

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
September 5, 2023**

APPROVED Minutes

**4:00 p.m. Work Meeting
6:00 p.m. Regular Meeting**

I. WORK MEETING - 4:00 P.M.

Mayor Franco called the meeting to order at 4:01 p.m. and welcomed everyone present.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
Assistant City Manager Mark Smedley
Community Development Director Tony Kohler
City Engineer Russ Funk
City Attorney Jeremy Cook
Human Resources Manager Cherie Ashe
Public Works Director Matthew Kennard
City Recorder Trina Cooke

Staff Participating Remotely: Planning Manager Jamie Baron, Engineering Administrative Assistant Desiree Muheim, Public Works Foreman Rilley Fairbourn, City Engineer Russ Funk, Finance Manager Sara Nagel, Accounting Technician Wendy Anderson, and Deputy City Recorder Robin Raines-Bond.

Also Present: Paul Royall, Eric Hales, Mike Scott, Ralph Wood, Catherine Moss, Pam Patrick, Alissa Haynes, Laurie Thomson, Mark Thomson, Allison Salisbury, Michael Moulton, Renee Waas, Cynthia Swanson, Michael Kutner, Kerrie Stavic, Jean Speer, David Speer, Chris Amador, Elise Villaroman, Samantha Simpson, Joshua Doxey, Vickie and Mike Buongomo, Rick and Hillary Keel, Addison Hicken, Cliff and Susie Dvernberger, David Stoddard, Cathy Lengeling, Gala Winter, Wade Winter, Mishelle and Brad Glasman, Lauren and Bob Hammerberg, Roger and Joellen Warner, Gary and Lynn Provost, Paul Herbert, Marcie Russell, Blaine Rigby, John Kaufman,

Caradie William, Lisa Meisner, Linda Harrison, Christine Splichal, Tina Finly-Rukins, Jed Huie, Lisa Huie, Scott Huie, Di Ann Duke Turner, Gail LeVee, Keith Simmons, Diane and Dave Citek, Mary Ellen Azer and Rob Kramer, Jamie Johnston, Allison Smoot, Sandy Hindy and Bob Hindy, Jessica Neves, Gray Lorenc, Dave Lorenc, Marny Schlopy, Alicia Stockman, Kevin Vest, Robin Vest, Harvey Horner, Danny Hill, Armando Quihones, Tori Broughton, Cuani Hall, Julie Monahan, Trulan Preece, and others who did not sign in or whose names were illegible.

Also Attending Remotely: (names are shown as signed-in online) Brad Glasman, B Wood, Bill Ivie, Brent, Catherine, Christopher Roberts, John Janson, Luke S, Parker Sever, Susie, Anonymous, B, Bell, Bob Evens, Bryan Bowers, C, CLP, Cygrymus, Davie, Graziela Kaufman, Grace Doerfler, Guest, Ileana Anderson, J, Jake J, James Kirk, Jan, Jay, Jeff Brown, John, Kelli, Kim Jensen, Laurie Brown, Lisa Jane Dinga, Lisa Meisner, Marcus, Marilyn, Mario C., Marsha Parise, Marty Harger, Michele Thomas, Mike, Mitch Couch, NAH, NG, P Maupin, Phil Jordan, R, Reb, Renee, Richard Getz, Shorty 5, The Wave, Vest, and Walter Smith.

1. Ordinance 2023-22, adopting the vision for Envision Central Heber as part of the General Plan (Tony Kohler, Community Development Director) - *45 min*

Community Development Director Tony Kohler presented the information as included in the supporting meeting material attached to the agenda. Council discussed the distance east and west that they wished to allow commercial-retail, mixed-use, and residential transition areas downtown; what they felt the residents wanted to see; and how to preserve the historical homes downtown. The proposed ordinance would adopt the Envision Central Heber portion of the General Plan. Council discussion would continue during the Action Items agenda item five.

2. Zone Change for Property located at approximately 801 South 100 West (Tony Kohler, Community Development Director) - *10 min*

Community Development Director Tony Kohler explained that the applicant was present to garner Council feedback as to whether they would consider the requested zone-change in order for Staff and the applicants to proceed the required process. The petitioners wished to raze two existing dilapidated duplexes and build a three-story mixed-use residential-commercial building. Petitioners Ron Phillips and Ben Witt were present to answer Council questions. They noted the residential units could house employees who worked in the area. Council expressed support of the proposed project and agreed to allow the applicant to proceed with the negotiations of a development agreement with the Planning Commission and Staff.

City Engineer Russ Funk shared the location of a planned road through an adjoining parking lot located north of Lee's Marketplace and south of the Taco Bell/Kentucky Fried Chicken.

3. Revised Personnel Policies & Procedures Handbook (Jeremy Cook, City Attorney , Cherie Ashe, Human Resources Director) - 55 min

City Attorney Jeremy Cook reviewed the proposed updates to the Personnel Policy handbook as shown in the attached redlined version of the policy. Council provided feedback and the Personnel Policy item would return to the September 19 Council Meeting Agenda for action.

City Engineer Russ Funk described his disappointment to learn of the proposed sunset of the COBRA benefit for employees who would retire before the age of 65. Council Member Barney felt the COBRA benefit was an employee retention benefit and supported keeping it in place. Council Member Stack proposed the benefit not be offered to future employees but not be taken away from current employees. Council Member Phillips felt the policy should not be changed. He felt it was a great benefit and incentivized long-term employment. Direction from Council majority was to retain the benefit for existing employees and eliminate the benefit for employees whose start date was after the updated policy was adopted.

