

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

APPROVED Minutes

4:00 p.m. Closed Executive Session
5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. CLOSED EXECUTIVE SESSION: 4:00 P.M.

1. Legal
2. Real Estate

Mayor Franco called the meeting to order at 4:12 p.m. and welcomed everyone present.

Motion: Council Member Phillips made the motion to enter Closed Executive Session for the purpose of discussing the possible purchase, exchange, or lease of real property. Council Member Barney made the second. **Rollcall Vote: Voting Yes:** Council Members Kahler, Johnston, Barney, and Phillips. Council Member Stack was absent. The meeting entered Closed Executive Session at 4:13 p.m.

Present City Council: 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 Manager Matt Brower
Planning Director Tony Kohler
City Recorder Trina Cooke

Also Present: Joshua Jewkes
Bill Wark

Motion: Council Member Barney made the motion to end the Closed Executive Session. Council Member Kahler made the second. The Closed Executive Session ended at 5:12 p.m.

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

Mayor Heidi Franco called the Work Meeting to order at 5:13 p.m. and welcomed everyone present.

Present City Council: 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 Manager Matt Brower
Planning Director Tony Kohler
City Engineer Russ Funk
City Recorder Trina Cooke
Officer Ryan DeMille
Officer Brian Berg

Staff Participating Remotely: Public Works Director Matthew Kennard, City Finance Manager Wesley Bingham, Assistant to the City Manager Luke Searle, IT Specialist Anthon Beale, Mayoral Intern Maddy Sherbert, Engineering Technician Desiree Muheim, Accounting Tech Wendy Anderson, City Engineer Russ Funk, Assistant Engineer Kyle Turnbow, and Parks and Cemetery Director Mark Rounds.

Also Present: William F. Webb, Terry Diehl, Jonelle Fitzgerald, Brock Sorenson, Robert McConnell, Linda L. Middleton, Bret Whalen, Roger Gooch, and others who did not sign in or whose names were illegible.

Also Attending Remotely: (Names are listed as signed-in virtually) Lisa, Jeffrey Andrews, Meg Ryan, Kelly G, Todd Anderson, and Sandi Brower.

1. Discussion regarding Affordable Housing Action Plan Priorities (Baron) – 30 min

City Planning Director Tony Kohler explained that House Bill 462 was requiring the City to take additional action regarding its affordable housing strategies and listed the additional requirements. He shared a chart reflecting AMI (average median income) limits by annual salary and number of people per household. He reviewed the status of current updates made by Staff.

Council Member Johnston felt rezoning needed to be coupled with an affordable housing requirement. Mayor Franco wished to include in the Plan that the City was working with the Wasatch County Housing Authority to provide affordable and moderate-income housing.

Meg Ryan, Land-use Specialist with the Utah League of Cities and Towns (ULCT) was working with City consultants updating the code. She expressed appreciation for the City's efforts to maintain compliance with State Code requirements. Mayor Franco asked for guidance to qualify for affordable housing in designated transit corridor zones. Council Member Johnston asked whether the plan should include that the City would seek to partner with the County and School District as well as non-profit agencies in order to create affordable housing for public employees.

Council Member Barney wished to know if the plan could include certain protections for renters from negligent landlords. Mr. Brower explained the City did not have the ability to regulate such situations but could implement a help program for renters in need of assistance. Council Member Johnston proposed including a standard renter protection clause in the City's deed-restricted housing.

2. [Discuss proposed amendment to Heber City Code, Chapter 18.116 Flood Plain Damage and Chapter 18.109 Annexation \(Kohler, Janson\) – 30 min](#)

Meg Ryan stated there were three proposed Code updates being presented to Council. The appropriate Public Hearings had been held and all three proposed updates had been forwarded to Council with a positive recommendation from the Planning Commission. The first was regarding annexations in chapter 18.109. Ms. Ryan noted there were no policy changes being proposed but the proposed updates would better align the Code with City processes.

Council Member Kahler wished to know whether there was a definition and protection for view-sheds. Ms. Ryan said there would be a corresponding definition included in the Code to be added to an overall "Definitions" section for the entire Code. Mayor Franco recommended referencing the existing view-shed protections in place along with the ridgeline protections within the City Code.

Ms. Ryan reviewed updates to Chapter 18.109 Flood Damage Prevention. She advised that the City Engineer was the official Flood Plain Administrator. There were State imposed processes with narrow criteria that all cities and towns were required to follow.

Ms. Ryan noted there had been several drought mitigation and water conservation bills adopted by the State Legislation in 2021. SB110 addressed including water as part of general plans and HB282 addressed water-wise landscaping. Ms. Ryan reviewed the new requirements implemented by each bill and what the City needed to do to comply.

