Heber City Corporation
City Council Meeting
November 17, 2020

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

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on November 17, 2020, in the City Council Chambers in Heber City, Utah

Due to the Wasatch County COVID-19 high-level transmission index, this meeting was held virtually.

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

Present:	Mayor Kelleen Potter
Participating Remotely:	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 Planning Director Tony Kohler
	IT Specialist Anthon Beales
	Police Chief Dave Booth
	City Recorder Trina Cooke
Staff Participating Remotely:	City Attorney Mark Smedley
	City Engineer Bart Mumford
	City Planner Jamie Baron
	Public Works Director Matthew Kennard
	Public Works Foreman Rance Echols
	Finance Manager Wesley Bingham
	Public Works Office Manager Candace Bufton
	Parks and Cemetery Director Mark Rounds

Also Joining Remotely: Di Ann Duke Turner, Cindy Wilmshurst, Bentley Peay, James Carpentier, Bryon Prince, Jack Walkenhorst, Ileana Anderson, Thomas Uriona, Laurie Wynn, Si Hutt, Sam Taylor, Barb Boss, Dallin Koecher, Spencer Coleman, Trevor, Bruce Barrett, Katie Noble, Armand Johansen, Marianne B Allen, Tracy Taylor, Jeremy Smith, Mike Davis, Terry Diehl, Mark Nelson, Jared Wright, Maxx Cohen, Adam, Fred Philpot, Bruce Barrett, Jessica Broadhead, Tom Stone, Pam Patrick, John Janson, Jacqueline Magre, Benj Becker, Paul Sweat, Marilyn Crittenden, Lane Lythgoe, Kim Dickerson, Kirsta Albert, Landon Bonner, Dan and Trudy Simmons, Ryan Bunnell, Paul Linford and others whose names did not come through.

Mayor Potter called the meeting to order at 4:00 p.m.

1. Discussion Regarding the CRA Establishment (Brower) – 75 min

CRA PowerPoint

City Manager Matt Brower introduced Heber City consultant Benj Becker. Mr. Becker was vice president over the municipal consulting group with Zion's Public Finance. Mr. Brower stated Mr. Becker would provide a presentation to inform the group of the benefits and opportunity provided by a CRA (community redevelopment area). Heber City had invited representatives from Wasatch County, the Wasatch County School District, and the Chamber of Commerce to observe the presentation and join the discussion.

Mr. Becker explained a CRA provided cities the opportunity to make their visionary projects attainable. He provided data regarding retail sales trends and noted the number of people who lived and worked in Heber versus those who commuted into and out of Heber for work. He shared a map representing downtown Heber and pointed out it was aging and indicated the opportunity for redevelopment.

Mr. Becker offered the definition of a CRA as a political subdivision of the state, created by the legislative body of a county or municipality for the purpose of stimulating new development and redevelopment. The governing body of a CRA was the legislative body who created the CRA. A CRA was authorized to create project areas and use property tax increment from a project area to help pay for infrastructure improvements, land acquisition, affordable housing, or other development projects. A CRA negotiated the amount of tax increment through inter-local agreements with each taxing entity.

County Manager Mike Davis inquired whether the other taxing entities would be participating in the process or if it was solely a City process. Mr. Becker responded that all the taxing entities should participate in the process as it was important to see the purpose and vision, and how a CRA could potentially increase the taxing revenue for all the taxing entities involved.

Mr. Becker described the ability of a CRA to provide a City with the ability to offset the costs of developers in order for to help development meet the vision of the City rather than solely the practicality or pocketbook of developers. He further explained the details of the process.

Mr. Becker pointed out a CRA did not create new taxes but was an economic tool to encourage appropriate development or redevelopment. CRA's were not intended to enhance developer profits, but rather to "bridge the gap" of what the market would support and the vision of the city. He stated CRA's were intended to complement existing planning and visioning efforts and were a widely used tool. Mr. Becker listed tools for funding economic development that worked with CRA's.

Mr. Becker showed a map reflecting potential areas in Heber City identified for development and redevelopment. He noted that by revitalizing the downtown area into a thriving destination, it would thereby becoming a property and retail sales tax generator for the taxing entities. He provided a breakdown of the current taxable values for the taxing entities and the potential impact of redevelopment. Discussion followed.

Mr. Becker listed the next steps needed to proceed:

- Determine need and Vision
- Work with taxing entities to share vision
- Adopt resolution to designate a Project Area
- Prepare Project Area Plan and Budget
- Continue vision with taxing entities
- Create inter-local agreements
- Begin agreements for development

Mr. Becker emphasized that the CRA Project Plan Area should align directly with Heber's vision for growth, Envision Heber 2050.

He listed the keys to development Agreements:

- Clearly show the "gap" in pro-forma
- Is the proposal the "highest and best use" of the land?
- Total impacts to Heber
    - Fiscal impacts
        - Property tax
        - Sales tax
        - Population distribution
        - Municipal energy tax
    - Community impacts
        - Traffic
        - Parking
        - Aesthetics
        - Branding
        - Draw

Council Member Stack inquired how a CRA project timeline was determined. Mr. Becker explained there was a certain amount of subjectivity to the process but that it was determined by each project's specific size and details. Council Member Johnston inquired whether the repayment plan was done incrementally or whether the City bonded for infrastructure projects. The answer was it could be done either way. Council Member Franco indicated hope for additional detailed discussions with the County and School District. She expressed hope there would be many more discussions. Mr. Becker clarified the passage of a resolution would allow for the study of a proposed area in order to project cost.

Maryann Allen, Wasatch County School Board Member, asked whether Ogden had used a CRA for their downtown redevelopment. Mr. Becker advised that Ogden had used multiple CRA's for their redevelopment projects. Paul Sweat, Wasatch County School Board Superintendent, asked Mr. Becker to specifically outline the additional taxing entities participation and involvement in the approval of a CRA. Mr. Becker explained there would be an inter-local agreement to specify their involvement. Dallin Koecher with Heber Valley Tourism and Economic Development expressed his support of the City pursuing a CRA. He felt it allowed the City to better guide its vision.

