

Heber City Corporation  
City Council Meeting  
March 17, 2022

5:00 p.m. Work Meeting – CANCELLED

6:00 p.m. Regular Meeting

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on March 17, 2022, in the City Council Chambers in Heber City, Utah

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

1. Discussion Regarding Entering an Agreement with WetX (Smedley) (30min) - POSTPONED

WM Item 1 Staff Report

WM Item 1 MOU

2. Discussion Regarding Ordinance 2020-05 to Amend the Home Occupation Code (Kohler) (30min) - Moved to Regular Meeting for discussion

WM Item 2 Staff Report

WM Item 2 Ordinance 2020-05

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

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

**Staff Present:** City Manager Matt Brower  
City Attorney Mark Smedley  
City Planning Director Tony Kohler  
City Planner Jamie Baron  
City Engineer Bart Mumford  
Chief of Police Dave Booth  
Police Lieutenant Jeremy Nelson  
IT Specialist Anthon Beales  
City Engineer Russ Funk  
Finance Manager Wes Bingham  
City Recorder Trina Cooke

**Also Present:** Paul Boyer, David Hicks, Ronda Bresin, Josh Robertson, Brian Morris and others whose names were illegible or who did not sign in.

1. **Call to Order**

Mayor Potter called the meeting to order at 6:00 pm

2. **Pledge of Allegiance (Council Member Stack)**

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

City Attorney Mark Smedley shared a prayer.

4. **Mayor and Council Address and Discussion Regarding Corona Virus/Covid-19**

**PP Meeting Handout**

**Meeting Handout - Corona Virus Info**

Mayor Potter advised the evening's City Council Meeting was being broadcast live via an audio link on the City website and through a video feed on the City's Facebook page. She explained the extra efforts taken by the City in order to provide the public with access to the meeting while the nation was in a state of emergency due to the Corona virus/Covid-19 pandemic. She reminded the citizens of Heber to be kind and help each other.

City Manager Matt Brower presented a PowerPoint (attached) regarding the Corona virus/Covid-19 and reviewed the number of cases nationwide as well as the best practice safety precautions recommended by the state and Whitehouse. He provided a website established by the Wasatch County Health Department (WCHD) <http://coronavirus.wasatch.utah.gov>.

Paul Sweat, Wasatch School District Superintendent, noted the Governor of the State of Utah had recommended all Utah schools K-12 close and described the soft closure implemented in Wasatch County. He stated he was present to answer questions or concerns regarding a case of Covid-19 reported from a Wasatch High School student. He explained the School Districts efforts to identify all direct contact the student had with others and their encouragement for these individuals to self-isolate. The school was under hard lockdown in order to prevent the spread of the virus.

Superintendent Sweat shared the School District continued to provide lunches on a grab and go basis for those in need. There were also two buses distributing lunches to the more isolated areas in the County. He indicated schools might be out for the rest of the school year and educators were preparing to maintain the level of education necessary to meet their learning targets.

Council Member Kahler expressed her appreciation for the teachers and their efforts to continue to teach the children at home. Mayor Potter noted an experience with her children as well and commended the educators. Council Member Johnston felt the teachers were doing a great job as well. He asked whether all extra-curricular activities had been cancelled.

Superintendent Sweat indicated the extra-curricular cancellation was currently for two weeks. Council Member Johnston stated he felt Utah had gotten right on top the situation and was ahead of the curve with the preventative steps taken. Council Member Franco thanked Superintendent Sweat for his communication and collaboration.

Chief of Police David Booth reviewed proactive steps implemented by the Police Department in order to minimize public contact and help prevent virus spread. He noted hands-free hand sanitizer dispensers were on order for installation throughout the City buildings. Temporary measures implemented by the Police Department included:

- Discontinued fingerprinting
- Discontinued VIN (Vehicle Identification Number) inspections
- Cessation of fix-it tickets
- Administrative staff asking public to conduct business by phone rather than in person
- Witness statements and affidavits made available on website
- Discontinued tours of the Public Safety Building
- Cancelled all scheduled events for the Community Room
- Closed Animal Shelter to the public – shelter employees continue to clean and feed animals
- Officer responses to life-threatening medical calls only
- Breathalyzers used only with great discretion
- No longer responding to car lock-outs unless emergent
- Minimizing minor traffic stops

Chief Booth explained the efforts had been coordinated with the Utah Highway Patrol and the Wasatch County Sheriffs' Department and further explained the efforts and safety requests for the County Jail. Lieutenant Jeremy Nelson explained the officers had been asked to remain visible throughout the community in order to assist with maintaining order.

Mayor Potter shared a text received by the Governor implementing a stated-wide directive for all bars and restaurants to close.

