

Heber City Corporation
City Council Meeting
March 16, 2021

5:00 p.m. Work Meeting
7:00 p.m. Regular Meeting

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on March 16, 2021, 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-5:00 P.M.

3.16.2021 Meeting Slidedeck

Present: Mayor Kelleen Potter
Council Member Wayne Hardman
Participating Remotely: Council Member Heidi Franco
Council Member Mike Johnston
Council Member Rachel Kahler – departed 7:05 p.m.
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Planning Director Tony Kohler
City Attorney Mark Smedley
City Recorder Trina Cooke

Staff Participating Remotely: City Attorney Mark Smedley
City Engineer Bart Mumford
City Planner Jamie Baron
IT Specialist Anthon Beales
Public Works Director Matthew Kennard

Also Present: Brent and Mary Kelly, Ted Caldwell, Tom Fowler, and Diane Pope.

Also Joining Remotely: (names are shown as they appeared in the virtual meeting) Jeffrey Kuhn, Christi Judd, Benj Becker, Debbie Whiting, Terry Diehl, Barb Boss, Drew Jex, David Belz, Lynn Baum, Mary Schneider, Paul, Tracy Taylor, Trevor Seal, Bo Landin, Marian, John, Neil Mahoney, Mark Halberg, Rick Lloyd, John Janson, Philip Jordan, Howard Saldarini, Di Ann Turner, Richard Losee, Todd Anderson, John W. Buckley, Todd Cates, Daniel Cygrymus, Justin Crail, Armand Johansen, Trudy and Dan Simmons, Jeff Peterson, Bruce Barrett, and Steve Farrell.

Mayor Potter called the meeting to order at 5:04 p.m. and welcomed everyone present.

1. Discussion Regarding Public Improvement District (PID), Transfer Development Rights (TDR), and Parking Authorities (Brower, Becker) – 60 min

Heber Tools Presentation March 2021

City Manager Matt Brower reminded Council that this agenda item had been established as a priority at the City Council retreat in January 2021. Mr. Brower introduced Benj Becker, consultant with Zions Public Finance, to present the information.

Mr. Becker described the economic development tools provided through the following:

- Tax Increment Financing (TIF) or Community Reinvestment Agency (CRA)
- Public Infrastructure Districts (PIDs)
- Transferrable Development Rights (TDRs)

He explained benefits of a PID included better cohesion when there was significant vacant land between developments. A PID would help a city or county with infrastructure costs and public amenities such as parks and trails. It allowed an entity to bond for much lower interest rates. He provided greater details of the uses of a PID and offered specific examples of how PIDs had been utilized in other cities. The bond would be repaid through property taxes with the amount of tax capping at .015. Mr. Becker explained the governing document was enforced contractually through an Interlocal Agreement between the creating entity and the PID. The city or county would dictate board terms and processes; set tax levy limits; limit amount, timing, terms, frequency of debt authorized; dictate PID lifespan; and allow combination with TIF or other tools. He recommended the City adopt a policy and identify key areas for development.

Mr. Becker stated the key desired results of a TDR was to protect open space and allow for density in supportive areas such as town centers. Mr. Becker reviewed key considerations for TDRs sending and receiving areas. Discussion regarding potential receiving and sending locations for the City followed. It was determined that while the City could designate some receiving areas, the majority of potential sending land was located in the County.

Mr. Becker reviewed considerations for Parking Authorities and steps:

Considerations

- Boundary designation
- Board creation
- Bylaws and guidance document preparation
- Authority income projections

Steps

- Consider shared lots and how agreements would be structured
- Identify parking capacity and “hot spot” areas
- Begin discussions with key property owners

Council Member Franco inquired whether it would cost the City more to have Zion’s Public Finance look into the assessment values for potential TDRs and possible sending and receiving locations. Mr. Brower agreed to review the contract. Mayor Potter noted the need to speak with the County to determine their willingness to work with the City before proceeding with a study.

2. Discuss Proposed Setback Reduction on Lot 117 and 124 of the Brookside Phase 5 Subdivision (Baron) -10 min

Staff Report Brookside Phase 5 Setback Reduction

City Planner Jamie Baron presented the applicants proposed solution for the setback requirement. Council Member Johnston clarified the setback requirement was based upon an agreement rather than the zone. Council Member Franco pointed out the setback had been put in the agreement due to a zone change. Council Member Stack noted the developer had purchased the lots with the knowledge they would not be able to meet the established setbacks. He felt the developer should offer something in return to the City in exchange for the exception. Council Member Kahler proposed the homes needing the setback exception be deed restricted in order to help the City meet their affordable housing requirement. Council expressed support for the proposed deed restriction. Mr. Baron agreed to present the proposal to the developer.