2. Second Discussion Regarding the Strategy for Replacement of Historic Downtown Water and Sewer Lines and Potential Impact on Utility Rates (Brower) – 35min

PP Utility Rate Analysis

Mr. Brower provided a discussion overview. He shared images reflecting the location of the area in need of water and sewer line replacement and the cost of each, which totaled in the range of $80 million plus. Mr. Brower reminded Council they had chosen the option to replace the lines over 30-years, bonding twice. He shared feedback and recommendations provided by contractors as well as project funding options. He also explained the impact to utility rates.

City Finance Manager Wes Bingham shared three scenarios for the line replacement funding and details including pros and cons of each as shown in the attached PowerPoint.

1. 100% debt for 100% replacement
2. No replacement
3. Pay as you go 30 year replacement

Council Member Johnston felt the City had not been charging adequately to cover the costs of infrastructure maintenance for years. He noted bonding had never previously offered lower rates and recommended Council opt for scenario one. He shared that, having lived in other cities, Heber City undercharged significantly for utilities.

Council Member Franco proposed the utility bill would need to itemize usage versus bonding cost. She inquired whether MS4 standards would be met. City Engineer Bart Mumford explained MS4 standards applied to storm water but that Heber City was not required to meet the requirements.

Council Member Stack expressed concern with balancing the need to move forward and the affect it would have on the community financially. He was in favor of a diversified funding strategy but proposed spreading the rate increases over ten years in order to lessen the impact to utility customers.

Council Member Hardman agreed with Council Members Johnston and Stack regarding scenario one and approved of spreading the rate increases over a ten year timeframe. Council Member Franco proposed a few money saving options for the City. Council Member Kahler expressed her support for scenario one as well.

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

1. Call to Order

Mayor Potter called the meeting to order at 6:00 p.m. and welcomed everyone joining the meeting virtually.

2. Pledge of Allegiance (Council Member Stack)

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

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

Council Member Franco shared a prayer.

III. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed.

IV. CONSENT AGENDA:

1. Approval of October 6, 2020 City Council Meeting Minutes and October 20, 2020 City Council Meeting Minutes (Cooke)

10.06.2020 DRAFT Minutes

10.20.2020 DRAFT Minutes

2. Approval of Animal Control Surplus Equipment (Booth)

2. Staff Report - Cremator

Motion: Council Member Stack moved to approve 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:

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

VI. ACTION ITEMS:

1. Update Regarding Heber City's Ongoing Response to COVID-19 and Discussion Regarding CARES Funding Strategy (Brower)

City Manager Matt Brower provided the update regarding the City's response to the ongoing COVID-19 pandemic. He explained that Utah Governor Gary Herbert had implemented a statewide mask mandate and shared the actions implemented by City staff to comply. He reviewed the economic development strategy and noted the Chamber of Commerce was overseeing the distribution of CARES (Coronavirus Aid, Relief and Economic Security) Act and funding to the local businesses.

Mr. Brower proposed a CARES Act budget strategy to move $650 thousand dollars from the General Fund to the COVID response fund with $300 thousand of the money to be a Council discretionary fund. The Council would get to decide how to allocate the money for community relief. Mayor Potter shared information from non-profit community assistance organizations in need of additional funds. Council expressed support for the proposed budget strategy.

2. Public Hearing to Consider Amending the Heber City Parks and Trails Impact Fee Facilities Plan (IFFP) and an Impact Fee Analysis (IFA) (Kohler) Public Hearing Only

2. PowerPoint

2. Staff Report Ord 2020-46 Impact Fee Public Hearing

City Planning Director Tony Kohler provided a summary of the purpose for the public hearing. He noted the Heber City Parks and Trails Master Plan was listed on the agenda as item eight but would not be adopted by Council that night. He explained the Impact Fee Facilities Plan (IFFP) and the Impact Fee Analysis (IFA) were directly associated to the Parks and Trails Master Plan and that if additional changes were made to the Master Plan, the Public Hearing might need to be repeated.

Fred Philpot, consultant with Lewis Young Robertson & Burningham, Inc., provided background for the impact fee process including public noticing, a public hearing, and adoption by ordinance by the legislative body. He shared the estimated impact fee costs per person and per household then provided the total impact fee summary. Refer to attached meeting materials for detailed information. Mr. Philpot noted the next steps following the public hearing were to adopt, modify or reject the proposed impact fees followed by a 90-day waiting period to impose an increase.

Mayor Potter opened the public hearing for comments at 6:48 p.m. No public comment was received and the hearing was closed at 6:48 p.m.

3. Public Hearing Regarding Ordinance 2020-45 to Vacate a Portion of a Private Street, Flat Top Mountain Drive and Attached Open Space (associated with proposed Red Ledges Phase 3J), Located in Phase 1 of Red Ledges (Baron) Refer to Agenda Item 6

3. Staff Report Red Ledges

City Planner Jamie Baron shared a map of the location. He explained the petitioner wished to change the original plan of building multiple cabin lots to instead divide the land into two estate lots.

Mayor Potter opened the public hearing for comments at 6:52 p.m. No public comment was received and the hearing was closed at 6:52 p.m.

4. Public Hearing Regarding Ordinance 2020-44 to Approve the Vacation of a Public Road Located at 1500 South Providence and Eastward (Baron) Refer to Agenda Item 8

4. Staff Report PH Road Vacation at 1500 South

Mr. Baron shared a location map and stated it was located at the Intermountain Healthcare hospital. He explained it was originally in line with the transportation master plan but the plan had changed and the hospital was dedicating an alternate road.

Mayor Potter opened the public hearing for comments at 6:54 p.m. No public comment was received and the hearing was closed at 6:54 p.m.

