

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting Minutes
September 6, 2022

APPROVED 9.20.2022

4:00 p.m. Closed Executive Session
5:15 p.m. Work Meeting
6:00 p.m. Regular Meeting

Mayor Pro Tem Stack called the meeting to order at 4:05 p.m. and welcomed everyone present.

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

1. Legal
2. Personnel

Motion: Council Member Kahler made the motion to enter Closed Executive Session for the purpose of discussing possible or pending litigation and personnel. Council Member Johnston made the second. **Rollcall Vote: Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. The meeting entered Closed Executive Session at 4:07 p.m.

City Council Present: Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips – virtually
Council Member Ryan Stack – Mayor Pro Tem

Absent: Mayor Heidi Franco

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley

Also Present: Steve Osit, Airport Counsel
Scott Crook, Special Counsel

Motion: Council Member Kahler made the motion to end the Closed Executive Session and return to open meeting. Council Member Johnston made the second. The meeting resumed as an open and public meeting at 5:30 p.m.

II. [WORK MEETING: 5:15 P.M.](#)

Mayor Pro Tem Ryan Stack opened the Work Meeting at 5:34 p.m. and welcomed everyone present.

City Council Present: Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips – virtually
Council Member Ryan Stack – Mayor Pro Tem

Absent: Mayor Heidi Franco

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley
Senior Planner Jamie Baron
City Engineer Russ Funk
Public Works Director Matthew Kennard
Parks and Cemetery Director Mark Rounds
Assistant to the City Manager Luke Searle
Finance Manager Wes Bingham
Officer Heath Harvey
IT Specialist Anthon Beales
City Recorder Trina Cooke

Staff Participating Remotely: IT Specialist Anthon Beales, Assistant to the City Manager Luke Searle, City Attorney Mark Smedley, Deputy City Recorder Robin Raines-Bond, Planning Administrative Assistant Meshelle Kijanen, Finance Manager Wes Bingham, City Engineer Russ Funk, and Accounting Technician Wendy Anderson.

Also Present: Sid Ostergaard, Amy Tuddenham, Pam Patrick, Jed Olsen, Ashley Farrell, Mia Yue, Si Hutt, David Hicks, PJ Abraham, Tatum Combs, Guy Tuite, Scott House, Scott Jaffa, Mike Bradshaw, Mike Lynch, Linda Middleton, Don K Taylor, Marian Crosby, Ken Crosby, and others who did not sign in or whose signatures were illegible.

Also Attending Remotely: (Names are listed as signed-in virtually) John Janson, Tracy Taylor, Kelli G, Ben Fritz, Kamen Goddard, KPCW Radio, Sandi Brower, Trevor Smith, and Marianne B Allen.

1. [Review new Grants Cycle, MAG Resources, and Community Resources \(Jess Bedingfield\)](#)
– 5 min

Agenda item one was skipped as the presenter was not present.

2. Discuss proposed amendments to the Commercial Zones C-2, C-3, and C-4, proposed to be consolidated into Chapter 18.28, in Title 18, and Building Height in Commercial Zones (Janson/Kohler) – 20 min

WM 2 Zones Height

Planning Consultant John Janson provided an overview of the effort to consolidate the three commercial zones as written in the Heber City Code and listed the proposed amendments. Planning Commission had forwarded a positive recommendation to the City Council. Mr. Janson shared a chart of proposed land uses in zones, whether the uses should be permitted or conditional, and where existing uses were recommended to be omitted. The building height recommendation was four stories in the downtown area and three stories in other commercial areas. Mayor Pro Tem Stack wished to include a total height limit by building story. He noted the meeting time limitation for further discussion and asked for the agenda item to return to the next meeting. Consensus of Council agreed. It was determined to have the item placed on the next Work Meeting agenda for 90 minutes.

3. Discussion regarding Chain of Command for Appointed Positions (Phillips) – 15 min

WM 3 Staff Report Chain of Command

Discussion of Work Meeting agenda item three was moved to the end of the Regular Meeting in order to begin the Regular City Council Meeting on time.

