

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting
April 19, 2022

APPROVED 5.3.2022

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

I. WORK MEETING-4:00 P.M.

Mayor Franco called the meeting to order at 4:18 p.m., welcomed everyone present, and apologized for the late start due to technical difficulties.

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

Absent: Council Member Ryan Stack

Staff Present: City Attorney Mark Smedley
City Planning Director Tony Kohler
Senior Planner Jamie Baron
City Engineer Russ Funk
Assistant Engineer Kyle Turnbow
City Finance Manager Wes Bingham
Chief of Police Dave Booth
City Recorder Trina Cooke
Building Official Wes Greenhalgh
Parks and Cemetery Director Mark Rounds
Public Works Representatives:
Rance Echols
Ryan Walton
Blake Walton

Staff Also Participating Remotely: City Manager Matt Brower, City Finance Manager Wes Bingham, City Engineer Russ Funk, Airport Manager Travis Biggs, IT Specialist Anthon Beales, City Attorney Mark Smedley, City Planning Director Tony Kohler, Senior Planner Jamie Baron, Accounting Technician Wendy Anderson, and Deputy City Recorder Robin Raines-Bond.

Also Present: Connery Johnson, Emma Brady, Stephen Fransden, Pam Patrick, Margo Diaz, Phil Jordan, Hadleigh Arnst, Carter Bowcutt, Mary T. Noma, Kash Lloyd, Yvette Lloyd, JC Hackett, Jana Chastain, Marci Harvey, Caroline Langley, Marc Grimey, Kyle Ashworth, Jay Martin, Stephanie Clark, Cami Rubals, Father Bob Bussen, Seya Surr, Catherine Moore, Zachery Maxwell, Marae Owens, Hillary Fransden, Luca Belnap, Danielle White, Annie Harigan, Sheu Su, Sharon Lloyd, Jan Judd, Janessa Judd, Abigayle Rae Horrocks, Brooke Testi, Autumn Musante, Sophia Stephens, J Riggs Lloyd, Susan Warden, Autumn Leland, Roy Buttermore, Halei Buttermore, Tyler Matthews, Cosette Kingsley, Ben Belnap, Sean Allsop, B Moore, and others who did not sign in or whose names were illegible.

Also Attending Remotely: (Names are listed as signed-in virtually) Nick Ogden, Tyler Rasmussen, Jack Walkenhorst, David Ryan, James Stout, Susie Becker, Kelli G, Jon Bingham, Matt Brower, Paul, Juan Lee, Mike Green, Jeffrey Andrews, Jordan, Catherin Dalton, Jim, Steph, Brent Simmons, Jeffrey Kuhn, Aver LeMmon, Mark Halberg, Danny Buttermore, Rachel Barnett, Nancy O'Toole, Josh, Paula, Dave, Mike Swallow, Wz, Ben Lasseter, Paul McAllister, Kelleen, Gayleen Harrison, Lisa Dinga, and Sage Harrison.

1. [Update on Due-Diligence for City-Wide Open Access Fiber Deployment \(Brower\) – 60 min](#)

[Fiber PP](#) 

[Fiber Analysis](#) 

City Manager Matt Brower reviewed the process followed in order to obtain proposals for City-wide fiber service. Of the three companies that had submitted proposals, the City had determined to enter negotiations with STRATA Networks. Assistant to the City Manager Luke Searle provided information regarding the thorough due diligence done by City Staff and shared the resulting findings. Mr. Brower reviewed the service fee breakdown and explained the difference between a utility fee model versus a subscription fee model. A utility model would provide the fiber service to the entire City while a subscription model would provide the service to only individuals who subscribed.

Todd Marriott, former executive director of Utopia fiber, had helped Heber City navigate the process of researching and implementing fiber within the community. He explained the importance of fiber-optic infrastructure and the infinite informational capacity fiber offered. He projected it would be a minimum of 40 to 50-years before the possibility of fiber technology becoming obsolete.

STRATA representative Nick Ogden detailed the results of a City-wide survey regarding fiber, and the importance of internet service, that had been pushed out via the City website, social media outlets, and email, to garner feedback from the community. Feedback indicated high levels of importance, need, and desire placed on internet service by the community.

