

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting
March 1, 2022

APPROVED Meeting Minutes

4:30 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. WORK MEETING-4:30 P.M.

Mayor Franco called the meeting to order at 4:30 p.m. and welcomed everyone present.

Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Ryan Stack
Council Member Scott Phillips

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley
City Planning Director Tony Kohler
City Engineer Russ Funk
City Finance Manager Wes Bingham
Planning Administrative Assistant Meshelle Kijanen
Administrative Assistant to the City Manager Luke Searle
Public Works Director Matthew Kennard
Parks and Cemetery Director Mark Rounds
Heber Valley Airport Manager Travis Biggs
Senior Police Officer Brian Berg

Staff Participating Remotely: City Planning Director Tony Kohler, City Attorney Mark Smedley, Administrative Assistant to the City Manager Luke Searle, City Finance Manager Wes Bingham, IT Specialist Anthon Beales, Senior City Planner Jamie Baron, and Public Works Director Matthew Kennard.

Also Present: Paul Linford, Spencer Coleman, Logan Johnson, Barbara Boss, Missy Luke, Marco Diaz, Mike Bradshaw, Cody Whitaker, James Stout, Avery LeMmon, Lynne Harms, Pam Patrick, Carma Isaac, Ken Mickelson, Joshua Jewkes, Connie Greene, Matthew Kennard, Amy Underhill, R. Spencer, Julie Bell, Allen Bell, Tom Bonner, Bart Smith, Myrna Julep, Diane Smith, Mike Eaton, Lauren Hansen, Clay Coleman, Jane Bowers, Glen Sweeney, Pat Sweeney, Laurie Wynn, Glenn Singley, Susan Singley, Pat Sweeney, Pauline Parker, Ann Zimmerman, Nicole Ferguson,

Elyse M, Brenda Olson, Elis Olson, Rya Stram, MeriAnn Boxall, Greg Orr, Tammy Solum, Dallin Koecher, Hans Steczed, Joe Smith, Splashpads USA, Steven McGhie, Marcus Keller, Dale Chriss Beeman, Bob Faige, Ben Lasseter, Scott House, Don Taylor, Tracy Taylor, Rick Funk, Lyske Emerson, Debbie Koporec, Gary Miedens, Curly Hobbs, Terry Matyszczyk, Tony Matyszczyk, Robert Townley, Tate Stone, Tom Stone, Jessica Broadhead, Jaxon Broadhead, Paul Askins, Zach Maxwell, Justin Goodrich, Barbara James, James Wallace, Tom Ackerson, Tom Reed, and others who did not sign in or whose names were illegible.

Also Attending Remotely: (Names are shown as they appeared online) Jeffrey Kuhn, Lonny, Clark, Luke, Derek Anderson, Randy Larsen, Justin Crail, Aaron Averett, Kelli G, Sandi Brower, Mark Halberg, David Belz, Liz Wilson, Tracy Taylor, Dan Simmons, Mike, Michael Glenn, Daniel Cygrymus, Nancy, Ben Lasseter, Jim Christensen, Tracy Taylor, Gary Bush, Trudy, and others whose names did not appear.

1. [Discussion Regarding Proposed North Village Annexations Processes \(Brower, Kohler\) - 60 min](#)

[WM Item 1 Staff Report DMJ Annexation](#)

[North Village Annexations PowerPoint](#)

DMJ Annexation Discussion:

City Planning Director Tony Kohler explained the discussion needed that evening was whether the DMJ annexation petitioner's memo correctly encapsulated the issues Council wished to see included in the anticipated MDA (Master Development Agreement). Council feedback was also requested regarding whether or not the annexation process should be put on hold until the Transportation Master Plan and Storm Drain Master Plan for the North Village had been adopted. The petitioner had taken the previously adopted, Council approved, Highlands Annexation MDA and used it to model their own. The DMJ version deleted all the clauses related to Highland's residential components, replaced Highland's site/development data with DMJ's site/development data, and proposed a possible trailhead parking lot.

