

HEBER CITY CORPORATION

75 North Main Street

Heber City, UT 84032

City Council Meeting

August 2, 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 4:05 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 - arrived 4:08 p.m.
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley
Planning Director Tony Kohler
Senior Planner Jamie Baron
City Engineer Russ Funk
Assistant City Engineer Gordon Miner
Assistant City Engineer Kyle Turnbow
Assistant to the City Manager Luke Searle
Finance Manager Wes Bingham
Officer Bryan Berg
IT Specialist Anthon Beales
City Recorder Trina Cooke

Staff Participating Remotely: Public Works Director Matthew Kennard, Planning Director Tony Kohler, City Attorney Mark Smedley, Senior Planner Jamie Baron, Assistant City Engineer Kyle Turnbow, IT Specialist Anthon Beales, City Engineer Russ Funk, Assistant to the City Manager Luke Searle, Engineer Tech Desiree Muheim, Deputy City Recorder Robin Raines-Bond, and Finance Manager Wes Bingham.

Also Present: Adam Long, Mike Bradshaw, Howard Saldarini, Nate Lechtenberg, Al Ochoa, Pam Frederick, John L. Paul, Logan Johnson, Tom Bonner, David P. Rose, Joshua Jewkes, Pat Sweeney, Linda Middleton, Phil Jordan, Vern Dickman, Mark Schwendiman, Mike Glenn,

Richard Cook, Michael Moulton, Andrew Weber, Brian Balls, and others who did not sign in or whose names were illegible.

Also Attending Remotely: (Names are listed as signed-in virtually) Marianne B Allen, Anthony Maxfield, Wjs, Juan Lee, Brian Balls, Drew Jex, Sandi Brower, Terry Diehl, Kelli G, Howard Saldarini, Stacy Turnbow, Peter Kelson, Deborah VanLeeuwen, James Stout, and Rick Lloyd.

City Engineer Russ Funk introduced the City's newest Engineer Gordon Miner and expressed gratitude for the much-needed help. Council welcomed Mr. Miner.

Motion: Council Member Stack made the motion to adjourn as the Heber City Council and convene as the Community Reinvestment Agency (CRA) board. Council Member Kahler made the second. **Voting Yes:** Council Members Stack, Barney, Johnston, and Kahler. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

ADJOURN as CITY COUNCIL and CONVENE as the COMMUNITY REINVESTMENT AGENCY (CRA) BOARD

1. CRA Strategic Discussion - 60 min

WM 1. PowerPoint
WM 1. Envision Heber 2050 General Plan
WM 1. Heber City Downtown Study - Final Draft
WM 1. Roger Brooks Takeaways
WM 1. Council Priorities

The CRA meeting convened at 4:06 p.m.

City Manager Matt Brower identified two outcomes he hoped to achieve. The first was to identify strategic priorities for Main Street and the Downtown area. Secondly, to identify strategies for the execution of Interlocal Agreements with the County and the School District. Mr. Brower hoped to establish a plan, with the help of Council, to accomplish the two desired outcomes. He noted the Envision Heber 2050 General Plan and the 2018 Downtown Study for Heber City would be the guiding documents to cast the vision for the CRA improvements to Main Street and Downtown.

Mr. Brower presented a chart reflecting existing usability and physical features of Main Street and downtown versus the Vision for both. He shared images of street and sidewalk design possibilities and listed Vision strategies as found in the guiding documents.

Council Member Johnston felt that, in order to support a viable downtown, the City needed people to live downtown. He supported walkability and bike-ability and felt destinations needed to be within a quarter mile in order to remain walkable and within one mile to be bike-able. Council Member Stack agreed and wished to include appropriate façade guidelines for the streetscape and buildings in order to create an attractive and unified sense of architectural design.

Council Member Barney wished to incorporate a look of heritage in the community. Mayor Franco felt that incorporating sandstone would help create a look of heritage. Council Member Kahler felt it was important to recognize the City's partners and proposed working with the Chamber for way-finding signs. Council Member Stack wished to see power lines undergrounded, and disagreed about the inclusion of sandstone as he felt it created an outdated image. Council discussion continued regarding preferences.

