

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT
City Council Meeting
May 5, 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** remotely via personal computer device on May 5, 2020. Due to the Wasatch County Health Department's stay at home order, this meeting was held virtually.

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

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

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley
City Planning Director Tony Kohler
City Engineer Bart Mumford (participating remotely)
Assistant City Engineer Russ Funk
City Planner Jamie Baron
Chief of Police Dave Booth
Parks and Cemetery Director Mark Rounds (participating remotely)
City Recorder Trina Cooke

Due to the Federal Government's declaration of a state of emergency brought on by the Corona Virus Pandemic resulting in the Wasatch County's stay-at-home order, the public was asked to participate electronically rather than in person. None were present.

Mayor Potter called the meeting to order at 5:00 p.m. She briefly explained why the City had chosen to use a virtual platform and advised members of the public how to submit comments by email and through the City website during the meeting.

1. Review of Cemetery Master Plan Concept Designs (Brower) – 45 min

Parks and Cemetery Master Plan Update consultant Dan Cable presented design concept plan options for both the Cemetery expansion and possible inclusion of the Duke property as shown in the meeting video. Mr. Cable explained interment projections had been used to establish future cemetery expansion designs. He noted the cemetery expansion area could accommodate future interments for up to 124 years, excluding cremation burials. He stated if the City wished to remain in the burial business longer than 100 years they would need to expand the cemetery to the City owned Duke Property. Inclusion of the Duke property in the cemetery expansion could extend burial inventory to 200 plus years.

Council Member Kahler expressed her preference to designate the eastern portion of the Duke property for a park. Council Member Franco felt the park amenities for the area would be achieved with a forthcoming Red Ledges park. Council Member Johnston shared alternate options for the area such as a private or charter school to benefit the community. He felt the maintenance building should remain where it was rather than move to the suggested location along the road. Discussion continued.

Mayor Potter reminded Council of the City's initial intent when they purchased the Duke property to reserve a portion of the property to be dedicated as a park. Parks and Cemetery Director Mark Rounds shared his idea of a trail and picnic area located where the ground became too rocky for interments. Discussion turned to the number of years the City would like to remain in the Cemetery business and the fees required to maintain the cemetery in perpetuity as well as separation of cemetery and park area.

Council Member Kahler inquired if there was an increase in pet cemetery needs. Mr. Cable explained he had not seen an increase in demand but noted human and pet cemeteries needed to be separate. She asked if the area currently designated as the spoils yard could be utilized for the purpose. Mr. Brower inquired whether pet cemeteries were profitable. Mr. Cable felt they could be profitable with proper marketing.

Council Member Johnston inquired whether green burials could be buried less deep in order to maximize space. The answer was no, green burials needed to be buried as deep as vaults and required more ground coverage area. He proposed the Council obtain copies of the maps presented with design options for further review and return to the discussion at the next Council Meeting in two weeks. Council Member Kahler agreed and asked to hear from remaining Council Members regarding the utilization of the Duke property.

Council Member Stack agreed with the idea of returning to the conversation in a couple weeks. He shared that he did not want to see the cemetery property extend beyond the canal and he would like to see a portion of the Duke property used as cemetery expansion and see the remaining portion incorporated into the Parks Master Plan.

Council Member Hardman confirmed the original intent of the Council when the Duke property was purchased aligned with Council Member Stack's idea, with the addition of possibly including low-income housing. He was in favor of the concept of extending to the cemetery to the opposite side of the canal.

Council Member Franco indicated she would like to see the Duke property used for a park and felt the City could further develop on the cemetery side. She suggested a mausoleum could be installed where the soil was bad, and expressed her preference to see the spoils yard and maintenance building remain together.

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

1. Call to Order

Mayor Potter called the meeting to order at 6:00 p.m.

2. Pledge of Allegiance (Council Member Hardman)

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

III. CONFLICT OF INTEREST DISCLOSURE:

IV. CONSENT AGENDA:

1. Approval of April 21, 2020 City Council Meeting Minutes (Cooke)

Motion: Council Member Franco moved to approve the April 21, 2020 City Council Meeting minutes. Council Member Stack made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

V. PUBLIC COMMENTS:

Mayor Potter read the emails received for public comment. [attached]

VI. ACTION ITEMS:

1. Update Regarding Heber City's Ongoing Response to COVID-19 (Brower)

City Manager Matt Brower shared a PowerPoint presentation, as shown in the meeting video recording, regarding the most recent steps of Heber City's response to the Corona Virus/Covid-19 pandemic. He shared the Governor's upgrade of public health risk level from red to orange and that the Governor's office had released a plan to reintroduce the economy. Wasatch County was in line with the States plan.

Police Chief Booth and City Attorney Mark Smedley both shared ongoing actions being taken, precautions and the current status of their departments.