II. BREAK - 10 MIN

III. REGULAR MEETING - 6:00 P.M.

1. Call to Order

Mayor Franco called the meeting to order at 6:05 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Rachel Kahler, Council Member)

Council Member Kahler led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Scott Phillips, Council Member)

Council Member Phillips shared a thought about overcoming obstacles. In 1894, the world's biggest problem was manure. New York City had over 150,000 horses dropping approximately 2.5 million pounds of manure a day. It was projected that New York City would be under ten feet of manure by the turn of the century. The City held an all-weekend conference whose attendees all departed before the end of the first day as they felt there could be no solution. In 1907, the Model T was invented and the manure

problem was eventually eliminated. Council Member Phillips acknowledged there were great difficulties as well as great opportunities in today's world. He read the following quote by Abigail Adams: "These are the times in which a genius would wish to live. It is not in the still calm of life, or the repose of a peaceful station, that great characters are formed. The habits of a vigorous mind are formed in contending with difficulties. Great necessities call out great virtues. When a mind is raised, and animated by scenes that engage the heart, then those qualities which would otherwise lay dormant, wake into life and form the character of the hero and the statesman." He recognized how many members of the public were present that might want to speak and asked that everyone speak the truth and listen to each other's truths that may be different from one's own truth. He asked comments be given kindly, calmly, and collected, and felt they would have a great evening. He thanked everyone for attending.

IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed.

V. CONSENT AGENDA:

1. August 15, 2023, City Council Meeting Minutes; August 15, 2023 Truth in Taxation Special City Council Meeting; and August 23 Special City Council Meeting - Closed Executive Session (Trina Cooke, City Recorder)
2. City Police Department, and City Public Works Fleet Lease-Purchase Agreement Resolution 2023-15 (Mike Scott)

Motion: Council Member Phillips moved to approve the Consent Agenda. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed** unanimously, 5-0.

VI. PUBLIC COMMENTS: (3 min per person/20 min max)

1. Comments/handouts:

Sandy and Bob Hindy shared that they had chosen to leave southern California in 2014 and move to Heber City in order to enjoy living in a rural community with dark skies. They read a statement as included at the end of these meeting minutes.

Lisa Meisner read a statement that she and her husband lived in Heber City because they loved the rural, natural area, and the beautiful vistas, including the dark night skies in their neighborhood. They traveled Center Street and the streets servicing the temple

site location. They were responsible users of water and did their best to conserve. They would be impacted day and night by the temple development and implored Council to hear their concerns and take them seriously. They asked the City to slow down on the MOU (memorandum of understanding) between the LDS (Latter Day Saints) Church and Wasatch County as they felt there were several issues that should not be rushed. Ms. Meisner stated that the traffic study was incomplete and problematic and cited examples of traffic concerns as well as concerns with projected water usage. She felt the city should not rush into a decision that night and hoped Council would consider what was best for the residents and not approve the MOU until after the necessary due diligence and environmental impact statement was completed.

Di Ann Duke Turner was a 5th generation Mormon and said there had not been dark skies in Heber in 30 years. She felt there were no dark skies anywhere and it was a global problem. She felt that one building was not going to impact the dark skies in the valley and asked about the dark-sky impact of the 40-60,000 people that were going to build homes in the foothills. She explained water rights were transferred with the property purchase and it took more water to water alfalfa fields than to flush toilets.

David Speer was an illumination engineer and acknowledged the dark-sky problem was a global problem. He felt the small community of the Heber Valley had the ability to be a dark-sky community. He had lived in Utah for three months. He was alarmed by what he felt was a large special interest group getting their way. He saw the temple project as a large commercial development that had been granted permission to not comply with the County's lighting restrictions. He felt there was a mathematical error in the lighting calculation within the County's ordinance.

John Hainey shared his story of being hit by a drunk driver 40 years prior and the lengthy recovery that followed. He shared the inability of law enforcement to determine which government entity held ownership of the road on which he had been hit and the entities trying to place blame on the contractor who had installed the road as an emergency vehicle access. He felt there had been a fraudulent traffic study performed for the temple project.

Allison Salisbury was frustrated with the part of the community accusing people of opposing the temple rather than the location of the temple. They were not anti-temple or anti-Mormon. The group protesting was against the proposed location of the temple.

Christine Spichal, resident and business owner, expressed frustration as a business owner who was expected to maintain compliance for residential and commercial buildings. She felt the temple project was given variances that were not extended to other business owners. There was a letter to the editor published in the Wasatch Wave she distributed to the Council. She felt the article captured the concerns of the residents. The article is attached to the end of these meeting minutes.

Allison Smoot, resident and 5th generation Mormon, agreed the issue at hand was the location. She felt the City Council Members did not care about the water issues with

regard to the temple because the designated location was in the County. She recognized the beauty of well-maintained temple grounds but felt it did not belong in the designated location.

Mayor Franco reiterated the City's inability to decide where the temple was constructed due to the location being in the County but assured the public that the City would proceed conducting due-diligence with regard to the water concern. She described the new road and roundabout location. City Manager Matt Brower explained the City was seeking the MOU in order to ensure the Church and County paid for their portions of the road improvements.

Additional public comments received by email are included at the end of the meeting minutes and as an attachment to the meeting minutes. Also included and attached are documents presented to the Council during the public comment period of the September 5, 2023, City Council Meeting.

VII. GENERAL BUSINESS ITEMS:

1. Public Hearing to Consider Ordinance 2023-31 Adopting the Impact Fee Enactment for the Heber City North Village Area Streets and Storm Water Impact Fees (Russ Funk, City Engineer, Susie Becker (ZPF)) - 15 min

City Engineer Russ Funk explained the calculation of the proposed impact fees. Zions Public Finance Advisor Susie Becker explained impact fees were a one-time fee paid by developers for new development. She reviewed the break-down of the fee calculation.

