

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting Minutes
April 6, 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 April 6, 2021, in the City Council Chambers in Heber City, Utah

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

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

4.6.2021 Complete Meeting Slidedeck

Present: Mayor Kelleen Potter
Council Member Wayne Hardman
Council Member Ryan Stack

Participating Remotely: Council Member Heidi Franco
Council Member Mike Johnston
Council Member Rachel Kahler

Staff Present: City Manager Matt Brower
City Planning Director Tony Kohler
City Recorder Trina Cooke
Public Works Fleet Director Derrick Anderson

Staff Participating Remotely: City Attorney Mark Smedley
City Engineer Bart Mumford
City Planner Jamie Baron
IT Specialist Anthon Beales
Chief of Police Dave Booth
Public Works Director Matthew Kennard
City Finance Manager Wesley Bingham

Also Present: Clay Coleman

Also Joining Remotely: (names are shown as they appeared in the virtual meeting) Mark Schwendiman, Bo Landin, Sadie Andreasen, Rick Lloyd, Drew Jex, Samm Robins, Daniel Cygrymus, Tracy Taylor, Sandi Brower, Beth Armstrong, Adam Long, Alan Anderson, Randy, Aaron, Benj Becker, and Dave Nelson.

Mayor Potter called the meeting to order at 5:03 p.m. and welcomed everyone present.

1. Discussion Regarding Unintended Consequences and High Costs Resulting from New Commercial Design Requirements (Johnston) – 30 min

Local business owner Clay Coleman explained the City's recently adopted commercial building design standards placed an unnecessary element for the rear and unseen portions of structures. He felt implementing the design requirements for the side and rear of his building was cost-prohibitive. Additionally, he did not feel the location behind his building needed asphalt extending to the fence-line.

Council Member Kahler inquired whether the situation could be addressed with a conditional-use permit. City Planning Director Tony Kohler explained it could be done with a conditional-use permit but recommended amending the code to address unseen sides of commercial buildings.

Council Member Franco expressed concern with the impact to the residents of the mobile-home park behind Mr. Coleman's building. She indicated she would be more amenable to agree to amend the design requirement for the back of the building if there was a buffer between the two. She explained "environmental justice" placed the responsibility on governments to protect residents in lower income housing from industrial pollutants and environmental impacts. Mr. Coleman offered to provide a privacy fence between his property and the mobile-home park. Mr. Kohler explained the process for the amendment to the design criteria would return to the Planning Commission for recommendation to be forwarded to the City Council. Council Member Kahler wished clarify an amendment would apply only to the rear of commercial buildings.

Council Member Franco inquired about the storm-water run-off plan for the property. Mr. Coleman shared the engineering plan for storm-water drains and agreed to consider a French-drain in the rear. Council Member Franco proposed gravel along the mobile-home park fence-line rather than asphalt and suggested including trees. Council Member Johnston agreed with Council Member Franco and recommended an amendment to the Code to indicate commercial buildings with unexposed sides or rear (i.e. backing up to another building) should not need to meet the same design criteria as established for exterior walls facing the public view. Council Member Franco felt Mr. Coleman might wish to proceed with an agreement with the City rather than await a Code update in order to expedite progress. Discussion regarding the best way to proceed followed.

It was determined Staff would work with Mr. Coleman in order to proceed.

2. Discuss Proposed Process Amendment for Land Use Authority (LUA) Title 17 Subdivisions (Baron) – 45 min

Staff Report Title 17 Subdivisions

City Planner Jamie Baron presented a chart dividing legislative and administrative responsibilities into four quadrants. He explained it was Staff's recommendation to Council to delegate all administrative responsibility to the Planning Commission or Staff. He noted anything that was a priority for Council would remain with Council.

Council Member Franco expressed concern with concept, preliminary, and final plat approvals. She felt if there were any density increases or changes to open space, trail phasing, parks, or amenities, the decision needed to be returned to Council. Mr. Baron explained that any time there was a material change to an agreement, it was returned to Council. He indicated Staff was asking for consensus of Council to proceed. Council Member Franco proposed adding "any material departures" to the language. Discussion continued.