Mr. Brower shared the City administration staff's steps being taken in order to reopen the offices to the public by Monday, May 18, 2020. He shared that the City Staff continued to implement advanced technologies in order to handle monetary transactions and accept applications for services and licenses electronically. He noted the City would postpone the beginning of the Market on Main until July 1, 2020. Mr. Brower added the City continued to work closely with the Wasatch County Health Department.

Council Member Franco inquired whether the next City Council Meeting would be open to the public and stressed the importance of encouraging the public to wear masks in order to minimize spread of the virus. Mr. Brower stated that currently the City Council Meetings would proceed virtually.

Council Member Franco suggested the City consider putting money towards fireworks for the City to enjoy apart on the Fourth of July rather than hosting public gathering events. Mr. Brower indicated the City would continue to follow both State and Wasatch County Health Department guidelines with regard to hosting events. Chief Booth shared the meeting requirements when the restrictions were lowered to yellow safety level, requiring gatherings be kept to fewer than 50 people and keeping social-distance of six feet apart.

2. Consider Keyser Property Request to use Twin Creeks SSD for Sewer Service (Mumford)

Item 2 Hwy40Keiser CC TwinCr Swr

City Engineer Bart Mumford explained the reason for the request of the Keyser property to receive sewer service from Twin Creeks SSD (Special Service District) rather than the City. He provided a brief background of when the property was annexed into Heber City and showed an image including the existing Twin Creeks SSD sewer line that ran along the Keyser property line as included in the attached meeting materials.

Council Member Franco asked whether Mr. Keyser would be willing to extend the trails along Mill Road and Highway 40 of his property. Mr. Keyser indicated he had already given the City right of way along Mill Road and installed a trail. He stated he was not willing to give the City more at this time. He felt that due to the property already having a sewer line, which could be serviced by Twin Creeks, it made no sense to install another line at an estimated cost of over \$100,000 to a developer, in order to be serviced by Heber City.

Council Member Stack stated he understood the purpose of the City's utility policy but pointed out the annexation agreement permitted the connection to Twin Creeks SSD and thereby superseded the City Water Policy.

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

3. Consider Amendment to the Zone Change Agreement for the Lofts at Deer Haven, Located at 67 East 500 South (Baron)

Item 3 Staff Report - Lofts at Deerhaven Addendum

Mayor Potter noted Agenda Item 3 no longer needed for discussion.

4. Consider Approval of Ordinance 2020-21 to Amend the Zone Boundary from Residential (R-1) Zone and Residential (R-3) Zone to the R-3 Clustered Open Space Zone (COSZ) for The Springs at Coyote Ridge aka VXC Annexation, located Southeast of Coyote Lane (Baron)

Item 4 Staff Report - Springs at Coyote Ridge Zone Change and Concept (002)

Mayor Potter read the public comments received by email associated with Agenda Item 4. [attached]

City Planner Jamie Baron noted the agenda item was heavily tied to item five on the agenda. He presented a list of discussion points, displayed a map of the area, and reviewed project details and concept plans for the development as included in the attached meeting materials.

He noted the policy question was whether the City should expand the COSZ (Clustered Open Space Zone) boundaries in the area to move and enlarge the proposed park. He advised the Council that the Planning Commission had forwarded a negative recommendation of the zone change but Staff recommended approval, with or without Council recommended changes, based on previous feedback from the Council expressing desire to relocate the park.

Council Member Stack asked for the net density increase being requested with the concept plan including the town-homes. It was 28 additional units total. Mr. Lent explained the development had given up approximately 20 single-family lots with the increased land dedicated to open space. He noted the development needed to increase the density in order to recoup the loss. Discussion followed.

Council Member Franco asked if they had done a wetlands study. He responded they had, but they were not interested in doing a delineation on the natural spring and indicated the City was welcome to do so. He stated the area was not considered wetlands.

Council Member Franco asked about the parking for the park. Mr. Lent noted the land was being dedicated for a City Park therefor parking would be decided by the City.

Council Member Johnston felt there was no support for the increased apartment density requested and felt they should discuss the alternate plan proposal to include town-homes.

Mr. Lent reminded the Council that the plan with the park dedication had not been the developer's idea but the City had approached them to dedicate the land and they had agreed in order to accommodate the City.

Mr. Lent said they wanted to reach an agreement but were unwilling to accommodate the City any further. Council Member Stack proposed the development commit to a percentage of owner-occupied affordable units. Discussion regarding density and affordable housing continued.

Council Member Kahler inquired whether there was any plan for additional access to the subdivision from Highway 40. Mr. Lent indicated currently had access to the development from Highway 40.

Mr. Brower provided information regarding his effort to work with property owner Rae Lynne Kohler in order to negotiate the sale of her property and possibly the purchase of trees in a tree farm on the land. He had provided her with the numbers of two arborists in order to obtain an estimate of the value of the trees. He had been so far unable to contact her for a follow-up.

Council Member Johnston stated he would be in favor of apartments located along Highway 40, built on the current Kohler land if the developer was able to acquire the land. Council Members Stack and Kahler expressed they were not in favor of apartments. Council Member Hardman supported Council Member Johnston's suggestion.

