

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
AMENDED AGENDA
May 20, 2025

APPROVED Minutes

5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. WORK MEETING - 5:00 P.M.

Mayor Heidi Franco called the meeting to order at 5:09 p.m. and welcomed everyone present.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney - arrived 5:12 p.m.
Council Member Aaron Cheatwood
Council Member Mike Johnston
Council Member Sid Ostergaard

City Council Absent: Council Member Scott Phillips

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
City Recorder Trina Cooke
Chief of Police Parker Sever
Airport Manager Travis Biggs

Staff Participating Remotely: Planner Jacob Roberts, Planning Manager Jamie Baron, Human Resources Manager Cherie Ashe, Finance Manager Sara Jane Nagel, Accounts Payable Administrative Assistant Wendy Anderson, Public Works Director Matthew Kennard, and IT Director Anthon Beales.

Also Present: Michael Plowman, David Neban, Russ Watts, Ryan Miller, Lonny Reed, Rachel Kahler, Kurt Hoffman, Kent Shelton, Tori Broughton, Andrew Weber, Kendall Crittenden, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed-in online) DM, H, Andy Dorobek, Mike, Melissa Grote, Grace KPCW, Sam Elder, B B, Shortcake5, Lonny Reed, and Jen.

1. Water Policy Discussion (Russ Funk, City Engineer) - 30 min

City Engineer Russ Funk informed Council that he wished to review water usage, irrigation use, the City Water Policy in general, and water rights reduction for outdoor water use. He wanted to have a discussion with Council regarding proposed updates to the Water Policy and planned return with an updated policy for Council approval at a later date. Mr. Funk further outlined the information in the draft policy as included in the meeting materials. He explained how the culinary water usage was calculated. He recommended different percentages to charge for water by ERU (Equivalent Residential Units). Mr. Funk explained the updated development approval process and the requirement to dedicate water rights up front before beginning to build.

2. Harvest Village Public Infrastructure District (PID) No 1 and No 2 (Tony Kohler, Community Development Director) - 15 min

Community Development Director Tony Kohler reviewed the details within the proposed Public Infrastructure District (PID) agreement that the Harvest Village Development was seeking with the City. Council discussed the details within the governing document as outlined in the attached meeting materials. A PID served as a finance mechanism for the development and amenities therein, and was paid for by the property owners over a predetermined timeframe, who purchased property within the PID boundary.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Heidi Franco called the meeting to order at 6:21 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Sid Ostergaard, Commissioner)

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

3. Prayer/Thought by Invitation (Heidi Franco, Mayor)

Mayor Franco shared a prayer.

IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts disclosed.

V. CONSENT AGENDA:

Council Member Barney recognized the Rules of Order and Procedure indicated the meeting should conclude by 10:00 p.m., permitting one extension, if necessary, to end no later than 10:30 p.m. She felt the Council discussion was imperative to the transparency of the meeting and proposed to postpone all remaining agenda items to the following meeting if unable to complete discussion before 10:30 p.m.

Motion: Council Member Johnston moved to approve the Consent Agenda as presented.

Second: Council Member Ostergaard made the second.

Voting Yes: Council Members Ostergaard, Barney, and Johnston.

Voting No: None.

Absent: Council Members Phillips and Cheatwood.

The **Motion Passed 3-0.**

1. Approval of April 29, 2025, Fiscal Year 2026 Budget Workshop #1 Special City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Resolution 2025-08 Amending the Rules of Order and Procedure to Adjust the Agenda Order to Prioritize Public Hearings and Make Additional necessary Agenda Outline Adjustments (Trina Cooke, City Recorder)

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

No one from the public came forward to comment.

VII. GENERAL BUSINESS ITEMS:

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

Planning Manager Jamie Baron provided the monthly development report as included in the meeting materials. He shared the department's proposal to have a booth at the Heber Market on Main two Thursdays a month in July and August to answer questions from community members. The intent was to offer free information to the public for educational purposes.

