

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting Minutes
July 5, 2022

APPROVED MINUTES

4:00 p.m. Joint City Council/Planning Commission Work Meeting
6:00 p.m. Regular Meeting

I. Joint Work Meeting of City Council and Planning Commission to Discuss the following:

Mayor Franco called the meeting to order at 4:04 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
Council Member Ryan Stack

Planning Commission: Planning Commission Chair Dennis Gunn
Planning Commissioner Oscar Covarrubias
Planning Commissioner Phil Jordan
Planning Commissioner Josh Knight
Planning Commissioner Darek Slagowski - remotely
Alternate Planning Commissioner Rick Kellogg – remotely

Staff Present: City Manager Matt Brower
Planning Director Tony Kohler
Senior Planner Jamie Baron
Heber City Police Lieutenant Jeremy Nelson
City Recorder Trina Cooke

Staff Participating Remotely: Public Works Director Matthew Kennard, City Attorney Mark Smedley, City Engineer Russ Funk, Engineering Technician Desiree Muheim, and Assistant to the City Manager Luke Searle.

Also Present: Planning Consultants Christie Oostema and John Janson.

Also Attending Remotely: (Names are listed as signed-in virtually) Ann Zimmerman, and CJ.

1. Growth – 10 min

Work Meeting Staff Report

Heber City Planning Director Tony Kohler provided growth and population estimates and projections. It was estimated that the population in the City and County would double over the next twenty years. The number of building permits issued in the City had nearly doubled from 2020 to 2021. Mr. Kohler recalled the City's adoption of the Envision Heber 2050 general plan and noted the City was currently in phase three of the plan, updating the City Code. He reviewed which chapters of the Code updates had been completed, which were underway, and which were pending updates.

2. Sensitive Lands - 25 min

WM Item 2 Utah League of Cities and Towns Land Use Academy post Sensitive Lands Planning

Planning Commission Chair Dennis Gunn thanked Council for hosting the joint meeting and expressed gratitude to the Planning Staff for their hard work. The Planning Commission questioned the lack of interest expressed by Council to enact the Sensitive Lands Ordinance presented the previous year. Commissioner Jordan felt water was a significant concern for the Valley. He recognized the Sensitive Lands Ordinance previously presented for Council approval had been written to prohibit rather than as a guide for best practices. The Planning Commission was asking the Council to allow them to redraft the Ordinance.

Council Member Phillips felt strong restrictions were in place in the existing City Code and additional sensitive lands restrictions were unneeded. Planning Consultant John Janson stated the Code was quite simple and did not provide details for many specifics needed. Council Member Phillips felt the Code was adequate. Council Member Barney felt the Open Space, Trails, Parks, and Trees (OSTPT) committee's attempt at drafting a sensitive lands ordinance was a hopeful attempt to protect the beauty of the Valley. Council Member Kahler supported the proposal to redraft a Sensitive Lands Ordinance as a guiding document rather than a prohibitive document. Discussion continued.

Mayor Franco felt MS4 standards for storm-water runoff needed to be prioritized to protect water quality. She noted there were additional sensitive lands being brought into the City with recent and ongoing annexations. Council Member Kahler clarified the North Fields were located in the County and not in City limits. She added the City had not adopted MS4 standards as the City's population was not large enough to warrant the adoption of MS4 standards. Mayor Franco reminded Council that they had previously agreed to build the NVOZ area to MS4 standards because that growth would likely put Heber City into the MS4 category. That was the reason for the proposed NVOZ storm-water plan that took extensive engineering to develop."

Council Member Stack wished to know if there were State level restrictions or guidelines in place regarding sensitive lands regulations.

Mayor Franco advised that the OSTPT committee had researched State regulations for the Sensitive Lands Ordinance previously proposed and found definitions for sensitive lands in the wildlife resources section, division of water quality to restrict runoff surrounding aquifers.

Planning Commission Chair Gunn felt it was important to have specific sensitive lands protections in place ahead of the large amount of anticipated growth. Commissioner Josh Knight described the potential downstream effect of developing the mountainside above the North Fields. He felt it was important to revisit slope, water-retention, and run-off. There were thousands of homes planned to be built on the hillside that would have oil, antifreeze, and many other pollutants running downstream that could potentially affect the aquifer providing water to the Valley. Pollutants could change the pH of the North Fields thereby adversely affecting native grasses and willows. Commissioner Knight recognized the North Fields were not in City limits but felt the City should help protect them by responsibly regulating the effects of uphill development. Commissioner Covarrubias worked as a developer and felt guidelines to protect the future of the Valley's landscape were necessary.

