

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**Heber City Council Meeting**  
**May 7, 2024**

**APPROVED Minutes**

**4:00 p.m. Work Meeting - Budget Workshop #2**  
**6:00 p.m. Regular Meeting**

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

Mayor Heidi Franco called the meeting to order at 4:02 p.m. and welcomed everyone present.

**City Council Present:** Mayor Heidi Franco  
Council Member Yvonne Barney  
Council Member Aaron Cheatwood - remotely/then in person  
arriving at 4:22 p.m.  
Council Member Mike Johnston  
Council Member Sid Ostergaard  
Council Member Scott Phillips - arrived remotely at 4:06 p.m.

**Staff Present:** City Manager Matt Brower  
Assistant City Manager Mark Smedley  
Community Development Director Tony Kohler  
Planning Manager Jamie Baron  
City Engineer Russ Funk  
City Attorney Jeremy Cook  
Finance Director Sara Jane Nagel  
IT Specialist Anthon Beales  
Chief of Police Parker Sever  
Deputy Chief of Police, Lt. Jeremy Nelson  
Building Official Curtis Davis  
Parks and Cemetery Director Mark Rounds  
Public Works Director Matthew Kennard  
City Recorder Trina Cooke

**Staff Participating Remotely:** City Engineer Russ Funk, IT Specialist Anthon Beales, Public Works Foreman Chris Pederson, Engineering Administrative Assistant Desiree Muheim, Assistant City Manager Mark Smedley, Human Resources Manager Cherie Ashe, Planning Manager Jamie Baron, Engineer Kyle Turnbow, Public Works Director Matthew Kennard, Deputy City Recorder Robin Raines-Bond, and Finance Director Sara Jane Nagel.

**Also Present:** Max Gertsch, Susette Gertsch, Pam Patrick, Marvin Rust, Mindy McMaster, JC Hackett, Krista Andersen, Diane McCarty, Diana Garfield, Janine Christenson, Marco Harvey, Scott Cannon, Kurt Hoffmann, Chris Petersen, Mick Kohler, Dave Gorrell, James Humphreys, Rob Meals, Bill Noland, Jamie Whittier, Lorraine Branham, Liz Jensen, Nathan Moulton, Trudi Harter, Gary Harter, Rick Keel, Melissa McMillan, Tori Broughton, and others who did not sign in or whose handwriting was illegible.

**Also Attending Remotely:** (names are shown as signed in online) SRH, Shorty5, Nick Lopez, Grace Doerfler, and Bingo.

1. 2024-2025 Fiscal Year Budget Workshop #2 (Sara Nagel, Finance Manager) -  
*1 hr 20 min*

Heber City Finance Director Sara Nagel shared a PowerPoint presentation as included in the meeting materials. She addressed questions the Council had posed during the first budget meeting held the previous week on May 1, 2024. Heber City Manager Matt Brower and Ms. Nagel explained the recommended utility rate increases over the next five years as outlined in the Zions Public Finance Utility Rate Study. Additional explanations were provided for the following:

- a summary of the Business License Study and recommended Fee increases
- Utility Rates
- the Culinary Water Capital Fund
- miscellaneous budget items

Ms. Nagel asked Council for direction on the following decision points and consensus of Council majority provided the following direction:

- proceed with the Truth in Taxation process

Council Member Barney asked the record to show that she did not support any tax increases as she felt the citizens were already facing too many tax and fee increases from all the taxing entities.

- increase the City's contribution to employee's Health Savings Account (HSA) plans in order to cover the increased cost
- provide a .7% employee subsidy to cover the increased cost of pension contribution for tier two employees in the hybrid retirement plan

2. Discuss Process for the Central Heber Overlay Zone Implementation (Tony Kohler, Community Development Director) - *30 min*

Community Development Director Tony Kohler shared the suggestions received from community members at the Envision Central Heber open house. The recommended changes to the zoning include additional flexibility for infill within the central Heber neighborhoods, expansion and modification of the west gateway/Midway Lane area overlay, and creating a transition zone from the C-3 zone (Main Street area) to 200 West and 200 East, allowing for additional infill options. He provided details for the proposed overlay zone changes, reviewed the issue of missing middle housing that could provide affordable housing, and outlined a timeline for the process. Council discussion ensued with general support for the proposed changes.