2. Public Safety Report (Parker Sever, Chief of Police) - *10 min*

Chief of Police Parker Sever reported survey results received by the department. The majority of responses to the survey were positive. He listed the numbers and types of call-outs the officers had responded to. The Police Department's Easter Egg Hunt and Pancake Breakfast had been a huge success with estimated thousands of community members turning out.

3. Unity Week Events and Council Assignments (J. Mark Smedley, Asst. City Manager) - 10 min

City Manager Matt Brower reviewed the planned activities for Unity Week as included in the Staff Report. Unity Week would kick off the season's Heber Market on Main; there would be two ribbon-cuttings for new parks opening and one for the new bandshell; the flower planting would take place that Saturday.

The Red, White, and Blue Festival would be on July 4th and the Council was invited to help serve the lunch sponsored by the City. He invited Council to join in the freedom walk as well.

4. Envision Central Heber Policy Priority: Initiatives Update (Matt Brower, City Manager) - 30 min

Mr. Brower explained the purpose of the agenda item was to review the Council's top priorities and provide an update of Staff's progress. Envision Central Heber was an idea to regenerate the vibrancy of downtown Heber to create a destination for the existing community and visitors alike.

Executive Director of CAMS (Community Alliance for Main Street) Rachel Kahler shared proposed community activities to be hosted at the Main Street Park throughout the summer. Activities included free yoga, music, and more. CAMS continued to encourage Main Street businesses to join the beautification efforts. June 7th would be the summer flower planting. A new mural would be installed on the bedroom building wall next to Granny's Drive-in. Ms. Kahler shared the summer programming line-up as outlined in the presentation included in the meeting materials. She shared additional programming ideas such as a possible ghost tour, a winter outdoor market, and provided an update on the historic preservation efforts in the valley. Ms. Kahler presented a redevelopment design concept for Block 103 to install parking for the businesses. She noted that eight of the eight business owners on the block supported the project and needed more parking.

Matt Brower, Tony Kohler, and Rachel Kahler continued the presentation attached to the meeting materials including downtown parking possibilities and the potential for shared public parking. Mr. Kohler provided an overview of the proposed C Street alleyway through the middle of the block located between 100 and 200 South. City Engineer Russ Funk shared proposed road improvements for 100 West between 500 South and 100 North to make it more pedestrian-friendly, provide angled street parking, install curbing with bulb-outs, and landscape beautification. There would be a public outreach project for the impacted property owners. Mr. Kohler listed downtown zoning updates still needed. Mr. Brower shared images of the bandshell project's progress.

Mr. Brower recalled the County and School District's denial of the City's request to sign an Interlocal Agreement for a CRA (Community Reinvestment Agency).

Council wished to see the numbers for the dollar amount proposed to be generated within the updated CRA boundary.

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

1. Annual Support for Children's Justice Center (Kurt Hoffman, Director Wasatch County Children's Justice Center) - *10 min*

Executive Director of Children's Justice Center (CJC) Kurt Hoffman provided the annual report from the Center. The mission of the Children's Justice Center was to provide a comfortable, neutral, child-friendly atmosphere for children to receive coordinated services during the child abuse investigative process. Seventy percent of the children brought to the CJC were Heber City residents. Heber City Police Sergeant Rick Keel was present to describe the importance of having a forensic interviewer for the children that were brought to the CJC. He was trained as a forensic interviewer and could attest to the importance of the work. Forensic interviewers worked with the children to get as much information as possible to take to court in order to put perpetrators away. The center was asking for the continued financial support of Heber City to assist with the cost of retaining a forensic interviewer.

Motion: Council Member Cheatwood moved to approve the requested contribution of \$11,000.00 and include it in the 2026 budget.

Second: Council Member Ostergaard made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

Absent: Council Member Phillips.