Council Member Stack stated he was comfortable with ten units per acre. He felt if the developer was willing to commit to 50% owner occupied he would be more comfortable with a higher density. Extensive discussion to negotiate the number of units per acre the Council was willing to allow followed.

Mr. Brower suggested staff work the final numbers on a spreadsheet for the next meeting in order for the Council and Developer to confirm they had the same understanding prior to approval. Council Member Stack asked Mr. Lent to also consider the designation of a percentage of owner occupied units. It was determined to continue the discussion would continue at the following City Council Meeting.

5. Consider Ordinance 2020-23 Approval of the VXC Annexation Addendum (Coyote Ridge Open Space Agreement) (Baron)

Item 5 Staff Report Ordinance 2020-23 Annexation Agreement Addendum

City Planner Jamie Baron reviewed the discussion points as included in the meeting materials. He noted the Wasatch Back developer had requested to leave the berm out of the agreement due to the narrowness of the access.

Council Member Johnston felt there should be a trail connector from the neighborhood to the park between homes. Mr. Baron agreed to discuss the access between single-family homes with the developer.

Mr. Lent stated the Wasatch Back development intended to build a barn-style storage-unit on one of the parcels accessible from Highway 40. Council Member Johnston felt a barn-style structure would be an asset to the view along 40.

Mayor Potter indicated a public comment was just received inquiring whether the trails would be public and the impact to the sewer system. She responded that all the trails would be public. City Engineer Bart Mumford explained the sewer-system would be serviced by Heber City and they were working with the Coyote Ridge development in order to install the line. Mayor Potter added the City sewer issues were due to the lack of maintenance not due to overtaxing the lines.

Mr. Baron reviewed the Park Improvements portion of the addendum. Discussion regarding the dollar amount of Ivory Homes fee in lieu for park improvements and timeline requirement of the City's Park Improvements followed.

Mr. Lent advised the one-year time-line for City improvements to the park had been added at his request. He explained he had been told the park would add value to his development and he hoped the City would provide some improvements in a timely manner. Mr. Brower noted this item was only intended for discussion and clarification from Council and Staff would continue to vet the details. Discussion turned to the COSZ setback requirements.

Council Member Franco asked Mr. Lent and Mr. Prince to provide their interpretation of clause 9: Vested Rights. She noted the City's ongoing General Code update of its zoning should be considered and felt vested rights in perpetuity was too much to ask. Mr. Lent explained their attorney had included the clause based on the uncertain economic climate. Mr. Prince indicated the point of the language was to protect the developer in the event the City adopted a contradictory ordinance that could potentially inhibit preexisting development plans. Council Member Stack indicated it was standard language and he was comfortable with the language proposed but also felt a ten-year term would be reasonable if Council preferred. He asked if there were two other Council Members in agreement. Council Member Johnston stated he preferred the language used in the Sorenson Annexations agreement and would prefer to rework the language in this one. Mr. Prince stated he was willing to work with City Attorney Mark Smedley and would consider a ten-year term.

Mr. Prince shared that Ivory homes had negotiated with adjoining Boone property owner and come to terms regarding the purchase of the parcel but noted it was time sensitive and therefore Ivory homes and the City would need to finalize terms soon.

6. Consider Adoption of Ordinance 2020-13 to Approve the ReInvestment and Jordanelle Ridge/West Jordanelle (aka Sorenson) Annexations (Kohler)

Item 6 Sorenson MDA Heber City

Item 6 Revised Sorenson Exhibits 200504

Item 6 Ordinance 2020-13

Mayor Potter read several public comments regarding the proposed Sorenson Annexation received via email as well as one response from Council Member Stack. [attached]

Council Member Stack clarified the proposed annexation area would be developed whether it became a part of the City or remained in the County. He noted the amount of units intended had previously been vested with the County. He felt it would protect the City to accept the annexation.

Council Member Kahler stated she had served on the annexation committee for 15-16 months and the discussions had been very open for public involvement. She supported making a motion to approve the annexation.

Council Member Franco was concerned with the lack of a park plan in the MDA. She wanted the document to include minimum acreage for the parks and minimum amenities to be included for the Village Center parks. She hoped the Regional Parks could have additional amenities.

City Attorney Mark Smedley directed Council to section seven of the MDA and indicated quite a bit of time had been spent to specify what would be included in the parks and open space areas. He shared the project information had been on the City website for the past year available for public viewing.

City Manager Matt Brower reminded Council of the conversation, held during the previous Saturday's meeting, regarding language to include natural park dedications of open space for hiking, biking, cross-country skiing and more in order to spell out details for future developers.

Council Member Franco asked, and Sorenson properties representative Mike Bradshaw condeded, for the language to include "improved open space" with the "improved park space" in clause 7.2. She asked Mr. Smedley to add both definitions for "Open Space" and "Improved Open Space" to the Village Center and Regional Parks. Council Member Franco felt they should allow the public two more weeks of review before Council voted.

