

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
October 6, 2026

DRAFT Minutes

4:00 p.m. Closed Meeting
5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

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

Mayor Franco called the meeting to order at 4:04 p.m. and welcomed everyone present.

Motion: Council Member Ostergaard moved to enter a Closed Meeting to discuss the character, professional competence, or physical or mental health of an individual.

Second: Council Member Barney made the second.

Voting Yes: Council Member Barney, Council Member Cheatwood, Council Member Johnston, Council Member Ostergaard, Council Member Murdock.

Voting No: None.

The **Motion Passed 5-0.**

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

Staff Present:

City Manager Matt Brower
City Attorney Jeremy Cook
Deputy City Recorder Andrew Conley

1. To Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual (Jeremy Cook, City Attorney, City Council) - *110 min*

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

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.**

II. WORK MEETING - 5:00 P.M. or at the Conclusion of the Closed Meeting

The Work Meeting, including the CRA (Community Reinvestment Agency) agenda item, was bypassed due to lack of time.

III. RECESS AS THE HEBER CITY COUNCIL AND CONVENE AS THE CRA BOARD:

1. Discuss Strategies for City Owned Property Located in CRA Project Area (Matt Brower, City Manager) - *30 min*

IV. ADJOURN AS THE CRA BOARD AND RECONVENE AS THE HEBER CITY COUNCIL:

V. BREAK - 10 MIN

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

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

Staff Present: City Manager Matt Brower
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
Deputy City Recorder Andrew Conley
Chief of Police Parker Sever

Staff Participating Remotely: Finance Director Sara Nagel, Assistant City Manager J. Mark Smedley, Public Works Director Matthew Kennard, Administrative Assistant to the City Manager Laine Meyers, IT Director Anthon Beales, and City Engineer Russ Funk.

Also Present: Marsh, Greg Bird, Kami Bird, Wendy Anderson, Brad Gonzales, Tori Broughton, Patty Sprunt, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as logged in online) Russ Watts, Brent Morgan, Cassandra Harrison, J, WB, Auggie, Bibbity Bobbity Boo, Denna Woodbury, Dw Phone-don't share, Dwayne Giles, Helmundt Strumpher, J, J V, Jen, JR, Kelsey, KPCW, Michael Miller, Phil Jordan, S, SHORTY5, and TC.

1. Call to Order

Mayor Franco called the meeting to order at 6:16 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Morgan Murdock, Council Member)

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

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

Council Member Barney shared a prayer.

VII. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Mayor's Award for Lynsee Sulser

Human Resources Manager Cherie Ashe read the Mayor's Award Nomination as attached in the meeting materials for Staff Accountant Lynsee Sulser. Ms. Sulser had discovered an error by the IRS and spent significant time tracking it down with the IRS to save the City thousands of dollars. Mayor Franco then presented Ms. Sulser with the Mayor's Award.

VIII. CONFLICT OF INTEREST DISCLOSURE:

Council Member Mike Johnston stated that there had been a change with his employer, Atwell Engineering, and he would be working with Celebration Workforce Housing in the future.

IX. PUBLIC HEARINGS: (Council May Take Action Following Public Comment and Upon Conclusion of the Public Hearing)

1. Public Hearing on Ordinance 2026-20, Riverhawk Road Annexation, located at approximately 1000 West and SR113 (100 S) (Jamie Baron, Planning Manager) -

Community Development Director Tony Kohler described the annexation process that the petitioner had completed thus far, noting the current Public Hearing was the next step in the process. City Engineer Russ Funk added that the road being requested to annex into the City had always been intended to belong in the City to simplify which entity would provide maintenance.

Mayor Franco opened the Public Hearing at 6:28 p.m. With no one coming forward to comment, the Public Hearing was closed.

Motion: Council Member Johnston moved to approve Ordinance 2026-20 for the

Riverhawk Road Annexation.

Second: Council Member Murdock made the second.

Discussion: Council Member Barney asked if Wasatch County was aware of the annexation request and whether the County had any concerns. City Attorney Jeremy Cook advised that the County had been notified of the annexation request and had not forwarded any concerns to the City.

