

HEBER CITY CORPORATION
City Council Meeting
February 18, 2020

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

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 18, 2020, in the City Council Chambers in Heber City, Utah

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

Present: Mayor Kelleen Potter
Council Member Heidi Franco
Council Member Wayne Hardman
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley
Planning Director Tony Kohler
City Planner Jamie Baron
City Engineer Bart Mumford
Police Lieutenant Jeremy Nielson
City Recorder Trina Cooke

Also Present: Pam Patrick, Christie Oostema, David M. Nelson, Jack Walkenhorst, Mark Nelson, RM Christ, Mel Bradshaw, Lowell Finney, Greg Taylor, Rachel Hanley, Steve Jackson, Sid Ostergaard, Tim Stroshine, Ashley Farrell, Richard Hill, JoAnn Hill, Max Covey, Chris Faulkner, Perry Dickson, Lisa Albertson, Spencer Coleman, Clay Coleman, Ken McCarthy, Scott House, Di Ann Duke Turner, Albert T. Stoddard, Eric Porter, Mike Rossberg, Shelly Olsen, Glen Lent, Steven Carlisle, Rusty Henderson, Doyle Johnson, Aaron Wall, Ben Fitzgerald, Liz Lewis, Gifford Hickey, Nicole Robinson, Jenn Pedersen, Bryon Prince, Brett Walker, Chelsea Wall and others who did not sign in or whose names were illegible.

Mayor Potter called the Work Meeting to order at 5:04 p.m.

1. General Plan Update Presentation (Kohler) (50 min)

Item 1 Staff Report General Plan Public Hearing

Envision Heber 2050 consultant, Christie Oostema, reviewed the General Plan Update process. She explained they had begun the process had begun over a year prior and they had held multiple open houses in order to obtain public feedback and ensure it was a community guided project.

Consultant John Janson advised municipalities were required by State Law to adopt a General Plan. He clarified a General Plan was intended as a guide for the future and growth of a City. He presented the Future Land Use Map and described the different uses indicated by the color-coding. Mr. Janson continued to describe the process followed with an established steering committee in order to prioritize the General Plan content. He presented the following highlights:

- * Town Centers
- * Quality neighborhoods
- * Moderate Income Housing Plan Work Efforts
- * Centers and Gathering Places
- * Open Space and Rural Character

Council Member Franco requested Mr. Janson provide additional information regarding certain taxes which could be imposed and applied to specific priorities such as parks, trails, open space and recreation.

- * Outdoor recreation, Parks and Trails
- * Mobility and Streetscapes
- * Jobs and Economic Development
- * Air Quality

Council Member Franco requested more focus added to the clean air education as well as include information regarding Heber becoming a Tree City to the parks and trails section. Council Member Kahler felt it did not need to be so specifically detailed.

It was clarified that the goal was to adopt the General Plan during the March 3, 2020, City Council Meeting, which would conclude phase two of the process. Phase three would involve updating the Municipal Code.

Council Member Kahler felt there was a need to educate citizens that the City was unable to impose an impact fee for schools. Discussion regarding the application of impact fees, the difference between the Land Use Map and zoning and densities therein followed.

Council Member Johnston reminded Council the General Plan was intended to be a long-term 30-year future vision rather than an immediate 2-3 year vision. He noted the City's current code had been written 40 years ago.

Council Member Kahler expressed concern regarding the proposed building height within the downtown area. Council Member Stack explained the General Plan set parameters but did not designate law. Discussion regarding adopting a performance matrix, building height restrictions, the purpose of clustering densities and the preservation of surrounding rural and mountain landscape continued.

Council Member Johnston stated he felt the consultants had done a great job but wanted to know when the Council would be given the opportunity to help fine-tune the General Plan before adoption.

2. Presentation Regarding the Jordanelle Ridge and West Jordanelle Annexation and the Re Investment Holdings, LLC Annexation - aka: Sorenson Property (Kohler) (10 min)

WM Item 2 Staff Report

WM Item 2.1 Exhibits 1-8

WM Item 2.2 Exhibits 9-12

WM Item 2.3 Exhibits 13-16

WM Item 2.4 Exhibits 17-20

Mayor Potter advised the presentation for agenda item two would be given during the Regular Meeting, prior to the associated Public Hearing. She called for a brief recess.