Tyler Rasmussen, STRATA Networks representative, provided an overview of the proposed infrastructure installation and construction methodology for the City. STRATA would provide support and marketing to drive subscriptions in order to ensure the service paid for itself.

Mr. Rasmussen explained STRATA would work with the City to deploy fiber infrastructure by zone, based on demand. He noted the City and STRATA were mutually aligned to drive subscriptions to the network and recoup the cost of investment.

Susie Becker, with Zion's Public Finance, provided financial feasibility study results for the subscription versus utility models. The City would need to meet a minimum level of subscribers under either model in order to repay the bond. Once the bond was repaid, the revenue would become very profitable for the City. Ms. Becker detailed the bond repayment structure. She noted new development showed higher levels of subscribers.

Council Member Johnston questioned the number of additional employees the City would need to facilitate service billing. Mr. Brower outlined staffing time required to move forward but noted the management of billing services could be negotiated in the STRATA agreement. The cost of fiber to a subscriber was less than standard internet service offering slower speed. Discussion regarding fiber service in Heber City continued.

Suzie Becker, with Zion's public finance, reviewed the projected costs and varying bond and repayment options available to the City. Mayor Franco requested Ms. Becker return to provide additional repayment and revenue comparisons. Council Member Kahler wished to obtain further feedback from the community and discover whether there was existing demand for fiber. Council Member Johnston felt there was a demand for fiber in the community. He wished to obtain additional feedback from Providence and felt a final community survey could be useful. Council Member Barney proposed providing the information to the community in plainer terms, as she felt there was some confusion. Mr. Brower advised Staff would return to a future meeting with answers to outstanding questions and to provide the additionally requested information.

2. Review of Proposed DMJ Annexation and Tentative MDA Terms (Kohler) – 30 min

WM Item 2 DMJ Annexation

WM Item 2 PP

City Planning Director Tony Kohler provided an overview of the proposed annexation. Council consensus was to allow a graveled parking area at the designated trailhead. Jeffrey Kuhn, annexation representative, expressed willingness to comply as well as their intent to pave up to the parking area. Mr. Kuhn noted the following Council requests were now included in the Master Development Agreement (MDA):

- Increased North Fields open-space preservation contribution from \$1,500 to \$2,500
- Agreement to work with the City-wide fiber infrastructure plan
- Developer committed to comply with the City's storm-water plan

Mr. Kuhn expressed appreciation for Council's efforts to guide responsible growth in the City but was concerned with holding the development to unknown storm-water and street plan standards. City Engineer Russ Funk explained the two standards would not apply in many ways but requested to keep the language in the agreement to ensure impact fees were applied. Mayor Franco suggested the two meet offline to clarify language. Mr. Kuhn agreed to return to the May 3, 2022, Work Meeting to finalize negotiated language and to the Regular Meeting for possible action by Council.

3. Presentation and Q/A with Beka Grulich, UVU Wasatch Campus Director (Johnston) – 30 minutes

Due to time expiration of the Work Meeting, Utah Valley University Wasatch Campus Director Beka Grulich agreed to return to the May 3, 2022, Council Meeting to present.

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

1. Call to Order

Mayor Franco called the meeting to order at 6:09 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Council Member Barney)

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

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

Council Member Kahler read the forward from the book “How Beautiful upon the Mountains”, a history of the Community, including an excerpt from the Journal of John Crook, one of the first settlers in the Heber Valley. She felt it was important to remember the history of the beautiful Valley we lived in.

III. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest expressed by any member of the Council.

IV. CONSENT AGENDA:

1. Approval of April 5, 2022, City Council Meeting Minutes (Cooke)

4.5.2022 DRAFT Minutes 

2. Confirm Billy Tiedman for Appointment to the OSTPT Trees Subcommittee (Franco)

Consent Agenda Item 2 Billy Tiedman 

3. Approval of Public Works Fleet Equipment Liquidation (Kennard)

Consent Agenda Item 3 Staff Report PW Equipment Liquidation 

4. Proclamation for the National Day of Prayer on May 5, 2022 (Franco)

Consent Agenda Item 4 Proclamation 

Motion: Council Member Kahler moved to approve the Consent Agenda as presented. Council Member Barney made the second. **Voting Aye:** Council Members Barney, Johnston, Kahler, and Phillips. Council Member Stack was absent. The motion **Passed 4-0**.