Council Member Phillips wished to see specific line-item regulations the Planning Commission felt were needed in a Sensitive Lands Ordinance. He did not wish to over-regulate. Council Member Stack supported moving forward to ensure protection of sensitive lands. Council Member Barney wished to see a good plan in place to protect what the Valley had to offer and preserve it for future generations. Council Member Johnston agreed with Council Member Phillips and felt protection guidelines needed to consider proper ways for the City to grow. Council Member Kahler supported moving forward but felt the previously proposed Sensitive Lands Ordinance had over-reached. She wished to pull back and define what was most needed and affective. Council Member Johnston asked to see applicable data to support recommendations.

3. [Envision Downtown - 25 min](#)

Planning Consultant Christie Oostema shared the proposal for a public outreach process regarding the downtown overlay zone (DOZ), focusing on Main Street, historic neighborhoods surrounding Main Street, and the tourism and recreation section of town. The project scope included: Project Management, Background Research, Promotions, Market Analysis, and implementing Steering Committees. The next step was to compile a video to describe the purpose of the project. The focus of the outreach would be the stakeholders within each of the three designated focus areas. There would be workshops held for each area with brainstorming activities, surveys, and open houses to explore options for vision, principles, and special area plans. A Vision Celebration based upon information gathered would conclude the process followed by implementation strategies.

Council Member Kahler felt it was important to have community feedback to guide the process. Council Member Johnston expressed appreciation for separation of the three focus areas. Council Member Kahler felt the Main Street focus should extend from 600 North to 1200 South.

Council Member Barney felt it was important to consider all three focus areas in the vision and to protect mountain views. Mayor Franco felt it was important to protect view-sheds as well, including the view of the Tabernacle.

Ms. Oostema anticipated the proposed update to the general plan would be presented for potential adoption at the final vision meeting. A marketing brochure would be distributed as a companion piece.

4. Building Height - 25 min

Council Member Kahler recalled the building height allowance moving up to five stories in order to accommodate the construction of the Best Western hotel. The FAA had prevented five stories as it was located in the airport's flight path resulting in a four-story Best Western. She wished to establish Code reflective of the community and did not want five-story buildings where they did not belong. She proposed plazas, recreation areas, and gathering places that people would drive to and walk around.

Council Member Phillips referred to two towns in Colorado that had accomplished examples of desirable downtown corridors and included residential units stacked above commercial. Commissioner Covarrubias proposed set-backs to accommodate five-story buildings. He felt there was a need for residential above commercial in order to offer affordable housing. Commissioner Jordan felt the younger generations wanted walkable communities. They had different housing needs and goals than preceding generations. Commission Chair Gunn recognized the need to build a sustainable downtown. He noted the importance of incentivizing developers to provide affordable housing, as well as the need for parking downtown. Planning Commissioner Darek Slagowski felt if residential units were stacked above main floor commercial units, there would not be empty units and the commercial options would bring more people downtown. Discussion regarding parking needs and building heights continued.

Council Member Phillips felt if downtown became an experience as a destination, people would come. He did not wish to go above three-stories. Council Member Stack agreed. He supported mixed-use with a three-story height limit. Council Member Barney agreed with the three-story height limit. She felt parking could be added below structures and cited an example in Ellensburg, Washington doing so. Council Member Johnston felt there was not enough downtown area. He wanted to re-people downtown. He wished to see retail on street-level, with office space above, and two-stories of residential units on top. He would rather see downtown redevelopment than urban sprawl in order to preserve open space. Council Member Johnston did not wish to limit the building height to three stories. Council Member Kahler felt three- stories was adequate. She felt future Councils in 15 – 20 years could reevaluate the building height restrictions if needed.

5. Architectural Standards - 20 min

Council Member Kahler referred to the current downtown project called "The Views". It would be a five-story, 60% glass building. She felt, due to the City's lack of established architectural standards, it was an example of the opposite of what the City wished to achieve.