Council Member Phillips wished to clarify the City Code regarding the administration of the City. He proposed adding 2.14.040(1.1) ‘Pursuant thereto, all employees, including appointed employees shall report directly to, and be exclusively responsible to the City Manager. All supervision, review and administration for such employees shall be handled by the City Manager’. Additionally, to insert the words ‘administer for, and’ to the sentence ‘The City Manager shall administer for, and assist, and report to the Legislative Body of the City in all executive or administrative duties’, in section 2.14.040(1.3). With Council majority indicating support of the added language, Council Member Phillips asked that the agenda item be place on the next City Council Meeting in order for Council to take action by vote.

City Manager Matt Brower referred to a section of the code that indicated the Chief of Police reported to the legislative body and asked Council support to change the language in order for the Chief of police to report to the City Manager as well in order to avoid conflicting language.

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

1. Call to Order

Mayor Pro Tem Ryan Stack called the Regular Meeting to order at 6:02 p.m. and welcomed everyone present.

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

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

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

Council Member Kahler shared appreciation for the public servants including Fire Department workers, EMT (emergency medical technicians) workers, retail workers, Parks and Cemetery workers, and the Public Works workers, who she felt were unsung heroes and often overlooked. She shared the following quote: “Public service is more than a job, it’s an opportunity for people to provide meaningful service to the community and make it a better, and safer place. Public service can be frustrating. Dealing with difficult citizens is a challenge. Recognition for a job well done is elusive. The hours are long, and the job is sometimes dangerous, and certainly, public service does not pay very well. But we are so grateful for these public servants that have endured the trials and made a career of it, to make this a good place to live”. Council Member Kahler expressed her gratitude for the City’s public servants and asked everyone to honor their work, and recognize the men and women behind the scenes ensuring the City functioned, the water turned on, toilets flushed, and potholes filled.

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

There were no conflicts disclosed.

V. [CONSENT AGENDA:](#)

Motion: Council Member Johnston moved to remove the Tree Management Plan, agenda item three, from the Consent Agenda for further discussion and to approve Consent Agenda items one, two, four, and five. Council Member Kahler made the second.

Discussion: Mayor Pro Tem noted the information on agenda item two held outdated information. Mr. Brower explained the resolution was not being approved with the Consent Agenda item but was there as an example. The Council would only be approving the \$7,500 to support the County-wide RAP initiative on Consent Agenda item two. The motion and second stood.

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

1. [Approval of August 16, 2022, City Council Meeting Minutes \(Cooke\)](#)

[CA 8.16.2022 DRAFT Minutes](#) 

2. [Approval of \\$7,500 to support the County-wide RAP \(Recreation, Arts, and Parks\) Tax Initiative \(Brower\)](#)

[CA Item 2 RAP Staff Report](#) 

3. Consider Approval of Resolution 2022-26 to adopt the Tree Management Plan for Heber City (Kohler)

CA Item 3 Resolution 2022-26 Tree Plan

Council Member Johnston commended the Tree Advisory Committee for their work compiling a comprehensive Tree Management Plan for Heber City. He expressed concern that the policy proposed would potentially prohibit certain trees that grew exceedingly well in Heber. He did not think the City should disallow tree varieties that were proven to do well for the sake of tree diversity. He also wished to see the reference to glyphosate and Round-up removed as he did not feel they should be listed by name in the document.

Council Member Barney noted the diversity of trees had been included in order to prevent possible spread of tree disease and to promote varieties of trees that may offer the tree population a better chance to thrive. Council Member Kahler questioned the purpose of removing the reference to glyphosate and Round-up. Council discussion continued.

Parks and Cemetery Director Mark Rounds shared that he had yet to find a weed solution more effective than the glyphosate found in Round-up. He noted the importance of using personal protection equipment when applying the product. Council Member Johnston felt there was a difference when using glyphosate behind a shed at the cemetery versus at the City Park where children played. His request was to remove reference to the product, not prevent the City from using the product.

Scott House, Co-Chair of the Open Space, Trails, Parks, and Trees Committee, explained that in order for the City to qualify for grants, it needed to have a Tree Management Plan in place. The Plan was a guide rather than formal policy. The Tree Sub-committee intended to return to Council in October to propose adoption of an Ordinance that would establish policy. Council Member Johnston understood the proposed Plan was not policy but expressed concern with the public's interpretation. Mayor Pro Tem Stack proposed modifying the language to eliminate "glyphosate (Round-up)" as well as eliminating language alluding to the prohibition of certain tree varieties. Council consensus approved of the suggested changes.