V. PUBLIC COMMENTS:

Public Comment - Pam Patrick

City Recorder Trina Cooke read a public comment submitted by Wasatch County resident Pam Patrick as attached for the meeting record.

VI. ACTION ITEMS:

1. [Presentation and Contribution to Heber City by the Back to the 50's Car Show \(Hackett\) – 5 min](#)

JC Hackett, representing the annual Back to the Fifties Car Show at the Main Street Park, thanked the City and Council Members for continued support for the event. The 2022 show would be held on June 25th. He presented Council with a \$500.00 donation to the City and noted proceeds from the show benefitted Alzheimer's research and families of fallen officers.

2. [Presentation by Heber Youth regarding July 9 as "No Sides, Only Love Day" - A Day of Service and Celebration of Kindness in Heber Valley. Request for City Participation and Sponsorship of the Event and Main Street Banners to Promote \(Johnston\) - 20 min](#)

Council Member Johnston shared it was his privilege to have made the acquaintance of members of the courageous LGBTQ youth community. He introduced the group present to share experiences and information with the Council.

Luca Belnap, part of a coalition of LGBTQ+ youth in Heber Valley, explained the group's presence was to request an event of love and inclusion and wished Council to approve Main Street banners in support of the event. He recalled the Pride banners that hung on Main Street a few years previous and noted the positive effect the banners had on the LGBTQ+ youth community, as well as the disappointment brought on with the banners removal. The banners had provided a sense of being seen and heard by the LGBTQ+ youth in the Valley. Luca described pain inflicted by the hurtful comments from members of the community. He impressed that sexual identity was not political propaganda. Luca wished there was not a need for him to be an activist. The LGBTQ+ youth in the Valley were suffering and mental health issues were epidemic, including suicidal thoughts. The banners had offered the LGBTQ+ youth community comfort in recognition. The group present asked for a day or week to hold the event of love and inclusion for all and wanted the banners on Main Street to help spread the word. The request was to hold an event and spread a message, in the public interest. It was non-profit and non-political, and the primary purpose was to provide a civic service, to entertain and enrich. Luca pointed out that if the Pledge of Allegiance recited at the beginning of this meeting was true, everyone needed to strive for "liberty and justice for all". He felt there were lives in the hands of the Council's decision.

Jan Judd read an email from her child Ferrin Judd, who was not present due to illness. The 2019 Sharp Survey data showed the percentage of bullying instances in schools was 2.5 times more likely for LGBTQ youth. The percentage of high-depressive states was 4.5 times more likely. And suicidal thoughts were reported as nearly three times more likely than their straight peers. The email shared the personal struggles and experiences of Ferrin, as well as additional statistics. Ferrin closed by stating the show of support from the City could potentially save one or more lives.

Janessa Judd quoted Neil L. Anderson's talk from the spring session of the 2022 General Conference for the Church of Jesus Christ of Latter-Day Saints, "In February, a headline in the Arizona Republic stated, 'Bipartisan bill supported by Latter-day Saints would protect gay and transgender Arizonans,'" Andersen noted. "We, as Latter-day Saints, are 'pleased to be part of a coalition of faith, business, LGBTQ people and community leaders who have worked together in a spirit of trust and mutual respect'. President Russell M. Nelson once thoughtfully asked, 'Cannot boundary lines exist without becoming battle lines?'". Janessa expressed her love for the community and shared childhood memories. She stated the community had rejected her as she grew older and shared the abuse and bullying inflicted by classmates. She had seen many friends admitted to psychiatric hospitals due to suicide attempts. She shared the hopelessness felt when everyone in her friend group, including herself, had struggled with self-harm, severe depression, and suicidal thoughts. Janessa recalled her first time seeing the Pride banners on Main Street and she had sent a photo to friends stating "Maybe they don't hate us". She felt the banners had represented a beacon of hope, that despite the persecution they had faced, there were people in the community who supported them. She continued describing the important message of support the banners had offered and observed: it was not politics, but human rights.