The **Motion Passed 4-0.**

2. Resolution 2025-07 Harvest Village Public Infrastructure District (PID) No 1 and No 2 (Tony Kohler, Community Development Director) - *15 min*

City Attorney Jeremy Cook advised that he had spoken with the developers for Harvest Village during the break and they had agreed to enter into another agreement, separate from the PID (public infrastructure agreement). The separate agreement would commit the developer to additional improvements and 100% completion within one year of the certificate of occupancy (C of O) of the hotel. Mr. Cook further explained the bonds that would be used for the funding of the project.

Council Member Cheatwood expressed concern that the new homeowners would be informed of the financial obligation of the PID when purchasing a home in the area.

Mayor Franco opened the discussion for public comment at 8:18 p.m. With no one coming forward to comment, the comment period was closed.

Motion: Council Member Johnston moved to adopt Resolution 2025-07, Harvest Village Public Infrastructure District (PID) number one and number two, with the following added requirements: 1. to include in the CC&R's (covenants, conditions, and restrictions) that all property purchasers would be notified that they would be subject to the benefits, costs, and conditions of the PID, including contact information for the PID board, and 2. contingent upon an added agreement with the City that the developer committed to completing the five PID improvements listed within one year of obtaining a certificate of occupancy for the hotel.

Second: Council Member Ostergaard made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, and Johnston.

Voting No: Council Member Barney.

Absent: Council Member Phillips.

The **Motion Passed 3-1.**

3. Repeal of outdated ordinances and approval of Ordinance 2025-11, Amending Title 6, Chapter 2 of Heber City's Animal Control Regulations (Parker Sever, Chief of Police)

Chief of Police Parker Sever described some of the outdated and antiquated laws in the existing code that the proposed ordinance would remand or repeal as outlined in the attached Staff Report and meeting materials.

Mayor Franco opened the meeting for public comment at 8:27 p.m.

County Council Member Kendall Crittenden came forward to state that he would share the information with the County Council.

Council Member Cheatwood noted the following errors or typos in the ordinance: the word "replaces" should be "replaced" for the sentence to read "The following sections of the Heber City Code are hereby repealed and replaced." The word "call" should be "shall" to read "shall be guilty of a class B misdemeanor," in section 6.17.010.

Motion: With the two changes listed, Council Member Cheatwood moved to adopt Ordinance 2025-11 repealing the list of ordinances and replacing the second list of ordinances in section two.

Second: Council Member Barney made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

Absent: Council Member Phillips.

The **Motion Passed 4-0.**

4. Ordinance 2025-09 Adopting Code Amendment to Allow City to Retain Fees-in-Lieu for Affordable Housing (Jeremy Cook, City Attorney) - 15 min

City Attorney Jeremy Cook recalled the City's efforts to obtain affordable housing commitments from developers in his time with Heber City. The intent of the proposed ordinance was to give the City funding assistance to seek its own affordable housing if a project were to present itself. There would be a significant amount of fee-in-lieu funds dedicated to the Wasatch County Housing Authority (WCHA), but the intent of the proposed ordinance was to allow the City the opportunity to seek its own solutions. The State had taken away the ability for cities and counties to require affordable housing from developers. Heber City negotiated with developers to obtain affordable housing or a fee-in-lieu. Council Member Ostergaard advised that he and the City Manager, Matt Brower, had shared the information with the Housing Authority the previous night at their meeting.

Kent Shelton served on the WCHA Board. He felt it was premature for the City to pull funding away from the WCHA. They had discussed the appropriate location of affordable housing to be built near transportation hubs and shopping amenities. He felt the withdrawal of fees from WCHA by Heber City would effectively dissolve the Housing Authority. They had hoped to acquire a full-time director, and he felt they would not be able to do so without the contributions from Heber City. He also felt the other local entities needed to be included in the discussion. Mr. Shelton reviewed the down payment assistance offered by the Housing Authority and the self-help partnership. He said that Brad Bishop, the director of Self-Help Homes, had been in attendance at the WCHA meeting the previous evening and informed the board that 84% of the move-ins still occupied their Self-Help Homes. WCHA had been heavily involved in the Prestige one and two projects, and more. Mr. Shelton felt the WCHA had a good track record and hoped the Council would put the brakes on pulling the fee-in-lieu funding and work with WCHA towards acquiring a much-needed director.