Mayor Franco opened the Public Hearing at 6:52 p.m. With no one from the public coming forward to comment, the Public Hearing was closed at 6:53 p.m.

Mr. Funk wished to point out the impact fees proposed were the maximum the City was allowed to charge and if the Council wished to charge a lower rate, they could do so during their motion later in the meeting.

2. Mayor's Award presented to: Cherie Ashe, Anthon Beales, Sgt. Blaine Rigby, Sgt. Josh Weishar, Supervisor Justin Hatch, Detective Heath Harvey, Sgt. Brayden Powers, Detective Rogelio Carbajal, Officer Chandra Crosby, and Administrative Assistant Caradie Williams for their assistance with the new Heber City Chief of Police nomination process (Heidi Franco, Mayor) - 5 min

Mayor Franco called the recipients of the Mayor's award forward to receive their awards. She described the exceptional effort made by the recipients during the Chief of Police recruitment process.

3. Mayoral Proclamation for Constitution Day and Week, September 17-23, 2023
(Heidi Franco, Mayor) - *5 min*

Mayor Franco said the proclamation designated the entire month of September to honor the Constitution. She expressed gratitude for the Constitution and the freedoms it guaranteed.

4. Presentation by Encircle House (Elise Villaroman) - *10 min*

Elise Villaroman and the executive staff of the local Encircle House introduced the services offered by the home. A home-like environment was provided for the LGBTQ youth in the community, giving a space of inclusion and love for the at-risk youth of the community. There was an in-house therapist available who had specialized training to help at-risk youth and their families, including LDS families. Ms. Villaroman shared the four outcomes that Encircle House hoped to achieve for the youth. She invited everyone in the community to visit the home.

5. Legislative Report-out from Mountainlands Association of Governments (MAG) Contracted Lobbyist (Dave Stewart) - *30 min*

Dave Stewart, lobbyist contracted by Heber City through MAG (Mountainlands Association of Governments), was present to provide legislative updates for the Council. He noted the three-million-dollar grant he had helped navigate to obtain for Heber City. He reviewed the ongoing effort to win additional grants for Heber City as well as bills being proposed to the legislature. Unique to the City was the exclusionary status that Heber City and Park City were given. Mayor Franco asked whether the Olympic bid might encourage the state to proceed with the proposed bypass. He felt it could potentially assist with the installation of the bypass.

Council Member Philips asked Mr. Stewart to identify who held the ultimate power to allow development or growth. He wanted it confirmed on the record that it was the State Legislature, not Heber City.

6. Presentation by Historical Preservation Board Chairperson Michael Moulton (Michael Moulton, Historical Chair) - *10 min*

Historical Preservation Chairperson Michael Moulton provided a presentation emphasizing the importance of the preservation of history. He said the Historical Preservation Committee wished to obtain a larger presence at the City's decision-making table. Mayor Franco reminded Mr. Moulton that the City's budget cycle would begin again in January and hoped the committee would have their requests prepared.

VIII. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

1. Mayor's Nomination for New Heber City Chief of Police (Heidi Franco, Mayor) - 20 min

Mayor Franco indicated she was nominating both of the top two candidates for the soon-to-be vacant Chief of Police position in Heber City: Heber City Police Lieutenant Branden Russell and the Chief of Police in Hanford, California, Parker Sever. She noted that Chief Sever was not POST (Police Officer Safety Training) certified in Utah and the City could only conditionally approve him in the position once the certification was obtained.

Motion: Council Member Phillips made a motion to conditionally approve the appointment of Chief Parker Sever as the new Heber City Police Chief upon obtaining Utah POST certification by November 8, 2023. The nomination and conditional approval would be withdrawn after November 8, 2023, if POST certification was not obtained. The motion included proceeding with preliminary negotiations, including a proposed start date but was not finalized until Utah POST certification was obtained.

Second: Council Member Kahler made the second.

Discussion: Council Member Stack asked for the motion to be amended to eliminate the date as it might be contingent upon POST's timeline. Mayor Franco explained there was notification of certification on the testing date. Council Member Kahler asked that Council be notified on the date certification was obtained.

Amended Motion: Council Member Phillips amended his motion that contract negotiations and proposed start date could be confirmed as soon as POST certification was received. Council Member Kahler's second stood.

Discussion: Council Member Barney stated the decision had been one of the hardest she had to make as a Council Member. She expressed her appreciation for the Police Department. Council Member Johnston explained the difficulty of the decision was for the entire Council and shared the amount of contemplation the Council had put into the decision. He felt both candidates had been excellent.

Voting Yes: Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed** unanimously, 5-0.

Chief Parker Sever thanked the Council. He indicated the bittersweet move he would be making as he was leaving an agency he loved and cared for very much yet was excited to bring his family to Heber City and becoming a part of the Police Department. He had been very impressed with the department when he had visited and with Lieutenant Russell in particular. He looked forward to working with the City and the Police Department and getting to know the community and citizens better.

2. Resolution 2023-16, the renaming of the Heber City Public Safety Building to the David D. Booth Public Safety Building (Heidi Franco, Mayor) - 10 min

Mayor Franco provided background regarding the outgoing Chief of Police Dave Booth leading the design and construction of the Public Safety Building. She reviewed the achievements and awards he had received during his service to Heber City including the local reduction in crime since his appointment and earning the Police Chief of the Year designation in 2019.