Mayor Franco inquired, and annexation representative Jeffrey Kuhn affirmed, the developer would consider dedicating proposed open space as a conservation easement. Mr. Kuhn described the building project plan design would be entirely commercial but held the potential for workforce accommodations.

Council Member Kahler felt the DMJ annexation process did not need to be put on hold as it was a commercial plan and due to the location. Heber City Engineer Russ Funk confirmed the project location was separate and isolated from the other North Village area annexations affected by the impending Transportation and Storm Water Master Plans. There would be criteria Mr. Funk felt the project would need to comply with but he did not feel the DMJ annexation needed to await adoption of the two master plans. Consensus of Council majority was to not delay the DMJ annexation. Additional discussion was held regarding access from the highways to the commercial project

North Village Annexation Discussion:

Mr. Kohler explained that Staff was seeking Council feedback regarding the following issues for the North Village Annexation:

- proposed boundary amendment
- proposed project density, height restrictions, and uses
- should the annexation be put on hold until the City's Transportation and Storm Water Master Plans had been adopted

Mr. Kohler shared the proposed boundary amendment removed the properties whose owners did not wish to be included in the annexation and did include the Utah Valley University (UVU) campus. Council Member Johnston did not feel the City should allow the proposed property omissions as it would create islands and peninsulas within City boundaries which was frowned upon by the State and was not good planning. He added that, even if the property owners were opposed, it would create a long-term benefit. Council Member Phillips agreed. Mayor Franco felt private property owner's rights should be honored. Mr. Kohler pointed out the benefit to omitting the particular properties would be that, in the future, if they did wish to annex, the City would be able to negotiate development agreements at that time. If said properties were forced into the City by an annexation, the City lost the ability to negotiate potential development agreements. Council Member Kahler noted that Moulton Lane was a private road and inquired the impact that would have on future development. Council Member Johnston felt it was a non-issue. Council Member Barney agreed with Mayor Franco to honor the wishes of the private property owners.

Barbara Boss, affected annexation property owner, explained there was a recorded document stating any property owner whose property touched Moulton Lane had a vote for how many units could be allowed access. She referred to future UDOT (Utah Department of Transportation) plans to remove access from Moulton Lane directly onto Highway 40 and divert the traffic from Moulton Lane to the north and south collector roads. Paul Linford, annexation representative, shared his discussions with the fire department had revealed fire trucks could not cross the failing bridge on Moulton Lane, thereby putting homes at higher risk in a fire.

Council Member Johnston reminded everyone of the City's General Plan, approved by the County. He felt the property owners who would be annexed would receive more property rights by being in the City. He felt removing any of the properties was a bad idea. Council Member Stack felt strongly that properties should not be forced to be annexed into the City. Council Member Kahler agreed.

Mr. Kohler shared images of development designs and concepts for the properties within the North Village Annexation and explained the density needed for a viable mixed-use town center. He noted decreased density would not support a viable town center. He added that the proposed developments were all compliant with the City's North Village Overlay Zone (NVOZ). Council Member Barney expressed concern that a separate town center would detract from the City's efforts to revitalize the existing downtown. She felt the density was twice what it should be. She was also concerned about water availability. Council Member Barney felt said concerns represented those of the constituents.

Mr. Kohler noted the City's Envision Heber 2050 Master Plan included four additional town centers. The intent was for each town center to be more independently supported by surrounding walkable communities, to help alleviate increased traffic on Highway 40, while maintaining a sustainable downtown that was not capable of accommodating the large number of increased capacity. Council Member Stack supported town centers but expressed concern with the extent of the proposed density in each development. He wished to see more low density neighborhoods with open space. Council Member Phillips pointed out there was less water used in higher-density developments than for individual quarter-acre lot developments. Mr. Linford noted the need of competition in order to bring down housing prices in the valley, and the need for students at UVU. He recollected the referendum filed with the City in 2021 to prevent the NVOZ that had failed for lack of support by the community. Council Member Kahler supported lowering the densities.