Cosette Kingsley shared examples of the bullying she had experienced. She recalled experiencing dark and suicidal thoughts and, upon seeing a Pride flag, had felt better. She felt the banners would show love and support to those who needed it.

J Riggs Lloyd expressed the importance of being seen for the LGBTQ+ youth community. He shared the difficulty of telling his parents he was gay. One of his closest friends had moved away from the City due to bullying. Riggs proposed returning the Pride banners to Main Street to show support of the LGBTQ+ community. He hoped to help make the Valley a better place for those living in the community and those who moved here in the future.

Autumn Musante shared her experience being accepted by classmates at her charter school and the difference in treatment by classmates when she moved to public school and began being bullied. She and her friends had felt recognized by the banners.

Sophia Stephens felt the young queer community in Utah was too familiar with death, struggles, and loss. She shared a statistic showing nearly half of the LGBTQ+ youth in Utah had considered death. She recognized the banners would not solve all issues but shared the hope she had felt upon seeing them as a young, scared, closeted 15-year-old. She believed that in a community as tight-knit and caring for its children as Heber, it was not only an opportunity but a responsibility and a privilege to take every chance possible to make scared kids feel a bit of hope.

Brooke Testi share that coming out had been the scariest thing she had ever done. She shared the painful abuse inflicted by classmates and the inaction of many teachers. She had questioned the validity of her identity because she had not seen queerness represented around her. She ensured the banners were not indoctrination, as accused by some in the community, but rather advocacy for a group of people who were desperately in need of representation in Heber. She felt the banners would send a message to LGBTQ+ youth in Heber that they were okay and validate them as human beings.

Jonah Belnap, 11-year-old fifth-grader, had come out as gay in 2021. He felt everyone was different and should be loved for it. He shared that seeing a pride flag made him feel more accepted and welcome in the community. It made everyone in the LGBTQ+ community feel welcome. Seeing the banners hanging on Main Street would make him feel amazing. He said that, as a group, they wished to host an event for entertainment and helpful services such as a car wash or planting trees at the park, a day of community service, or hosting a concert at the park. They wished to work with the City Council to discuss the best events.

Luca Belnap stated the group had worked long and hard to ensure the proposed event would adhere to the City's Code requirements to have banners approved. The request met code requirements and he felt the banners were necessary for the LGBTQ+ youth community. The event would help countless LGBTQ youth by improving mental health, and possibly save lives. He, and every LGBTQ-identifying member in the room, had first-hand experience of the extreme prejudice and homophobia in the community. The amount of self-harm, suicidal thoughts and actions experienced within the community was extensive. He implored the Council to help the struggling minorities by voting to allow the banners and felt, by doing so, they could save lives.

Stephanie Larsen, founder of Encircle House, expressed pride in the children that had spoken. She advocated for the Pride banners to be permitted on Main Street on their behalf.

Council Member Johnston wanted the City Council to work with the event organizers to support an event and a message to include a day of service, a concert in the park, and the banners. Luca Belnap expressed concern with the City creating an event that would divert attention away from the LGBTQ community and wanted the focus to remain Pride-related.

Council Member Phillips share the loss of his brother and wanted to focus on the mental health aspect. He thanked everyone who presented. He did not feel the proposed event met the City standard for hanging banners. He proposed the first Saturday in June be designated as Pride day and a day of service. Council Member Johnston expressed his support of the suggestion.

Stephanie Larsen advised the Council that the group had their attorneys review the ordinance prior to the presentation in order to ensure the proposed event met the requirements in the code. Council discussion continued.

Motion: Council Member Johnston moved to have the City sponsor an annual week of inclusion and kindness in Heber City, to be held in June, emphasizing kindness and love and acceptance, particularly for LGBTQ citizens, and others. Members of the Council could work with the youth group to plan and implement the event, which would include a service day and banners on Main Street. He proposed a few Members of the Council participate in the planning. Council Member Phillips made the second.

Discussion: Council Member Phillips wanted to designate the first week in June with banners displaying Pride colors and suggested a message reading ‘# kindness’ Council Member Barney thanked the youth present and shared the hardships her family had faced due to bullying. She did not believe the community should tolerate bullying. She supported the proposed event to embrace the whole community.