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

Voting No: None.

The **Motion Passed 5-0.**

X. CONSENT AGENDA:

Mayor Franco noted that section 3.3.A in the Finch Creek Development Agreement did not give Heber City the first right of refusal for the rental units. City Attorney Jeremy Cook explained the language was included in the deed restriction forms. Mayor Franco asked Council to consider adding all Wasatch County government entities to the deed restriction document language in the Development Agreement for Finch Creek on page four, section 3.3.A.

Motion: Council Member Cheatwood moved to approve the Consent Agenda with the one change described by the Mayor.

Second: Council Member Ostergaard made the second.

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

Voting No: None.

The **Motion Passed Unanimously, 5-0.**

1. August 18, 2026, City Council Meeting Minutes, and September 1, 2026, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Resolution 2026-24 Observed Holidays 2027 (Cherie Ashe, Human Resources Manager)
3. First Amendment to Finch Creek Development Agreement (Denna Woodbury, Planning Consultant)
4. Ordinance 2026-23, amending the Wildland Urban Interface Map (Jamie Baron, Planning Manager)
5. Resolution 2026-25 Amended Safety Incentive Bonus Program for Employees in High-Risk Positions (Cherie Ashe, Human Resources Manager)

XI. PUBLIC COMMENTS: (2 min per person/30 min max)

Adelia Marsh lived in Stone Creek and said that her property backed up to the future temple site. She described the surrounding properties and asked what was intended for the last five acres in the area, recalling that it had previously been intended for a park. She recalled that there had been a pile of dirt dropped on her property when the bypass road was under construction. She was concerned about what the City intended to do with the aforementioned property. Mayor Franco said the Council would respond to Ms. Marsh's concerns once the Public Comment period concluded.

Wells Barker, property owner of a parcel that would be discussed later in the meeting regarding a round-about to be installed that would cut into his property, taking up a portion of his front lawn. His family had owned the land since the 1960s and he was not in favor of the proposed roundabout installation. He felt a roundabout would adversely affect the two licensed businesses located there and also affect the property value of his home. He said he would appreciate anything the Council could do to limit the expansion.

Sean Harrison commented on the same roundabout project. He noted how busy the intersection was and the speed at which drivers drove. He acknowledged the danger of the intersection and wanted to express a desire to slow traffic in the area. He did not feel a roundabout would increase safety.

Mayor Franco closed the Public Comment period at 6:46 p.m.

Mayor Franco addressed the question raised by Ms. Marsh and described the planned improvements for the area owned by the City including the installation of a trail. She added that the other section was owned by Red Ledges who intended to build a subdivision there. Red Ledges had been granted the zoning that allowed them to build there 20-years prior. Ms. Marsh expressed her frustration that the Red Ledges land was previously intended to be a park and they had moved the park location elsewhere.

XII. GENERAL BUSINESS ITEMS:

1. Blue Sign Annexation, located at 2600 N Hwy 40 (Jamie Baron, Planning Manager) - *30 min*

Community Development Director Tony Kohler recalled that the Council had discussed the proposed Blue Sign Annexation previously. The petitioner was present to provide four design concepts and seek Council's feedback and guidance. Greg Bird, representing the Blue Sign Annexation, explained the design concepts were based on previous feedback from the Council and Planning Commission. Brent Morgan with Ensign Engineering provided the approximate size of the open space in the design concept. He described the delineation between the Blue sign project and the Fitzgerald project, which was a separate project, on the map shown.

Mr. Bird continued to provide descriptions for the proposed designs as included in the meeting materials. Council provided feedback and suggestions for the proposed design concepts, discussed proximity to Utah Valley University (UVU), affordable housing requirements and deed restrictions, density, trail system connectivity, parks and amenities, architectural details, open space, short-term rentals, and the inclusion and location of commercial options within the development.

Planning Commissioner Tori Broughton stated that she could not recall with specificity the Commission's discussion regarding the Blue Sign Annexation but felt sure discussion would have included affordable housing, AMI (Area Median Income), and deed restrictions.