County Council Member and WCHA Chair Kendall Crittenden informed the City Council that County funds had paid for much of the affordable housing in Heber City that specifically benefited the community. He read from the Staff Report and said he did not care for the wording. Heber City Attorney Jeremy Cook further explained the City's intent was only to allow the option for Heber City to utilize some of the fee-in-lieu funds it collected for independent projects.

Council discussion followed regarding the need for all of the local entities to participate in the effort to provide affordable housing in the community; the need for a full-time employee at WCHA; how to obtain additional assistance from the State for the provision of affordable housing in Heber Valley; and brainstorming ideas and solutions to provide affordable housing locally. Council expressed its commitment to continue discussions to help find a financial solution to implement a full-time Housing Director for the WCHA.

Motion: Council Member Johnston moved to adopt Ordinance 2025-09, adopting code amendments to allow the City to retain fees-in-lieu for affordable housing, which just affected 18.102.080(E), and to correct the grammar in the ordinance.

Second: Council Member Cheatwood made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

Absent: Council Member Phillips

The **Motion Passed 4-0.**

IX. COMMUNICATION:

City Manager Matt Brower provided an update on the cemetery columbarium. He asked for Council's support to proceed with two fountains at the new Cemetery Admin Building site. There would need to be a budget amendment. Council asked to have a visual of the columbarium with the fountains provided when the fountain approval was returned for a vote.

Mr. Brower asked for Council direction regarding moving forward with the installation of the irrigation line for the Valley Hills Drive residents to landscape and maintain the City's easement land. Council Member Johnston proposed a community garden in the larger section on the north end. Council further discussed uses for the area. Majority of the Council agreed that the City should wait to install the irrigation line in the fall, when the City's Public Works Department could do the work, thereby keeping the cost down.

Mr. Brower extended an invitation from the County Council to hold a combined meeting on Thursday, June 12, 2025.

Mr. Brower congratulated the Heber City Public Works Department for winning the Back-hoe Rodeo during Public Works Week.

Council Member Barney shared her fear of children running into Lake Creek Canal where a fence had been removed on 1530 South Industrial Way.

Council Member Cheatwood read an email from Nick Lopez regarding locks that had been put on fire hydrants throughout the City. Mr. Brower explained the concern of water theft from the City through the hydrants. Public Works had placed the locks and delivered keys to the Fire Department for removal of the locks when needed.

Mayor Franco shared that Council Member Cheatwood would be offering a speech at the Monuments of the Americas in her absence, and that Council Member Barney and County Council Member Kendall Crittenden would be attending a housing summit at the Governor's mansion the following week.

X. CLOSED MEETING:

Motion: Council Member Barney made the motion to enter Closed Meeting for the strategic discussion of pending litigation and the purchase, exchange, or lease of real property.

Second: Council Member Cheatwood made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

Absent: Council Member Phillips

The **Motion Passed 4-0.**

The City Council entered Closed Meeting at 9:52 p.m.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Aaron Cheatwood
Council Member Mike Johnston
Council Member Sid Ostergaard

City Council Absent: Council Member Scott Phillips

Staff Present: City Manager Matt Brower
Community Development Director Tony Kohler
City Engineer Russ Funk
City Attorney Jeremy Cook
City Recorder Trina Cooke

1. Pending or Reasonably Imminent Litigation
2. Potential purchase, exchange, or lease of real property

XI. ADJOURNMENT:

Motion: Council Member Ostergaard moved to exit the Closed Meeting and adjourn.

Second: Council Member Cheatwood made the second.

Voting Yes: Council Members Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

Absent: Council Member Phillips

The Closed Meeting ended and Regular Meeting adjourned at 10:34 p.m.




Trina Cooke, City Recorder