

Heber City Corporation  
City Council Meeting  
February 19, 2019

4:30 p.m. Work Meeting

6:00 p.m. Regular Meeting

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 19, 2019, in the City Council Chambers in Heber City, Utah

**Present:** Mayor Potter  
Council Member Heidi Franco  
Council Member Jeff Smith  
Council Member Wayne Hardman  
Council Member Ron Crittenden

**Excused:** Council Member Jeff Bradshaw

**Staff Present:** City Manager Matt Brower  
City Attorney Mark Smedley  
Chief of Police Dave Booth  
City Planner Tony Kohler  
City Engineer Bart Mumford  
City Recorder Trina Cooke  
Deputy City Recorder Alicia Fairbourne  
Senior Accountant Wesley Bingham

**Others Present:** Rae Lynne Kohler, Randy Christ, David Nelson, Bryon Prince, Todd Anderson, Steve Broadbent, Ryan Starks, Ashlm Smith, Leslie Anne Smith and children, Caitlin Armendariz, Nick Lopez, Heidi Heller, Marianne B. Allen, Annie McMuller, Dessa Heppler, Thone Heppler, Kyle Honeycutt, Renee Burkley, Ren Fitzgerald, DeAnna Lloyd, T. Thacker, DiAnn Duke Turner, Mary Pitts, Paul Berg and others who did not sign in or whose names were illegible.

**I. WORK MEETING-4:30 P.M.**

Mayor Potter welcomed everyone in attendance and called the Work Meeting to order at 4:40 p.m.

**1. Presentation of General Plan Update (Kohler, Brower) 15 min**

**WM Item 1 General Plan Update**

City Planner Tony Kohler advised there were three consultants who would be assisting with the City's General Plan Update: Christie Oostema with People and Place, Ryan Bunnell with Ignition Graphics and Jason Birmingham with LYRB.

Christie Oostema presented information regarding the Envision Heber Project and explained their proposed process to develop a long-term vision for the General Plan Update. She indicated the premise was that the public had a right to choose its future; public officials should serve that vision; and the public would make good choices if presented with real options - particularly if they had a hand in creating those options. She expressed the future of Heber was important and the City did not want to leave it to chance. Ms. Oostema stated the process would be to plan where to go and chart a course to get there.

Council Member Franco asked how long they estimated the process would take. Ms. Oostema laid out a timeline and indicated they expected to have a vision and set of guiding principles by late summer. Discussion followed regarding the General Plan Update process and Ms. Oostema's background followed.

Mr. Kohler introduced Ryan Bunnell. City Manager Matt Brower added Mr. Bunnell's role would be to maximize public participation in the General Plan Update process. Mr. Bunnell expressed his excitement to be involved in the update. He explained they had been contracted to assist with creating a brand for the project and described that plan and the thought process to create a logo in order to merge the history of Heber with future vision.

Mr. Bunnell presented the website they had created for the project. Discussion of the social media aspect and monitoring emails ensued. Council Member Franco expressed concern about a privacy policy on the website. Mr. Brower advised they would further research Council Member Franco's security concerns and return to Council with the requested information. Mr. Bunnell felt a disclaimer had the potential to cause undue concern with the citizens they were trying to engage.

Mr. Brower thanked the Council for their feedback. He stated the kick off would be March 1, 2019.

Council Member Crittenden asked how often the consultants would be appearing before Council for direction, modification, and policy-making decisions. He also wanted to know why the City logo was not used in the branding. Mr. Brower responded that this was a planning centric process and as such was designated by state law, the responsibility of the Planning Commission. He said the brand and logo were specific to the project. He acknowledged Council as the decision making body of the City and stated the final product would be presented to them for a final decision regarding the General Plan Update to be presented in December.

## 2. Discussion of VXC Annexation (Kohler) 45-60 min

### WM Item 2 -VXC Annexation-alk

Mr. Kohler reviewed the policy questions and issues to be considered. He stated that annexations were a legislative decision and the petitioners hoped to get the necessary feedback from Council in order to move forward with a development agreement.

