

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting Minutes
June 21, 2022

APPROVED Minutes

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 4:02 p.m. and welcomed everyone present.

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

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley
City Planning Director Tony Kohler
City Engineer Russ Funk
Heber Valley Airport Manager Travis Biggs
Officer Heath Harvey
Finance Manager Wes Bingham
IT Specialist Anthon Beales
Assistant to the City Manager Luke Searle
Parks and Cemetery Director Mark Rounds
City Recorder Trina Cooke
Intern to the Mayor Madelynn Sherbert

Staff Participating Remotely: Public Works Director Matthew Kennard, Finance Manager Wes Bingham, City Attorney Mark Smedley, IT Specialist Anthon Beales, City Engineer Russ Funk, Heber Valley Airport Manager Travis Biggs, Accounting Technician Wendy Anderson, Senior City Planner Jamie Baron, Engineering Technician Desireé Muheim, and Assistant City Engineer Kyle Turnbow.

Also Present: Pam Patrick, Dade Rose, John Janson, Craig Hancock, Andrea Clayton, Geoff Dupaix, Trudy Simmons, Ben Lasseter, and others who did not sign in or whose names were illegible.

Also Attending Remotely: (Names are listed as signed-in virtually) Brady Flygare, Philip Jordan, Kelli G, Diana Fulcher, Dan Simmons, Trudy Simmons, Christi Judd, Peggy Sulser, George Bennett, Nick Lopez, Sandi Brower, Nancy, Ben Lasseter, Jack Walkenhorst, Naomi Kisen, S, AMP, Kamen Goddard, April Estel, Bobbie Wolbach, and Tamara.

1. [EIS Project Update \(UDOT/Brianna Binnebose\) - 25 min](#)

[WM Item 1 EIS PP](#)

Craig Hancock, UDOT (Utah Department of Transportation) Project Manager for the Heber Valley Environmental Impact Statement, was present to provide an update regarding the status of the proposed Bypass Road intended to alleviate traffic pressure on Highway 40 through downtown Heber City. The project team had narrowed the route options to five alternatives and they were currently in the middle of a public comment period. Mr. Hancock provided a presentation reviewing the project purpose, background, and current status.

Council Member Kahler asked why the realignment of State Road 189 was being considered on one of the plan alternatives. Mr. Hancock explained the realignment would be more effective for the transition to and from Highway 40. Mayor Franco asked whether the project had received cost figures from the Heber Valley Special Service District regarding acreage that would need to be replaced with buffers. The project needed to update costs. Council Member Stack inquired why the turbo roundabouts had been omitted from the plans and why there was only one plan offering interchanges rather than traffic signal intersections. The plan with interchanges favored mobility over accessibility. The remaining alternatives offered accessibility with mobility. The roundabout option was not favored by the trucking community which the bypass would serve. Council Member Barney questioned the safety of the bypass crossing through 1300 South along the back of homes and near a playground and a large population of children in the area. The reason was necessity. Discussion continued.

Mr. Hancock provided an alternative impact summary table. The public comment period had begun June 7, 2022, and would end July 22, 2022. He shared the methods available for those who wished to submit comment. Geoff Dupaix, Senior Communication Manager for UDOT, stated the project team was in the process of creating detailed presentations for each of the alternate concepts to be accessible online. Andrea Clayton explained that UDOT held a corridor agreement with Wasatch County that dictated where the proposed traffic signals were located.

2. [Discuss Planning Commission's Recommendation to Consolidate and Update the Residential and Agricultural Zones and Adopt a Conditional & Permitted Use Site Plan Requirement as Part of Envision Phase 3 \(Janson/Kohler\) - 30 min](#)

[WM Item 2 Staff Report Envision Code Update Recommendations](#)

City Planning Consultant John Janson presented the information regarding proposed City Code updates. He informed Council that the City could no longer require an affordable housing dedication from developers in existing zones. The City could continue to negotiate affordable housing through the annexation process and MDAs (Master Development Agreements).

There was a new chapter proposed to address permitted and conditional-use site plan requirements. The Code held discrepancies with definitions for height restrictions they were trying to correct.