Council Member Johnston recalled that the City had spent two plus years developing the Envision Heber 2050 Plan with input and feedback from the community. The City had spent over a year developing the NVOZ. He expressed concern with the Council tearing the plans apart. The proposed town center would fail without the proposed density. Six units per acre, as approved in the NVOZ, was considered low density. With regard to water concerns, Council Member Johnston pointed out that one home on a one acre lot used equivalent water to nine town-homes. He indicated disappointment with Council's feedback.

2. [Review and discuss proposed Sign Ordinance Amendment \(Kohler\) - 30 mi](#)

[WM Item 2 Staff Report Sign Ordinance](#)

Planning Staff had visited with CAMS (Community Alliance for Main Street) and the Chamber of Commerce, at the direction of Council, on December 15, 2021. Mr. Kohler shared the feedback received as follows:

- No longer permit pole signs
- Requested the City require better maintenance of signs
- Not allow more neon than already proposed
- Not to allow more banners and wished to steer away from banners
- Eliminate the kelvin limitation

Spencer Coleman, President of Wasatch Back Signarama, explained light measurement in kelvins as a way to describe the light appearance by color temperature, versus brightness as measured by lumens. Council Member Kahler wished to see the kelvin limit removed from the proposed ordinance amendment and to table the curfew discussion in order to expedite the ordinance's adoption process. Council Member Stack wished to see the sign discussion returned to another work meeting. Council Member Kahler noted many businesses were awaiting adoption of the sign ordinance amendment before proceeding with business signs. It was determined to continue the discussion during the next work meeting scheduled to be held March 9th, 2022, as well as placed on the regular meeting agenda for adoption.

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

1. Call to Order

Mayor Franco called the Regular City Council Meeting to order at 6:00 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Council Member Phillips)

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

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

Mayor Franco shared a prayer.

III. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed by Council.

IV. CONSENT AGENDA:

1. Approval of January 18, 2022 City Council Meeting Minutes and February 1, 2022 City Council Meeting Minutes (Cooke)

1.18.2022 DRAFT Minutes

2.1.2022 DRAFT Minutes

2. Appointment of Heidi Harmon to the Open Space Committee, along with Maegen Lewis and Tom Reeds Appointed to the Trees Sub-Committee (Franco)

CA Item 2 Committee Appointments

Motion: Council Member Kahler moved to remove item two from the Consent Agenda and to approve the January 18 and February 1 Meeting Minutes. Council Member Johnston made the second. **Voting Aye:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. The motion **Passed unanimously 5-0.**

Council Member Kahler indicated she was supportive of the recommendations to the Tree sub-Committee but wished to discuss the current structure of the Open Space Trails Parks and Trees (OSTPT) committee, and how it was designated, upon the original creation of the committee as well as revisit the purpose of the committee. Mayor Franco noted the many issues the OSTPT was working on and that the committee could use all the help it could get. Mayor Franco added that Ms. Harmon was eager to serve.

Mayor Franco expressed appreciation for the members of the community who volunteered to serve on the City's committees.

Motion: Council Member Kahler made the motion to appoint Maegen Lewis and Tom Reeds to the Trees Sub-Committee and continue the Open Space Committee appointment for further discussion. Council Member Johnston made the second.

Discussion: Council Member Barney asked to understand the reason to postpone the OSTPT appointment. Council Member Kahler felt that with so many members of the community present for the Council Meeting, it would be best to discuss the issue at a later date and continue with the agenda.

Voting Aye: Council Members Barney, Johnston, Kahler, Phillips, and Stack. The motion **Passed 5-0.**

V. PUBLIC COMMENTS:

Steven McGee, founder and owner of Utah Broadband explained the company had been providing internet service to Heber City for 20 years. The company had applied for a franchise agreement with the City in order to provide fiber optics to the community. He was present to introduce himself and the company to the community and hoped to move forward with the provision of a timeless infrastructure service to benefit the Heber City.

VI. ACTION ITEMS:

1. Mayor's Award Presentation to the Public Works Water Crew (Mayor Franco) – 5 min

Item 1 Mayor's Award

Mayor Franco explained that not all of the Mayor's Award recipients had been able to attend that evening. Therefore, it had been determined to postpone the Award presentation to the next City Council Meeting.

