

HEBER CITY CORPORATION
75 North Main Street
Heber City
City Council Meeting
May 16, 2023

APPROVED Meeting Minutes

**4:00 p.m. Closed Executive Session
5:00 p.m. Budget Workshop #2
6:00 p.m. Regular Meeting**

I. CLOSED EXECUTIVE SESSION-4:00 pm

Mayor Franco called the meeting to order at 4:01 p.m.

1. Ongoing or Imminent Litigation

Motion: Council Member Kahler moved to enter Closed Executive Session for the purpose of discussing pending or reasonably imminent litigation. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Johnston, Kahler, and Stack. **Voting No:** None. Council Members Barney and Phillips had yet to arrive. The **Motion Passed 3-0** and the meeting entered Closed Executive Session at 4:02 p.m.

Present:

Mayor Heidi Franco
Council Member Yvonne Barney – arrived at 4:17 p.m.
Council Member Rachel Kahler
Council Member Mike Johnston
Council Member Scott Phillips – arrived at 4:05 p.m.
Council Member Ryan Stack – remotely until 4:14 p.m. and
in person thereafter

Staff Present:

City Manager Matt Brower
City Attorney Jeremy Cook
Heber Valley Airport Manager Travis Biggs
City Recorder Trina Cooke

Also Participating Remotely: Heber Valley Airport Special Counsel Steve Osit.

Motion: Council Member Stack moved to end the Closed Executive Session. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The **Motion Passed 5-0** and the Closed Executive Session ended at 5:02 p.m.

II. WORK MEETING-5:00 pm

Mayor Franco called the Work Meeting to order at 5:07 p.m. and welcomed everyone present.

Present:

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

Staff Present:

City Manager Matt Brower
Assistant City Manager Mark Smedley
Finance Manager Sara Jane Nagel
Airport Manager Travis Biggs
Senior City Planner Jamie Baron
Parks and Cemetery Director Mark Rounds
City Engineer Russ Funk
Public Works Director Matthew Kennard
Accounting Technician Wendy Anderson
Accounting Technician Lynsee Sulser
City Recorder Trina Cooke
Chief of Police Dave Booth
Police Lieutenant Branden Russell
Deputy Chief of Police Jeremy Nelson
Officer Blaine Rigby
Officer Brian Berg
Officer Anal Maldonado
Officer Jesse Bell
Officer Alex Maldonado
Officer Daniel Villescaz
Officer Logan Bandoli
Officer Preston Wood

Staff Attending Remotely: IT Specialist Anthon Beales, Human Resources Manager Cherie Ashe, Finance Manager Sara Nagel, Project Manager Blake Walton, Engineering Technician Desireé Muheim, Public Works Director Matthew Kennard, Assistant City Engineer Kyle Turnbow, Assistant City Manager Mark Smedley, Deputy City Recorder Robin Raines-Bond, and Accounting Technician Wendy Anderson.

Public Present: Laurie Wynn, Lonny Reed, Clayton Vance, Andrea Haight, Danielle Goodell, Liz Maldonado, José Maldonado, Rosalba Maldonado, Rosa Maldonado, Miguel Maldonado, Dio Maldonado, Natalia Maldonado, Roger Brooks, Dallin Koecher, Alie Villescaz, Kaitlin Bandoli, Jon Kaouk, Heidi Kaouk, Erik Nystul, Solvag Crone, Don K. Taylor, Scott House, Ashley Farrell, and others who did not sign in or whose names were illegible.

Public Attending Remotely: (Names listed as shown signed-in online) Christen Thompson, Jennie, Kamen Goddard, Ron Bridge, Shortcake, Shorty, and Tom Stone.

1. 2nd Budget Workshop or Fiscal Year 2023-2023 Part Two (Brower)

Budget Workshop PP Presentation
Heber City Budget FY24 DRAFT 5.11.23

Council discussion continued surrounding increasing the property tax rate, additional staffing needs, and the annual pay increases for existing employees. Council decided on a 5.5% COLA (cost of living adjustment) and up to a 3% merit increase for employees and to increase property taxes 8% for an average of less than \$35 per household annually in order to cover the cost of an additional employee for the Parks and Cemetery Department. Mr. Brower advised Council that Staff would provide an updated Tentative Fiscal Year 2023-2024 Budget document for the Public Hearing scheduled for June 6, 2023. The Budget adoption would be postponed as the City navigated the Truth in Taxation process to increase property taxes.