Mr. Brower wished to see strategies employed to discourage trucks traveling on the City's Main Street in order to create a pedestrian and visitor friendly streetscape. Mayor Franco reviewed issues and concerns with convincing diesel truck operators to use an alternate bypass route when built rather than Main Street. She felt that unless trucks began using an alternate route, people would not choose to eat on Main Street. Council Member Stack felt that if the proposed bypass was designated as Highway 40, trucks would remain on the Highway and off Main Street. Council Member Phillips felt trucks would utilize a bypass if the speed limit was higher than through town and had fewer traffic signals. Council Member Barney noted the majority of trucks were entering from the Uinta Basin and felt trucks would take the most direct route. Council Member Kahler felt it was important to continue to search for alternate traffic mechanisms. Discussion continued surrounding the search for a solution to alleviate Main Street traffic.

Mr. Brower charted goals for Heber City's Downtown revitalization plan including organization, planning, design, and economic vitality. He noted 10% of the tax increment Heber City received from CRA interlocal agreements was required to be dedicated to affordable housing. Council Member Kahler inquired whether small businesses would be able to access grant monies from the CRA revenue for improvements. Adam Long, counsel for the CRA, provided information regarding low-interest loans other cities had offered small business owners to assist with improvements. Mr. Brower suggested placing small business assistance as a Council priority for the CRA.

Council Member Phillips listed his downtown improvements priorities as: slowing downtown traffic; higher density with mixed-use residential and commercial; three-story building heights; power lines undergrounded; attractive areas for dining, walking, and biking; and lots of trees and greenery. Council Member Stack agreed and added retrofitting the street lights to be dark-sky compliant. He felt façade improvement was key, wished to increase a sense of place-making, as well as improvements to the gateways.

Council Member Johnston agreed with the previous suggestions and expressed appreciation for the format Mr. Brower had used to establish the achievement of the CRA goals. He felt it was important for the City to acquire key parcels for redevelopment and establish a parking authority to determine a parking plan. He proposed identifying key locations the City could designate for parking and to lease, or sell, parking spaces to businesses.

Council Member Kahler supported micro-grants for small businesses and agreed with the proposed design improvements in the downtown overlay zone. She expressed concern with the cost of property acquisition, agreed with the establishment of a parking authority, and supported gateway improvements.

Council Member Barney questioned the need for additional mixed-use development based upon existing mixed-use units that remained unused and hoped Council could find a mechanism to provide obtainable rent for small businesses on Main Street. She wished to include masonry in design standards, agreed with the parking issue and proposed underground parking for businesses. She did not wish to see high-rises.

Mayor Franco asked what downtown revitalization goals could the Council request from UDOT now. Asked if Council was in favor of asking UDOT to put in landscaped medians on Main Street, narrowing the lanes, or asking for dark sky lighting. Council Member Johnston felt modification to the lanes on Main Street without a bypass in place would increase traffic pressure. He supported the street-light retrofit for dark-sky compliance and suggested burying power lines as well. Council majority agreed with Council Member Johnston.

Mr. Brower reviewed the function of the CRA and the importance of gaining the participation of the County and surrounding eligible taxing entities. He reviewed proposed interlocal terms and possible strategies for gaining support with the School District and County. Council Member Johnston felt the affordable housing dedication would be key to gaining support.

Motion: Council Member Stack moved to adjourn as the CRA board and reconvene as the Heber City Council. Council Member Kahler made the second. The Heber City Council reconvened at 5:12 p.m.

ADJOURN as CRA BOARD and RECONVENE as the HEBER CITY COUNCIL

2. Discussion Regarding the Wasatch County Boundary Commission decision and Consideration to proceed with the Wasatch County School District Annexation process (Kohler) - 20 min

WM 2. School Annexation

Council Member Stack recused himself from the discussion due to a conflict of interest.

City Planning Director Tony Kohler described the process: from the City receiving an Annexation Petition from the Wasatch County School District, the protest filed, and the decision by the Wasatch County Boundary Commission to reject the protest. He explained that in order to proceed, the City and County needed to enter into an agreement in order to permit a peninsula on the annexed area into the County. He suggested an MOU (memorandum of understanding) form of agreement with the County. The Boundary Commission also asked the City to review its Annexation Policy Plan and determine whether the annexation area was considered part of the North Fields, which was expressly omitted from the City's Annexation Policy Plan.

Mayor Franco asked whether the protester would appeal the Boundary Commission's decision. The time period for such an appeal was unknown. Consensus of Council majority was to proceed with the Annexation Petition process.

Mayor Franco explained she had been a member of the Boundary Commission and had voted against allowing the petition to proceed. She felt the School District should have obtained approval from the voters first. She explained that the protester felt the annexation created an island of their property and that their land should have been included with the School District's Annexation Petition.

