Heber City Corporation
City Council Meeting Minutes
December 15, 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 December 15, 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
	IT Specialist Anthon Beales
	Police Chief Dave Booth
	City Recorder Trina Cooke
Staff Participating Remotely:	City Attorney Mark Smedley
	City Planning Director Tony Kohler
	City Engineer Bart Mumford
	City Planner Jamie Baron
	Finance Manager Wesley Bingham
	Public Works Director Matthew Kennard
	City Engineer Russ Funk

Also Joining Remotely: Don Taylor, Harold Wilson, Marianne B Allen, Tracy Taylor, James Doolin, Terry Diehl, PJ Abraham, Johannes Kollman, Gary Wohlfarth, Steven Rowley, PJ Kellogg, Chuck Z, Ken Puncerelli, John Hanson, Barbara Boss, Kent Buie, Clint Tolman, Justin Crail, R Poulsen, Corey Middleton, Glen Lent, Bruce Barrett, Maxx Cohen, Marian Crosby, Kate Sattelmeier, Steve Broadbent, Larry Fagot, Philip Jordan, Robert Wilson, Sid Ostergaard, Sam Taylor, Mark Vlasic, Joshua Knight, Ann Zimmerman, Sandi Brower, Dan and Trudy Simmons, and others whose names were not identified through the virtual meeting platform.

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

1. Third Discussion Regarding the Strategy for Replacement of Historic Downtown Water and Sewer Lines and Potential Impact on Utility Rates (Brower) – 45min

City Manager Matt Brower shared a map identifying the old town area in need of water and sewer line replacement.

Mr. Brower provided a breakdown of the estimated cost for the project and price comparison if done over 20 years versus 30 years. He noted 90% of water line failure occurred in old-town.

Public Works Director Matthew Kennard explained there were very few shut-off valves in the area which resulted in the loss of water to a larger number of customers causing customers much frustration. Mr. Brower and Mr. Kennard continued to provide details of the project.

Mr. Brower described the proposed utility rate increases to cover the cost of the project. He explained the need for the City to level capital expenditures through utility rate increases and the steps taken by Staff in order to minimize the impact of rate increases on the customers. Mr. Brower then provided a funding strategy and timeline. Discussion regarding the length of the bond, terms, and interest rates followed.

Council Member Johnston expressed the need to move forward with the project. He felt the City needed to save money for additional aging areas in town that would need to be addressed in the future. He explained how the situation showed the unsustainability of low-density housing. He added that bonding now, with the low interest rates available, was wise.

Council Member Franco asked whether the current ditches would meet the MS4 standard. City Engineer Bart Mumford felt the ditches were compatible but might need slight modifications.

Mr. Brower advised Council that this discussion would return during the Council Retreat scheduled for the beginning of January 2021 to be finalized.

Council Member Stack felt the project could not wait and agreed with taking advantage of the low interest rates to bond for the project. He thanked Staff for their efforts.

Council Member Kahler inquired whether the City could use money from the General Fund in order to alleviate the financial burden placed entirely on the utility customers. Mr. Brower responded that while it was possible, it was not standard practice as utilities were set up as a fee for service.

2. Discussion to Finalize Heber City Parks and Trails Master Plan as an Addendum to the Heber City General Plan (Brower, Vlasic) – 45 min

WM Item 2 Heber Parks MP Updated DRAFT

WM Item 2 Letter from the Open Space and Trails Committee

City Planning Director Tony Kohler provided an overview of the Parks, Trails, and Open Space Master Plan. He reviewed the fiscal impact and explained impact fees could not be used for existing parks. He provided a list of possible ways for the City to decrease long-term parks costs and provided several park concept options.

Mr. Kohler explained that adopting the Parks and Trails Master Plan did not obligate the City to use any of the concept plans, the plans were intended as examples of possibilities. Consultant for the Parks, Trails, and Open Space Master Plan, Mark Vlasic, noted the importance of having upgraded designs for the existing parks in order to establish budgets.

Council Member Stack asked to have the plan reflect the name change of one of the City parks from Wheeler Park to Private Kay Pete Murdock Jones United States Marine Corp Memorial Park.