3. Discuss Proposed Process Amendment to Title 17 Subdivisions (Baron) – 20 min

Staff Report Title 17 LAU

City Planner Jamie Baron presented the information regarding the proposed update to the Heber City Code Title 17 Subdivisions amending the Land Use Authority. He provided the difference between Legislative and Administrative actions. He stated Staff wished to streamline the process for better time-management.

Council Member Hardman shared past advice from a League of Cities and Towns lawyer who had spoken at a conference regarding land-use advising that legislators should legislate and let the administrators administrate. He stated that if an administrative item met all aspects of the Code, the legislators should not get involved.

Council Member Johnston felt the Planning Staff was taking the Council in the appropriate direction. He recommended the subdivision approval in the MURCZ (Mixed Use Residential Commercial Zone) be presented to Council at the preliminary approval stage rather than final. He believed Council could address issues better during preliminary approval.

Council Member Franco expressed concern with preliminary plats being delegated. She felt the developers designs changed between concept approval and preliminary approval and wished to see the process implement stricter requirements or standards to prevent.

Council Member Kahler felt it was important for Council to have the opportunity to negotiate with developers for City needs such as affordable housing. She did not wish to relegate approvals because they were time consuming.

Council Member Stack agreed it was important for the Council to negotiate for benefits to the City. He pointed out administrative items were not items with which Council had authority to negotiate. Council Member Stack stated Staff ensured administration items adhered to Code before approving.

Council Member Franco proposed clarification by added language to indicate Council would review preliminaries based on a zone change, annexation, or an MDA. Council Members Stack stated he was comfortable with that for projects of a certain size. Council Member Johnston agreed for the approval of an MDA but felt the other two were administrative. City Attorney Mark Smedley felt there was wisdom in Council Member Franco's proposal.

Mayor Potter stated time was up for the agenda item and it would need to be continued to the next meeting for further discussion.

4. Discuss Revisions to the North Village Overlay Zone (NVOZ) (Kohler) – 30 min

Staff Report Revised NVOZ Ordinance 2020-42

City Manager Matt Brower shared that City Staff had issued an invitation to concerned citizens to join in a Q and A session the previous evening. He addressed the recurring concerns as follows:

Q. What was the NVOZ and why was it important?

A. The NVOZ was a land use ordinance. It would provide guidelines for the use of the property in the zone.

Q. Would the NVOZ be for the entire City or only a specific area?

A. A specific area East of Highway 40, South of the intersection at Highway 32, West of the Wasatch Canal, and North of Coyote Lane.

Q. What happened when the City adopted the NVOZ?

A. Nothing. Until the City Council approved an annexation petition and negotiated an MDA (master development agreement). Currently, the area within the NVOZ was still located in the County.

Q. Can the NVOZ be amended?

A. Yes.

Q. Did the City have ordinances to protect the environment?

A. Yes. The City had many ordinances as well as elements within the NVOZ ordinance specifically directed towards protecting the environment. Council had also directed Staff to reevaluate the City storm-water standards.

Q. Had the City's process for considering the NVOZ been transparent?

A. Yes. The City had held four public hearings and Mayor Potter had read the majority of public comments received into the record.

Council Member Franco asked to have language on page four 1.6-3 indicating the Planning Commission could provide preliminary approval only when there were no changes from concept approval. Developments with changes needed to be approved by Council. Council Members Johnston and Stack agreed with requiring Council approval at the preliminary stage. It was determined to remove the last two sentences from 1.6-5. Council Member Franco wished to see phasing approval included with concept and preliminary approval. Council Member Johnston wished to see 5.0-3(3) rewritten to read "Where development project boundaries include two sub-districts, park and open space requirements may be arranged within the project in a flexible manner as long as the total requirements for each sub-district are met in the overall development and are approved in a Master development agreement". Consensus of Council agreed.