Council Member Hardman felt the City Council and Staff had worked long and hard and had given the public time to review. He was ready to move forward.

Council Member Johnston indicated his full support of the annexation. He stated he was comfortable with the MDA but would like the additional two weeks to review the final draft. He agreed with Council Member Franco and preferred to wait two more weeks before voting.

Consensus of the Council was to continue the item to the next Council Meeting in two weeks for a vote. Mayor Potter welcomed the public to submit comments and concerns via the public comment email during the next two weeks.

Council Member Stack asked to have the developer agree to have a paved path for emergency access in the future. He also asked if the developer would consider including an amphitheater in the Village Center phase 1.

Mayor Potter stated Council needed to have any additional modifications they wished to see included in the final draft of the MDA submitted to Staff no later than the following Monday.

7. Consider Acceptance of DMJ Annexation Petition Located at the Corner of Old Highway 40 and Highway 32 (Kohler)

DMJ Annexation Staff Report

Mayor Potter read a public comment submitted by email. [attached]

City Planner Tony Kohler provided the information regarding the annexation process and noted the acceptance of the annexation petition by the City Council was the first of many steps. He stated Council needed to take action to accept or deny the petition and explained that according to State Code, failure to take action that evening by Council would result in the City's acceptance of the annexation petition by default. He reviewed a concept plan, estimated timeline and provided project details. Mr. Kohler clarified the only policy question before Council that evening was whether the City should accept the annexation petition for further consideration.

Annexation representative Jeff Kuhn explained they had been working on the project since 2008 and provided an overview of their ongoing process. He presented a concept plan and provided details therein. He stated it was based on a commercial plan they had seen in Summit County and included workforce housing.

Council Member Johnston recused himself from the discussion and voting as he had just then realized his firm had done surveys for the property.

Discussion followed regarding the design plan and landscape of the area. Council Member Franco inquired whether they would be willing to provide a trail. Mr. Kuhn stated there were many definitions of a trail and they liked the idea but were waiting until they had a fully delineated concept in place.

Council Member Kahler asked their motivation to annex into Heber when they already had vested rights with the County. Mr. Kuhn indicated they had found the County difficult to work with and felt the City offered a better community environment for their concept. Council Member Kahler inquired about their timeline for asked for more information regarding the employee-housing concept.

Council Member Stack expressed his interest in the proposal.

Motion: Council Member Stack moved to accept for consideration the DMJ Annexation Petition located at the corner of Old Highway 40 and Highway 32. Council Member Hardman made the second.

Mayor Potter commented that all five of the Council Members cared deeply for the community and were very careful when going through the process to do what is in the best interest of the Valley. She noted Councils conviction to hold to the densities set by the County.

Rollcall Vote: Council Member Franco; Aye. Council Member Hardman; Aye. Council Member Kahler; Nay. Council Member Stack; Aye. The motion passed 3-1.

8. Consider Adoption of Ordinance 2020-12 to Amend Title 8, Health and Sanitation, of the Heber City Code (Booth)

Item 7 Title 8. Staff Report.Redline Ordinance and Code.Clean Version

9. Consider Adoption of Ordinance 2020-18 to Amend Heber City's Code, Title 9 Public Peace, Morals and Welfare(Booth)

Item 8 Title 9. Staff Report.Redline Ordinance.Clean Version

10. Consider Adoption of Ordinance 2020-19 Amending Heber City Code Title 10, Vehicles and Traffic (Booth)

Item 8 Title 10. Staff Report.Redline Ordinance.Clean Version

Council Member Stack inquired about 9.52.070 regarding election signs on public property and felt the language used in the updated version sounded as though the signs were allowed. Chief Booth indicated his final copy did not include the section. Discussion concluded the intent had been to strike-out the section.

Motion: Council Member Franco made the motion to pass Ordinance 2020-12, amending Title eight; pass Ordinance 2020-18 amending Title nine, with the striking of provision 9.52.070 in entirety; and to pass Ordinance 2020-19 to amend Title ten as presented in the agenda. Council Member Stack made the second. Rollcall Vote: Voting Aye: Council Members Stack, Kahler, Johnston, Hardman and Franco. 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

There were no communication items.

VIII. ADJOURNMENT

Motion: Council Member Kahler made the motion to adjourn. Council Member Johnston made the second. The meeting adjourned at 10:01 p.m.




Trina Cooke, City Recorder

Public Comments Submitted by Email for the May 5, 2020 City Council Meeting

V. PUBLIC COMMENTS

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From: Tracy Taylor
Sent: Tuesday, May 05, 2020 11:26 AM
To: Kelleen Potter; Heidi Franco; Wayne Hardman; Rachel Kahler; Ryan Stack; Mike Johnston; CC Public Comments
Subject: (EXTERNAL) Heber City- public meetings and lack of public communication

Hi Council and Mayor

Are you going to have a more publicly interactive meeting like Midway has? See meeting info below.