Council Member Kahler inquired whether the State was offering grants or incentives for cities or residents to convert existing landscaping to water-wise landscaping. Mr. Kohler informed of a program called "Rip Your Strip" incentivizing property owners to replace turf in park strips with water-wise landscaping plants. He added there were additional programs being considered by the State. Mayor Franco suggested language be included to keep tree plantings off of public utility pipes.

Council Member Johnston recommended the City offer demonstration planter strips to provide easy, economical examples for the community. Mr. Kohler proposed reaching out to the Central Utah Water Conservancy District for assistance. Discussion continued.

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

1. Call to Order

Mayor Heidi Franco called the Regular Heber City Council Meeting to order at 6:15 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 Heidi Franco)

Mayor Franco shared a prayer.

Mayor Franco read a Standards Statement regarding decorum. She felt there was a need for standards of professionalism and respect to be upheld in order to maintain order and decorum during City Council Meetings.

IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed.

V. CONSENT AGENDA:

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

Motion: Council Member Johnston moved to continue the July 5th Meeting Minutes for approval at the August 2nd, 2022, City Council Meeting, and remove from the Consent Agenda. Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Phillips. **Voting No: None.** Council Member Stack was absent. The **Motion Passed 4-0.**

2. Consider Approval of 2022 Pavement Striping Contract with Peck Striping (Funk)

3. Approval of Memorandum of Understanding (MOU) with Community Alliance for Main Street (CAMS) (Brower)

4. Mayoral Appointments for City Council, Trees Subcommittee, & Open Space, Trails, Parks, and Trees Advisory Committee (Franco)

Council Member Phillips advised that his circumstances had changed and it would be difficult for him to attend the Historic Preservation Board meetings on Wednesdays. He wished the record to reflect the Mayor had not responded to his emails in order to address board assignments. Mayor Franco wished to correct the record that she had responded to the email.

Council Member Phillips felt he might be able to attend most of the Historic Preservation meetings but not all. Council Member Kahler felt it was important to have Council representation at all Council assigned board and committee meetings if possible. Council consensus determined to attempt to have a substitute Council Member attend meetings on the occasions when the regularly assigned Council Member was unable to attend.

Mayor Franco clarified the Council's previous years board assignments remained in place, as per the City Attorney. She asked Council to bring their board's recommendations and concerns to the Council. Council Member Phillips felt it was important to relay the Council's recommendations and concerns to the boards as well.

Motion: Council Member Johnston moved to adopt Consent Agenda Items two, three, and four as proposed. Council Member Kahler made the second. **Voting Yes:** Council Members Phillips, Barney, Johnston, and Kahler. **Voting No: None.** Council Member Stack was absent. The **Motion Passed 4-0.**

VI. PUBLIC COMMENTS:

William Frank Webb shared his concern with protests held the previous two weeks during the Heber Market on Main. He recognized the constitutional right to freedom of speech but felt the venue, where there was a paid band performing, and vendors paying to have booths was an inappropriate place to protest. He was concerned with the number of firearms that could have been present and the potentially dangerous situation that could have erupted. He read a proposed ordinance for the City that would prohibit protests that incited anger, hatred, violence, or insurrection, or in any way disrupted the peaceful gathering of attendees at public events featuring entertainment venues. The proposed ordinance would authorize law enforcement to shut down such protests and issue citations. Mr. Webb did not wish to see Heber City in national news for a tragic event happening in the wake of mass shootings nationwide. He expressed thanks to the Mayor and Council for their time.

Linda Middleton had attended the Planning Commission meeting and the transportation presentation. Her vision for Heber City was a hometown and she felt she represented the families of Heber. She was concerned for children who might miss the buses to school and had hoped the proposed transportation pilot program in Wasatch County could help. She was disappointed to learn the program would not transport children if there were other adult passengers. She asked Council to not use local taxpayer money for jobs and businesses that took away from local transportation companies that could assist a child that missed the bus or in the situation a school bus broke down. She did not want Council to preserve money for the future that could help with current needs of the community. She was vehemently against a road through the North Fields. She had thought the Envision Heber 2050 had designated the North Fields as protected.

Mayor Franco clarified the City did not control the sales tax increment being applied to the pilot transit program the County was considering participation in. She advised that comments regarding the future bypass could be submitted on the UDOT website.

Brock Sorenson and his brother were proposing another gym in Heber City. They felt the community population could benefit from a second gym in town. Mayor Franco suggested reaching out to the economic development division of the Chamber of Commerce.