5. Public Hearing to Garner Input on the Second Amendment to the Fiscal Year 2020-21 Annual Budget (Bingham) Refer to Agenda Item 12

5. Staff Report FY 2020-2021 Budget Amendment

City Finance Manager Wesley Bingham explained the portions of the budget that would be affected by the amendment as follows:

- 10 – General Fund
  - Artwork and landscaping for the 300 south roundabout - $25,000
  - Heber Market on Main lost revenue - $1,729
  - COVID-19 - $650,000
    - PD $50,000 for COVID-19 expenditures
    - Not for profits $150,000
    - Wasatch Fire District $150,000
    - General Fund reserve $299,907 for future COVID-19 expenditures
- 22 – COVID-19 Fund
  - Third Tranche + $440,044
- Airport Capital Projects
  - Pavement preservation project extension - $8,334
- 44 - Industrial Park Fund
  - CRA Creation - $50,00 with a grant from the Chamber of Commerce + $45,000
- 66 – Waste Water Capital Fund
  - Sewer Camera Van - $122,091
  - Wastewater Jet Truck - $55,172

Mayor Potter opened the public hearing for comments at 7:00 p.m. No public comment was received and the hearing was closed at 7:00 p.m.

6. Consider the Adoption of Ordinance 2020-45 Vacating a Portion of a Private Street, Flat Top Mountain Drive and Attached Open Space (associated with proposed Red Ledges Phase 3J), Located in Phase 1 of Red Ledges (Baron)

6. Staff Report Red Ledges

Motion: Council Member Johnston moved to approve Ordinance 2020-45 with the findings and conditions as presented in the staff report. Council Member Kahler made the second. Rollcall vote: **Voting Aye:** Council Members Johnston, Kahler, Franco, Stack, and Hardman. The motion passed unanimously.

7. Consider Approval of Subdivision Final for Red Ledges Phase 3J, located at 205 Red Ledges Blvd (Vlasic)

7. Staff Report Red Ledges 3J - CC Subdivision Final Plat and Associated cul-de-sac Roadway vacation

PP RL phs 3J

Mr. Baron explained this request was not from Red Ledges but rather a private property owner in Red Ledges. Council Member Kahler expressed support for the proposed subdivision changes.

Motion: Council Member Kahler moved to approve Red Ledges lot 3J subdivision final plat and vacation of the platted cul-de-sac road with the recommendations provided by the Planning Commission and the findings and conditions in the conclusion of the Staff Report. Council Member Franco made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion passed unanimously.

8. Consider the Adoption of Ordinance 2020-44 to Approve the Vacation of a Public Road Located at 1500 South Providence and Eastward (Baron)

8. Staff Report PH Road Vacation at 1500 South

Item 8 PP

Council Member Johnston inquired what the intended use was of the vacated land. Mr. Baron answered it would be returned to property owner IHC (Intermountain HealthCare).

Si Hutt, IHC representative, explained the land had been used as additional parking but would potentially be developed in the hospital's master plan. Council Member Kahler felt it would be a great addition to the campus. Council Member Franco thanked IHC for Medical Way road they had installed.

Motion: Council Member Hardman moved to adopt Ordinance 2020-44 and the amended IHC plat, as presented, with the findings and conditions as presented in the conclusion of the staff report. Council Member Stack made the second. Rollcall vote: **Voting Aye:** Council Members Hardman, Kahler, Stack, Johnston, and Franco. The motion passed unanimously.

9. Consideration to Adopt Ordinance 2020-41 Heber City Parks and Trails Master Plan as an Addendum to the Heber City General Plan (Brower)

9. PowerPoint

9. Staff Report Ord 2020-41 parks plan

Discussion for agenda item nine was postponed. Council Member Kahler shared she had asked for the item to be returned to a work meeting in order to offer the Council time to review the plan and ensure Council's requested changes had been made. Council Member Johnston expressed his support.

10. Consideration of Modification to Stone Creek Phase 4 Final Plat to Adjust Sewer Easement and Property Lines of Adjacent Lots (Baron)

10. Staff Report - Stone Creek

Item 10 PP

Mr. Baron shared a location map and current plat map. He stated the applicant was proposing to move lot lines and relocate the sewer line and easement to straddle a lot line. He explained that historically, when a sewer line and easement straddled a lot line, it resulted in additional trouble for the City dealing with multiple property-owners. Mr. Baron shared Staff recommendation to allow the lot line adjustment but not allow the sewer line and easement to be moved. City Engineer Bart Mumford explained the lines were already installed and felt allowing the lines to be moved could potentially be burdensome for the City in the future. It presented the City with two property owners to work with if maintenance or line replacement was needed rather than one.

Bryon Prince, with Ivory Development, stated that, as they were, the lots would be extremely hard to build homes. Council Member Kahler proposed dedicating one of the lots for the easement and a trail to access the backside of the circle. Mr. Prince stated he could not negotiate as he was not yet the owner of the lot. Discussion continued.

Motion: Council Member Stack moved to approve Stone Creek phase four final plat modifications to move the lot-line only as presented and conclusion of the Staff Report. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion passed unanimously

11. Consider Approval of Resolution 2020-18 for the State Moderate Income Housing Report and Ordinance 2020-47 Updating the Moderate Income Housing Plan (Baron)

11. Staff Report MIHR Res 2020-18 MIHP Ord 2020-47

Item 11 MIH

City Planner Jamie Baron explained the 2020 Moderate Income Housing Report and amendment to the 2018 Moderate Income Housing Plan. The report and amendment was to be submitted to the State. The amendment would add tables as an exhibit to the existing plan that updated key statistics, as required by the State of Utah. Staff recommended the City Council adopt both Resolution 2020-18 and Ordinance 2020-47 to comply with the State Requirements pertaining to Moderate Income Housing Reporting and Plans.

Council Member Franco felt Council should consider a workforce housing requirement based on the findings in the report. Council Member Johnston clarified that workforce housing was provided by large-scale employers. Discussion followed.