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 6:04 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Council Member Kahler)

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

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

Council Member Stack shared the following quotes on leadership:

“Before you are a leader, success is all about growing yourself. When you become a leader, success is all about growing others.”

~ Jack Welch, former long-time CEO of General Electric

“A leader is best when people barely know he exists. When his work is done, his aim fulfilled, people will say: we did it ourselves.”

~ Lao Tzu

V. CONFLICT OF INTEREST DISCLOSURE:

No conflicts were disclosed.

VI. CONSENT AGENDA:

1. Approval of May 2, 2023, City Council Meeting Minutes and May 9, 2023, Special Closed Executive Session Meeting Minutes (Cooke)

5.2.2023 DRAFT City Council Meeting Minutes

5.9.2023 DRAFT Special City Council Meeting Minutes

2. Approval of Mayor's Nomination to the Tree Sub-committee of Wesley Crump (Franco)

CA 2 Wesley Crump Bio

Motion: Council Member Barney made the motion to approve the Consent Agenda as-is. **Second:** Council Member Phillips made the second. **Voting Yes:** Council Members Barney, Johnston, Phillips, and Stack. **Voting No:** none. Council Member Kahler abstained from voting as she had not been present at the May 9 Special Meeting to approve the minutes. The **Motion Passed 4-0.**

VII. PUBLIC COMMENTS:

No one from the public came forward to comment

VIII. GENERAL BUSINESS ITEMS:

1. Swearing-in of three new Heber City Police Officers (Cooke) - 5 min

Chief of Police Dave Booth introduced the four new officers to be sworn in: Alex Maldonado, Logan Bandoli, Daniel Villescaz, and Preston Wood. City Recorder Trina Cooke led the new officers in the recitation of the oath of office.

2. Presentation by Roger Brooks regarding Downtown Transformation (Brower) - 30 min

Roger Brooks, Planner with Destination Development Association, shared his firm's expertise and experience. He had spent the past few days touring downtown Heber City and surrounding tourist attractions with City Officials and Chamber of Commerce representatives. He provided visionary design suggestions including closing the stretch of 200 South between Main Street and 100 West on the north side of Main Street Park and building a plaza; building another band-stand in the park; and possibly a rubber-wheeled trolley to run between downtown and the train station. He further detailed ideas the City could implement to create a destination downtown. Mr. Brooks indicated he would return in July to provide design renderings.

3. Presentation and Donation of New State Flag (Erik Nystul) - 5 min

Heber City resident Erik Nystul introduced himself stating he had grown up in the City and had a passion for flags. Mr. Nystul had worked on the selection committee for the newly adopted Utah State flag and he had brought a few of the new flags to present to the Heber City Council. He further described the symbolism found within the image on the flag. The Council thanked Mr. Nystul and expressed support for the new design and gratitude for the gift of the flags.

4. Discuss potential development agreement and zone change for redevelopment of property located at 22 South 100 West (Vance, Kohler) - 20 min

Staff Report Vance downtown building

Senior City Planner Jamie Baron detailed the requested zone change from residential to commercial. Clayton Vance, the applicant, wished to redevelop a mixed-use building with retail and commercial space on the bottom and eight residential units above. Mr. Baron noted the proposed concept was in line with the City's Envision Central Heber plan that had not yet been adopted. Council consensus strongly supported the proposed redevelopment. Mr. Baron indicated Staff would proceed with the appropriate process to allow Mr. Vance's project to move forward.

5. Update Regarding preparations for the June Unity Month events (Brower) - 5 min

Unity PP

Mr. Brower provided an outline of the activities proposed for the June Unity Month as included in the attached PowerPoint. Council provided additional suggestions for community service and proposed the celebration be combined with the Thursday Heber Market on Main rather than an independent celebration event on a Saturday.

6. Central Heber Water and Sewer Line Project Update (Funk) - 5 min

City Engineer Russ Funk navigated the City's construction webpage that was dedicated to keeping the public informed of ongoing downtown sewer and water line replacement projects: [CENTRALHEBERWATER & SEWER REPLACEMENT \(heberproject.com\)](http://CENTRALHEBERWATER&SEWERREPLACEMENT.heberproject.com).

