HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
August 1, 2023

Approved Minutes

4:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. WORK MEETING - 4:00 P.M.

Mayor Franco called the Meeting to order at 4:12 p.m.

City Council Present:	Mayor Heidi Franco Council Member Yvonne Barney Council Member Mike Johnston Council Member Scott Phillips Council Member Ryan Stack
City Council Absent:	Council Member Rachel Kahler
Staff Present:	City Manager Matt Brower Community Development Director Tony Kohler Planning Manager Jamie Baron Finance Manager Sara Nagel City Engineer Russ Funk City Attorney Jeremy Cook IT Specialist Anthon Beales Officer Branden Russell City Recorder Trina Cooke

Staff Participating Remotely: IT Specialist Anthon Beales, Human Resource Manager Cherie Ashe, Engineering Technician Desiree Muheim, Planning Manager Jamie Baron, Accounts Payable Technician Wendy Anderson, and City Engineering Director Russ Funk.

Also Present: Sid Ostergaard, Ryan Bunnell, John Hejnay, Wyatt Karnes, Jessica Potter, Ethan Justinger, Di Ann Duke Turner, Bill Wark, Joshua Jewkes, Tori Broughton, Renee Waaj, Rob Winder, Tristan Preece, and others who did not sign in or whose signatures were illegible.

Also Attending Remotely: (names listed are shown as signed in) Dan Gasser, John Janson, Allison Salisbury, Brock Marchant, Kristen Bunnell, KPCW, Lisa, Matt, Megan Ryan, Richard Getz, Rob Winder, Shawn, Shorty, and T.

1. Financial Audit Service Interviews (Prospective Accounting Firms) - *90 min*

The City had issued a request for proposals (RFP) for financial auditing services and received four responses. The City's Audit Committee reviewed the proposals received and had forwarded the top three candidates for Council review. Finance Manager Sara Nagel explained Council's responsibility to select an auditing firm to perform the City's annual financial audit. The three firms met with the Council individually to provide their background and experience and answer Council's questions. Ron Stewart and Ben Probst represented Gilbert and Stewart CPA's; Jon Haderlie represented Larson and Company; and Jeff Miles and Shawn Martin represented HBME.

Audit Committee Chair Scott Holbrook hoped the Council would select a forward-looking firm that would best serve the rapidly growing City of Heber. The Audit Committee felt all three firms would do a good job.

Council proceeded to deliberate on the qualifications of the candidates and discussed their preferred choices.

2. Main Street Park Bandshell Concept (Jamie Baron, Planning Manager) - *15 min*

City Planning Manager Jamie Baron provided a presentation and reviewed the bigger picture within the Envision Central Heber portion of the City's master plan. He outlined the criteria used to implement the design for the bandshell with consideration of function, form, and design. Mr. Baron provided images of proposed designs. Sid Ostegaard had prepared design renderings and provided additional details. Council provided feedback, offered suggestions, and shared their preferences. Staff agreed to return with additional design proposals implementing Council's feedback.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Franco called the meeting to order at 6:14 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Yvonne Barney, Council Member)

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

3. Prayer/Thought by Invitation (Rachel Kahler, Council Member)

Heber City resident Josh Jewkes shared his appreciation for the recitation of the Pledge of Allegiance at the beginning of each City Council Meeting and expressed gratitude for the service of the Council and Mayor. Mr. Jewkes then shared a prayer.

IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts disclosed by Council.

V. CONSENT AGENDA:

City Manager Matt Brower requested that Council remove item two from the Consent Agenda in order to allow Staff to make additional changes.

Motion: Council Member Stack moved to remove agenda item two from the Consent Agenda. **Second:** Council Member Phillips made the second. **Voting Yes:** Council Members Johnston, Barney, Stack, and Phillips. **Voting No:** None. Council Member Kahler was excused. The **Motion Passed 4-0.**

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

1. Ordinance 2023-19 Trails Code Amendment (Tony Kohler, Community Development Director)

2. Ordinance 2023-23 amending the LRemington MDA located at 160 W 500 N (Jamie Baron, Planning Manager)

Heber City Attorney Jeremy Cook wished to have a discussion with Council regarding the affordable housing and deed restriction language in the proposed amendment to the agreement. He asked for Council direction on whether they wished the affordable housing units dedication be set at 60% or 80% area median income (AMI). Josh Jewkes, representing the developer for the project, Bill Wark, proposed one of the units set at 60% AMI and two at 80% AMI. Planning Manager Jamie Baron provided numbers for the local AMI.

