

**HEBER CITY CORPORATION  
75 North Main Street  
Heber City, UT 84032  
Heber City Council Meeting  
Amended Agenda  
February 3, 2026**

**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 4:02 p.m. and welcomed everyone present.

**City Council Present:** Mayor Heidi Franco  
Council Member Yvonne Barney  
Council Member Aaron Cheatwood  
Council Member Mike Johnston  
Council Member Morgan Murdock  
Council Member Sid Ostergaard - remotely

**Staff Present:** Assistant City Manager Mark Smedley  
Community Development Director Tony Kohler  
Planning Manager Jamie Baron  
City Engineer Russ Funk  
Finance Manager Sara Jane Nagel  
City Attorney Jeremy Cook  
City Recorder Trina Cooke  
Chief of Police Parker Sever  
Police Officer Brayden Powers

**Staff Participating Remotely:** City Manager Matt Brower, City Engineer Russ Funk, Public Works Director Matthew Kennard, Human Resource Director Cherie Ashe, IT Director Anthon Beales, Deputy City Recorder Robin Bond, Engineering Tech Desiree Muheim, and Finance Manager Sara Jane Nagel.

**Also Present:** Michael Plowman - Habitat for Humanity, Jason Norlen - Heber Light and Power, Andrew Dedrickson - HL&P, Phil Jordan - Planning Commission, Randy Christ, Dennis Gunn, Tyson Williams - Wasatch Bridge, Ryan Bunnell, Kristina Goodnough, Cannon Taylor, Dave Johnson, Patty Sprunt, Paul Watson, Tom Johnson, Carol Johnson, and others who did not sign in or whose handwriting was illegible.

**Also Attending Remotely:** (names are shown as signed-in online) Dw Phone, Robert Madsen, AE Urbia - Seth, A, B, CAMS, Cannon Taylor, Christi Judd, Denna Woodbury, George Bennett, Grace Doerfler, J, Jen, JS, Kirk Langston, Laurel Bevans - Gordon Milar Construction, Seth Plaizier, SRH, and Stephen.

1. Habitat for Humanity (Michael Plowman, Director of Development, Habitat for Humanity of Summit and Wasatch Counties) - 30 min

Michael Plowman and Shelly Barrus were in-house representing Habitat for Humanity. They wished to ensure Heber City was aware of the services offered by Habitat for Humanity and shared past-project successes and challenges. The program offered more than housing provision, including home repairs and financial education. There were home-ownership programs specifically designed for essential workforce workers. Council expressed appreciation for the programs offered and hoped to work with Habitat for Humanity moving forward.

2. Consideration of Council Letter to UDOT Regarding Comments on Draft EIS for the Heber Valley Corridor (Russ Funk, City Engineer) - 30 min

City Engineer Russ Funk read the proposed letter to be sent to UDOT (Utah Department of Transportation) on behalf of Heber City. The letter was intended to convey the City's concerns and suggestions regarding the proposed Bypass road. Council discussed the letter and suggested additional details for inclusion. Mr. Funk emphasized the need to keep the letter concise and not overcomplicate it. He assured the Council that UDOT had previously studied the issues being discussed. Mr. Funk stated that he would update the letter promptly to include the Council's suggested changes and allow Council the opportunity to vote on it during the Regular Meeting later that night.

3. Potential request to adjust permitted flag pole heights (Jacob Roberts, Planner) - 20 min

Jason Norlen and Andrew Dedrickson were present to represent the management team at Heber Light and Power (HL&P). Planner Jacob Roberts described the requested exception from HL&P to install a 70-foot flagpole, which exceeded the 25-foot max permitted in the City Code. Council expressed majority consensus to allow HL&P to proceed with the City process for a text-amendment to permit the exception to install the 70-foot flag-pole.

