

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**City Council Meeting Minutes**  
**April 20, 2021**

**5:30 p.m. Work Meeting**  
**7:00 p.m. Regular Meeting**

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on April 20, 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-5:30 P.M.**

**Complete Meeting Slidedeck**

**Present:** Mayor Kelleen Potter  
Council Member Wayne Hardman

**Participating Remotely:** Council Member Heidi Franco  
Council Member Mike Johnston  
Council Member Rachel Kahler  
Council Member Ryan Stack

**Staff Present:** City Planning Director Tony Kohler  
City Recorder Trina Cooke  
Chief of Police Dave Booth  
City Finance Manager Wesley Bingham

**Staff Participating Remotely:** City Manager Matt Brower  
City Engineer Bart Mumford  
City Planner Jamie Baron  
Human Resource Manager Melanie Alleavitch  
Airport Manager Travis Biggs  
Public Works Director Matthew Kennard  
City Finance Manager Wesley Bingham

**Also Present:** JC Hackett, Janice Christensen, Trudy Bier, Aimee Armer, Renee Burkley, Michele Davis, Pete Stoughton, and Marci Harvey.

**Also Joining Remotely:** (names are shown as they appeared in the virtual meeting) Kirsta Albert, Marianne B Allen, Mike Swallow, Paul Sweat, Daniel Cygrymus, Cory, Kim Dickerson, Stacey Moore, Jack Walkenhorst, Samm Robins, Benj Becker, Barrett Burghard, Rob Harter, Garrick, Ben Vera, Scott Phillips, Tracy Taylor, Juan Lee, Aaron Wade, Peter Kirsch, Mike Bradshaw, Drew Jex, Kendra Wyckoff, Justin Crail, Randy Larsen, Mike Ryan, Slo, and Akio Ohtake-Gordon.

Mayor Potter called the meeting to order at 5:30 p.m. and welcomed everyone present.

1. Update on Compensation Study (Brower) – 30 min

PowerPoint

City Manager Matt Brower reminded Council of their instruction to Staff to conduct a wage analysis. He introduced Mike Swallow who had been hired by the City to conduct the study. Mr. Swallow provided a PowerPoint presentation reviewing the project objectives. He stated the worth of work was established by the value of the job, the prevailing market value and the contributory value of the employee. He shared the process of the job analysis and the comparisons of annual pay.

Council Member Kahler inquired whether cost of living had been a factor included in the study. Mr. Swallow explained the study was based strictly on straight pay. He shared charts displaying study results for minimum and maximum pay rate comparisons, as well as the survey range versus City actual pay by job value. He explained the chart of a proposed pay plan for Heber City.

Council Member Franco asked to have the survey filtered to compare only cities of similar size. She wished to see the same charts compared to cities of the same size in Utah as well as compared to cities within a 50 mile radius. Mr. Swallow agreed to provide the requested comparisons for the May 1<sup>st</sup> Budget Meeting. He proceeded to the decision paradigm of the need, ability, and willingness to pay. Council Member Stack asked to see the comparisons done with the cities and county in the Wasatch Back.

Council Member Stack inquired where the recruitment for the City came from geographically. Mr. Brower advised the applicants were mainly from the Wasatch Front. Police Chief Dave Booth added that the Police Department was unable to attract new officers due to the long drive from the Wasatch Front to Heber City and officer's inability to purchase homes locally due to the high cost of the housing market locally.

Council Member Johnston inquired the goal of the study results. He wanted to know if the City needed to adjust the entire spectrum of pay ranges or just certain wages. Mr. Brower indicated that, during the May 1<sup>st</sup> Budget Meeting, Staff would propose a strategy for additional research in order to present Council with a budget adjustment to retain high quality staff and to compete with wages obtainable on the Wasatch Front. He shared that the Engineering Department had been trying to recruit an engineer since January and noted that the attempt to recruit for the position of an assistant to the City Manager had been unsuccessful.

2. Discuss Proposed Garden Apartments Located at 500 North 160 West (Kohler) – 30 min

Staff Report Garden Housing

City Planning Director Tony Kohler introduced petitioner Bill Wark. Mr. Kohler explained that Mr. Wark owned the old Rocky Mountain Care Facility and wished to convert the building into apartments. The proposal had been to the development review committee. Mr. Kohler reviewed the studies completed and advised a zone change was needed.

