

HEBER CITY CORPORATION
75 North Main Street
Heber City
City Council Meeting Minutes
April 18, 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 4:02 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, Phillips, and Stack. **Voting No:** none. The meeting entered Closed Executive Session at 4:03 p.m.

Present:

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

Staff Present:

Assistant City Manager Mark Smedley
City Attorney Jeremy Cook
City Recorder Trina Cooke
Airport Manager Travis Biggs
Airport Counsel Steve Osit

Motion: Council Member Phillips moved to adjourn the Closed Executive Session and return to 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 4:40 p.m. and welcomed everyone present.

Present:

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

Staff Present:

Assistant City Manager Mark Smedley
City Attorney Jeremy Cook
City Recorder Trina Cooke
Airport Manager Travis Biggs
City Planning Director Tony Kohler
City Engineer Russ Funk
Engineer Kyle Turnbow
Lieutenant Branden Russel
Senior Officer Ryan DeMille
Public Works Director Matthew Kennard
Finance Director Sara Nagel
Parks and Cemetery Director Mark Rounds

Staff Attending Remotely: City Manager Matt Brower, IT Specialist Anthon Beales, Human Resource Manager Cherie Ashe, Engineering Technician Desireé Muheim, Engineer Kyle Turnbow, Assistant City Manager Mark Smedley, Deputy Recorder Robin Raines-Bond, City Engineer Russ Funk, Finance Manager Sara Nagel, Parks and Cemetery Director Mark Rounds, and Accounting Technician Wendy Anderson.

Public Present: Shauna Bennett, Jeremy Smith, Mike Lynch, Todd Cates, Allison Salisbury, Ashley Farrell, Scott House, Jonelle Fitzgerald, Dade Rose, Richard A. Cook, Ryan Bunnell, Kristen Bunnell, Tori Broughton, Shelton Taylor, Brian Balls, and others who did not sign in or whose signatures were illegible.

Public Attending Remotely: (Names listed as shown signed in online) George Bennett, Johnathan Ward, Mark Vlasic, Sam Taylor, Alisha, Aubrey Larsen, Christen Thompson, D Woodbury, Danny Hill, DW, Hugh Holt, Kelli G, Kristin Bunnell, Kyler, Meg Ryan, Michael Moulton, and Sandi Brower.

1. [Discuss proposed Parking Development Agreement for the Avon and Ideal Theaters \(Kohler\) - 20 min](#)

[WM 1 Staff Report Theater Parking](#)

City Planning Director Tony Kohler shared the proposed use for the theaters on Main Street and reminded Council of the challenge with a lack of parking in the area. Council Members Johnston and Stack expressed support of the project. Council Member Johnston felt that the proposed uses for activity centers would not require more parking than the theaters had. Project applicant Jeremy Smith further described the project. Council discussion resulted in a majority consensus for Staff to work with Mr. Smith in order to move forward with his proposed project.

2. [Discuss proposed Park Design Standards \(Rounds, Baron\) - 20 min](#)

[WM 2 Staff Report - Park Standards](#)

Senior Planner Jamie Baron provided the information as included in the attached meeting materials for the proposed park design standards. Council Members and Parks Consultant Mark Vlasic shared suggestions and discussed additional ideas to include in the design standards.

3. Review of City's Master Parks Plan; Main Street Park, Coyote Park, and Muirfield Park design concepts (Taylor, Baron) - 15 min

WM 3 Park Improvements PP

Assistant City Manager Mark Smedley provided an overview of the agenda item. Council Members provided feedback for the parks design concepts proposed in the attached meeting materials. LDI Consultant Sam Taylor felt he could provide an updated design concept implementing Council's suggestions. City Manager Matt Brower explained that the grant money received by the City for a bandstand required construction completion by the end of 2025.

4. Discuss proposed Affordable Housing Ordinance (Ryan, Kohler) – 25 min

WM 4 Staff Report Affordable Housing

Work Meeting agenda item four was continued to the May 2, 2023, meeting.