4. Review and Approve Council's FY'27 Budget and Policy Priorities (Matt Brower, City Manager) - 30 min

Mr. Brower asked for Council to review the document reflecting the Council's final 2026 Budget and Policy Priorities. Council identified certain details that had not been included to capture their intent. Mr. Brower indicated he would update the chart promptly to include the Council's suggested changes and allow Council the opportunity to vote when it returned later that night on the Action Items agenda in the Regular Meeting.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Franco called the meeting to order at 6:08 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Yvonne Barney, Council Member)

Council Member Yvonne Barney led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Sid Ostergaard, Council Member)

Council Member Ostergaard felt it was critical that people treat one another well. He noted the importance during this time of year when the days were dark, it's cold outside, we don't get out much, and there was often much weighing on us. He shared a recorded clip of Steve Young telling a story of a security guard and a janitor that would see each other daily and every day, the janitor would say "hey" to the security guard. The security guard died and the wife of the security guard delivered a note to the janitor from the security guard thanking him for saying "hey" every day. The security guard expressed appreciation to the janitor for his cheerful daily greeting and wanted the janitor to know how much it had meant to him over the years. Council Member Ostergaard observed that it was the small gestures that could make a difference in other peoples lives. He asked that everyone reach out to others, if only to say "hey".

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Mayor's Recognition to Dennis Gunn for Planning Commission Service

Mayor Franco read the certificate of appreciation being awarded to Dennis Gunn for over ten years of service on the Planning Commission. He thanked the Council and staff for their hard work that he felt often went unrecognized.

## 2. Mayor's Award for Sergeant Brayden Powers

Chief of Police Parker Sever noted that the department had already received their body worn cameras and Brayden had taken initiative and sought a \$20,000.00 grant for the cameras. Chief Sever said that Brayden often took initiative and had also been the instigator of the department's last two educational programs.

## V. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts disclosed.

## VI. CONSENT AGENDA:

**Motion:** Council Member Cheatwood made the motion to approve the Consent Agenda as outlined.

**Second:** Council Member Barney made the second.

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

**Voting No:** None.

The Motion Passed Unanimously, 5-0.

1. January 20, 2026, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Declaration of Police Department Firearms no Longer in use as Surplus Property (Parker Sever, Chief of Police)
3. Declaration of Surplus Property - AED's (Parker Sever, Chief of Police)
4. Resolution 2026-02 to Approve a Change to the Heber Light & Power (HL&P) Company Organization Agreement (Heidi Franco, Mayor) -
5. Mayor's Nominations to Planning Commission (Heidi Franco, Mayor)
6. Cancel the March 17, 2026, City Council Meeting Due to Election Caucus Conflict

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

With no one from the public coming forward to comment, the public comment period was opened at 6:22 p.m. and closed at 6:23 p.m.

## VIII. GENERAL BUSINESS ITEMS:

1. Discussion about Housing Opportunities for Essential Employees (Scott Ogilvie, Wasatch Commons) - 25 min

General Business agenda item one was postponed as the applicant was unable to attend that evening.

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

1. North Village Views MDA (Denna Woodbury, Planning Consultant) - 45 min

Tyson Williams was present to represent the applicant and apologized that Seth Hobby was unable to attend in person but was participating online. City Engineer Russ Funk felt it was important for the Council to understand that the amendment request was needed because the applicant had made changes to their initial design plan to accommodate both the City's and UDOT's road alignments. He noted that the applicants had been great to work with and the requested amendment was to fix a problem that was not their fault. The formal amendments were necessary as the design plans no longer complied with the North Village Overlay Zone's regulations and requirements.

Planning Consultant Denna Woodbury reviewed the proposed amendments as outlined in the attached Staff Report and presentation. She provided images of potential unit concept designs, including elevations. A Public Hearing had been held, and the Planning Commission had forwarded a positive recommendation to the City Council.

Mayor Franco opened the public comment at 7:13 p.m. With no one coming forward to comment, the comment period was closed at 7:14 p.m.