Council Member Johnston felt it was very important for approvals to be presented to Council at the preliminary stage rather than final. Council Member Stack agreed that it was more sensible for Council to review development plans at the preliminary stage. Council Member Franco wished to see the Code streamlined. She felt as it was currently written, it was hard for people to understand or follow.

3. Consider Approval of Proposed Setback Reduction on Lot 117 and 124 of the Brookside Phase 5 Subdivision (Baron) - 30 min

Staff Report Brookside Setback Reduction

Mr. Baron reminded Council of the previous Council Meeting discussion proposing the developer provide trees in exchange for Council approving a setback amendment for the two lots. He explained the developer had agreed to provide a voucher for an inch and half caliber Autumn Blaze Maple Tree to each home buyer. The voucher would be redeemable at a local landscaper. He provided additional details as included in the agreement.

Council Member Hardman asked for clarity of the tree size. Rick Lloyd, representing the developer Regal Homes, stated the trees were in 15 gallon buckets. Council Member Kahler pointed out item G. needed to be clarified to read a voucher would be provided to every homeowner. She also asked for a one year warranty for the trees. Mr. Lloyd stated the landscaper provided a one year warranty and Mr. Baron agreed to add the language to the agreement. Council Member Stack asked how long the voucher would be redeemable. Mr. Lloyd felt the voucher expiration could align with two-year municipal code requirement for landscaping yards.

As the Work Meeting ended earlier than anticipated, the Council determined to utilize the available time to discuss agenda item nine and enter the Closed Executive Session scheduled for the end of the Regular Meeting agenda.

9. Discussion to Consider Amending the Code of Conduct and Ethics for Public Officials of Heber City (Kahler) - 10 min

Resolution 2012-07 Code of Conduct and Ethics for Public Officials

Council Member Kahler shared the Code of Ethics adopted in 2012 had been brought to Council's attention by Council Member Johnston. She wished to discuss the roles of City Council versus Planning Commission. She wanted to see better communication between the Council and Planning Commission and proposed either more joint meetings on hot-button issues or alternately bi-annual meetings to discuss upcoming developments, ordinances, and City issues. She found the code stated Council Members should not be talking to the Planning Commission or attempting to influence their process. She asked for Council discussion.

Council Member Franco read directly from the Code of Ethics C.2.d. as attached, and felt it was too broad. She shared feedback she had received from Planning Commissioners that they were frustrated when Council rejected their recommendations and that they would like more collaboration with Council. She shared she had presented information to the Planning Commission in the past and wished to see more open and transparent communications and collaboration between the two public bodies. She agreed with Council Member Kahler's proposal to schedule joint bi-annual or quarterly meetings with the Planning Commission.

Mayor Potter recollected a previous presentation from the League of Cities and Towns (ULCT) which had clearly defined the Planning Commission's role as an independent advisory body to the Council. If Council were to influence the Planning Commissioners, it would eliminate the effectiveness of the independent advisory body. Council Member Hardman expressed his agreement.

Council Member Stack shared his experience as a Planning Commissioner prior to being elected to City Council. He felt it was inappropriate for Council Members to present to the Planning Commission. When one or two Council Members influenced the Planning Commission to forward a recommendation for a Council Member's pet project to the entire Council. He felt it was important to allow the Planning Commission to fulfill their distinct purpose as an independent advisory body. He acknowledged there was some merit in sharing background knowledge of Council priorities, but it should be done so cautiously. He approved of potentially scheduling a bi-annual meeting. Council Member Stack supported the Code of Ethics as written and recommended keeping it in place.

Council Member Franco asked that Staff not represent the views of Council to the Planning Commission. Mayor Potter shared feedback she had received from Planning Commissioners expressing discomfort with Council approaching them. She pointed out that one Council Member did not represent the will of the entire Council. Discussion continued.

Council Member Johnston saw the value of the two bodies meeting but felt it was important to do so as a whole rather than individually. He felt it was inappropriate for any Council Member to lobby the Planning Commission. Council Member Johnston and Council Member Hardman supported the Code of Ethics as written. Council Member Johnston proposed the Council read the document together once a year at the annual retreat.