Council Member Johnston expressed his belief that the alternate ERU (equivalent residential unit) table presented in the packet was much better. He detailed reasons; the configuration table was more comprehensive, the commercial density calculation was included, and bathrooms should not be in the calculation. He stated the ERU table presented calculated people based on bedrooms rather than the size of home. Council Member Hardman agreed. Council Member Franco did not agree and felt the City needed to follow the County ERU chart to honor the MOU (memorandum of understanding) with the County. Council Member Stack stated no decision by the Council with regard to the NVOZ implicated the MOU with the County. He explained the MOU was in effect when negotiating specific annexation and development agreements. He said the MOU was written, and entered into by the City and County, under the then-existing development agreements, of which all but one had lapsed. Council Member Stack agreed with the alternate ERU chart proposed. Council Member Kahler's preference was to use the County's ERU chart.

II. REGULAR MEETING-7:00 P.M.

1. Call to Order

Mayor Potter called the meeting to order at 7:05 p.m. and welcomed everyone present.

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 Hardman)

Council Member Hardman shared a prayer.

III. CONFLICT OF INTEREST DISCLOSURE:

There was no conflict of interest disclosed.

IV. CONSENT AGENDA:

1. Approval of March 2, 2021 City Council Meeting Minutes (Cooke)

DRAFT Minutes

2. Approval of Ordinance 2021-13 to Amend Minimum Lot Sizes for Corner Lots (Baron)

Staff Report Corner Lot Size

3. Approval of Subdivision Final for Red Ledges Phase 3L, Located at 205 N Red Ledges Boulevard (Vlasic)

PowerPoint

Staff Report - Red Ledges Phase 3L - SUBDIVISION FINAL - CC 03162021

4. Consider Approval of Ordinance 2021-14 to Amend Chapter 5.08 Beer, Wine and Liquor Establishments Regarding Bars, Religious Uses and the NVOZ (Kohler)

Ordinance 2021-14 Alcohol Code Revisions

Motion: Council Member Hardman made the motion to approve the items on the consent agenda. Council Member Stack made the second. **Rollcall Vote: Voting Aye:** Council Members Hardman, Johnston, and Stack. **Voting Nay:** Council Members Franco and Kahler. The motion **Passed 3-2.**

V. PUBLIC COMMENTS:

Mayor Potter explained, during the ongoing pandemic, the City had made the decision to take public comment via email and she had read them aloud during the Council Meetings. She stated, while citizens were still encouraged to comment via email, emailed comments would no longer be read aloud during Council Meetings. If the public wished to comment during a Council Meeting, they would need to do so either in person, or by raising their hand in the virtual meeting, and be recognized by the Mayor. No public comments were received for the evening's City Council Meeting that were not associated with a specific agenda item.

VI. ACTION ITEMS:

1. Update Regarding Heber City's Ongoing Response to COVID-19 (Brower) - 5 min

City Manager Matt Brower provided the County Health Department website address for access to the most up-to-date information regarding COVID-19. He noted the transmission-level in the County had been lowered from high to moderate, but the health guidelines essentially remained the same. He reviewed vaccine eligibility requirements and noted the minimum eligibility age had been lowered to 50. He provided information to sign up for the vaccine.

Council Member Franco inquired when the Council would be able to meet in person again. Mr. Brower explained that due to the current restrictions remaining in place, he and the Mayor recommended waiting to meet in person.

2. Request by Heber Valley Western Music & Cowboy Poetry Gathering of Contribution for Promotions and Operations (Tom Fowler and Diana Pope) – 10 min

Diana Pope, representing Cowboy Poetry, introduced the board members present and stated the event would take place in 2021. She expressed the boards sadness at having to cancel the previous year due to the pandemic. She thanked the City for past support and hoped the City would continue to support the program. Tom Fowler shared progress being made for the 2021 event and the difficulties faced. The music group Shenandoah would be the main attraction. Past main attraction, Bar J Wranglers planned to retire and their participation in 2021 was unsure. He provided the 2019 financial summary and asked for Heber City's continued support of a \$10,000 contribution.

Motion: Council Member Hardman moved to grant a \$10,000 donation from the City. Council Member Johnston made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion **Passed unanimously**.

3. Consider Appointment of New Airport Advisory Board Members as recommended by Mayor Potter (Mayor Potter) – 5 min

Staff Report AAB Member Recommendation

Mayor Potter shared the recommendation of Scott Phillips and Jeff Peterson to the Airport Advisory Board (AAB). She had been impressed by the two of them and felt they would both bring experience and talent to the AAB.

