

HEBER CITY CORPORATION
75 North Main Street
Heber City
City Council Meeting Minutes
March 21, 2023

APPROVED Minutes

4:00 p.m. Closed Executive Session
4:30 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. CLOSED EXECUTIVE SESSION-4:00 pm

1. Ongoing or Imminent Litigation

Mayor Franco called the Meeting to order at 4:04 p.m. and welcomed everyone present.

Motion: Council Member Stack moved to enter a Closed Executive Session for the purpose of discussing ongoing or imminent litigation. Council Member Kahler made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, and Stack. **Voting No:** none. Council Member Phillips was absent. The meeting entered Closed Executive Session at 4:04 p.m.

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

Absent: Council Member Scott Phillips

Staff Present: City Manager Matt Brower
City Attorney Jeremy Cook
City Recorder Trina Cooke
Airport Manager Travis Biggs
Airport Counsel Steve Osit

Also Present: Curt Castagna

Motion: Council Member Stack moved to adjourn the Closed Executive Session and return to the open meeting. Council Member Kahler made the second. The Closed Executive Session adjourned at 4:37 p.m.

II. WORK MEETING-4:30 pm

Mayor Franco called the Work Meeting to order at 4:38 p.m. and welcomed everyone present.

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

Absent: Council Member Scott Phillips

Staff Present: City Manager Matt Brower
City Attorney Jeremy Cook
City Recorder Trina Cooke
Airport Manager Travis Biggs
City Planning Director Tony Kohler
City Engineer Russ Funk
Engineer Kyle Turnbow
Deputy Chief of Police Jeremy Nelson
Finance Director Sara Nagel
Parks and Cemetery Director Mark Rounds

Staff Attending Remotely: Assistant City Manager/Prosecutor Mark Smedley, IT Specialist Anthon Beales, Human Resource Manager Cherie Ashe, Engineering Technician Desireé Muheim, Public Works Director Matthew Kennard, City Engineer Russ Funk, Assistant Engineer Kyle Turnbow, Finance Manager Sara Jane Nagel, and Accounts Payable Technician Wendy Anderson.

Public Present: Logan Johnston, Russ Watts, Christen Thompson, Shyloh Muhlestein, Cody Warren, Eli Gordon, Polly Fotheringham, Emma Anthony, Mark Evans, Todd Cates, Michael Moulton, Travis Wilcox, James Kowalski, Liam Slater, Charlie Blood, Michael Haney, Ben Smith, Jonah Slater, Anne Moss, Rafael Palomonos, Jeremiah Hendricksen, Samuel Hendricksen, Steven Rowley, Truman Smith, Tate Rognan, Harper Williams, Kendricks Tobler, Holly Rognan, Ridger Allred, Michael Smith, Jennifer Anthony, Tori Broughton, Mae Ball, Del Barney, Bret Anderson, Robert Scarbeary, Linda L Middleton, David Blood, David Ruesch, Lane Lythgoe, Josh Lythgoe, Richard Knight, Robin Knight, and others who did not sign in or whose signatures were illegible.

Public Attending Remotely: (Names listed as shown signed in online) DS, Denna Woodbury, Meg Ryan, Ben Lasseter, Christen Thompson, Christi Judd, Josh (LDG), John Janson, Kamen, Kelli G, Kyle Kohler, Mark Evans, Sandi Brower, the Wave, and Travis Wilcox.

1. Discussion regarding proposed Workforce Housing Project located at approximately 200 East 1200 South (Watts, Kohler) – 15 min

WM Item 1 Celebration Presentation 

WM Item 1 Watts Resume 

Russ Watts shared a proposal for workforce housing for local teachers, police officers, and others who worked in the valley. There were 240 proposed units of townhomes, flats, and studios with two to three bedrooms each. Council discussion and feedback followed.

Mr. Kohler reviewed the pathway forward based upon support of the Council majority.