2. Mayor Franco Proclamation Designating May 6, 2022 as Arbor Day in Heber City (Franco) – 5 min

Item 2 Arbor Day Proclamation

Mayor Franco shared that the Tree Committee was collaborating with the CAPS (Center for Advanced Professional Studies) program for a celebration of Arbor Day and needed to change the date originally provided from May 6th to April 29th, 2022. The Mayor, on behalf of Heber City, proclaimed April 29th, 2022 as Arbor Day.

3. [Presentation of Wasatch County High School State Finals Rodeo Contribution \(Tom Bonner\)](#)
– 5 min

[High School Rodeo Numbers 2021 \(002\)](#)

Tom Bonner shared the vast number of visitors brought to the valley by the Wasatch County High School State Rodeo Finals for Jr. High School and High School students. He stated the annual donation from the City went directly towards scholarship programs. Mr. Bonner provided the dates for the 2022 rodeo finals.

Council Member Kahler inquired whether the County was going to provide increased amenities within the RV camping area for the attendees. Mr. Bonner shared the County's plan to add water and power to many of the RV sites. Council Member Kahler noted the positive economic impact the event brought the valley. Mr. Bonner added that a letter of support from the Council would be helpful towards the effort to keep the State Rodeo Finals in Wasatch County. Council Member Johnston felt everyone on the Council supported the High School Rodeo Finals. Council Member Kahler expressed her support for the City's continued contribution to the Wasatch County High School State Rodeo Finals and shared that she had received a note from Jordanelle Ridge Developer representative Mike Bradshaw promising to match the City's \$10,000 contribution.

4. [Presentation by the Heber Valley Pickle Ball Club \(Connie Green, Lynne Harms\)](#) – 5 min

[Item 4 Presentation Wasatch County Pickleball Courts](#)

Lynne Harms spoke on behalf of the Pickle Ball Club. Many of the people in attendance at the Heber City Council Meeting were members of the club. She shared the popularity of the sport and noted that, during summer months, the pickle ball facility had 20-30 people waiting to play at any given time during daylight hours. The Club was working with Wasatch County to add six new courts to the existing facility at Southfield Park for a total cost of \$300,000. The Club was asking Midway City and Heber City to contribute \$40,000 each. Wasatch County had dedicated \$140,000, and the Pickle Ball Club was attempting to raise \$80,000 by October of 2022.

Mayor Franco inquired whether the City would assist the Club in seeking grants. Nancy Green, President of the Pickle Ball Club, indicated they had been working with the County Grant writer as well as many other sources to find funding. The Club hoped to eventually host tournaments. A 501c3 application had been submitted to designate the Club as a nonprofit organization in order to provide tax exemption for donations. Ken Mickelson shared the previous contribution cooperation of Heber, Midway, and Wasatch County for the initial six courts at the park.

Council Member Barney asked how parking could be accommodated for all park amenities. Wasatch County Recreation Director Tom Bonner explained parking was managed by proper scheduling and staggering events and tournaments.

Motion: Council Member Kahler moved to approve \$40,000 for the funding of the six pickle ball courts, with \$20,000 from this budget cycle and \$20,000 from the next 2022-2023 budget cycle. Council Member Phillips made the second.

Council Member Stack pointed out that the agenda item had been listed as a presentation only and therefore should not be voted on. City Attorney Mark Smedley confirmed. It was determined to list the item for action on the March 9, 2022 City Council Consent Agenda.

5. [Presentation by Community Alliance for Main Street Water Feature \(Tom Stone\) – 10 min](#)

[Tom's Presentation](#)

Tom Stone, representing both CAMS (Community Alliance for Main Street) and the Heber City Leadership Academy, stated the Leadership Academy had selected a water feature for the class project. He said Heber City did not have an identity and felt Heber was an outdoor sports destination. He felt the community turnout for both the Christmas event and the Halloween party proved the community's desire to gather downtown. He shared images of water features in other downtown communities. Mr. Stone provided details for the proposed project and shared a possible design. He shared water preservation calculations with turf-removal versus a recycled water feature.