Motion: Council Member Kahler moved to approve Resolution 2020-18 and Ordinance 2020-47 as outlined in the conclusion of the Staff Report. Council Member Franco made the second. Rollcall Vote: **Voting Aye:** Council Member Kahler, Hardman, Johnston, Stack and Franco. The motion passed unanimously.

12. Consideration to Approve Resolution 2020-15 for the Second Amendment to the Fiscal Year 2020-2021 Annual Budget (Bingham)

12. Staff Report FY 2020-2021 Budget Amendment

Motion: Council Member Kahler made the motion to approve resolution 2020-15 as presented, with the findings and conditions as presented in the conclusion of the staff report. Rollcall Vote: **Voting Aye:** Council Members Hardman, Johnston, Stack, Kahler and Franco. The motion passed unanimously.

13. Consider Approval of Ordinance 2020-40 to Amend the Consolidated Fee Schedule (Bingham)

13. Staff Report Ord 2020-40 Consolidated Fee Schedule

Wes Bingham, Heber City Finance Manager, presented the changes in the Consolidated Fee Schedule. He explained the need for the modifications and which departments required changes. He presented alterations for the following:

- Cemetery Master Plan Fees
- Airport Fees
    - Inflationary Index Change
    - Aviation Trailers
    - Airport Access Fee
    - Special Service Operator
- Credit Card Fees
- Service Fees
- Nightly Rentals
- Public Works Fees
    - Theft of Services/Accessing Meter Vault Fine and Meter Tampering Cost Recovery
    - Main Street Banners
    - Specialty Signage Fee
    - Water Sample Fee
    - Snow Bird Policy

Council Member Johnston questioned if the $50.00 was per streetlight banner. Mr. Bingham stated it was per week for all banners displayed. City Manager Brower clarified that the Ordinance would codify the fee charged for Public Works to hang and remove the banners. He also explained that Heber City could elect to sponsor banners and waive fees. Council Member Stack asked whether only the County, Chamber, and City could propose banners to hang and whether each of those entities would be charged $50.00 per week. Mr. Brower clarified that private entities could approach the County, Chamber, or City in order to propose banners to hang but would be required to pay the weekly charge unless waived.

Council Member Franco inquired whether the cost of specialty street signs was recouping the actual expense for the sign and the installation thereof. Mr. Brower advised that it was the actual cost. Mr. Bingham recommended the Consolidated Fee Schedule be approved as written.

Motion: Council Member Franco made the motion to approve Ordinance 2020-40 to amend the Consolidated Fee Schedule as presented in the agenda materials. Council Member Hardman seconded the motion. Rollcall Vote: **Voting Aye:** Council Members Franco, Stack, Kahler, and Hardman. Council member Johnston was absent during the vote. Motion passed 4 to 1.

14. Consider Adoption of Ordinance 2020-48 to Amend Heber City Code Chapter 18.103; Sign Ordinance (Baron)

14. Staff Report Ord 2020-48 Sign Illumination

PP Sign Ord

City Planner Jamie Baron asked Council to consider whether the City should continue to permit digital signs and whether the City should adopt a sign lighting standard to ensure all future signs would be dark sky compliant. Mr. Baron stated that the City's current moratorium on signs expired on November 29, 2020. The Planning Commission recommended to keep digital signs with 20 nits (A unit of measurement of luminance). Staff had visited Springdale, Moab, and Park City and analyzed signage. Signage code was studied in Sedona, Arizona and Tuscan, Arizona per recommendation of the International Sign Association. Staff discovered the following:

- Digital signs were prohibited in 4 out of 5 cities.
- Most signs were externally down lit.
- Curfews are not widely used.
- Amortization was not typical.
- Sign lighting output was limited by color temperature of light or lumens to be included with sight lighting.

Staff recommended to not permit digital signs or, if permitted, limit the signs to 200 nits. Staff recommended was to adopt Ordinance 2020-48 as written. Mr. Baron presented a letter from Mr. James Carpentier, AICP (American Institute of Certified Planners) Director of State and Local Government Affairs with the International Sign Association, and read the recommendations. [attached]

Council Member Rachel Kahler asked whether local business owners and the Chamber of Commerce were consulted in the process. She invited Dallin Koecher, Executive Director of Heber Valley Chamber of Commerce, to speak. Mr. Koecher expressed that the Chamber of Commerce could create a poll for the community regarding the sign ordinance, but only a small number of businesses responded to surveys. Mr. Brower confirmed that public response had been minimal to previous City outreach campaigns. He cited the FOG Ordinance as an example.

Council Member Stack felt the issue was timely and noted it had been discussed at three separate City Council Meetings. He felt the public had been provided ample opportunity to comment. He encouraged fellow Council Members to vote that night. Council Member Johnston concurred with Council Member Stack.

Council Member Kahler asked Spencer Coleman, owner of the local sign fabrication business Signarama, to speak. Mr. Coleman commented that business owners wanted proper lighting for their signs. He offered that sign lighting affected the ability of customers to find a business.

Mr. Coleman proposed talking to more business owners. Council Member Stack encouraged the Council to adopt the Ordinance tonight, and amend the Ordinance later if necessary.

Motion: Council Member Stack made the motion to approve Ordinance 2020-48 as outlined and presented in the staff reports. Council Member Hardman seconded the motion. Rollcall Vote: **Voting Aye:** Council Member Franco, Stack, Johnston and Hardman**. Voting Nay:** Council Member Kahler**.** Motion carried 4 to 1.

15. Discussion and Consider Adoption of Ordinance 2020-42 to Revise the North Village Overlay Zone (Kohler)

15. NVOZ PowerPoint

15. NVOZ Staff Report

15. Updated NVOZ

The North Village Overlay Zone (NVOZ) PowerPoint was presented by Tony Kohler, Heber City Planning Director. He recommended the following changes:

- Add Student Housing
- Delete Purple Robe Locust as a recommended tree option
- Mapping changes:
  - Modified Highlands Development Land Uses
  - New Minor Collector
  - Resort Highway 40 Land Use
  - Resort West Area Land Use
  - North Village Land Use
  - Heiner Property Land Use

Mr. Kohler summarized additional changes requested by Council that had been made as shown in the attached PowerPoint. He further shared recommendations of Staff. Mr. Kohler stated the policy questions were (a.) what additional changes did Council wish to see in the NVOZ and (b.) should the City move forward and approve Ordinance 2020-42 to adopt the NVOZ.