Council Member Stack supported heightened architectural standards in order to provide the aesthetic the City wanted to achieve. City Planning Director Tony Kohler described the City's history of struggling with architectural standards due to the varying opinions involved and the difficulty to enforce. Commissioner Covarrubias recommended establishing standards for materials but allowing developers to determine design style. Discussion continued.

6. Miscellaneous – 15 min

Planning Commission Chair Dennis Gunn felt the meeting had been very productive. He thanked Council for the joint meeting and proposed meeting three times a year, to meet again in September. Mayor Franco thanked all of the Planning Commissioners for the work they did for the City and their participation in the joint meeting.

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

City Council 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
Planning Director Tony Kohler
Senior Planner Jamie Baron
City Engineer Russ Funk
Assistant to the City Manager Luke Searle
Heber City Police Lieutenant Jeremy Nelson
City Recorder Trina Cooke

Staff Participating Remotely: Public Works Director Matthew Kennard, Engineering Technician Desiree Muheim, and Assistant to the City Manager Luke Searle.

Also Present: Tom Fowler, Marilyn Fowler, Shem Valentine, Travis Biggs, Stacey MacKay, Paul Askins, Nate Letchenberg, Diane Pope, Doug Pope, Ted Caldwell, Stephen Frandsen, Tyler Rasmussen, Dave Ryan, Brent Kelly, Mary Kelly, Kelleen Potter, Jamie Belnap, Becky Wheelock, Jan Judd, Jim Judd, Ben Belnap, Gary Wohlfarth, Ben Witt, Tyson Williams, Lisa Orme, Paul Linford, and others who did not sign in or whose names were illegible.

Also Attending Remotely: (Names are listed as signed-in virtually) Jack Walkenhorst, Kamen Goddard, Kelli G, Kyle Ashworth, Mar, Sandi Brower, and Seth Hobby.

1. [Call to Order](#)

Mayor Franco called the meeting to order at 6:08 p.m. and welcomed everyone present.

2. [Pledge of Allegiance \(Council Member Kahler\)](#)

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

3. [Prayer/Thought by Invitation \(Default: Council Member Stack\)](#)

Council Member Stack shared a thought regarding the Fourth of July. The day prior was the nation's 246th birthday and by historic standards, it was a young nation. He felt it was a great nation, even if not perfect. He shared historic occurrences and current approval percentages and added that regardless of differences, it was the people's responsibility to protect our republic. Council Member Stack read a passage from George Washington's farewell address given in 1796.

[III. CONFLICT OF INTEREST DISCLOSURE:](#)

Council Member Stack declared a conflict with agenda item six as it proposed approval of an agreement between Heber City and Summit County. He was an attorney for Summit County and felt he should recuse himself from the discussion.

[IV. CONSENT AGENDA:](#)

1. [Approval of June 21, 2022, City Council Meeting Minutes \(Cooke\)](#)

[6.21.2022 DRAFT Minutes](#) 

2. [Approval of Four Contracts for Public Works Equipment \(Kennard\)](#)

[CA Item 2 Staff Report Wheel Loader Leases](#) 

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

[CA Item 3 Staff Report and MOU](#) 

Council Member Stack wished to ask a question regarding language included in Consent Agenda item three. He questioned the language indicating the avenue of litigation rather than mediation.

Motion: Council Member Stack moved to table agenda item three and approve items one and two on the Consent Agenda. Council Member Kahler made the second. **Rollcall Vote: Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The motion **Passed unanimously, 5-0.**

V. PUBLIC COMMENTS:

Kelleen Potter, resident, explained she was representing a group of 15-20 LGBTQ parents in the Valley. She noted her experience navigating between local government and the local LGBTQ community. She expressed concern for the LGBTQ youth in the community feeling marginalized and unseen. She recalled the background of Pride banners hanging on the City's Main Street and the recent request by LGBTQ youth in the Valley to hang Main Street banners during the month of Pride once again.

Ms. Potter noted the history of civil rights being politicized until commonly accepted and recognized as a human right. She referred to the high rate of suicidal thoughts and attempts within the LGBTQ youth community. She was requesting Council, as leaders in the community, take the time to listen to the stories and consider what it would be like if it was their own child, grandchild, or someone they loved. Ms. Potter recommended listening to David Archuleta's YouTube speech from the Love Loud concert. She asked Council to be a voice to help create the change that was needed to ensure Heber was a community in which all members were valued and respected. She felt this could be an opportunity for the City to be on the right side of history.