2. Discussion regarding Envision Heber Code Updates: Affordable Housing and BMP (Business and Manufacturing Park) (Kohler, Janson) – 45 min

WM Item 2 Staff Report Affordable Housing Ordinance 

Planning Consultant Meg Ryan reviewed the State law update regarding affordable housing. Affordable housing would need to be negotiated by municipalities in development agreements henceforth. Ms. Ryan reviewed proposed updates to the City Code. Council provided feedback and asked to see the recommended updates at the next meeting prior to approval.

3. Discussion regarding College Downs Annexation (Johnson, Kohler) – 30 min

WM Item 3 College Downs PP 

City Planning Director Tony Kohler reviewed the annexation process including the steps previously taken and the steps still remaining in the process. He shared the zoning detail breakdown and noted the development agreement was locked in with higher density than the current zoning permitted. He shared development details, the landscaping plan, and the transportation master plan. Mr. Kohler indicated the City would like to see the development integrate with the new County transit program. He reviewed the recommended MDA (master development agreement) terms

Logan Johnson, representing the Wright Development Group for the annexation, indicated his desire to obtain direction from Council that evening in order to begin moving forward with the MDA. He shared that he had been in touch with the County transit company and had included a bus stop in the development design plan. Council agreed to proceed with MDA negotiations.

III. REGULAR MEETING-6:00 pm

1. Call to Order

Mayor Franco called the meeting to order at 6:12 p.m. and welcomed everyone present.

2. [Pledge of Allegiance \(Mayor Franco\)](#)

Boy Scout James Kowalski led the recitation of the Pledge of Allegiance.

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

Council Member Johnston shared a thought.

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

There were no conflicts of interest disclosed.

V. [CONSENT AGENDA:](#)

1. [Approval of February 21, 2023, City Council Meeting Minutes and March 7, 2023, City Council Meeting Minutes \(Cooke\)](#)

[CA 2.21.2023 DRAFT Minutes](#) 

[CA 3.7.2023 DRAFT Minutes](#) 

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

VI. [PUBLIC COMMENTS:](#)

Mark Evans, resident, expressed concern with the proposed roundabout that would encroach on his property. He asked Council to consider a two-way stop at the intersection as an alternative to the roundabout in order to minimize the impact on his property.

Christen Thompson was advocating for the Council to implement stricter dark-sky measures in the City. He urged Council to not endorse any bypass options through the North Fields. He recalled 2006 when the land where Red Ledges was now located had been zoned as a preservation zone. He proposed considering alternate options to the bypass such as a Wasatch Back train.

VII. [GENERAL BUSINESS ITEMS:](#)

1. [Public Hearing: Red Ledges North West Annexation \(Woodbury\)](#)

[GB 1 PH Staff Report Red Ledges Northwest Annexation](#) 

Planning Consultant Denna Woodbury presented the information regarding the Red Ledges Annexation.

The Planning Commission had forwarded a positive recommendation for the Council to approve the annexation. There would be no additional homes built on the land being annexed. The Public Hearing was part of the required annexation process.

Mayor Franco opened the Public Hearing to accept public comment at 6:22 p.m. With no one from the public coming forward to comment, the Public Hearing was closed.

2. [Public Hearing: Fourth Budget Amendment to the Fiscal Year 2022-2023 Annual Budget \(Nagel, Brower\)](#)

[GB 2 PH Staff Report 4th Budget Amendment](#)

Heber City Finance Director Sara Nagel explained the reasons a budget amendment was needed as listed in the Staff Report.

Council Member Kahler proposed funds for the recruitment of a new Chief of Police be moved to the next fiscal year. Mayor Franco explained the recruitment needed to begin prior to the adoption of the next fiscal year budget. Council Member Johnston asked to see the Main Street Park design before moving forward with construction.

Mayor Franco opened the Public Hearing at 6:36 p.m. for public comment.

Council Member Phillips was present online and wished to express concern with the Council approving the budget amendment without having sufficient information or time to further discuss.

Jennifer Anthony, resident, mother of six, and small business owner, asked whether the Council had discussed additional parks rather than spending money to improve the Main Street Park. Mayor Franco described the many parks the City planned to build and improve.