Rollcall Vote: Voting Aye: Council Members Phillips, Barney, and Johnston. **Voting Nay:** Council Member Kahler. The motion **Passed 3-1.**

3. [Consider Approval of Ordinance 2022-08 Adopting an Updated Wage Scale \(Brower\) – 20 min](#)

[Item 3 Staff Report Wage Study Ordinance 2022-08](#)

City Manager Matt Brower described the unique economic situation the City faced. There was currently a labor crisis. Wasatch and Summit Counties were actively recruiting the City’s employees, particularly from the Building and Engineering departments. Using the wage study results, Staff had decided to propose wage ranges that balanced between market competitiveness and affordability. Mr. Brower shared pay plan tables reflecting the proposed salary adjustments as found in the attached Staff Report. Mayor Franco noted four positions that indicated lowered pay ranges and ask Council to consider retaining the higher pay range in the motion. She asked Mr. Brower to work with Human Resources Manager Melanie Alleavitch and Study conductor Mike Swallow to reassess the decreased pay ranges for the City Recorder, Lead Shop Mechanic, Public Works Office Manager, Parks Superintendent, and Planner II.

Motion: Council Member Kahler made the motion to approve Ordinance 2022-08 adopting the updated wage scale for Heber City employees, giving Melanie the power on the employees discussed, to return with a proposed scale for them. Council Member Phillips made the second.

Rollcall Vote: Voting Aye: Council Members Kahler, Johnston, Barney, and Phillips. Council Member Stack was absent. The motion **Passed 4-0.**

4. [Consider Approval of Ordinance 2022-07 Amending Title 5 of the Heber City Code Regarding Beer Gardens \(Kohler\) – 10 min](#)

[Item 4 Staff Report - Beer Garden](#)

City Planning Director Tony Kohler reminded Council the proposed amendment would allow a beer garden to be operated at the Heber Market on Main.

Council Member Kahler explained there were requirements in the State Code regulating beer gardens. Mayor Franco wished to ensure the beer garden was not near the playground.

Motion: Council Member Phillips made the motion to approve the ordinance as proposed. Council Member Kahler made the second. **Rollcall Vote: Voting Aye:** Council Members Kahler, Johnston, Barney, and Phillips. Council Member Stack was absent. The motion **Passed 4-0.**

Council Member Kahler felt it was important to clarify, for the public, that there was ongoing illegal consumption of alcohol at the park. The creation of a legal and regulated environment allowed adults to legally consume adult beverages from a local institution. She felt the beer garden would positively meet the needs of the community. Council Member Barney agreed and had been reassured the establishment, and its owners, that would operate the beer garden were upstanding and would do a great job.

5. [Consider Approval of IT Consulting Agreement with Executech \(Brower\) - 10 min](#)

[Item 5 Staff Report-RFP for IT Services](#)

City Manager Matt Brower explained the RFP (request for proposals) had been distributed by the City for IT services to assist the City with larger, more complex projects. After review of proposals received, Staff recommended a contract with Executech. Mayor Franco asked Council to add the confidentiality clause to the entire agreement. Mike Green, representing Executech, stated the request could easily be accommodated.

Motion: Council Member Johnston moved to accept the agreement with Executech as proposed, with the addition of a confidentiality clause to keep the City's information confidential. Council Member Phillips made the second. **Voting Aye:** Council Member Phillips, Barney, Johnston, and Kahler. Council Member Stack was absent. The motion **Passed 4-0.**

6. [Tentatively Adopt the Fiscal Year 2022-2023 Tentative Budget; Establish Public Hearing Date to Consider Adoption of Tentative Budget and Set One or More Budget Workshop Meetings to Review the Budget \(Brower, Bingham\) - 5 min](#)

[Item 6 Staff Report Tentatively Adopt FY22-23 Tentative Budget](#)

City Manager Matt Brower explained the State Law requirement to adopt the tentative budget prior to the first budget meeting in May, and to set the date for the Budget adoption Public Hearing. He asked the Council to consider dates to hold one or two Budget Workshop Meetings as needed.