Motion: Council Member Johnston made the motion to approve the Mayor's two nominations to the Airport Board. Council Member Johnston made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, and Stack. Council Member Kahler was absent. The motion **Passed 4-0**.

4. Consider Adoption of Ordinance 2020-42 for the Revised North Village Overlay Zone (NVOZ) (Kohler) – 20 min

Staff Report Revised NVOZ Ordinance 2020-42

Mayor Potter read the emails received for public comment. [attached] She responded to a comment regarding entitlements stating that the City had found nothing to indicate the developer's entitlements were no longer in place with the County.

Council Member Johnston stated the City had held 18 public meetings and four to five public hearings over the past year and a half. The process had not been rushed and did not violate the MOU with the County in any way. The NVOZ did not annex any property nor did it offer any support to the proposed North Village resort plan. He felt the NVOZ was an exceptional zoning code. Better than any the City had done previously. He believed it was better than the County zoning code. The Staff recommended it, the Planning Commission recommended it, the hired City consultant recommended it and Council Member Johnston recommended adopting the NVOZ as well.

Motion: Council Member Johnston moved to approve Ordinance 2020-42 adopting the North Village Overlay Zone (NVOZ) as currently proposed, with the following edits and amendments: Number 1, section 1.6.3: Preliminary plats; include the language "for recommendation to the City Council for preliminary approval". Number 2, in section 1.6.5: strike the last two sentences about City Council approval and phasing approval. Number 3, page nine; use alternate ERU definition table as included in the Staff Report and discussed in the Work Meeting. Number 4, page 48, number 3, regarding Parks; revised to read, "where development project boundaries include two sub-districts; park and open space requirements may be arranged within the project in a flexible manner, as long as the total requirements of each sub-district are met with the overall development, and when approved in a master development agreement".

Council Member Hardman made the second. **Rollcall Vote: Voting Aye:** Council Members Johnston, Stack, and Hardman. **Voting Nay:** Council Member Franco. Council Member Kahler was absent. The motion **Passed 3-1**.

Motion: Council Member Franco moved to amend the Code on page seven, that part of the conditional use include climate controlled storage buildings be prohibited only within a 1,000 foot perimeter of UVU (Utah Valley University). On page 33, corrugated galvanized metal siding accents be limited to 25%. On page nine to include the words “entitlements and conditions from the County”, whichever was stricter. On the second sentence to change, on the payment of fees, the word from “may” to “shall”. The motion **Failed** for lack of a second.

5. Consider Approval of Proposed Setback Reduction on Lot 117 and 124 of the Brookside Phase 5 Subdivision (Baron) -10 min

Staff Report Brookside Phase 5

City Planner Jamie Baron reviewed the setback reduction request as discussed in the preceding Work Meeting and introduced petitioner Rick Lloyd. Mr. Lloyd explained the Council’s proposed dedication of deed restricting the lots was not an economically viable option for the developer. He noted the immense increase in building material costs since the beginning of the pandemic. Mr. Lloyd pointed out the Sawmill Development met the affordable housing criteria for the area.

Council Member Johnston disclosed that his firm sometimes worked with Regal Homes but had done no work on the proposed development. He wished to participate in the discussion with Council to work towards a viable solution in the best interest of the City.

Council Member Stack explained that while he was sensitive to the developers concern of having two displaced looking homes in the subdivision in order to meet the setback requirement, the developer had been aware of the setback requirements when purchasing the subdivision. He felt that, in exchange for the setback exception, the developer should offer something of value to the City.

Mr. Lloyd asked for suggestions from the Council. Council Member Johnston thought the Council could possibly meet the developer halfway. He proposed the developer offer to plant trees along Sawmill Boulevard for beautification. Council Member Franco asked whether the developer would consider building out the trail before the development began rather than after. Council Member Stack proposed planting one tree per lot in the park-strip. Mr. Lloyd agreed to consider the proposals. Council directed Staff to work with Mr. Lloyd in order to reach a mutually agreeable arrangement.

6. Approval of Ordinance 2021-09 to Amend Chapter 18.72 Parking Regulations (Kohler) – 15 min

Staff Report Ordinance 2021-09 Parking Code

Mayor Potter read a public comment submitted by Nick Lopez via email regarding the lack of designated disabled parking in the proposed ordinance. [attached] City Planning Director Tony Kohler shared that he had been in contact with Mr. Lopez. Mr. Lopez worked for Salt Lake City and agreed to reach out to their planning department to discover how SLC had planned their disabled parking. Mr. Kohler and Mr. Lopez had agreed to work together towards a solution. He indicated he would report back to Council once the information had been gathered.