Motion: Council Member Kahler moved to approve the Tree Management Plan with the suggested changes recommended by Mayor Pro Tem Stack. Council Member Phillips made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Phillips, and Stack. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

4. Approval of a change order on the Heber City's 2021 Pressurized Irrigation (PI) Meter Retrofit Project to Maximize the WaterSMART Grant Award (Turnbow)

CA Item 4 Staff Report Change Order

5. Approval of Mayor's Nomination of Council Member for Audit Committee and Mia L Yue to Open Space, Trails, Parks, and Trees Advisory Board (Franco)

CA Item 5 Open Space Committee Nominee

VI. PUBLIC COMMENTS:

Pam Patrick, Wasatch County Resident, read a statement asking the Council to be open, honest, respectful, and to listen and hear each other. In effort to be transparent, she shared that she too had donated to Mayor Franco's campaign. She wished to respond to comments made during the previous meeting by Council Member Kahler indicating the Mayor did not wish to see a bypass constructed. Ms. Patrick felt the statement was disingenuous. The bypass location had been in discussion for years and she felt it was okay to agree to disagree. She felt the community was disappointed in the manner Council handled disagreement. She offered the Council a gift of the book "Crucial Conversations" and felt it would benefit members of the Council to read.

Tatum Combs, Heber City Resident, wished to propose the City consider installing two speed bumps and a stop sign. Her home was on 600 West and she was concerned with the speeding. There were kids speeding and drag racing along the road all day and night. There were families with small children that lived on the road and she was very concerned about the children. A hit-and-run incident involving a parked car had happened the year previous. Dump trucks drove at 35 mph (miles per hour), not knowing the speed limit was 25 mph in the area.

VII. GENERAL BUSINESS ITEMS:

1. [Public Hearing regarding Resolution 2022-22 Amending Fiscal Year 2022-2023 Budget for Seven City Fleet Vehicles \(Bingham, Kennard\)](#)

[GB 1 and Item 6 Staff Report Resolution 2022-22](#)

City Finance Manager Wes Bingham shared the requirement to hold a Public Hearing any time the City proposed a budget amendment. The previous year's budget had included seven fleet vehicles but due to supply-chain backlog, the City had yet to receive the vehicles. The proposed Budget Amendment would move the purchase of the vehicles into the current 2022-2023 Fiscal Year.

Mayor Pro Tem Stack opened the Public Hearing at 6:35 p.m. With no-one from the public coming forward to comment, the Public Hearing was closed at 6:35 p.m.

2. [Presentation and Annual Report from IHC \(Hutt, Tuddenham\) – 10 min](#)

[GB 2 Hospital PowerPoint](#)

[Intermountain Heber Valley Hospital](#)

Si Hutt, Administrator at Intermountain Healthcare's Heber Valley Hospital, presented an annual update for the hospital. The Hospital was a not-for-profit hospital whose mission was to help people live as healthy of lives as possible. The presentation included highlights from 2021, the number of charity care cases enabling the Hospital's not-for-profit status, and listed additional programs, gifts, and donations to the community.

Mr. Hutt shared the Wasatch Back Hospitals Community Board overseeing both the Heber Valley Hospital and the Park City Hospital and listed services available at either hospital as well as services shared between the two hospitals and services exclusive to each. A tele-health service was available over the phone for certain needs. He shared housing concerns that physicians had been unable to find housing in the call area of the Park City Hospital.

Council Member Kahler described her wish to get a traffic signal installed on 1200 South and asked how that would affect the hospital, as it would be located at one of the Hospital entrances. Mr. Hutt felt the Hospital would appreciate a traffic signal at the location.

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

GB 3 PowerPoint

Senior Planner Jamie Baron listed new applications received by the City and noted the total number of applications received in 2022 was now at 43.

