

WORK MEETING

**AGENDA
AND
STAFF MEMO**

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
City Council Meeting

March 21, 2013

Budget Meeting 4:15 p.m.
Work Meeting 6:00 p.m.

DISCUSSION ITEMS

Budget Issues

(Tab A) Bart Mumford, Main Street Water Main Replacements at 200 South and 200 North

Board Reports from City Council Members

OTHER ITEMS AS NECESSARY

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Michelle Kellogg at the Heber City Offices (435) 654-0757 at least eight hours prior to the meeting.

Posted on March 14, 2013, in the Heber City Municipal Building located at 75 North Main, Wasatch County Building, Wasatch County Community Development Building, Wasatch County Library, on the Heber City Website at www.ci.heber.ut.us, and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave on March 14, 2013.

Memo

To: Mayor and City Council
From: Mark K. Anderson
Date: 03/14/2013
Re: City Council Work Meeting Agenda Items

BUDGET AND WORK MEETING

Budget Issues: I will be finalizing the information that I want to go over with the Council over the weekend and expect to get a packet of information that I want to cover with the Council on Monday or Tuesday. Topics of discussion will include the following:

- Public Safety Building
- Known Changes in Benefit Costs (Retirement & Health Insurance)
- City Council Discretionary Monies
- Property the City could dispose of
- Bonding for Water Improvements and the Public Safety Building
- Impacts of Salary Increases
- Projected Revenues and Expenses
- Manpower Requests
- Capital Requests

My ultimate goal is to inform the Council regarding these issues to understand how the Council would like to see these issues dealt with during the development of the tentative budget.

Bart Mumford, Main Street Water Main Replacements at 200 South and 200 North (Tab A): Enclosed is a staff report from Bart Mumford regarding the replacement of an undersized main water line on two segments of Main Street. Bart is requesting that this project be combined with a sewer project before the paver replacement project is commenced. In looking at available operating cash and upcoming projects, I anticipate that the City will need to consider bonding for the Broadhead tank lid replacement, 300 West waterline replacement and this project. This is consistent with projected need to borrow in the water rate study.

Board Reports from City Council Members

DISCUSSION/ ACTION ITEMS

TAB A

HEBER CITY CORPORATION

ENGINEERING STAFF REPORT

MEETING TYPE:	Council Work Meeting	MEETING DATE:	March 21, 2012
SUBMITTED BY:	Bart L Mumford	FILE NO:	00000
APPROVED BY:	Mark K. Anderson		
SUBJECT:	2013 SEWER REPLACEMENT PROJECT - ADDITION OF MAIN ST WATER MAIN REPLACEMENTS		

PURPOSE

To obtain Council approval to replace existing water mains on the west side of Main Street between 200 South and 200 North.

RECOMMENDED ACTION

That the City Council authorize staff to move \$148,000 from the water fund, into the current FY2013 budget, to replace water mains on the west side of Main Street, between 200 South and 200 North, and combine the work with the 2013 Sewer Replacement project that is being prepared for bidding.

BACKGROUND/HIGHLIGHTS

Each year the City identifies and replaces sections of existing waterline and appurtenances that are at the end of their useful life. Often this work is done in conjunction with road improvements or other work occurring in the same area. Two sections of water line in need of replacement, each approximately 200 feet long, are located on the west side of Main Street between 200 South and 200 North. Attached is a map showing the location of these mains. These are old 2-inch galvanized mains that feed adjacent businesses.

Staff is currently preparing documents to bid out two projects in this year's budget that would help in the replacement of these water mains. One is the Main Street Paver project which will replace the existing pavers with stamped concrete between 200 South and 200 North. The second project is the 2013 Sewer Replacement project which will fix several sewer problems that have been identified.

The Main Street Paver project will be disturbing the area where the water mains are located since the City is replacing the water meter cans and laterals prior to replacing the pavers. The Sewer Replacement project will bid out and retain a contractor who will have the same equipment and expertise needed to also replace the water mains. Staff would therefore recommend adding the water main replacement to the sewer work and complete it before the pavers are replaced. This would eliminate the need of bidding out two different

projects and excavating in Main Street twice, once for relocating the meter cans and again for replacing the water lines.

FISCAL IMPACT

The estimated cost to replace the water lines, meter cans, and install two new hydrants is \$148,000.

LEGAL IMPACT

None

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REGULAR MEETING

**AGENDA
AND
STAFF MEMO**

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
City Council Meeting

March 21, 2013
7:00 p.m.
Regular Meeting

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

Pledge of Allegiance: Mayor David Phillips
Prayer/Thought: Council Member Erik Rowland

Minutes for Approval: March 7, 2013 Work and Regular Meeting

OPEN PERIOD FOR PUBLIC COMMENT

APPOINTMENTS

(Tab 1) Brooks Harbertson, Peoples Health Clinic, Request for Funding Assistance

ACTION ITEMS

(Tab 2) Ordinance 2013-04, An Ordinance Amending Section 2.08, Mayor

(Tab 3) Todd Cates, Red Ledges Land Development, Requesting Final Subdivision Plat Approval for Plat 1M, a 12 lot subdivision, located in the Red Ledges Development on Red Knob Way

(Tab 4) Todd Cates Red Ledges Land Development, Requesting Final Subdivision Plat Approval for Plat 1E, an eight lot subdivision, located in the Red Ledges Development on Abajo Peak Way

DISCUSSION/ACTION ITEMS

CLOSED SESSION AS NECESSARY – PURPOSE TO BE ANNOUNCED IN MOTION

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Memo

To: Mayor and City Council
From: Mark K. Anderson
Date: 03/14/2013
Re: City Council Agenda Items

REGULAR MEETING

Brooks Harbertson, Peoples Health Clinic, Request for Funding Assistance (Tab 1):

Brooks Harbertson has asked to appear before the Council to make a presentation regarding the People's Health Clinic. Enclosed is a copy of a PowerPoint presentation that he wants to share with the Council. Brooks will be seeking funding assistance from the Council to support this service that some Wasatch County residents utilize. The Council has approved donations to the People's Health Clinic in the past, but the last donation made was in 2007 for \$3,600. Staff would recommend that the Council consider the request as the 2013/14 budget is developed.