Gary Provost had provided the suggestion to rename the Public Safety Building in honor of Chief Booth. He shared his background with the Heber City Police Department and Chief Booth including the many make-shift locations the department had been before Chief Booth was able to get the current Public Safety Building constructed. He hoped the Council would support the renaming of the building.

Motion: Council Member Johnston made a motion to adopt Resolution 2023-16 renaming the Heber City Public Safety Building as the David D. Booth Public Safety Building. Council Member Barney made the second.

Discussion: Council Member Kahler asked the Council to take a pause before voting. She felt additional consideration was needed before a decision was made. Council Member Phillips expressed gratitude to Chief Booth but supported waiting to rename the building. Council Member Stack agreed. Council Member Barney indicated she had looked into the renaming of public safety buildings and found it was not uncommon to name the buildings for either a fallen officer or a retiring police chief. She did not feel there was a need to wait. Mayor Franco felt it was time to honor Chief Booth. Council Member Johnston stated that he did not change his support to rename the Public Safety Building, however, he respected the Council, the process, and diversity of opinions. He agreed to further discussion.

Motion Withdrawn and New Motion made: Council Member Johnston withdrew his original motion and moved to reconvene in closed session at the next City Council meeting in two weeks.

Discussion: Mayor Franco did not feel the discussion would constitute a Closed Session. She felt it was time to honor Chief Booth. Council Member Phillips felt the Council had not been given the information in enough time for proper consideration.

Second: Council Member Kahler seconded the motion. **Voting Yes:** Council Members Kahler, Johnston, Stack, and Phillips. **Voting No:** Council Member Barney. The **Motion Passed, 4-1.**

Motion: Council Member Stack moved to move ahead on the agenda to Action Item eight out of consideration for the large number of the community present.

Second: Council Member Phillips made the second. **Voting Yes:** Council Members

Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

3. Consider Ordinance 2023-31 Adopting the Impact Fee Enactment for the Heber City North Village Area Streets and Storm Water Impact Fees (Russ Funk, City Engineer, Susie Becker (ZPF) - 15 min

Motion: Council Member Stack moved to approve Ordinance 2023-31 adopting the Impact Fee Enactment for the Heber City North Village area streets and stormwater impact fees. **Second:** Council Member Phillips seconded the motion. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed** unanimously, 5-0.

4. Public Hearing for Ordinance 2023-32 approving the College Downs Annexation and associated Master Development Agreement (MDA) (Tony Kohler, Community Development Director) - 40 min

Community Development Director Tony Kohler explained the requirement to hold a public hearing in the annexation process. He reviewed the specifics of the annexing area. Mayor Franco asked about the lack of parks and amenities other than the two trails. Annexation representative Logan Johnson addressed the Mayor's concerns and described the bonding process for public infrastructure and the trail installation.

Mayor Franco opened the Public Hearing at 9:35 p.m. With no one coming forward to comment, the Public Hearing was closed.

Council Member Stack was not prepared to approve. He felt the new design with stacked flats needed additional discussion. Council Member Johnston respectfully disagreed with Council Member Stack and noted the density was previously approved in the County. He felt the area should be annexed into the City.

Motion: Council Member Johnston moved to approve Ordinance 2023-32 approving the College Downs Annexation and the associated Master Development Agreement as proposed. **Second:** Council Member Phillips seconded the motion.

Discussion: Council Member Barney felt the density was not wanted in the community. She felt that the developers petitioning the City did so in an attempt to expedite their projects that would have taken longer to get through the process with the County.

Voting Yes: Council Members Johnston and Phillips. **Voting No:** Council Members Kahler, Barney, and Stack. The **Motion Failed 2-3.**

Motion: Council Member Stack moved to address agenda item five next. **Second:** Council Member Phillips made the second. **Voting Yes:** Council Members Kahler,

Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed 5-0.**

5. Ordinance 2023-22, adopting the vision for Envision Central Heber as part of the General Plan (Tony Kohler, Community Development Director) - *15 min*

Motion: Council Member Stack made the motion to approve Ordinance 2023-22 adopting the vision for Envision Central Heber as part of the General Plan subject to the change in the map of the downtown residential transition area in the amended map, as presented by staff, be extended to 200 East and 200 West, and that the zone include restaurant, retail, and office space as permitted uses, with a maximum building height allowance of two stories, and the restaurant, retail, and office uses be conditional uses. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed** unanimously, 5-0.

6. Ordinance 2023-24, Hicken Fieldhouse MDA (Jamie Baron, Planning Manager)

Planning Manager Jamie Baron stated the request for a residential duplex. The Planning Commission had forwarded a positive recommendation with the condition to keep the parking in the rear of the property alone. Mayor Franco noticed section 8.3 should read Hicken rather than WDG. Petitioner Addison Hicken indicated his preference to have the parking in the front but would be amenable to have the parking in the rear.

Council Member Johnston felt the parking should be in the rear due to visibility and traffic concerns but thought guests should be allowed street parking in the front. Council Member Stack asked if the intent was still to offer right of first refusal for the housing to school district employees. Mr. Hicken indicated he did not want to deed restrict the units but planned to offer the units to school district employees at a lower rate. Discussion regarding the parking and deed-restricted units continued.

Motion: Council Member Kahler moved to approve Ordinance 2023-24 with parking in the rear and leaving the front up to Addison Hicken's discretion. Council Member Barney made the second.

Discussion: Mayor Franco felt the structure could be considered an ADU as Mr. Hicken's primary residence was on the adjoining lot. Council Member Johnston asked to amend the motion to disallow parking in the front.

Amended Motion: Council Member Kahler agreed to amend the motion to disallow parking in the front. Council Member Barney's second stood.

