HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
AMENDED AGENDA
September 16, 2025

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 4:03 p.m. and welcomed all present. Council Member Yvonne Barney was excused.

City Council Present:	Mayor Heidi Franco Council Member Aaron Cheatwood Council Member Mike Johnston Council Member Sid Ostergaard Council Member Scott Phillips - remotely
City Council Absent:	Council Member Yvonne Barney
Staff Present:	City Manager Matt Brower Assistant City Manager Mark Smedley Community Development Director Tony Kohler Planning Manager Jamie Baron City Engineer Russ Funk City Attorney Jeremy Cook City Recorder Trina Cooke Deputy City Recorder Robin Bond

Staff Participating Remotely: Assistant City Manager Mark Smedley, Finance Manager Sara Jane Nagel, Public Works Director Matthew Kennard, Human Resource Manager Cherie Ashe, Planner Jacob Roberts, Planning Manager Jamie Baron, Engineer Kyle Turnbow, Planning Administrative Assistant Meshelle Kijanen, Accounting Tech Wendy Anderson.

Also Present: Riley Wright, Jason Norlen, Jason Glidden, Gaylen Latimer, Ken McConnell, Andrea Clayton, Naomi Kisen, Craig Hancock, Alicia Fairbourne, Ken McConnell, Michael Bradshaw, Mike Dixon, Theresa Wardell, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed-in online) Cody W, Lucinda Thomas, Shorty5, A, B, Catherine, D, Jen, Matt, S, and SRH.

1. 100 West Design Field Trip (Matt Brower, City Manager) - *60 min*

Mayor Franco advised that the Council and Staff would be taking a field trip for the first agenda item to walk along 100 West between 100 South and 300 South to discuss parking and road design options. She invited all interested to join them. The meeting recording would be paused and resume in approximately one hour.

2. HL&P Utility Box Discussion (Jason Norlen) - *20 min*

Council Member Cheatwood explained that during the preceding field trip, Council had expressed concern with the size of the large switch boxes installed by Heber Light and Power (HL&P). Jason Norlen and Riley Wright, representing Heber Light and Power, were present to answer questions for the Council and participate in the discussion. Mr. Norlen explained the necessity for the size of the switch boxes. The boxes needed to be large enough to handle the rate of growth in the City and County. Council Member Cheatwood clarified that the boxes powered both above-ground and below-ground power-lines. Council discussed options for the locations of the switch boxes, the preference for all future development to install power lines below ground, the cost to bury existing above-ground power-lines, and the possibility of raising the height of existing power poles to protect existing street-lining trees.

3. Mill Road & 980 S Intersection Improvement Options (Russ Funk, City Engineer) - *20 min*

City Engineer Russ Funk presented images of six possible options for traffic safety improvements at the school crossing on Mill Road and 980 South. The options included curb bulb-outs, overhead flashing lights, having a crosswalk on one side of the intersection instead of both, reduce speed zone flashing lights, flashing lights on a crosswalk sign identifying the cross-walk, and continued crossing-guard training. Mr. Funk clarified the requirement to provide a safe school route for students did not ensure the students would use that route. He noted there were significant grant opportunities the City could apply for. He felt the greatest safety impact would come from the sidewalk bulb-outs with overhead flashing lights. Council further discussed their preferences for safety improvements and a timeline for installation.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Franco called the meeting to order at 6:11 p.m. and welcomed everyone present.

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

Mayor Franco led the Pledge of Allegiance in Council Member Barney's absence.

3. Prayer/Thought by Invitation (Sid Ostergaard, Council Member)

Council Member Ostergaard shared his hope that the recent tragedy at UVU (Utah Valley University) would bring the community closer together. He invited citizens to do their homework on the candidates running for office in the upcoming Municipal Election.

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Recognition of Trina Cooke, City Recorder, for Achievement of Master Municipal Clerk Designation

City Recorder Trina Cooke received her Master Municipal Clerk Designation and was honored by Mayor Franco, the City Council Members, City Manager Matt Brower, and the Utah Municipal Clerk's Association (UMCA) Secretary Alicia Fairbourne and Education Director Lucinda Thomas. Ms. Fairbourne described the many requirements and dedication of time necessary to achieve the esteemed designation.

2. Mayor's Award Presented to Arborist Parker Sweat, Building Official Curt Davis, and Planning Manager Jamie Baron

Mayor Franco recognized Parker Sweat for the installation of the vegetation at the sheepherder roundabout. She recognized Jamie Baron and Curt Davis for the completion of the Band Shell at the Heber City Park. She read the nominations of each, as included in the meeting materials, and presented each with a Heber City Challenge Coin.

V. CONFLICT OF INTEREST DISCLOSURE:

Mayor Franco stated that she had received a conflict of interest disclaimer from Council Member Mike Johnston indicating that he would recuse himself from the discussion and vote on the Bush Annexation and the Food-Truck Court agenda items. Council Member Johnston indicated the Food-Truck Court agenda item would be postponed to a later date.