Council Member Franco felt that, while she wished to move expeditiously, the information was a lot to take and wanted more time. She stated she was not ready to adopt the Ordinance. Council Member Stack wanted a more detailed map that included lots. He stated he would be against adding density on the Heiner property and preferred it be kept rural residential. Council Member Kahler was against changing the Heiner property zone and stated she still had a many questions. She expressed that she wished allow the public a longer period to offer feedback. Council Member Johnston expressed his support and stated he felt good about the NVOZ. He was ready to adopt the ordinance. He suggested the vote should take place in December and be done. Council Member Hardman said he mostly agreed with Council Member Johnston and felt Council had reviewed the NVOZ enough. He pointed out that adopting the NVOZ would not prevent Council from holding leverage when negotiating with developers in the future.

City Manager Matt Brower recommended Council meet with Staff individually and invited those in the online chat who wished to address concerns to do the same. He felt it was important for everyone to exercise due-diligence to get their questions answered.

Council Member Franco expressed concern with protecting the existing property-owners land values.

Mayor Potter read the online chat questions. Maxx Cohen, an online attendee, reminded the City Council that 30-foot buffer zones between existing homes and new developments already existed in the plan. He was concerned the large development proposed would decrease his property value and impair his scenic views. He suggested 50-foot buffers and berms between existing residential homes and new development. Council consensus was to keep the buffer at 30 feet and include intensely landscaped berms.

Resident Ileana Anderson expressed appreciation for developer Bruce Barrett's proposal including trees and protecting the view corridor. She was against fences due to animal migration interference. She would appreciate more of a buffer. She asked whether the 28' building height restriction applied to stacked flats as well. Consultant John Janson replied the restriction applied to any new building. Discussion regarding building heights followed.

Resident Katie Noble agreed with the buffer and proposed allowing bordering residents the opportunity to annex into the NVOZ.

Council Member Johnston wished to see all the properties in the North Village annexed into the City. He noted the Heiner and Bonn properties were the only ones not included in the current annexation proposals. He felt the two properties should be designated NOS (neighborhood open space).

Council Member Franco expressed concern with the City's liability for future storm-water emissions running into the Provo River or Rock Creek. She queried how the City could ensure the risk for litigation was on the developer rather than the City. Council Member Johnston stated the issue of storm-water runoff was handled by good engineering plans and best practices. Mr. Smedley commented there were statutory provisions and language used in development agreements to protect the City.

Council Member Franco was willing to include a cap for the electric car charging stations. Council Member Johnston felt installing too many charging stations at this time was unnecessary. He thought the market would drive the need. Mayor Potter suggested Council could do more homework to reach a decision.

Council Member Franco expressed concern with the low ERU's (Equivalent Residential Unit) count designated for student housing would turn into low-income housing. Mr. Kohler recommended Council include terms in the development agreements to prevent such a scenario. Council Member Franco requested the appendix in the NVOZ include the JSSD (Jordanelle Special Service District) ERU calculation. It was determined to include an asterisk following the City definition to indicate JSSD had a different ERU calculation than the City. Mr. Kohler further reviewed the proposed Highlands annexation.

Council Member Kahler questioned approval of annexations before the NVOZ was adopted. Mr. Brower clarified the annexation process was lengthy and certain steps were required as the process followed a timeline. No annexation would be finalized until after the NVOZ was in place and approved by Council's adoption of an Annexation Ordinance.

Mayor Potter stated the need to move on to the next agenda item.

16. Consider Approval of Public Safety Lease of Patrol and Undercover Vehicles (Booth)

16. Staff Report PS Vehicle Lease

Motion: Council Member Franco motioned to approve the lease of Patrol and undercover Vehicles as presented in the Staff Report. Council Member Hardman seconded the motion. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler and Stack. None opposed. **The motion passed unanimously**.

17. Discuss Long-Term Appointment of Council Member(s) to Inter-local Planning Committee (Potter)

Mayor Potter stated that the Inter-Local Planning Committee needed two Council Members to attend Quarterly meetings. Council Members Kahler and Johnston agreed to attend. Council Member Franco asked to rotate attendance with Council Member Johnston.

VII. COMMUNICATION ITEMS:

1. Staff Follow-Up Reports from City Council Requests

Mayor Potter asked if any of the Council Members was willing to do an interview with KPCW Radio the following morning. Council Member Kahler agreed to the interview.

Mayor Potter informed the Council that Heber Light and Power streetlight dividends between Heber, Midway, and Charleston were going to be reviewed. She noted UVU was considering donating land for use of a performing arts center. Mayor Potter also shared she had been appointed to serve on an Olympic committee.

Council Member Franco commented that the Open Lands board had discussed conservation fees and had expressed concern with the 25% density increase.

Mr. Brower shared the pandemic had significantly impacted the presence of City Staff and apologized if response times were slow. He noted his intent to reach out to the County and School District in order to follow up on the CRA proposal. Mr. Brower recommended looking closely at the Heber Light and Power dividend review in order to pursue the most beneficial option for the City.

Mr. Brower added that Kroger was attempting to finalize the alignment of the east and west bypass in order to begin development and possibly begin construction of section A of the bypass by 2021. Council Member Kahler asked to see the development plans for the area. Council member Johnston proposed Council consider a roundabout for the intersection.

VIII. ADJOURNMENT

Motion: Council Member Kahler motioned to adjourn. Council Member Stack seconded the motion. The meeting adjourned at 9:50 p.m.