Ordinance 2013-04, An Ordinance Amending Section 2.08, Mayor (Tab 2): At the last City Council meeting, the Council asked that this Ordinance be brought forward to be considered for adoption. The purpose of the Ordinance is to identify what executive/administrative duties traditionally held by the Mayor have been delegated to the City Manager.

Todd Cates, Red Ledges Land Development, Requesting Final Subdivision Plat Approval for Plat 1M, a 12 lot subdivision, located in the Red Ledges Development on Red Knob Way (Tab 3): Todd Cates is coming before the Council to seek approval for Plat 1M, a 12 lot subdivision. Enclosed is a copy of the plat map and a staff report prepared by Tony Kohler. The Planning Commission is recommending approval and staff concurs with this recommendation.

Todd Cates Red Ledges Land Development, Requesting Final Subdivision Plat Approval for Plat 1E, an eight lot subdivision, located in the Red Ledges Development on Abajo Peak Way (Tab 4): Todd Cates is coming before the Council to seek approval for Plat 1E, an 8 lot subdivision. Enclosed is a copy of the plat map and a staff report prepared by Tony Kohler. The Planning Commission is recommending approval and staff concurs with this recommendation.

MINUTES

1 **Heber City Corporation**
2 **City Council Meeting**

3
4 **March 7, 2013**
5 **6:00 p.m.**

6
7 **WORK MEETING**
8

9 The Council of Heber City, Wasatch County, Utah, met in Work Meeting on March 7, 2013, in
10 the City Council Chambers at 75 North Main Street, Heber City, Utah.
11

12
13 **Present:**

14 Mayor
15 Council Members

16 David R. Phillips
17 Robert Patterson
18 Alan McDonald
19 Benny Mergist
20 Jeffery Bradshaw
21 Erik Rowland

22
23 **Also Present:**

24 City Manager
25 City Recorder
26 City Engineer
27 Planning Director
28 Chief of Police

29 Mark K. Anderson
30 Michelle Kellogg
31 Bart Mumford
32 Anthony Kohler
33 David Booth

34 **Others Present:** Steven A. Anderson, Ralph Lugton, Robert John Hicken, Beau McDonald,
35 Vernon Murdock, Weslie Durtschi, George Rodrick, IV, Mike Johnston, and others whose
36 names were illegible.
37

38 Mayor Phillips opened the meeting and welcomed those in attendance.
39

40 **Ralph Lugton and Steve Anderson, Veteran's Memorial Update:** Ralph Lugton turned the
41 time over to Robert Hicken. Hicken stated he was with RJ Enterprises and explained the new
42 items on the cost estimate were for electrical work and footings and foundations. He stated these
43 items were in the original cost estimate but Hicken had to wait for the final numbers which were
44 presented tonight. Council Member McDonald asked if Summit Engineering had a scope of work
45 prepared in which the contractor would know what was required of him. Mayor Phillips noted
46 that this Veteran's Memorial project would need to be put out to bid per State law. He noted that
47 the \$414,578.02 cost estimate was far above the City's approved budget of \$300,000 so
48 fundraising would be necessary in order to reach the higher estimate, and suggested the
49 committee engage in fundraising at the Memorial Day event.

50 Anderson noted one suggestion from his staff report that could save on costs would be to have
51 the City employees do the excavating. He also asked the committee to look at the project to see if
52 it could be constructed in phases as funds became available. Hicken indicated his concern was
53 that in an effort to be competitive, he didn't want these cost numbers to go out to the public, or
54 he would not be competitive in the bidding process. Anderson confirmed that the cost sheets
55 would not be released to the public. Steve Anderson cautioned that the City employees might not
56 be the best choice for excavating if they had no experience in this area.

1 Anderson thought in a couple weeks a meeting could be held and he would have more facts on
2 what parts of the project the City employees could help with. Council Member McDonald stated
3 \$115,000 of this project cost would need to be raised by the citizens.
4

5 Steve Anderson said some people he spoke with were hesitant to donate money if there was a
6 chance the project would not be completed. Council Member Mergist felt that a \$300,000
7 commitment by the City was a surety that the project would be completed. He also complained
8 that he was on this committee and had not been notified of any meetings since November 14,
9 2012. Mayor Phillips also indicated that Mark Rounds was on the committee and should be
10 invited. Steve Anderson stated Rounds had been notified and had indicated he did not want to
11 attend the meetings. He apologized for the oversight of not notifying Council Member Mergist of
12 the meeting times.
13

14 Mayor Phillips indicated Lane Lythgoe needed to be involved in this project since he was an
15 integral part. Council Member Rowland felt the success of the project was on the shoulders of
16 the committee. If they were enthusiastic and worked hard to raise funds, they would have
17 success. Anderson said he would send the Council a link to the Veteran's Memorial project
18 website.
19

20 Hicken stated he was acting as general contractor and subcontractor under this final cost
21 estimate, but if another general contractor wanted to bid on the project, he would be happy to
22 subcontract under them.
23

24 Mayor Phillips asked if the proposed rock was durable. Hicken said Park City was built out of
25 the sandstone, and there were other types of durable rock, including granite in the project as well.
26 Mayor Phillips reiterated the Council was very supportive of this project.
27

28 **Review Draft Ordinance Amending Section 2.08, Mayor Phillips:** Council Member
29 McDonald read a prepared statement:
30

31 *I would like to take just a moment to explain for the public record and to the Council why we are*
32 *currently looking into the Mayor Ordinance that describes his powers and duties.*
33

34 *The City Council just updated its codes dealing with our form of government, removing any*
35 *wording that contradicted with a six member council form of government and with the State*
36 *Codes. Some of the wording which was removed included the city manager's vested powers in*
37 *the city government, and that the city was under a manager form of government. These*
38 *statements were incorrectly written and were not in compliance with the 2008 legislation*
39 *updates to the municipality codes.*
40