Council Member Johnston did not feel height restrictions for residential units were necessary. Mr. Janson explained residential height restrictions were standard practice. Council Member Barney felt the height restriction was necessary to address the concerns of the community. Council Member Stack felt height restrictions were needed and agreed there could be fine-tuning to the proposed restriction to better protect property owners. Council Member Phillips and Kahler were in favor of height restrictions as well. Discussion continued.

Council Member Johnston recommended the site plan phase requirements remove architectural and commercial sign renderings as it was unneeded for that step of the process. Mayor Franco asked if the 20-foot stem distance on flag lots was approved by the Fire Marshall. Mr. Janson answered that it was standard. Mayor Franco expressed her preference that it be the Planning Commission who review materially different site plan concepts as outlined in section 18.84-7A and to include “as follows” preceding the listed amendments requiring review. Council Member Johnston pointed out that section 18.52.060 stated a requirement for affordable housing and felt the word “shall” should be removed or changed.

Mr. Janson would return to Council at a future date to present the Code amendments with Council’s recommendations.

3. [Request from Regal Homes for Amendment to Sawmill Master Plan Phase 4A and 4B \(Baron\) - 25 min](#)

[WM Item 3 Staff Report - Sawmill MDA Discussion](#)

Council Member Johnston noted his architectural firm had done business with Regal Homes and recused himself from the discussion.

Mr. Kohler shared an image of the proposed plan and described the applicant’s request for the recently acquired Earnshaw property to be included with the Sawmill Master Plan phase 4A and 4B. Mr. Dade Rose, representing Regal Homes, expanded upon the description of the project and open-space dedication. The project would add seven single-family units to the development. City Engineer Russ Funk recalled a discussion to have the alleyway behind five of the lots widened in order to accommodate the location of utilities. Mr. Rose shared the plan to realign a road intersecting Sawmill Road across from Hidden Valley Road. Council Member Stack asked whether the intention to eliminate two of the connector roads had been discussed with the school district due to the potential impact on school bus routes. Mr. Rose agreed to do so. Council Member Stack felt the road discussion should cease until the conversation with the School District was held. He was not comfortable with increasing density by seven units and suggested four units with one of the units dedicated as affordable housing. Council Members Kahler and Phillips supported Council Member Stack’s proposal. Mayor Franco asked for confirmation that the proposed lots met the R1 requirements.

4. [Presentation of Energy Management Internal Committee's Work and Anti-Idling Campaign \(Searle\) – 15 min](#)

[WM Item 4 PP Clean Air](#) 

[WM Item 4 Staff Report Anti Idling](#) 

Due to the time, Mayor Franco bumped the Work Meeting agenda items four and five in order to move into Regular Meeting.

Mayor Franco returned the meeting to address agenda items four and five at hour four, minute 43 (4:43:30) of the meeting recording.

Assistant to the City Manager Luke Searle shared the internal committee had been formed at the direction of the previous Council. He presented information of the current and future locations of Air Quality Sensors installed throughout the City and explained how to access the information provided by the sensors at Purpleair.com. The Public Works Department was researching zero-emission vehicles and used only tier three gasoline. Work was being done by the Trees sub-committee to plant more evergreen trees and plants. A social-media plan was in place. An idle-free campaign was to be launched with stickers and brochures printed to be distributed to local businesses. Mr. Searle shared images of logos created with the slogan “I care about Heber air. Please, be idle free” to be printed on the stickers. Mayor Franco and Council Member Stack proposed dropping the “please”. Discussion followed.

Council Member Phillips suggested the air monitor scheduled to be installed at Animal Control be moved to the Cemetery as there was already an air monitor located at the nearby airport.

Mayor Franco shared that the Air Quality Department of the Department of Environmental Quality (DEQ) had contacted her in order to place a State issued, official air quality monitor in Heber City. Various sites had been visited in order to determine where the monitor would be located. Within three years the monitor would reveal whether the Valley was in an attainment area or non-attainment area. Council Member Stack felt that in order to make a meaningful impact on air quality, Heber City needed to work with Wasatch County to require emissions testing on vehicles.