- Site Plan – RC Ornamental; Staff was working with the applicant in order to bring into compliance the percentage of metal permitted on the exterior of the building.
- Site Plan – Crow Bar; a mixed-use building with a restaurant on the main level, apartments above, and an office in the rear.
- Concept/Site Plan – Encircle Café; included a change of use to add a café with outdoor seating.
- MDA – L Remington Development; an amendment to the previous MDA (master development agreement) for the old Rocky Mountain Care facility with Bill Wark.
- Subdivision Final – Madison Meadows
- Honorable Mentions:
 - Annexation – LA Bonner
 - MDA – Highlands Amendment
 - CUP (conditional use permit) – NVSSD (North Village Special Service District) Sewer Lift Station; City Code required a CUP for public utilities.

Council Member Kahler shared information she had heard on the local radio indicating Park View development intended to change some of the designated affordable housing units to sell at market rate. Mr. Baron recalled the agreement was for an entirely deed-restricted affordable housing development and indicated he would follow up with the developer.

Council Member Johnston had received questions regarding the opening of Black Rifle Coffee. A meeting attendee indicated the project was moving forward.

Council Member Barney asked for clarification on the L Remington Development MDA amendment request. Mr. Baron explained the MDA was with the existing owner of the property who was trying to sell. A potential buyer was requesting the amendment.

VIII. ACTION ITEMS:

1. [Consider Approval of MOU \(memorandum of understanding\) for Back 40 Sewer Connection \(Brower, Smedley\) - 15 min](#)

[Item 1 Staff Report Back 40](#)

City Attorney Mark Smedley presented the information regarding the request from the Back 40 Ranch House Grill to connect to the City's sewer system. The restaurant was not located in the City. The City had a policy to not permit sewer connection outside the City. Council had previously expressed willingness to assist the restaurant based upon the need due to a failing septic system. Staff had been negotiating an agreement between the City, County, Health Department, and the Back 40. Mr. Smedley described the County's wish to keep the exception isolated.

Council Member Stack referred to a section in the agreement, indicating the agreement would be nullified if the building structure was demolished. His concern was, in the case of a disaster or structural failure, the section would no longer permit sewer connection if the restaurant owner were to rebuild. Mr. Smedley interpreted the passage to mean the building could not be expanded upon but agreed to meet with the County to clarify the language.

Mayor Pro Tem Stack opened the discussion to public comment.

Tracy Taylor questioned whether the parking was adequate for the facility and felt it needed to be addressed. Mr. Smedley pointed out the restaurant was located in Wasatch County and therefore did not fall under Heber City jurisdiction. The issue at hand was whether to permit the requested sewer connection.

Motion: Council Member Kahler moved to accept the proposed memorandum of understanding (MOU) with regard to the Back 40 sewer connection, asking City Attorney Mark Smedley to work with Wasatch County on section 3 regarding the provisions in B.2. Council Member Phillips made the second. **Voting Yes:** Council Members Phillips, Kahler, Johnston, Barney, and Stack. **Voting No:** none. **The Motion Passed unanimously, 5-0.**

2. [Consider Approval of Ordinance 2022-22 Amending the Parks, Trails, and Open Space Master Plan and updating the acronym of the Open Space, Trails, and Trees from OSTPT to POSTT \(Searle\) – 10 min](#)

[Item 2 Staff Report Ordinance 2022-22](#)

Assistant to the City Manager Luke Searle shared images of the proposed amendments to trail alignment as illustrated in the Parks, Trails, and Open Space Master Plan. Scott House, Co-Chair of the Open Space, Trails, Parks, and Trees Committee, explained the purpose of the recommendation was a significant cost savings for the installation of the trails if realignments were made to coincide with the Central Heber Water and Sewer Line Project.

Mr. House described the detailed process the committee had undertaken to research and locate the most effective alternative routes, including collaboration with UDOT (Utah Department of Transportation) and advice from the Wasatch County Trail Planner Don Taylor. While the proposed amendments offered alternatives to Center Street, Center Street would remain an optional trail route. Discussion continued.