Resident Tracy Taylor asked if there was a section regarding conflict of interest. Mayor Potter advised there was an independent Conflict of Interest Policy. City Attorney Mark Smedley added there was also State Code the City adhered to with regard to conflict of interest.

CLOSED EXECUTIVE SESSION

2. Purchase or Sale of Real Property

Motion: Council Member Stack moved to enter Closed Executive Session for the purpose of discussing the possible purchase or sale of real property. Council Member Hardman made the second. **Rollcall Vote:** **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack.

The meeting entered Closed Executive Session at 6:35 p.m.

Present:	Mayor Kelleen Potter Council Member Wayne Hardman Council Member Ryan Stack
Participating Remotely:	Council Member Heidi Franco Council Member Mike Johnston Council Member Rachel Kahler
Staff Present:	City Manager Matt Brower City Attorney Mark Smedley City Recorder Trina Cooke

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

1. Call to Order

Mayor Potter called the Regular Meeting to order at 7:15 p.m. and apologized for the late start. She welcomed everyone present.

2. Pledge of Allegiance (Council Member Hardman)

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

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

Council Member Johnston shared that he felt it was important to remember to keep discussions of Council decent, civil and respectful, as the Council moved forward with the important matters before them such as the Airport Master Plan, the North Village, Highway rerouting, and exponential growth in the community. He added that he did not participate in social media but was aware of the large amount of unthoughtful comments shared therein that could often be petty or mean. He read a portion of a Christian hymn:

“Should you feel inclined to censure
Faults you may in others view,
Ask your own heart, ere you venture,
If you have not failings, too.

Do not form opinions blindly;
Hastiness to trouble tends;
Those of whom we thought unkindly
Oft become our warmest friends.”

- Author Anonymous

III. CONFLICT OF INTEREST DISCLOSURE:

Council Member Johnston explained he did not have any direct conflicts but wished to recuse himself from discussion on agenda item seven regarding the Brookside subdivision as his company had worked with them on projects in the past.

IV. CONSENT AGENDA:

1. Approval of March 16, 2021 City Council Meeting Minutes (Cooke)

3.16.2021 DRAFT Minutes

2. Approval of Vehicle Surplus Liquidation for a Police Department HMMWV Vehicle, an Animal Control Vehicle, and a Public Works Vehicle (Anderson)

Staff Report Fleet Surplus

3. Approval of Power Industrial Park Condominium Plat Modification (Baron)

Staff Report - Amended Lot 12 Condominium Plat - Power Industrial Park mv 03252021

Motion: Council Member Hardman moved to approve the Consent Agenda. Council Member Stack made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion **Passed unanimously.**

City Manager Matt Brower introduced the Public Works Fleet Manager for the City's vehicles, Derrick Anderson. Mr. Brower explained Mr. Anderson was in attendance to answer questions had the Council decided to pull Consent Agenda item two for discussion.

V. PUBLIC COMMENTS:

There were no public comments received.

VI. ACTION ITEMS:

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

City Manager Matt Brower provided the update regarding the ongoing pandemic. He noted the central source of information for the city was the County Health Department's website www.coronavirus.wasatch.utah.gov. The County remained under a moderate-level transmission rate. Vaccines were available for anyone over the age of 18. Mr. Brower provided details for obtaining a vaccination appointments.

2. Presentation by Wasatch County School District Superintendent Sweat (Paul Sweat) – 10 min

Agenda item two was postponed.

3. Presentations by Peoples Health Clinic Outlining the use of CARES Funding (Beth Armstrong) – 5 min

Report

City Finance Manager Wes Bingham introduced the Executive Director of the People's Health Clinic, Beth Armstrong, and detailed her credentials. Ms. Armstrong thanked the Heber City Council for their continued support and shared that the People's Health Clinic provided health care at no cost to residents in both Summit and Wasatch Counties. She stated the Heber facility held clinic once a week, on Mondays, for prenatal care. The Park City facility was open Monday through Friday and offered full services. She continued to describe services and accomplishments of the Clinic as well as how they had been able to navigate during the pandemic. Much of the money donated by Heber City had been used towards the purchase of personal protection equipment (PPE). Ms. Armstrong noted the effectiveness of the masks worn to slow the spread of the pandemic and stated the clinic had seen no cases of the flu or colds that year.