5. [Discuss Potential Code Amendment Regarding Model Homes/Open Space Amenities \(Kohler\) - 15 min](#)

[WM Item 5 Staff Report Model Homes](#) 

Planning Director Tony Kohler explained the Code amendment would permit model homes and open space amenities to begin construction once essential public facilities were installed, a plat recorded, and bond posted. The Sorenson group wished to proceed with their model homes as well as an additional storage structure within one of their developments. Mr. Kohler shared images of the subdivision plan to show where the buildings would be located. He reviewed the language proposed to amend the Code.

Council Member Stack suggested restricting the sale of model homes until public amenities were completed for the phase. Council Member Johnston felt there did not need to be a limit to the number of model homes. Mr. Brower suggested a definition of a model home be added. Mayor Franco proposed adding language to require parking for the model homes. Discussion continued.

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

1. Call to Order

Mayor Franco called the Regular Meeting to order at 6:13 p.m. and welcomed everyone present.

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 Phillips)

Council Member Phillips shared a short story of elephants held in place by a thin rope. This was possible due to conditioning as babies. The moral of the story was that personal beliefs were powerful beyond measure and dictated outcomes. Such beliefs could work for or against us. He suggested identifying limiting beliefs in order to push against them.

III. CONFLICT OF INTEREST DISCLOSURE:

During the preceding Work Meeting agenda item three, at approximately 5:20 p.m., Council Member Johnston noted his architectural firm had done business with Regal Homes and recused himself from the discussion.

There were no other conflicts of interest disclosed.

IV. CONSENT AGENDA:

1. Approval of May 17, 2022, City Council Meeting Minutes, May 31, 2022, City Council Meeting Minutes, and June 14 Special City Council Meeting – Closed Executive Session Meeting Minutes (Cooke)

5.17.2022 DRAFT City Council Meeting Minutes 

5.31.2022 DRAFT City Council Meeting Minutes 

6.14.2022 DRAFT Minutes - Closed Executive Session 

2. Consider Adoption of Resolution 2022-16 Authorizing Public Treasurers Investment Fund (PTIF) Account Users (Bingham, Kohler)

CA Item 2 Staff Report Resolution 2022-16 PTIF 

3. Consider Adoption of Ordinance 2022-16, Approving Development Agreement for the Bennett Four-Plex Located at 242 South 100 West (Kohler)

CA Item 3 Staff Report Bennett 4plex DA Ordinance 2022-16

Council Member Phillips explained he had missed much of one of the meetings and would not vote for that meeting's minutes.

Motion: Council Member Johnston made the motion to approve the Consent Agenda. Council Member Barney made the second. **Voting Aye:** Council Members Barney, Johnston, Kahler, and Stack. Council Member Phillips abstained from the vote. The motion **Passed 4-0**.

V. PUBLIC COMMENTS:

City Planning Director Tony Kohler informed Council that UDOT's website had listed the time for their presentation at 6:00 p.m. The presentation had taken place at 4:00 p.m. and there was a group present that had missed the presentation. Mayor Franco informed them there would be a recording of it posted to the City website www.heberut.gov as well as the UDOT website www.hebervalleyeis.utah.gov. She provided a contact email address for the project hebervalleyeis@utah.gov.

County resident Pam Patrick added that a previous recording of UDOT's EIS presentation could be found on the Wasatch County website as well. She wished to express her appreciation for the City Council Members and the amount of time and effort required of them as elected officials.

VI. GENERAL BUSINESS ITEMS:

1. Public Hearing Regarding Heber City's Annual Fraud Risk Assessment (Bingham) – 10 min

Item 1 Staff Report PH Fraud Risk Assessment

City Finance Manager Wes Bingham shared an informational video regarding the importance of Fraud Risk Assessment. He shared a checklist of recommended policies the City should have in place as well as additional recommended actions such as a fraud tip hotline. Mr. Bingham added that the City could get set up to use the State Fraud tip hotline.

Mayor Franco opened the Public Hearing for comment at 6:33 p.m. With no one from the public coming forward to comment, the Public Hearing was closed at 6:34 p.m.