Council Member Kahler felt the City should not create parks for sports programming and leave programming to Wasatch County Parks and Rec. She proposed City Parks remain more natural and include playgrounds. She said, in the public meeting for the Parks Master Plan, there had been much discussion regarding parks for dogs versus people parks and felt council should be mindful as the city lost more open space, the City needed to provide more canine friendly parks.

Council Member Johnston expressed his support of the Parks, Trails, and Open space Master Plan and acknowledged it was a guide for the possibilities in the future.

Council Member Hardman expressed support for the Plan. He agreed with Council Member Kahler about natural parks and felt they were good for families.

Ann Zimmerman, Chair of the Open Space and Trails Committee, thanked the Parks Committee for their help guiding the Master Plan. She stated the OSTC recommended the Plan include a list of minimum amenity requirements to be met by developers and address the deficits of amenities in Parks. The OSTC also recommended the section for ADA (Americans with Disabilities Act) trails be amended to comply with the County Code.

Consultant for the Parks, Trails, and Open Space Master Plan, Sam Taylor, advised there was a list of park Standards included in the Plan but the specific numbers of amenities was not recommended to be included in such a high level plan. Mark Vlasic further explained reasons to not include such specifics in a General Plan. Council Member Franco clarified the intent for the amenities process was to address existing or possible deficits. Mr. Vlasic agreed to include language to address the amenities concern.

Council Member Kahler clarified the Plan was meant as a vision plan. Mr. Vlasic explained the Parks and Trails Master Plan was a policy plan intended as a chapter of the City's General Plan.

Council Member Franco asked the Council to refer to the language included in the letter submitted by the OSTC. She recommended the ADA compliance match the County requirements and be added to the appendix of the Master Plan. Wasatch County Trails Coordinator, Don Taylor, recommended to not lock into the 8% grade. Council Member Franco asked to include sensitive lands and specify not to destroy wetlands. Council Member Johnston felt not all trails would be ADA accessible trails noted some, such as mountain-bike trails and areas with steep terrain, were non-accessible. Council Member Franco requested the same terminology be used for all documents to avoid misunderstanding. Mr. Vlasic thanked the Council for their recommendations and agreed to make suggested changes. Council Member Franco proposed adding two additional urban gathering places.

Mayor Potter indicated the Parks, Trails, and Open Space Master Plan would be returned as a work meeting agenda item in order to further refine the details.

3. Discuss Proposed Amendment to Title 17 Regarding Development Approval Processes (Baron) – 30 min

WM Item 3 Staff Report Land Use Authority

WM Item 3 PP Land Use Authority

WM Item 3 8.20.19 Staff Report - Ord. 2019-07 Development Approval Process

City Planner Jamie Baron provided examples of legislative versus administrative decisions. He reviewed current decision-making processes and proposed changes. Council Member Franco expressed concern with the proposed changes until the City had adopted better design standards within the Code. Mr. Baron agreed with Council Member Franco and further explained the intent of the proposal was to maximize the use of time for processes with Staff, Council, and the Planning Commission. Mr. Brower noted there was potential for trouble for the City when Council applied legislative discretion to administrative decisions. Discussion continued.

Council Member Stack expressed his support for the proposed changes as long as, one; the Code was tight, two; amendments made to MDAs (master development agreements) were returned to Council for approval rather than the original approving body, and three; certain types of subdivision approvals were brought to Council in order to allow for public input and transparency. Council Members Kahler and Franco expressed agreement.

Mayor Potter stated the issue was a policy decision and return to Council for further discussion and a decision.

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.

2. Pledge of Allegiance (Council Member Franco)

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

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

Council Member Johnston shared a quote from Mahatma Gandhi, "The true measure of any society can be found in how it treats its most vulnerable members". He listed Heber City's vulnerable as the elderly, people living alone, people without adequate housing or were unable to afford housing, minorities, and LGBTQ (Lesbian, Gay, Bi, Trans, Queer) youth. He expressed his hope that the Council would be mindful of all the citizens in the community.

Mayor Potter read the rules of procedure for the meeting.

III. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed.