James Kowalski asked to hear about the Coyote Springs Park. Mayor Franco shared the location and design of the park, including trail locations and a possible fishing pond. Mr. Kowalski asked whether the pond would be stocked by the DNR (Department of Natural Resources) and noted he was a fisherman.

3. [Proclamation: Designating April 28, 2023, as Arbor Day in Heber City \(Franco\)](#)

[GB 3 Arbor Day Proclamation](#)

Mayor Franco proclaimed April 28, 2023, as Arbor Day.

4. [Presentation of Fiscal Year 2021-2022 Annual Audit \(Rowley\) – 20 min](#)

[GB Item 4 PP](#)

[Heber City - Comm. with Council at Conclusion - FY2022](#)
[2022 Financials](#)

Independent Auditor Steve Rowley with K & C Certified Public Accountants explained the audit process and provided a report of his findings as included in the attached meeting materials. He noted the delay in the report due to the transition of a Financial Director in the City.

5. [CAPS Dark Sky Initiative Presentation \(Brower\) – 10 min](#)

[Dark Sky](#)

Eli Gordon, Emma Anthony, and Polly Fotheringham had worked with the City Staff to form an initiative to inform and educate the public to do their part to preserve the night sky. Mr. Gordon explained their goal to convince homeowners to purchase dark-sky approved exterior lighting. The students itemized the plan to incorporate into the community. They had created a marketing plan including a logo and potential swag items.

6. [Presentation by the Historical Preservation Committee and Discussion Regarding Council Priorities \(Michael Moulton\) – 15 min](#)

[Historical Preservation Committee PP](#)

Historical Preservation Committee Chair Michael Moulton presented the ongoing objectives and plans of the Historical Preservation Committee including monument signs and a bell tower restoration project for the tower on the tabernacle. He proposed using local, donated labor for the work rather than spending the money to contract it out. They were proposing living history sites and also wished to rebuild the sandstone County building next to the tabernacle. Discussion followed.

7. [Central Heber Water and Sewer Line Project Update \(Funk\) – 5 min](#)

City Engineer Russ Funk walked the Council through the project website accessible via the City website. The website provided the public with regularly updated information regarding the status of the water and sewer line project.

VIII. ACTION ITEMS:

1. Request for, and Potential Approval of, Sponsorship of the Wasatch Back Economic Summit (WBES) (Koecher) – 10 min

Item 1 2023 Sponsorship Presentation

Item 1 Request

Dallin Koecher, Director of the Heber Valley Chamber of Commerce, Economic Development, and Tourism, requested a \$5,000 sponsorship from Heber City for the Wasatch Back Economic Summit. The purpose of the summit was to provide local businesses with actionable information they could use to plan for the future, create new partnerships, and be proactive to sustain their businesses.

Motion: Council Member Kahler moved to approve \$5,000 for the Economic Development Summit to be held May 22 in Park City, and the funds be allocated to Dallin Koecher with Heber Valley Tourism and Economic Development. Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

2. Consider Approval of Cemetery Administration Building Location, Orientation, Access, Pre-Sale Fee Structure, and Long-Range Niche Plan (Rounds, Lythgoe) - 20 min

Item 2 PowerPoint

Item 2 Staff Report Cemetery Building

Cremation Courtyard Design

Niche Pricing

5 Year Burial Count

2. Lythgoe Cemetery Design

Lane and Josh Lythgoe with Lythgoe Design Group presented the most recent designs for the Cemetery Administration building and Columbarium. He proposed an alternate location for the structures in the Cemetery Master Plan. He shared an image of a possible greenhouse-style orangery for potential use of non-denominational funeral services.

Mayor Franco opened the discussion for public comment.

Christen Thomson asked where the trail along the canal had gone. Mayor Franco asked Mr. Lythgoe to ensure the trail was in the plan.

Bret Anderson indicated his home would look out to the back of the building and asked what that view would look like. Mr. Lythgoe provided an image of the rear view of the building and shared his belief in four-sided architecture.