Council Member Hardman inquired what the best option would be to provide water service to the annexed area and whether they needed to allow a special service district (SSD) to be the provider. City Engineer Bart Mumford advised the City needed to decide on a policy. He said, historically, they had been able to keep services within the City with the exception of a few areas. He said there had never been a formal policy in the past and the City had done what they felt was most sensible. Mr. Mumford said there were several possibilities for the area and recommended it be detailed in the development agreement. Mr. Mumford stated it was a unique area as the north side was within the North Village SSD but the south side was not. Discussion Followed.

Council Member Crittenden stated a policy had been set in the agreement with the County that the City would not impose on their SSD when annexing. He felt the policy should be set for the City and not deter from one annexation to the next and the policy should be set before moving forward. Mr. Mumford indicated they were following policy as set by Council last year which indicated the City would not provide services to areas outside City boundaries but needed clarification regarding restrictions of providers allowed within City limits. City Manager Matt Brower stated there was specific criteria to consider such as topography, existing infrastructure and existing SSD's in the area. He stated previously, Council had given direction to consider water services on a case by case basis.

Discussion turned to an existing water and sewer line located on the Hutchison property belonging to the North Village SSD.

Council Member Franco requested to see the price comparison between North Village SSD and the City to provide services. Bryon Prince, petitioner, indicated it would be more cost efficient for the development to use the North Village SSD. Extensive discussion of water service agreements between the City and County SSD's and existing infrastructure and previous Heber City General Plan continued.

Council Member Crittenden felt the petitioners had been given instruction by Council to include commercial and felt the instruction had been ignored. Mayor Potter pointed out the reason Heber City's General Plan had shown Commercial in the Coyote Lane area was to align with the County's General Plan which reflected the intent to allow commercial development in the area. Mr. Prince indicated their initial application had been for planned community mixed use (PCMU) zoning. He stated they had been advised PCMU was no longer an option and they had received feedback from Council Member Franco requesting lower density.

Council Member Franco referred to the City's memorandum of understanding (MOU) with the County in which the City agreed to not allow higher density than the County when considering annexations. Council Member Crittenden agreed that the City Council had made a commitment to the County Council regarding density restriction. Mr. Prince indicated the density requested was in line with surrounding developments and their vision would provide a traditional, family oriented neighborhood for Heber City.

Mr. Mumford explained to the Council what considerations and decisions they needed to make in order to move forward with the annexation process.

Council Member Hardman asked what the petitioners proposed in order to accommodate the farmlands to the north. Mr. Prince advised the farmers had requested fencing and for the developers to include disclosures in the contracts to permit farming of the surrounding land.

Mayor Potter stated they had exceeded their time for this subject and were late for the Regular Meeting. Petitioner Glen Lent asked for specific issues Council would like addressed before their return to continue discussion.

Council Member Smith responded regarding the issue of SSD's and stated they needed to adhere to their agreement with the County. He felt the City should provide services unless the petitioner could prove otherwise. He referred to the zoning considerations and the City's MOU with the County regarding density restrictions.

Council Member Crittenden stated his preference for the area to be developed entirely as commercial. He felt the developer would need to obtain water service from the SSD where there was existing infrastructure and allow the City to provide service to the remaining development. Mr. Lent felt that if the infrastructure was already there, it would not be an issue, but there were currently no services available.

Council Member Hardman pointed out the large amount of vacant commercial space available around the City currently. Regarding an SSD agreement, he felt the most cost effective route should be considered and thought an agreement could be reached between the City and County. He also wanted a written agreement with the Sorensen's for the road and intended intersection.

Council Member Franco was concerned about; density, infrastructure costs, private open space which, if granted, she felt should be held by a third party conservation easement. She was concerned about a private HOA park verses a city park. She requested verification of the water rights regarding the spring. She felt the trail from Valley Hills Boulevard down Coyote Lane needed to be addressed. She was concerned about parking for those using the trail. She was concerned about accesses if Coyote Lane was realigned. She wanted to discuss affordable housing. She felt Heber Light and Power infrastructure would need to be addressed. She was concerned about the fencing for the farmland.