2. Public Hearing Regarding Annual Unbilled General Fund Utility Services (Bingham) – 10 min

Item 2 PH PP Unbilled Services

Mr. Bingham informed of the State Code requirement for cities to hold a Public Hearing when cities received services that cities did not charge themselves for. Heber City did not charge itself for culinary water, wastewater, storm drain usage, or pressurized irrigation.

Because the value of the services was immaterial, the City was required to hold a public hearing but no transfer of resources was required to be reflected in the City's financial statements.

Mayor Franco opened the Public Hearing for comment at 6:36 p.m. With no one from the public coming forward to comment, the Public Hearing was closed at 6:37 p.m.

3. [Public Hearing Regarding Resolution 2022-12 to Amend the Fiscal Year 2021-2022 Budget \(Bingham\) – 10 min](#)

[Items 3 & 7 Staff Report FY 2021-2022 Budget Amendment](#)

Mr. Bingham listed the proposed budget amendments as listed within the Staff Report. He provided a brief description of each and the dollar amounts.

Mayor Franco opened the Public Hearing for comment at 6:46 p.m. With no one from the public coming forward to comment, the Public Hearing was closed at 6:47 p.m.

[Recess as City Council and Convene as CRA Board](#)

Motion: Council Member Stack moved to recess as the City Council and convene as the CRA (Community Reinvestment Agency) board. Council Member Kahler made the second. **Rollcall Vote: Voting Aye:** Council Members Kahler, Johnston, Barney, and Stack. Council Member Phillips had stepped out of the room momentarily. The **motion Passed 4-0**. The Heber City Council Meeting was recessed and the CRA Board Meeting convened at 6:48 p.m.

4. [Public Hearing Regarding Adoption of the Fiscal Year 2022-2023 CRA Operating Budget \(Bingham\) - 10 min](#)

[Item 4-5 Staff Report CRA Budget Resolution 2022-01](#)

City Finance Manager Wes Bingham explained the CRA board was required by State Code to hold a Public Hearing regarding, and prior to, adopting its annual budget.

Mayor Franco opened the Public Hearing for comment at 6:49 p.m. With no one from the public coming forward to comment, the Public Hearing was closed at 6:50 p.m.

[VII. ACTION ITEMS:](#)

5. [Consideration to Approve Resolution 2022-01 Adopting the CRA Operating Budget for Fiscal Year 2022-2023 \(Bingham\) – 5 min](#)

[Item 4-5 Staff Report CRA Budget Resolution 2022-01](#)

Motion: Council and Board Member Rachel Kahler moved to approve Resolution 2022-01 establishing the Fiscal Year 2022-2023 Operating Budget for the Community Reinvestment Agency as outlined in the Staff Report. Council Member Phillips made the second. **Rollcall Vote: Voting Aye:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. The **motion Passed unanimously 5-0.**

6. [Summer Strategic Session to Discuss Board Priorities and Interlocal Agreements \(Brower\) - 10 min](#)

City Manager Matt Brower explained he wished to establish a dedicated strategic session for the Council to meet as the CRA board in order to discuss:

- a. Strategic priorities for the CRA
- b. Strategies to get support from the County and School District for the CRA interlocal agreements needed in order for the CRA to succeed

He had been invited to speak with the County Council in August and hoped the City Council could establish a meeting in July. Council discussion determined they would not be available to meet in July but could dedicate the two hour Work Meeting scheduled for August 2, 2022, as a strategic session for the CRA board.

Motion: Council Member Stack moved to adjourn as the CRA Board and reconvene as the Heber City Council. Council Member Kahler made the second. **Rollcall Vote: Voting Aye:** Council Members Phillips, Stack, Barney, Johnston, and Kahler. The motion **Passed unanimously 5-0.** The CRA Board Meeting adjourned at 6:56 p.m.

[Adjourn as CRA Board and Reconvene as City Council](#)

The Heber City Council Meeting reconvened at 6:56 p.m.