The applicants agreed to work with Staff to provide Council with ERU (Equivalent Residential Units) totals, and to meet open space and affordable housing requirements.

2. Allwest Fiber Optic Cable placement above ground and relation to City-Allwest Agreement requiring buried cable (Tony Kohler, Community Development Director, Brad Gonzales, Russ Funk, City Engineer) - *30 min*

City Engineer Russ Funk reminded Council that, years ago, the City had decided it wanted to clean up the overhead power and infrastructure lines and place them underground moving forward. Staff had begun including language in the franchise agreements that would restrict new overhead infrastructure. Allwest wished to install some overhead lines to expand their network in the existing downtown area where overhead utility lines already existed. Previous direction from Council to Staff was to hold additional discussions with Allwest to clarify their intentions. Mr. Funk needed Council to advise on what and where the City was willing to permit Allwest to install overhead fiber infrastructure.

Brad Gonzales, representing Allwest Fiber Optic, provided a brief presentation, as included in the meeting materials, showing the unserved and underserved service areas in the community, as well as a map of the area Allwest wished to be allowed to install overhead infrastructure versus where they would install the infrastructure underground. The City was asking Allwest to eventually move any above-ground lines to underground when possible, such as installing conduit underground when the City had road excavation projects underway.

Mr. Funk asked whether the City Council was willing to consider Allwest's request. If so, Staff would work out a franchise agreement revision and return to Council for review and approval. If Council was against Allwest's request, Mr. Funk felt there was no need for further discussion. Council discussion continued with the consensus of Council majority wanting to allow the overhead line exception request while including the framework to make the process fair for all future infrastructure companies.

3. Utility Requirement for Central Heber Overlay Zone (Tony Kohler, Community Development Director) - 30 min

It was determined to postpone this agenda item to the October 20, 2026, City Council Meeting.

Motion: Council Member Barney moved to skip General Business item number three, Utility Requirement for the Central Heber Overlay Zone, and move it to the October 20th meeting, and to also skip the CRA discussion for Strategies for City-Owned Property Located in CRA project area, and move it to the October 20th meeting.

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.**

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

1. Ordinance 2026-21 Adopting update to the Telecommunications Ordinance (Tony Kohler, Community Development Director) - 20 min

Community Development Director Tony Kohler reviewed the most recent clarifying language proposed for the Telecommunications Ordinance as outlined in the Staff Report attached in the meeting materials.

Mayor Franco opened the discussion for public comment. With no one from the public coming forward to comment, the public comment period was closed.

Motion: Council Member Cheatwood moved to approve Ordinance 2026-21 with the change in Exhibit A, Section C-3, to change the word "and" to "or" so that it would read, "shall be stealth or painted in a neutral color" and continued from there.

Second: Council Member Ostergaard made the second.

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

Voting No: None.

The **Motion Passed Unanimously, 5-0.**

2. Celebration Housing MDA (Tony Kohler, Community Development Director) - 20 min

City Attorney Jeremy Cook walked through the proposed Development Agreement, as included in the meeting materials, highlighting key points in the proposed changes. He reviewed the proposed City investment and protections for the City, as well as the HUD contribution, and the deed restriction drafts included in the Development Agreement. Affordable Housing consultant for the City, Jason Glidden, felt it was important to see the HUD documents to ensure the City was in compliance. He proposed a memorandum of understanding (MOU) between the City and Russ Watts with

Celebration Workforce Housing. Council discussion followed surrounding deed restrictions, AMI requirements, rental units versus owner-occupied, renter protections, impact fees, stormwater requirements, and terms of the loan from the City to the affordable housing project.

Mayor Franco opened the discussion for public comment. With no one from the public coming forward to comment, the public comment period was closed.

Motion: Council Member Barney made the motion to extend the meeting until 10:30 p.m.