Public Works Director Matthew Kennard provided an update of the ongoing attention to potential flood zones in Heber City.

IX. ACTION ITEMS:

1. Consider final approval of Water Feature at 75 N. Main (City Hall) (Blake Walton) – 15 min

Item 1 Water Feature PP

Project Manager Blake Walton presented the background of the proposed water feature as provided in the attached PowerPoint. He shared the design rendering, suggested location, and funding options. The Chamber of Commerce, the Community Alliance for Main Street, and Heber City were collaborating in order to see the project through. Mr. Walton asked if the Council would support a City contribution in order to proceed with the installation of the water feature. Council provided additional design suggestions. City Manager Matt Brower proposed the project be the first to utilize the revenue the City expected to receive from the County's TAP (trails, arts, and parks) tax dollars. Council Member Johnston asked the location be moved further from the building. Discussion continued.

Motion: Council Member Phillips moved to approve funding the project as long as it was engineered correctly through a thorough design process; to commit a maximum \$150,000 of TAP funds to the project; and return to Council for final approval. **Second:** Council Member Stack seconded the motion. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

2. Consider Approval of Parks, Open, Space, Trails, and Trees recommendation for Central Heber Trail alignment (House) - 30 min

Item 2 PP 

Scott House, Chair of the Parks, Open Space, Trails, and Trees (POSTT) Committee, Co-Chair Ashley Farrell, and County Trail Planner Don Taylor were all present to discuss the proposed trail alignment. Mr. House reviewed the goals and priorities established in the City's master plan Envision Heber 2050 and shared the committee's recommended trail alignment for central Heber. The recommendation proposed allowed the trail installation to coincide with the ongoing water and sewer line replacement project in the City. Mr. House shared the due diligence of the committee, including survey results of property owners that would be affected by the trail installation, and the benefits of the trail to the community. Discussion with Council followed.

Motion: Council Member Johnston proposed the trail run along 300 South from Main Street to 500 East, across 500 East, turning north, to 200 South, installing six blocks of a six-foot concrete trail thus far, and to discuss the trail continuation at a later date. **Second:** Council Member Stack made the second.

Discussion: Council Member Barney pointed out that the motion caused additional outreach to be needed in order to communicate with affected residents and would delay the trails project causing it to miss the window to align with the City's ongoing infrastructure replacement project. She suggested an alternate phase one in order to allow the two projects to align. Discussion continued.

Question called: Council Member Phillips called the question for the motion.

Motion withdrawn: Council Member Johnston withdrew his motion in order to reformulate it and to allow the discussion to be opened for public comment.

Mayor Franco opened the discussion for public comment.

Mia Yu, member of the POSTT committee, asked if the reason for the proposed trail realignment on 300 South was for cyclists.

Don Taylor wished to provide an update from a meeting held earlier that day with UDOT (Utah Department of Transportation). UDOT had suggested the County, including Heber City, get the “Rail to Trail” portion of the trail shovel-ready in order to be considered for grant money earmarked by the State Legislature. He hoped the City Council would consider moving forward with completion of a trail from downtown Heber City to the train station.

Christen Thompson, member of the POSTT committee, felt it would be fiscally responsible of the City to align the trail segment with the construction project.

Motion: Council Member Johnston moved to move forward with the proposed trail section on 300 South connecting Main Street to 500 East, as a six-foot concrete trail, and turning north to 200 South, giving the City six blocks of concrete trail. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Stack, and Phillips. **Voting No:** Council Member Barney. The **Motion Passed 4-1.**

3. Consider Approval of a Professional Services Agreement with Sunrise Engineering for Design & Consulting Services for the Central Heber Trail in the amount of \$77,600 (Funk) – 5 min

Item 3 Staff Report Sunrise Engineering Agreement Center Heber Trail

City Engineer Russ Funk explained the proposed agreement was based on the previously recommended trail alignment as proposed by the POSTT committee. He asked if the Council was comfortable moving forward with the agreement with the new trail alignment being redesigned and speaking to the now-affected residents as the project proceeded. Mr. Funk stated the original bid from Main Street to 500 East was for \$55,600. He felt an additional \$5,000 to \$10,000 would cover the cost of public involvement expenses. Council Member Johnston felt the trail was a wide sidewalk and would not necessarily negatively impact the affected residents. He was unsure public involvement would be needed.