Motion: Council Member Phillips moved to approve the MDA with the changes recommended by Jeremy Cook setting one unit at 60% AMI and two units at 80% AMI. **Second:** Council Member Stack made the second.

Council Member Phillips clarified that he felt the AMI dedication was appropriate for the size of the development.

Council Member Barney explained that she no longer supported the proposed project based on the number of units and the narrowness of the lot. She felt it would be appropriate to establish two units at 60% AMI and two at 80% AMI. She questioned the accessibility for fire and sanitation trucks in the project.

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

Council Member Barney wished to negotiate for an additional affordable housing unit. Council Member Johnston corrected that the "A" in "AMI" stood for"area".

Amended Motion: Council Member Phillips wished to amend his motion to include strict deed restrictions in perpetuity for the affordable housing units. The Second stood. **Voting Yes:** Council Members Johnston, Stack, and Phillips. **Voting No:** Council Member Barney. Council Member Kahler was absent. The **Motion Passed 3-1.**

3. Consent to Pursue Development Agreement for Wasatch County Events Center (Tony Kohler, Community Development Director)

4. Appointment of D. Scott Crook as Employee Appeals Board / Employee Hearing Officer (Heidi Franco, Mayor)

VI. PUBLIC COMMENTS:

Wyatt Karnes stated that he and his wife were both teachers locally and had been approved to purchase a home in an affordable housing development with Mountainlands Community Housing Trust that was scheduled for completion in 2020. He listed the developer's failure to communicate, refusals to correct mistakes, and hostility shown when asked for more information. He further detailed the construction process that was three years behind schedule as well as the mistreatment that he felt he and other homeowners continued to receive. He was asking that Council not approve further building permits for Mountainlands or Parkview Place until the obligations to existing homeowners were fulfilled. He further asked, if the previous request was not possible, that the Council reconsider its decision to not allow Parkview Place to sell remaining homes at market value until the conditions were met with the existing homeowners. Full comments can be found in an email attached at the end of these meeting minutes.City Manager Matt Brower proposed to arrange a meeting between himself, Mr. Karnes, and the Director of Mountainlands Community Housing Trust in order to resolve the issues and concerns presented by Mr. Karnes.

Ethan Justinger, resident in the Parkview Place development, read his statement regarding his dissatisfaction and concerns with the same developer.

Jessica Potter also lived in the Parkview Place subdivision and read a list of incomplete and poorly executed construction examples of her home. She shared her difficult experience and described the project as a disaster.

Di Ann Duke Turner passed out pictures (attached) to show the weeds and neglect in the community that she felt the City needed to tend to. She had collected a mat that had been blocking a storm grate and delivered it to Council. She had intercepted the street sweeper to ask if they were sweeping the streets on a regular schedule. Mrs. Turner proceeded to offer suggestions to clean up the City. As her compliment to Council, she commended the quilt that hung in the Council Chambers.

VII. GENERAL BUSINESS ITEMS:

1. Heber City Historic Preservation Committee (Michael Moulton, Historical Chair) - *10 min*

General Business agenda item one was bypassed as Mr. Moulton was not present.

2. City Branding Initiative Update (Ryan Bunnell) - *20 min*

Ryan Bunnell, representing Ignition Creative Group, presented updated images for the City branding project based upon previous feedback from Council. Council Member Phillips felt the proposed logo was taking the City backward rather than forward. Council Member Stack did not support the proposed re-brand and logo and expressed his preference for the existing logo. Council Member Barney indicated she did like the proposed logo and recalled the representative from Main Street USA recommending the community adopt an identity. Council discussion continued, resulting in a proposal to issue a public survey for community feedback.

3. Muirfield and Coyote Springs Park Plans (Jamie Baron, Planning Manager)

Planning Manager Jamie Baron presented park design renderings as included in the attached meeting materials and asked for Council feedback. He shared the recommendations forwarded from the Parks, Open Space, Trails, and Trees (POSTT) committee. Mr. Brower shared that there were potential grants available that the City planned to apply for and Staff needed Council feedback to move forward. Council provided suggestions and feedback in order for staff to move forward and Mr. Brower agreed to integrate the feedback into the park plans and return to Council for approval.