City Attorney Mark Smedley shared that pursuant to the Supreme Court and State Court directives, Heber City's Justice Court was temporarily postponing all formal hearings, pre-trial and in-person hearings with very few specific exceptions such as warrant hearings.

Mr. Brower stated the importance of continued communication and asked everyone to keep informed by checking the updated information on the website. Additionally, the Governor's direction and WCHD recommendations had been distributed via email to Heber's business owners.

He shared there would be an informational video message posted by County leaders as well. Council Member Stack inquired the likeliness of the WCHD recommendation becoming an order. Mr. Brower indicated it was a possibility based on the Governors most recent directive.

Mr. Brower continued to share steps taken internally by the staff in order to maintain essential service levels including implementing a temporary Corona Virus sick leave policy by the Human Resource Department. He then reviewed measures being taken to minimize the fiscal impact.

Mr. Brower asked Finance Manager Wes Bingham to share an overview of the proposed base 2020-2021 budget adjustments in order to prepare for the possible economic impact. Mr. Bingham presented the plan and explained he would be meeting with staff to ask their help in eliminating as many discretionary expenditures as possible. He added they would be asking Council to reprioritize the Council directives as well.

Mr. Brower asked for direction moving forward holding remote meetings in order to align with Presidential and State recommendations. IT Specialist Anthon Beales advised the GoToMeeting software was ordered to accommodate remote meetings. Discussion regarding remote meeting options, necessary content, as well as public participation followed. Consensus of the Council was to move forward with remote meetings, preferably with video capability and options for public comment, and to postpone agenda items, which might generate a higher volume of public interest until the public could more actively participate once more.

Mr. Brower asked for Council's approval to deviate from the budget strategy of fiscal year 2020-21 as identified during the City Council Retreat in January 2020. Council supported the decision.

Mr. Brower asked for Council consent to allow staff to extend leniency toward utility customers who might experience financial hardship during the current pandemic. Council supported the proposal. Discussion regarding implementing awareness of payment options as well as opportunities to help accommodate the elderly community followed.

Mayor Potter recommended moving forward with the current agenda and returning to the discussion at the end of the meeting.

### III. CONFLICT OF INTEREST DISCLOSURE:

### IV. CONSENT AGENDA:

1. [Approval of February 22, 2020 City Council Special Meeting Minutes and March 3, 2020 City Council Meeting Minutes \(Cooke\)](#)

[2.22.2020 DRAFT Special Meeting Minutes](#)

[3.3.2020 Draft Minutes](#)

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

### V. PUBLIC COMMENTS:

Paul Boyer, Daniel Hangar 19, presented Council with a handout regarding the Heber Valley Airport Master Plan update. He asked them to spend 10 – 15 minutes to review the information when they had some time.

Police Chief Booth handed out blue and gold pins in support of national Down syndrome Awareness day on March 21. He explained the Police Department (PD) were honoring Megan Jacobson, a part-time employee of the department with Down syndrome. He noted the PD continued to make efforts to recognize children of all abilities.

## VI. ACTION ITEMS:

1. Public Hearing to Consider the Adoption of Resolution 2020-03 Amending the 2019-20 Fiscal Year Budget (Bingham) - POSTPONED

### Item 1 Public Hearing

1. Discussion Regarding Ordinance 2020-05 to Amend the Home Occupation Code (Kohler) (30min) - Moved to Regular Meeting from Canceled Work Meeting

Planning Director Tony Kohler stated this agenda item was a non-essential and recommended it be postponed.

2. Consent to Appoint Historic Preservation Board Member (Mayor Potter)

### Item 2 Ronald Lee Resume 19

**Motion:** Council Member Franco made the motion to approve the appointment of Ron Lee to the Historic preservation Committee. Council Member Stack made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

3. Consider Approval of Ordinance 2020-16 for the Adoption of Envision Heber 2050 General Plan Update (Kohler)

### Item 3 Staff Report

#### Item 3 Draft Heber City General Plan

Mr. Kohler shared the Envision Heber 2050 General Plan Update document and described the most recent updates included at direction of Council.

Council Member Johnston noted an overlooked boundary change request on the Future Land Use Map. Council Member Franco noted a section of page 15, which was blurry and illegible and asked it to be fixed. She pointed out page 18 twice referred to Jordanelle as Jordan. Council Member Franco also requested the sewer field area be protected as a view shed.

Council Member Kahler felt five-stories was too tall and building heights should be restricted to four-stories and less. Council Member Johnston felt the five-story allowance in village centers would better condense densities by limiting urban sprawl and help preserve open space.

Mr. Kohler explained the property owners in the North Village had requested the five-story allowance. He recommended the five-story maximum building height for the village centers downtown. Discussion regarding the building heights in different zones continued.

**Motion:** Council Member Kahler made the motion to remove the five-story building height allowance in the North and University Villages from the language of the General Plan and replace it with “up to four-stories”. Council Member Franco made the second.