Mr. Kohler Stated Staff was proposing a master development agreement (MDA) between the City and Mr. Wark and asked whether the Council would be supportive of moving forward with the process. Mr. Wark explained the building had been vacant for approximately three years. He described the project concept and stated they were hoping Council would accept 42 parking spaces for the 32 units. He further detailed the study findings and noted the project would assist with providing affordable housing in the City.

Council Member Johnston supported the project and noted the need for more affordable housing. He asked if all units would be rentals. Mr. Wark responded he would like to designate some for-sale units. Council Member Hardman expressed his support to move forward with the process for the project. Council Member Kahler was supportive of the project and MDA but expressed concern with the lack of parking. She did not wish to see cars parked on 500 North. Based upon existing zoning surrounding the property and Mr. Wark's willingness to meet the affordable housing requirement, Council Member Stack supported proceeding with the project.

Council Member Franco proposed the landscaped area between the building and 500 North be used for additional parking. She expressed concern with the possibility of the units becoming short-term rentals. Mr. Kohler stated the MDA could prohibit short-term rentals as well as a restrictive covenant added to the recorded condominium plat document. Mr. Wark explained the need to add a staircase to the side of the building which would not allow enough space to include additional parking as suggested. Discussion regarding additional parking options followed.

By consensus of Council, Staff was directed to proceed with the process for the proposed project.

### 3. Presentation by Wasatch County School District Superintendent (Paul Sweat) - 30 min

Wasatch County School District Superintendent Paul Sweat explained the School District had been carefully tracking the population growth patterns in the City. He updated the Council regarding the students returning to the classroom amidst the pandemic. Mr. Sweat shared the dedication and many achievements of the schools, students, and teachers.

Mr. Sweat shared that between the 1950's to approximately 1990 the total enrollment per grade had held steadily at approximately 150 students. He reviewed the exponential growth of the student population in the County and additional schools built since. He shared an image of a study reflecting the current planned and active Wasatch County developments. He noted there were 92 planned projects in the JR Smith Elementary boundary alone representing 11,617 total build-out and shared additional planned projects within the other school boundaries. He reminded everyone of the responsibility to provide a good education to the students. Mr. Sweat explained the student yield factors used to forecast growth from new residential development.

Council Member Kahler asked Mr. Sweat when the new elementary schools would need to be built and when the school district intended to bond for the new high school. Mr. Sweat shared a 10-year district-wide resident student projection. He described the great need to build another High School.

Council Member Kahler asked whether the future schools Committee had begun meeting. She felt it was an essential committee and indicated the importance that the Committee consist of trusted members of the community. She said the Council was aware of the need for another High School and the School District needed to convince the community. Mr. Sweat stated the School District was asking the City to partner with the School District and work together to move forward.

Schoolboard Member Marianne Allen asked the City to consider asking developers to donate land for schools. She felt that would be very helpful to the School District moving forward based on the projections presented.

Council Member Kahler was interested in looking at the Deer Mountain area that bussed children 35-40 minutes to attend school in Wasatch County. She proposed a deal with Summit County to allow the children to attend school in Summit County, cutting the commute down to ten minutes. Council Member Stack felt the suggestion for the City to work with developers to dedicate land for schools was well received by Council and asked if there were additional suggestions for the City to assist the School District. Mr. Sweat shared the need for additional affordable housing for teachers. He described the high turn-over rate of teachers due to the inability to afford housing in the City. Council Member Franco advised that the Interlocal government group was working towards designating an affordable housing coordinator to monitor deed restricted houses for essential workers. She asked the City Manager Matt Brower to look into setting up a development requirement to dedicate land or money for schools. It was noted that impact fees for schools were prohibited in State Code. Discussion continued.

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

### **1. Call to Order**

Mayor Potter called the Regular City Council Meeting to order at 7:20 p.m.

### **2. Pledge of Allegiance (Council Member Johnston)**

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

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

Council Member Kahler shared a prayer.