41 *Our current city ordinances under the mayor section have a number of conflicts with several*
42 *parts of the State Code that need to be addressed and fixed. The City Code and the State Code*
43 *must work together uniformly, and each section must be connected together when the City*
44 *Council modifies both the State and local codes.*
45

46 *When reading our current City ordinance found under the mayor section, it does not connect the*
47 *State and local sections together which have been modified by the City Council. One example of*
48 *this existing conflict includes the issue of the State Code allowing the mayor to vote on any*

1 *modification of his powers and duties; the City Code does not give permission for the mayor to*
2 *vote on these items.*

3
4 *Because a local city council under a six member form of government has the authority to remove*
5 *or modify the duties and powers of the mayor (with a few exceptions), the City Council can*
6 *change the City Code to read different than the State Code.*

7
8 *In order to have a transparent and responsible local government, we must clearly write out what*
9 *each member of the governing body's duties are, and ensure that our codes coincide with those*
10 *of the State. Without properly written ordinances and codes, there is confusion and*
11 *misunderstanding. The City Code dictates what the mayor's duties and powers are.*

12
13 *What I am asking the Council to do is to review what powers and duties have been given to the*
14 *mayor by the State Code, and identify what past councils have modified. I simply want to make*
15 *the powers and duties of the mayor clear, so that any mayor can know what they are, the City*
16 *Council can know what they are, and any citizen can have access to our codes and gain a clear*
17 *understanding of what they are.*

18
19 Anderson stated the proposed change to the current ordinance was to clarify the mayoral duties
20 that were delegated to the City Manager. He asserted that the voting by the Mayor could not be
21 removed from the State Code. Council Member McDonald wanted to clarify in the City Code the
22 times when the Mayor could vote. Council Member Mergist asked if the voting was specified in
23 the State Code. Council Member McDonald said it was stated in State Code but a Council could
24 modify the State Code. Council Members Rowland and Mergist understood that nothing could be
25 removed from the State Code but language could be added or modified in the City Code.

26
27 Mayor Phillips asked if the proposed ordinance should move forward to the regular meeting.
28 Council Members Rowland, Patterson, and Bradshaw were in favor of proceeding. This item
29 was moved to the next regular meeting.

30
31 **Discuss Placement of Coca Cola Vending Machine at the Heber City Main Street Park:**

32 Anderson stated that Coca Cola approached the City requesting to install a vending machine, and
33 the City would receive 30% of the proceeds. The machine would be maintained by Coca Cola.
34 The Council agreed to allow Coca Cola to install a vending machine.

35
36 **Discuss Secondary Irrigation Rates:** Anderson asked what additional information the Council
37 needed in order to better discuss this issue. Mayor Phillips asked if the Council could meet at
38 5:00 p.m. on March 21. The Council agreed to meet at that time and it was determined that
39 dinner would be provided. Council Member Mergist indicated his rate protest was in the way the
40 service was billed.

41
42 **Review Loans Made to the Airport Hangar Fund:** Anderson stated he had a spreadsheet in the
43 packet that showed the proposed sale prices of the hangars and indicated the loans recommended
44 for repayment. Mayor Phillips indicated that in the process of selling hangars, a lot of
45 infrastructure was constructed at the airport, totaling \$379,000, and that was a great benefit to the
46 airport.

47
48 **Council Member Council Member Rowland, Presentation on Youth Violence Related**

49 **Issues:** Council Member Rowland turned the time over to Chief Booth. Chief Booth said after

1 the Sandy Hook school shooting, he didn't know how to prevent these events from happening in
2 Heber except to be vigilant. He and Council Member Rowland talked and they met with people
3 at the Health Department to discuss this issue. After the discussion, this presentation was
4 organized and shown to various groups in the valley.

5
6 Council Member Rowland showed a PowerPoint presentation. He stated he had done some
7 research and found that this problem of youth violence isn't due to guns. Juvenile homicide
8 didn't happen until 30 years ago. His conclusion pointed to media violence being a causal factor
9 in violent behavior. Media violence was in games, TV, and movies. This exposure had a larger
10 influence than poverty, broken homes, and other social conditions in contributing to juvenile
11 homicide.

12
13 Council Member Rowland felt the only program that would be effective in reducing or
14 eliminating juvenile homicide was to turn off the media. His studies showed that after a week of
15 no media, dopamine levels returned to normal levels in the brain. Council Member Rowland
16 thought there was abuse in video games. He suggested the City could have a "Turn It Off" week.
17 Chief Booth suggested turning a negative into a positive. They worked together on a plan that
18 would engage parents and kids. This idea was a replacement activity to violent media. He passed
19 out a plan for youth to earn "brag tags" over a designated period in the summer months,
20 culminating the week of the County Fair Days. Council Member Rowland and Chief Booth
21 talked to businesses, the newspaper, and others, and received an enthusiastic response. The cost
22 for this program would be approximately \$9,000. Council Member Mergist asked if other cities
23 in Utah have done this. Council Member Rowland commented that this was blazing a new trail
24 and could be a model as other cities became aware of this plan.

25
26 Anderson wanted to schedule a budget meeting on the public safety building and donations
27 coming from the budget for CJC, Cowboy Poetry, and other things. It was decided to meet on
28 March 21 at 4:15 p.m. instead of 5:00 p.m. The Council agreed to donate \$3,000 for this program
29 that Council Member Rowland proposed.

30
31 Anderson noted that Mumford attended the Small Urban meeting and received funding for the
32 600 South Road Improvement Project for 2016.