Why can't you get this figured out?

The Heber citizens deserve better communication from their Council and Mayor with so many important issues coming up in the next few months. The newly elected council people said they want to improve communication with the public.

Please take advantage of the FREE ZOOM meeting or Facebook live options. Citizens can ask questions, or make comments in real time during a meeting.

Thanks,

Tracy Taylor

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From: Tracy Taylor
Sent: Tuesday, May 5, 2020 4:14 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Public Comment- for 5-5-2020 meeting

I am commenting on the V. PUBLIC COMMENTS section of the agenda.

As you know, I have been sending the Heber City Council and Mayor emails since January 2020 (long before COVID 19 changed our lives) to conduct better online public meetings. The audio recordings are hard to hear, the public has no idea who is talking, and the presentations cannot be seen.

Aldso, just because you call an agenda item a "Public Hearing" does not make it so. There have been previous meetings where the "Public Hearing" had no online comments, but Heber City did not make a concerted effort to solicit public comment at all.

I am asking the Heber City Council and Mayor to conduct public meetings so that the citizens can comment or ask questions in real time. Midway City, and Park City are doing ZOOM meetings, and are also on facebook live, so that the public can ask questions and have comments DURING the meeting. It's very hard to ask the public to give input, when they haven't heard the discussion. Please upgrade your meeting system. There are free options, this doesn't have to cost a lot to accomplish. Thank you.

Tracy Taylor

From: Paul Boyer

Sent: Tuesday, May 5, 2020 4:08 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) PART #1 of 2 EMAILS -- SECTION V. PUBLIC COMMENTS – Items not on today's Council Meeting Agenda

PUBLIC COMMENTS FROM: Paul Boyer, Daniel Hangar #19 Owner and Airport Stakeholder

TO: The Heber City Council

RE: May 5, 2020 City Council Meeting – SECTION V. PUBLIC COMMENTS (items not on today's agenda)

SECTION V. PUBLIC COMMENTS – Item not on today's Council Meeting Agenda

PART 1 OF 2 EMAILS (St. George Strategic Business Plan & Aviation Consultant Fred Davis' Work History)

(NOTE: The 4 attachments are sent in two emails because the size exceeds the maximum size of 25MB for a single emails)

I want to briefly discuss Heber City's further development of the Airport, and in particular, the FAA Denver ADO guidance in their attached May 17, 2019 letter to Mayor Potter. The applicable section "Airport Development" is on Pages 2-3 with several notable quotes:

1. "... the FAA has long since held that an airport sponsor cannot use administrative processes, such as ALP updates, Master Plan Studies, Development, Updated of Minimum Standards, etc. ... to unreasonably delay consideration of legitimate aeronautical development proposals."

2. "... the airport owner ... has an obligation to make available suitable areas or space on reasonable terms for those who are willing and otherwise qualified to offer aeronautical services to the public. Proposals of aeronautical development by prospective businesses and/or tenants is considered evidence of aeronautical demand."

3. The FAA "believe[s] that there are certain aeronautical development activities that can be reasonably accommodated concurrently with the master planning process. As such, the sponsor should continue to consider aeronautical development proposals that are appropriate for the airport."

Considering that FAA guidance, there are two documents from St. George Airport (SGU) that should be of interest to the City Council and Airport Staff as examples of what can be and probably should be done at Heber Airport:

- The first of these is attached to this email and is the SGU Strategic Business Plan that is an actual industry-approved business plan that contrasts vastly with the City's Aviatrix Public Relations Firm's misleading contention that the Master Plan is the Airport's business plan. That is simply not true.

- The second document in which the Council and Airport staff should be interested is the SGU Marketing Action Plan, again an industry-approved document that includes the consultant actually recruiting business to either move to or start up at Heber Airport. Interestingly, the cost of these two documents and active recruiting is well less than the purported \$140,000 that PR Firm Aviatrix is charging the City.

I recently spoke to the St. George Airport Director and President of the Utah Airport Operators Association (UAOA), Rich Stehmeier, when trying to locate the Tri-Star Marketing company that did SGU's documents. Rich informed me the founder and former President of Tri-Star, Fred Davis, now works primarily under his own name, but also said Mr. Davis is the best in the industry and St. George Airport works with him regularly on a continuing basis for SGU projects. Please see the attached PDF that lists Mr. Davis' credentials and confirms that he has worked for other airports in Heber's region including airports at Provo, Logan-Cache, Wendover, St. George, and Rock Springs, WY.

Rich provided the following contact for Mr. Fred Davis:

23 Chianti

Ladera Ranch, CA 92694

949-388-1307

jetfred2@aol.com

As a corollary to airport development, it is important to note that Heber City's primary business as Airport Sponsor is ground leasing and the annual fees and taxes they collect from lessees. However, the large amount of unleased, vacant Airport land that Heber mostly owns produces no revenue whatsoever--no taxes, no lease fees, nothing.