## II. REGULAR MEETING-6:00 P.M.

### 1. Call to Order

Mayor Potter called the Regular Meeting to order at 6:20 p.m. and welcomed everyone in attendance. She excused Council Member Bradshaw. She announced it was Council Member Smith's birthday and led everyone in singing Happy Birthday.

2. Pledge of Allegiance led by Council Member Crittenden

3. Prayer/Thought by Invitation (Default Council Member Smith)

## III. PUBLIC COMMENTS:

Heber City resident, Nick Lopez, stated he had contacted Council Member Crittenden regarding snow removal on the Main Street sidewalks and other sidewalks in the City. He wanted to address the need for snow removal around fire hydrants, and was asking Council, if there was not an existing code, to create a code regarding keeping the City's fire hydrants clear of snow and for the Code to be enforced.

Mr. Lopez then described a recent experience in which Heber City resident, Josh Wetherton, who is a double amputee, was forced to drive his wheelchair in the street due to sidewalks being blocked by snow and a truck from the Karl Malone dealership blocking the sidewalk. He said Mr. Wetherton was soaking wet as a result of the cars driving past spraying road water on him. Mr. Lopez was appalled there was no enforcement regarding snow removal in the City. He said he was a concerned citizen who wanted action by the code enforcement.

Heber City resident, Randy Christ, indicated he was pleased to see progress with the General Plan update. He approved of density limitations. He wanted the Council to know the residents were upset and felt the petitioners were misrepresenting the community opinion. He was pleased to see the Council asking tough questions.

Di Ann Duke Turner commended the snow removal in her neighborhood. She referred to the historic Murdock home being considered for a Bed and Breakfast and stated she felt Bed and Breakfasts should not be built on major arterial roads. She thought this was a poor concept. She was also concerned about the Airbnb's springing up everywhere. She asked Council to take their time and set ordinances and restrictions on both Bed and Breakfasts and Airbnb's.

#### IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest to disclose.

#### V. ACTION ITEMS:

1. Presentation Regarding Heber Valley Tourism and Economic Development (Ryan Starks)

Ryan Starks, Director of Heber Valley Tourism and Economic Development, explained this was an Interlocal partnership between Wasatch County, Heber City and Midway City with private investment from the 250 Chamber of Commerce members. He was in attendance to present the annual tourism and economic development stewardship report. He presented the Mayor and Council with a gift set of Heber Valley posters. He played a video of the 2018 happenings from the Chamber then reviewed the highlights of the year, the many accomplishments of the Chamber, and the economic growth and development in the Valley.

2. Community Service Commendation for Ashlon Smith and Josue Armendariz (Booth)

Item 2 Staff Report

Item 2 Community Service Commendation

Chief of Police Dave Booth presented the Community Service Commendation to Heber City Resident Ashlon Smith, off duty Fire Fighter Josue Armendariz, and Police Officers Lucas McTaggart and Michael Stowe. Chief Booth explained when a City water main had broken, both the officers and residents had jumped in to help, building makeshift berms to direct water away from homes, thereby saving many of the homes from potential flooding.

3. [Presentation Regarding the Wasatch Community Service Alliance Addressing the Needs of the Community \(Renee Burkley\)](#)

Renee Burkley, representing the Wasatch Community Service Alliance, presented the work within the community to prevent hunger, especially for Children. She reviewed the number and percentages of children and families in Wasatch County who faced food insecurity every day. She referred to the lack of availability of low-income housing in the County and presented information regarding low wages in the County.

Ms. Burkley said Wasatch County School district had 257 homeless families registered. She reviewed the many struggles of these families. She acknowledged the many entities in the County who assisted with the efforts of the Wasatch Community Service Alliance and expressed the need to eradicate hunger in the County, the need to educate people regarding available resources, and the continual need for volunteers. She then listed volunteer opportunities available.