3. Review of North Villager Storm-Water and Streets Master Plans (Funk) - 40 min

WM 3. NV SW Streets MP Concept

City Engineer Russ Funk presented the update regarding the status of the storm-water and transportation master plans. He recalled comments made and concerns expressed by the County and Special Service District, described efforts from the Engineering department to address them, and reviewed the updated plan. He was concerned about potential flooding after a wildfire and was proposing retention/debris ponds higher on the hillside. Previously proposed retention ponds on the far side of Highway 40 in the North Fields had been removed from the updated plan. He shared images of drainage plans for the retention/debris ponds intended to withstand a 100-year storm and reviewed the major concepts. The Plan would include recommended buffers and street crossings.

Council Member Johnston felt the development in the North Village would significantly reduce natural run-off and questioned the necessity of the significant investment proposed as well as the actual potential for debris flow. He felt that, due to the amount of ground percolation in the area, so much precaution was not needed. Mr. Funk felt it was important to protect homes below from potential after wildfire flooding. Several specialists had been consulted and provided recommendations. Mr. Funk stated that the canals had not been designed to manage the amount of possible natural flow from stormwater for more than a 25-year storm.

Council Member Barney expressed appreciation for the plan and the amount of work put into it. She felt it was important to be prepared.

Council Member Stack asked the size of the buffer zone and what the recommendation was based upon. Mr. Funk advised that the recommendation was fifty feet on either side for a total of 100 feet in length based upon topography and potential flow. Council Member Stack asked to have calculations and research included in order to help Council understand recommendations presented.

Mr. Funk asked for consensus from the Council for the direction in which to proceed with the Plan. The Engineering Staff was hopeful to move forward towards adoption of the Stormwater Plan with Council feedback. He agreed to email the current draft to Council and asked them to email their feedback in turn.

Mr. Funk provided an image of the proposed Transportation Plan's roadway network for the North Village. He reviewed the changes from the original plan and shared details of the updated version including potential roundabouts and traffic signals.

It was noted that a roundabout located at the Commons Apartment complex would need to be moved in order to accommodate a traffic signal at the intersection connecting to Highway 40.

Mayor Franco opened the subject to public comment.

Mike Bradshaw, with the Sorenson development, commended Mr. Funk and his team. He was pleased with the Stormwater Master Plan. Development representatives had participated with the Plan's development and their Master Plan aligned with the City's proposed transportation plan.

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

1. Call to Order

Mayor Franco called the meeting to order at 6:24 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Council Member Stack)

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

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

Council Member Barney recalled the significance of the Pledge of Allegiance, reminding everyone of the importance of honoring this Country and respecting each other, regardless of differing opinions.

III. CONFLICT OF INTEREST DISCLOSURE:

Council Member Phillips advised he would recuse himself from the Zion's Bank Investment Portfolio presentation listed on agenda item three in the General Business portion of the meeting.

Council Member Johnston informed he would recuse himself from agenda item five under General Business regarding the Dickman ranch sewer connection request, and agenda item five under Action Items regarding the Sawmill development.

Mayor Franco reminded the Council of the importance to remain respectful and professional. She read the following quote:

We must learn to live together as brothers or perish together as fools.
– Martin Luther King, Jr.

IV. CONSENT AGENDA:

Motion: Council Member Stack moved to address the Consent Agenda as separate items. Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed unanimously 5-0.**

Council Member Stack stated his intent to vote to approve the July 5, 2022, Meeting Minutes but wished to add context, for the record, to the amended language added by Mayor Franco. He wished to clarify that the Minutes were accurate only inasmuch as the words were stated by the Mayor during the July 5, 2022 City Council Meeting, but the situation recalled in the language of said Minutes did not capture the full context. The Mayor had indicated she was waiting to finalize Council's Board appointments until Council Member Stack provided his updated work schedule in June. Council Member Stack specified that he had made a statement in February that his work schedule might change in June. In June, he had informed the Mayor his schedule had not changed. He wished to add that on March 8, 2022, he had emailed the Mayor and Council to apologize if he had held up the Board appointments and specified days of the week he would not be able to attend meetings due to scheduling conflicts. He had believed, at that time, he was not holding up the appointment process.

Mayor Franco recalled the email in March and indicated she had checked back with Council Member Stack in June to ensure his schedule had not changed.