7. [Consider Adoption of Resolution 2022-12 to Amend the Fiscal Year 2021-2022 Budget \(Bingham\) - 5 min](#)

[Items 3 & 7 Staff Report FY 2021-2022 Budget Amendment](#) 

Motion: Council Member Phillips moved to approve Resolution 2022-12 to amend Fiscal Year Budget 2021-2022 as presented with the findings and conditions as listed in the Staff Report. Council Member Johnston made the second. **Rollcall Vote: Voting Aye:** Council Members Phillips, Stack, Barney, Johnston, and Kahler. The motion **Passed unanimously 5-0.**

8. [Consider Adoption of Resolution 2022-13 Approving Fiscal Year 2022-2023 Final Budget and Consolidated Fee Schedule \(Bingham\) - 5 min](#)

[Item 8 Staff Report Resolution 2022-13 Final FY 22-23 Budget](#) 

City Manager Matt Brower wished to express sincere gratitude for the time and dedication applied to the budget process by City Staff. Mayor Franco expressed her thanks as well and commended the transparency of the process.

City Finance Manager Wes Bingham reviewed the budget process the City followed including holding the required Public Hearing. Council Member Johnston noted an error in the title of Fund 44 which was no longer the Industrial Park Fund and now the CRA Fund. Council Member Phillips noted the employee COLA (cost of living adjustment) increase indicated 4% on page 31 of the presentation, rather than the Council agreed-upon 5%. Mr. Brower explained the mid-max increases and how and when the qualifying Staff would receive their increases.

Mayor Franco wished to see security cameras for the parks included in a future budget or budget amendment. She felt hand-rails were needed for the bridge at the Red Ledges Park and hoped there could be a grand opening for the park that summer. She wanted additional funds applied to install a connecting trail at Muirfield Park. Council Member Phillips proposed the Budget documents no longer be printed and rather be distributed to Council on flash drives in the future.

Council Member Kahler felt it important for the community to see the work being done on the transportation study. Specifically the Eastern Bypass from Main Street to 550 East, the roundabout on Daniels Road, and the traffic signal on 1200 South.

Motion: Council Member Stack made the motion to adopt Resolution 2022-13 approving the Fiscal Year 2022-2023 final Budget and Consolidated Fee Schedule. Council Member Phillips made the second. **Rollcall Vote: Voting Aye:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. The **motion Passed unanimously 5-0.**

9. [Consider Adoption of Resolution 2022-14 to Approve an Inter-fund Note to Transfer Funds Between the Capital Projects Fund 42 and the Culinary Water Fund 51 \(Bingham\) - 5 min](#)

[Item 9 Staff Report Resolution 2022-14 Interfund Note](#)

Mr. Bingham explained that due to the ongoing Central Heber Infrastructure Project, the City needed to have a certain amount of capital set aside in order to cover debt services. The City needed to transfer funds internally in order to meet the requirement. Mr. Bingham reviewed the process required by State Code, including a Public Hearing, had been met by the City.

Motion: Council Member Phillips moved to adopt Resolution 2022-14 with the terms and conditions of interfund loan from the Capital Projects Fund (42) to the Culinary Water Fund (51). Council Member Barney made the second. **Rollcall Vote: Voting Aye:** Council Members Phillips, Stack, Barney, Johnston, and Kahler. The motion **Passed unanimously 5-0.**

10. [Consider Approval of a Franchise Agreement and MOU \(Memorandum of Understanding\) with STRATA Networks \(Brower, Smedley\) - 10 min](#)

[Item 10 Staff Report Strata Franchise Agreement](#)

City Attorney Mark Smedley explained the City had previously issued an IFP (invitation for proposals) soliciting fiber and internet services. STRATA networks had been selected from the three proposals received. The City had yet to enter into contract with the company for service. Mr. Smedley explained the proposal to allow STRATA to begin placing service lines in the trenches currently being dug for the City's ongoing water and sewer line replacement project. Staff proposed entering into an MOU (memorandum of understanding) with STRATA in the interim of the City deciding whether STRATA or the City would own the fiber and facilities, and allow STRATA to place service lines in the open trenches. Mr. Smedley added that STRATA would likely request a franchise agreement as well. Mr. Brower indicated the large cost savings it would be to take advantage of the opportunity to use the open trenches rather than dig at a later date to lay fiber lines. He clarified the intent to preserve the option for the City to potentially purchase the infrastructure from STRATA in the future. If Council was uninterested in purchasing the infrastructure, STRATA would provide service to the community.