Mr. Kohler stated City consultant John Janson had been working with Staff to update the City Code. He reviewed the proposed changes to the parking regulations and the conclusion was consistent with the General Plan. The recommendation was approval of the Ordinance.

Council Member Franco referred to 18.72.030-A.26 allowing on street angled parking to account for one-half of the required off-street parking requirement. She proposed the on street angled parking account for no more than one-third of the off-street parking requirement. Council Member Johnston approved of the one-half as written. Council Member Franco referred to 18.72.030-H regarding snow storage and proposed adding the word “private” before parking lots.

Motion: Council Member Franco made the motion that the proposed Ordinance 2021-09 Chapter 18.72.030-H, the snow storage sentence read: “uncovered *private* parking lots”. Council Member Stack made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, and Stack. Council Member Kahler was absent. The motion **Passed 4-0.**

Council Member Johnston questioned why parking lot light poles were to be excluded in G of 18.72.030. He felt parking lot lights should direct light inwards toward the parking lot and light-posts did not need to be so high. He felt the Council would benefit from driving around town to look at light poles in parking lots and proposed returning the agenda item discussion to the next Council Meeting. It was agreed for Council to do so and the agenda item would be returned to the next meeting.

7. Consider Approval of the Richard and Boni Losee Family Estate Right to Burial Agreement (Brower) – 20 min

Staff Report Losee Family Estate

City Manager Matt Brower reviewed the Cemetery Master Plan, the estate location, site plan, and shared illustrations of the proposed burial estate design. The design included benches, pedestals, a gazebo, and cremation niches.

Richard Losee shared that his wife had been raised in Heber City and they had chosen to have their family’s final resting place in Heber. He stated he had hired the same company who had consulted with Heber City on the Cemetery Master Plan to design the burial estate.

Mr. Brower reviewed the salient points of the Burial Estate Agreement. Council Member Stack asked for clarification of the language in section ten regarding indemnification. City Attorney Mark Smedley agreed to review the language to ensure third parties were included.

Council Member Franco inquired whether the City or the Losee family controlled the sale of lots in the estate. Mr. Smedley clarified the Losee Trust would own all the lots in the estate. Council Member Franco expressed concern with the maintenance vehicles ability to navigate the spaces within the estate structures. Mr. Smedley stated Parks and Cemetery Director, Mark Rounds, had ensured the maintenance equipment's ability to navigate the narrower spaces. Council Member Franco inquired how the City would ensure the transfer of lots by the Losees would comply with the City's Consolidated Fee Schedule. Mr. Smedley explained it was ensured by existing City processes. Council Member Johnston expressed his pleasure with the proposal.

Motion: Council Member Hardman moved to approve the Richard and Boni Losee Estate Right to Burial Agreement. Council Member Johnston made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, and Stack. Council Member Kahler was absent. The motion **Passed 4-0**.

8. Consider Approval of Resolution 2020-10 Implementing Ranked Choice Voting for the 2021 Municipal Election (Mayor Potter, Smedley) - 15 min

Staff Report Ordinance 2020-10 Ranked Choice Voting

Mayor Potter explained the Council had until the second Tuesday in May to opt to implement the Ranked Choice Voting (RCV) system. Council Member Johnston expressed his approval of the Ranked Choice Voting system. He expressed support of the elimination of a primary election, and the overall concept.

Council Member Franco expressed concern with ability of the City to educate the voters in time for the upcoming election. She felt implementation of RCV should be postponed in order to allow the City adequate time to educate and inform the public.

Council Member Stack felt the City had done its due diligence to make the information available. He felt the City should move forward with Ranked Choice Voting and if the public decided they did not care for the system, the City could revert to the previous election process thereafter. He stated the majority of feedback he had heard was positive.

Motion: Council Member Stack moved to adopt Resolution 2020-20 to implement Ranked Choice Voting. Council Member Hardman made the second. **Rollcall Vote: Voting Aye:** Council Members Stack, Johnston, and Hardman. **Voting Nay:** Council Member Franco. Council Member Kahler was absent. The motion **Passed 3-1**.