Lastly, I want to comment further on airport revenues and how best to increase these. First, non-reversionary ground leases justify higher lease fees, higher assessed values, and higher taxes vs. reversionary leases that are unlikely to provide increased revenues until the City takes ownership at the end of the lease 20, 30, or 40 years from now, when the hangars will be old, outdated, and difficult to manage the associated liabilities. Secondly, increasing demand for Heber Airport non-reversionary ground leases and hangars continues to be high, although we don't know how the COVID-19 pandemic might affect that.

Additionally, over the past 10 years in the Mountain West, the trend at various airports has been to convert reversionary leases to non-reversionary. Heber is not alone in that. As examples, it's been done at Billings, MT, Grand Junction, CO, and St. George, UT, as well as others.

And yes, some airports do own all their airports hangars, but for a variety of reasons not applicable at Heber. Jackson Hole and others airport sponsors like them own all their hangars, but because the airport is built on leased Federal land that cannot be subleased to what would be individual owners. Aspen, too, but they only have 2-3 FBO hangars on the airport, and Aspen local ordinances forbid additional hangars. Rock Springs, WY owns all their hangars because the City built and paid the cost of construction from the beginning of the airport. Etc.

The bottom line for increasing Airport revenues is for the Heber City Council to lease as much land as possible, instead of delaying decisions for unreasonable amounts of time to approve projects that too frequently has resulted in businesses withdrawing their proposals.

REQUEST TO CITY COUNCILORS: Please take some time to study these two St. George Airport business and marketing documents. Ask Mr. Stehmeier any questions you have. He is very available and has a good relationship with Heber Airport Manager Travis Biggs. Also, contact Mr. Davis and ask his opinions and what he can do for Heber whether it is recruiting existing businesses to Heber Valley Airport or any other services he can provide.

NOTE: The St. George Airport Marketing Action Plan is attached to a separate second email due to the 25MB size restriction for email attachments.

— End of V. PUBLIC COMMENTS – Item not on today’s Council Meeting

Agenda —

I have attached PDF copies of St. George Airport's Strategic Business Plan and Marketing Action Plan, as well as information about Aviation Planning and Marketing Consultant, Fred Davis, and his previous company tgat Aviation Consulting

[Attachments may be viewed by contacting the Heber City Recorder’s Office]

VI. ACTION ITEMS:

4. Consider Approval of Ordinance 2020-21 to Amend the Zone Boundary from Residential (R-1) Zone and Residential (R-3) Zone to the R-3 Clustered Open Space Zone (COSZ) for The Springs at Coyote Ridge aka VXC Annexation, located Southeast of Coyote Lane (Baron)

From: noreply@granicusideas.com <noreply@granicusideas.com>

Sent: Monday, May 4, 2020 7:15 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) New eComment for City Council Meeting



New eComment for City Council Meeting

Todd Anderson submitted a new eComment.

Meeting: City Council Meeting

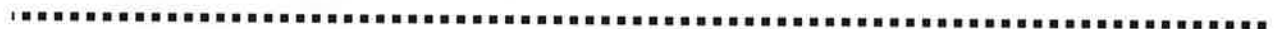
Item: 4. Consider Approval of Ordinance 2020-21 to Amend the Zone Boundary from Residential (R-1) Zone and Residential (R-3) Zone to the R-3 Clustered Open Space Zone (COSZ) for The Springs at Coyote Ridge aka VXC Annexation, located Southeast of Coyote Lane (Baron)

eComment: There was a promise made that apartments would not be a part of this when the annexation was being made. The trade of 68 market rate units and 7 affordable units of density does not make sense for a net 0.52 acres of park space. the added 150 surface parking spaces (108 for the apartments) and vehicles are not part of the traffic study that was done. there is not adequate parking around the park space. The "fishing pond will cover most of the added space. Planning Com. determined it isn't worth it

[View and Analyze eComments](#)

This email was sent from <https://granicusideas.com>.

[Unsubscribe](#) from future mailings



VI. ACTION ITEMS:

6. Consider Adoption of Ordinance 2020-13 to Approve the ReInvestment and Jordanelle Ridge/West Jordanelle (aka Sorenson) Annexations (Kohler)

From: Tracy Taylor

Sent: Tuesday, May 5, 2020 11:52 AM

To: CC Public Comments <ccpublic@heberut.gov>; Kelleen Potter <kpotter@Heberut.gov>; Wayne Hardman <whardman@Heberut.gov>; Heidi Franco <hfranco@Heberut.gov>; Ryan Stack <rstack@heberut.gov>; Mike Johnston <mjohnston@heberut.gov>; Ryan Stack <rstack@heberut.gov>

Subject: (EXTERNAL) Jordanelle Ridge (Sorenson) annexation

Hello Council and Mayor,

I am concerned about approving this annexation TONIGHT, since the public has not seen the final draft of this development plan, let alone have a minute to go over it, and a public venue to share their comments. Your website has only had one comment by me in the last month, no citizens know this exists.