**Motion:** Council Member Johnston moved to approve the second amendment to the development agreement with the following changes: to replace the term "collector roads" with "public roads" in section 3b; replace the word "variance" in the agreement with "exception"; and to ask the developer to work with the neighbor and staff on acceptable landscaping along their boundary.

**Second:** Council Member Murdock.

**Discussion:** Council Member Barney asked for confirmation that the exception request was not adding more density, nor was Council approving an annexation, as the land was in the City boundary. She wanted the points to be clear for the public. Council Member Ostergaard acknowledged that the City did not have snow storage requirements or landscaping buffers in the code. He felt the Council should consider adding these items to the code to be clear for the developers.

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

**Voting No:** None.

The Motion Passed Unanimously, 5-0.

2. Resolution 2026-03: A Resolution of the City Council of Heber City, Utah, Establishing a Comprehensive Communication Policy for City Staff and Elected Officials (Ryan Bunnell, Matt Brower, City Manager, Jeremy Cook, City Attorney) - 45 min

City Attorney Jeremy Cook explained that the proposed Communications Policy was not intended to inhibit the voice of the Council. It was proposed that the inclusion of disclaimers would clearly signal when content reflected personal opinion rather than an official position of the City Council or the City. Staff indicated that adoption of the Communications Policy would not preclude future refinement, cross-referencing, or consolidation with existing policies to reduce overlap and confusion. Council proceeded to discuss the intent and scope of the proposed Communications Policy.

Council Member Barney felt a disclosure of personal thoughts by Council Members was appropriate but did not feel approval by the City Manager was necessary. Council Member Johnston did not feel that any Council Member should have an opinion distributed in a City publication or on City platforms.

Mayor Franco opened the discussion for public comment at 8:07 p.m.

Dave Johnson, Chair of the Wasatch Back Republican Party, expressed appreciation for the efforts made to revise the Communications Policy, but felt additional refinement was needed. He emphasized the importance of maintaining a strong connection between voters and their elected representatives, noting that the City Manager was not an elected position. He felt the Council should be referred to as elected representatives rather than elected officials, as the Council was elected to represent the voters. He stated that, while official written City communications could be issued by the City Manager, it should be under the direction of the Mayor, whom he believed was the City's executive authority. He expressed concern with provisions in the Policy addressing the representation of an official City position, referencing the U.S. Supreme Court's practice of issuing dissenting opinions. He stated that City Council actions adopted by vote constituted official City policy or ordinances, and said that individual Council Members and the Mayor should be allowed to communicate their interpretations of those actions and the impacts on the community. Mr. Johnson further stated that press releases should be issued under the direction of the Mayor, reiterating the distinction between the executive branch (the Mayor) and the legislative branch (the City Council), and noted that Council Members were equal to the Mayor in legislative matters. He felt that healthy discussion was essential to a healthy society and recommended that the Police Chief be treated differently under the policy, suggesting that the Police Chief should be able to respond to press inquiries and issue communications, in consultation with the City Attorney. Mr. Johnson thanked the Council for their time.

Heber City resident Patty Sprunt felt the amended Policy was significantly improved but thought it would be a step backward to remove the Mayor from Section Six. She emphasized that elected officials, not the un-elected Staff, should speak for themselves and be directly accountable to the public. She stated that residents valued Heber City's small-town character and the ability to communicate directly with elected leaders, noting the importance of hearing Council Members' opinions, even when there was disagreement. Ms. Sprunt emphasized that voters elected the Mayor and City Council and wanted to hear directly from them rather than through staff. She disagreed with assigning final authority over press releases to the City Manager alone and advocated for a collaborative approach between the Mayor and City Manager. She stated that joint involvement promoted balance, transparency, accuracy, legal compliance, accountability, and public trust, while avoiding the perception that information was filtered through a single un-elected office. She acknowledged the City Manager's role in overseeing staff operations but emphasized that he was not elected and did not supersede the authority of the Mayor or Council. Ms. Sprunt reiterated that City communications should reflect a collaborative process, with final messaging issued through cooperation between the City Manager and the Mayor.