VII. GENERAL BUSINESS ITEMS:

1. Discussion Regarding Proposed Red Ledges Park Name (Barney)

GB Item 1 Correspondence

GB Item 1 park plaque images

Council Member Barney wished to propose the name McNaughton Park for the Red Ledges Park due to the McNaughton farm having been located there and land having been owned by the McNaughton's for generations previous. She provided McNaughton history in the Valley and felt naming the park for the family would honor their heritage. She felt a compromise to hyphenate the name would be adequate as well. She read a letter from Hi McNaughton expressing thanks and sharing the history of the McNaughton legacy in the Valley. Council Member Barney recalled personal memories from the McNaughton farm noting that most locals who had grown up in the Valley shared similar memories.

Jordan Park had been proposed by Red Ledges as the park name to honor the heritage in the Valley of the family that had purchased the land and was dedicating the park to the City. City Manager Matt Brower felt there were alternate options to honor both families such as naming the Eastern Bypass after one of them and the park for the other. Council Member Kahler felt the name should be based upon many monetary contributions from the Burns (nee Jordan) family to the community. Council Member Johnston had been persuaded by the presentation of Council Member Barney for the name to honor the heritage of the McNaughtons. The Jordans had the Jordanelle State Park named for them. Council Member Phillips referred to the many contributions from the Jordan/Burns family to the community and supported the name Jordan Park. It was determined the agenda item would be returned to the next City Council Meeting for a vote.

2. Presentation of the Wasatch County Health Department's Annual Report (Jonelle Fitzgerald) - 10 min

GB Item 2 Wasatch County Health Department 2021 Report

Jonelle Fitzgerald, Director of the Wasatch County Health Department, shared a pamphlet with the Wasatch County Health Department's 2021 Annual Report. The pamphlet provided programs offered by, and highlighted 2021 achievements of the Wasatch County Health Department. She shared that the current number of Coronavirus cases in the County was higher than the previous two years.

Council Member Kahler asked Ms. Fitzgerald to share the mental health programs available to the community. Ms. Fitzgerald explained Wasatch Behavioral Health was the mental health provider for the County. The clinic had a suicide prevention program and offered a Spanish-speaking therapist as well. There was a shortage of therapists in the County resulting from a shortage in the field.

3. Central Heber Water and Sewer Line Project Update (Funk) - 5 min

City Engineer Russ Funk shared that the project had gotten off to a slower start than the City had hoped but felt it was making good progress. There were two crews working on both the water and sewer lines. He reviewed details of the project locations and status of the project. He noted the window for paving would close in October. He proposed the possibility of contracting the work to continue through winter in order to avoid prolonging the project into a fourth year. Council Member Barney expressed concern with the water and ice accumulation in front of the homes in an area with no curbing or sidewalks. Mr. Funk acknowledged the concern and indicated Staff would continue to evaluate potential issues that could be faced working through the winter. Discussion continued regarding the possibility of the project continuing work through the winter, potential added costs, and additional concerns.

Mayor Franco felt public outreach would be needed if the project did continue through winter. Mr. Funk agreed to continue gathering the necessary information in order to make the best possible decision for the City and be prepared to provide the information at the next Council meeting.

Mr. Funk continued with the project update, informing Council of the status of the materials procurement, issues impacting costs and time, and the schedule to move forward with pressurized irrigation.

VIII. ACTION ITEMS:

4. Consider Approval of People + Place Revised Contract for Envision Phase 3 Code Amendments and Downtown Envisioning Process (Kohler) - 15 min

City Planning Director Tony Kohler reviewed the proposed contract amendment with People + Place in order for the consultants to help guide the public outreach with the City's downtown envisioning process. The estimated cost for projected services was \$122,700.

Motion: Council Member Phillips moved to approve Envision Heber 2050 Phase Three contract amendment five with People + Place as presented for a total cost of \$122,700. Council Member Johnston made the second.

Mayor Franco paused to allow public comment. Linda Middleton did not wish to see five-story buildings on Main Street. She felt it was too dark and you could never get rid of the ice. It would not be an area to raise families and school busses would be unable to navigate Main Street.

Voting Yes: Council Members Phillips, Barney, Johnston, and Kahler. **Voting No:** None. Council Member Stack was absent. The **Motion Passed 4-0.**

5. [Consideration to Authorize Smith's Road Improvements Participation and Exploration of Terms for a Participation Agreement \(Brower\) - 30 min](#)

City Manager Matt Brower shared a PowerPoint presentation to summarize the decision point needed from Council that evening. He clarified there were no approvals requested for that evening but rather authorization from Council to finalize terms of a participation agreement. The authorization would allow Mr. Brower and Staff to proceed to negotiate with the developer and Smith's. He reviewed the existing agreements and associated amendments. He shared images of the proposed Smith's building design. Mr. Brower provided an overview of the purpose of the proposed Participation Agreement as well as potential terms.