IV. CONSENT AGENDA:

1. Approval of November 17, 2020 City Council Meeting Minutes (Cooke)

CA Item 1 - 11.17.2020 DRAFT Minutes

2. Acceptance of Mayor's Recommendation for Planning Commission Appointments (Mayor Potter)

CA Item 2 Joshua Knight

CA Item 2 Phil Jordan

CA Item 2 Patrick J. Kellogg

CA Item 2 Robert M. Wilson

Mayor Potter noted there were recommended Planning Commissioner appointments included in the Consent Agenda and asked Council if they had any questions for the new appointees. She stated Joshua Knight and Phil Jordan were to be the appointed commissioners and Patrick Kellogg and Robert Wilson would be alternate commissioners.

3. Consider Adoption of the 2021-2022 Fiscal Year Budget Schedule (Bingham)

CA Item 3 Staff Report FY 2020-2021 Budget Calendar

Motion: Council Member Franco made the motion to approve the Consent Agenda as proposed in the meeting materials. Council Member Kahler seconded the motion. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler and Stack. **Motion Passed 5-0**.

V. PUBLIC COMMENTS:

Mayor Potter read the public comments submitted by email. [Attached]

VI. ACTION ITEMS:

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

City Manager, Matt Brower stated Wasatch County was still in the high-transmission index category and reviewed the Governor's ongoing state of emergency guidelines.

2. Public Hearing to Consider Potential Projects for the Community Development Block Grant (CDBG) (Baron) - refer to agenda item 12 for action

Item 2 and 12 Staff Report 1st CDBG Hearing

City Planner Jamie Baron stated the purpose of the public hearing was to provide citizens with pertinent information about the Community Development Block Grant (CDBG) program and to allow for discussion of possible applications for the 2021 funding cycle. He explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The Summit and Wasatch County region, in which Heber City was a member, was expected to receive approximately $600,000 in the new program year. All eligible activities that could be accomplished under the program were identified in the CDBG Application Policies and Procedures Manual available for interested persons to review at any time. Mr. Baron provided a list of eligible projects including the Eastern Bypass Road, Main Street Park amenities, and the 300 West sewer line project. The list showed which projects the City had identified as needed in the community.

Mayor Potter asked that any person who wished to comment, turn on the camera of their digital device and wave in order to be recognized.

Mayor Potter opened the Hearing to the public at 6:22 p.m.

No one from the public indicated a wish to comment.

Mayor Potter closed the Public Hearing at 6:23 p.m.

3. Mayor's Proclamation to Designate the First Friday in May for Heber City's Observance of Arbor Day (Mayor Potter)

Item 3 Arbor Day Proclamation

Mayor Potter read the proclamation as attached, designating the first Friday in May as Arbor Day in Heber City.

Motion: Council Member Stack moved to accept the proclamation. Council Member Franco Seconded the motion. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler and Stack. **Motion passed 5-0.**

4. Presentation of Heber City's 2020 Annual Audit (Bingham)

Item 4 PowerPoint

Item 4 Letter to Governance

Item 4 Audit Report

Wes Bingham, Heber City Finance Manager, invited Mr. Steven Rowley with Keddington and Christenson, CPA's, to present the Audit Report. Mr. Rowley explained the responsibilities of each body and provided the findings of the audit as attached. He noted, in the opinion of the auditors, Heber City complied with the State compliance requirements.

5. Discussion Regarding ERU Designation for the North Village Overlay Zone (NVOZ) (Kohler)

Item 5 Staff Report NVOZ Ord 2020-42

Mayor Potter explained the Council had determined to hold another NVOZ Public Hearing on January 5, 2021.

City Planning Director Tony Kohler presented ERU (Equivalent Residential Unit) designations for each area as shown in the meeting's recording PowerPoint presentation and explained the reasoning behind the current plan. Mr. Kohler added that the Highlands development had approached the City for annexation when the County had required a development agreement at the preliminary approval stage of the development process. He explained the City's process required an MDA during final approval, as this was determined as a more appropriate time. Discussion followed regarding the ERU comparison analysis and Highlands concept plans.