Tom Johnson did not think the Mayor should ever lose the right to their opinion, as everyone had the first amendment right. He observed that all of the Council was elected by the people and should be representing the people. He emphasized that elected officials might hold and express personal opinions while serving in their representative roles and stated that without voter support, they would not hold office. He further urged the Council to respect established rights and avoid making changes that restricted those rights. He referred to prior Council consideration of the Garbett Homes development as an example of unnecessary procedural changes.

Council Member Johnston stated that the City did not operate with a CEO or a separate executive branch and explained that Heber City was governed by a single six-member Council that collectively oversaw all City functions. He explained that while the Mayor presided over meetings, performed ceremonial duties, and made appointments to boards and commissions with Council approval, the Mayor was not the City's executive and did not hold greater authority than the members of the Council. He emphasized that all Council Members were equal under Heber City's form of government, which differed from larger municipalities such as Salt Lake City or Provo. Council Member Johnston affirmed that elected officials retained full First Amendment rights and were free to express personal opinions through private communication. He clarified that the proposed Communications Policy did not restrict personal speech, but limited the use of City-funded platforms—such as press releases, the website, newsletters, and public notices—for individual opinions. He concluded that policy debate and deliberation should occur during public meetings rather than through official City communications.

Council Member Cheatwood wished to clarify that the policy language stating the City Manager was “responsible for the final press release content.” He said it did not mean the City Manager had sole or final decision-making authority, but rather that the City Manager bore the responsibility and accountability for the content. He explained that the structure reflected the City’s Council–Manager form of government, in which the City Manager worked at the direction of and was accountable to the Council. He noted that the City Manager’s role carried limited job security as it was an appointed position that worked at the will of the Council. He concluded that the policy was designed to ensure clear accountability. Council Member Cheatwood also clarified his comment about not wanting to approve everything in the City was a reference to how burdensome it would be to the Council if the City staff could not do anything without Council approval.

**Motion:** Council Member Barney moved to continue the item to a future Council meeting when the policy could return with the changes discussed by Council.

**Discussion:** City Attorney Jeremy Cook asked for a motion to include staff direction because he was unsure which changes discussed had a Council Majority. Assistant City Manager Mark Smedley asked whether Council felt there would be a distinction for the public when something was published as approved by the Council majority or was an individual members’ opinion.

**Withdrawn Motion:** Council Member Barney withdrew her motion

**Motion:** Council Member Cheatwood moved to approve the Communication Policy as written, with the change to the end of section three to clarify that it shall not apply to the contributions made by elected officials.

**Second:** Council Member Ostergaard made the second.

**Discussion:** Council Member Murdock felt it was important to look more closely at the sections regarding emails, social media, and website privacy, to be more comprehensive for Council and Staff. He referred to the State Code that regulated elected officials' use of social media and did not feel the City needed to do more than reference the State's Code. City Attorney Jeremy Cook acknowledged that the City did not need or want conflicting or overlapping policies and Staff would need to review and cross-reference the Personnel Policy that addressed many of the aforementioned issues on a staff level. Council Member Murdock added that he was reviewing the Personnel Policies and Procedures and would like to read it more thoroughly. He was not ready to approve the Communications Policy right then. Council Member Johnston did not agree with how the newsletter was used for the Mayor's Minute and said he would vote no on the proposed policy.