9. Discussion and Action of Open House for Airport Flightpath Meeting Held April 1, 2021 (Franco, Kahler)

City Manager Matt Brower presented a PowerPoint regarding the Airport Master Plan process. He shared the multiple platforms utilized by the City in order to share the information with the public regarding dates for open houses and allowing the public the opportunity to participate in the process. He described the next steps in the process including a community conversation panel to address any questions or concerns presented by the public.

Mr. Brower shared that the April 8, 2021 Open House would be virtual in order to comply with the ongoing Wasatch County COVID-19 health mandate. He outlined the 2021-2022 Airport Master Plan timeline and meeting schedule.

Council Member Franco asked to have the calendar on the Flightpath website updated to include all the dates provided by Mr. Brower. She wished to have all the public comments submitted and answers posted on the website as well. She asked when the public would vote on the final Master Plan. Mr. Brower clarified the public feedback throughout the process would help guide the Plan but it was the City Council that would vote. Council Member Stack asked to have the schedule posted to social media as well.

Motion: Council Member Franco moved to have the 2021 Airport Master Plan Schedule posted along with all the other information as mentioned by Mr. Brower on social media and radio interviews and so forth; update the calendar on the Flightpath website to include the March 31st meeting and the master plan schedule; have all the public comments submitted from all the meetings and emails put in one file to read "Public Comment to Date", so it was unfiltered and available for public review on the website. Council Member Johnston made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, and Stack. Council Member Kahler was absent. The motion **Passed 4-0**.

VII. COMMUNICATION:

1. Establish Budget Workshop Dates (Bingham, Brower)

Mr. Brower stated Staff would present a tentative budget to Council during the April 20, 2021 Council Meeting. He asked Council to determine a Budget Workshop meeting date. It was determined to hold the meeting on Saturday, May 1, 2021.

Council Member Johnston shared that he and Council Member Franco had attended a meeting and discovered the County intended to propose a RAP (Recreation, Arts, and Parks) tax during the next Interlocal meeting. The County wished to emphasize County-wide trails and maintenance. Council Member Franco explained there was concern expressed by some of the County Council Members with regard to allowing affected cities a certain percentage of the money collected through the tax. Said County Council Members wished to create a separate board to oversee the RAP tax.

Mr. Brower pointed out, if implemented, the majority of the tax collected would be from Heber City residents. He felt, if the City did partner with the County, it was important Heber City residents benefit from the large portion of the taxes generated. Council was asked to consider discussion points for the next Interlocal meeting to be held the following Wednesday.

VIII. CLOSED EXECUTIVE SESSION

1. Personnel

Motion: Council Member Wayne Hardman moved to enter Closed Executive Session for the purpose of discussing personnel. Council Member Stack made the second.

Rollcall Vote: Voting Aye: Council Members Franco, Hardman, Johnston, and Stack. Council Member Kahler was absent. The meeting entered Closed Executive Session at 9:11 p.m.

Present: Mayor Kelleen Potter
Council Member Wayne Hardman
Participating Remotely: Council Member Heidi Franco
Council Member Mike Johnston
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley
City Recorder Trina Cooke

IX. ADJOURNMENT

Motion: Council Member Hardman made the motion to adjourn. Council Member Franco made the second. The meeting adjourned at 9:52 p.m.




Trina Cooke, City Recorder

• **The following public comments were received via email for the agenda item specified:**

4. Consider Adoption of Ordinance 2020-42 for the Revised North Village Overlay Zone (NVOZ) (Kohler) – 20 min

From: Eric & Pauline

Sent: Thursday, March 4, 2021 1:50 PM

To: Rachel Kahler <rkahler@heberut.gov>; CC Public Comments <ccpublic@heberut.gov>

Cc: Ryan Stack <rstack@heberut.gov>; Mike Johnston <mjohnston@heberut.gov>; Heidi Franco <hfranco@Heberut.gov>; Kelleen Potter <kpotter@Heberut.gov>; Wayne Hardman

<whardman@Heberut.gov>

Subject: (EXTERNAL) Public Comment for March 16 meeting NVOZ item

Good afternoon Rachel- I saw the KPCW report on last night's Council meeting where you were quoted as saying-

"What I'm finding with the public though, is a lot of people are saying no development--we don't want development. And I can understand and appreciate that but what they don't understand is the land use already entitles developers to build."