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.**

XIV. RECESS AS THE HEBER CITY COUNCIL AND CONVENE AS THE CRA BOARD:

It was determined to postpone the Community Reinvestment Agency (CRA) agenda item to the October 20, 2026, meeting.

1. Discuss Strategies for City Owned Property Located in CRA Project Area (Matt Brower, City Manager)

XV. ADJOURN AS THE CRA BOARD AND RECONVENE AS THE HEBER CITY COUNCIL:

1. 1200 S & Mill Rd Roundabout Design Discussion Follow-Up (Russ Funk, City Engineer) - *20 min*

City Engineer Russ Funk reviewed previous Council discussions between Staff and Council regarding a proposed roundabout at the intersection of 1200 South and Mill Road. Horrocks Engineers had provided an updated traffic memo to evaluate the free-right movements in all directions at the intersection and to evaluate the percentage of traffic generated from within and outside of the City. Mr. Funk stated that the Staff recommendation was to authorize Staff to move forward with the project. Council discussed roundabout design and pedestrian safety.

Mayor Franco opened the discussion for public comment at 10:10 p.m.

Sue Barker recalled previous Council discussions indicating that the City would look into a light at the intersection as well. She asked that the City Staff provide her with the research regarding roundabout safety. She wanted to know why there currently were not crossing guards at the intersection for the safety of the school children. Council Member Barney advised that she had Googled the pedestrian safety question and

provided the resulting numbers to confirm that roundabouts had been proven safer than four-way stops. Ms. Barker said she had been in the community for over forty years and she kept having her land and property taken and imposed upon.

Sean Harrison asked whether the City had considered installing the roundabout further to the Northeast. He observed that by doing so, it would not encroach on current property owners developed land and would cost the City significantly less. He hoped the City would consider alternate options.

Cassie Harrison asked why it was necessary to install a roundabout. She felt the community could find alternate routes to alleviate traffic at that intersection.

Case Barker stated that he operated two businesses from his property at the proposed roundabout intersection location. He said he backed semi trucks into and out of his property and did not feel the intersection was overly busy. He did not know how he would get the semi truck in and out if there was a roundabout installed.

With no one further coming forward to comment, Mayor Franco closed the public comment period at 10:19 p.m.

Council Member Cheatwood provided a website called the Insurance Institute for Highway Safety, which was a part of a government agency and offered an entire section on roundabout safety.

Chief of Police Parker Sever advised that their department had done a student count at the intersection and there were not enough students crossing at that location to meet the criteria to provide a crossing guard.

Council Member Barney expressed that she did not support the proposed roundabout. She did not feel a roundabout was the best solution for the location. She proposed alternate options such as flashing lights or green stop signs to slow traffic.

Council Member Johnston felt it was important to address the traffic needs for the intersection now rather than pushing it down the road. Mr. Funk reminded Council that the roundabout was included in the City's Transportation Master Plan and would be funded almost entirely by impact fees.

Motion: Council Member Johnston moved to move forward with at least getting plans for the roundabout project, what the roundabout would look like, so there could be better understanding of what property was needed and what the impacts would be to all four of the corners.

Second: Council Member Ostergaard made the second.

Discussion: Mayor Franco asked if it would be an option to shift the roundabout and limit the impact on existing property owners. Mr. Funk explained that by shifting the roundabout, the impact would be shifted more heavily to other property owners and not provide a better solution. Mayor Franco felt the City should show more of a good faith effort to minimize the impact on the property owners.

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

Voting No: None.

The **Motion Passed Unanimously, 5-0.**

2. Traffic Calming & Pedestrian Safety Improvements (Russ Funk, City Engineer)
- 20 min

This agenda item was not addressed due to the expiration of time.

3. Amendment to the Heber City Communications Policy (Mike Johnston, Council Member) - 20 min

This agenda item was not addressed due to the expiration of time.

XVI. COMMUNICATION:

There was no time remaining to address the Communication items.

XVII. CLOSED MEETING: (As Needed)

There was not another Closed Meeting held.

XVIII. ADJOURNMENT:

Motion: Council Member Barney moved to adjourn.