III. 10 MINUTE BREAK

IV. REGULAR MEETING-6:00 pm

1. Call to Order

Mayor Franco called the Regular City Council Meeting to order at 6:34 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 commended the Public Works Department for the sandbagging efforts over the previous weekend to mitigate potential flood damage in the City. She also shared a portion of a talk given by the leader of The Church of Jesus Christ of Latter Saints Russell M. Nelson entitled "Peacemakers Needed" and asked everyone to try to be kinder, more understanding, and accepting of others. She expressed appreciation for each member of the City Council for the time and dedication they committed to their civil service.

V. CONFLICT OF INTEREST DISCLOSURE:

Council Member Johnston declared a conflict of interest with Action Agenda item three.

Council Member Phillips indicated he would recuse himself from the Public Hearing listed under General Business Items number one.

VI. CONSENT AGENDA:

1. [Approval of March 21, 2023, City Council Meeting Minutes and April 10, 2023, Special City Council Meeting Minutes \(Cooke\)](#)

[3.21.2023 DRAFT Minutes](#)

[4.10.2023 DRAFT Special Meeting Minutes](#)

Motion: Council Member Phillips moved to approve the Consent Agenda but to separate the approval of the March 21, 2023 meeting minutes as well as the nominations to the POSTT Committee for a separate vote. 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 Phillips explained he had not been present at the March 21, 2023, Council Meeting and would need to abstain from the Vote to approve the minutes.

Motion: Council Member Stack moved to approve the March 21, 2023 Meeting Minutes. Council Member Johnston made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** none. Council Member Phillips abstained from the vote. The **Motion Passed 4-0.**

2. [Approval of Ordinance 2023-12 updating Chapter 18.48 of the Heber City Code for the Business and Manufacturing Park \(BMP\) Zone \(Kohler\)](#)

[CA 2 Staff Report Ord 2023-12 BMP Zone](#)

3. [Approval of Heber City Police Department Evidence Purge \(DeMille\)](#)

[CA 3 Staff Report PD Evidence Purge](#)

4. [Adoption of Ordinance 2023-16 to approve the Red Ledges Northwest Annexation \(Kohler\)](#)

[CA 4 Staff Report Red Ledges NW Annexation](#)

5. [Approval of Mayor Nominations to POSTT \(Parks, Open Space, Trails, and Trees\) Committee: Nancy O'Toole \(alternate\) and Christen Thompson \(Mayor Franco\)](#)

[CA 5 POSTT Nominations](#)

Council Member Kahler expressed concern with appointing Nancy O'Toole to the POSTT Committee. She felt there may be a conflict with Ms. O'Toole serving on a volunteer committee considering she was contracted with the City as a grant writer. Mayor Franco noted her recommendation was to appoint Ms. O'Toole as an alternate on the committee which would make her a non-voting member. Council discussion continued. It was noted that Ms. O'Toole did not reside in Heber City. It was the opinion of City Attorney Jeremy Cook that there was no conflict and if one arose, Ms. O'Toole could recuse herself from voting. City Manager Matt Brower proposed the solution of appointing Ms. O'Toole as an ex-officio member of the committee.

Additional discussion was held regarding the appointment of Christen Thompson.

Motion: Council Member Stack moved to approve the nomination of Christen Thompson to the POSTT Committee. Council Member Johnston made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed unanimously, 5-0.**

VII. PUBLIC COMMENTS:

Heber City Resident Allison Salisbury suggested the City-sponsored Concert in the Park series try to book more local Utah bands. She was disappointed there were more out-of-state bands booked during the series than local bands. She had received as many as 300 supportive comments on social media for her proposal. She expressed appreciation for both the Heber Market on Main and the concert series.

City Manager Matt Brower explained the bands were booked for the quality of the band. The City contracted an entertainment coordinator to book the bands.