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

1. Call to Order

Mayor Potter called the Regular Meeting to order at 6:03 p.m. and welcomed everyone in attendance.

2. Pledge of Allegiance (Council Member Johnston)

Council Member Johnston led the room in the Pledge of Allegiance.

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

Council Member Stack shared a prayer.

III. CONFLICT OF INTEREST DISCLOSURE:

Council Member Stack indicated a conflict with agenda item eight and stated he would recuse himself from the discussion.

IV. CONSENT AGENDA:

1. Approval of February 4, 2020 City Council Meeting Minutes and February 11, 2020 City Council Special Meeting Minutes (Cooke)

2.4.2020 Draft Minutes

2.11.2020 Draft Minutes

Council Member Franco indicated she had given the Recorder a few minor corrections to the February fourth minutes.

Motion: Council Member Franco moved to accept the consent agenda. Council Member Stack made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The consent agenda was approved unanimously.

V. PUBLIC COMMENTS:

Sid Ostergaard asked permission to give his comments regarding the General Plan as he needed to leave. He noted he was on the Heber City Planning Commission but wanted to share his opinion regarding the density and building height. He stated he supported the proposed higher density within the General Plan's designated areas as an effort to prevent urban sprawl. He indicated support for buildings as high as five stories in order consolidate growth within the village cores in and contain critical mass. He felt this would allow the City to maintain open space, trail systems and parks.

Council Member Johnston asked what made five stories the magic number. Mr. Ostergaard explained five stories enable parking below with enough housing above to be economically viable. Council Member Stack asked for examples. Mr. Ostergaard described an affordable housing project he was currently working on which was restricted to four stories. He explained the height restriction had limited parking and amenities for the tenants, which five stories would have made possible.

Di Ann Duke Turner shared her thoughts regarding the old retirement home discussed in the previous meeting. She felt the proposal had offered an opportunity for affordable housing, which the Council had rejected. She felt when the petitioner returned for additional discussion, the Council should reconsider the proposal. She then complimented the Council's good-natured disagreement during discussion in the previous meeting. She felt they had disagreed with politeness and consideration.

VI. ACTION ITEMS:

1. Public Hearing for Proposed 2050 General Plan (no action, Kohler)

(Same attachment as Work Meeting Item 1)

Mayor Potter opened the Public Hearing at 6:20 p.m. for public comment.

Randy Christ, community member, expressed appreciation for Council Member Johnston's comments regarding permanent easements, as long as they were voluntary. Mr. Christ was interested in preserving the north fields area, where his property was located. Council Member Franco advised Mr. Christ he could submit an application to the Wasatch Open Lands Board, found online [<https://www.wasatch.utah.gov/Departments/Open-Lands-Board>].

Mr. Christ then referred to other cities he was familiar with which had implemented taller buildings and he felt they could work well. He stated he had followed the Envision Heber 2050 process and was happy with overall result.

Scott House, resident, thanked the Council for going through the process of the Envision Heber General Plan update and placing such importance on the open space and trails protection. He felt the trails and open space were what kept the community healthy and were an economic driver. He appreciated the City doing everything possible to preserve and further develop these resources within the City and County and felt it was a very positive step.

David Nelson, resident, felt density was a requirement for moderate-income housing. He acknowledged no one wanted more density but it was unavoidable. He stated he saw the Council as elected representatives entrusted to do what was best for the City, not any individual or developer. He stated the City needed to increase density in certain areas if it was going to offer affordable to moderate-income housing

Mr. Nelson then expressed concern with the push to convert everything to electric as studies now showed the Co2's were just as high to manufacture the batteries and equipment.

Mayor Potter closed the public hearing at 6:31 pm

Mr. Brower asked the Council how they wished to proceed in order to finalize the adoption of the General Plan Update. Consensus of the Council was to add further discussion of the document to the agenda for the Special City Council Meeting scheduled for Saturday, February 22, 2020, in order to work through the final details and additional concerns of the Council.