Mr. Kohler provide information regarding the walkable neighborhood the Highlands development was trying to create versus urban sprawl. He explained the importance of housing diversity and reviewed the State requirement to provide moderate-income and affordable housing. He reiterated that focused density was needed in order to implement the Envision Heber 2050 General Plan and create a walkable, vibrant town center. He shared that the City's planned density versus the County planned density was a difference of only 36 units.

Council Member Johnston applauded the work of Staff and the consultants. He explained development would take place with or without annexation into the City. He described the benefits to the City of annexing the area.

Council Member Kahler reminded Council that not one of the residents in attendance at the previous meeting had supported the proposed Highlands annexation. She wanted to honor the wishes of the residents as expressed at the last Council meeting. She asked Council to consider the density and why the City needed to allow so many units in such a small area.

Mr. Kohler reminded Council that the Envision Heber 2050 Master Plan had been developed with the help of hundreds of residents.

Council Member Stack expressed concern with the difference of ERU definitions between the City and County. He reminded Council that the NVOZ and the Highlands annexation were two separate issues and felt they should be discussed separately.

Ken Puncerelli, concept plan designer for the Highlands developer, pointed out the updated town center design allowed for three to four times the open space, increasing quality of life, providing diverse and affordable housing, meanwhile decreasing urban sprawl and traffic trips per day. He provided additional benefits to Heber City and details to be considered.

Council Member Franco suggested Council stick to the general plan and include high density in the UVU area only and remove the high density from the River Road intersection. She was concerned if the City did not count commercial density, the City would potentially be permitting double the density. She was concerned that the County Water Board would be using the County definition of ERU's and potential confusion if the City used a different calculation for ERU's. Council Member Johnston explained ERU's should be calculated for residential units only and felt it was inappropriate to count ERU's in commercial areas.

Council Members Stack and Member Kahler wanted the City to follow the County's definition of an ERU. Council Member Hardman wanted to follow the County ERU's, but only for residential units.

Council Member Franco shared language previously recommended by the Open Space and Trails Committee (OSTC), which had not been included in the most recent draft of the NVOZ (North Village Overlay Zone). "The trails should be internally as well as externally connected, dead end trails only allowed through negotiation with City Council, and require temporary or permanent loops or require a fee in lieu." She expressed the committees desire to include additional buffer space at water sources. OSTC chair, Ann Zimmerman, clarified the buffer distance requests. Mayor Potter invited the recommendations to be submitted in writing. Council Member Johnston explained streams and gullies were not considered protected culinary water sources. Council Member Franco indicated that cities had the ability to implement more strict requirements.

6. Consider Approval of Ordinance 2020-52 to Amend Heber City Code 2.47 Open Space and Trails Advisory Committee to Include Trees and Acceptance of Mayor's Recommendation to Appoint Former Parks and Trails Committee Members to the Open Space, Trails, and Trees Committee (Mayor Potter)

Item 6 Staff Report

Item 6 Proposed Ordinance Revisions

Mayor Potter explained there had been a request to add parks and trees to the Open Space and Trails Advisory Committee and there were former Parks Committee members who wished to be appointed to the new committee. She added there would be future amendments added to the scope of work for the committee.

Motion: Council Member Kahler moved to approve Ordinance 2020-52 as presented. Council Member Stack seconded the motion. **Roll Call Vote; Voting Aye:** Council Members Stack, Johnston, Kahler, Franco and Hardman. **Motion passed 5-0.**

7. Consider Request for Sewer Connection by the Back 40 Restaurant (Funk)

Item 7 Sewer Request Back 40 Gary Wohlfarth

Item 7 Annexation Policy

Bart Mumford, Heber City Engineer, explained the City had received a request from the Back 40 restaurant to be permitted to hook into a new sewer line being installed by Ivory homes across Highway 40. Mr. Mumford stated the new Ivory homes development was within City limits while the restaurant was in the County. He noted the City's Annexation Policy Plan was specific regarding not providing services outside City boundaries.

Gary Wohlfarth, owner of the Back 40, described the difficulties faced by his restaurant's septic system and his willingness to pay the fees to annex into the City if necessary in order to maintain the sustainability of his business.