Jamie Belnap, member of the community, therapist, and mother of LGBTQ youth recalled the group of LGBTQ youth that had spoken to Council a few months prior. She expressed concern for the treatment of the LGBTQ youth in Heber City. She shared a story highlighting the lack of LGBTQ youth representation in society. The Pride banners provided representation and acknowledgement. She cited a study that had found that schools with Gay-Straight Alliance programs resulted in better mental well-being for members of the LGBTQ youth community. She recognized the Council as good, caring, people who had been moved by the stories the children had shared at a previous meeting. She recalled Council Members had agreed to work with the kids for a celebration and the dismissal the kids had felt when it did not come to pass. Ms. Belnap felt it had been a missed opportunity. She did not wish to see her children as only tolerated in the community. She wanted them to be treated with dignity and to see community leaders stand up and tell the kids they mattered. She hoped the Council did not miss the next opportunity presented to acknowledge the LGBTQ youth community.

Jim Judd, Heber City resident and Principal of a middle school, wished to reiterate the lost opportunity for Heber City. He asked how to find a way for the LGBTQ group of kids in the community to be seen and heard. He was a parent to some of the children and suggested Council reach out to the kids who had spoken to let them know they had been heard, regardless of the decision that had been made by Council.

VI. GENERAL BUSINESS ITEMS:

1. [Presentation by Heber Leadership Academy Requesting Monetary Contribution to Complete Class Project \(Paul Askins\) - 10 min](#)

[GB Item 1 Water Feature](#) 

Paul Askins, representing the Heber Leadership Academy, explained the class had a class project in which they were trying to get a water feature for the City. The Class was asking the City for a monetary match, providing half of the cost, to assist in achieving the project accomplishment. He described the plan for the class to host a booth at the Market on Main in order to sell bricks to the community to be engraved with the purchasers name and laid in the construction of the water feature.

Council Member Johnston expressed his support of the project. He felt the City could commit to the one-time cost based upon the City's continued sales tax revenue increases.

Council Member Kahler wished to see community education provided at the Market on Main booth in order to garner community feedback regarding whether or not the community would want a water feature.

Mayor Franco asked the water-use amount of the fountain. Mr. Askins explained it would begin with approximately 600 gallons water to be recycled and replaced as needed based upon evaporation and spillage. Council Member Phillips recapped previous information provided that the water feature would use less water than was currently used to water the turf the feature would replace, and possibly utilize less Staff time as well.

Motion: Council Member Phillips moved that the City support the proposed capital improvement project of the water feature with a commitment of \$56,000 to cover the purchase cost of the equipment and engineering as well as the \$10,500 in contingency funds to show the City was committed to build the feature. Also, any fundraising dollars above the amount needed would be returned to the City. Council Member Kahler made the second.

Mr. Askins further explained the cost presented was an initial estimate at current prices noting the Cost might rise as the project moved forward.

Amended Motion to include: The Leadership Class would return to the City at the end of 2022 if unable to raise the necessary funds. Council Member Kahler's second stood. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. **The motion Passed unanimously, 5-0.**

2. [Heber Valley Western Music and Cowboy Poetry Gathering Request for Contribution \(Diann Pope, Tom Fowler\) - 10 min](#)

Cowboy Poetry Gathering representatives Diane Pope and Tom Fowler were present to report on the 2021 gathering and offer information for the 2022 event. Ms. Pope shared previous concerns with the effects the pandemic would bring to the 2021 event as well of the retirement of the Bar-J Wranglers. The 2021 event had resulted in success. She reviewed the list of performers planned for the 2022 event. Tom Fowler explained the event board's responsibility to maintain financial integrity and reviewed the financial records from 2021. The Heber Valley Western Music and Cowboy Poetry Gathering was requesting the annual monetary sponsorship from Heber City of \$10,000. Representative Ted Caldwell noted that the event was a destination event, selling out every hotel room in the Valley, and filling restaurants.

Council Member Phillips noted increased costs providing increased sales tax revenue to the City. Council Member Johnston agreed and proposed increasing the contribution dollar amount to \$15,000.