Discussion: Mayor Franco asked to amend the motion to make the change in 8.3 to

the name from "WDG" to "Hicken." Council Member Stack was not supportive of the project without the right of first refusal for school employees

Amended Motion: Council Member Kahler moved to approve Ordinance 2023-24 as presented with the parking in the back, as recommended by the Planning Commission and in the Staff Report, to make the change in section 8.3 to the name from "WDG" to "Hicken," and to disallow parking in the front. Council Member Barney's second stood.

Discussion: Council Member Stack indicated his support for the project when it held the restriction of right of first refusal for school district employees.

Vote: Voting Yes: Council Members Kahler, Johnston, Barney, and Phillips. **Voting No:** Council Member Stack. The **Motion Passed** 4-1.

Mayor Franco moved the meeting to agenda item four.

7. Authorization to solicit proposals for sale of City-owned Commerce Park property (Matt Brower, City Manager) - 10 - min

City Manager Matt Brower reminded Council of the request for proposals (RFP) the City had issued a few years previous for the sale of a parcel of land the City owned. The Council had not accepted any of the offers submitted at that time. He informed Council that he had received a few inquiries from parties interested in purchasing the land and asked if Council supported issuing a new RFP.

Danny Monzillo informed Council that he represented a company that owned adjoining property interested in purchasing the City-owned land to expand the company.

Motion: Council Member Kahler moved to table the agenda item until the next meeting to allow Council discussion. **Second:** Council Member Stack seconded the motion.

Voting Yes: Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed** unanimously, 5-0.

8. MOU between Wasatch County, Heber City, and the Church of Jesus Christ of Latter Day Saints regarding land use authority, required improvements, and maintenance responsibility relating to the Heber Valley Temple Project (Russ Funk, City Engineer) - 10 Min

City Engineer Russ Funk explained the MOU (memorandum of understanding) had been drafted at his request on behalf of the City. He had asked for the MOU to clarify who would be responsible for the installation and maintenance of the street, trail, and landscaping. He recognized the new information with regard to the water use and pumping that would need to be followed up on but he felt this was a separate issue and should not delay the approval of the proposed MOU. He said the proposed MOU

specified that the LDS church would pay for and construct all required roadway improvements including asphalt widening, curb and gutter, roundabout, street lighting, and storm drainage improvements per City requirements. He noted the improvements the church had agreed to pay for exceeded the amount the City would have collected in impact fees and therefore, legal counsel had advised the City not ask for the additional monetary contribution that the church was not obligated to pay due to the temple site being located outside City limits in the County.

Council Member Kahler wished to acknowledge the concerns of the community with regard to traffic, dark skies, and water due to the temple project. She wished to clarify that the City was not the land authority for the temple. She recognized the ongoing concerns regarding water. The City Council was there to discuss and vote on a roundabout installation. Mayor Franco assured the residents that the City would do their due diligence for the project and try their best to vet the concerns of the residents. Council discussion regarding the water concerns continued. Mr. Funk agreed to look into it further.

Brad Glasman, longtime resident of Heber, felt the Council was putting the cart before the horse. He did not feel a roundabout was needed yet. He thought concerns for the aquifer should be resolved first.

Colonel Kevin Vest, retired United States Marine Corps, had experience with federal, state, and local MOUs in his 30 years of service. He encouraged the Council to table the issue and agreed with Council Member Stack that an MOU should not be piecemealed together.

Brent Burnham, 28-year resident in the valley, had witnessed the growth in the valley. he felt the Council was getting ahead of itself with the MOU. He was concerned about the volume of traffic and had young children. With the drought conditions the state had been experiencing, he was concerned about draining the aquifer. He asked the Council to please do its due diligence on the aquifer. His vote as a citizen was to hold off on the MOU until further investigation was done on these critical issues.

Elisa Haines, resident of Heber City and present to represent a resident group unable to be there that night, had over 20 years of planning and land-use experience. She felt the Temple could not move forward without the approval of the MOU by the City. She asked the City to table the item until additional information was discovered. She pointed out additional problems with the potential traffic and environmental impacts to the water and air the construction of the temple would bring.

John Hainie thought it was unlawful that the engineer who had performed work on the report was not the engineer who had stamped the report. Council Member Johnston clarified that as a civil engineer himself, he was able to stamp work done by his employees, as was permitted by law. Mr. Hainie felt the traffic study data was fabricated.

Council Member Stack supported a roundabout at the proposed location and appreciated that the LDS church was willing to pay for it. He thought the new parkway would alleviate many traffic concerns. He wished to renew his request that the LDS church needed to abide by the Heber City dark-sky restrictions.

Motion: Council Member Kahler moved to accept the MOU between Wasatch County, Heber City, and the Church of Jesus Christ of Latter-Day Saints regarding the land use authority, required improvements, and maintenance responsibility related to the Heber Valley Temple Project as presented in the Staff Report. **Second:** Council Member Johnston made the second.

Discussion: Council Member Barney agreed with Council Member Stack. She did not oppose the temple, but she did oppose the location. She was concerned about the traffic impact and maintaining dark skies.

Council Member Phillips addressed the emails received from residents. He felt people could hold different truths. He noted the changes to the community within the 20 years since he had moved in. He said information from the LDS church indicated that no light would be escaping the surface of the temple. He wished to raise the awareness of the many residents in support of the temple as well. He noted the hard decisions the Council was expected to make and reiterated that the City was not the land-use authority. He invited anyone from the community to go to lunch with him who wished to further discuss.