## **II. BREAK - 10 MIN**

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

### **1. Call to Order**

Mayor Franco called the meeting to order at 6:06 p.m. and welcomed everyone present.

### **2. Pledge of Allegiance (Sid Ostergaard, Council Member)**

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

### **3. Prayer/Thought by Invitation (Yvonne Barney, Council Member)**

Council Member Barney recalled a presentation while attending the recent Utah League of Cities and Towns (ULCT) conference. The presentation was given by 2014 Olympic Silver Medal recipient for the Skeleton event, Noelle Pikus-Pace. The message shared was that there were always challenges to face but sometimes a changed perspective could help achieve solutions. She read a verse that, when read one direction, had a negative implication but, when read backwards, offered a positive message.

## **IV. CONFLICT OF INTEREST DISCLOSURE:**

There were no conflicts of interest disclosed.

## **V. AWARDS, RECOGNITION, and PROCLAMATIONS:**

### **1. Formal Award of Heber City Trails, Arts, and Parks (TAP) tax Revenue to Grant Recipients**

Mayor Franco announced the recipients of the TAP (Trails, Arts, and Parks) tax revenue grants, as outlined in the attached meeting materials.

## 2. Proclamation of Professional Municipal Clerks Week

Mayor Franco read a proclamation recognizing National Municipal Clerks Week. She commended City Recorder Trina Cooke and Deputy City Recorder Robin Raines-Bond, the City's two professionally certified municipal clerks.

## VI. CONSENT AGENDA:

**Motion:** Council Member Phillips moved to approve the Consent Agenda as presented. **Second:** Council Member Cheatwood seconded the motion. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

1. April 16, 2024, City Council Meeting Minutes and May 1, 2024, Special City Council Meeting Fiscal Year 2024-2025 Budget Workshop #1 (Trina Cooke, City Recorder)
2. Fleet Liquidation Proposal (Glenn Parman, Fleet Manager)

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

Pam Patrick had recently had a trespasser problem and wished to thank Tony Kohler and Travis Stolk for assisting her to work towards a resolution.

Nick Lopez wished to ask for Council support for the veteran's banners that were hung on Main Street in May. He felt Memorial Day was very important for the recognition of veterans throughout the nation. There were 324 veterans in Heber City and 1,000 within the County. The family's of the local veterans had paid for the banners. He stressed the importance of the banners to the families, the community, and younger generations. He described the families gathering below the banners for photographs. He was asking for the banners to hang for seven days in November over Veteran's Day and 12 uninterrupted days in May to encompass Armed Forces Day and Memorial Day. He did not want the banners to go up and down in May, competing with other events during that time-frame.

Gary Harter, Executive Director of the Utah Department of Veteran's and Military Affairs, wished to voice his support for Mr. Lopez's banner project.

Council Member Barney read a public comment submitted by email from Carolyn M. Fischer thanking Public Works Foreman Rance Echols and the rest of the department for burning the weeds in the irrigation ditches. She said the process improved the water flow for better efficiency, mitigated weeds, and cleaned the ditches of disease.

## **VIII. GENERAL BUSINESS ITEMS:**

### **1. Back to the Fifties Car Show (Marci Harvey) - 5 min**

JC Hacket was present to share the information for the Back to Fifties Car Show. He wanted to thank all the veterans and law enforcement officers. The show raised funds to donate to the Alzheimers Association and 10-33 Association to benefit the families of fallen police officers. He delivered a check to the City in the amount of \$500.

Parks and Cemetery Director Mark Rounds agreed to have a ramp at the park for the event to get the cars into the park over the curb. The event was scheduled to take place on June 29, 2024, at the Main Street Park.

### **2. Renewal of Timpanogos Valley Theater (TVT) Lease for use of the Social Hall (Trudi Harter) - 5 min**

President of the Board of Directors of the Timpanogos Valley Theater Trudi Harter and Vice President Nathan Walton were present to request an extension of the lease of the City's Social Hall to continue using as the local theater and to share a report of their activities and accomplishments. She thanked the City for the TAP tax grant award that would be used towards the 2025 spring musical production. Mr. Walton announced the spring production would be Little Women. Ms. Harter thanked the Council for their support and listed the updates to the theater, including new external signs, a new roof, and fresh paint. The theater had been recognized in November 2020 by the Chamber of Commerce as Business of the Month. She shared the many grants the theater had received and the improvements made to the theater with the grant money awarded. Ms. Harter listed goals for the future of the theater. They expressed gratitude to the City for their continued support. City Manager Matt Brower and the Council commended the work of the theater and expressed support for the lease extension. It was the twentieth anniversary of the performing arts group and they had been using the City's Social Hall since 2010.