Heber City Resident Shauna Bennett expressed appreciation for the Mayor and Council Members and the time and effort they dedicated to City business. She shared a suggestion from her husband, George Bennett, that the City seek more public comments regarding the Main Street Park improvements. She felt the park was a family park but expressed concern that the community had outgrown the park. She proposed one of the future park sites be designated as a venue park. Mrs. Bennett supported the Main Street Park improvements but hoped to see it remain a family park. She referenced the east side of the park where the historic memorial statue and entrance gates stood and wished to ensure they remained untouched.

Mike Lynch stated he was a part of the Fitzgerald annexation and wished to address the London Springs Park that would be dedicated to the City. He was seeking feedback from the Council. City Manager Matt Brower shared that the item was on the existing agenda and could be further discussed at that point.

Ms. Salisbury felt the reason the Market on Main was growing so much was that the size of the town was growing so fast and that due to the economy, people were staying in town and seeking free entertainment. From feedback she had received, increased Market attendance was not due to the quality of the bands.

Heber City resident George Bennett wished to impress that the Main Street Park need not maintain a geometric balance and suggested that the proposed bandstand in the center of the park be moved 30 feet to the south in order to increase the space of the surrounding activity areas.

VIII. GENERAL BUSINESS ITEMS:

Mayor Franco moved the General Business agenda item number four forward for discussion.

4. [Presentation of Wasatch County Health Department's 2022 Annual Report \(Jonelle Fitzgerald\) - 10 min](#)

[2022 Annual rpt- 2023 County Health Rankings](#)
[Health Department Handout](#)

Wasatch County Health Department Director Jonelle Fitzgerald provided the 2022 Annual Report as included in the meeting materials. She shared budget numbers and service statistics. Wasatch County had been ranked the healthiest of 28 counties in Utah in 2022.

1. [Public Hearing: PUBLIC HEARING TO ALLOW PUBLIC INPUT REGARDING \(A\) THE ISSUANCE AND SALE BY HEBER CITY, UTAH OF NOT MORE THAN \\$9,000,000 AGGREGATE PRINCIPAL AMOUNT OF EXCISE TAX REVENUE BONDS, SERIES 2023; AND \(B\) ANY POTENTIAL ECONOMIC IMPACT THAT THE PROJECT TO BE FINANCED WITH THE PROCEEDS OF THE SERIES 2023 BONDS ISSUED UNDER THE ACT MAY HAVE ON THE PRIVATE SECTOR; AND RELATED MATTERS \(Funk, Zions\)](#)

[2023-04 Parameters Resolution Bond for Road Maintenance Project](#) [March 7 Staff Report for Parameters Res 2023-04](#)

City Engineer Russ Funk introduced Johnathan Ward with Zion's Public Finance. Mr. Ward explained the parameters resolution for bonding had been approved in March and required a Public Hearing to allow for public input. He provided additional details as included in the meeting materials. Mr. Funk provided bond rate details.

Mayor Franco opened the Public Hearing at 7:33 p.m. No one from the public came forward to comment. Mayor Franco closed the Public Hearing at 7:34 p.m.

2. [Spring 2023 Flood Risk Assessment Update \(DeMille, Kennard\) - 10 min](#)

Officer Ryan DeMille introduced himself and shared the flood mitigation sandbagging efforts of the City and volunteers the previous weekend. He had been recently assigned to the Emergency Management position with the Police Department and was working closely with the Wasatch County liaison Jeremy Hales. The Police Department was currently including flood watch in their patrols.

Public Works Director Matthew Kennard expressed gratitude to his department for their exhaustive efforts to facilitate sandbagging and noted the many hours of overtime committed. He shared a video found on the City's website for flood mitigation and described what was still needed to prepare for possible flooding.