City Engineer Russ Funk explained much of the information Mr. House had given the Council had been provided by Mr. Funk. He further clarified the economical and practical reasons for the alternate trail routes. Council Member Johnston felt strongly about sticking with “option A” on Center Street and relocating or burying power poles. He worried that if the City implemented “option C”, as he felt was being proposed, improvements to “option A” for the trail along Center Street would never take place. Mr. Funk offered to walk the proposed trail with Council Member Johnston and discuss further.

Don Taylor, Wasatch County Trail Planner, informed Council that the Committee had discussed many of the concerns Council was mentioning prior to concluding the best recommendation as had been presented. He noted a five-foot sidewalk with bike-lane was not mentioned in the Master Plan. Council Member Barney noted the high cost of moving or burying power-poles and the need to involve Heber Light and Power in such a discussion. Council Member Kahler mentioned the public hearing with the Planning Commission as well as Open Houses held for the affected neighborhoods in order to determine the recommended routes. She felt it was important to garner community support.

Mayor Pro Tem Stack opened the discussion for public comment.

Mike Bradshaw, Heber City resident, provided feedback for the proposed trail route alternatives including his preference for asphalt trails versus concrete. He expressed appreciation to the Committee and the Council for their work.

Linda Middleton emphasized using local contractors and local jobs. She asked whether the RAP (recreation, arts, and parks) tax was a separate taxing entity and whether the money collected would go to local projects. She wished to see local money, local jobs, local materials. She wanted to see less pavement because of what happened in Moab. She hoped the proposed trails would be flat and not at a steep angle. Who would maintain the trails and do snow removal? Who would prevent ATVs from driving on the trails through neighborhoods and making noise? Would the City be liable for incidents on the trails? She hoped that all of the money from the RAP tax would stay in local businesses in Heber and not be sent to India or China or manhole covers we can’t get. That had been a problem in the past with getting construction projects done. Who maintains the trails?

Don Taylor replied that many trails were installed by developers and maintained by HOAs (homeowners associations) thereafter. The purpose of the Master Trails Plan was to allow the community connectivity from their home to the surrounding regional trails. The RAP tax would help with maintenance costs of the trails. He commended the efforts of Wasatch County, Heber City, and Midway City to hire locally. There was always the possibility of ATVs on trails, just as the electric scooters and electric bikes used the trails.

Luke Searle noted the second portion of the agenda item was to change the Committee's acronym to POSTT (Parks, Open Space, Trails, and Trees) from OSTPT (Open Space, Trails, Parks, and Trees).

Motion: Council Member Phillips moved to approve Ordinance 2022-22 as submitted by the Open Space, Trails, Parks, and Trees Committee as well as amend the committee's name to be the Parks, Open Space, Trails, and Trees Committee (POSTT). Council Member Barney made the second. **Rollcall Vote: Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. **The Motion Passed unanimously, 5-0.**

3. Discussion regarding proposed Fitzgerald Annexation (Kohler) – 30 min

Item 3 Staff Report Fitzgerald Annexation

Senior Planner Jamie Baron reviewed the annexation process and informed Council the next steps would be to hold a Public Hearing, negotiate a Master Development Agreement (MDA), and present for Council consideration of approval. He showed an image of a map reflecting the location of the proposed annexation and reviewed zoning details as well as the concept plan. Staff was seeking Council feedback to move forward with the drafting of an MDA with the petitioner.

Annexation Representative Mike Bradshaw shared the petitioner's intention for the MDA for this annexation to be an addition to the Sorenson's existing MDA in hopes of simplifying the process. He pointed to the provisions in sections six and 8.5 that he felt permitted such additions. The objective was to provide connectivity to Highway 40. The plan included additional retention basins that would prevent storm drainage being sent across Highway 40 and into the North Fields. The spring located in a proposed park had been used by pioneers passing through the Valley. He believed the proposed development concept complied with the City's General Plan.

Council Member Kahler asked if the concept design would include affordable housing. Mr. Bradshaw indicated that affordable housing had yet to be considered. Council Member Phillips noted the lack of a school site and asked whether there was any plan for a school site. Mr. Bradshaw indicated ongoing work with the School District to identify a school site. Council Member Kahler wished to see additional parking in the plan to accommodate all the vehicles. Mr. Bradshaw shared intentions to disallow the use of garages for storage rather than parking. Council Member Kahler wished to see affordable housing included as she felt the proposed townhome concept plan provided good opportunity to fill the need. Council Member Barney agreed.