### **3. Monthly Development Report (Jamie Baron, Planning Manager) - 10 min**

Planning Manager Jamie Baron provided the monthly development report as included in the meeting materials.

## **IX. ACTION ITEMS: (Council can discuss; table; continue; or approve items)**

### **1. Children's Justice Center Annual Request for Contribution (Kurt Hoffman) - 10 min**

Director of the Children's Justice Center Kurt Hoffman and Heber City Police Sergeant

Rick Keel were present to request the annual contribution from the City to support the Children's Justice Center (CJC). The center advocated prevention of child abuse and protection of children. Mr. Hoffman was asking for \$11,000 to support the forensic interview program. Sergeant Keel was the Heber City Police Department's liaison for CJC. He described the difficulty of interviewing children that had been harmed and benefits of having a forensic interviewer to establish cases against the abusers. Sergeant Keel and Mr. Hoffman asked the City to do what it could to help the CJC.

**Motion:** Council Member Johnston moved to approve the donation to the Wasatch Children's Justice Center in the amount \$11,000. **Second:** Council Member Cheatwood made the second.

**Discussion:** Council Member Barney expressed appreciation on behalf of the community for the services offered by the CJC and recognized the work of the first responders who helped the children.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.  
**Voting No:** None. The **Motion Passed Unanimously, 5-0.**

## 2. Main Street Banners (Matthew Kennard, Public Works Director) - 15 min

Public Works Director Matthew Kennard and Office Manager Candace Bufton shared a PowerPoint presentation as included in the meeting materials. Mr. Kennard reviewed the City's banner policy and shared the number of banner applications received by the City for the month of May. He explained that the veteran's banners occupied every light post arm available on Main Street when hung, and thereby prevented any other event banners to be displayed. The Public works Department put the veteran's banners up for Armed Forces Day, then took them down to allow other events to be displayed, and then up again for Memorial Day, taking many hours of Public Works manpower. They provided a calendar displaying the overlapping events that paid to have banners hung on Main Street.

Council Member Phillips indicated that Armed Forces Day was intended to honor active duty military rather than veterans. Council Member Cheatwood did not feel the dates for the banners needed to be extended in advance of Armed Forces Day. City Manager Matt Brower explained that the City covered the cost to hang the veteran's banners. Council Members Johnston and Ostergaard agreed with Council Member Phillips. Council discussion continued.

Mayor Franco opened the discussion for public comment.

Nick Lopez felt it was just as important to honor the veterans over Armed Forces Day as on Memorial Day. He reviewed the dates he wanted the veterans banners to hang in May without interruption and provided background for the banners.

Pam Patrick reminded everyone of the sacrifices the veterans had made for their country and of the importance of remembering and honoring the men and women that had served.

**Motion:** Council Member Phillips moved to allow the that the High School Rodeo State Finals, Public Works, and Soldier Hollow banners be hung on the 16th of May through the 23rd and veteran's banners hang the 23rd through the 28th of May. **Second:** Council Member Johnston made the second.

**Discussion:** Council Member Cheatwood proposed working with Mr. Lopez to plan an alternate way to honor the veterans for Armed Forces Day. He proposed an amendment to the motion that the Thursday through the Tuesday encompassing Memorial Day be reserved for the veterans banners in perpetuity.

**Amended Motion:** Council Member Phillips agreed to amend his motion to include that the Thursday through the Tuesday encompassing Memorial Day be reserved for the veterans banners in perpetuity. Council Member Johnston's second stood.

**Discussion:** Council Member Ostergaard proposed adding more poles surrounding the Main Street Park and wanted to think outside the box. He asked if Council would agree to leave the dates as proposed by Public Works. Council Member Barney agreed. She asked if Council Member Phillips would agree to change the motion to the dates originally proposed by Public Works. Council Member Phillip reiterated that Armed Forces was for active service military and wished to honor the Public Works Department for more than three days during Public Works Week. Council Member Johnston indicated he was not against the proposal of Council Members Ostergaard and Barney but felt it was important for the Council to work together for consensus.