Motion: Council Member Kahler made the motion to tentatively adopt the Fiscal Year 2022-2023 Tentative Budget for Heber City. Council would meet May 7th and again May 17th, 2022, and to hold the Public Hearing on May 31st, 2022. Council Member Phillips made the second. **Voting Aye:** Council Members Barney, Johnston, Kahler, and Phillips. Council Member Stack was absent. The motion **Passed 4-0.**

7. [Consider Adoption of Ordinance 2022-11 Approving the Updated Heber City Standard Specifications and Drawings \(Funk\) - 5 min](#)

[Item 7 Staff Report Ordinance 2022-11](#)

Assistant City Engineer Kyle Turnbow informed Council that the required Public Hearing had been held and the Planning Commission had forwarded a positive recommendation for the proposed updates to the City's Standard Specifications and Drawings. He reviewed the proposed updates as highlighted in the attached Staff Report. Council Member Kahler asked whether the fire-hydrant standards were being met. She had heard from a resident that the City's fire-hydrants did not meet fire code. City Engineer Russ Funk confirmed there were instances that the hydrants were further apart than as required every 500 feet, but as the City did infrastructure updates and improvements, fire-hydrant spacing was addressed and remedied.

Motion: Council Member Johnston moved to adopt Ordinance 2022-11 approving the updated Heber City Standard Specifications and Drawings as presented. Council Member Phillips made the second. **Rollcall Vote: Voting Aye:** Council Members Phillips, Barney, Johnston, and Kahler. Council Member Stack was absent. The motion **Passed 4-0**.

8. [Approval of Public Works RFP Agreement for Sewer Camera Equipment \(Kennard\) - 10 min](#)

[Item 8 Staff Report - Sewer Camera RFP](#)

Public Works Director Matthew Kennard reminded Council the new sewer equipment was approved in the current 2021-2022 Fiscal Year Budget. The new sewer camera equipment was replacing an outdated version that continued to require burdensome maintenance. Mr. Kennard informed Council the Public Works Department had solicited bids for the equipment via an RFP (Request for Proposals) and tested equipment from the four respondents. The recommendation was the purchase of the IBAK Pipeline Inspection System.

Motion: Council Member Phillips moved to approve the purchase of the IBAK system with the findings and conditions as presented in the conclusion above. Council Member Barney made the second. **Voting Aye:** Council Members Kahler, Johnston, Barney, and Phillips. Council Member Stack was absent. The motion **Passed 4-0**.

9. [Consider Approval of MacDonald Parcel Purchase Agreement \(Brower\) - 5 min](#)

[Item 9 Staff Report MacDonald Parcel Purchase Agreement](#)

City Manager Matt Brower informed Council the City had negotiated a purchase agreement with Jim MacDonald in order to improve and expand the area adjoining Muirfield Park. The proposed purchase price was \$500,000.00, calculated at \$100,000.00 per acre. It was anticipated that the Wasatch County Open Lands Board (WOLB) would contribute \$250,000.00 to the City as partial reimbursement.

City Attorney Mark Smedley shared that the City intended to perform a feasibility study and run a preliminary title report prior to closing. The seller had negotiated perpetual access to an adjoining lot through the lot being sold to the City. Direction from the Council was to have a survey of the property done prior to closing as well. Council Member Johnston felt it was unusual there were no water-shares with the property purchase. City Attorney Mark Smedley advised it would be illegal for the seller to withhold water-shares.

Motion: Council Member Johnston moved to approve and authorize the purchase of the five-acre MacDonald parcel, more particularly described as Wasatch County Assessor Parcel OWC-0704-0-031-035, together with any and all water diligent rights, water rights, shares of water in any associated Irrigation Companies of record. In addition, Council authorized an ALTA (American Land Title Association) survey of said parcel, and its accompanying access easement. As well as a search with the North Fields Irrigation Company to find whether there were any water-rights connected to the field and associated records. Council Member Kahler made the second. **Voting Aye:** Council Members Phillips, Barney, Johnston, and Kahler. Council Member Stack was absent. The motion **Passed 4-0.**