Mr. Brower stated that the City wanted consent from Wasatch County in order to proceed. He added the City Annexation Policy Plan would need to be amended in order to allow the connection. Gary Wohlfarth agreed to approach the Wasatch County Council at their next meeting.

Mr. Mumford requested initial feedback from Council of whether they would consider the request. Council Member Johnston pointed to several exceptions the City had made to allow utility services to certain properties and felt the City should permit the request. Council Member Hardman supported the request as well as annexation.

Council Member Franco had concern for increased land values and comparisons when buying open space in the North Fields if the connection were allowed. She felt the City might be opening the door to unintended consequences. Council Member Stack acknowledged all the points made.

8. Consider Approval of The Springs at Coyote Ridge Final Plat (Baron)

Item 8 Staff Report - Springs at Coyote Ridge Final Plat

Item 8 Staff Report - Springs at Coyote Ridge Final Plat

City Planner Jamie Baron presented the changes made at Council's request to the elevations, fencing, park area uses, and property owner Lloyd's fence preference. He reviewed the consideration of who would maintain which trails. Whether it be the City or HOA. He provided fence options for Council consideration. Council Member Kahler felt the City had an obligation to respect the Lloyd's privacy and livestock, but also did not want to see fenced in open space. Mr. Brower, clarified the intent was to provide privacy for the Lloyd family. Council Member Franco hoped the ditch, water rights, wetlands, and livestock, would be protected from construction run-off by a fence. Discussion continued regarding the details of the fencing.

Glen Lent, developer, confirmed they would build the fences behind the houses, but the City was responsible for the privacy fences along the park. City Attorney Mark Smedley confirmed the developer was not responsible for fencing or improvements around the park.

Motion: Council Member Franco moved to continue the agenda item to the next meeting. **Motion failed for lack of a second.**

Motion: Council Member Johnston moved that the developer install the privacy fence that they agreed to do along the south side of the Coyote Ridge Springs Development including the end of the road. That the City not install a fence on the City Park south boundary. The City install a three rail fence fronting the new road with a pedestrian access and signs that strictly prohibited motorized vehicles entering that park. The developer would install, as agreed, a consistent fence along the back of the lots, which would not be a privacy fence, but something like an open rail fence like shown in the exhibits, all the way to the canal easement, and both side accesses to the little road knuckle to the north. Council Member Hardman seconded the motion.

Mr. Lent agreed to Council Member Johnston's motion. Additional fence discussion continued.

Voting Aye: Council Members Franco, Hardman, Johnston, Kahler, and Stack. **The motion passed 5-0.**

Motion: Council Member Franco moved that the privacy fence that was going to be from the temporary road to Highway 40 be built before the alleyway or other construction in that area. **Motion failed for lack of a second.**

Mayor Potter redirected Council to consider the final plat vote.

Mr. Baron reviewed the architectural changes made as requested by Council.

Motion: Council Member Kahler moved to approve the Springs at Coyote Ridge final plat, contingent upon review of the associated development agreement by the City Attorney, with the conditions outlined. Council Member Hardman seconded the motion.

City Engineer Bart Mumford asked for clarification regarding who would maintain the trail. Council Member Johnston felt it was appropriate for the City to maintain the trails. Council agreed.

Motion: Council Member Franco moved that number two in the development agreement reflect that the City agreed to allow access across such parcel within the City easement for utilities only and not disrupt the springs or the rest of the park. Council Member Johnston seconded the motion. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. **The motion passed 5-0.**

Council Member Franco called for a point of information. She inquired what number 10 in the development agreement meant: "make all private roads PUE". Mr. Baron explained the roads would be a separate public utility easement specific to Heber City.