Rick Funk, Vice President of Operations with Splash Pads USA, shared that the company manufactured splash pad components, making everything from start to finish in northern Utah. He described details of the company, and what they provided. Mayor Franco expressed concern with the care and maintenance costs. Council Member Stack asked how the installation could avoid harming tree roots. Mr. Funk shared several options to protect the tree roots. Parks and Cemetery Director Mark Rounds described the impact a water feature would have on his department and felt it would be achievable as well as offer a water savings.

Council Member Johnston supported the plan and asked what was needed to proceed. Mr. Stone informed Council he had raised \$85,000 of the \$100,000 in funds needed. Council Member Kahler supported the project as well and wanted to see the funds raised. Council Members Stack and Phillips expressed support as well. Council majority wished to proceed with the necessary steps to begin the project.

6. [Monthly Current Development Report \(Planning Department\) – 10 min](#)

[Item 6 PP](#)

Senior City Planner Jamie Baron share the status of new and ongoing projects within the City. There were two projects in the commercial concept stage: the Heber Light and Power Administrative Building and the Black Rifle Coffee Company. Two projects were in the final plat stage: Jordanelle Ridge Village 2 Pod 20 Phase 2 and Jordanelle Ridge Village 2 Phase 1B for the roads only.

7. Consideration for Adoption of Resolution 2022-03 of the City Council of Heber City, Utah, Providing for the Creation of Jordanelle Ridge Public Infrastructure District Nos. 1, 2, 3, 4, and 5 as Independent Bodies Corporate and Politic; Authorizing and Approving a Governing Document and a Cooperation Agreement; and Related Matters (Brower) - 30 min

Item 7 Resolution 2022-03 

Item 7 Governing Doc PID Clean 

Item 7 Governing Doc PID Compare 

City Consultant Marcus Keller, Vice President of Zion's Bank Public Finance, reviewed the latest updates to the Governing Document and Cooperation Agreement for the proposed Jordanelle Ridge Public Infrastructure District (PID) numbers one through five.

Mayor Franco expressed concern with the final changes that were not included in the meeting materials prior to the meeting. Council Members Kahler and Stack expressed a high level of comfort with the document, including the previously unseen changes as said changes offered additional protections for the City, and based upon Council's previous and extensive review of, and discussions regarding, the document.

Mayor Franco wished to know why the document did not include the dedication commitment of four acres of land to the Wasatch County Arts Council (WCAC). Mr. Brower explained the determination that it would be more appropriate to separate the Arts Council agreement from the City agreement. Phil Jordan, representing the Wasatch County Arts Council, explained that additional donor's commitments were dependent upon proof WCAC had control of the property. WCAC needed proof of a long-term lease agreement or deed of the property in order to proceed with fund-raising efforts. Mr. Brower recommended a long-term lease term-sheet with Jordanelle Ridge. Mr. Bradshaw added that Jordanelle Ridge was contractually bound to dedicate the land to the Wasatch County Arts Council.

Motion: Council Member Stack made the motion to adopt Resolution 2022-03 providing for the creation of Jordanelle Ridge Public Infrastructure Districts numbers One, Two, Three, Four, and Five as independent bodies corporate and politic, authorizing and approving a governing document and a cooperation agreement, and related matters, to include the amended language introduced that evening. Council Member Kahler made the second. **Rollcall Vote: Voting Aye:** Council Members Phillips, Stack, Barney, Johnston, and Kahler. The motion **Passed unanimously 5-0.**

8. Consider Acceptance of College Downs Annexation Petition, located at approximately 2800 North Highway 40 (Kohler) - 30 min

Item 8 College Downs Presentation 

Item 8 Staff Report College Downs Annexation 

City Planning Director Tony Kohler shared images of the City's Annexation Policy Plan Map, pending annexations, annexations located in the North Village, and the location and boundary of the proposed College Downs Annexation. He provided a comparison of the County's zoning versus the City's, reviewed project details and a proposed subdivision plat, preliminary plan, and development concept. Logan Johnson with Wright Development Group explained the existing development agreement with the County granted them up to 11.15 ERUs (equivalent residential units) per acre. He stated the development project's process with the County had been placed on hold in order to pursue annexation into Heber City. Mr. Johnson asked the Council to please advise sooner than later whether the Council did or did not have interest in approving the proposed project, in order to allow the group to continue negotiations with the County if needed.