Vote: Voting Yes: Council Members Kahler, Johnston, and Phillips. **Voting No:** Council Members Barney and Stack. The **Motion Passed 3-2.**

Mayor Franco moved the agenda back to item six.

9. Ordinance 2023-26, Update to the Engineering Standard Specifications and Drawings and the Storm Water Manual (Gordon Miner, Engineer) - 15 min

City Engineer Gordon Miner reviewed the changes to the street-lighting requirement to add lighting at every intersection as per Council feedback.

Motion: Council Member Johnston moved to approve Ordinance 2023-26 updating the Engineering Standard Specifications and Drawings and the Storm Water Manual. **Second:** Council Member Kahler seconded the motion.

Discussion: Council Member Kahler felt it was unfortunate the Council had to rush through the last four agenda items due to interminable discussion on preceding agenda items. She did not feel that every detail needed to be discussed by Council or explained by Staff.

Vote: Voting Yes: Council Members Kahler, Johnston, Barney, Stack, and Phillips.

Voting No: none. The **Motion Passed** unanimously, 5-0.

IX. COMMUNICATION:

City Manager Matt Brower shared the following:

1. Environmental phase 2 project at the Airport had commenced
2. He was developing a spreadsheet for the Airport-OK3 to-do list for the lawsuit settlement
3. HVSSD (Heber Valley Special Service District) Agreement was nearly completed
4. The Central Utah Water Conservancy had approved the City's CRA and he was trying to get local business support as well. He asked the City Council Members to actively encourage support from County Council Members.

Mayor Franco reminded Council of the retirement celebration to honor Heber City Chief of Police Dave Booth on September 28, 2023.

X. ADJOURNMENT:

Motion: Council Member Kahler moved to adjourn. **Second:** Council Member Stack made the second. The meeting adjourned at 10:06 p.m.



Trina Cooke

Trina Cooke, City Recorder

Dear Heber City and Wasatch County Representatives and Staff:

We chose to leave southern California in 2014 and move to Heber City so that we could enjoy living in a rural community with dark skies.

Consider the future, if you will, as we compare TODAY with what would happen in 2030:

Dark Skies

TODAY We can see the planets, comets, and stars in our night skies.

2030 We will be lucky to be able to see the full moon up in the sky.

TODAY Heber City's lighting policies are more stringent than that of the County.

2030 The County's lighting policies will be the weakest in all of Utah.

TODAY Wasatch County has the opportunity to be a certified dark skies community.

2030 Sadly, there will be no hope that Wasatch County can ever achieve that.

Traffic

TODAY Fehr & Peers' traffic study was incomplete and contains many data collection errors.*

2030 It will be too late to do a full investigation on the impact the site will have on traffic.

TODAY The local residential roads are designed to handle a low volume of traffic.

2030 The number of Temple visitors daily will cause massive traffic jams.

TODAY Center Street and Mill Road is a four-way stop intersection.

2030 That same intersection will have thousands of vehicles traveling through daily.

Water

TODAY In order for the Temple to be built, "de-watering" the site is necessary.

2030 By pumping and dumping millions of gallons of water from the site, the city and its residents will lose that precious natural resource.

TODAY The annual "water rights" for the Temple's 54-acre parcel is 17.6M gallons.

2030 To keep the ground stable, the Temple will pump 118M gallons of water per year.

TODAY Based on recent Utah state laws, it is illegal to pump water except for very specific reasons; building a Temple is not one of them.

2023 There will not be enough water for the residents of Heber City to live their lives fully.

We urge you to think of the real future of 2030 and avoid the detrimental affect of the proposed MOU by voting against it UNTIL . . .

- 1) the County's lighting standards meet that of the City's,
- 2) a comprehensive traffic and impact study is correctly done, and
- 3) there is a solution for the consumption and conservation of water needs for all the county residents.

Please think of ALL of the residents of Heber City that you represent and vote against the MOU on tonight's agenda.

Sincerely,
Bob and Sandy Hindy

From: AllisonMerrell
Sent: Tuesday, September 5, 2023 2:50 PM
To: CC Public Comments
Subject: (EXTERNAL) Against Temple

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City Council,
Please consider the following and know that my family and I are against the proposed LDS Temple location off of Center Street.

- Building height and lighting for both structure and parking lots
- Traffic impact
- Roadway storm drainage
- Water dumping and city well proximity

There must be another location with far less identified problems than Center Street.

Thank you for your consideration.
Allison Merrell

From: [Jamie Johnston](#)
Sent: Tuesday, September 5, 2023 5:20 PM
To: [CC Public Comments](#)
Subject: (EXTERNAL) Concerns Regarding Potential LDS on Center St. In the Heber Valley

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Dear Heber City Council Members,

I hope this message finds you well. I am writing to express my concerns regarding the proposed construction of an LDS temple on Center St. in Heber. While I understand the significance of such a project, I believe there are important factors that need to be considered before proceeding.

1.

Water and the Aquifer: Heber City's water resources are crucial to our community's well-being. The construction

of a temple, especially if it involves significant landscaping, may impact our local aquifer. I request a thorough assessment of the potential water usage and its implications on our already stressed resources.

2.

Dark Skies Ordinance: Heber City has worked diligently to implement a dark skies ordinance to preserve our beautiful night sky. It's essential to ensure that any lighting associated with the temple adheres to these guidelines to protect our unique stargazing opportunities. The lighting on the temple and the parking area will also have an adverse effect on the wildlife corridor in the area.

3.

Traffic Congestion: The increased traffic generated by a temple, particularly during events and gatherings, could exacerbate existing traffic congestion issues. We need a comprehensive traffic

impact analysis to address this concern and explore potential solutions.