Motion: Council Member Johnston moved to approve a professional services agreement with Sunrise Engineering for design and consulting for the approved portion of the central Heber trail in an amount not to exceed \$60,000. **Second:** Council Member Kahler made the Second.

Discussion on the Motion: Council Member Barney was concerned about the impact on existing trees in the parkway along the realigned route as well as the frustration of affected residents.

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

4. Discuss proposed Master Development Agreement (MDA) for College Downs Annexation (Kohler) – 25 min

Item 4 Staff Report College Downs

Senior City Planner Jamie Baron reminded Council of previous direction they had provided to the applicants. College Downs representative Logan Johnson, with Wright Development Group, had returned with counter-proposals from the applicants in an effort to negotiate some of the terms in the master development agreement (MDA) with the City. Council Member Stack stated he had no interest in negotiating higher density, or overturning the prohibition of nightly rentals or stacked flats. Mr. Johnson shared discussion with the County Council resulting in the County confirming they would allow previously approved higher density. The applicant preferred to work with the City however, needed more density than the 102 eru's (equivalent residential units) proposed by the City.

Council Member Johnston felt the City should be willing to negotiate and suggested more commercial properties in the proposed development. Council Member Phillips agreed with Council Member Johnston and recalled the area was intended to support housing for the college. Council Member Stack felt the area should be annexed into the City and wished to work with the developer. Council Members Kahler and Barney were unwilling to negotiate on the density. Discussion continued.

Mr. Johnson agreed to relay the Council feedback to the applicants and to work with City Staff in an effort to compose an MDA that would be agreeable to both groups.

5. Consider Approval of Park Space Limited Use Agreement for Community Garden at Muirfield Park with Heber Valley Self Reliance Group (Cook) – 10 min

Item 5 Staff Report Muirfield Park Land Use Agreement

Motion: Council Member Kahler moved to approve the presentation and accept the agreement. **Second:** Council Member Phillips made the second.

Discussion on Motion: City Attorney Jeremy Cook wished to clarify that he had yet to discuss section 6 regarding liability waivers with the Heber Valley Self Reliance Group. Discussion continued regarding whether liability waivers were needed. Mayor Franco wished to eliminate clause J regarding attorney's fees.

Call the question: Council Member Phillips called the question.

Mayor Franco referred to the City's Rules of Order which allowed her to ask questions. She asked if a clause should be included regarding the water usage and if the group should be required to pay for water seasonally.

Call the question: Council Member Stack and Phillips called the question.

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

6. Consider Main Street Park Layout/Program Brower) - 15 min

Motion: Council Member Barney moved to extend the meeting to 10:15 p.m. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Barney, Johnston, and Kahler. **Voting No:** Council Members Phillips and Stack. The Motion Passed 3-2.

City Manager Matt Brower expressed a need for consensus from Council to proceed with the proposed park updates. He suggested locating a new bandstand on the north end of Main Street Park. Council consensus agreed and supported closing 200 South for a plaza.

Motion: Council Member Kahler made a motion to move forward with a design plan for the bandstand on the north end of Main Street Park. **Second:** 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.

X. COMMUNICATION:

Mr. Brower reminded Council of the community clean up the coming Saturday at 9:00 a.m.

Council Member Kahler informed Council there was an invitation in their email from Encircle House for May 23, 2023, at 5:00 p.m. and encouraged those who were able to attend.

Council Member Johnston added that the groundbreaking for the new high school was the same day at 3:00 p.m.

Council Member Kahler mentioned the Smith's groundbreaking was the coming Thursday, May 18, 2023, at 10:00 a.m. as well as the Heber City Leadership Academy Graduation at noon at UVU (Utah Valley University).

XI. ADJOURNMENT

Motion: Council Member Phillips made the motion to adjourn. **Second:** Council Member Stack made the second. The meeting adjourned at 10:09 p.m.



Trina Cooke
Trina Cooke, City Recorder