Council Member Kahler did not wish for the City to take on another utility. She felt it should be offered to the community on a subscription basis. Council Member Phillips supported a subscription option. Council Member Stack did not support City purchase of the fiber infrastructure, nor the utility model. He preferred the community have options. Council Member Johnston supported the MOU. Council Member Barney did not wish to have another utility. She did support moving forward with the MOU.

City Engineer Russ Funk wished to clarify that the City would not generally share a trench with another provider. It was due to the possibility of the City purchasing the fiber infrastructure that sharing the trenches was before Council as an option. Mr. Brower explained that City ownership would permit the subscription model option. Council did not need to make the decision that night for whether or not the City wanted to purchase the fiber infrastructure. Rather the decision needed was whether to approve moving forward with the MOU in order to keep the option to purchase at a lower cost available. Discussion continued.

Council majority determined to move forward negotiating an MOU with STRATA Networks. Mayor Franco asked to have timelines and deadlines articulated in the MOU.

11. [Consider Request to Amend the City's Financial Planning Policy to Include Regular Reviews of Truth in Taxation \(Stack\) - 10 min](#)

Council Member Stack proposed an amendment to the City's Financial Planning Policy to include regularly scheduled reviews of Truth in Taxation. He did not want to require changes or an increase in taxes but wished to ensure future Councils were having a conversation regarding whether or not a tax increase was needed. He proposed adding a new sentence at the bottom of the section titled "General Taxes and Revenues" to read "It shall be the policy of the Council to formally consider the need for a Truth in Taxation Hearing at least once every four years".

Council Member Johnston expressed support but asked that the timing be every even year rather than every four years. Council Member Kahler did not support as she did not wish to force future Councils to have a conversation. Council Members Barney and Phillips supported the proposal. Council majority agreed to move forward with formally amending the policy.

12. Consider Adoption of Ordinance 2022-13 Regulating Shipping Containers in Commercial Zones (Baron) - 20 min

Item 12 Staff Report - Shipping Containers

Item 12 PP Shipping Containers

Senior City Planner Jamie Baron reviewed proposed regulations for the use of shipping containers at commercial properties as included in the Staff Report. The Planning Commission had held a Public Hearing and forwarded a positive recommendation for approval of the proposed Code update by Ordinance.

Council Member Kahler pointed out there was one complaint that had led to the proposed Code amendment. She wished to protect business owners from undue burden. Mr. Baron explained the current Code prohibited all shipping containers and the proposed amendment offered a path forward for business owners already utilizing shipping containers for storage. Council Member Stack felt the containers should be disallowed in commercial and mixed-use zones as they were not consistent with Heber City's brand the City was trying to cultivate. He would support allowing the containers in manufacturing and industrial zones provided they were 100 feet from any residence. Council Member Johnston supported the Ordinance and felt the containers fulfilled a need for local businesses. Council Members Phillips and Barney expressed support as well. Mayor Franco felt there should be a limit established. Council Member Johnston recommended a clause to restrict use of containers to on-site storage only. Council Member Stack asked to have set-backs from property lines included.

Motion: Council Member Kahler moved to approve Ordinance 2022-13 with the findings and conclusions in the Staff Report. Council Member Johnston made the second.

Council Member Phillips asked for the motion to be amended to restrict the containers to one per property. Council Member Kahler did not wish to limit as there were existing businesses with multiple containers used to store merchandise. Council Member Johnston asked for the motion to be amended to prohibit the storage of off-site inventory and materials.

Amended Motion: Council Member Kahler moved to approve Ordinance 2022-13 with the findings and conclusions in the Staff Report and to prohibit the storage of off-site inventory and materials not pertaining to the business. Council Member Johnston's second stood. **Rollcall Vote: Voting Aye:** Council Members Kahler, Johnston, Barney, and Phillips. **Voting Nay:** Council Member Stack. The motion **Passed 4-1.**

13. Consider Recommendation from the Open Space, Trails, Parks, and Trees Committee for Fitness Court Placement in Muirfield Park (Searle) - 10 min

Item 13 Staff Report Fitness Court

Assistant to the City Manager Luke Searle detailed the process of determining a location for the fitness court. Red Ledges had rejected placement in their park. City Council had asked the Open Space, Trails, Parks, Trees (OSTPT) committee to offer an alternate recommendation.

