACTION ITEMS

Approve Haack Subdivision, a Small Subdivision Located at Approximately 850 East Center Street: Mayor Phillips stated the Planning Commission recommended approval for this subdivision. Council Member Mergist moved to approve Haack Subdivision. Council Member Bradshaw made the second. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

Approve 2014 Employee Holiday Schedule: Council Member McDonald moved to approve the 2014 Employee Holiday Schedule. Council Member Mergist seconded the motion. Anderson noted he would like the latitude to give employees time off during the week of July Fourth and not Columbus Day if that was so desired. The Council agreed. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

DISCUSSION/ACTION ITEMS

Review Proposed Airport Development Plan Project List: Council Member Rowland stated the FAA had a list which originally included an environmental assessment, but when the list was sent to the City, the assessment had been inadvertently left off. Anderson contacted the FAA and they were going to send over the corrected list. Council Member Rowland thought the corrected list should go back to the Airport Board in order to be transparent.

Council Member Mergist made a motion to continue this item. Council Member Patterson seconded the motion. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

With no further business, the meeting was adjourned.