**Voting Yes:** Council Members Ostergaard, Barney, Cheatwood, and Murdock.

**Voting No:** Council Member Johnston.

**The Motion Passed 4-1.**

3. Atlas Towers Ground Lease Agreement for City Property located at approximately 590 East Center Street (Tony Kohler, Community Development Director, J. Mark Smedley, Asst. City Manager) - 45 min

Community Development Director Tony Kohler recalled previous Council consideration to permit the proposed cell tower on City property located at the hospital. It would be a conditional lease and would permit Atlas Towers to allow additional vendors to utilize the tower. Assistant City Manager Mark Smedley explained that the proposed agreement had a 12-month test period included. There would need to be a zone-change to permit the 60-65 foot height that Atlas was requesting. The current zone allowed tower up to 35 feet. City Attorney Jeremy Cook added that Atlas would not choose to install a tower if not permitted to go to 60-feet. Atlas Towers representative Sandra Layton was present to speak on behalf of Atlas Towers. Council felt a responsibility to the community to provide better cell service. Discussion of agreement details followed.

Discussion was opened for public comment at 9:11 p.m. and closed at 9:12 p.m. with no one from the public coming forward to speak.

**Motion:** Council Member Barney moved to accept the Atlas Tower ground lease agreement to place a cell tower on City property located at approximately 590 East Center Street; for the rent to include a 2% annual increase for all tenants; remove the last sentence in section 4B of the agreement; and to increase the time frame for the tax notice requirement from 10 days to 30 days.

**Second:** Council Member Cheatwood made the second.

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

**Voting No:** Council Member Murdock.

The Motion Passed 4-1.

4. Review and Approve Council's FY'27 Budget and Policy Priorities (Matt Brower, City Manager) - 30 min

City Manager Matt Brower reviewed the changes made to the Fiscal Year 2027 Budget and Policy Priorities to include the Council's requests as directed in the work meeting. Changes were highlighted in yellow on the document and attached to the meeting materials.

**Motion:** Council Member Cheatwood moved to approve the updated Council Budget and Policy Priorities for 2026 as amended and changed.

**Second:** Council Member Murdock made the second.

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

**Voting No:** None.

The Motion Passed Unanimously, 5-0.

5. Consideration of Council Letter to UDOT Regarding Comments on Draft EIS for the Heber Valley Corridor (Russ Funk, City Engineer) - 30 min

City Engineer Russ Funk reviewed the updates made to the UDOT letter based on Council direction during the Work Meeting

**Motion:** Council Member Johnston moved to approve the letter as amended and presented.

**Second:** Council Member Cheatwood made the second.

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

**Voting No:** None.

The Motion Passed Unanimously, 5-0.

6. Election of Mayor Pro-Tem (Heidi Franco, Mayor) - 5 min

**Motion:** Council Member Barney moved to continue Council Member Cheatwood's Mayor Pro-Tem designation.

**Second:** Council Member Ostergaard.

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

**Voting No:** None.

The Motion Passed Unanimously, 5-0.

**X. COMMUNICATION:**

Mayor Franco provided an update on the Olympic Committee. The name would be the Heber Valley Legacy Community Committee. The Committee had discussed the following:

1. County Event Center Parking
2. A Legacy bridge
3. Realigning 600 west and shifting the train depot
4. A turntable had been donated to the Railroad
5. Installing Olympic art along the Rail to Trail route

Council Member Johnston asked if there was a consensus of Council support directing staff to proceed with rear-yard setback exceptions. Consensus was to proceed.

Mayor Franco provided the updated proposed community wellbeing survey. Council discussed the proposed survey questions.

**Motion:** Council Member Barney moved to add five minutes to the meeting to finish the discussion.

**Second:** Council Member Murdock.

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

**Voting No:** None.

The Motion Passed Unanimously, 5-0.

Council Member Barney asked the Council to help watch the bills currently being considered by the State Legislature. She felt there were several concerning bills that the Council should be tracking.

City Engineer Russ Funk shared that Heber City's Engineering Department had received an award from Utah's City Engineering Association for project of the year in recognition of the City's Central Heber Water and sewer line replacement project.

#### XI. ADJOURNMENT:

**Motion:** Council Member Cheatwood made the motion to adjourn.

**Second:** Council Member Barney.

The Heber City Council meeting adjourned at 10:07 p.m.



A handwritten signature in black ink.

Trina Cooke, City Recorder