1. [Approval of July 5, 2022, City Council Meeting Minutes, and July 19, 2022, City Council Meeting Minutes \(Cooke\)](#)

[7.5.2022 Amended DRAFT Minutes](#)

[7.19.2022 DRAFT Minutes](#)

Motion: Council Member Johnston made the motion to approve the July 5th, 2022, City Council Meeting Minutes. 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.**

Motion: Council Member Johnston made the motion to approve the July 19th, 2022, City Council Meeting Minutes. Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Phillips. Council Member Stack abstained due to his absence from the meeting. **Voting No:** None. The **Motion Passed 4-0.**

2. [Consider Approval of Resolution 2022-17 to Amend the City's Financial Planning Policy to Include Regular Reviews of Truth in Taxation \(Stack\)](#)

[CA 2.0 Staff Report Financial Planning Policy Amendment Resolution 2022-17](#)

Motion: Council Member Johnston moved to adopt Resolution 2022-17 amending the City's Financial Planning Policy to include regular reviews of Truth in Taxation, as prepared. Council Member Stack made the second.

Discussion: Council Member Kahler wished to reiterate that she felt the Council should leave the Truth in Taxation to future Councils and not bind them to a discussion.

Voting Yes: Council Members Phillips, Stack, Barney, and Johnston. **Voting No:** Council Member Kahler. The **Motion Passed 4-1.**

V. PUBLIC COMMENTS:

Mayor Franco advised that each Council Member had received a copy of the publication “Roads and Bridges” from Mr. Lee Reinhardt. Mr. Reinhardt said that it was incorrect when the US 40 alternatives were eliminated in the level one screening for bypass locations. He had marked an article in the publication and added a footnote indicating that he felt a bridge over Main Street was a viable option for a Main Street bypass.

Mayor Franco read a public comment received by email [attached at the end of these Minutes] from Justin Crail. Mayor Franco stated the City Staff was responding to Mr. Crail’s concerns.

Mr. John Paul was concerned with the Sawmill development. The weeds were being allowed to grow large enough to impede the sidewalk. The tumbleweeds were blowing into his yard. There was construction litter blowing in the wind enough to fill a garbage bag a day. He asked for City enforcement to have the developer to clean the area.

Nate Lechtenberg, representing Finch Creek Development, stated that the group had not been included on that evening’s agenda and wished to obtain Council feedback regarding the updated site plan that had been modified based upon previous Council feedback. The updated plan had reduced the number of proposed residential units slightly, increased parking by nearly 50 stalls, increased commercial space, and marginally increased open space by approximately 1%.

VI. GENERAL BUSINESS ITEMS:

1. Mayor’s Award recognizing Russ Funk, Kyle Turnbow, Wes Bingham, Luke Searle, and Nancy O’Toole for successfully securing a \$5.5 Million Grant Award for Secondary Irrigation Metering (Mayor Franco) - 5 min

Mayor Franco presented the Mayor’s Award to City Engineers Russ Funk and Kyle Turnbow, Finance Manager Wes Bingham, Assistant to the City Manager Luke Searle, and Grant Writer Nancy O’Toole. The group had worked together to secure a DNR (Department of Natural Resources) Division of Water Services grant in the amount of approximately \$5 million to be applied towards the City’s secondary water meter installation project. She commended each staff member in turn for their part in securing the grant.

2. Mayor’s Proclamation to Honor the 102nd Anniversary of the 19th Amendment in the US Constitution recognizing Women’s Right to Vote and Heber City’s Exhibit of Dr. Martha Hughes Cannon (Mayor Franco) - 5 min

Proclamation

Mayor Franco proclaimed August 15th through the 19th, 2022, the City’s celebration to honor the 102nd anniversary of the 19th Amendment to the Constitution of the United States of America allowing women the right to vote and honoring Dr. Martha Hughes Cannon. The Wasatch County Senior Citizen Center and Library would have a special exhibit during those dates as well as a special speaker on August 19th at 7:00 p.m.

Mayor Franco invited Council and members of the public to attend the event.

3. [Heber City Investment Portfolio Update from Zion's Bank \(Peter Kelson\) - 10 min](#)

[Zions Bank Presentation](#)

Council Member Phillips recused himself from the presentation.

Zion's Bank Finance Representative Peter Kelson provided a market update. The FED (Federal Reserve) statement had been released and had increased interest rates by .75%. He reviewed efforts to control inflation, provided current job indicators, reviewed labor force participation, as well as wage growth. Job openings remained at elevated levels due to the labor demand not being met. High oil prices added to inflationary pressure. Consumer sentiment was at its lowest in 40 years. Mr. Kelson provided projections for the economy and shared the Heber City investment portfolio.