Council member Kahler inquired if there were long term plans to create a full service branch of the clinic in Heber City. Ms. Armstrong confirmed yes, they were in the process of looking at properties. She added the clinic was also looking for ways to service the underinsured as well as the uninsured.

4. Presentations by the Children's Justice Center Outlining the use of CARES Funding (Kenna Jones) – 5 min

The representative from the Children's Justice Center was unable to attend the Council meeting, therefore agenda item four was postponed.

**RECESS AS HEBER CITY COUNCIL CONVENE AS HEBER CITY COMMUNITY
REINVESTMENT AGENCY BOARD**

Motion: Council Member Franco made the motion to recess from the Regular City Council Meeting in order for the Council to reconvene as the Community Reinvestment Agency Board. Council Member Hardman made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion **Passed unanimously**.

5. Consider Approval of Resolution 2021-03 Designating a Survey Area and Authorizing Related Actions for the Community Reinvestment Project Area (Brower) – 10 min

Staff Report Resolution 2021-03

City Manager Matt Brower introduced consultants Benj Becker, with Zions Public Finance, and Adam Long, legal counsel for the project. Mr. Long explained the designation of a survey area was required by statute and would allow the Community Reinvestment Agency (CRA) process to begin. He added the designation of the survey area would identify where Council felt further study was merited.

Council Member Franco expressed concern that the survey map including areas yet to be annexed, located in the County. Mr. Long advised the areas had been included because they would likely be annexed into the City soon. Council Member Franco felt the sewer farm should be excluded from the survey map. She asked whether including the open space farm land in the survey map increased the possibility of development. She did not wish to see increased development pressure on the north side of the City in the sensitive lands area. She confirmed that the Agency was required to follow all City Codes.

Mr. Brower stated the CRA would allow the City to invest in revitalizing existing buildings, not only new development. He explained the present map established only the area to be studied and once the study was complete, Council would determine and adopt a formal map.

Council Member Johnston felt the Rhinehold commercial parcel on the north end of town should be included in the survey area as well as the corner where Betty's Cafe, the L&L auto body shop, and McDonalds cabinet shop were located. It was determined to include additional land south of the nursery towards the airport, to remove the un-annexed land from the survey area map, and remove the land north of 300 North on the west. Discussion regarding the survey map boundaries continued.

Motion: Council Member Franco made the motion to continue the agenda item until an amended survey map was prepared. Council Member Kahler made the second. **Voting Aye:** Council Members Franco and Kahler. **Voting Nay:** Council Members Hardman, Johnston, and Stack. The motion **failed 2-3**.

Motion: Council Member Stack moved to approve Resolution 2021-03 with the addition that the map shown in exhibit A be amended to reflect the changes that the Council had agreed upon. Council Member Hardman made the second. **Rollcall Vote: Voting Aye:** Council Members Stack, Hardman, Johnston, Kahler, and Franco. The motion **Passed unanimously**.

Mr. Brower verified the changes to the map as agreed upon by Council consensus.

6. Consider Approval of Resolution 2021-04 Adopting Heber City Community Reinvestment Agency Bylaws, Designating a Location for Agency Meetings, and Authorizing Electronic Agency Meetings (Brower) – 20 min

Staff Report Resolution 2021-04 Bylaws

Mr. Long explained the adoption of the bylaws was statutory. He stated the bylaws aligned the sitting City officials as agency officials. He noted the goal of the bylaws was to establish agency operations.

Council Member Kahler inquired whether the agency should include members from the business owner community or other government entities. Mr. Long stated the agency consisted of only the City Council by statute. He added the agency could establish an advisory committee or community focus group if determined necessary.