Motion: Council Member Johnston made the motion to make the \$15,000 contribution to Cowboy Poetry for 2022. Council Member Kahler made the second. **Voting Yes:** Council Members Phillips, Stack, Barney, Johnston, and Kahler. **Voting No:** none. The motion **Passed unanimously, 5-0.**

3. Monthly Current Development Report (Planning Department) – 10 min

GB Item 3 Development Report

Senior Planner Jamie Baron presented the stage of current projects throughout the City as follows:

- Commercial Concept – Mac’s Motel

Mr. Brower noted this project had submitted the application to Heber City the day before Heber City had adopted a temporary ordinance restricting building height. Council Member Kahler expressed concern with only one driveway access from Main Street potentially causing congestion and possible fire rescue access concerns. Jason Provost, Wasatch Fire District fireman, shared the Fire Marshal was reviewing the proposed project. The Fire Department was bound by the State Code and could not make additional requirements. He informed that UDOT would need to sign off on the project as well. Council Member Barney expressed concern as well.

- Commercial Final – Homeland Storage
- Master Development Agreement – 191 West 100 South
- Master Development Agreement – Agape
- Lot Amendment – Red Ledges Phase 1 lots 102-103
- AT&T Backup Generator for Cell Tower

Mayor Franco inquired what was happening with a property demolition taking place at 500 North Main Street. Mr. Baron advised of the property owners plan to build a three story building, with a restaurant and retail on the street level, offices located on the two stories above, and four basement apartments below. Mr. Baron informed Council there was an insurance agency and real estate business already planned to be located in the office space.

VII. ACTION ITEMS:

1. Consider Approval of MOU (Memorandum of Understanding) between Heber City and STRATA Networks for Fiber Infrastructure Installation within the Central Heber Water and Sewer Line Replacement Project (Smedley) – 30 min

Item 1 Staff Report and MOU

City Manager Matt Brower recalled the process the City had followed issuing an ITN (invitation to negotiate) in search of a City-wide fiber-optic internet service provider. The search had concluded with the decision to negotiate with STRATA networks and due diligence was ongoing.

Mr. Brower described the option for the City to own the fiber network and the opportunity for significant cost savings to the City if STRATA was allowed to utilize the trenches being dug by the City for the Central Heber Water and Sewer Line Replacement Project. The City was not obligated to own the fiber network. Alternately, STRATA could own, operate, and maintain the network. With Council approval of the proposed MOU, STRATA would proceed to install fiber infrastructure within the open trenches as the City project proceeded. Mr. Brower clarified the decision before Council that evening was whether to proceed with the MOU and allow the fiber infrastructure to utilize open trenches, not whether the City wished to own the network.

Tyler Rasmussen, STRATA representative, explained the calculation of savings if permitted to use the City's open trenches for fiber infrastructure as well as the additional elements included in the total installation cost.

Dave Ryan, STRATA representative, described where the fiber conduit infrastructure would be located within the trenches in order to avoid interference with City water and sewer line infrastructure.

Council Member Kahler wished to be convinced of public demand for fiber network. Mr. Rasmussen indicated STRATA's role was to partner with the City but the demand for faster internet access was universal. The term "take-rate" referred to the number of subscribers and measured the subscribers needed to produce a profit. New developments with fiber network available, found an approximate 95% take-rate. He added that a growing number of cities viewed fiber as a necessary utility.

Council Member Phillips read a communication received indicating the unfair competition created by a city-owned network. Mr. Ryan conceded there was some truth in the claim but there were differing perceptions. Discussion regarding pros and cons of the proposed use of City trenches followed.

Council Member Barney read a communication expressing concern for infrastructure maintenance costs and indicating internet technology changed every five to seven years rendering existing technology obsolete. Mr. Rasmussen shared that the fiber technology was forecasted to remain relevant for a minimum of 30 to 40 plus years. The strategy used by STRATA to cover costs for maintenance was to reserve \$7 of each billing revenue in a maintenance fund. He provided a cost per resident breakdown.

Mayor Franco called for public comment. Shem Valentine, Heber City resident and author of the communication read by Council Member Phillips, expressed skepticism of the provided revenue projections for the City. He proposed a dig-once policy, as used by other cities, to install additional conduits within the City trenches and promote true competition.