Mr. Johnson addressed Mayor Franco's concern with preserving a group of existing trees on the land and sharing the conclusion that the trees would most likely not survive the development process. He shared additional details of the landscaping and site plan. The plan's open space dedication would be primarily surrounding two trails running through the development.

Mr. Johnson explained the reason for the group wished to annex into Heber City was based upon the County's 2002 North Village Zone creating contradictions and complications, making it difficult for the County Staff to offer recommendations to proceed. Discussion regarding the size of the townhomes, building heights, and design plans followed.

Council Member Stack stated his support for moving forward with the annexation petition but wished for assurance from the County regarding the claimed density. Council Member Johnston expressed his support as well. Council Member Kahler recommended the proposed development offer more for sale units. Mayor Franco expressed concern with a proposed road in the development doubling as parking accommodations and possibly not complying with the City's forthcoming North Village transportation plan.

Motion: Council Member Johnston made the motion to accept the College Downs Annexation Petition for further study. Council Member Stack made the second. **Voting Aye:** Council Members Kahler, Johnston, Phillips, and Stack. **Voting Nay:** Council Member Barney. The motion **Passed 4-1**.

9. [Consider Ordinance 2022-03 to Amend C2, C4 Design Criteria \(Baron\) - 30 min](#)

[Item 9 Staff Report - Design Criteria](#)

Senior City Planner Jamie Baron shared the policy question was whether the City should reevaluate some of the design criteria for commercial buildings. He reviewed qualifications and requirements for allowing lesser design criteria on less visible sides of commercial buildings. Planning Commission had forwarded a positive recommendation of the proposed amendments to Council.

Council Member Johnston questioned the requirement of landscaping between a building and a wall, when dividing a commercial building from residential areas. He expressed concern with over-regulating.

Council Member Barney wished to see chain-link fencing prohibited as a possible wall. Council Member Kahler did not support an ordinance placing a higher burden on business owners that the City relied upon for their tax base. Council Member Stack wished to see adequate protections for the residents. He was not comfortable proceeding based upon the number of residential properties abutting the C2 zone that could be affected. Discussion continued regarding the landscaping and wall requirements proposed in Ordinance 2022-03.

Motion: Council Member Johnston made the motion to adopt Ordinance 2022-03 as approved by the Planning Commission and as written, except removing the word “shrubs”. Council Member Phillips made the second.

Council Member Kahler asked for a point of clarification regarding language requiring specific design features on all four sides. Mr. Baron clarified the requirement was for decorative features, not structural features.

Rollcall Vote: Voting Aye: Council Members Phillips, Johnston, and Kahler. **Voting Nay:** Council Members Council Members Stack and Barney. The motion **Passed 3-2**.

10. [Consider Approval of Resolution 2022-05 Updating the Rules of Order and Procedure for the City Council \(Smedley, Brower\) - 20 min](#)

[Item 10 Staff Report Rules of Order](#)

City Attorney Mark Smedley reviewed the proposed updates to the Rules of Order and Procedure for City Council. Mayor Franco wished to have the posting requirement reworded to allow time between materials due and materials posted as well as add language to avoid a conflict between two sections with regard to the 24 hour posting deadline. Mr. Smedley proceeded to review the proposed updates as found in the attached redlined exhibit to the Staff Report.