2. [Public Hearing Regarding the Jordanelle Ridge and West Jordanelle Annexation and the Re Investment Holdings, LLC Annexation - aka: Sorenson Property \(no action, Kohler\)](#)

[\(Same Attachments as Work Meeting Item 2\)](#)

[WM Item 2.1 Exhibits 1-8](#)

[WM Item 2.2 Exhibits 9-12](#)

[WM Item 2.3 Exhibits 13-16](#)

[WM Item 2.4 Exhibits 17-20](#)

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City Planning Director Tony Kohler reviewed the steps the petitioner had completed in the annexation process. He provided an overview of the project details including Master Plans and available documents as attached in the meeting materials. Mr. Kohler then presented the recent and remaining portions of the process such as the public hearing on the agenda. He stressed the petition was at the request of the property owner in order to become part of the City.

Mayor Potter opened the hearing for public comment at 7:02 p.m.

Lowell Finney, property owner within the annexation boundary, presented the original proposal for development submitted to Wasatch County. He expressed concern regarding the affect the annexation would have on his property taxes. It was noted the greenbelt location of his property should have a minimal property tax impact. Mayor Potter asked City Manager Matt Brower to confirm this for Mr. Finney.

Steven Carlisle owned a few properties in the annexation area and wanted to be kept up to speed. City Recorder Trina Cooke advised Mr. Carlisle there was a card available with the website and other locations to find notices and sign up for alerts.

The public comment period was closed at 7:09 p.m.

Council Member Franco asked for a status update regarding the concerns listed in the Horrocks Engineer report in exhibit 19 to be available for the meeting on Saturday.

3. Discussion Regarding Funding for MAG (Mountainland Association of Governments) Trail Planner (Scott House)

Item 3 MAG Job Announcement

Scott House presented the information for the proposed trails position. He explained the Wasatch Trails Foundation wished to ensure the connectivity of trails throughout the County and the prevention of dead-end trails. MAG (Mountainland Association of Governments) was creating a part-time position whose sole responsibility would be to keep track of the development and follow-through of the County's trails system. Mr. House added the position could only be held by a Wasatch County resident and the contract would be renewed annually as needed. He explained the funding breakdown and contributions of participating entities. Heber City was asked to contribute \$7,000 towards the annual salary.

Mayor Potter explained the document presented was a proposal to approve the agreement and not a final legal document.

Council Member Franco requested to have language included to have the chosen person attend the advisory board meetings as well.

Motion: Council Member Franco moved to approve the \$7,000, one-year commitment for the active transportation trail planner Council Member Johnston made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

4. Wasatch County Transit Study Presentation (AT Stoddard)

AT Stoddard, with LST Transportation Consulting, introduced himself and explained his firm had been selected to perform the Wasatch County Transit Study.

Mr. Stoddard presented the findings of the transit study as attached in the meeting materials. He reviewed the study process and noted the study was not yet complete.

Mr. Stoddard stated the traffic flow between Wasatch County and Summit and Utah Counties via Highway 40 was nearly equal. He shared proposed transit solutions as well as the estimated cost of each option. He noted fares never cover the cost of a transit program but there were federal funding options available for rural areas. Council Member Hardman asked if the budgeting numbers presented included storage and maintenance of the vehicles. Mr. Stoddard explained the costs shown reflected only the annual operation.

Mr. Stoddard proposed reaching out to employers to take advantage of UTA's vanpool option. Council Member Franco expressed support of the vanpool option stating it was a private solution to a public problem. She asked if the Chamber of Commerce knew of the vanpool. Council Member Kahler felt it was something to be pursued. Discussion continued.

Mr. Stoddard listed the entities participating in the study: Wasatch County, Heber City, Midway, Park City, MAG (Mountainland Association of Governments), UTA (Utah Transit Authority) and UDOT (Utah Department of Transportation).