Council Member Franco suggested mentioning the issue in the City Newsletter and on the website to remind residents of the issue and the ongoing need for volunteers.

City Manager Matt Brower invited Ms. Burkley to attend the Interlocal Meeting on Thursday in order to support the need for a transit system in the Valley.

4. [Council Consent to Appoint Mattie Kirby to the Board of Adjustment, Todd Anderson to the Wasatch County Housing Authority Board and Jason Talley to the Airport Advisory Board \(Mayor Potter\)](#)

[Item 4 Staff Report - Kirby Board Appointment](#)

Mayor Potter recommended Mattie Kirby be appointed to serve on the Board of Adjustment.

**Motion:** Council Member Crittenden moved to approve the appointment of Mattie Kirby to the Board of Adjustment. Council Member Franco made the second. The motion passed unanimously.

[Item 4 Staff Report - Anderson Board Appointment](#)

Mayor Potter recommended Todd Anderson be appointed to serve on the Wasatch County Housing Authority Board.

**Motion:** Council Member Franco made the motion to recommend the appointment of Todd Anderson to the Wasatch County Housing Authority Board. Council Member Crittenden made the second. The motion passed unanimously.

#### Item 4 Staff Report AAB Appointment Talley

#### Item 4 AAB Bylaws Amended 10022018

Mayor Potter recommended Jason Talley be appointed to serve on the Airport Advisory Board (AAB). Council Member Hardman confirmed Mr. Talley had been given a good recommendation by the AAB.

**Motion:** Council Member Franco moved to approve the appointment of Jason Talley to the AAB. Council Member Smith made the second. The motion passed unanimously.

5. Consider Approval of Ordinance 2018-53 Amending Section 18.22.070 Standards and Requirements in the Clustered Open Space Zone (COSZ) (Kohler) – Tabled

#### Item 5 Staff Report COSZ Amendment-alk

6. Consider Approval of Ordinance 2018-52 Applying the Clustered Open Space Zone (COSZ) to 1.06 Acres Located at 954 South Southfield Road (Baron)– Tabled

#### Item 6 Staff Report - Ord 2018-52 Beck Zone Change

#### Item 6 Beck Zone Change Agreement

Mayor Potter explained the applicants were unprepared to move forward with Agenda items five and six and recommended to un-table the items in order to remove them from the agenda.

**Motion:** Council Member Franco moved to un-table agenda items five and six. Council Member Hardman made the second. The motion passed unanimously.

No further action was taken for either agenda item.

7. Consider Approval of Ordinance 2019-05 for the Heber Meadows Zone Change Located at the Intersection of Mill Road and Highway 40 (Kohler)

#### Item 7 Staff Report Heber Meadows

City Planner Tony Kohler presented the information as attached in the meeting materials. He reviewed the boundaries of the potential development and stated that at the public hearing, current residents had requested the right to farm be included in the zone.

Council Member Crittenden expressed concern regarding an unmaintained area of land, worried weeds would be allowed to grow unchecked. Petitioner Kyle Honeycutt reassured the area would be maintained. Council Member Franco inquired what kind of privacy fence was intended along the border of Daniel. Mr. Honeycutt, advised it would be a solid vinyl fence.



Extensive discussion regarding land use restrictions and requirements, a timeline, and concern regarding the wording in the Development Agreement followed.

Council Member Franco wanted to know if residents outside of the development would be excluded from using the park by the HOA. Mr. Honeycutt advised it was intended to be used by everyone. Mr. Mumford stated in the past the HOA had been required to maintain the parks for the public. Mr. Honeycutt indicated they would be willing add a maintenance agreement to the development agreement which would obligate the developers to take over maintenance of the park if the HOA failed to keep up with the maintenance. Mr. Crittenden asked for a maintenance agreement to be submitted to the City Attorney for review. Council Member Smith referred to confrontations between over-zealous HOA members kicking out non-HOA members of the public from HOA held parks. He felt it would be beneficial to have a public park in order to prevent potential conflicts between residents. Discussion continued.