33
34 **Chief Booth Booth, Discuss Changes in Vehicle Take Home Policy:** Chief Booth discussed
35 his proposed Vehicle Take Home Policy and recommended that beginning July 1, the two
36 officers that lived 30 miles or more outside the City would have to park their police vehicles at
37 the Police Department and take their own vehicles home. For the officers that lived outside the
38 City but less than 30 miles away, they would have \$50 per month taken out of their checks to
39 cover gas and vehicle wear and tear. Chief Booth estimated that it cost the City \$300 per month
40 for those living more than 30 miles from the City and \$200 per month for those living outside the
41 City but less than 30 miles away in gas plus wear and tear on the vehicles. He also wanted to
42 give a car incentive to the officers that would include running errands around the valley -
43 whether to pick up kids, go to the grocery store, or to the bank, using their police vehicles, but
44 not to include errands outside Heber Valley. He indicated other entities such as Orem and
45 Wasatch County had this policy as well.

46
47 Council Member Mergist asked if employees had to fill out a form when they borrowed a
48 company vehicle. Anderson said the other employees had income added on to their W-2 forms,
49 but police officers were exempt from this requirement. Council Member Mergist asked if the two

1 officers could leave the vehicles close to the 30 mile border, so as not to drive their personal
2 vehicles as far. Chief Booth stated he was not comfortable with that because the police vehicles
3 would not be in a secured area. Council Members Rowland and McDonald were in favor of this
4 policy. Council Member Bradshaw was in favor of the policy and thought the police force should
5 live within the valley in order to have a more responsive police force. Council Member Patterson
6 was in favor of the proposed policy as well.

7
8 Council Member Mergist stated a couple of years ago the Council took away the car allowance
9 from Anderson and Mumford and then understood that it was part of the hiring package and so it
10 was reinstated. Council Member Mergist thought one officer was hired under the current vehicle
11 policy and he didn't want him to be penalized with the change. It was noted that Officers Jones
12 and Stowe were hired under this policy.

13
14 Chief Booth related an incident of Officer Segura pulling over a vehicle that had a child in the
15 car, but there was no car seat for the child. Instead of citing the parent, he brought her to the
16 Police Station and loaned her an available car seat until she could get her own. He was very
17 proud of Officer Segura for the manner in which this incident was handled.

18
19 With no further business, the meeting was adjourned.
20
21
22
23
24

Michelle Kellogg, City Recorder

1 **Heber City Corporation**
2 **City Council Meeting**

3
4 **March 7, 2013**
5 **7:00 p.m.**

6
7 **REGULAR MEETING**

8
9 The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on March 7, 2013,
10 in the City Council Chambers at 75 North Main Street, Heber City, Utah.

11
12
13 **Present:**

13 Mayor
14 Council Members

13 David R. Phillips
14 Robert Patterson
15 Alan McDonald
16 Benny Mergist
17 Jeffery Bradshaw
18 Erik Rowland

19
20 **Also Present:**

20 City Manager
21 City Recorder
22 City Engineer
23 Planning Director
24 Chief of Police

20 Mark K. Anderson
21 Michelle Kellogg
22 Bart Mumford
23 Anthony Kohler
24 David Booth

25
26 **Others Present:** Weslie Durtschi, George Rodrick, IV, Mike Johnston, Trina Kohler, Mike
27 Bardole, Chase Bardole, Mandy Anderson, Madison Anderson, Gage Anderson, Wyatt
28 Anderson, Jacob S. Anderson, Abigail Anderson, Dick Jenkins, Kaden Hards, Aaron Dye,
29 Joseph Silversweig, Chad Garfield, Dennis Aardema, Emilee Hilton, Jace Hilton, Nate Hoftel,
30 Troop 215, Watson Pyrah, Damion Martinez, Kitro Paulson, and others whose names were
31 illegible.

32
33 Mayor Phillips opened the meeting and welcomed those in attendance, including Scout Troops
34 214, 215 and 722.

35
36 **Pledge of Allegiance:** Council Member Jeffery Bradshaw

37 **Prayer/Thought:** Mayor David Phillips

38
39 **Minutes:** February 21, 2013 Work and Regular Meeting

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

43
44 ***OPEN PERIOD FOR PUBLIC COMMENT***

45
46 Mayor Phillips invited those in the audience who wished to address the Council to come forward.
47 Chief Booth asked George Rodrick, Animal Services Officer, to come forward to show the
48 Council the new Animal Services uniform.

1 Joseph Silversweig asked about the land acquisition noticed for Closed Session this evening. He
2 asked if the City had plans to improve the area and specifically roads around the 1200 South
3 vicinity. Anderson stated the City anticipated constructing a road to continue 1200 South, but not
4 until the Stewart property was developed. Silverzweig asked if the Council knew if the property
5 would be developed soon. Anderson stated he was not aware of any development, but there was
6 an agreement in place, giving the City the opportunity to buy property within a certain time
7 frame.

8
9 ***APPOINTMENTS***

10
11 **Recognition of City Employees:** Mayor Phillips recognized Mandy Anderson and Tony Kohler.
12 He read the recommendations and presented both employees checks for \$100. Mayor Phillips
13 commented that Kohler was one of the most valuable employees in the City.

14
15 **Wasatch Chevy's Car Club Presentation:** Chad Garfield and Dennis Aardema approached the
16 Council. Garfield stated they would like to come entertain the City with a car show on June 21
17 and 22 at the Main Street Park. They presented a \$500 check to Mayor Phillips in appreciation
18 for letting them have this show. The Council members commented on how much they enjoyed
19 attending this event.

20
21 ***ACTION ITEMS***

22
23 **Approve Contango Capital Advisors, Inc. Investment Policy Statement Agreement:** Council
24 Member McDonald asked if Contango Capital Advisors, Inc. was part of Zions Bank. Mayor
25 Phillips commented that part of the reason the Council was comfortable with investing was
26 because it was with Zions Bank. Anderson thought Contango was a subsidiary of Zions Bank.
27 Council Member McDonald noted that under this agreement some funds would be tied up for
28 two years, and he suggested that the maturity dates be no longer than a year without Council
29 approval. Council Member Rowland looked online and confirmed that Contango was a nonbank
30 subsidiary of Zions Bank.