Vote for the previous motion on the table made by Council Member Kahler:
Voting Aye: Council Members Franco, Hardman, Johnston, Kahler, and Stack. **Motion passed 5-0.**

9. Consider Concept Approval of Old Mill Village (Kollman Farms) (Johnston)

Item 9 Staff Report Old Mill Village

Item 9 PowerPoint Old Mill Village

Item 9 WC Affordable and Attainable Housing Chart

Item 9 Proposed Master Development Agreement

Item 9 Old Mill Village Plan

Item 9 Kollman Farms Master Plan-168 Unit

Item 9 Kollman Farms Master Plan-168 Unit-50 Scale

Item 9 PC Recommended Plan - Old Mill Village

Council Member Johnston explained he felt strongly about getting Sawmill Boulevard completed to Highway 40 with a good intersection and entrance into the neighborhood. He stated affordable housing was important to him and he had reached out to Kent Buie, the developer, and negotiated all of the proposed development's required affordable housing units be permanently deed restricted at the low 60%-70% AMI (Area Median Income) with additional units at 80% AMI. He had further negotiated that essential workers (employees of Heber City, Wasatch County, the hospital, and School District) get first opportunity to obtain units. He further explained why he felt the development was a good opportunity for the City. Council Member Johnston indicated there was interest from other developers who would build big warehouses, which he did not wish to see.

Council Member Stack felt the project could meet a real and pressing need for affordable housing in the community. He stated the alternate would potentially be more storage sheds. He stated his support of the project as an opportunity for the City to work with the developer.

Tracy Taylor, resident, expressed concern with the public's inability to comment. Mayor Potter reviewed the options available to the public to make comments. Ms. Taylor was concerned with a City Council Member negotiating with a developer directly and felt it was unorthodox for a Council Member to promote a project.

Council Member Johnston explained the development proposal had been in discussion by Council for over two years. He clarified he was not promoting the project and was not working for the development but felt it was important for the City with regard to the intersection and affordable housing.

Ms. Trudy Simmons stated she was unclear on when she was allowed to comment. She felt commenting after an agenda item was discussed by Council would be better than commenting before.

Council Member Kahler was concerned with the City's continued use of density to obtain affordable housing. Council Member Franco expressed concern that the process was being rushed and felt it should be a zone change with a public hearing.

Council Member Stack reminded Council that the area was currently zoned C-2, which allowed the developer much higher buildings and residential density than the proposed development. Current zoning would require no consideration of Council and could potentially have a much less desirable result. Council Member Johnston pointed out the City was already changing the zoning of the location to a South Town Zone, which permitted 14-20 units per acre, and the proposed development was well under that number.

Motion: Council Member Johnston moved that Council direct Staff to work with the applicant on an MDA that Council could then review and vote on, following this concept: with a maximum of 104 Townhomes and a maximum of 64 stacked flat apartments. Included in the MDA would be a resolution recognizing the affordable housing plan the applicant had offered in the proposed Master Development Agreements of at least 15% of units deed restricted affordable housing, with 10% of the units being at 70% and 60% AMI rents or purchases, and the other 5% being at 80% or less as they had presented. The MDA should include strict language about the commercial development, and what was preferred and what would not be allowed, that could be worked out with staff and input from Council. Additionally, dealing with the intersection and what it would look like and what the entrance to the Sawmill neighborhood would look like. Once those items were worked through in the MDA, the City would have something to present in a public hearing, get comments, and work towards getting the project done. Council Member Hardman seconded the motion. **Voting Aye:** Council Members Hardman, Johnston, and Stack. **Voting Nay:** Council Members Franco and Kahler. **Motion passed 3 to 2.**

10. Consider Capital Lease Options for Procurement of Vactor Truck & Adoption of Lease Agreement by Resolution 2020-17 (Bingham)

Item 10 Staff Report Resolution 2020-17

Wes Bingham, Heber City Finance Manager, explained the equipment and the finance options available. He recommended option one, as total interest paid would be less. Council Member Johnston asked whether it would be a lease or the City would own the equipment. Mr. Bingham clarified it was both. The City would lease the equipment until the loan was paid off, then the City would own the equipment.

Motion: Council Member Franco made the motion to accept Resolution 2020-17 for the sewer jet truck in the amount of Option 1 with the excess on the loan of the half million being paid immediately to the principle in the first year's payment. Council Member Kahler seconded the motion. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. **Motion passed unanimously.**

11. Consideration of Resolution 2020-20 to Adopt the Boundaries of the State Sponsored Enterprise Zone in Heber City (Brower)

Item 11 Staff Report Enterprise Zone and Resolution

City Manager Matt Brower clarified that this agenda item was to renew the Enterprise Zone that allowed tax credits for local businesses. Council Member Franco asked if the Enterprise Zone could be expanded to include the Sorenson Property. Council Member Kahler explained the Sorenson property was included in the County's Enterprise Zone because the area had not been within City limits when the Enterprise Zone was first enacted.