3. [Request for input designing the New London Park \(Kohler\) - 5 min](#)

Mr. Lynch explained he was seeking Council feedback for the vision of the New London Park. He shared an image of the location and described a concept for a trail rounding the existing pond and keeping the park's natural open space beauty. He said they did not intend to include a playground in the park but playgrounds were intended to be interspersed throughout the development. Discussion followed regarding proposed park amenities and trail connectivity. Mr. Lynch agreed to return to a future meeting with a concept plan.

5. [Presentation by the Parks, Open Space, Trails, and Trees Committee \(POSTT\) and Discussion Regarding Council Priorities \(House\) - 10 min](#)

[GB Item 5 POSTT PP](#)

Co-chair of the Parks, Open Space, Trails, and Trees (POSTT) Committee Scott House provided an overview of the topics to be discussed. There were six ongoing projects the committee was working on. The proposed Heber Central Trail Alignment was on 300 South. Council Member Johnston did not support the alignment on 200 or 300 South and felt strongly it should remain on Center Street or 100 South and could be a sidewalk rather than an asphalt trail. Council Members Phillips and Kahler agreed that Center Street was the better option.

Mr. House pointed out the extent of time and expense that had been dedicated to the trail installation aligning with the ongoing water and sewer line replacement project. He felt an opportunity would be missed and the trail installation delayed if the trail were moved to Center Street. Discussion continued.

It was determined that the committee should proceed with the nearly finalized trail-alignment study and report back to Council at the next City Council meeting for a final decision from Council.

Mr. House briefly presented the additional ongoing projects: Momentum Development Bike Trail; Rail with Trail completion; Safe Routes to School; Muirfield Park; and the TAP Tax.

IX. ACTION ITEMS:

1. [Update and provide additional direction regarding City-wide Branding Initiative \(Bunnell\) - 30 min](#)

[Item 1 BRAND presentation](#)

City Consultant Ryan Bunnell felt Heber City needed an identity and brand. He shared a proposed logo he had designed. Council Members shared their feedback.

Motion: Council Member Phillips moved to direct Mr. Bunnell to improve upon the new logo and branding and continue forward. Council Member Barney made the second.

Discussion on the motion: Mayor Franco asked if Mr. Bunnell still intended to make historic banners. Mr. Bunnell confirmed that was part of the branding plan if Council approved. Council Member Johnston hoped to see a consensus of the Council rather than a 3-2 vote and wished to have Mr. Bunnell return.

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

Mayor Franco moved the meeting forward to agenda item three.

3. [Consider Adoption of Ordinance 2023-15 to amend the Sawmill MDA \(Master Development Agreement\) for Regal Homes \(Baron\) – 20 min](#)

[Item 3 Staff Report Ordinance 2023-15 Sawmill MDA](#)

City Planning Director Tony Kohler provided the information as included in the meeting materials. Dade Rose, representing Regal Homes, stated he had worked closely with Staff to provide the park amenities as shown in the concept design.

Motion: Council Member Rachel Kahler moved to approve Ordinance 2023-15 with the findings and conditions in the Staff Report and ask that Mr. Rose work with Tony Kohler to implement park amenities based on the NVOZ standards. Council Member Stack seconded the motion. **Voting Yes:** Council Members Kahler, Barney, Stack, and Phillips. Council Member Johnston had recused himself from the discussion and vote. **Voting No:** none. The **Motion Passed 4-0.**

Council Member Stack requested to move the meeting ahead to agenda item six as the item had previously been continued from multiple meetings. Mayor Franco indicated her intent to return the meeting to agenda item two.

Motion: Council Member Kahler moved to appeal the ruling of the Chair to not accept Council Member Stack's recommendation and proceed to agenda item six. Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed 5-0.**

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

Item 6 Staff Report City Manager Employment Agreement

Mr. Brower reviewed the proposed changes to the employment agreement with Heber City as included in the attached Staff Report. City Attorney Jeremy Cook clarified the Mayor would be permitted to vote and a motion would require four votes to pass.