31
32 Council Member Bradshaw moved to approve the Contango Capital Advisors, Inc. Investment
33 Policy Statement Agreement as presented. Council Member Patterson seconded the motion.
34 Council Member McDonald suggested changing the contract to read one year instead of two
35 years, or with Council approval. He felt the Council should give its advice and consent for that
36 long of a period. Anderson stated in the original agreement, the maximum maturity date was five
37 years and Anderson had it changed to two years.

38
39 Voting Aye: Council Members Patterson, Bradshaw, and Rowland. Voting Nay: Council
40 Members McDonald and Mergist.

41
42 **Ordinance 2013-03, An Ordinance to Amend the Consolidated Fee Schedule - Adopting**
43 **New Water and Sewer Rates:** Council Member Rowland moved to approve Ordinance 2013-
44 03, an ordinance to amend the Consolidated Fee Schedule - Adopting New Water and Sewer
45 Rates. Council Member Patterson seconded the motion.

46
47 Council Member McDonald read a prepared statement:
48
49

1 *Why I do not support the Water Rates:*

2 *Most of my comments on the water and sewer rates are on the audio recordings of these*
3 *meetings, but the following is an outline of some my thoughts from those meetings.*

4 *It was I that asked that a study be done by the city 2 years ago because no one knew what our*
5 *fixed costs were. I totally support the need for a rate analysis on the water and sewer*

6 *departments to determine what our recovery costs or rate of return is for the system. The rate of*
7 *return attempts to recover sufficient funds to replace the assets at some point in the future.*

8 *Without an appropriate rate of return, customers today are being subsidized by future customers.*

9 *Finding the Cost of service is critical in understanding your total cost. You must also determine*
10 *the rate design process, and justify the costs charged to customers. I have no problem in rate*

11 *adjustments to recover costs of the system if they are justified. What I am not supporting at this*
12 *time, is the inaccurate rate design process that was used to justify the costs to charge customers.*

13 *The issues I have with the rate study that was presented to the city council are:*

14 *1- I disagree on the cost based methods or the hybrid form used to determine the revenue*
15 *requirements of the water system. There are two methods used by the industry to determine*
16 *rates: one is the Cash-based method which almost every city uses because it is easy for elected*
17 *officials and the public to follow. It attempts to match cash inflows and outflows on a yearly*
18 *basis, but it is not generally accepted by courts if the rates are challenged. The second method is*
19 *the Utility-based method. This method is used through the industry by utility companies because*
20 *it leads to more stable and consistent rate adjustments, and typically leads to a more financially*
21 *stable and healthy utility company. This is a system where the rate of return is used to identify*
22 *the level of operating income needed.*

23 *2- The method used by Zion's Bank to determine the rates by the city tends to result in unstable*
24 *rates, and leads to large rate adjustments in the future. It also conceals potential rate problems*
25 *and revenue deficiencies because it is based on cash inflows and outflows. This is the existing*
26 *problem with the old rate system the city was using for water rates.*

27 *3- I feel that the base fee for the fixed administrative cost was manipulated to reflect a targeted*
28 *amount of revenue stream. The fee did not reflect the true hard fixed costs of the administrative*
29 *fee that need to be charged to the consumer. The administrative costs should be designed to*
30 *recover distribution costs that do not vary; unfortunately, this was not the way it was set up.*

31 *4- The water usage fee of per 1000 gallons, as it is now, is being used to subsidize some of the*
32 *fixed administrative costs. You need to decouple the administrative fixed cost from the variable*
33 *usage costs. We should not be linking revenue recovery to sales of water usage. The recovery*
34 *costs for usage should NOT be producing the major portion of the revenues to support the*
35 *system. If the revenues for usage are producing the majority of your recovery cost, then the*
36 *system is set up to fail. This was the problem the city faced a few years ago when the city was*
37 *short over \$500,000 in their water funds because the system was set up on usage for revenues to*
38 *support the system, and when the usage went down, so did the revenues. We were then unable to*
39 *pay for the recovery costs.*

40
41 *Council Member Rowland expressed his frustration that in over eight months of meetings and*
42 *discussions, Council Member McDonald's concerns weren't articulated. He felt the*
43 *conversations at the time seemed favorable. Council Member McDonald pointed out a few*
44 *instances of expressing his concerns.*

45
46 *Voting Aye: Council Members Patterson, Mergist, Bradshaw, and Rowland. Voting Nay:*
47 *Council Member McDonald.*

1 **Closed Session - Land Acquisition and Threatened or Pending Litigation:** Council Member
2 Patterson moved to go in to Closed Session to discuss land acquisition and threatened or pending
3 litigation at 7:30 p.m. Council Member Bradshaw made the second.

4
5 Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

6
7 Council Member McDonald move to adjourn from Closed Session at 8:15 p.m. Council Member
8 Mergist seconded the motion.

9
10 Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

11
12 With no further business, the meeting was adjourned.
13
14
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17