Discussion on the motion:

Council Member Stack felt the General Plan did not allow vested rights to developers but rather offered the Council a mechanism to structure and target densities. Council Member Johnston referred to village centers with five-story buildings that contained commercial space at ground level, office space on the second story topped with three-stories of residential apartments.

Council Member Hardman indicated he was in agreement with Council Member Kahler.

Mayor Potter stated she had received an email from Planning Commissioner Sid Ostergaard expressing his preference to allow the five-story building height.

Council Member Johnston called the question. Council voted unanimously to vote on the motion.

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

Discussion regarding increasing minimum standards and city requirements ensued. Council Member Franco suggested changing the language found on page 30 #7 within the Envision Heber 2050 General Plan to read “exceeding City goals” rather than “achieving City goals”.

Council Member Franco expressed concern with waiving the building permit fees for moderate-income housing. She felt the fees were necessary to the City’s self-sustainability. Council Member Johnston agreed. Mr. Jansen explained the City had submitted the fee-waiver to the state as part of their moderate-income housing strategy.

Council Member Franco expressed concern with the use of the word “prioritizing” on page 50 #4. It was determined to change the word to “supporting”. She referred to the map on page 68 and felt the dotted line reflecting the potential UDOT (Utah Department of Transportation) bypass route through the sewer farm should be removed.

Council Member Franco noted nothing would be determined until the environmental study by UDOT was completed. Council Member Johnston felt the line reflected where the bypass route would most likely travel and should remain. Council Member Stack recommended either remove all the lines indicating possible bypass routes, or retain all. Council Member Stack then recommended, if decided to remove proposed bypass routes, to add the language “anticipated UDOT bypass routes were undetermined at the time of publication therefore, not included on the map”. Council Member Johnston felt more information was better.

**Motion:** Council Member Franco made the motion to remove all proposed bypass routes from the map and include the recommended language proposed by Council Member Stack that all routes were being studied by UDOT pending the result of the environmental study. Council Member Kahler made the second. Voting Aye: Council Members Franco, Hardman, Kahler and Stack. Voting Nay: Council Member Johnston. The motion passed four to one.

The Council commended John and his associate Christy, consultants of People + Place, for the end-product created through the Envision Heber 2050 General Plan Update process.

Council Member Johnston inquired why the building height in the historic section had been lowered from three-story to two-story on page 19. Mr. Jansen explained the change was made when Council had directed the expansion of the historic core by one city block east and west.

**Motion:** Council Member Johnston moved to allow up to three stories in the historic core of the General Plan and deal with zoning where appropriate. Council Member Stack made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

**Motion:** Council Member Stack moved to approve Ordinance 2020-16 adopting the new General Plan entitled Heber City Envision Heber 2050 as presented and further amended at tonight's meeting. Council Member Franco made the second. Rollcall Vote: Voting Aye: Council Members Johnston, Hardman, Kahler, Stack and Franco. The motion passed unanimously.

City Manager Matt Brower thanked the Council for their support throughout the 18-month process of developing the new General Plan. He thanked the Staff involved and the consultants for the many hours committed to the process.

Mayor Potter stated the City wished to honor the Envision Heber 2050 Steering Committee for their work as well, but would have to do so at a later meeting once past the virus pandemic.

#### 4. [Thank You Presentation for the Envision Heber 2050 Steering Committee \(Mayor\) - POSTPONED](#)

Due to the Corona Virus/Covid-19 state directive mandating gatherings be kept to ten persons or fewer, this agenda item was postponed until the pandemic passes and state of emergency lifted.

#### 5. [Consider Approval of Ordinance 2020-15 Permitting a Zone Change at 67 West and 400 North \(Baron\)](#)

#### [Item 5 Staff Report - Ord 2020-15 Malone North Main \(002\)](#)

City Planner Jamie Baron presented the information as included in the attached Staff Report. Council Member Franco expressed concern with the tree size Karl Malone Power Sports intended to provide for the neighbors affected by the installation of an 8-foot masonry wall. She hoped they would provide more than a small stick.

David Hicks, representing Karl Malone Power Sports, introduced himself and expressed appreciation to Mr. Baron for working so well with them. He stated he had been able to speak with all but one of the neighbors in order to accommodate as best they could. He indicated the feedback from neighbors was they would prefer a six-foot wall rather than eight, in order to minimize the view obstruction. Mr. Baron shared an email received by the City from one of the neighbors noting they would prefer the eight-foot wall.