Mark Edmonson inquired about the building height.

Bernie Dowd asked whether there would be turn lanes for the alternate entrance from the Eastern Bypass into the Cemetery. He was concerned about the trail as well and asked what would happen to the canal that would be bisected by the eastern bypass.

Robert Scarbeary was also concerned about the canal. He was concerned with the amount of cars that would use the bypass with an additional cemetery entrance.

City Engineer Russ Funk responded that a ten-foot trail would run across the entire section of the bypass road. There was a 60-foot access easement owned by the Central Utah Water Conservancy District that was used as a trail by residents.

Motion: Council Member Stack moved to approve the office layout construction drawings, the locations of the buildings and their respective orientations, as well as incorporating the map in the Cemetery Master Plan, and to approve the proposed fee schedule for the Cemetery, subject to the terms and conditions, and findings, in the Staff Report. Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

3. [Consider Approval of Resolution 2023-07 Supporting UDOT's \(Utah Department of Transportation\) Continued Detailed Evaluation of the Five Alternatives for the West Bypass Road set forth in the Final Alternatives Development and Screening Report \(Cook\) – 15 min](#)

[Item 3 Staff Report Res 2023-07](#)

Heber City Attorney Jeremy Cook explained the proposed Resolution expressed the support of the Heber City Council for UDOT (Utah Department of Transportation) to continue to evaluate all five of the proposed routes of the western bypass and continue with the EIS (Environmental Impact Study). Council Member Stack felt it was important for the City to offer support to UDOT for the Study.

Motion: Council Member Stack moved to approve Resolution 2023-07 supporting UDOT's continued detailed evaluation of the five alternatives for the West Bypass Road set forth in the final alternatives development and screening report. Council Member Kahler made the second.

Amendment to the Motion: Mayor Franco moved to amend Council Member Stack's motion to add language to the last "whereas" on the resolution to read: "to encourage UDOT to follow the majority will of the City and the County to not use the North Fields Routes". Council Member Barney made the second.

Council discussed proper procedure for the Mayor to make a motion and found it was permitted per 5.0 B in the City's Rules of Order and Procedure for City Council. Council Member Kahler asked the Mayor for precedent of "majority will". Discussion continued.

Called the Question: Council Member Stack called the question in order to vote.

Vote on the Amendment: Voting Yes: Council Member Barney. **Voting No:** Council Members Kahler, Johnston, and Stack. Council Member Phillips was absent. The **Motion Failed 1-3.**

Point of Discussion: Council Member Stack wished to recognize that there had been a wide range of opinions expressed regarding the western bypass. Several votes had been taken on unrelated issues and matters happening in the North Fields that had nothing to do with the bypass. He felt that if the bypass were done correctly, it could successfully result in a preservation area such as Legacy Parkway. He felt it was misleading to refer to unrelated votes regarding the North Fields as a majority will.

Called the Question: Council Member Stack called the question in order to vote.

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

4. [Consider Approval of Resolution 2023-08 to Approve the Fourth Budget Amendment to the Fiscal Year 2022-2023 Annual Budget \(Nagel, Brower\) - 5 min](#)

[Item 4 Staff Report 4th Budget Amendment](#)

Mayor Franco requested that a minimum \$5,000 to \$6,000 remain in the budget amendment for the nation-wide search and recruitment of a new Chief of Police. Council Member Kahler felt it would be appropriate to search internally and locally before extending the search nationally. Mayor Franco indicated she would head the search and it would be open for both internal and external candidates.

Mayor Franco opened the discussion for public comment. No one from the public came forward to comment.

Motion: Council Member Johnston moved to approve Resolution 2023-08 as presented with one change: that the human resources department costs for the recruitment of a new Police Chief be \$5,000. Council Member Barney made the second.

Discussion: Council Member Kahler asked about the previous request for information on the proposed Main Street Park design. Council Member Johnston indicated there would be information provided for Council at the next meeting.