HEBER CITY CORPORATE Seal WASATCH COUNTY, UTAH

Trina Cooke, City Recorder

- **The following is a public comment submitted by email for the November 17, 2020 City Council Meeting:**

-----Original Message-----
From: maxwell stirling
Sent: Tuesday, October 20, 2020 10:40 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) City park on Center Street

Dear Council Members,

I would like to propose that the land set aside for a community park on Center St adjacent to Red Ledges be considered as a bike park. Utilizing this area as a bike park would bring several benefits to the community. First and foremost it would actually be used by many of our youth who are active in the mountain bike community as is evidenced by our large mountain bike team at the junior high and high school level. It would also be great for getting younger children out of the house, off their screens, and participating in healthy activities. Bike parks by their nature encourage people to arrive without their cars which would help reduce traffic around the park which I believe is one of the concerns (or excuses depending on your point of view) that Red Ledges seems to have surrounding this project. It is not just kids that benefit however as bike parks are one of the few types of facilities that adults enjoy as well. The success of these projects in other communities like Moab, St George, Draper, and Park City is clear that they are what citizens want.

There is no expensive landscape to maintain, they are environmentally and water use friendly, and can be made to fit in well with the natural landscape.

Thank you for your consideration. I look forward to this project getting started so the community can benefit from a long ago agreed upon arrangement.

Max Stirling.

Have a great day

- **The following is a public comment submitted by email for the November 17, 2020 City Council Meeting agenda item 14:**

November 17, 2020 Sent via email November 17, 2020

To: Honorable Mayor Potter and the Heber City Councilmembers
From: James Carpentier AICP, Director State & Local Government Affairs
Re: Sign Illumination, Ord 2020-48

I am contacting you on behalf of the Utah Sign Association and the International Sign Association. Both associations work with jurisdictions to assist in the creation of beneficial and enforceable sign regulations.

We appreciated the opportunity to provide input into this process. The proposed illumination standards are an improvement over what was previously proposed, we have the following recommendations for your consideration.

Our recommendations are in **bold and underlined** and comments and recommendations are in ***bold italics***.

~~**Digital Signs are prohibited, nonconforming signs will be brought into conformance as currently outlined in the code.**~~

We recommend that the City allow Digital sign at 25 % of the allowable sign area. With the limitation of 200 nits or not to exceed .2 over ambient lighting. This is the same standard that is utilized in Pim County/Tucson Outdoor Lighting code. This sign type offers end users and the business community the needed flexibility in messaging during these challenging times. This level of illumination is about 1/3 less than what is recommended. Therefore this sign type with these illumination standards will not appear any brighter than a typical static sign.

18.103.160 Sign Illumination
F. External Illumination. The external illumination of signs shall utilize lighting fixtures that comply with the following:
1. Fixtures shall be full cutoff and fully shielded.
2. Fixtures shall not permit light above a 90 degree angle perpendicular to the ground.
3. Fixtures shall be ~~**3000 K**~~ ***4400 K***, or less in color.
4. ~~**Fixtures shall be counted toward the allowed lumens outlined in Section 18.78.040.**~~
G. Internal Illumination. The internal illumination of signs shall meet the following standards:
1. Internal illumination is only permitted for the following signs:
a. Channel letter and logo signs
b. Cutout signs
2. All lighting elements shall be ~~**3000 K**~~ ***4400 K*** in color.
3. The lighting element shall not be visible. Damaged signs exposing the lighting element shall be promptly repaired. The sign lighting shall be turned off until the sign can be repaired.
H. Backlit Illumination.
1. All lighting elements shall be ~~**3000 K**~~ ***4400 K*** in color.

The requirement of 3,000 K will render most signs in the city non-conforming, since most signs exceed 3,000K. This type of requirement is typical for an outdoor lighting code. Signs should not be treated or regulated in the same manner as outdoor lighting. The illumination of a sign is designed to illuminate the message not an area. The 4400 K represents a good comprise for the dark sky interests and is the same standard as in the Pima County/Tucson Outdoor Lighting Code. See the attached position statement pages 10 and 11.

2. The lighting element shall not be visible.
I. Curfew. All illuminated signs shall be turned off at 11 pm or 30 minutes after the close of business, whichever is later.

We appreciate your consideration of our recommendations. Do not hesitate to contact me with any questions [redacted].