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

Motion: Council Member Stack made the motion to approve the renewal of the City Manager's employment agreement as written and submitted. Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** Mayor Franco. The **Motion Passed 5-1.**

2. Presentation of Eastern Parkway Road Naming Strategy (Smedley) – 10 min

Item 2 Staff Report Bypass Naming
Eastern Bypass Naming Visual

Council Member Phillips recalled previous discussion to not use family names for the name of the road. Council Member Kahler shared her discussion with Hi McNaughtan in which Ms. McNaughtan expressed she did not wish the road to be named for her family but supported the name "Heritage Farms Parkway".

Motion: Council Member Kahler moved to accept "Heritage Farms Parkway" as the new name for the eastern cemetery road. Council Member Phillips made the second.

Discussion on the motion: Council Member Barney said she had thought the City intended to seek public input. Mr. Smedley clarified the intention was for Staff to work with the Consultant Ryan Bunnell and offer name options for the Council to choose from. Council Member Johnston felt the community had elected the Council to make decisions on behalf of the City.

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

4. Consider Award of Heber City Street Maintenance Project (Turnbow) - 10 min

Item 4 SR RD 23 Maintenance CC Staff Report 230418
Item 4 Bid Tab 230417
Item 4 Heber Road Treatments Base_3-30-23
Item 4 Heber Road Treatments_Reduced Award Options

City Engineer Russ Funk provided background on the recurring street maintenance project. He noted that Staff had expected the cost to be approximately seven million dollars. Of the four bids received, the lowest was over nine million dollars. He provided alternatives in order for the City to save money. Mr. Funk was asking Council to approve the reduced bond bid alternative with the option to upgrade to the higher bond bid alternative if the City could meet the requirements to do so. Mr. Brower further explained the bond bid process. Council Member Johnston noted the importance for the City to invest in and upkeep its infrastructure.

Motion: Council Member Johnston moved to award the City-wide improvement project for 2023 to Staker and Parsons Company in an amount not to exceed \$9,418,000 and change. To allow Staff to award the reduced amount and make the determination how much to go up to \$9,418,000. Council Member Kahler made the second.

Discussion: Council Member Stack inquired whether Staff needed additional direction regarding the bond. Mr. Funk felt the motion would allow Staff the ability to evaluate the information and revenue sources to make the best decision.

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

XI. ADJOURNMENT

Motion: Council Member Stack moved to Adjourn and continue the remaining items to a future agenda. Council Member Johnston made the second.

Amended Motion: Council Member Stack amended his motion to allow discussion for communication items. Council Member Johnston made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The Motion Passed unanimously, 5-0.

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

Item 5 PP Workforce Housing

Agenda item five was continued to a future City Council Meeting.

7. Consider Approval of Ordinance 2023-09 to update the Chain of Command for the Chief of Police within the Personnel Policy (Phillips) - 15 min

Item 7 Staff Report Chain of Command

Item 7 Ord 2023-09

Agenda item seven was continued to a future City Council Meeting.

X. COMMUNICATION:

Council Member Phillips shared the free mental health resource available to all Heber City employees through Blomquist Hale.

City Manager Matt Brower shared that Chamber of Commerce Executive Director Dallin Koecher was bringing Roger Brooks to Heber City on two upcoming dates. In May, Mr. Koecher and Mr. Brower hoped to share with Mr. Brooks the Envision Heber 2050 Master Plan, the Envision Central Heber, Main Street Park investments, and the CRA (Community Reinvestment Agency). Mr. Brooks would tour downtown and the recreation districts. In July, Mr. Brooks would return with specific recommendations to execute the City's strategy. Mr. Brower hoped to have a joint meeting with the Council, Planning Commission, and Mr. Brooks in that time.

Mayor Franco asked Staff that if ever there was a public hearing with UDOT (Utah Department of Transportation), to ensure all members of the Council were invited.

XI. ADJOURNMENT

Council Member Stack's original motion to adjourn stood. The meeting adjourned at 10:03 p.m.



Trina W Cooke
Trina Cooke, City Recorder