Mayor Pro Tem Stack did not support the proposed concept as the area was zoned for rural residential. He felt the rural residential area was an important part of the North Village Overlay Zone and maintained the spacing of the homes created a buffer between the rural area and village centers. Council Member Kahler felt the area had been zoned to protect the Fitzgerald land owners. She felt that when the City allowed high-density development to surround farmlands, it impeded farmer's abilities to continue farming. Mr. Bradshaw felt the proposed concept plan did conform to the rural-residential zoning requirements and asked Council to consider the entire Sorenson Annexation land area rather than only the area plan being presented. Discussion continued.

Council Member Johnston wished to clarify the new Fitzgerald Annexation would be asked to make the same dedications of North Village Preservation Fees and affordable housing as the City was asking of the other North Village annexation petitioners. Council Member Phillips agreed and wished to ensure the need for additional schools was not overlooked.

4. Discussion regarding proposed amendment to the Sign Ordinance (Kohler) – 20 min

Item 4 Sign Ord Discussion

Senior City Planner Jamie Baron explained he was seeking Council direction regarding certain issues that had arisen regarding the City's recently adopted Sign Ordinance. He provided examples of businesses that wished to install signs that did not comply with the current ordinance. City Manager Matt Brower expressed a hope that the City would adopt uniform signs to provide City branding for City facilities and parks. Discussion regarding park signs versus commercial sign designs followed.

Dave Hicks, representing Karl Malone Power Sports, explained that, as part of a dealer agreement, each brand sold required representation on the retailer's sign. He pointed out that grocery stores who would want to advertise additional services such as a pharmacy or drive-thru would face much the same hurdles. Council Member Phillips asked Staff to compose a solution for Council consideration. Mayor Pro Tem Stack proposed permitting businesses to divide their total allowed sign space percentage in order to accommodate additional wall signs. Council Member Johnston supported the suggestion. He hoped the City would not over-regulate sign restrictions.

Mayor Pro Tem skipped to item six on the agenda.

Recess as the Heber City Council and Convene as the Community Reinvestment Agency (CRA) Board

Motion: Council Member Kahler made a motion to recess as the Heber City Council and convene as the Community Reinvestment Agency (CRA) board. Council Member Phillips made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The CRA board convened at 10:00 p.m.

5. CRA Strategic Discussion – 30 min

Item 5 CRA PowerPoint

Item 5 CRA Council Priorities

Item 5 CRA Envision Heber 2050 General Plan

Item 5 CRA Heber City Downtown Study - Final Draft

Mr. Brower explained his ranking of CRA board priorities was based upon the number of Council Members that had expressed support of each one. He had organized the priorities based on the Main Street America blueprint and provided a timeline to achieve the priorities.

Mr. Brower reviewed the strategic plan moving forward, beginning with the inclusion of CAMS (Community Alliance for Main Street) in order for Heber City to achieve Tier Two status with the Utah Main Street Program and become eligible for grants. Council expressed appreciation for the comprehensive plan.

Council Member Kahler expressed concern with the proposal that CAMS begin charging a membership fee and thereby competing with the Chamber of Commerce for memberships. Mr. Brower explained the need for CAMS to become financially sustainable long term.

Council consensus was for Staff to proceed. The item would be returned to a future meeting for formal approval by the CRA board.

Mr. Brower shared the importance of surrounding entities agreeing to partner with Heber City in the CRA program through interlocal agreements. He asked Council to consider their approach to the County and School District for their participation.

Motion: Council Member Phillips moved to adjourn as the CRA board and reconvene as the City Council. Council Member Kahler made the second. Voting Yes: Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The CRA board adjourned and the City Council Meeting reconvened at 10:17 p.m.

Mayor Pro Tem Stack moved forward on the agenda to item ten.

Adjourn as the Community Reinvestment Agency (CRA) Board and Reconvene as the Heber City Council

6. [Consider Approval of Resolution 2022-22 Amending Fiscal Year 2022-2023 Budget for Seven City Fleet Vehicles \(Bingham, Kennard\) – 5 min](#)

[Item 6 Staff Report Resolution 2022-22 - Copy](#) 

Based upon previous discussion and the opportunity for public comment during the Public Hearing held earlier in the meeting, there was no further discussion or comments from the public.