4. [Presentation and Request for City Contribution to Wasatch County High School State Rodeo Finals \(Bonner\) - 5 min](#)

[2022 Jr. High and High School Rodeo Finals](#)

Wasatch County Director of Parks and Recreation Tom Bonner stated the contract for the High School State Rodeo Finals had been renewed for six years. He offered an overview of the number of participants and scholarships awarded. Mr. Bonner informed the Council the \$10,000 annual contribution from the City assisted with the scholarship fund.

Motion: Council Member Kahler moved to approve the \$10,000 request for the Wasatch County High School State Rodeo Finals scholarship fund. Council Member Barney made the second.

Mayor Franco invited public comment. None came forward.

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

5. [Dickman Legacy Ranch, LLC request for discussion with the Heber City Council regarding amending the 2005 Sewer Connection Agreement to allow 6 homes to connect to the Heber City Trunk Line along Hwy 113 \(aka Midway Lane\) instead of the current agreement for four connections \(Vern Dickman\) - 15 min](#)

[Dickman Legacy Ranch Request](#) 
[Dickman 2005 Private Sewer Connection Agreement](#) 
[4 Sewer and 2 Septic Parcels Map](#) 

Council Member Johnston recused himself from the discussion.

Vern Dickman shared his love for Heber City and Wasatch County. There were four sewer connections on his property and he was asking the City to allow two more connections for homes on two additional parcels. He expressed concern about groundwater contamination from the septic lines and the County Health Department agreed that a sewer connection was preferred. He hoped the City would allow the two additional sewer connections and noted it would be at no cost to the City.

Council Member Stack wished to confirm the County's letter verifying the lot of record. He asked any agreement to include that the zoning would remain as currently designated by the County and that no additional sewer connections be permitted in the future.

Consensus of Council majority was to allow Mr. Dickman to move forward with negotiating an agreement with the City.

6. [Soldier Hollow Advisory Board Planning Meeting \(Franco\) - 20 min](#)

[GB 6 Heber City Goals, Needs, Concerns](#)

Mayor Franco moved the meeting forward on the agenda to Action Item one.

7. [Monthly Current Development Report \(Planning Department\) - 10 min](#)

[GB 7 Monthly Development Report](#)

VII. ACTION ITEMS:

1. [Consider Approval of Monetary Contribution \(estimated \\$10,000\) for Historical Monuments Proposed by the Historical Preservation Committee \(Phillips, Moulton\) – 10 min](#)

Chair of the Historical Preservation Committee Michael Moulton explained the request for monetary contribution in order to install two monuments in the City to commemorate two historical sites in the City. The committee proposed placing one interpretive monument at the Main Street Park to commemorate the old Wasatch County High School and another to be located at the City Offices/Tabernacle downtown square area. He suggested placement of the monuments be closer to Main Street in order to be seen. The monuments would contain images of, and information regarding, the historical buildings that had previously stood at the location, as well as a QR code to enable access to additional information. Mr. Moulton shared the intent of the Committee to continue to place commemorative informative monuments for the remaining historical buildings in Heber City.

Motion: Council Member Phillips moved that the City give \$10,000 to the Historical Preservation Committee to make the two historical plaques and place them in Heber City, as proposed. Council Member Johnston made the second.

Mayor Franco invited the public to comment.

Linda Middleton, Heber City resident, referred to a water park and necessary bathrooms and asked if that was on the table. She did not want the City to become Pioneer Park. Mayor Franco informed that the proposed water feature was a separate issue and bathrooms were undecided. Ms. Middleton hoped the City would make it beautiful.

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

2. Consider Approval of Term Sheet between Wasatch County Arts Council and Heber City Corporation Regarding the Ground Lease of Real Property in PID No. 2 for Community Arts Center (Brower) - 20 min

Item 2 Staff Report Wasatch County Arts Council Term Sheet

City Manager Matt Brower explained the agreement would be between Heber City and the Wasatch County Arts Council (WCAC) for a ground lease and parking agreement for the Community Arts Center of Heber Valley. The request that night was for Council approval of the Term Sheet and authorization for Staff to draft a Lease Agreement. He provided information and background of the non-profit WCAC. The Arts Center would be located within the Jordanelle Ridge Public Infrastructure District (PID) number two. Mr. Brower shared the obligations agreed to by the Jordanelle Ridge development to dedicate 40 acres of land for an Art District, to include an amphitheater, art center building, parking, infrastructure, roads, landscaping, and a park. He displayed an image of the site plan. The term sheet had been negotiated between the City and WCAC and would serve as a template and basis for a more detailed and legally binding document. Mr. Brower reviewed essential terms within the term sheet. Jordanelle Ridge would transfer the land to Heber City and the City would lease it to WCAC for \$1 annually.