Motion: Council Member Kahler made the motion to approve Resolution 2020-20 a resolution to renew the boundaries of the State sponsored Enterprise Zone in Heber City. Council Member Stack seconded the motion. **Rollcall Vote: Voting Aye:** Council Members Franco, Hardman, Stack, Johnston, and Kahler. **Motion passed unanimously**.

12. Consider Approval of Community Development Block Grant (CDBG) Project Application (Baron)

Item 2 and 12 Staff Report 1st CDBG Hearing

Council Member Stack inquired what factors had been incorporated by Staff to identify the sewer project as the best candidate. Mr. Baron answered that the CDBG Grant was currently focused on water, sewer, and utilities as a priority and the sewer project was currently the most shovel ready project in the City.

Motion: Council Member Franco made a motion to approve Staff to use the 300 West sewer line project to apply for the 20-21 CDBG monies. Council Member Hardman seconded the motion. **Voting Aye:** Council Member Franco, Hardman, Johnston, Kahler, and Stack. **Motion passed unanimously**.

13. Appointment of Two City Council Members to Serve on the North Village Special Service Administrative Control Board (Mayor Potter)

Item 13 Staff Report NVSSD Seats and Resolution

Mayor Potter recommended Council Members Kahler and Stack be appointed to the NVSSD (North Village Special Service District) Board.

Motion: Council Member Franco made the motion to appoint Ryan Stack and Rachel Kahler to the North Village Special Service District Administrative Control Board and thanked them very much for their service. Council Member Johnston seconded the motion. **Voting Aye**: Council Members Franco, Hardman, Johnston, Kahler, and Stack. **Motion passed unanimously.**

14. Consider Approval of Ordinance 2020-51 to Adopt 2021 Annual City Council Meeting Schedule (Cooke)

Item 14 Staff Report - 2021 CC Meeting Schedule

City Recorder Trina Cooke presented the 2021 Annual City Council Meeting schedule as outlined in the attached meeting materials. Council Member Kahler suggested removing the December 21, 2021 meeting. Council expressed support for removing the second meeting in December.

Motion: Council Member Kahler moved to approved the 2021 Heber City Council Meeting, but remove the December 21 meeting from the schedule. Council Member Johnston seconded the motion. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. **Motion passed 5-0**

15. Consider Amendment to Heber City Council's Discretionary Grant Allocation Strategy (Brower)

Item 15 Staff Report Grant Allocation

City Manager, Matt Brower asked the Council to approve a recommendation that the Council change the allocation from the Wasatch County Children's Justice Center to the Friends of the Wasatch County Children's Justice Center. Council Member Kahler did not think it was necessary and felt the Council had already appropriately allocated the funds. Mayor Potter explained the request had been brought to her due to concern that the funds would be siphoned into the County's general fund rather than remain with the Justice Center. Discussion continued regarding concern of fund appropriation.

Mayor Potter explained the City Attorney was drafting an agreement for all organizations receiving the funds from the City stating the money would be used for COVID relief.

Motion: Council Member Kahler moved to speak with Children's Justice Center Director, Kenna Jones, to determine whether she had a line item that could receive the funds separate from the Wasatch County General Fund and that she could meet the requirements of the CARES Act funding to be spent on COVID relief. Council Member Johnston seconded the motion. **Voting Aye**: Council Members Franco, Hardman, Johnston, Kahler, and Stack. **Motion passed unanimously**.

Mr. Brower agreed to contact Ms. Jones. He asked whether Council direction was for the funds to be redirected the Friends of the Wasatch County Justice Center if the Director felt she could not ensure the money went entirely towards COVID relief within the Children's Justice Center. Council confirmed.

VII. COMMUNICATION:

1. Staff Follow-Up Reports from City Council Requests

No communication items were shared.