Michelle Kellogg, City Recorder

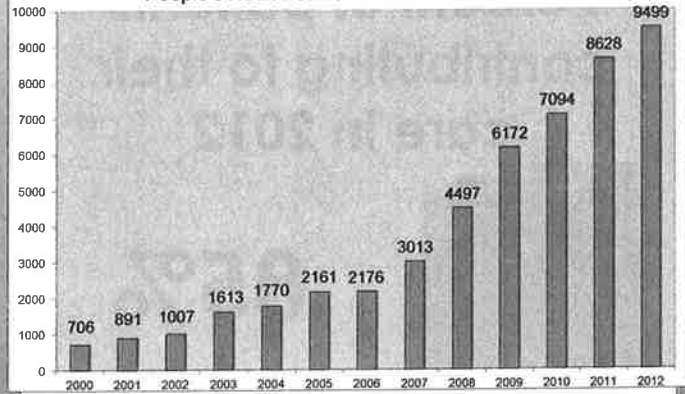
APPOINTMENTS

TAB 1

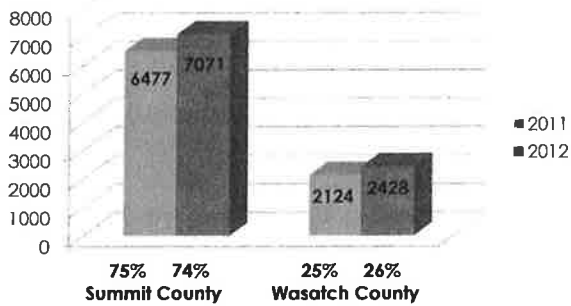
JANUARY
2013

THE
PEOPLE'S
HEALTH CLINIC

People's Health Clinic Annual Patient Visits



Patient visits by County



Average cost per patient visit

○2008	\$105
○2009	\$ 85
○2010	\$ 62
○2011	\$ 55
○2012	\$ 60

Percent of patients contributing to their care in 2012



85%

Estimated Breakdown of cost of services in Wasatch County vs. Heber City.

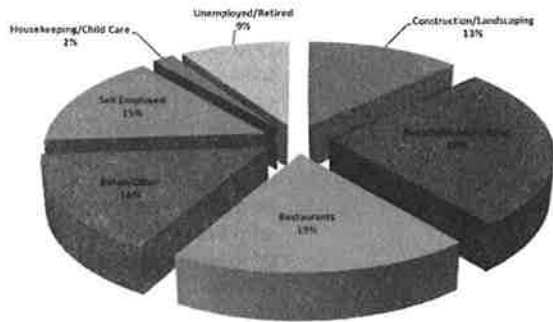
	2011	2012		
Total Number of Patient Visits for Wasatch and Summit County	8,628	9,499		
Total Wasatch County Patient Visits	2,132	2,428		
Percentage of Patients from Wasatch	25%	26%		
By trackable Zip Code:				
Heber and unincorporated Wasatch County	1,579	2,076		
Deer Mountain	362	116		
Midway	191	236		
	2,132	2,428		
Average cost per patient visit	\$55	\$60		
Total cost to see all Wasatch County patients	\$117,260	\$145,680		
Less patient contributions	(\$30,807)	(\$35,085)		
Actual cost total Wasatch County	\$86,453	\$110,595		
Less percentage of non 84032 Zip Code	(\$30,258)	35% (\$17,695)	16%	
Actual cost 84032 Zip Code only	\$56,194	\$92,900		
	60%	\$33,716.51		\$55,740.08
	50%	\$28,097.10		\$46,450.07
	40%	\$22,477.68		\$37,160.05
	30%	\$16,858.26		\$27,870.04
	20%	\$11,238.84		\$18,580.03
	10%	\$5,619.42		\$9,290.01



Some of the businesses we serve.

BC Fine Foods	Pizza Hut
Befos	Red Ledges
Claimjumper	Spin Café
Diary Keen	Subway
Day's Market	Taco Bell/KFC
Smith's	Taco Time
Don Pedros	Walmart
Hub Café	Wendy's
Los Dos Lagos	Mercedes Benz Repair
McDonalds	Dance Addiction

2012 Patient Mix by Employment Sector



Candy Sacayanan



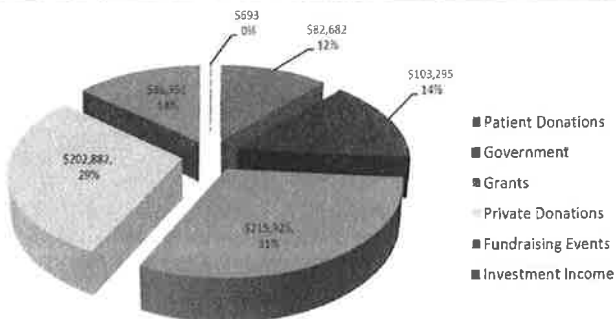
"As you get older, it is harder to find work, and many of us work two jobs. I've been a grocery checker for over 20 years, and I have another part-time job as well. No insurance. When the osteoarthritis in my knees got so bad that I could barely work a half-shift, I had to find help. Someone at work told me I should make an appointment at the Clinic. Thank goodness for Dr. Bob (Pellegrine, PHC's Medical Director). He really saved me."

Candy has been patient of Dr. Bob's for over two years, and he has encouraged her to take action to improve her health.

"They've been a big help to me. Sometimes you know what you need to do, but it's hard, and it helps to have support along the way."

The Clinic doesn't just offer one-time treatment. Our patients find a place where caring doctors have the time to treat the whole person. That means a lot to Candy.

2012 Sources of Income



Volunteer Hours in 2012



6,164

Comprised of doctors, Nurse Midwives, RNs, medical specialists, interpreters, phlebotomists, vitals takers, fundraising volunteers, board members, etc.



Cameron Mitchell
Health Director
Wasatch County Health Department

"When it comes to the health of our community, the Wasatch County Health Department cannot do it alone. Working with the People's Health Clinic has given us another opportunity to better serve the community. By linking individuals and families to the medical services they need, and otherwise could not afford, together the Health Department and the People's Health Clinic are creating a healthier Wasatch County."

Dr. E.J. Raven, DC
Freedom Chiropractic



"We have a responsibility as a community to take care of each other. The People's Health Clinic fills part of that role. I give time to the clinic because it is rewarding and I feel I can make a difference in the lives of others."