Motion: Council Member Johnston moved to approve Resolution 2022-22 amending the Fiscal Year 2022-2023 Budget for seven City fleet vehicles. Council Member Phillips made the second. **Rollcall Vote: Voting Yes:** Council Member Phillips, Kahler, Johnston, Barney, and Stack. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

Mayor Pro Tem Stack moved ahead on the Agenda to item eight.

7. [Consider Approval of Ordinance 2022-21 Updating the Moderate Income Housing Plan \(Baron\) – 30 min](#)

[Item 7 PowerPoint](#) 

[Item 7 Staff Report Ordinance 2022-21 MIHP](#) 

Senior City Planner Jamie Baron explained the State requirement for municipalities to provide an updated Moderate Income Housing Plan (MIHP) by October 1, 2022. The Planning Commission had held a Public Hearing and forwarded a positive recommendation to the City Council for approval of the MIHP as presented. Mr. Baron provided key data information used to compose the report including household size, median house value, and median household income for the City. He reviewed the remainder of the Plan for the Council including goals for implementation of the Plan.

Council Member Kahler felt Heber City was providing the moderate-income housing for the entire County and questioned what could be done to encourage surrounding entities to do more. Mr. Brower explained the States intent to review the reports received and withhold monies from entities found to not be doing enough to meet State compliance requirements. Council Member Barney proposed including a good land-lord program to incentivize affordable rental retention. She felt consideration for housing allowances for essential workers as well as incentivizing affordable housing and retention thereof should be moved up on the priority list into the current year. Mr. Baron explained requirements to implement the programs would be problematic for implementing that soon.

Motion: Council Member Kahler move to approve Ordinance 2022-21 with the findings and conclusions in the Staff Report. Council Member Phillips made the second. **Rollcall Vote: Voting Yes:** Council Members Stack, Barney, Johnston, Kahler, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

Council Member Kahler proposed enlisting a lobbyist to take the concerns of municipalities before the legislature. Mr. Brower reminded Council the City had a lobbyist.

Motion: Council Member Kahler moved to extend the City Council Meeting until 10:30 p.m. in order to finish discussion of the remaining three agenda items. Council Member Johnston made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

Mayor Pro Tem Stack moved the meeting back to agenda item five.

8. [Consider Approval of Resolution 2022-23 to Amend the Consolidated Fee Schedule updating fees for Public Works, Culinary Water, Waste Water, and the Planning Department \(Bingham, Searle\) – 15 min](#)

[Item 8 Staff Report Resolution 2022-23](#)

Assistant to the City Manager Luke Searle advised that all fees charged by the City needed to be included in the Consolidated Fee Schedule. Fees for Public Works services, Culinary Water, Waste Water, and Planning services needed to be updated. City Finance Manager Wes Bingham shared the proposed dollar amount of the changes and the reason for each. Council Member Kahler asked if the largest impact of the fee increases would be placed on the developers. Mr. Bingham noted the utility rate increases would have the largest impact but had been scheduled to take place in increments in order to have a gentler impact on customers.

Motion: Council Member Kahler moved to approve Resolution 2022-23 as presented with the findings and conditions as presented by Staff. Council Member Johnston made the second.

Rollcall Vote: Voting Yes: Council Members Kahler, Johnston, Barney, Stack, and Phillips.

Voting No: none. The **Motion Passed unanimously, 5-0.**

Mayor Pro Tem Stack noted he had neglected to call for public comment on the last few agenda items and asked if there was anyone present who wished to comment. None came forward.

9. Consider Resolution 2022-19 to Update the City Purchasing Policy (Bingham) – 10 min

Item 9 Staff Report Resolution 2022-19 Purchasing Policy

City Finance Manager Wes Bingham explained the proposed Purchasing Policy amendments would maintain accountability, transparency, and efficiency. The changes would allow the City to achieve cost savings on significant purchases and expenditures while not overwhelming Staff with extra paperwork and ineffective practices. Mr. Bingham reviewed the proposed addition of section E, prohibiting the distribution of gift cards to employees, as gift cards were considered a taxable benefit and subject to IRS (Internal Revenue Service) audit. Additional proposed amendments made changes to the purchasing process, purchase approval process, sealed bid purchase process, and the awarding of contracts process.