I also have sent numerous emails since last January, with concerns about the lack of proper communication with the public with substandard meeting recordings, and inadequate venues for the public to comment.

I am also concerned about this Jordanelle annexation's terms of having the City lock on current zoning for this development for 40 years, and the precedent that it sets for future developers. I always had the impression that current councils did not want to tie the hands of future councils. In the past, there have been instances where Heber City purposely did not do that, now you are considering it in this case? Why?

I would like City Attorney, Mark Smedley, and councilman Ryan Stack (an attorney also) to directly answer that question, and if we are following Utah State Code by agreeing to the zone lock.

Please continue this agenda item until the next city council meeting, so that your constituents, whom you are obligated to represent, have a reasonable opportunity to respond and share their opinions.

Thank you.

Tracy Taylor

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From: Darryl Bosshardt
Sent: Tuesday, May 5, 2020 12:01 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Public Comment - I Support Annexation

Hi There - I just wanted to send an email to document my support for the city annexation of the Sorenson property as well as the North Village Crossings annexation.

These developments were approved years ago and they will be developed. The question in front of us today is not IF they should have been approved, but rather should they be part of the city, part of the county or possibly their own future city.

These new residents will be living in neighborhoods that are essentially connected to exciting Heber City neighborhoods. Many thousands of these new residents will be using the Heber City Trails, the Heber City Parks, the Heber City downtown area, the Heber City roads, and will impact the city's resources such as Police force any many other services as they are in town. As these new residents will be using many of these city resources costing the city more money, they new residents should also be paying taxes to help support the ongoing creation and maintenance of these resources.

Additionally, there is a certain economy of scale that can be achieved with shared resources. Fiscal conservatism would suggest sharing the managerial and maintenance resources for a massive group of new citizens living in such close proximity (connected?) to the existing city and using the same parks, trails, downtown area, etc.

In summary, where these developments are so large and are connected to the city, it just makes sense that they are part of the city.

Thank you.

Darryl Bosshardt

From: Rachel Kahler <rkahler@heberut.gov>

Sent: Tuesday, May 5, 2020 1:46 PM

To: Kelleen Potter <kpotter@Heberut.gov>; Matt Brower <mbrower@Heberut.gov>; CC Public Comments <ccpublic@heberut.gov>

Subject: Fw: (EXTERNAL) Sorenson Annexation

I'd like this read into the minutes today for Public Comment.

From: Stacie Ferguson <

Sent: Tuesday, May 5, 2020 10:18 AM

To: Rachel Kahler <rkahler@heberut.gov>

Subject: (EXTERNAL) Sorenson Annexation

As a citizen of Heber City I'd like to first say thank you for all that you do to understand the issues you are faced with from all perspectives. I know these decisions are not easy for anyone. I'd like to give you several things to consider as you are making this decision for the community.

Developers have a right to develop their land but when they do they take something away from our community. For you that something may be different then what it is for me but no matter what they do they change our way of life and things that we love about this valley and community. Thus, the developer should be required to give something BACK to the community. I believe that something should be of value to the community and it's citizens, and not just tax money. There are many ways that a developer could give back to the community and I don't think it should be the same for every developer. Developers, City Council and staff should look at what we have and what we will need with the incoming population to our valley. An easy example is trails...The more people we bring into the community, the smaller the lots, the more demand there is for trails and not only trails that wind through back yards but a good variety of trails. Dirt trails for those who like to hike or mountain bike and paved trails for strollers, roller blades, road bikes, etc. How awesome would a paved trail be that went from Coyote to the top of the mountain on the proposed annexation. Even better, there wouldn't be a road next to the trail! Picture a nice wide trail like University Ave trail and Provo Canyon Trail, or Park City trails, maybe they even connect!

Other ideas:

Recreation Fields. Soccer, baseball, volleyball, tennis, playgrounds, bike parks, etc.

Dirt Bike Track.

Ice Rink.

Money towards schools in anyway that is legal through the state, be creative.

Amphitheater.

Transportation enhancements/systems

Library or library enhancements.

Emergency Needs.

Splash Pads.

Beautiful Parks with amenities—Think Cobblestones park or bigger!

Beautification of somewhere that needs it.

Land set aside for another need, whatever that might be.

Gardens/Garden Plots

Rural land with animal rights

Horse trails, barns, arena etc.

Dog parks/trails

2. I know that the time frame of the vested code is difficult. This has given me a lot of heart burn considering the amount of work the City has been going through the last year to begin changes. Maybe you could compromise on the time frame or individual items that matter most to the city like roads, architecture, etc.
3. I am currently apposed to allowing through traffic on Coyote lane to the top of the mountain. That said, I do believe this may be a difficult decision for everyone involved due to lack of access points and emergency purposes. I do see a great need for emergency access on this route. Maybe this would be a good place for a scenic paved trail and crash gates for emergency use. The trail could even have a park to stop and picnic at half way up where it flattens out a bit. My fear is that if you allow through traffic the majority of people will use Coyote to come into town and not the Highway, I don't see it being sized for that. Something to consider as you determine the best use of this road.