4. Monthly Current Development Report (Planning Department, Jamie Baron, Planning Manager) - *10 min*

City Planning Manager Jamie Baron provided a report of new applications received by the City for June and July as shown in the attached presentation. Council Member Johnston asked that the promised parks within the Fitzgerald neighborhood developments not be forgotten.

Mr. Baron recalled the agreement specifically included neighborhood parks. He stated Staff would ensure the parks were included in final plans.

VIII. ACTION ITEMS:

Mayor Franco returned the meeting discussion to Consent Agenda item two regarding the LRemington master development plan (MDA) amendment.

1. Ordinance 2023-29; Creation of an Advisory Arts Committee (Matt Brower, City Manager) - *15 min*

City Manager Matt Brower explained the purpose of establishing an Arts Advisory Committee to assist the City and Staff with the distribution of the City's annual portion of TAP (Trails, Arts, and Parks) tax revenue and potential grant monies. He reviewed the desired qualifications for committee members and expected terms. Mr. Brower identified several potential projects. Council Member Johnston clarified that the Council was to vote to approve the ordinance only.

Mayor Franco opened the discussion for public comment.

Mr. Karnes, local high school teacher, proposed requiring the committee to work with students to include and support student projects.

Motion: Council Member Phillips moved to approve the most recently distributed and updated Ordinance 2023-29 with the findings and conditions as presented in the conclusion. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Johnston, Barney, Stack, and Phillips. **Voting No:** None. Council Member Kahler was excused. The **Motion Passed 4-0.**

2. Ordinance 2023-30 Sensitive Lands Amendment (Tony Kohler, Community Development Director) - *30 min*

City Planning Consultant John Janson reviewed the clarification changes made to the proposed Sensitive Lands Ordinance as highlighted in the attached meeting materials.

Council Member Stack asked to strike the word "unbuildable" from section I. Mayor Franco asked to retain the last sentence in section K that read "Identified animal migration corridors may be replaced with a landscaped trail corridor(s). Council Member Stack felt the unbuildable slopes should not be allowed to be counted towards developers open space requirement. Council Member Johnston clarified that roads could be built across a slope of 30% at a 10% grade. Council discussion continued for clarification of the Ordinance language and defining open space.

Council Member Johnston referred to section F.4. and felt parking lots should not be included on the list of pollutants and the word "average" should be removed from the setback distance.

Motion: Council Member Phillips moved to adopt Ordinance 2023-30 with the following changes: removing the words "parking lots" from F.4. and making the setback 20 feet, to remove the word "unbuildable" from section I., and otherwise approving as presented.

Community Development Director Tony Kohler asked for clarification regarding the highlighted sections of the proposed ordinance. Council Member Phillips did not want any of the additionally proposed changes.

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

Council asked to proceed to agenda items four, five, and six before addressing agenda item three. Mayor Franco moved the meeting forward to agenda item four.

3. Ordinance 2023-20 Affordable Housing Amendment (Tony Kohler, Community Development Director) - *20 min*

4. Authorize staff to negotiate and enter into an agreement with Centricity for Cityworks AMS and PLL Implementation Services in an amount not to exceed $218,000. (Russ Funk, Engineering Director) - *10 min*

City Engineer Russ Funk explained the purpose of the agenda item was to negotiate and enter into an agreement with Centricity to provide Cityworks Implementation Services for both the PLL (Permitting, Licensing, Land) and AMS (Asset Management) solutions. He described the functions and benefits of the software and noted the workflow streamlining increase that would be accomplished with the new implementation. There would need to be a budget amendment if approved.