Working Together to Keep You Healthy *Trabajando juntos para mantener su salud*

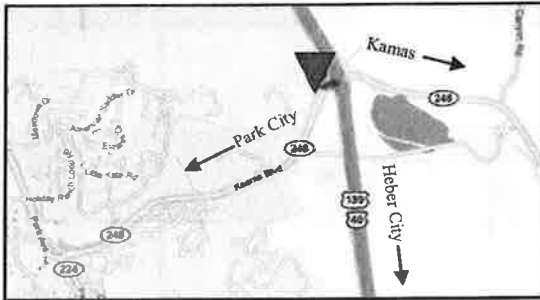
Low-cost and no-cost services available. *Servicios a no costo o bajo costo.*
Call for information & appointments. *Llame para información y citas.*



650 Round Valley Drive, Park City, UT
Call (435) 333-1500
or visit www.summitcountyhealth.org



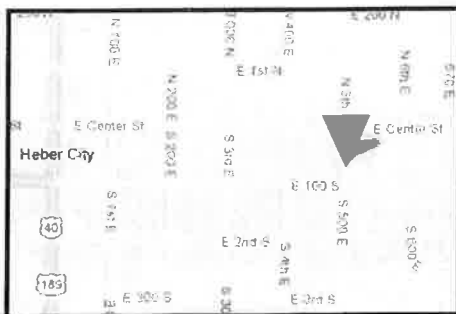
650 Round Valley Drive, Park City, UT
Call (435) 333-1850
or visit www.peopleshealthclinic.org



**Summit County Health Department
and The People's Health Clinic**










Dial-a-Ride Bus Service available from Park City Call (435) 640-7819 or
visit www.parkcity.org *Servicio del Bus "Dial-a-Ride" disponible*

55 South 500 East, Heber City, UT
Call (435) 657-3307
or visit www.wasatchcountyhd.org



Wasatch County Health Department

FOR ANY EMERGENCY DIAL 911 (Para cualquier emergencia)

Find the healthcare you need in Summit and Wasatch Counties!	Summit County Health Department	The People's Health Clinic	Wasatch County Health Department
			
<p>If you live in..... <i>Si Usted vive en.....</i></p>	<p>Park City, Coalville or Kamas areas</p>	<p>Park City, Coalville, Kamas, Heber Valley, Wallsburg or Deer Mountain areas Only for the uninsured <i>Solo para los sin seguro médico</i></p>	<p>Heber Valley, Wallsburg or Deer Mountain areas</p>
<p>General medical & chronic disease care (diabetes, high blood pressure, etc.) and specialist care <i>Cuidado médico general, cuidado de enferme- dades crónicas diabetes, altapresión, etc.) y especialidades</i></p>		●	
<p>Immunizations, Flu Shots <i>Inmunización y vacunas contra la gripe</i></p> 	●		●
<p>Checkups for babies and children <i>Chequeos anuales para niños</i></p> 		●	●
<p>Pediatrics—sick child care <i>Pediatría—cuidado para niños enfermos</i></p>		●	
<p>Baby Your Baby, WIC (Supplemental nutrition for mothers, babies and children <i>Nutrición suplemental para madres, bebés, y niños)</i></p>	●		●
<p>Family planning, low-cost birth control, sexually transmitted infection testing and treatment <i>Planificación familiar, anticonceptivos a bajo costos, pruebas y tratamiento para enferme- dades sexualmente transmisibles</i></p>	●		●
<p>Vision care and eyeglasses / <i>Visión y lentes</i></p> 		●	
<p>Dental care / <i>Cuidado dental</i></p> 			●
<p>Cancer screenings (breast exams, low-cost mam- mograms) <i>Examen de cancer y mamogramas para muje- res a bajo costo</i></p>	●	●	●
<p>Testing for diabetes, high blood pressure, heart disease <i>Exámen de colesterol, diabetes and enferme- dades del corazón</i></p>		●	●
<p>Prenatal care and education <i>Cuidado y educación para embarazo</i></p> 		●	

ACTION ITEMS

TAB 2

ORDINANCE NO. 2013-04

AN ORDINANCE AMENDING SECTION 2.08.010 OF THE HEBER CITY MUNICIPAL CODE, **GENERAL DUTIES**.

BE IT ORDAINED by the City Council of Heber City, Utah, that Section 2.08.010 of the Heber City Municipal Code is amended to reflect the local delegation of certain powers to the City Manager, traditionally held by a Mayor, consistent with the statutory form of government for Heber City pursuant to a six-member council as provided in the Utah State Code. The following specific Section is amended to read as follows:

Section 2.08.010 – General Duties

A. ~~The mayor~~ Mayor shall perform the duties which are, or may be prescribed by law, or by ordinance, and shall see that the laws and ordinances are faithfully executed. (Prior code §2-4)

B. Pursuant to the authority to do so provided in Sections 10-3b-303(1)(b)(i)(A) and (b)(iii)(A) (U.C.A), 1953, the following powers, authority and duties traditionally held by the Mayor in a six-member council form of government have been delegated to the City Manager:

 1. The City Manager shall be the chief administrative officer of the city to whom all employees of the city report. The City Manager shall be responsible to the city council for the administration of all city affairs placed in his charge, and shall possess all the power and authority associated with said administrative duties.

 2. The City Manager shall act as the personnel officer of the city; to make appointments and dismiss from employment all non-appointed employees, with the recommendation and advice of the various department heads.

 3. The City Manager shall have direct supervision and responsibility over the finance, engineering, and planning operations of the city and shall directly supervise the administration of the departments of the police, parks, public works, and cemetery.

 4. The City Manager shall act as purchasing agent for the city and approve all claims before presentation to the city council for payment; see that all goods purchased by and for the city are received as per contract.

 5. The City Manager shall serve as the budget officer and shall prepare the annual budget (to be construed as a financial estimate only) and keep the city council advised and appraised as to the financial condition and needs of the city.

 C. The above list articulated in Section B above is not a complete, nor is it intended to be an exhaustive list of all the duties of the City Manager. Said above list

represents only those duties that have been delegated to the City Manager that are traditionally held by a Mayor in this form of Government.

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder and (c) a short summary of it has been published in the Wasatch Wave, but not prior to the ____ day of _____, 2013.