Council Member Crittenden asked where they intended to include moderate income housing. Mr. Honeycutt stated one of their initial plans had included condominiums and they had received quite a bit of opposition. He suggested the possibility of allowing basement rentals. Council Member Crittenden suggested returning to the Planning Commission. Mayor Potter stated the issue would not be able to be resolved that night and the Council needed to move on.

City Planner Tony Kohler suggested either asking for a modified concept from the developer or to add a provision to the ordinance stating the City could accept a modified concept in order to allow the petitioner to move forward. Discussion continued regarding available options.

City Manager Matt Brower recommended tabling the item until the next meeting. He indicated concern regarding the possibility of the development being grandfathered as policies had been passed since their inception. Council Member Smith stated he was uncomfortable sending the developer away with nothing as they had continually tried to accommodate the will of the Council.

**Motion:** Council Member Crittenden moved to table the subject. Council Member Franco made the second. The motion passed unanimously.

#### **8. Consider Final Approval of Phase 4 and 5 of Villages on 12th Located at 1128 South 820 East (Baron)**

##### **Item 8 Staff Report - Villages on 12th Phases 4 & 5 Final**

City Planner Tony Kohler presented the information as attached in the Meeting Materials.

Council Member Franco inquired whether the 820 East trail had been constructed and dedicated. Development representative, Paul Berg, stated there was still a bit of work need toward the bottom.

**Motion:** Member Franco moved to approve the Villages on 12<sup>th</sup> phases four and five final plats with the findings and conditions in the Staff Report. Council Member Hardman made the second. The motion passed unanimously.



9. Consider Adoption of City Purchasing Card Policy (Bingham)

Item 9 Staff Report

Item 9 Purchasing Card Policy

Item 9 Resolution 2019-03 (002)

Senior Accountant Wes Bingham presented the information regarding the City Employee purchasing cards as attached in the meeting materials. Council Member Crittenden asked for an explanation of the checks and balances. Council Member Franco requested to add “monthly” on page six section five-A to set a timeline. Discussion continued regarding the tracking and reconciliation of the purchasing cards.

Council Member Franco was concerned who would approve business related meals. Mr. Bingham explained the per diem concept. She then expressed concern regarding several sections in the policy she felt should include timelines.

**Motion:** Council Member Hardman moved to approve Resolution 2019-03. Council Member Smith made the second. Voting Aye: Council Members Crittenden, Hardman, Smith and Bradshaw. Council Member Franco abstained.

VI. COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL AND STAFF:

1. Board/Commission Reports

City Manager Matt Brower presented information regarding the water main break located at 400 South and 200 East. He explained there were five homes affected by flooding with seven claimants due to renters. He indicated the insurance adjustors had found no negligence on the part of the City but the City carried a no-fault liability policy which would pay \$5,000 per household. He reviewed the estimated cost to cover damages and listed options the City could choose from.

Mr. Brower stated he was looking for direction from Council regarding coverage of additional costs of damages for the claimants. Council Member Franco felt it would be in the best interest of the City to cover the damages. Council Members Smith and Hardman agreed. It was the consensus of the Council to have the issue brought to the next City Council regular meeting in order to put the issue to a vote for action.

Council Member Crittenden requested to have a committee organized in order to review the value of cemetery property and put it up for sale. He wanted to move forward with the building of the Bypass and have the Red Ledges and New London developments build their portion of the road as well.

Mr. Brower indicated Red Ledges would be returning in March to request an extension for their portion of the Bypass.

**Motion:** Council Member Franco made the motion to adjourn. Council Member Hardman made the second. The Meeting adjourned at 8:46 p.m.

VII. CLOSED EXECUTIVE SESSION - CITY COUNCIL CHAMBERS:

1. Personnel

No Closed Executive Session was held.



Trina W. Cooke  
Trina Cooke, City Recorder