VIII. CLOSED EXECUTIVE SESSION

1. Discuss the Purchase, Exchange, or Lease of Real Property (Brower)

Motion: Council Member Kahler made the motion to enter the scheduled Closed Executive Session for the purpose of discussing the purchase, exchange or lease of real property as well as impending litigation. The meeting entered Closed Executive Session at 9:59 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 Attorney Mark Smedley
	Chief of Police Dave Booth
	City Recorder Trina Cooke

Motion: Council Member Franco made the motion to return to the Regular Meeting. Council Member Kahler made the second. Rollcall Vote: Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The meeting returned from Closed Executive Session at 10:30 p.m.

IX. ADJOURNMENT

Motion: Council Member Franco made the motion to adjourn. The meeting was adjourned at 10:30 p.m.

HEBER CITY CORPORATE Seal WASATCH COUNTY UTAH

Trina Cooke, City Recorder

- **The following are public comments submitted by email for the December 15, 2020 City Council Meeting Public Comments period:**

-----Original Message-----
From: AMELIA MEDBY <milsid@aol.com>
Sent: Thursday, December 3, 2020 6:16 AM
To: CC Public Comments <ccpublic@heberut.gov>
Cc: Celeste Johnson <cjohnson@midwaycityut.org>
Subject: (EXTERNAL) Dense Development in Heber Valley

Hello Heber City Council members,
I was not able to attend the recent meeting discussing development plans for the valley.
I am a Midway resident and own a business in Midway.
The amount of development in the past 10 years for the entire valley has been overwhelming.
In my opinion, it's too much too fast.
The impacts are permanent, there is no going back and trying again to get it right.
But there is a chance to stop it now.
I urge you to consider green space, view corridors etc. as critical to the valley as tax revenue.
That is, after all, the reason people have moved here; to get away from the hustle and bustle of the city, enjoy clean air and open space.
Being and looking like Orem will be a disaster, and that is where we are headed.
The amount of increased crime (we have had two break-ins at our business in the past 1.5 years), traffic, noise and pollution are out of control compared with ten years ago.
I don't consider this responsible growth.
The infrastructure in the valley can not handle this amount of growth.
There are many other options and choices for land that would still give sellers the money they want and need for their property.
Again, I urge you to rethink the proposals and think outside of the box to preserve our valley.

Thank you,
Millie Medby
801-362-3694
Midway resident
Owner of Fill'erUp Coffee Station, Midway

From: Brooke Clyde <clyde_brooke@yahoo.com>
Sent: Wednesday, December 2, 2020 2:34 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) North Village Overlay Zone

I am concerned about the future of developments along the US 40 corridor in Wasatch County, north of Heber City.

I am against the Developers' petition to Heber City to annex many areas into Heber, both to the north and south of the current Heber City boundaries.

The North Fields including the Provo River are the jewels of this valley, and they will be impacted by these proposed developments.

Thank you,

Brooke Clyde

1209 East Center Street

Heber City, Utah

- **The following are public comments submitted by email for the December 15, 2020 City Council Meeting Agenda Item 2:**

New eComment for City Council Meeting - AMENDED

Larry Fagot submitted a new eComment.

Meeting: City Council Meeting - AMENDED

Item: 2. Discussion to Finalize Heber City Parks and Trails Master Plan as an Addendum to the Heber City General Plan (Brower, Vlasic) – 45 min

eComment: With the recommendation that community gardens be included as an option in Detention Basin Parks.

- **The following are public comments submitted by email for the December 15, 2020 City Council Meeting Agenda Item 6:**

New eComment for City Council Meeting - AMENDED

Larry Fagot submitted a new eComment.

Meeting: City Council Meeting - AMENDED

Item: 6. Consider Approval of Ordinance 2020-52 to Amend Heber City Code 2.47 Open Space and Trails Advisory Committee to Include Trees and Acceptance of Mayor's Recommendation to Appoint Former Parks and Trails Committee Members to the Open Space, Trails, and Trees Committee (Mayor Potter)

eComment: Please clarify relationship to https://heber.municipalcodeonline.com/book?type=ordinances#name=12.20.030_Creation_And_Establishment_Of_A_City_Tree_Board

View and Analyze eComments