Motion: Council Member Stack moved to approve Resolution 2021-04 adopting the Community Reinvestment Agency bylaws. Council Member Hardman made the second. **Rollcall Vote: Voting Aye:** Council Members Franco, Kahler, Johnston, Hardman, and Stack. The motion **Passed unanimously.**

Motion: Council Member Hardman move to adjourn as the Community Reinvestment Agency and reconvene as the Heber City Council. Council Member Stack made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion **Passed unanimously.**

ADJOURN AS HEBER CITY COMMUNITY REINVESTMENT AGENCY BOARD
RECONVENE AS HEBER CITY COUNCIL

The Community Reinvestment Agency meeting was adjourned at 8:16 p.m.

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

Staff Report Brookside Setback Reduction

City Planner Jamie Baron shared the updates included in the agreement as directed by Council during the preceding Work Meeting.

Motion: Council Member Stack made the motion to approve the proposed setback reductions for lots 117 and 124 of the Brookside Phase 5 subdivision subject to the tree voucher contract as negotiated. Council Member Hardman made the second. **Voting Aye:** Council Members Franco, Hardman, Kahler, and Stack. The motion **Passed 4-0.** Council Member Johnston had recused himself from the discussion and vote.

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

Staff Rep Ord 2021-09

City Planning Director Tony Kohler provided the information as attached in the Staff Report and shared photograph examples of parking lot light-posts in the City. Council Member Kahler inquired if the car dealerships were required by insurance to provide a certain amount of light in their parking lots. She asked whether Staff had done business-owner outreach for feedback. She did not care for the “mouse-mazes” being created by islands throughout new parking-lots to meet landscaping requirements. Council Member Johnston shared similar concern. Mr. Kohler proposed Council remove the landscape requirement provision.

Council Member Johnston was against prohibiting light-posts in the outer parking strips. He felt the lights could be directed toward the parking lots rather than the street. He wished to see 16-foot height restrictions on parking lot light-posts. Council Member Franco supported Council Member Johnston's suggestions. He proposed long landscaping strips in parking lots and eliminating tree diamonds. He noted the snow-plows would be able to better navigate. Council Member Johnston referred to the Walmart and Smith's parking lots as examples. Council Member Stack supported the proposed 16-foot light-post height restriction. Council Member Kahler proposed Staff involve some business owners and recommended reaching out to Jason Giles regarding the new UPS store parking lot plan.

Motion: Council Member Kahler made the motion to continue. Council Member Stack made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion **Passed unanimously.**

9. Discussion to Consider Amending the Code of Conduct and Ethics for Public Officials of Heber City (Kahler) - 10 min

Resolution 2012-07 Code of Conduct and Ethics for Public Officials

Agenda item nine was discussed at the conclusion of the preceding the Work Meeting.

VII. COMMUNICATION:

Mr. Brower mentioned the upcoming League of Cities and Towns Spring Conference and reminded Council to register if they had not done so already.

Council Member Stack wished to address the erroneous claims on social media that the City had not addressed all the questions posed during the Airport Master Plan Open House and asked if the questions and answers could be posted on the website. Mayor Potter advised it had been done. Mr. Brower clarified that the PR firm was involved in the entire Master Plan process and was doing everything possible to make all the information available to the public.

VIII. CLOSED EXECUTIVE SESSION

1. Personnel

2. Purchase or Sale of Real Property

Motion: Council Member Stack moved to adjourn the Regular Meeting and enter Closed Executive Session for the purpose of discussing the possible purchase or sale of real property. Council Member Hardman made the second. **Rollcall Vote: Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack.

The meeting entered Closed Executive Session at 8:41 p.m.

Present:

Mayor Kelleen Potter
Council Member Wayne Hardman
Council Member Ryan Stack
Council Member Heidi Franco
Council Member Mike Johnston
Council Member Rachel Kahler

Participating Remotely:

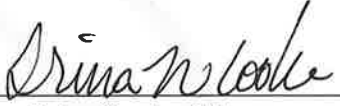
Staff Present:

City Manager Matt Brower
City Attorney Mark Smedley
City Recorder Trina Cooke

IX. ADJOURNMENT

The Heber City Council Meeting was adjourned at 9:09 p.m.




Trina Cooke, City Recorder