5. Consider Request from Twin Creeks Special Service District for Additional Sewer Capacity and Discussion of Existing Agreement (Steve Jackson)

Item 5 TCSSD 1200 South Sewer Project Presentation Outline

Steve Jackson, representing Twin Creeks Special Service District (TCSSD), explained the request was for TCSSD to be allowed a second connection point to a City sewer line. He stated it was for anticipated future growth, not a current need. Mr. Jackson explained TCSSD hoped to align the timing with Wasatch County's 1200 South road improvement project.

City Engineer Bart Mumford provided background regarding Heber City's sewer system and the existing TCSSD connection point agreement, which would expire in 2022. He explained the question was of capacity to accommodate the requests of both the TCSSD and Charleston. He stated the findings showed the City did have some excess capacity and recommended the City ask TCSSD to install a larger sewer line in order to accommodate the provision of service to the additional entities. Council Member Franco expressed the importance of including the maintenance of the lines in an agreement.

Mr. Mumford noted if it was the will of the Council, and TCSSD was willing to fund the analysis, the engineering department would work to develop a proposal, which would protect the City's emergency and future capacities and reimburse the City for existing capacity. He reviewed what would need to be included and felt it could be beneficial to all parties.

Council Member Johnston stated he felt this was a good time to begin the discussion of renewing the agreement with TCSSD scheduled to expire in 2022.

Mr. Jackson stated TCSSD intended to have the line installed prior to the County's road widening project scheduled to begin in May. Discussion continued regarding the project plan and what the City would be willing to allow.

Motion: Council Member Johnston moved to grant approval for TCSSD to work with the Heber City Engineering Staff to extend their sewer system and connect into the 12th South 18 inch stub. In addition, he asked TCSSD to participate in the funding of a study in order to renegotiate their 2022 agreement. Council Member Stack made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

6. [Consent to Appoint Additional Parks and Open Space and Trails Committee Members \(Mayor Potter\)](#)

[Item 6 updated Committees](#)

Mayor Potter stated she was recommending Karyn Anderson and Sid Ostergaard to be added to the Parks Committee.

Motion: Council Member Johnston moved to approve. Council Member Franco made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

Mayor Potter stated she was recommending Ashly Farrell and Michele Davis to be added to the Open Space and Trails Committee.

Motion: Council Member Johnston moved to approve. Council Member Franco made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

7. [Consideration of Coyote Ridge Preliminary Subdivision Approval \(Baron\)](#)

[Item 7 Staff Report Coyote Ridge](#)

City Planner Jamie Baron presented the details of the request for approval as attached in the meeting materials. He described the scope of work involved in the proposed project and reviewed the subdivision phases. He noted the development had been asked to incorporate some of the Envision Heber standards. He concluded that Staff recommended approval with the conditions included in the staff report.

Council Member Franco expressed concern with the incomplete trail plan and wanted them to provide a continuous trail loop. Bryon Prince, representing Ivory Homes, indicated it was common practice for developers to dead-end a trail and as new developments were built, they would connect to and continue the trails but he would be willing to work with staff for a solution. Mr. Prince stated Ivory homes had unsuccessfully tried to acquire an adjoining property but it had become price prohibitive. Discussion regarding trail connectivity options followed.

Mr. Prince reviewed the timeline of the project and described the home concept plans and cost. Council Member Kahler asked if Ivory intended to work with the school district to build an additional elementary school. She pointed out the development would bring many families with children and she hoped Ivory did not just build homes but communities as well. Mr. Prince indicated he was open to ideas and further discussion.

Council Member Kahler inquired whether UDOT had considered the installation of a traffic signal at the intersection located at Coyote Lane. Mr. Prince advised a traffic signal would be installed by UDOT once traffic warranted the need.

Council Member Stack inquired about the affordable housing dedication. Mr. Prince stated they would be interspersed throughout the town-homes. He explained the development agreement would define the units and deed restrictions. Council Member Stack and Council Member Johnston stated they would prefer for-sale affordable housing units rather than rentals. Council Member Franco proposed adding it as one of Council's conditions. Discussion continued.

Motion: Council Member Kahler Moved to continue the discussion. Council Member Franco made the second.

Mr. Prince noted the proposal currently complied with every element of Heber's requirements. He indicated Ivory would like to begin the project this year and was asking for the ability to move forward. He stated he was working with Heber City's Staff and asked for preliminary approval of the project.