Motion: Council Member Kahler moved to approve the proposed changes to sections: 3.14.050; 3.14.070; 3.14.080; and 3.14.100 in Heber City's Purchasing Policy as outlined by Staff in Resolution 2022-19. Council Member Phillips made the second. **Rollcall Vote: Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting no:** none. The **Motion Passed unanimously, 5-0.**

Mayor Pro Tem Stack confirmed there was no one from the public that wished to make a comment and returned the meeting to agenda item seven.

10. Consideration to Adopt Resolution 2022-25 Amending the Rules of Order and Procedure for the Heber City Council (Stack) – 15 min

Item 10 Staff Report Resolution 2022-25 Rules of Order and Procedure

Mayor Pro Tem Stack asked, based upon recommendation from the Utah Local Government Trust, to include Roberts Rules of Order in the City's 'Rules of Order and Procedure for the Heber City Council'. He asked that the public comment period on agenda items precede Council deliberation for the process to be ordered as follows:

1. Agenda item presentation
2. Public comment
3. Council deliberation and motion

Discussion regarding meeting procedure and time efficiency followed.

Motion: Council Member Phillips moved to approve Resolution 2022-25 with changes to the City's Rules of Order and Procedure as follows:

- Revise rule 4.2(F)(1)(a) to state the public comment period would be after the presentation and before Council deliberation and Council deliberation would be combined with the questions or comments from the Mayor.
 - Amend rule 4.2(F)(1)(c) to state no public comment would be received after a motion was made unless the motion should fail for lack of a second.
 - Amend rule 5.2(A)(1) inserting the language “the Chair shall recognize the motion and allow for opportunity of a second, at which point, there may be discussion on the motion by the Council but no further public comment. If there is no second or a motion is defeated, debate may continue”.
 - Revise rule 2.0 to include Robert’s Rules of Order, 12th edition or newer, are adapted and incorporated herein by reference
 - Update rule 7.C(8) to reflect the changes in the motion
- Council Member Kahler seconded the motion.

Discussion: Council Member Phillips wished to clarify the changes in the motion did not limit public comment but rather rearranged where public comments were allowed.

Kelly Gomez, Heber City resident, felt that, as a member of the public, hearing Council deliberation often answered questions, thereby eliminating the need for many public comments. She hoped the change in order would be temporary.

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

Motion: Council Member Kahler moved to extend the meeting to 11:00 p.m. in order to discuss Work Meeting agenda item three that had been bypassed. Council Member Johnston made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

Discussion returned to Work Meeting agenda item three.

IX. COMMUNICATION:

Council Member Johnston shared that he had been invited to work with the CAPS (Center for Advanced Professional Studies) students on an affordable housing project. CAPS was going to investigate affordable housing for public employees by doing financial analysis, public entity surveys to determine need, architectural renderings, and layouts. Council Member Kahler expressed support for the project but felt the group should be tasked with identifying locations as well rather than using the Duke property as a hypothetical location. She worried about public misperception.

Mr. Brower shared the following:

- A Public Works employee who had been injured on the job was home from the hospital, doing well, and expected to make a full recovery.
- There would be a ribbon-cutting ceremony and celebration to open a new City park on September 16 at 4:00 p.m.

- The second Heber Leadership Academy was underway.
- The Utah League of Cities and Towns Annual Conference was scheduled for October and Council was strongly encouraged to attend.
- He would be out of town for the September 20, 2022 Council Meeting and would participate virtually.

X. CLOSED EXECUTIVE SESSION:

1. **Real Estate**

Council did not enter a second Closed Executive Session at the end of the Council Meeting.

XI. ADJOURNMENT:

Motion: Council Member Kahler moved to adjourn. Council Member Phillips made the second. The meeting adjourned at 10:53 p.m.



Trina W Cooke

Trina Cooke, City Recorder