City Engineer Russ Funk stated he did not wish to have conduits within the City trenches that did not belong to the City. He explained the exception with the proposed MOU was the City had the opportunity to own the fiber network and if the City decided it did not wish to own the network, the network would no longer be permitted to utilize City trenches moving forward.

Motion: Council Member Stack made the motion to authorize the City to enter into the MOU with STRATA Networks. Council Member Johnston made the second.

Discussion: Council Member Kahler expressed concern with the City deciding to create a fourth utility for residents without public input or feedback.

Voting Yes: Council Members Johnston, Phillips, and Stack. **Voting No:** Council Members Barney and Kahler. The motion **Passed 3-2**.

2. [Discussion Regarding the Request from Back 40 Ranch House Grill for an Exception to Allow Connection to the Heber City Sewer \(Gary Wohlfarth\) - 20 min](#)

Gary Wohlfarth, owner/operator of the Back 40 Ranch House Grill located in Wasatch County, was asking Council for an exception to connect to the City Sewer line across Highway 40. The restaurant used a septic system that was failing. City policy did not permit utility services for non-residents. Mr. Wohlfarth described his attempts to fix his septic system in order to meet the standards required by Wasatch County Health Department. He was being prohibited from pulling building permits for repairs to his restaurant until he met the Health Departments septic standards. Mr. Wohlfarth described his concern with the existing septic system and his proposal to continue to utilize the system and pump the processed waste to the City sewer system if allowed.

Mr. Brower had spoken with Max Covey at the North Village Special Service District (NVSSD) in order to provide a creative solution. The proposal was for the Back 40 to be a customer of the NVSSD and for NVSSD to contract with Heber City to provide the service, bill NVSSD, who would then bill the Back 40. Mr. Brower felt this could circumvent existing hurdles. He had also presented the proposed solution to Wasatch County Manager Dustin Grabau who had expressed support for the proposal and agreed share it with the County Council as well.

Council Member Johnston noted the exceptions to provide sewer service to homes along Midway Lane. He felt it was an important service to offer properties adjoining the North Fields to prevent the possibility of sewer waste from septic systems seeping into the North Fields. Council consensus agreed to do what was needed to assist the restaurant. Mr. Brower proposed a tri-party MOU between Heber City, NVSSD, and the County. Meetings would be held with the other two entities and return to City Council at the next meeting.

Mayor Franco opened the meeting for public comment. No comments.

Ben Witt had been assisting Mr. Wohlfarth in finding a solution. He provided the engineering details to install the sewer line under Highway 40 to connect to the City's sewer system.

3. [Consider approval of Ordinance 2022-18, Adopting Proposed Amendments to the Residential & Agricultural Zones and Adopting Site Plan Submittal Requirements \(Kohler, Janson\) - 20 min](#)

[Item 3 Staff Report - Res Ag Site Ord 2022-18](#) 

City Planning Consultant John Janson shared proposed amendments for the residential and agricultural zones to clean up the City Code. Council Member Johnston felt it was inappropriate to ask for DWG and GIS files as listed in 18.14.050(B). He indicated a PDF was adequate. City Engineer Russ Funk explained the files would help Staff provide more accurate information to Council. Council Member Johnston requested the signature requirement in 18.14.050(B)(1) be changed from the “landowner” to “applicant”, and to remove the use of the masculine “his”.

Mayor Franco opened the meeting for public comment. None came forward.

Motion: Council Member Johnston moved to adopt Ordinance 2022-18 adopting amendments to the residential and agricultural zones and site plan submittal requirements with the changes mentioned previously in 18.14.050 removing “DWG and GIS shape files”, changing the word “landowner” to “applicant”, changing the word “his” to “a”, and everything else as written. Council Member Phillips made the second.

Discussion: Council Member Barney inquired whether the City Engineering department felt the removal of the shape files was okay. It was determined the shape file requirement would be included in the application rather than the ordinance.