Vote to continue: Voting Aye: Council Members Franco and Kahler. Voting Nay: Council Members Hardman, Johnston and Stack. The motion failed two to three.

Motion: Council Member Johnston moved to grant preliminary approval to Ivory Homes for the Coyote Ridge project and asked them to return to the next meeting in order to discuss specifics of final approval details such as affordable housing, trails, road sections, ownership of park areas and to discuss the annexation agreement. Council Member Hardman made the second.

Council Member Stack asked for confirmation of the list of requirements being met, prior to preliminary approval, in the Annexation Agreement. Mr. Baron confirmed Ivory Homes was meeting the requirements of the list within the required timeline.

Vote: Voting Aye: Council Members Hardman, Johnston, and Stack. Voting Nay: Council Member Kahler. Council Member Franco abstained. The motion passed.

8. Discussion Regarding ZEB's Annexation (No action, Baron)

Item 8 Staff Report - Spring Creek (Zebs) Annex

City Planner Jamie Baron presented the information as attached in the meeting materials.

Mr. Baron reviewed the annexation process and status of the petition. He noted the future bypass corridor was of particular concern with regard to the proposed annexation area. He shared the development plan and stated the petitioner was looking for direction from Council in order to proceed.

Doyle Johnson and Aaron Wall were present as representatives for the petition and asked the Council for feedback and direction.

Council Member Johnston indicated he was generally pro annexation but was unwilling to annex the proposed area until UDOT had determined right of way. Council Member Hardman agreed.

Mr. Wall asked if Council would consider allowing them to begin developing in certain areas if they were to work directly with UDOT in order to determine an environmental footprint to allow them to develop outside said footprint. Council Member Johnston stated he would also prefer to have the General Plan update completed before accepting the petition. Mr. Wall agreed not to go any further until the General Plan was adopted. Council Member Franco expressed her concerns with the importance of completion of the environmental impact study and the bypass. Council Member Johnston stated they could further discuss moving forward while they waited for the bypass route to be determined and the General Plan update to be completed. Council Member Kahler asked to see more commercial in the development concept plan in order to bring additional revenue to the City. Council Member Hardman was not in favor of the annexation until the bypass route was determined.

It was determined by consensus of the Council to put the annexation on hold.

9. Discuss Future and Direction of Manufacturing and Business Park Zone (Kohler)

Item 9 Manufacturing and Business Park

City Planner Tony Kohler explained the purpose of requested zone change. He presented a map of the area in question and reviewed the existing business uses in the area. He explained the request was to permit a day care in a currently vacant building in the area. Council Member Franco expressed concern regarding the safety of the children and their exposure in the industrial area.

Petitioner Jennifer Pederson explained the location was directly on route to two schools and located on Schoolhouse Way. Petitioner representative, Chelsea Law, felt there was inconsistency with the concern as there were two other facilities in the area with daycares as well as a school for autistic children. Ms. Pederson described her daycare business and noted they were regulated by the State. She explained the State facility and safety requirements adding that they had approved the location. She explained the daycare was currently located on Main Street and they had until April 1 to move.

Council Member Stack felt the Council could not deny the request as there were existing childcare facilities in the zone. Council Member Hardman agreed. Council Member Kahler also agreed and pointed out the need for daycare in the community noting that Ms. Pedersen's daycare offered subsidized daycare for low-income families.

10. Consider Adoption of an Adaptive Reuse Ordinance 2020-06 for Historic Preservation in the Heber City Municipal Code (Kohler)

Item 10 Staff Report Adaptive Reuse Ord 2020-06

There was no discussion regarding Item 10.

11. Consider Approval of \$74,628 Contract Award for 1200 South 500 East Crosswalk (Mumford)

Item 11 Staff Report Xwalk 1200S Const Award 200218

City Engineer Bart Mumford presented the information as attached in the meeting materials. He stated Craig F. Sorenson Construction had submitted the low bid.