Sincerely,
James Carpentier AICP
Director State & Local Government Affairs

- **Following is the chat log from the virtually held City Council Meeting:**

Heidi Franco (to Everyone): 3:58 PM: Hello everyone! Good to see you!
Rachel Kahler (to Everyone): 3:58 PM: I Don't hear anyone in chambers.
Heidi Franco (to Everyone): 4:00 PM: Thank you, Mark, Marianne, and Mr. Sweat for coming!
Ryan Stack (to Everyone): 4:00 PM: Hi all, having some troubles. I have to log out and log back in.
Ryan Stack (to Everyone): 4:02 PM: For unknown reasons my camera is not working. I will try to keep troubleshooting but don't know what's happening yet.
Heidi Franco (to Everyone): 4:03 PM: Ryan, (you've likely done this) but click on the setting wheel up by the chat icon. See if that helps?
Heidi Franco (to Everyone): 4:04 PM: Matt--can Trina double-check the room settings to enable cameras? Or can Anthon check that?
Matt Brower (to Everyone): 4:05 PM: Room camera is up and running
Heidi Franco (to Everyone): 4:07 PM: Thanks for checking.
Ryan Stack (to Everyone): 4:27 PM: Hi all, I'm going to try rebooting my computer to see if it will get my webcame to work. My apologies.
Bruce Barrett (to Everyone): 4:52 PM: The tax increment for North Village Resort would be only a portion of the tax and would be used for the Lake to Lake Trail and for North Fields Open Space.
Heidi Franco (to Everyone): 4:59 PM: Thank you for the information, Mr. Barrett.
Marianne B Allen (to Everyone): 4:59 PM: Thanks Heidi, glad to be here!
Heidi Franco (to Everyone): 6:05 PM: Matt and Wes, is it possible to find out what comparable cities have done with this much infrastructure replacement? Thanks!
Heidi Franco (to Everyone): 6:07 PM: Can't hear any audio.
Matt Brower (to Everyone): 6:07 PM: Price UT had a similar project. WIll research others.
Heidi Franco (to Everyone): 6:07 PM: it's ok now
Heidi Franco (to Everyone): 6:08 PM: great
Ryan Stack (to Everyone): 6:21 PM: Lost Matt's audio
Heidi Franco (to Everyone): 6:31 PM: The Parks Master Plan is off the agenda?
Heidi Franco (to Everyone): 6:31 PM: ok
Heidi Franco (to Everyone): 6:53 PM: Question: For the record how much open space is being vacated?
Rachel Kahler (to Everyone): 6:55 PM: For Red Ledges, there will actually be more open space. 2 homes instead of 8 cottages homes.
Ryan Stack (to Everyone): 6:56 PM: Lost Wes's audio
Rachel Kahler (to Everyone): 6:57 PM: I can hear him.
Heidi Franco (to Everyone): 7:01 PM: Question: Is the 'surplus' being used in Fund 41 (Airport) and Fund 66 (Wastewater) coming from the General Fund surplus? Or not?
Matt Brower (to Everyone): 7:02 PM: No, coming from reserves of respective funds.
Heidi Franco (to Everyone): 7:02 PM: Thanks!!
Heidi Franco (to Everyone): 7:30 PM: We are getting complaints that the public audio connection is out. Can we check that?
Si Hutt (to Everyone): 7:33 PM: I am dropping off now, but I still have audio. Thank you! Si
Heidi Franco (to Everyone): 7:34 PM: Now I'm getting feedback that public audio is working. Anyone can log off and log back in.
Kelleen Potter (to Everyone): 7:34 PM: THanks for coming Si!
Matt Brower (to Everyone): 7:36 PM: Granicus is not working. Working to resolve.
Heidi Franco (to Everyone): 7:37 PM: Thanks
Matt Brower (to Everyone): 7:42 PM: Granicus back on line.
Rachel Kahler (to Everyone): 7:49 PM: So is the airport fee like an annual pass for amatuer aviators?
Matt Brower (to Everyone): 7:51 PM: Yes, but associated with this fee is a new access system that will help us monitor and control who is accessing the airport property.

Heidi Franco (to Everyone): 7:52 PM: Does the $20 temporary access fee to airport include taxi or limo service?
Matt Brower (to Everyone): 7:53 PM: Anyone who needed access would have to pay the fee. Special events excluded.
Matt Brower (to Everyone): 7:54 PM: Currently we have no abilty to monitor and control airport access. New system will help us enforce airport safety measures.
Mark Smedley (to Everyone): 8:02 PM: I've lost audio.
Heidi Franco (to Everyone): 8:05 PM: Mark - log out and log back in.
Ryan Stack (to Everyone): 8:08 PM: I approve of this graphic
Heidi Franco (to Everyone): 8:08 PM: I second
Mark Smedley (to Everyone): 8:09 PM: thank you Heidi. I'm back.
Heidi Franco (to Everyone): 8:16 PM: Can everyone mute if you are not speaking? We are getting background noise, please.
Heidi Franco (to Everyone): 8:20 PM: Jamie: Does the proposed 18.103.160 (D) mean that existing digital signs have the 11 pm curfew?
Ryan Stack (to Everyone): 8:21 PM: I am prepared to make a motion
Mark Smedley (to Everyone): 8:23 PM: Heidi, I think the curfew would apply to the existing digital signs, notwithstanding their grandfathered status; 11 or 30 minutes after closing.
Heidi Franco (to Everyone): 8:23 PM: Thanks, Mark!
Mark Smedley (to Everyone): 8:24 PM: Very welcome.
James Carpentier (to Everyone): 8:26 PM: I am more than happy to assist the city with design standards that encourage and allow for creative signs.
maxx cohen (to Everyone): 8:34 PM: It appears page 11 also has some proposed changes
maxx cohen (to Everyone): 8:34 PM: (9)Required transitions and buffering for existing residential development, A 30' landscaped buffer is required between existing residential use and the nearest new building, measured from the property line. In addition, no new building may exceed 2 stories (28') at that setback, but may increase in height by one foot with a corresponding one foot increase in setback, until the buildng type maximums are met.
Heidi Franco (to Everyone): 8:35 PM: I was willing to cap total charging stations, as previously discussed. Yet, developers can charge to pay for EV chargers and make a profit on them also.
maxx cohen (to Everyone): 8:35 PM: Another proposed change I notice from page 11: To enhance skyline appearance, mixed usebuilding heights in the NV and UV sub-districts may increase to five stories within an 800' radius of UVU campus, as long as an average of four stories is achieved through lowered building heights, see D below. A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story
Heidi Franco (to Everyone): 8:36 PM: Maxx, do you want to propose a change?
maxx cohen (to Everyone): 8:38 PM: Thanks Heidi. Yes I'd like to propose a 50' gree space buffer between existing residential and the nvoz instead of 30'.
Heidi Franco (to Everyone): 8:39 PM: Maxx - what about a berm with landscaping in the 30' proposed buffer?
maxx cohen (to Everyone): 8:41 PM: Heidi, Landscaping and a berm could help but a little more space would be even better. I'd also like to propose that neighboring buildings back sides abbutting existing residential property should be finished and landscaped in their back yards.
Heidi Franco (to Everyone): 8:41 PM: What the County approved that expired?
Katie Noble (to Everyone): 8:42 PM: I agree with the 50' buffer and I would like to propose that existing residences abutting the NV Zone have the ability to annex into the NV zone. This done zone impacts residence values and they can't make up for that unless they can annex into the denser zone.
Katie Noble (to Everyone): 8:43 PM: Residences were supposed to be protected by the 3 ERU single family TR-3 Zone so asking for a 50' buffer in exchange for the highly dense NV Zone seems fair.
Heidi Franco (to Everyone): 8:43 PM: Katie--was that a requirement from the County?
Ileana Anderson (to Everyone): 8:43 PM: Do stacked flats need to be 28ft too? "A 30' landscaped