## **III. CONFLICT OF INTEREST DISCLOSURE:**

There were no conflicts of interest to disclose.

## **IV. CONSENT AGENDA:**

### **1. Approval of April 6, 2021 City Council Meeting Minutes (Cooke)**

DRAFT Minutes

2. Consider Approval of UDOT SR 113 Corridor Preservation Agreement (Mumford)

Staff Report SR113 Access

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

V. PUBLIC COMMENTS:

There were no comments from the public.

VI. ACTION ITEMS:

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

There was no update regarding the ongoing response to the COVID-19 pandemic.

2. Proclamation to Designate May 2021 as Mental Health Awareness Month (Mayor Potter, Aimee Armer) – 5 min

Proclamation

Aimee Armer and Trudi Bier, with the People's Health Clinic, were present to request Heber City proclaim May as Mental Health Awareness Month. Ms. Armer shared the number of people affected by mental illness. The Clinic wished to educate the public regarding the importance of getting help, dispelling myths, promoting education and providing resources. Ms. Bier worked with the youth in County schools and provided the number of students dealing with different levels of depression. They wished to break down the stigma of mental illness and provided information for upcoming events and educational programs for Mental Health Month. Mayor Potter read the last paragraph of the proclamation as attached and thanked the People's Health Clinic for their good work.

**Motion:** Council Member Hardman moved to approve May 2021 as Mental Health Awareness Month. Council Member Franco made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion **Passed unanimously**.

3. Presentation by the Back to the Fifties Car Show (Marci Harvey) – 5 min

JC Hackett, representing the Back to the 50's car show presented the City with a check and thanked the City for their continued support of the car show. He informed Council the show was in its 29<sup>th</sup> year. He shared that the show had added the 1033 Foundation as a beneficiary of the car show proceeds. Mr. Hackett explained the 1033 Foundation assisted families of fallen officers. Mayor Potter thanked the car show representatives for their contribution to the City.

4. Required Update by the Christian Center Outlining the use of CARES Funds (Rob Harter) – 5 min

#### CCPC Presentation

Peter Stoughton, representing the Christian Center of Park City and Heber Valley, provided the update. He shared the Center had been able to provide nearly half a million dollars in financial and in-kind assistance to those in Wasatch County directly impacted by the pandemic. He said the amount did not include food pantry assistance. He reviewed the additional distribution of funds as included in the attached presentation and thanked the Heber City Council for their support. Rob Harter with the Christian Center was present virtually and thanked the City for investing in the organization in order for them to invest in the community in turn.

5. Required Update by the Peace House Outlining the use of CARES Funds (Kendra Wycoff) – 5 min

#### Peace House Presentation

Kendra Wycoff, representing the Peace House, reminded everyone the Peace House provided support and services to men, women, and children experiencing domestic violence. She noted the escalation of domestic violence instances brought on by the pandemic's stay-home mandate. Ms. Wycoff reviewed the increased needs of individuals in Wasatch County and the services provided by the Peace House as included in the attached presentation. She expressed gratitude for the support provided by Heber City's CARES (Coronavirus Aid, Relief, and Economic Security Act) contribution to the Peace House.

6. Required Update by the Wasatch Community Foundation Outlining the use of CARES Funds (Tom Fowler) – 5 min

#### WCF Covid-19 Relief Expenditures

Renee Burkley, representing the Wasatch Community Foundation, shared the expenditures of funds donated by the City. She listed multiple community programs assisted by the funds as detailed in the attached report including ensuring children were fed and rent assistance for community members in need. She thanked the City for their support.

Heber City Police Chief Dave Booth wished to add that each of the preceding CARES grant recipient organizations directly assisted the Heber City Police Department. He thanked the Mayor and Council for the decision to distribute a substantial portion of the City's federal CARES grant money to them. Chief Booth attested that the money did go to assist the community. He expressed great appreciation to each of the organizations. Mayor Potter expressed gratitude to each of the organizations as well.