Council Member Kahler asked why the City was installing a flashing crosswalk rather than a traffic signal. Mr. Mumford explained a traffic signal was not yet warranted and the expected pedestrian traffic did warrant a crosswalk. He added the flashing lights would be installed on poles that could be converted to a traffic signal in the future.

Motion: Council Member Stack moved to issue the approval to authorize staff to transfer budgeted road operating funds and execute a contract with the apparent low bidder Craig F. Sorenson Construction in the amount of \$74,628 for the installation of the overhead crossing signal at the intersection of 1200 South and 500 East. Council Member Hardman made the second. Voting Aye: Council Members Franco, Hardman, Johnston, and Stack. Voting Nay: Council Member Kahler. The motion passed four to one.

12. Consider Approval of Ordinance 2020-11 to Amend the Planning Commission Board Stipend (Smedley)

Item 12.1 Staff Report PC Stipend Increase

Item 12.2 Exhibit 1 2.4.20 CC Meeting SR

Item 12.3 Ordinance 2020-11

Motion: Council Member Franco moved to approve Ordinance 2020-11 to amend the Planning Commission Board stipend to commence in March 2020. Council Member Johnston made the second. Rollcall vote: Voting Aye: Council Members Johnston, Hardman, Kahler and Franco. Council Member Stack had stepped out and was not present for the vote. The motion passed.

13. Discussion Regarding the Consideration of a Code Amendment or Zone Change to Permit a Fabrication Business at 1520 South Hwy 40 (Baron)

Petitioner Spencer Coleman stated he was currently under contract to purchase eight acres located on Highway 40.

Mr. Coleman was requesting a zone change in order to grow and operate his business from a new location in Heber City. He added that he had investors who had expressed interest in relocating and building new business locations there as well. Mr. Coleman indicated their intent to beautify the location.

City Planner Jamie Baron asked if the Council would support a text amendment to the C2 zone in order to permit fabrication and welding in the area or alternately support a zone change to C4, in order to allow these businesses. He explained the C4 Zone might include additional uses, such as recycling, the City may not want to allow in the area

Council Member Franco expressed concern with noise mitigation and requested there be landscaping requirements. Mr. Coleman indicated their intent to landscape and advised the building locations would be in the rear of the property to help lessen the noise.

Council Member Johnston read the list of current businesses permitted in C2 zone and felt it could easily be amended to include fabrication and manufacturing.

Council consensus was to support the proposed project and for the petitioner to proceed.

Item 13 Staff Report

14. Consider Approval of Resolution 2020-02 for the Installation of an Outdoor Fitness Court (Mayor Potter)

Item 14 Staff Report Outdoor Fitness Court

Item 14 Resolution 2020-02

Motion: Council Member Kahler moved to approve the item as presented. Council Member Stack made the second. Rollcall Vote: Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

12. Consider Approval of Ordinance 2020-11 to Amend the Planning Commission Board Stipend (Smedley)

VII. COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL AND STAFF: Staff Follow-Up Reports from City Council Requests

1. Staff Follow-Up Reports from City Council Requests

City Manager Matt reminded Council and Staff of the Special City Council Meeting scheduled for the upcoming Saturday, February 22, 2020. The purpose was to discuss the Sorenson property annexations. He noted the discussion of the General Plan Update would be added to the agenda as well.

Council Member Johnston shared that he had attended his first Wasatch County Housing Authority meeting. He noted there was money available for projects and asked the Council to bring any ideas they might have to him. They briefly discussed rentals, deed restrictions, the housing Authority's processes and funding.

Council Member Franco suggested the Housing Authority purchase the 18 units dedicated by the Ivory Homes development in order to lease back to City or County employees. Council Member Johnston thought it was a perfect opportunity. He indicated they could establish a sellers group who would then manage the units and part of the funding would be for perpetual maintenance.

VIII. CLOSED EXECUTIVE SESSION

1. Personnel: Executive Review for City Attorney Mark Smedley

Council consensus was to postpone the closed session due to the late hour.

IX. ADJOURNMENT

Motion: Council Member Kahler made the motion to adjourn. Council Member Franco made the second. The meeting adjourned at 10:44 p.m.



Trina W Cooke

Trina Cooke, City Recorder