I kindly ask that the City Council carefully consider these concerns and conduct comprehensive studies to assess the impact of the proposed temple on our community and environment. Public input and transparency throughout this process are crucial to ensuring that Heber continues to thrive while preserving its unique character.

Thank you for your attention to these matters, and I look forward to hearing more about the steps being taken to address these concerns.

Sincerely,

Jamie Johnston.

From: Lynda Perry
Sent: Tuesday, September 5, 2023 1:35 PM
To: CC Public Comments
Subject: (EXTERNAL) LDS Temple proposal

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I am so upset about this plan for the temple! I bought my home 3 yrs ago and have enjoyed being there so much. Now the environment is threatened. Our beautiful city will be forever changed.... And not for the better. The black skies ordinance has been in effect for ever. As I have read more about this, the more I have come to believe this \$200 billion dollar corporation can just swoop in and do as they please and our city council is letting them do it. I'm wondering who's getting paid?? The water issue is another huge reason it should not be built on that location. What about traffic on Center? Come on people.... This makes no sense at all. Why is this location being pushed so hard. I am LDS and I disapprove of this plan for a temple. Lynda Perry, resident

Sent from my iPhone

From: [Jan Raio](#)
Sent: Tuesday, September 5, 2023 9:22 AM
To: [CC Public Comments](#)
Subject: (EXTERNAL) LDS Temple

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We are very concerned citizens of Heber Valley about the LDS temple being built under the present application. This project should not be allowed to be built as designed and will have detrimental and significant impacts on the environment and community at large. The size, height, dark skies issues and groundwater concerns should be reason enough to deny the application.

Please listen to your concerned citizens.

Kind Regards, Jan & Sal Raio

From: [Allison Smoot](#)
Sent: Tuesday, September 5, 2023 4:43 PM
To: [CC Public Comments](#)
Subject: (EXTERNAL) Proposed Temple Site and Issues that Come with It

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Dear Members of the Heber City Council,

I am writing to express my deep concern about the proposed construction of the LDS Temple in our beloved community. While I understand the significance of this project to many residents, I believe it is crucial that we take a moment to consider the potential negative impacts it may have on our town.

Firstly, I am worried about the impact on our water aquifer. Our water resources are invaluable, and any development in the area should be thoroughly evaluated to ensure it does not compromise the quality and quantity of our water supply. The construction process and increased demand for water in the vicinity could put undue stress on our aquifer, potentially harming a resource essential to our community's well-being.

Secondly, traffic issues are a growing concern in Heber City, and the proposed temple may exacerbate this problem. The influx of visitors and the need for expanded infrastructure may lead to increased traffic congestion, which can negatively affect our daily lives and safety on the roads. A comprehensive traffic plan should be in place to mitigate these concerns.

Lastly, we should not overlook the impact on our natural environment. Heber City is known for its breathtaking dark skies and abundant wildlife. The construction and operation of a temple could disrupt these serene landscapes and habitats. It is essential that we find a way to strike a balance between our spiritual aspirations and the preservation of the unique natural beauty that our community offers.

I urge the Heber City Council to pause and carefully evaluate the potential consequences of this project on our water resources, traffic flow, and the environment. Community input, scientific studies, and environmental assessments should guide our decision-making process.

I appreciate your dedication to our community's well-being and trust that you will consider these concerns seriously. Let us work together to ensure that any development in Heber City aligns with our values and protects the resources and quality of life we hold dear.

There must be a more appropriate spot for the temple.

Thank you for your attention to this matter.

Sincerely,

Allison Smoot

A Concerned Citizen of Heber City

From: [Richard Getz Gmail](#)
Sent: Friday, September 8, 2023 2:10 PM
To: [Rachel Kahler](#)
Cc: [CC Public Comments](#); [Council@wasatch.utah.gov](#); [Doug Smith](#); [Heidi Franco](#); [Mike Johnston](#); [PublicComment@wasatch.utah.gov](#); [City Council](#); [erowland@wasatch.utah.gov](#); [kcrittenden@wasatch.utah.gov](#); [kmcmillan@wasatch.utah.gov](#); [lsearle@wasatch.utah.gov](#); [manager@wasatch.utah.gov](#); [Matt Brower](#); [mnelson@wasatch.utah.gov](#); [planning@wasatch.utah.gov](#); [Ryan Stack](#); [sfarrell@wasatch.utah.gov](#); [spark@wasatch.utah.gov](#); [Scott Phillips](#); [Yvonne Barney](#)
Subject: (EXTERNAL) Re: Groundwater mitigation at proposed temple site

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Please, please, please do what is right for the residents of Wasatch County, Heber City and the Heber Valley.

The proposed site is simply NOT appropriate.

Pumping millions of gallons of water during construction and then on an ongoing basis is absurd.

I can't even imagine the NOISE pollution of industrial water pumps going 24/7/365!

<https://www.kpcw.org/wasatch-county/2023-09-07/lds-temple-may-need-to-dewater-hundreds-of-thousands-of-gallons-of-groundwater-daily>

Regards,

Richard Getz

From: [Richard Getz Gmail](#)
Sent: Sunday, September 3, 2023 7:06 PM
To: [CC Public Comments](#)
Subject: (EXTERNAL) STOP the MOU with the LDS church

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Heber City Council:

Listen to the people you represent and slow down.

The E. Center Street location for the proposed LDS temple is simply the wrong location for so many reasons.

I understand it's not within the city limits, but without the cooperation of Heber City the project will not succeed.

Stop the madness. Save our rural neighborhood, our dark skies, our streets and most importantly, the hundreds of millions of gallons of water that will be wasted if this project gets built as proposed.