**Motion #2:** Council Member Barney moved to leave the 2024 calendar as proposed by Public Works and to include the days, Thursday through Monday surrounding Memorial Day for the veteran banners, and establish a plan to extend the Public Works spot in the future. **Second:** Council Member Cheatwood made the second.

Mayor Franco explained her understanding of Robert's Rules of Order for Parliamentary Procedure indicated that the votes were taken for the motions on the floor in reverse order of the motions being made and called for the vote of the second motion made by Council Member Barney. Council Member Ostergaard asked for clarification of the dates. Council Member Barney clarified that the dates for the veteran's banners to hang on Main Street would be from May 16 to May 20 and May 23 to May 28.

**Vote for Motion #2: Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** Council Member Phillips. The **Motion Passed, 4-1.**

Council Member Phillips withdrew his motion.

3. Tentatively Adopt the Tentative Budget for Fiscal Year 2024-2025 and Establish Public Hearing Date to Consider Adoption of Tentative Budget (Sara Nagel, Finance Manager) - *10 min*

Finance Manager Sara Nagel explained the motion needed from Council to tentatively adopt the tentative budget as presented and provided the budget adoption timeline.

**Motion:** Council Member Phillips moved to tentatively adopt the tentative budget. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

4. Ordinance 2024-10, Park Landscape Drawings and Specifications (Jamie Baron, Planning Manager) - *20 min*

Planning Manager Jamie Baron explained the ordinance to establish standards for the landscaping in public parks had been separated to stand alone from the previously proposed park's standards at the direction of Council.

Council Member Barney wanted tree inspections done to ensure the trees were planted properly to prevent them dying in the first year. City Attorney Jeremy Cook informed Council that State Code limited the City's ability to regulate landscaping warranties. Discussion followed regarding the landscaping tree planting process, the warranty period for trees, and State requirements for standards.

Parks and Cemetery Director Mark Rounds proposed the City Arborist Brandon Puett supervise all tree planting on City property.

**Motion:** Council Member Barney moved to approve Ordinance 2024-10 Park Landscape Drawings and Specifications with the addition of item A.6. in 1.4 of the Quality Assurance section in the Temporary Tree Protection plan on page one with the language that the City Arborist will inspect, approve, and accept the planting of public trees in City landscape plans. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

5. Contract Modification for Heritage Farms Parkway Construction Engineering Services Agreement with Horrocks Engineers (Russ Funk, City Engineer) - *10 min*

City Engineer Russ Funk explained the need to extend the contract with Horrocks Engineers for the construction of Heritage Farms Parkway. The project had been delayed by poor weather. Mr. Funk provided the additional cost and stated the cost was within the budgeted amount for the project.



**Motion:** Council Member Cheatwood moved to approve the contract extension as presented with the findings and conditions as outlined in the Staff Report.

**Second:** Council Member Phillips seconded the motion. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

6. Discuss Process for the Central Heber Overlay Zone Implementation (Tony Kohler, Community Development Director) - 30 min

Agenda item six was not addressed as it was discussed during the preceding Work Meeting.

**X. COMMUNICATION:**

City Manager Matt Brower shared the following communication items:

- the County had agreed to CRA (Community Reinvestment Agency) meetings between two City Council Members, two School Board Members, and three County Council Members. Details to follow.
- Upcoming events included:
  - Annual Spring Cleanup on Saturday, May 11, 2024, from 9:00 a.m. to noon
  - Public Works Week: May 20-23, 2024
  - Unity Week: June 3-8, 2024
  - Rededication of Tabernacle and Ribbon-cutting for the new Water Feature: Saturday, June 8 at 1:00 p.m.
  - Caldwell, Idaho: Council, Planning Commission, and Staff were invited on a road trip to visit Caldwell's revitalized downtown area: May 28-30, 2024
  - Heber Market on Main season kickoff on Thursday, June 6, 2024
  - Council was invited to help cook hot-dogs and hamburgers at the Employee Safety Carnival on June 6, 2024, from 11:00 a.m. to 1:00 p.m.
  - Red, White, and Blue Festival: All-day event on Thursday, July 4, 2024 - the committee was looking to include a concert preceding fireworks in 2025

**XI. ADJOURNMENT:**

**Motion:** Council Member Phillips moved to adjourn. **Second:** Council Member Cheatwood made the second. The meeting adjourned at 8:42 p.m.



*Trina W Cooke*

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Trina Cooke, City Recorder