7. Tentative Adoption of the Fiscal Year 2021-2022 Tentative Budget and Establishing Public Hearing Date to Consider Adoption of Tentative Budget (Bingham) - 5 min

#### Staff Report Tentative Budget

#### Heber City Tentative Budget 2021-2022.

Heber City Finance Manager Wes Bingham stated the tentative budget book had been distributed to the Council Members. He recommended establishing the public hearing date to adopt the budget on June 1<sup>st</sup>, 2021 during the regularly scheduled City Council Meeting.

**Motion:** Council Member Hardman moved to adopt the tentative budget and set the public hearing date for June 1<sup>st</sup>, 2021. Council Member Stack made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion **Passed unanimously.**

8. Request of City Council to Support Establishment of a Public Improvement District (PID) for the Sorenson Project (Brower) - 30 min

#### Public Infrastructure District White Paper

#### PID Request

Mike Bradshaw, representing the Sorenson group, was requesting Heber City establish a PID (Public Infrastructure District) policy. He wished to apply for a PID through Heber City for the Jordanelle Ridge development. Mr. Bradshaw introduced Cody Winterton, Sam Sharp, Ben Vera, Benj Becker, and Randy Larsen, present to assist with questions in the discussion.

Benj Becker, with Zion's Bank Public Finance, expressed his willingness to continue working with the City to establish a PID policy. Randy Larsen, available as special counsel to the City, recommended the Council move forward with the establishment of a PID policy. Mr. Larsen explained the PID was a separate entity which protected the City from the PID becoming a debt or liability to the City. He clarified the only thing a PID was able to do was finance capital infrastructure. A PID was a discretionary tool requiring the consent of three parties: 100% of property owners and registered voters within the PID boundaries, and the City Council. A PID was dependent on new taxable value. Mr. Larsen added that the City should consider having professionals on its side to establish the policy outlining the City's vision and guidelines of what a PID could accomplish to comply with City objectives. He recommended developing a guide for PID applications.

Council Member Stack inquired what would happen if the tax proceeds were insufficient to meet the needs. Mr. Larsen explained the PID separated the debt from the City and further described the process of bond repayment and the dissolution of the PID. He added that typically, PID's were repaid earlier than the bond timeline required.

Council Member Franco inquired whether the limited tax bonds received a bond rating. Mr. Larsen explained PID bonds originated as unrated bonds, but once vertical construction began, bonds could then be rated. Council Member Franco wished to see examples of initial interest rates in other cities. Sam Sharp, investment banker, answered the rate was typically 5% or less. He noted the bonds were tax exempt. Council Member Franco expressed concern with the amount of work the City would need to apply to the creation of a PID policy and asked whether the City needed to charge an overall fee similar to annexation fees or zone change fees. Mr. Larsen recommended the City hire professionals to represent the City and the fees of the professionals would be paid by the developers. Mr. Larsen clarified the City nor the PID would not be responsible to fund any gap financing, the responsibility would fall to the developer.

Mayor Potter pointed out the only decision before Council that night was whether to establish a PID policy. Mr. Larsen added that the establishment of a policy would not imply the expectation of PID approvals.

City Manager Matt Brower asked Council to consider the benefits residents would receive in return for the developers benefiting from a tax exempt loan when establishing a policy. He explained the developer would want to determine additional amenities to include in order to off-set the higher market rate homes. Council Member Franco noted a PID could inhibit affordable housing options.

Council Member Johnston stated that everyone paid property tax, principal interest, and insurance on a mortgage. He explained the PID was a financing mechanism and did not add a dollar amount to the mortgage but rather into the property tax amount. The dollar amount of the mortgage was adjusted to offset the increased taxes. He noted the deed restrictions for downtown Heber was a different dollar amount than Jordanelle. Council Member Johnston clarified the monetary benefit of a PID to the developer would be passed along to the home buyer.

Council Member Kahler inquired whether the developer intended to use the PID for only secondary water and storm drains, or intended to include additional infrastructure such as roadways. Mr. Bradshaw explained a PID could be used for all public infrastructure but the finance mechanism would allow the developer to apply money saved on amenities such as trails and parks.

Council Member Stack inquired what the net benefit of the PID would be to the City and to the homeowner. Mr. Larsen shared the example of Hurricane City's approval of a PID and using a development agreement to gain benefits for the city and homeowners. He stated the benefits would be different for each PID application. Council Member Stack inquired whether the City could include requests in the PID policy above and beyond what would be in a development agreement. Mr. Larsen confirmed.