While I am not against development in some guise, I would challenge you and your colleagues to think out of the box on the issue of the entitlements themselves. I Do understand that "the land use already entitles developers to build", but there is a growing sentiment among the citizens of Heber that these need to be challenged, re-opened, revised and perhaps even on some cases, invalidated.

I attach here my recent post to the Friends of Heber Valley Facebook group-

"Trudy Simmons you are right- this should be a priority - things change in 20 Years- context is totally different- all entitlements should be reviewed for validity today and also, frankly, if they can/should be revoked, even if still "valid"—. And the developers should NOT be allowed to

Blindly argue to keep the content of the entitlements of two decades ago when they have chosen to do NOTHING for that long period of time....."

I also note that Mayor Potter has requested several times whether this item of any legal challenges to the entitlements could be initiated.

I don't believe there has been any clear reply to her on this yet. Can you please let me know where the Council stands on this item?

-is there a desire to initiate a thorough review of these existing entitlements?

-does the Council propose to initiate a full review, including sufficient professional third party legal experts?

-if not, why not?

-has the Council, or will the Council initiate any similar activities to determine the "true" starting point for the numerous zoning debates going on currently?

In closing, I fully support annexation of the lands being debated. However, any annexation should be completed only

after the thorough review of the current Status quo is completed.

Eric Stevens

Pauline Lambert

Sent from my iPhone

From: Maxx Cohen

Sent: Tuesday, March 9, 2021 8:30 PM

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

Subject: (EXTERNAL) NVOZ

Dear Planning Commission,

The new NVOZ proposal brought up by Mike Johnston threatens to destroy the charm, character, and unique beauty of Heber. As a homeowner on Moulton lane, I do not want to see dense commercial zoning bordering my property. I bought my home in Wasatch county to enjoy the open space, beautiful views, and rural lifestyle. I understand that as Heber grows, we could utilize additional commercial infrastructure. This should continue to be built near the existing highly developed commercial zone by Walmart. If we choose to grant developers the unlimited opportunity to create new dense commercial zones on the north side of town, I fear our town will become another West Valley, filled with strip malls, and endless sprawl that will increase air and water pollution.

I urge the Planning Commission to listen to the citizens. We do not want to lose the North fields to development! We do not want to turn our town into another sprawling suburbia. Even the city council claims you do not want this new development. What will it take to stand up for the unique beauty of our community? I hope we can figure it out before it's all paved over.

Please do not approve the current draft of the NVOZ. It is not in line with Envision 2050. We need more environmental studies on our pristine Blue Ribbon Provo River fishery and how this will impact our drinking water quality. We need more traffic studies before we start approving these massive developments. Traffic in Heber is already crazy enough! Please take the time to really study and consider how this NVOZ development will impact our way of life. Please plan this thoughtfully and consider what a rush to approval will do for our future. Rushing this approval does a disservice to our community and helps only those who will benefit financially, especially those developers and landowners who do not actually live in our community.

If we're going to preserve the North fields by utilizing a development/ ERU fee let's use stronger language and higher fees. It's sad to see the city council caving to the developers density desires and not standing up for the beauty of the land and open space we have here in Heber.

Sincerely,

Maxx Cohen

Moulton Lane

-----Original Message-----

From: Trudy Simmons

Sent: Monday, March 15, 2021 2:17 PM

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

Subject: (EXTERNAL) Public Comment on NVOZ - from Dan Simmons

Dear City Council:

We have downloaded and read the latest NVOZ that is presented with March 16th's agenda. There are many changes in it, and some of the changes seem contradictory. For example, there are various versions of the ERU/density charts. Because of this, we still do not really know what is being contemplated in this code, particularly in regard to hidden density (eg: increased domicile sizes without commensurate increase in ERU value, and whether or not ERU is being assigned to commercial).

The City Planning Commission Meeting on March 9th showed very clearly how developers will manipulate, to their own advantage, every loophole, weakness or instance of loose language (in this case, no clear definition of what comprises a "single family home"). The current NVOZ is still inconsistent, unclear and flawed, and should not yet be approved. To say you will approve it now and then "fix it" later with ordinances and development agreements is like letting the horses out of the barn too soon.

Sincerely,
Dan Simmons

-----Original Message-----

From: Trudy Simmons

Sent: Monday, March 15, 2021 3:05 PM

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

Subject: (EXTERNAL) Public Input on NVOZ - from Trudy Simmons

> Dear Mayor Potter and City Council:

>

> We have heard from an overwhelming number of citizens that they very much oppose the plans for the "North Village Resort" as they are currently being presented to the public.