ADOPTED and PASSED by the City Council of Heber City, Utah this ____ day of _____, 2013, by the following vote:

	AYE	NAY
Mayor David R. Phillips	_____	_____
Council Member Robert L. Patterson	_____	_____
Council Member Alan W. McDonald	_____	_____
Council Member Benny Mergist	_____	_____
Council Member Jeffery Bradshaw	_____	_____
Council Member Erik Rowland	_____	_____

APPROVED:

Mayor David R. Phillips

ATTEST:

RECORDER

Date of First Publishing: _____

TAB 3

HEBER CITY PLANNING COMMISSION
Report by: Anthony L. Kohler
Meeting date: March 21, 2013

Re: Red Ledges Phase 1M

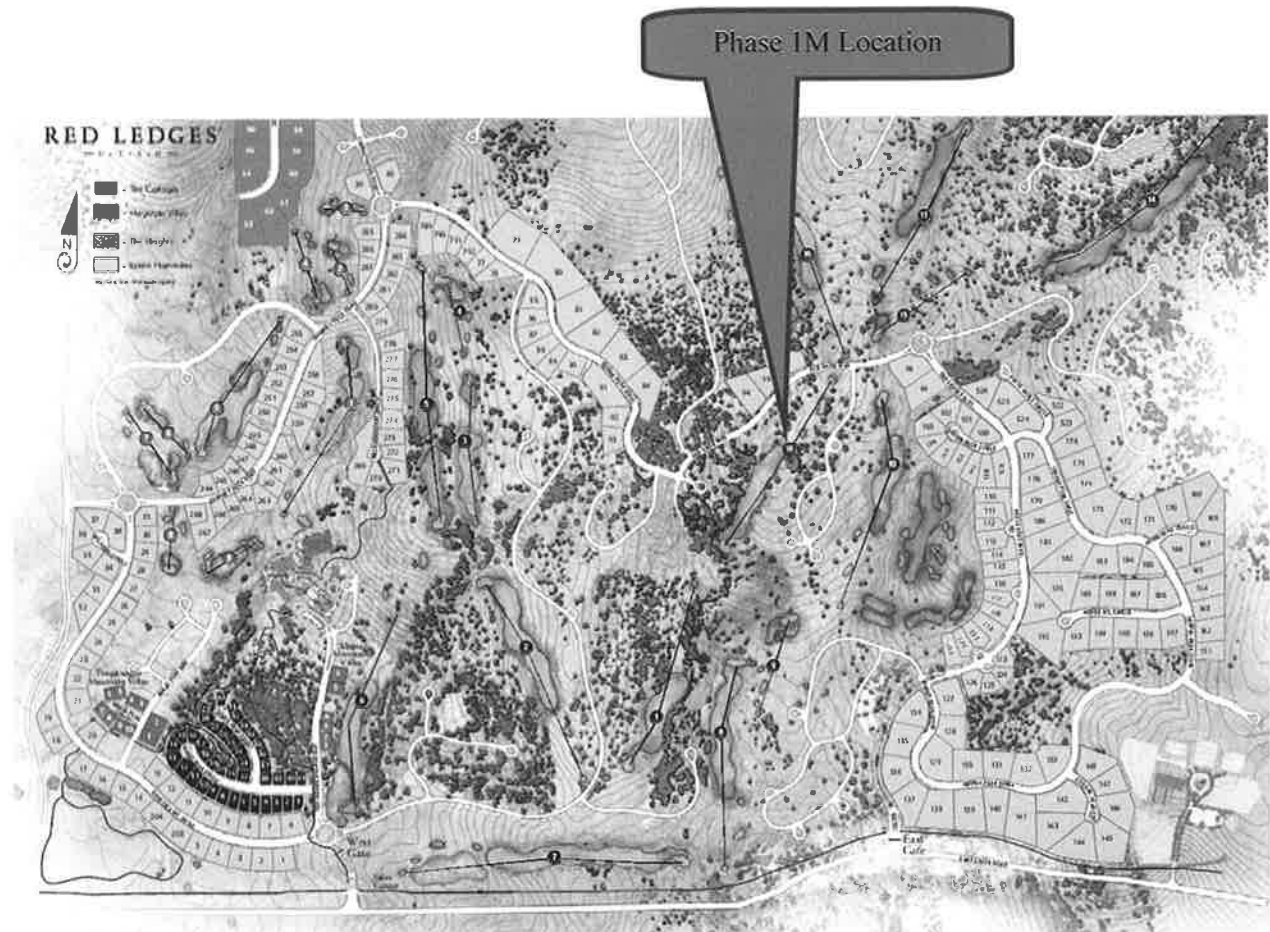
Red Ledges is proposing Phase 1M with 12 lots. Phase 1M already contains the necessary street improvements.

As an update on recent issues, Red Ledges has had the City and County sign the amended interlocal agreement that sets the amended date of construction of the proposed bypass. This agreement also includes finalization of the trails agreement with Wasatch County. Red Ledges is still in the queue with Utah Open Lands and Wasatch County for completion of the open space agreement. The process is out of Red Ledges' hands and rests with Utah Open Lands.

RECOMMENDATION

On February 28, 2013, the Planning Commission found the proposed final plat for phase 1M of Red Ledges as consistent with the adopted Red Ledges Master Plan, Preliminary Approval, and the PC Zone.

Vicinity Map



TAB 4

HEBER CITY COUNCIL
Report by: Anthony L. Kohler
Meeting date: March 21, 2013

Re: Red Ledges Phase 1E

Red Ledges is proposing Phase 1E with 8 lots. Phase 1E will require construction of the required street and utility improvements.

As an update on recent issues, Red Ledges has had the City and County sign the amended interlocal agreement that sets the amended date of construction of the proposed bypass. This agreement also includes finalization of the trails agreement with Wasatch County. Red Ledges is still in the queue with Utah Open Lands and Wasatch County for completion of the open space agreement. The process is out of Red Ledges' hands and rests with Utah Open Lands.

RECOMMENDATION

On February 28, 2011, the Planning Commission found the proposed final plat for phase 1E of Red Ledges as consistent with the adopted Red Ledges Master Plan, Preliminary Approval, and the PC Zone.

Vicinity Map