Voting Yes: Council Members Phillips, Stack, Barney, Johnston, and Kahler. **Voting No:** none. The motion **Passed unanimously, 5-0.**

4. [Discuss Finch Creek Townhomes in North Village Annexation \(James Stout\) - 15 min](#)

[Item 4 Finch Creek Images](#)

Nate Letchenberg, representing Finch Creek Townhomes project, was present to answer Council Questions. City Planning Director Tony Kohler shared the amendments made to the project site plan per Council’s requests during the previous presentation including additional green-space and commercial units on the corner of Highway 40. Council Member Kahler expressed concern with the lack of additional parking for guests as well as additional homeowner vehicles. Council Member Johnston appreciated the trails. He felt there should be an additional access to the project neighborhood. Council Member Barney questioned whether the setback was far enough from Highway 40. Mr. Funk clarified the UDOT setback requirement applied to intersections. He added the plan was still conceptual and Staff was comfortable moving forward as long as the language in the final agreement included compliance with the City’s pending Storm-water and Streets Master Plans.

Council Member Stack wished to ensure the dedication of \$2,500 per unit to the City for a preservation fee applied. He agreed there was not enough parking. He appreciated the additional greenspace. Mr. Letchenberg assured Council the project intended to comply with all City requirements and did not intend to ask for any exceptions. Council Member Phillips was supportive of the proposed project. He recommended the multiple projects in the North Village Annexation boundaries make an agreement to install a school.

Council Member Kahler felt it was a missed opportunity to see the long-term vision of the financial benefit of commercial development if the landowner were to wait to sell. Discussion regarding street plans, roundabouts, and UDOT requirements followed.

Mayor Franco opened the meeting for public comment. None came forward.

Council Member Johnston agreed it was a good plan but needed to be further fleshed out, understanding it was a concept plan. Council Member Stack felt this was an appropriate project to utilize the fee in lieu option for the affordable housing requirement. He appreciated the clustering of units in order to offer more greenspace. Council Member Barney felt the density was too high and wished to see an achievable community with less density.

Mr. Letchenberg asked if the next step would be to return with a revised site plan and a development agreement. He asked if the removal of the affordable housing would appease density concerns. Planning Director Tony Kohler recalled recent legislation requiring negotiations for affordable housing. He reminded Council there were four applicants included in the North Village Annexation and the City was working on individual MDAs with each of them before presenting the annexation to Council for potential approval.

5. [Discuss North Village Views in North Village Annexation \(Paul Linford\) - 30 min](#)

[Item 5 North Village Views Site Plan Layout 1 option 2 \(1\)](#)

Tyson Williams, representing the ownership group for the North Village Views, reviewed Council concerns with the previous concept site plan. Mr. Kohler shared intended updates for the Highlands development, replacing stacked flats for townhomes. He wanted Council to be aware of the loss of stacked flats in one development when considering other developments based upon potential student housing needs.

Mr. Williams presented a new concept site plan bringing the number of stacked flat complexes from eight to five with 160 apartment doors, 51 single-family homes, and 103 townhomes. He shared a second option with 51 single-family homes and 157 townhomes.

Council Member Phillips expressed his preference for the second option but indicated support for both. Council Member Stack supported option two and felt there was a greater need for townhomes. Council Member Kahler asked if all units would be for-sale. Mr. Williams stated it was undetermined. Council Member Johnston preferred option two. Council Member Kahler supported option two but preferred to see for-sale units.

Mayor Franco opened the meeting for public comment. None came forward.

6. [Discussion Regarding Whether Council Supports the Establishment of a Rural Planning Organization with MAG \(Mountainland Association of Governments\) \(Baron\) - 10 min](#)

[Item 6 Staff Report - Wasatch Back RPO](#)

[Item 6 RPO PowerPoint](#)

Council Member Stack recused himself from the discussion.

Senior Planner Jamie Baron explained the purpose of the establishment of an RPO (rural planning organization) between Summit and Wasatch Counties would be to address transportation issues, develop a transportation plan, and establish priorities.

Planning Director Tony Kohler noted RPOs were not yet formal entities therefore UDOT did not necessarily recognize recommendations from RPOs. Council consensus was in support of the establishment of an RPO between Wasatch and Summit Counties.

Mayor Franco opened the meeting for public comment. None came forward.

7. [Consider Approval of Ordinance 2022-17 Amending Building Occupancy Code for Model Homes and Open Space Amenities \(Kohler\) - 10 min](#)

[Item 7 Staff Report Model Homes Ord 2022-17](#)

Mr. Kohler stated the proposed Ordinance would permit model homes, sales offices, and open space amenities, to begin construction once the essential infrastructure was in place. He reviewed the changes to the original draft made at the recommendation of Council. He shared proposed language from City Attorney Mark Smedley for additional protections to the City and allowing an avenue for enforcement.