Council Member Barney expressed concern with the possibility of insufficient parking. Phil Jordan, WCAC representative, described the calculations done to determine the amount of parking in the proposed design.

Motion: Council Member Phillips moved to approve the Term Sheet between Wasatch County Arts Council and Heber City regarding the Ground Lease of real property in PID Number two for the Community Arts Center, and to authorize Staff to commence drafting a ground lease. Council Member Kahler made the second.

Council Member Johnston felt it was an amazing proposal and expressed appreciation to those that were making it happen.

Mayor Franco invited the public to comment.

Mike Bradshaw, representative of the Jordanelle Ridge development, offered additional explanation for the amount of parking planned. Busses were also being considered for transport to and from the Arts Center. He expressed his excitement for the project and hoped to see project completion prior to 2029.

Josh Jewkes, attorney for the WCAC, felt it was going to be a beautiful project when complete and expressed appreciation for all involved.

Linda Middleton encouraged Council to attend the Fair and Music venues taking place at the Wasatch County Events Center in order to get an idea for necessary parking. She referred to the amphitheater constructed near the Library and High School and noted she was not aware that any shows had taken place there. She encouraged the Council to assess what could be improved.

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

3. [Discuss Potential MOU with Wasatch County to allow Back 40 Ranch House Grill Connection to the Heber City Sewer Line \(Kohler\) - 15 min](#)

[Item 3 Wasatch Back Sewer](#)

Planning Director Tony Kohler reminded Council of the previous request from the Back 40 Ranch House Grill to connect to a City sewer line. Council had agreed to consider an exception to permit a sewer connection outside City limits in order to protect the sensitive lands where the restaurant's septic tanks were located. The City planned to enter into a Memorandum of Understanding (MOU) agreement with the County for the exception.

Council Member Phillips asked that the MOU include language to prohibit any expansion of the original sewer connection permitted. Council Member Stack wished to impose a condition that no other sewer connections would be permitted on the west side of highway 40. Council Member Kahler wished to ensure the business owner was not impeded from expanding or growing his business.

Al Ochoa, General Contractor for the Back 40, advised that Wasatch County had indicated expansion of the restaurant would never be approved.

Mr. Brower advised that the City was awaiting delivery of a draft MOU from the County and hoped the draft was received in time to return to the August 16, 2022 Council Meeting for Council approval.

4. [Discuss College Downs Annexation Located at Approximately 3000 North Highway 40 \(Kohler, Johnson\) – 30 min](#)

[Item 4 College Downs Discussion](#) [Wasatch County Information on College Downs Annexation](#)

Mr. Kohler reviewed the annexation process timeline and advised that the College Downs annexation had reached the Master Development Agreement negotiation point. He shared an image of the City's annexation policy plan map and noted the College Downs Annexation was contingent upon the City's acceptance of the North Village Annexation in order to lie contiguously with Heber City.

Mr. Kohler reviewed zoning details, provided images of the annexation plat and a subdivision plat as well as the preliminary development plan the property owner had filed with the County. He shared a photo of the property. The attached presentation included the landscape plan, listed physical constraints, provided a national wetlands inventory, a geotechnical study, and images of potential design renderings.

Project representative Logan Johnson asked Council for feedback and wished to know whether Council would consider approval of the annexation. He revealed the location of a planned hotel and commercial space.

Council Member Johnston felt it was appropriate for the area to be incorporated with the City. He supported the design presented and advised Mr. Johnson of the City's Open Space Preservation Fee that the City would negotiate for in the Master Development Agreement.

Council Member Stack stated he did not wish to allow more ERUs (equal residential units) than was originally offered within the County. He asked why a copse of trees was omitted in the development design. Mr. Johnson explained the trees survived off a ditch that would need to be piped and the trees would most likely not live without the water from the ditch; the trees were falling over and if the developer were to clean it up, the trees might not survive; the trees were located in an approximate ten-foot pit. He indicated a willingness to try to salvage the trees in the design plan if the City wished. Council Member Stack also pointed out a through street that would need to remain an uninterrupted collector road.

Council Member Barney explained that during her election campaign she had promised not to increase density and would not be supporting the annexation. Mayor Franco felt the Council wished to see affordable housing included in the development plan as well as increased commercial space. She wished to see the green space remain in the plan. Discussion regarding the development's road plans aligning with the City's impending transportation plan and storm-water plan followed.