buffer is required between existing residential use and the nearest new building, measured from the property line. In addition, no new building may exceed 2 stories (28') at that setback, but may increase in height by one foot with a corresponding one foot increase in setback, until the buildng type maximums are met.
Katie Noble (to Everyone): 8:45 PM: I believe adopting this dramatic zone change is premature. It's hard to understand the map and how each lot fits into it.
Heidi Franco (to Everyone): 8:45 PM: Agree
maxx cohen (to Everyone): 8:46 PM: The last meeting Matt said he would present a more accurate map that showed Lots more clearly within the zoning. Is that available to share with the pulblic at this time?
Ileana Anderson (to Everyone): 8:46 PM: I agree, it would be helpful to see a map that was more clear.
Heidi Franco (to Everyone): 8:47 PM: Maxx--it's only shown on the slide that Tony just showed. That's the first agenda posting of the ppt.
Heidi Franco (to Everyone): 8:48 PM: I know we have 'NVOZ fatigue' (just like COVID fatigue) but let's get these last details right. We are close and it can be finalized for discussion in December.
Marianne B Allen (to Everyone): 8:50 PM: I think it would help myself and the public to see more time on it as well. Thank you for all your hard work.
Bruce Barrett (to Everyone): 8:50 PM: Heiner property is town center with the county and he has paid for water and sewer for 15 years on the property.
Rachel Kahler (to Everyone): 8:51 PM: What is this map we are seeing?
maxx cohen (to Everyone): 8:51 PM: I agree with Rachel and Marianne. How can we move forward if there isn't a map to present to the public yet?
Marianne B Allen (to Everyone): 8:52 PM: I would love to see more of what Tony has provided available to the public as well. That obviosuly was a lot of work, and it's appreciated, but I would love to see the info.
Ileana Anderson (to Everyone): 8:52 PM: i would also like to see it
Heidi Franco (to Everyone): 8:53 PM: I hope that all of the questions/concerns listed here in the chat be listed on the public website and answered publicly, please.
maxx cohen (to Everyone): 8:55 PM: Thats refering to an proposal on page 11
Bruce Barrett (to Everyone): 8:58 PM: I notified the Realtor.
Bruce Barrett (to Everyone): 8:59 PM: The last plan with the county had offices next to Max's house.
Bruce Barrett (to Everyone): 8:59 PM: I am fine working to preserve Max's view corridor.
maxx cohen (to Everyone): 9:00 PM: I appreciate that Bruce.
Bruce Barrett (to Everyone): 9:01 PM: It is also over 100 feet from Max's house to the closest building.
maxx cohen (to Everyone): 9:01 PM: Trees would be a great buffer
Paul Linford (to Everyone): 9:02 PM: It's really hard for developers to be able to come up with maps and plats when we don't even know what's going to get approved by c
Paul Linford (to Everyone): 9:03 PM: Council
Bruce Barrett (to Everyone): 9:04 PM: Max's deck is about 60 feet higher in elevation than the ground at the southeast corner of the Crossing.
maxx cohen (to Everyone): 9:05 PM: Can we see a better map showing the most current zoning proposals and lot lines? This map on the screen shows a green line going through my lot.
Bruce Barrett (to Everyone): 9:05 PM: Maxx,
Bruce Barrett (to Everyone): 9:05 PM: send me your email and I can send you some maps.
Bruce Barrett (to Everyone): 9:06 PM: Thanks Maxx.
Marianne B Allen (to Everyone): 9:08 PM: Bruce, any way they can be shared on the city website?
Bruce Barrett (to Everyone): 9:09 PM: I have maps if staff wants to post them.
Bruce Barrett (to Everyone): 9:09 PM: From current grade.
Bruce Barrett (to Everyone): 9:10 PM: It won't work on Crossing
Matt Brower (to Everyone): 9:10 PM: City has detailed maps. Detail likely lost when maps shrunk to go on web page. We would be happy to make available large maps at City hall for your review at your convenience.

Bruce Barrett (to Everyone): 9:11 PM: Heiner has paid several hundred thousand dollars in water and sewer fees for the past 15 years.
Bruce Barrett (to Everyone): 9:13 PM: Heiner is willing to delay development on his property.
Bruce Barrett (to Everyone): 9:15 PM: We are willing to indemnify the city on the stormwater system.
Ileana Anderson (to Everyone): 9:19 PM: I would like to see more charging stations. More people will be driving electric cars in the coming years
maxx cohen (to Everyone): 9:20 PM: We should be prepairing for the mass influx of EV's that are hitting the market. More chargers are a great idea.
Bruce Barrett (to Everyone): 9:24 PM: JSSD has their own ERU definition that all of the developers have worked with.
Barbara Boss (to Everyone): 9:24 PM: Hotels and motels will be calculated with the SSDs commercial standards not ERUs
Bruce Barrett (to Everyone): 9:26 PM: JSSD has a system review that you have to pass in order to get approved.
Bruce Barrett (to Everyone): 9:28 PM: They do a complete water and sewer review to determine actual water and sewer used.
Rachel Kahler (to Everyone): 9:34 PM: So we are entertaining annexation requests before the code is approved?
Council Chambers (to Everyone): 9:34 PM: The city has 4 pending annexations in the north village area
Heidi Franco (to Everyone): 9:39 PM: Can we rotate attendance to the planning meeting?
maxx cohen (to Everyone): 9:41 PM: Sure that sounds good. When would you like to do that?
Matt Brower (to Everyone): 9:42 PM: I'm sorry, when would you like to do that?
Marianne B Allen (to Everyone): 9:50 PM: Thanks Rachel!!
Ryan Stack (to Everyone): 9:56 PM: Good idea Mike!