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

5. Consider Approval of Contract Award to Hydro Vac Excavation in the amount of \$5,541,560 for Phase 2 of the Heber City Pressurized Irrigation Meter Retrofit Project (Funk) - 10 min

Item 5 Staff Report Irr Meters

Engineer Kyle Turnbow recalled recent legislation requiring municipalities to meter secondary water by 2030. The City had implemented a plan and was in the process of retrofitting all preexisting homes with secondary water meters. The City had been awarded a \$450,000 Water-Smart grant, to be matched by the City, as well as a \$5,000,000 grant awarded by the State of Utah. The City had taken a loan from the Department of Water Resources for \$1,997,000 at a 1% interest rate in order to complete the installation of meters on all existing pressurized irrigation connections. Staff recommended awarding the contract to the only bidder: Hydro Vac Excavation.

Mayor Franco asked to continue through the next two agenda items and make a single motion to approve all three contract award requests.

6. Consider Approval of Contract Amendment in the amount of \$1,156,647 for Sunrise Engineering Central Heber Water and Sewer Line Replacements Project (Funk) - 5 min

Item 6 Staff Report Sunrise Contract Amendment

City Engineer Russ Funk recalled that the original scope of work for the downtown water and sewer line replacements had been approximately doubled in area, as well as expanded to include the installation of pressurized irrigation. The amendment was to increase the construction administration.

7. Consider Approval of Professional Services Agreement in the amount of \$60,400 with AWA Engineering for construction of the 550 East Roundabout Design (Funk) - 5 min

Item 7 Staff Report Roundabout AWA Prof Svcs Agreement Item 7 Proposed Agreement 550 E Roundabout Prof Services AWA

Mr. Funk stated that the proposed contract was for AWA to construct the 550 East roundabout. The City had a cost-sharing agreement with Smith's and Valley Hills, LLC for the roundabout. It was practical for the City to use the developer's construction team already contracted to install Smith's portion of the associated bypass road. Mr. Funk added that the cost would be \$5,000 higher than listed in the Staff Report for a total of \$65,400.

Mayor Franco opened the meeting for public comment.

Linda Middleton wished to know if there were statistics on the amount of cement used in a roundabout; whether roundabouts were less effective or more in getting traffic to slow down; if roundabout traffic accidents were more or less severe; if an intersection with a stop sign or a light was quieter, slower, or safer.

Ms. Middleton had received a letter in the mail from Utah Moves and wanted to know where it came from and whether it was safe. She wished to know if the bypass roads were an effort to accommodate the Olympics again. City Manager Matt Brower reviewed the letter and informed that it was from UDOT.

Mr. Funk noted one of the major benefits of roundabouts was the decrease in severity of crashes. Mr. Brower shared he had read recently that roundabouts decreased both air and noise pollution. Council Member Barney provided a website offering the results of an extensive study on roundabouts.

Mayor Franco shared that the Executive Director of UDOT had plainly stated there would not be any bypass roads built for a two-week event such as the Olympics.

Motion: Council Member Stack moved to approve the contracts listed and explained in Action Agenda items five, six, and seven for the amounts stated and presented in the respective Staff Reports, changing the amount approved in agenda item seven to \$65,400. Council Member Johnston made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

8. Discussion Regarding Possible Workforce Housing Project located on the Duke Property (Brower) – 15 min

Item 8 PP

Mayor Franco skipped ahead past agenda item eight.

9. Valley Hills Drive Neighborhood Request (Anderson, Franco) - 10 min

Written Request

Bypass Road Diagram

Cemetery Master Plan Bypass Road Alignment Diagrams

City Attorney Jeremy Cook explained the correct process for the Council to reconsider an item previously voted on, would be to make a formal motion to reconsider. He felt the petitioners should be given five to ten minutes to explain to Council why they felt the item should be reconsidered. If the Council did not make a motion at that time to reconsider, there would be no further action.