Mr. Larsen clarified that a CRA (community reinvestment agency) was a redistribution of existing tax revenues. A PID was a new tax revenue paid for by new growth. Both were dependent upon vertical growth. Discussion continued.

**Motion:** Council Member Kahler moved to continue the discussion to a future meeting. Council Member Franco made the second.

**Discussion** on the motion: Council Member Stack clarified the Council need only decide whether they supported the City moving forward with the establishment of a PID policy. He felt it was worth beginning the process and supported moving forward. Council Member Kahler felt it was a monumental change for the City, with a lot of new information to absorb, and wanted more time to research. Council Member Franco hoped figures and examples from other cities would be provided for the next discussion. Mr. Larsen offered clarification that a PID policy would enable the City to have professionals provide additional information. Council Member Franco asked Mr. Brower to check whether the budget allowed for the additional services of Mr. Becker.

**Vote: Voting Aye:** Council Members Franco and Kahler. **Voting Nay:** Council Members Hardman, Johnston, and Stack. Motion **failed 2-3**.

**Motion:** Council Member Stack moved to proceed with the City researching the appropriateness of a City-wide PID policy. Council Member Johnston made the second.

**Discussion:** Matt Brower recommended including in the motion to exploring the budget to expand the contract with Benj Becker. He noted the cost would be reimbursed by the developer upon approval of a PID.

**Amended motion:** Council Member Stack amended the motion to include revising the contract with Benj Becker for the purposes mentioned by Mr. Brower. The second stood. **Voting Aye:** Council Members Hardman, Johnston, and Stack. **Voting Nay:** Council Members Franco and Kahler. The motion **Passed 3-2**.

9. Consider Approval of Light-Pole Banners to Honor and Support Public Safety Employees for the Month of May (Brower) - 5 min

Wasatch County Banner Application

Ord 2020-37 Adopting Street Light Banner Standards - Chapter 12.32

WC Resolution 21-01 Support Honor of the Public Safety Employees

Image of Proposed First Responders Main Street banners

Mr. Brower shared that the Wasatch County Sheriff's department had submitted a banner application for the Main Street light-poles for the month of May to display banners supporting first responders. He said the request was being presented to Council due to the City's banner policy, which required banners sponsoring a message rather than an event to be approved by Council. He added that the City had received additional applications for May as well

**Motion:** Council Member Franco made the motion to accept the Wasatch County Sheriff's application to honor first responders on the Main Street Banners in May. Council Member Kahler made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion **Passed unanimously**.

## VII. COMMUNICATION ITEMS:

Council Member Johnston stated that he and Council Member Kahler had been in attendance at the Interlocal Planning meeting and shared that the County would be moving forward with a RAP (Recreation, Arts and Parks) tax on the November ballot. He recommended the City determine their priorities for use of City portion of funds. He said Heber City would generate approximately 60% of the revenue of the RAP tax. Council Member Kahler stated the County was focused on using the revenue for trail maintenance.

Mr. Brower felt if the County intended to establish the tax for trail maintenance only, the proposal would fail. He suggested a broad scope would be more desirable to the voters and proposed visual and performing arts as well as parks be included. Mayor Potter felt the City should have a contributing say in how the money was distributed to the cities. Discussion followed.

## VIII. CLOSED EXECUTIVE SESSION

1. Pending or Reasonably Imminent Litigation
2. Purchase, Exchange or Lease of Property

**Motion:** Council Member Kahler moved to enter Closed Executive Session for the purpose of discussing pending or reasonably imminent litigation and the possible purchase, exchange, or lease 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 9:25 p.m.

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

**Staff Present:** City Manager Matt Brower  
City Recorder Trina Cooke

**Also Present:** Peter Kirsch and Steve Osit, Legal Counsel for Airport litigation.

## IX. ADJOURNMENT

**Motion:** Council Member Kahler made the motion to adjourn. Council Member Stack made the second. The meeting was adjourned at 10:22 p.m.



*Trina Cooke*  
Trina Cooke, City Recorder