Mr. Brower shared an image of the Eastern Bypass and reminded Council the road was listed among Council priorities. The image reflected the financial responsibility of the City and that of the developer, provided the details of the road including acceleration and turn lanes, as well as a roundabout. He provided a cost summary listing Smith's requested participation from the City.

City Engineer Russ Funk ensured the developers would need to meet City standards for the treatment of storm-water run-off, including approval from the Provo River Restoration Project and the Central Utah Water Conservancy District. Mayor Franco expressed concern with the large amount of storm-water run-off there would be due to the expanse of the proposed parking lot.

Council Member Kahler read the original annexation agreement binding the previous landowner to pay for the road improvements. Mr. Brower described the additional amendments, including the widening of the road and a traffic signal, that were not in the original agreement. Randy Sant, consultant working with the developer and Smith's, reiterated Mr. Brower's explanation and informed Council the developer would need to return to their budget process and delay the project if the City was not willing to participate.

Motion: Council Member Phillips moved to approve Staff moving forward to negotiate with the developer. Council Member Johnston made the second, noting he held ongoing concern with the numbers as presented.

Discussion of the Motion: Council Member Barney shared the concerns expressed by Council Members Kahler and Johnston. Council Member Phillips felt there needed to be a working relationship between the currently elected Council Members and current property owners, both of which could change with time. He noted the benefits Smith's would offer the community.

Voting Yes: Council Members Phillips, Barney, and Johnston. **Voting No:** Council Member Kahler. Council Member Stack was absent. The **Motion Passed 3-1.**

6. Consider Approval to process the proposed Highlands MDA (Master Development Agreement) Amendment as an Administrative Amendment (Kohler) - 15 min

City Planning Director Tony Kohler detailed the proposed changes to the plan concept. The decision before Council was whether to allow approvals for proposed changes in order to proceed administratively or whether the Council wished to approve the changes legislatively. Mr. Kohler reviewed pros and cons of the proposed amendments noting the findings were all positive. Staff recommended allowing the proposed changes to proceed as an administrative amendment.

Mayor Franco questioned the effect to the overall neighborhood village walkability plan and whether the loss of apartment units would adversely affect the intended student housing. Development representative Terry Diehl confirmed the student housing would remain. The reduced number of apartment units remained above 300 units. Council Member Barney expressed her preference that the decision be made by the Council due the size of the project.

Motion: Council Member Johnston moved to allow Staff to proceed to address the proposed changes as an administrative amendment. Council Member Phillips made the second.

Mayor Franco opened the discussion for public comment. Linda Middleton felt the community needed to keep the family-unit home-town feel. She did not feel apartments or condos were committed to the community. She wished to retain the home-town residential community for people who worked in the community. She expressed concern with the country moving to electrically powered vehicles and the need to have charging units and garages for each of the proposed units. She was committed to promoting living, working, and caring about Heber City.

Voting Yes: Council Members Phillips, Johnston, and Kahler. **Voting No:** Council Member Barney. Council Member Stack was absent. **The Motion Passed 3-1.**

IX. COMMUNICATION:

City Manager Matt Brower addressed the aforementioned protests that had taken place at the Market on Main event the preceding two Thursdays. He had been in communication with legal counsel and the Utah Local Governments Trust to form a strategy to handle the situation while respecting citizens' freedom of speech. The first week, there had been a group protesting the Supreme Court's decision to overturn Roe versus Wade. The second week had been a religious revivalist with a bullhorn that had been very disruptive. The proposed solution was intended to provide a designated free-speech area for protesters.

Mayor Franco shared that the RFQ (Request for Qualifications) for the City Attorney had been posted on the City website, the State Procurement website, the Utah State Bar website, and the ULCT (Utah League of Cities and Towns) website.

The Halloween CAMS event was scheduled for October 28, 2022, and the Heber Valley Airport Master Plan Open House would soon be scheduled.

X. CLOSED EXECUTIVE SESSION:

1. Legal
2. Real Estate

Motion: Council Member Phillips made the motion to enter Closed Executive Session for the purpose of discussing pending or reasonably imminent litigation. Council Member Kahler made the second. **Rollcall Vote: Voting Yes:** Council Members Kahler, Johnston, Barney, and Phillips. Council Member Stack was absent. The meeting entered Closed Executive Session at 8:44 p.m.

Present City Council: 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 Manager Matt Brower

Also Present: Airport Counsel Peter Kirsch

Motion: Council Member Phillips made the motion to end the Closed Executive Session. Council Member Kahler made the second. The Closed Executive Session ended at 10:08 p.m.

XI. ADJOURNMENT:

Motion: Council Member Phillips moved to adjourn. Council Member Kahler made the second. The Heber City Council Meeting adjourned at 10:08 p.m.



Trina W Cooke

Trina Cooke, City Recorder