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.**

The Heber City Council meeting adjourned at 10:35 p.m.

Trina Cooke, City Recorder

PUBLIC COMMENTS: (received by email)

(EXTERNAL) Re: Communications Amendment on Agenda dated 10-6-2026

Patty Sprunt<[REDACTED]>

CC Public Comments

For Public Comment:

Good Evening City Council Members;

Before addressing my reason for reaching out to you this evening, I want to thank you for your service to our community. Coming from the volunteer side of things in my current role - I know that your position in our community is time consuming and at times stressful. I appreciate individuals who serve in elected positions.

Having said that, I feel it's important to once again remind you that each of you, as well as our Mayor, were elected by the people of our community. They trusted you with their vote and expect you, those they ELECTED, to represent their best interests as taxpayers to communicate directly with them.

I am not sending this to you to be 'negative' or 'difficult' - I'm sending you this email because over the past two years in my role in the GOP, I have been inundated with people who want to express their frustrations with the current issues in our city and county. I send this to you as yet again, another 'warning' that citizens in this community feel that their voices don't matter. And at times I feel their frustrations are certainly warranted.

By hearing from you DIRECTLY, rather than through an unelected staff member or manager, they see that as YOU responding to THEM. You tend to be divided as a council - and over the time you've spent together on the dias of the city council chambers, that division becomes more and more evident. I know that you don't always agree as a council, I know that you each have your opinions that are valuable to you. On this issue of communicating with the public via the newsletters and having staff always provide that message, you are putting a layer between you and the voters that they did not ask for or want. On the importance of putting your constituents first, you should certainly be united on that issue. Right? The misconception when it comes to the position our mayor holds - voters believe that by electing her, she is the Chief Executive or head of our city government. Yet those of us paying attention to the workings of our city government know that she doesn't get a vote! We know that because of the 2013 Amendment, that changed dramatically the role of our mayor. In a time when our city is rapidly growing, the weak mayor platform is wholly inadequate as we head into the phase of being a larger city. - But I digress, my input to you is that the very LEAST we should be able to count on as citizens of this community is hearing from our mayor about the state of our city directly and not filtered through a city staff member. We should be hearing from each of you, as you report back to the citizens on how you are working in their best interest...again, not branded or filtered through an information officer or other staff member.

As I stated earlier this year when I came to speak to the council, it hobbles the First Amendment rights of each of you and our mayor and quite frankly, is a gross disservice to our community and its citizens. There is absolutely NO reason for this communications amendment that stifles the voices of our elected leaders when it comes to communicating directly with the people.

This isn't just my opinion, it's the sum of two years of hearing from our fellow citizens. I don't get paid to do what I do, I serve because I care about the future of this valley and the people who call it home.

I have candidate events almost nightly between now and the election, and hope to be able to return in time tomorrow night to be in the council chambers to see how you vote. I hope you take my advice and this email into consideration. If I cannot be back in time, I'll make sure to watch and see how you voted....and hope that you consider the importance of your DIRECT communication with the public.

I hope I can report back that you put them first.

Perhaps you could explain why this is even being considered. If in the end the city council decides to pass this amendment, in my experience I can't help but expect that you will lose the respect and trust of many in our community.

Sincerely,

Patty Sprunt, Wasatch Republican Party

(EXTERNAL) Intersection at 1200S and Mill Rd

Dwayne Giles<[REDACTED]>

CC Public Comments

Dear City Council,

My family lived and farmed on 1200 South for over a hundred years. Heber's growing, and I know we can't stop that. But I sure hate to see us lose everything that made this a good place to live.

Used to be we played right out in 1200 South. Then you paved it, then you took out front yards. Nowadays our kids would get run over dead. There's too much traffic, and people drive way too darn fast.

So as you look at this intersection, I hope the goal isn't just figuring out how to move even more cars through here. I'd like to see us slow 1200 South down and make it safer, while protecting the homes, farms and businesses that have been here for generations.

I'd sure like to preserve a little of the peace we once had out there.

Thank you,

Dwayne Giles