Mayor Franco opened the meeting for public comment. None came forward.

Motion: Council Member Phillips moved to approve Ordinance 2022-17 with the findings as presented in the conclusion of the Staff Report and to include the language recommended by City Attorney Mark Smedley. Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No: None.** The motion **Passed unanimously, 5-0.**

- ~~8. [Consider Approval of RFQ \(Request for Qualifications\) for City Attorney Services and Process for Selection \(Brower\) - 10 min](#)~~

[Item 8 Staff Report Attorney Services](#)

[Item 8 RFQ](#)

Mayor Franco asked to have item eight stricken from the agenda. She claimed she had not been previously provided with the information and wished to make it a collaborative RFQ process. She would get it posted and be listed as the contact for the project, as she felt was the Mayor's prerogative under State and City Code. Mayor Franco wanted to include additional questions in the RFQ document as well as consult experts throughout the process.

VIII. COMMUNICATION:

City Recorder Trina Cooke informed Council a motion was needed in order to extend the meeting past 10:00 p.m. as required in the City's Rules of Order and Procedure for City Council.

City Engineer Russ Funk advised Council of the annual roads project. This year, the project would be striping and the City had received only one bid which was approximately \$30,000 more than the previous year. He would return to Council with an official Staff Report at a future meeting but was asking permission to notice the award sooner in order to begin the project. He added that, next year, the City planned to do a major road improvement project including resurfacing. Council Member Kahler asked to include a cross-walk on 600 South.

Mr. Funk informed that the cross-walk would be included. A new crosswalk had been installed on Mill Road in order to provide a safe route from the Stone Creek subdivision to J.R. Smith Elementary School. Mayor Franco recalled the Brookhaven developer's obligation to install a cross-walk and signs.

Mr. Brower informed Council the Engineering Department would provide a monthly status update for the Central Heber Water and Sewer Line Replacement Project. Mr. Funk briefly updated Council regarding the status of the project.

Council Member Kahler requested that Council Members have the opportunity to provide the City Council Report in the City Newsletter. Mayor Franco noted the positive feedback she received from the community and felt it was a good format. Council Member Kahler felt it should be a Council Member mechanism to communicate to the constituents as the Mayor had the Mayor's Minute in the Newsletter. Council consensus was to rotate the City Council Report by month, thereby providing each Council Member an opportunity to contribute. Mayor Franco agreed and informed Council Members of the Newsletter deadline.

Council Member Phillips wished to see agenda item eight include a redline strikeout. He also wanted to bring the Council Board Appointments back before Council for ratification. He felt the Mayor was not taking the advice nor getting consent of the Council with regard to board appointments and asked the record to show such. Mayor Franco explained that she needed to wait on making further City Council board assignments because of Council Member Stack's work schedule. He had told her in February that it might change in June so he could be assigned to more City Boards. She asked Council Member Stack in June about his job schedule, and he said there was no change. The Mayor explained to Council member Phillips that was the cause of the delay.

Motion: Council Member Phillips moved to extend the meeting for the purpose of entering a Closed Executive Session. Council Member Kahler made the second.

Discussion: Council Member Stack noted the Council Rules of Order indicated a motion could be made to extend a Council Meeting past 10:00 p.m. with a hard stop at 10:30 p.m. Council Member Johnston felt the meeting should be extended until 11:00 p.m.

Amended Motion: Council Member Phillips added to the original motion to extend the Meeting until 11:00 p.m. Council Member Kahler's second stood. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The motion **Passed unanimously, 5-0.**

Motion: Council Member Phillips made the motion to enter Closed Executive Session for the purpose of discussing personnel. Council Member Kahler made the second. The meeting entered Closed Executive Session at 10:15 p.m.

IX. CLOSED EXECUTIVE SESSION:

1. Personnel

City Council 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: Chief of Police Dave Booth

Motion: Council Member Phillips made the motion to end the Closed Executive Session and return to the Regular Meeting. Council Member Kahler made the second. The Closed Executive Session ended at 11:35 p.m.

X. ADJOURNMENT:

Motion: Council Member Phillips moved to adjourn. Council Member Kahler made the second. The Heber City Council Meeting adjourned at 11:35 p.m.



Trina W. Cooke

Trina Cooke, City Recorder