Bret Anderson, resident of Valley Hills Drive, and representing the Valley Hills property owners that wished to further discuss concerns of property devaluation, and the maintenance of their quality of life. The group felt the property on both sides of the eastern bypass could be used as cemetery grounds. They felt there had been many promises in the past made by the City to maintain the land as Cemetery land. Mr. Anderson felt the claim of \$2 million lost Cemetery sales revenue was unsubstantiated. The berm was not guaranteed for the neighbors if the road was set back 200 feet. The property owners felt trees could be planted to further protect them from the road installment impact.

They felt building a roundabout in an established neighborhood and encroaching on existing property owners land was inappropriate. They felt a two-way stop would resolve the concern. Mr. Anderson read the request as attached on page three of the written request. Council discussion followed.

City Engineer Russ Funk explained the extensive process it took for the City to begin moving forward with the project and the difficulty caused by interrupting the project's momentum. The City had contracted with a property acquisition specialist who was working with the property owners that would lose land to the City for the roundabout. The City intended to pay fair market value as well as costs for necessary restoration.

Mayor Franco opened the discussion for public comment.

Mark Evans felt the dollar amount the City would pay for his property would not compensate for the impact of the roundabout on his residence and overall property value. He did not believe a roundabout was justified to accommodate the current needs of the City.

Travis Wilcox noted the roundabout would be only 20 feet from his home. He agreed with Mr. Evans's statement.

Robert Scarbeary expressed appreciation for the Council and Staff that had made the effort to work with the affected residents. He did hope the residents would have an option for the land between their properties and the bypass.

Bret Anderson wished to better understand the option to access the easements. Mr. Brower advised he would reach out to Mr. Anderson for a meeting.

Linda Middleton advised that, as a former crossing guard, she would prefer a straight across street over a huge roundabout. And snow would go right into someone's house that was only 20 feet away. She hoped Council would consider not installing a roundabout.

Richard Knight felt it was difficult as City Councils changed, so did the ideas for the City. He was concerned about the kids navigating the roundabout to get to school.

Motion: Council Member Barney made the motion to reconsider and install a two-way stop at the Mill Road intersection rather than a roundabout. The **Motion Failed** for lack of a second.

Motion: Council Member Stack moved to adjourn. The **Motion Failed** for lack of a second.

Motion: Council Member Johnston moved to extend the meeting long enough to address the Communication Items. Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, and Barney. **Voting No:** Council Member Stack. Council Member Phillips was absent. The **Motion Passed 3-1.**

10. Consider Renewal of City Manager Employment Agreement (Brower) - 10 min

Item 10 Staff Report and Exhibits

Agenda item ten was not discussed.

IX. COMMUNICATION:

City Manager Matt Brower noted a change in the budget calendar. The Tentative Budget would not be presented for Council adoption until the first meeting in May.

Council Member Johnston shared that the Wasatch County Housing Authority had met with the outgoing Executive Director Pat Matheson and the incoming Executive Director David Levine. They had expressed willingness to manage and audit Heber City's deed-restricted homes.

Council Member Kahler recognized the western bypass was an emotional topic and hoped the Council would maintain respect for each other and each other's opinions. She did not feel the public should be used as a referee but, rather, should be able to look to the City representatives as leaders.

Mr. Funk asked for Council direction regarding an exception for a cobra-head light over a traffic signal. The light fixture was dark-sky compliant and met the UDOT standard but did not meet Heber City standards. Council majority consented to the exception.

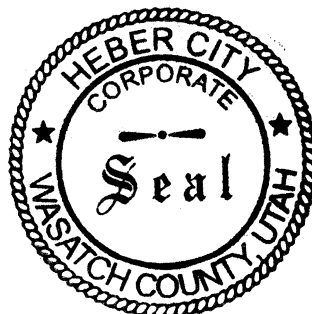
X. CLOSED EXECUTIVE SESSION

1. Personnel

The second Closed Executive Session was postponed to the next City Council Meeting.

XI. ADJOURNMENT

Motion: Council Member Stack moved to adjourn. Council Member Kahler made the second. The meeting adjourned at 10:17 a.m.




Trina Cooke, City Recorder