Council Member Kahler asked what Council could do to end discussion for an item and move the meeting forward. Mr. Smedley felt at any time Council wished to end discussion they could “call the question” to end Council debate. Council Member Stack felt “call the question” only applied if there was a motion on the table. He felt 4.0-C. needed to be reworded to include a line to allow a Council Member to make a motion without interruption, even by the Chair, in order to help the meeting proceed expeditiously and prevent ad nauseam discussion. He asked to add a line to 5.2-A.-1. “Commencement of an initial motion suspends debate and allows the motion to proceed”. Council Member Kahler expressed support of the addition. Mayor Franco felt the proposed line limited power of the Mayor to run the meeting and noted she would be able to vote on Ordinance 2022-05 as it affected her powers as defined in 1.0 Role of the Mayor as Council Chair subsection D. Council Member Phillips felt a motion needed to be allowed as per Roberts Rules of Order. He also felt the ten minutes allowed a presenter should be uninterrupted and questions held to the end of a presentation. City Manager Matt Brower shared Council Members ability to appeal a ruling of the Chair as listed in 5.6. Council Member Kahler felt Council Members should be allowed to make a motion when they were ready to make a decision in order to proceed through meetings effectively. Discussion continued.

Council Member Barney proposed tabling the item in order to proceed to the next agenda item. Mayor Franco wished to discuss section 4.2-F. limiting the public comment period. Council discussed the process for public comments to be permitted and possible solutions to help limit the amount of time comments consumed.

Tracy Taylor, Heber City resident, advised the camera to the meeting room had not been working and there was no way to communicate the information online because the chat function was turned off. She felt the public deserved the right speak and expressed concern with the disagreement within the Council. She suggested she be placed on the agenda as a presenter for each meeting in order to be permitted 10 minutes to speak.

Pam Patrick, County resident, expressed shame with the lack of cooperation she saw within the Council discussion.

Council Member Stack shared State Code 10.3b.303(2) indicating the Mayor was permitted to vote on an ordinance that would affect the powers of the Mayor. He pointed out that the Council was not voting on an ordinance but a resolution. He suggested postponing until clarification could be obtained but also expressed comfort with proceeding as he felt the vote did not affect the Mayor's duties. He supported a compromise for when public comments were permitted by striking the language "for items not on the agenda" during the public comment period at the beginning of the meeting, but felt comments should not be allowed on every agenda item, in order for Council to expeditiously conduct its business. Mayor Franco disagreed. Council Member Barney noted the difficulty for the public to know everything on every agenda. She did not feel the Council should ever imply they did not wish to hear from the public. Discussion continued.

Council Member Kahler wished to call for a vote. Mayor Franco felt, if a motion was made, she would be allowed to vote. She felt the document was not ready to be voted upon and needed multiple edits still. She wished to have board reports added to the communication item on the agenda. Council Member Kahler felt board reports could be shared through email. Council majority agreed board reports should be shared through email.

Motion: Council Member Barney moved to table the agenda item and move the current agenda item to the April 5th Work Meeting for further discussion; with the amended language discussed and if the Council had suggested language, to email to Mr. Smedley in advance. The motion **Failed** for lack of a second.

Council Member Stack felt Council would not be prepared to vote until there was agreement to the public comment procedure and he wished to see language included in the document to prevent not allowing a Council Member to make a motion.

Motion: Council Member Stack moved to place the item on the April 5th, 2022 Work Meeting agenda and Action Item agenda to reserve the option to vote; also, pending further guidance regarding the Mayor's right to vote. Council Member Kahler seconded the motion. **Voting Aye:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. The motion **Passed unanimously 5-0.**

11. Recommendation and consideration of the Master Trails Plan & Center Street Trail from the Open Space, Trails, Parks, and Trees Advisory Committee (Ann Zimmerman)

Item 11 Recommended Trail Master Plan and Downtown Overlay Zone Amendments 

Item 11 Heber Trails Master Plan Map 

Item 11 DOZ_HCTMP_Suggested Map Amendments_V2 

1 March Trail Update_v2_2.27.22 

1 March Trail Update_v2_2.27.22 

Council Member Kahler requested the remaining agenda items be continued based upon the lateness of the hour. Mayor Franco indicated the Open Space, Trails, Parks, and Trees (OSTPT) advisory committee had a pending deadline, therefore, needed to proceed. Mr. Brower proposed a compromise to allow the OSTPT presentation to proceed and to postpone agenda items 12 and 13 to the March 9th Council Meeting.