Consideration of a new park to be installed near the high school had been rejected due to lack of a bathroom. There had been hesitation to install the fitness court at the Muirfield Park based on continued graffiti occurrences. Mr. Searle had held discussions with the police officer assigned to graffiti as well as the Parks and Cemetery Director Mark Rounds to work towards a resolution for the graffiti issue. Mr. Rounds described plans to have cameras installed and stated the police had arrested one man on charges of graffiti. The OSTPT committee had forwarded the recommendation for installation of the fitness court at the Muirfield Park.

Council Member Kahler preferred the location of the new park to be installed near the high school based upon the population of growing families it would serve. Council Member Johnston agreed. He did not feel parking nor restrooms would be an issue. Council Member Stack agreed as well.

Mr. Searle asked Council to consider the possibility that the grant from the fitness court provider had an installation deadline. He would research the grant requirements. Council Member Kahler felt the City could research alternate grant options as well.

Motion #1: Council Member Kahler moved to continue the item until Mr. Searle could provide the information regarding the grant. Council Member Barney made the second.

Motion #2: Council Member Phillips moved to approve the construction of the fitness court at the future park to be constructed next the self-help homes and the High School contingent upon Mr. Searle's findings. Council Member Johnston made the second.

Voting Nay for Motion #1: Council Members Kahler, Johnston, Barney, Stack, and Phillips. The motion **Failed unanimously 5-0.**

Voting Aye for Motion #2: Council Members Phillips, Stack, Barney, Johnston, and Kahler. The motion **Passed unanimously 5-0.**

Mayor Franco returned the discussion to Work Meeting agenda items four and five at hour four, minute 43.30 (4:43:30) on the recording.

VIII. COMMUNICATION:

Council Member Stack wished to address firework restrictions based upon concern with the ongoing drought conditions. The County Fire Official had not recommended any restrictions. He, therefore, withdrew his request to implement City-wide restrictions. Mayor Franco noted the possibility that the Fire Official could still impose restrictions. She asked to have fire trucks on site for the Red Ledges fireworks show.

Council Member Kahler commended Jody Summers and the City Staff for the Market on Main kick-off. She noted the large crowd and felt the vendors and citizens were happy. She shared Heber Light and Power (HL&P) would be holding a public meeting in the City Council Chambers to consider a rate increase.

Mayor Franco stated the HL&P consultant was proposing an increase of 4 ½% to 5 ½%. Council Member Kahler added that the push for renewable energy was causing a lack of energy. Council Member Phillips proposed solar panels on City buildings. Mayor Franco shared HL&P was considering a solar panel proposal located at the Sewer District land.

City Planning Director Tony Kohler informed Council that the County Boundary Commission had met to review the protest of the Wasatch County School District's Annexation petition. The Commission had rejected the protest and the annexation petition process would proceed.

IX. CLOSED EXECUTIVE SESSION:

1. Discussion Regarding the Purchase, Exchange, or Lease of Real Property

Motion: Council Member Phillips moved to enter Closed Executive Session for the purpose of discussing the purchase, exchange, or lease of real property. Council Member Stack made the second. **Rollcall Vote: Voting Aye:** Council Members Phillips, Stack, Barney, Kahler, and Johnston. The meeting entered Closed Executive Session at 9:28 p.m.

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

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

2. Personnel

Motion: Council Member Phillips made the motion to extend the end time of the meeting and enter another Closed Executive Session for the purpose of discussing personnel. Council Member Kahler made the second. **Rollcall Vote: Voting Aye:** Council Members Phillips, Stack, Barney, Johnston, and Kahler. The meeting entered a second Closed Executive Session at 9:59 p.m.

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

Motion: Council Member Stack moved to end the Closed Executive Session. Council Member Kahler made the second. The Closed Executive Session ended at 11:15 p.m.

X. ADJOURNMENT:

Motion: Council Member Stack moved to adjourn. Council Member Kahler made the second. The Heber City Council Meeting adjourned at 11:15 p.m.



Trina W Cooke

Trina Cooke, City Recorder

APPROVED