Regards,

Richard Getz

From: [Richard Getz Gmail](#)
Sent: Monday, September 4, 2023 3:29 PM
To: [Rachel Kahler](#)
Cc: [CC Public Comments](#); [Heidi Franco](#); [Matt Brower](#); [Yvonne Barney](#); [Scott Phillips](#); [Mike Johnston](#); [Ryan Stack](#); [City Council](#); [planning@wasatch.utah.gov](#); [Doug Smith](#); [manager@wasatch.utah.gov](#); [Council@wasatch.utah.gov](#); [lsearle@wasatch.utah.gov](#); [sfarrell@wasatch.utah.gov](#); [erowland@wasatch.utah.gov](#); [kcrittenden@wasatch.utah.gov](#); [mnelson@wasatch.utah.gov](#); [kmcmillan@wasatch.utah.gov](#); [spark@wasatch.utah.gov](#); [PublicComment@wasatch.utah.gov](#); [Alissa Haynes](#); [Lisa Bahash](#); [Shawn Savarino](#); [JOHN HAJNY](#)
Subject: (EXTERNAL) STOP the MOU with the LDS church
Attachments: Twin Creeks Will Serve Letter.pdf

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Rachel,

I am very surprised by your comments that the Heber Valley Temple will use the same amount of water as “ten homes **in Red Ledges** would use if they were built in the same area.”

Attached is the water use document for the temple that was provided by the Twin Creeks Special Service District dated July 18, 2023. It clearly states 12.42 acre feet (which is **4,040,552 gallons of water**. 1 acre foot equals apx. 326,000 gallons) will be used for indoor needs annually. This is in addition to 23.22 acre feet (**7,559,743 gallons**) of water for outdoor landscaping, and even more than that if they are to choose to irrigate more.

I challenge anyone to demonstrate how ten homes in Red Ledges would each consume on average 404,055.2 gallons of water annually indoors and 752,973.3 gallons of water annually for landscaping purposes.

It's time for the elected officials in Heber City, in collaboration with your

fellow representatives of Wasatch County, to start paying REAL attention to the collateral environmental impacts that the proposed temple project will have on the Heber Valley.

This includes: Traffic, Dark Skies, Water and Quality of Life.

Thank you

Richard

On Sun, Sep 3, 2023 at 8:02 PM Rachel Kahler <rkahler@heberut.gov> wrote:

Hello Mr. Richard Getz,

I want to thank you for taking the time to email the Heber City Council your concern of the proposed temple site for the Church of Jesus Christ of Latter Day Saints.

The city council has on the September 5th an agenda item for the review and approval for a proposed roundabout on Center Street in Heber City, that will be located at the entrance to the proposed temple site. This roundabout will create a calming traffic measure to allow for traffic to flow, while slowing speeds down for four entrance/exits.

The memorandum of understanding on the agenda includes the following:

The proposed MOU outlines the obligations and maintenance responsibilities of each party.

In summary: • Additional Right Of Way will be dedicated by the Church to Heber City. • The Church will pay for and construct all required roadway improvements including asphalt widening, curb and gutter, roundabout, street lighting and storm drainage improvements per City requirements. • All improvements behind the curb and gutter will follow County requirements • The City will be responsible to maintain the roadway improvements including the public storm drain system and the street lights. • The Church will be

responsible for maintenance of all improvements behind the back of curb including landscaping and the trail.

I'm not sure if you are aware of the new collector road that is being built on 900 N named the Heritage Farms Road, that will connect traffic from Main Street north of the new Smith's Marketplace, around the Heber City Cemetery and reconnect east of the new park below Red Ledges, onto Center Street. This road has been planned since 2005, and will help to offset some of the additional traffic the proposed temple will bring.

Lastly, you mention a concern for wasting water resources. Do you have specific information that leads you to be concerned that the construction of the temple will impact the city's culinary water resources? A comparison that was recently illustrated to me was the use of the water in the temple will be equivalent to what ten homes in Red Ledges would use if they were built in the same area.

As you indicated, the property is not in the city, therefore we are not the land authority, and those construction requirements are all part of the county's development review process.

Again, I do appreciate your time and energy on this issue.

Regards,

Rachel Kahler

From: Richard Getz Gmail
Sent: Sunday, September 3, 2023 7:05 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) STOP the MOU with the LDS church

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Heber City Council:

Listen to the people you represent and slow down.

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I understand it's not within the city limits, but without the cooperation of Heber City the project will not succeed.

Stop the madness. Save our rural neighborhood, our dark skies, our streets and most importantly, the hundreds of millions of gallons of water that will be wasted if this project gets built as proposed.

Regards,

Richard Getz

From: [Tanya Elander](#)
Sent: Saturday, September 2, 2023 1:00 PM
To: [CC Public Comments](#)
Subject: (EXTERNAL) Temple Location

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Out of consideration for the people who you represent, please take the concerns of our community seriously and be on the side of preserving this valley. As a council, I have felt that you are at odds with the people trying to save the quality of life in Heber Valley when actually it would serve everyone if you were on the side of representing the best interest of the people who live here and the lands that we own. This Temple location will destroy the ease of traffic you take for granted as well as the quiet beautiful community. Not to mention that the studies of impact are staggering with regards to the numbers of people who will drive on our roads which currently are not adequate for the already increased amount of traffic, making it difficult to get our families to and from school and work. Lastly, the waste of our precious water resources which is already threatening our valley could have serious impact and consequences for all of us.

Please Slow or Stop this process till we know more!!!!!!!!!!

Tanya Elander, 30 year resident