Mayor Franco opened the discussion for public comment.

Linda Middleton said you go east to go to work and west to go home and the sun was always in your eyes. She shared a story of a Chicago Mayor and Council moving into a development called Cabrini-Green in an attempt to mitigate crime because the top floor of the high-rise apartment buildings was inhabited by gangsters who used it to signal when police were in the area. She said the proposed annexation's development plan would have west-facing glass that would blind drivers and asked that orientation be considered as well as building height, unused buildings that existed in the City, transient density, transportation, no education for the kids, parking lots burning in the sun. Her property assessment had doubled. She felt the existing homeowners were paying for the development. She asked to not burn up the Valley with high-rise glass.

5. Continue Discussion and Consider Approval of Amendment to Sawmill Master Plan Phase 4A and 4B for Regal Homes (Baron) - 25 min

Item 5 Presentation

Item 5 Staff Report - Sawmill MDA Discussion

Council Member Johnston recused himself from the discussion due to a conflict of interest.

Senior City Planner Jamie Baron presented the information regarding the request for the old Earnshaw property to be included in the Sawmill Master Plan. The Council had asked the applicant to report back on affordable housing and how a street intersection would affect school buses. The applicant had agreed to include four affordable housing units at 60% and 80% AMI (average median income) for public employees. The School District did not have an issue with the street plans. Mr. Baron reviewed the proposed development plan and stated the total density with the additional 16 units remained less than the originally planned density. He shared the request from existing residents of Hidden Creek Lane to not allow the name of the road to be used in the new development.

City Engineer Russ Funk reviewed the City's Master Plan street design and shared his recommendation for the development's roads as well as a proposed easement for fire access. Discussion regarding the roads followed.

Brian Balls, development engineer, explained the traffic would be funneled to 1200 South or 2400 South. He shared the failed efforts to obtain the adjoining Federally-owned Forest Service property. The developer wished to build a complete project and did not wish to install a temporary road connection only to have to move it later.

Council Member Stack asked how many new lots were being created with the additional property, the number of proposed units included, and what the return benefit to the City would be. Regal Homes representative David Rose recalled three concerns Council had expressed: the affordable housing issue in the City; the need to provide housing at 60-80% AMI; and the preservation of open space. He informed Council of the record increase in interest rates, the decline in home sales, and the current economic inflation. He felt the project would be able to work with the City but asked the City to work with them as well. There would be 16 units added with four of them dedicated as affordable housing, to be deed restricted, and offered first for the City's public employees, then to other entities public employees. He further described the project plan.

Council Member Stack noted the original request had been for seven units and his requested preference for the number of units to be lowered to four with one unit dedicated as affordable housing. Council Member Kahler noted there were no additional affordable housing units dedicated in the previously approved portion of the project with approximately 140 units. She indicated she would not support the request. Mr. Rose pointed out the projects compliance with City ordinance and the previously dedicated fees in lieu for affordable housing they had paid.

Council Member Phillips asked whether the project would consider dedicating six units to affordable housing. Council Member Barney asked for at least one additional affordable housing unit. Mr. Rose defended his position maintaining he wished to work with Council but needed to be realistic. He pointed out the proposal wisely utilized space that was not open space or farmland. Council Member Stack proposed a park in place of affordable housing dedication. Discussion continued regarding an additional road connection to Mill Road.

Motion: Council Member Yvonne Barney moved to extend the Council Meeting end time and to continue this agenda item to the August 16 City Council Meeting. Council Member Kahler made the second.

Discussion: Council Member Stack asked whether a hard stop time could be set.

Amended Motion: Council Member Barney added to the original Motion to set a hard stop time for the Regular Meeting at 10:45 p.m. Council Member Kahler's second stood.

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

Council Member Barney wished to see the road aligned in order to prevent headlights going into Mr. Paul's home, and supported Council Member Stack's proposed park.

Mayor Franco opened the meeting for public comment.

Drew and Wendy Jex thanked Council for pushing back and taking the bigger picture into account. They expressed appreciation for the work Council did and for Mr. Funk's proposal for an additional through street. They lived on Becca Lane and had observed the increased traffic.

Richard Cook, Regal Homes representative, wished to keep dialogue open with the City. They had not made any conclusions and intended to try to accommodate the feedback from Council. The goal was to make a great community and they hoped to get it right.

Council Member Phillips recognized the effort to accommodate affordable housing in the project and felt the Council may be willing to find middle ground with less density. Council Member Stack preferred to see the previously suggested park included.