4. Please consider all collector roads to have a large open space on both sides of the road. This will help keep a more open feel as density increases in our valley. Swaths of open space/trails along both sides of the road will help our valley maintain a rural feel.

Thank you for all that you do and your serious consideration of the developer and community wishes along with City needs.

Stacie Ferguson

From: don taylor
Sent: Tuesday, May 5, 2020 4:12 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Sorenson Annexcation

I support and commend Momentum Development and Mike Bradshaw for their support of community service by providing a terrific public trail system as part of their development.

Sincerely,

Don K. Taylor

From: Ronald Crittenden <freemanron1@hotmail.com>
Sent: Tuesday, May 5, 2020 4:39 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) May 5 2020 AGENDA for Sorenson Development Annexation

Please add these comments for consideration in tonight's agenda:

For what it's worth I heartily disagree with having the MDA exempt the Sorenson property from the City Council updates for any road or development/zoning standards for their area for 30-40 years. Why should this property owner be given special concessions to insulate them from the sovereign will of future city councils and differently than every other property owner within our city? Can you imagine if we were currently allowing the same standards as were in place 30-40 years from now? The day will come when future citizens will be lamenting them being stuck with the results of past decisions, just like they have been online for the past few days. Please delete this consideration from the MDA and please, in the interest of transparency and seeking the public will on such a momentous decision, PLEASE, city council, consider Heidi's request for a public hearing prior to making such a seriously impactful decision- with such extremely far reaching ramifications. All of us citizens are being handicapped by the Corona situation and the city's not being able to provide a fluid, open way to

communicate with the council during council deliberations. Why not at least try to be open and transparent by holding a

hearing to better inform and then vent the public's opinions prior to this decision?

From: Ryan Stack <rstack@heberut.gov>
Sent: Tuesday, May 5, 2020 12:33 PM
To: Tracy Taylor
Cc: CC Public Comments <ccpublic@heberut.gov>; Kelleen Potter <kpotter@Heberut.gov>; Wayne Hardman <whardman@Heberut.gov>; Heidi Franco <hfranco@Heberut.gov>; Mike Johnston <mjohnston@heberut.gov>; Rachel Kahler <rkahler@heberut.gov>
Subject: Re: (EXTERNAL) Jordanelle Ridge (Sorenson) annexation

Tracy,

Thanks for reaching out. I note at the outset that I reply in my capacity as a council member who happens to be an attorney. While I freely share my thoughts and analyses, I do not seek to advise the council in the capacity of an attorney for the council. At all times the council should rely upon the sound advice of its City Attorney. That said ...

To your first point, I am unaware of any code or case law that prohibits a municipality from entering into a development agreement for a term of years. In fact, my understanding is that this sort of contractual arrangement is not uncommon (Summit County has such agreements, most notably at The Canyons (which I use to illustrate only that these are used, not to suggest I endorse that type of density for Heber).

Nor am I aware of any law that prohibits agreeing to fix zoning in a lengthy MDA. I see no legal issues with this type of arrangement. Though I reiterate that I do not act as counsel to the Council, as it were.

I gather your larger concern is as to the underlying policy rationale behind such contractual arrangements. I speak only for myself, but I am comfortable with a lengthy MDA, provided it's done right and the City is protected. The current MDA is the product of countless hours invested by staff and the Council to ensure that Heber City's interests are preserved and protected. This agreement has several triggers baked in, which bind the developer to hit key performance targets important to the city before it can proceed further. Zoning is "locked," as you say, but it frequently is in these types of agreements. Developers want predictability before investing resources. I'm okay with that, so long as the City is able to lock the developer into key commitments as well. I believe we've done that here. It's not a perfect agreement, few compromises are in the eyes of either party, but I believe it places the City in a substantially better position than it would be were this property to develop in the County.

I look forward to hearing from you tonight.

Best,

Ryan P.C. Stack

Heber City Council

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VI. ACTION ITEMS:

7. Consider Acceptance of DMJ Annexation Petition Located at the Corner of Old Highway 40 and Highway 32 (Kohler)

From: noreply@granicusideas.com <noreply@granicusideas.com>
Sent: Tuesday, May 5, 2020 9:04 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) New eComment for City Council Meeting



New eComment for City Council Meeting

Doug Smith submitted a new eComment.

Meeting: City Council Meeting

Item: 7. Consider Acceptance of DMJ Annexation Petition Located at the Corner of Old Highway 40 and Highway 32 (Kohler)

eComment: Please check to ensure there is sufficient water. The development agreement is a recorded public document that might help you understand the master plan approval requirements,

[View and Analyze eComments](#)