**Motion:** Council Member Franco made the motion that number eight in the proposed Zone Change Agreement be amended to read as “Petitioner shall offer to install six-foot evergreen or two-inch caliper deciduous trees on the residents side”. Council Member Johnston made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

**Motion:** Council Member Franco made the motion to approve Ordinance 2020-15 with the associated Zone Change Agreement and include changes approved and with the findings and conditions in the Staff Report. Council Member Johnston made the second. Rollcall Vote: Voting Aye: Council Members Franco, Stack, Kahler, Hardman and Johnston. The motion passed unanimously.

**Motion:** Council Member Johnston moved that if a homeowner preferred a six-foot fence rather than eight they could make the request to Staff and accommodated. Council Member Franco made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

#### 6. Consideration to Adopt Ordinance 2020-17 for a New Development Water Requirement Policy (Mumford)

##### Item 6 Code 15 16 090 WtrRts SR Ord Mod 200317

City Engineer Bart Mumford presented the information as attached in the meeting materials. He described the struggle developers faced in order to meet the City’s current water policy requirement at preliminary approval. The engineering department proposed the following amendments to the City water policy:

- Move the requirement to own water rights for a development from preliminary approval to final approval.
- Continue requiring the preparation and approval of a Water Action Report prior to seeking preliminary approval.
- Eliminate requirement to escrow all owned water required for all phases of a development prior to final approval.
- Continue to require transfer of all required water rights to the City for each development by phase or project upon receiving final approval.

Council Member Johnston expressed his support for the proposed changes. He suggested a timeframe added to section 8.b. for the transfer of water rights from developers to the City. Council Member Franco suggested the City implement a refundable deposit by the developers in order to protect the City. Discussion followed.

**Motion:** Council Member Johnston moved to amend 8.b. to read: “Upon transfer of water rights to the City, and prior to plat recordation, Developer will provide gap funding for five years of anticipated supplemental water lease assessments, to insure Heber City incurs no additional cost.” Council Member Franco made the second with the request to amend the timeframe to seven years.

Josh Robertson, developer stated Council was asking for a fee and builders would in turn build the fee into the price of homes further driving the cost of homes upward and inhibiting affordable-housing. He felt the developer should not be asked to prepay for a service they were not utilizing. He recommended it be called a fee rather than a time related charge incurred. Council Member Johnston explained it was a necessary protection for the City. Discussion continued.

**Amended Motion:** Council Member Johnston amended his motion to seven years from five. Council Member Franco’s second stood. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

**Motion:** Council Member Johnston moved to approve Ordinance 2020-17 amending the City’s Water Policy with the approved amendment to the lease water. Council Member Stack made the second. Rollcall vote: Voting Aye: Council Members Stack, Kahler, Hardman, Johnston and Franco. The motion passed unanimously.

#### 7. Consider Approval of \$344,975.20 Contract Award for the 2020 Sewer Replacements Project (Funk)

##### Item 7 Staff Report

City Engineer Russ Funk presented the request to award the contract to Geneva Rock for the sewer improvement project. He explained the bid was below the total budgeted amount and they hoped to put the surplus towards furthering the project. He stated the engineering department was issuing a RFP in order to proceed with the additional sewer repairs.

**Motion:** Council Member Franco made the motion to approve the contract with Geneva Rock in the amount of \$344,975.20 as well as the surplus of \$219,000 towards the added portion for future recommendation. Council Member Kahler made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

#### 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

Council Member Kahler asked to wait on moving forward with any ordinance regarding short-term rentals until further information was obtained through the County resource.

### VIII. CLOSED EXECUTIVE SESSION

1. Personnel: Annual Review for City Attorney Mark Smedley

**Motion:** Council Member Franco moved to enter into a Closed Executive Session for the purpose of discussing personnel. Council Member Kahler made the second. Rollcall vote: Voting Aye: Council Members Franco, Stack, Kahler, Johnston and Hardman. The meeting entered Closed Executive Session at 9:08 p.m.

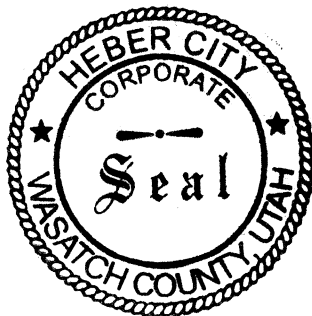
**Present:** Mayor Kelleen Potter  
Council Member Heidi Franco  
Council Member Mike Johnston  
Council Member Rachel Kahler  
Council Member Ryan Stack  
*Present by Phone:* Council Member Wayne Hardman

**Staff Present:** City Manager Matt Brower  
City Attorney Mark Smedley

**Motion:** Council Member Kahler moved to return to the Regular Meeting. Council Member Stack made the second. Council returned to the Regular Meeting at 9:53 p.m.

### IX. ADJOURNMENT

**Motion:** Council Member Kahler made the motion to adjourn. Council Member Stack seconded the motion. The Meeting adjourned at 9:53 p.m.



*Trina Cooke*

Trina Cooke, City Recorder