Motion: Council Member Phillips moved to approve the item as presented with the findings and conditions as listed in the conclusion in the Staff Report. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Johnston, Barney, Stack, and Phillips. **Voting No:** None. Council Member Kahler was excused. The **Motion Passed 4-0.**

5. MOU between Wasatch County, Heber City, and the Church of Jesus Christ of Latter Day Saints regarding land use authority, required improvements, and maintenance responsibility relating to the Heber Valley Temple Project (Russ Funk, Engineering Director) - *10 Min*

City Engineer Russ Funk explained the LDS (Latter-Day Saints) Temple site was located in the County along Center Street, which beloned to Heber City. The MOU (Memorandum of Understanding) was necessary to clarify the responsibilities of each entity involved; the City, County, and Church. Mr. Funk provided examples of said responsibilities. One concern was the large number of construction trips on a Heber City-owned road for which the City would not be able to collect impact fees during the construction of the Temple. The LDS Church had agreed to install a roundabout at the west entrance to the Temple on Center Street in order to help address traffic concerns. He clarified the traffic should not be as large a concern for the residents as the trips would be spaced throughout the day rather than all at once, such as school drop-off and pick-up. Mr. Funk felt the cost of a roundabout should offset somewhat the lack of impact fees collected by the City. He added that the street lights installed by the church along the temple site would meet the Heber City dark-sky standards and the temple property lights would comply with the County dark-sky standards.

Council Member Stack could support approval of the MOU if the church agreed to comply with the City's dark-sky requirements. Council proceeded to discuss the MOU, share concerns with the added traffic in a residential area and dark sky compliance, as well as the possibility of collecting impact fees from the church.

Motion: Council Member Stack moved to extend the meeting for an additional 20 minutes. **Second:** Council Member Phillips made the second. **Voting Yes:** Council Members Johnston, Barney, Stack, and Phillips. **Voting No:** None. Council Member Kahler was excused. The **Motion Passed 4-0.**

Mr. Funk clarified that the MOU had yet to be approved by the County.

Church representative Tristan Preece felt the Council would be less concerned if they were to read the dark-sky restrictions established by the County. He felt the Wasatch County temple would be the most dimly lit temple in the world due to the County restrictions.

Mayor Franco opened the discussion for public comment.

Heber City resident John Hejnay shared that he lived directly by the proposed temple. He felt there was not enough information for decisions to be made by the Council. He did not believe there had been a traffic study done. City Engineer Russ Funk provided a copy of the traffic study. He had reviewed the due diligence report the church had provided and noted the service level of the road would be failing. He noted that over 5,000 people had attended the Bountiful Temple open-house.

Motion: Council Member Barney moved to continue the item, in order to have further discussion with the County, to no later than the last meeting in September. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Johnston, Barney, Stack, and Phillips. **Voting No:** None. Council Member Kahler was excused. The **Motion Passed 4-0.**

6. Contract for City's Professional Accounting Services (Sara Nagel, Finance Manager) - *10 min*

Finance Director Sara Nagel shared that Mr. Larson had agreed to Council's request to keep all work for Heber City done locally in Utah.

Motion: Council Member Stack moved to award the contract for the City's professional accounting services to Larson and Company subject to their additional agreement that their in-house Utah staff only would work on the City's contract for auditing services. **Second:** Council Member Barney made the second. **Voting Yes:** Council Members Johnston, Barney, Stack, and Phillips. **Voting No:** None. Council Member Kahler was excused. **The Motion Passed 4-0.**

IX. COMMUNICATION:

City Manager Matt Brower communicated the following:

1. The Wasatch County Fair Days Demolition Derby, which had taken place the previous weekend with contestants from the City and County competing against one another, had been a great success. The County had won but the City had gotten some great hits.

2. The August 15, 2023, City Council Meeting must end before 7:00 p.m. in order to hold the Truth in Taxation Public Hearing and Meeting scheduled to begin at 7:00 p.m.

3. The City had received one bid for the City Hall bell tower renovation and he asked for Council direction whether to move forward or put it out for a rebid. Council consensus was to proceed with the necessary repairs.

4. Mr. Brower pointed out the new chairs in the Council Chambers for the public.

5. Roger Brooks would be in town as the keynote speaker for a CAMS (Community Alliance for Main Street) lunch on August 16, 2023, that the Council was invited to attend.

6. Mr. Brower would be out of the office the following week in order to spend time with visiting family.

Mayor Franco shared that on August 22, 2023, at the Heber Valley Elementary, there would be a Meet and Greet for the final two candidates for the Heber City Chief of Police position.

X. ADJOURNMENT:

Motion: Council Member Stack moved to adjourn. **Second:** Council Member Phillips made the second. The meeting adjourned at 10:24 p.m.

Trina W Cooke

Trina Cooke, City Recorder

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