OSTPT Committee Chair Ann Zimmerman said they were present to discuss the Committee objective to close the gaps within the City's trail system. The Committee wished for Council to approve the alignment of a portion of the City's trail system with the water and sewer line replacement project.

Don Taylor, Heber resident and Trail Coordinator for MAG (Mountainland Association of Governments), shared an image of the Wasatch Loop trail system showing a gap through Provo Canyon. He noted the money had been raised by UDOT and MAG to close the gap in Provo Canyon. He hoped Council would support the proposal from the OSTPT Committee to close gaps in Heber City and complete the loop from the Wasatch Front to the Wasatch Back.

Scott House, Heber resident and OSTPT Committee Member, explained the committee had toured the City to inspect the status of parks and trails. The Committee proposed including the trail completions in conjunction with the City's water and sewer line replacement in order to minimize impact on residents. The Committee also proposed an additional trail added to the Trails Master Plan as a connector to the Eastern Bypass Trail as well as a perimeter trail around the Duke property's future park site. He explained the proposal to change the City's Trails Master Plan to include the suggested trail corridors and to begin on the east side, building the piece of trail from Highway 40 to Red Ledges along Center Street. Mr. House further described the details of the Committee's proposal including the addition of a bike skills park located at Red Ledges Park.

Mr. Brower summarized the key issue to expand the scope of work of the water and sewer line project to include funding for the Center Street Trail as well as begin the process of updating the Master Trails Plan and the Capital Facilities Plan for the trails. He shared timing was critical as the water-sewer line replacement project was near beginning. He indicated money could be used from the City's Capital Projects fund 42.

Council Member Johnston did not feel a ten-foot asphalt trail would be appropriate along Center Street and thought bicycles would keep to the street. Mr. House felt the City needed to find a safe option to separate bike traffic from cars. Council Member Kahler proposed the trail placement on 100 South instead of Center Street. Council Member Phillips expressed appreciation for the OSTPT efforts to implement trail connectivity. Discussion continued.

Motion: Council Member Barney moved to instruct Staff to expand the scope of work for the City's old-town water and sewer line replacement project to include the proposed trail on Center Street, and part two: to update the City's Parks, Trails, and Open Space Master Plan to include the proposed trail-system changes as presented by the OSTPT committee, followed by an update to the City's Capital Facilities Plan. Council Member Phillips made the second.

Discussion point: Council Member Kahler asked to include the consideration of 100 South as the trail location in the scope of work.

Vote: Voting Aye: Council Members Phillips, Stack, Barney, Johnston, and Kahler. The motion Passed unanimously 5-0.

12. [Discussion Regarding Central Heber Decision Point Follow up \(Funk\) - 30 min](#)

It was determined to postpone agenda item 12 to the next Council Meeting scheduled for March 9, 2022.

13. [Review and Approval of Phase 1 Wage Scale: Sworn Officers \(Alleavitch, Brower\) - 10 min](#)

[Item 13 Staff Report Compensation Study](#)

It was determined to postpone agenda item 13 to the next Council Meeting scheduled for March 9, 2022.

VII. [COMMUNICATION:](#)

Mr. Brower shared that there would be a military Chinook helicopter recovering the two downed Black Hawk helicopters from Snowbird to be temporarily stored at the Heber Valley Airport.

VIII. [CLOSED EXECUTIVE SESSION](#)

1. [Real Estate](#)

Motion: Council Member Stack moved to enter Closed Executive Session for the purpose of discussing possible purchase, exchange, or lease of real property. Council Member Kahler made the second. **Rollcall Vote: Voting Aye:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. The meeting entered Closed Executive Session at 11:25 p.m.

Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Ryan Stack
Council Member Scott Phillips

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley

Motion: Council Member moved to end Closed Executive Session. Council Member Kahler made the second. The Closed Executive Session ended at 11:45 p.m.

IX. ADJOURNMENT

Motion: Council Member Stack made the motion to adjourn. Council Member Kahler made the second. The meeting adjourned at 11:45 p.m.



Trina N Cooke

Trina Cooke, City Recorder