Mr. Funk indicated he would reach out to the fire district regarding a proposed trail and felt connectivity to Sawmill Road was necessary. Mr. Rose indicated another through road could be considered.

6. [Consider Approval of Contract Amendment with Sunrise Engineering for Phase 1 of the Central Heber Water/Sewer Replacements Project in the amount of \\$595,300 \(Funk\) – 5 min](#)

[Item 6 Staff Report Contract Amendment](#) 

City Engineer Russ Funk reminded Council of the decision to expand the scope of work for the Central Heber Water and Sewer Line Replacement project. This decision required an amendment to the City's contract with Sunrise Engineering to include the additional work. He felt the dollar amount quoted by Sunrise Engineering was fair.

Motion: Council Member Stack moved to approve and authorize Staff to execute a contract amendment with Sunrise Engineering for Phase One of the Central Heber Water and Sewer Line Replacements Project in the amount of \$595,300. Council Member Phillips made the second. **Voting Yes:** Council Members Phillips, Stack, Barney, Johnston, and Kahler. **Voting No:** None. The **Motion Passed unanimously 5-0.**

7. [Consideration to Approve Central Heber Water and Sewer Line Replacement Project to Continue Working through Winter Months \(Funk\) - 5 min](#)

Mr. Funk recalled previously informing Council of struggles with the supply chain that had impeded the timeline for completion of the project's summer phase. In order to catch up, the project would need to continue working through the winter or extend into a fourth year. Council had asked for public outreach in order to determine the affected residents preference. Sunrise Engineering had composed a survey and was able to obtain feedback from 42 of the 84 affected residents. 40 of the 42 preferred the project continued through the winter. Council Member Barney expressed surprise at the response. She was not supportive of working through the winter.

Motion: Council Member Phillips moved to approve continuing the project through the winter. Council Member Johnston made the second. **Voting Yes:** Council Members Phillips, Stack, Johnston, and Kahler. **Voting No:** Council Member Barney. The **Motion Passed 4-1.**

8. [Consider Adoption of Resolution 2022-15 to Approve Formation of Heber City Audit Committee \(Bingham\) – 20 min](#)

[Item 8 Staff Report Audit Committee Resolution 2022-15](#) 
[Resolution 2022-15 Audit Committee Amended pdf](#) 

Agenda item eight was pushed to the next meeting scheduled for August 16, 2022.

9. [Future Name of Red Ledges Park \(Barney\) - 10 min](#)

Agenda item nine was postponed until the August 16, 2022, City Council Meeting.

VIII. COMMUNICATION:

Mr. Brower reminded Council of the parade scheduled for the upcoming Saturday.

Mayor Franco advised the Tree Subcommittee had requested to be added to the August 16th City Council Meeting agenda to discuss a proposed Tree Management plan and associated ordinance.

IX. CLOSED EXECUTIVE SESSION:

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

Motion: Council Member Phillips moved to enter Closed Executive Session to discuss personnel. Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The meeting entered Closed Executive Session at 10:44 p.m.

Present City Council:

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

Staff Present:

- City Manager Matt Brower
- City Attorney Mark Smedley

Motion: Council Member Stack moved to end the Closed Executive Session and return to Regular Meeting. Council Member Kahler made the second. The meeting returned to Regular session at 11:05 p.m.

X. ADJOURNMENT

Motion: Council Member Stack moved to adjourn. Council Member Kahler made the second. The meeting adjourned at 11:05 p.m.



Trina W Cooke

Trina Cooke, City Recorder

V. PUBLIC COMMENTS:

From: Justin Crail

Sent: Tuesday, August 2, 2022 11:37 AM

To: citycouncil@heberut.gov <citycouncil@heberut.gov>

Subject: Urgent South Fields Concerns

Hello Council,

The overall state of the South Fields road area is very concerning.

There are multiple developers who are not maintaining their properties and allowing noxious weeds abandoned vehicles and houses, and un watered dirt piles. This is creating an eyesore, safety issues, weed spreading, and dust and air quality issues. In addition the reckless development is destroying the road and is causing damage to vehicles including the wheels of my wife's car.

There is one particular development where it appears work has been put on hold or is severely delayed. It reminds me of the abandoned house on Midway lane. It is very concerning that these developers are being allowed to do this to what was once a beautiful area. It appears the City is not enforcing these codes in this area and the residents have to suffer.

Please take action to correct these safety, health and quality of life issues. Developers should not be allowed to destroy our community and the City should not allow them to.

Thank you!

Justin Crail