10. Consider Amendment to C3 Zone Building Height Restriction (Phillips) - 10 min

Item 10 Staff Report Building Height

Item 10 PP

Planning Director Tony Kohler reviewed the purpose of the General Plan and the building height limits established for the four commercial zones. Staff recommended adopting a pending ordinance, if Council wished to proceed with amending building heights in commercial zones downtown and on Main Street. Council Member Kahler recalled the height limit being raised in order to allow Best Western to have a five-story hotel. The hotel had then been prohibited from building five stories high due to its location in the Airport's Runway Protection Zone. She questioned why the height restriction had not returned to four stories and felt the community feedback indicated a preference lower the number of stories permitted. Mr. Kohler clarified State Statute required review by the Planning Commission but also designated a time limit for the Commissioners to forward a recommendation to Council. Council Member Barney agreed with the suggestion to lower the height limit permitted and felt there was a large number of citizens in support of a lower height-limitation.

Mr. Kohler described the process required to enact a pending ordinance for land-use while a more lasting ordinance was being developed. Council Member Kahler felt it was important for the public to know that building height had been discussed many times over the years by both the Planning Commission and the City Council. Council Member Barney inquired whether there was any action to be taken to prevent the height of the planned development on Main Street called the Views. Mr. Kohler confirmed there was no action the City could take at this time to prevent the proposed five-story height of the previously approved Views development but there were still many parts of the process. Council Member Phillips advised he had asked for the height-limit discussion to be placed on the agenda because he felt a three story height restriction would maintain the rural feel of the City. Mr. Kohler agreed to return to the next meeting on May 3, 2022, with a pending ordinance.

11. Consideration for Approval of a Material Procurement Agreement with BHI for Phase 1 of the Central Heber Replacements Project (Funk) - 10 min

Item 11 Staff Report - Agreement

City Engineer Russ Funk stated Staff was seeking Council approval to enter into a materials procurement agreement with the City's contracted general contractor BHI for phase one of the Central Heber Water and Sewer Lines Replacement Project, authorizing Staff to approve future purchase orders under the agreement in an amount not to exceed \$10,000,000.00. He explained the reasons for the request adding it was an attempt to mitigate risk to the City. Mr. Funk informed Council the Contractor would still be required to solicit bids for projects and the City would retain the authority to approve or deny.

Motion: Council Member Johnston moved to approve and authorize to enter into a Materials Procurement Agreement with BHI and authorize Staff to approve future purchase orders under the Agreement in an amount not to exceed \$10,000,000.00. Council Member Phillips seconded the motion. **Voting Aye:** Council Members Phillips, Barney, Johnston, and Kahler. Council Member Stack was absent. The motion **Passed 4-0.**

VII. COMMUNICATION:

Mayor Franco asked Council Members attending the Utah League of Cities and Towns Mid-year Conference in St. George to take notes. She reminded Council of the following upcoming events:

- Interlocal Meeting scheduled for Wednesday, April 27, 2022, at 6:30 p.m., recognizing the conflict with the Stars and Bars Banquet for the Police Department scheduled for the same night at 6:00 p.m.
- The WOLB (Wasatch Open Lands Board) presentation to the County Council, with the required Public Hearing, would be during the County Council Meeting May 4, 2022, at 6:00 p.m., for the reimbursement request for the City's purchase of the Jim MacDonald parcel.
- Council and Staff were invited to meet with Congressman Curtis Friday, May 6, 2022, at 2:00 p.m.

VIII. CLOSED EXECUTIVE SESSION:

1. Personnel

Motion: Council Member Kahler made the motion to enter Closed Executive Session to discuss personnel. Council Member Barney made the second. **Rollcall Vote: Voting Aye:** Council Members Barney, Johnston, Kahler, and Phillips. Council Member Stack was absent. The Council entered Closed Executive session at 9:16 p.m.

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

Absent: Council Member Ryan Stack

Staff Present: Chief of Police Dave Booth
City Manager Matt Brower – remotely

Motion: Council Member Phillips made the motion to end the Closed Executive Session. Council Member Kahler made the second. The Closed Executive Session concluded at 10:32 p.m.

IX. ADJOURNMENT:

Motion: Council Member Phillips made the motion to adjourn. Council Member Kahler made the second. The meeting adjourned at 10:33 p.m.



Trina W Cooke

Trina Cooke, City Recorder