>

> Especially in light of the recently released Wasatch County Groundwater Report showing that this area is the most sensitive and vulnerable land in the County, the utmost care and caution should be used in planning for its future.

> For this and other reasons, it appears unlikely that the developers would be able to honor every aspect of the original agreement they made with the County, and would thus have to start over with the County's newer, stricter requirements.

>

> The City's proposal for turning this area, which is the gateway to our Valley, into a location for commercial development, hotels and high density workforce and tourist housing seems very incompatible with not only the environmental concerns mentioned above, but also with the unique legacy of Heber Valley.

>

Until measurably better plans are brought forward by the City, we feel that it would be a mistake for this area to be annexed.

Wouldn't it be amazing, though, if something could be created in this area that would really put Heber on the map for its unique heritage and legacy that could be enjoyed by visitors AND LOCALS alike, and wouldn't just be another conglomeration of shops, condos and hotels like you can find anywhere else? Let's brainstorm!

Trudy Simmons
Friends of Heber Valley

From: Molly Schneider

Sent: Tuesday, March 16, 2021 7:36 PM

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

Subject: (EXTERNAL) Fwd: Regarding North Village Overlay Zone

I was heartbroken and astonished to learn about the proposed North Village Overlay Zone. The vista heading down from Park City to Heber is one of the few remaining uncluttered vistas in the area, and in my opinion, is such an advantage and an asset to Heber City. The more development there is in Park City the more attractive Heber is to people who value natural vistas and access to the Provo River. With all of the effort that went into restoring the Provo River, and establishing access points and pathways, it is shocking to imagine the views and access points blocked by yet another development. Heber still can establish itself as a community devoted to nature and beauty, while still allowing for large scale development. This will enhance the community for everyone. Additionally, with the amount of money and energy devoted to restoring the Provo River in the valley, I just cannot believe that this development would be approved. Hoping and praying for something to change, and for this exceptionally beautiful area to be preserved.

Sincerely Molly and David Schneider

6. Approval of Ordinance 2021-09 to Amend Chapter 18.72 Parking Regulations (Kohler) – 15 min

-----Original Message-----

From: Nick Lopez

Sent: Tuesday, March 16, 2021 10:53 AM

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

Subject: (EXTERNAL) Opening Public Comment, Disabled Parking

Mayor, Council, City Manager,

Tonight you are addressing parking. I have read through the Heber City Parking Ordinance and the proposed items on the agenda and although very detailed nothing is mentioned about Disabled Parking.

Over the last few years, my father a Disabled Army Veteran has come to Heber City for events and visits. While stopping at his favorite restaurants, and other locations he has unfortunately discovered the lack of properly marked Disabled Parking, not only in Heber City but throughout Wasatch County. He also discovered that many business have no Disabled Parking or allow vehicles not displaying Disabled Parking tags or bearing Handicap License Plates to park in the Disabled Parking stall at those locations.

My father is 83 years old, he has mobility issues due to an artificial artery in his leg. Many Disabled Individuals, like my father need and depend on having a safe and adequate Disabled Parking Stall to enter and exit their vehicles.

Heber City does not have an ordinance in place to insure full compliance to the law. There is no enforcement being done, no requirement to have all business, public housing, churches, restaurants, public streets to have the required Disabled Parking Stalls.

I am asking for the City to review its ordinance's , reevaluate and take in consideration the special needs of those disabled individuals and their caretakers. I am requesting that Heber City put into place an ordinance that fully complies with the law, that this ordinance will be enforced by local Code Enforcement /Law Enforcement and Building Inspectors. That the ordinance clearly states the requirements of the number of Disabled Parking Stalls per the total number of parking stalls in their parking lots. That the Disabled Parking Stalls meet all of the dimensions, ramps, painting and sign requirements for each stall, and the require those stall to be keep clear of snow, debris and vehicles that are not clearly marked as disabled.

For those of us who are still mobile and healthy, who have healthy children and family members, I wish you many more healthy years. Time will eventually catch up to all of us, fate may place unfortunate circumstances or challenges which will change our own ability to get around. Let just hope awareness, and priorities will change how we plan and enforced the parking needs of those that need it most.

Respectfully Submitted,
Nick López
Heber City

Sent from my iPhone