VI. PUBLIC HEARINGS: (Council May Take Action Following Public Comment and Upon Conclusion of the Public Hearing)

1. Ordinance 2025-25 Bush Annexation, located at approximately 3450 N Hwy 40 (Jamie Baron, Planning Manager)

Planning Director Jamie Baron presented images of the proposed annexation located on the north end of town, south of Moulton Lane.
Mr. Baron explained the annexation process had been through the Planning Commission, who had forwarded a positive recommendation, as the petitioner met City and State annexation requirements. He provided the findings and conditions of the Planning Commission, as outlined in the attached Staff Report.

Staff recommendation was to proceed with the Public Hearing and staff would work with the annexation petitioner on a development agreement to be returned to a future City Council Meeting for further discussion and Council direction. Mr. Baron outlined additional details as provided in the Staff Report.

Gary Bush, petitioner, stated that his goal was to build a storage barn in order to store construction materials he had on site. He was seeking a development agreement in order to annex into the City boundary. The County would not permit him to build a storage barn until he built a primary residence. He would not be able to develop on the site until a private road was improved. He added that Wasatch County preferred him to annex into the City.

Mayor Franco asked Mr. Bush to explain the nuisance issues with the County. He explained that he specialized in historic restoration. He said there was a Wasatch County Planner who had led him to believe it was okay to store his materials on the property. The Planner was no longer with the County and Mr. Bush then discovered he was not in compliance. He felt the best route to becoming compliant would be to annex into Heber City. He wished to build the barn to store the materials that were currently piled on the ground at the property. He shared photos of his property, the outbuildings, and the materials piled thereon. Mr. Baron explained that Mr. Bush wished to be annexed and build the storage barn, but also wanted to be granted a zone that would allow him to develop in the future. Mr. Johnston, representing Mr. Bush, reiterated that Mr. Bush was unable to develop the land until there was utility and road access. They were not seeking approval of the site plan but solely the annexation. City Attorney Jeremy Cook added that the City would be able to require nuisance violations to be cleared in the development agreement, which would be contractually binding and more enforceable than code violations with the County.

Mayor Franco opened the Public Hearing for public comment at 7:10 p.m.

Mike Dixon said he had been neighbors with Mr. Bush for 20 years. Mr. Dixon pointed to all the out-buildings on Mr. Bush's property that had been built without a permit. Mr. Dixon had built a fence in attempt to hide Mr. Bush's property. He claimed that Mr. Bush had been red-flagged by the County multiple times for violations and currently had a court case pending with the County for code violations and the illegal buildings. Mr. Dixon said the road could not be widened because there was a drainage field there. He felt it was disingenuous to imply that UDOT would tear down family homes for a road that was not yet in draft form. He felt that Mr. Bush had no intention of dedicating affordable housing to the City. He claimed the piles of wood on the property were all junk and had been there for 20 years.

Mayor Franco asked to reexamine the photos for clarification.

Theresa Wardell stated that she lived two houses away from Mr. Bush. She said the road was kept plowed by her and Mr. Dixon and it could not be widened without taking out their homes.

Mr. Dixon returned to say that Mr. Bush did not follow rules or codes and asked what would prevent him from continuing to remain in violation if annexed into the City. He expressed concern with the conflict of a City Council Member acting as Mr. Bush's engineer.

The Mayor closed the Public Hearing at 7:21 p.m.

Planning Manager Jamie Baron asked for Council direction. Mayor Franco felt it was important to learn what the County's nuisance reports contained. Council Member Cheatwood wished to see lower density agreed to in the development agreement. Council suggested the property owner work towards becoming compliant with the County's current zoning requirements and cleaning up the property. UDOT's decision to put a road through the area could also impact the property. Council Member Ostergaard proposed establishing a timeline for the property to be cleaned. Mayor Franco asked staff to discover whether any of the existing structures on the property existed before the current County zone was established and were considered grandfathered in and therefore allowed.

VII. CONSENT AGENDA:

Motion: Council Member Phillips moved to approve the Consent Agenda, minus item number three.
Second: Council Member Cheatwood made the second.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, and Johnston.
Voting No: None.
Council Member Barney was absent.
The **Motion Passed 4-0.**

Motion: Council Member Cheatwood made a motion to take a three-minute break.
Second: Council Member Ostergaard made the second.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, and Johnston.
Voting No: None.
Council Member Barney was absent.
The **Motion Passed 4-0.**

1. August 26, 2025, Special Meeting Primary Election Canvass Minutes (Trina Cooke, City Recorder)

2. Resolution 2025-14 Shift Differential for Hourly Administrative Staff (Cherie Ashe, Human Resources Manager)

3. Resolution 2025-15 Pay for Public Safety Personnel Designated to Work on-call (Cherie Ashe, Human Resources Manager)

Removed from Consent Agenda.

4. Ordinance 2025-24 Updating Utility Applications to Remove Rental Accounts (Mindy Kohler, Treasurer)

VIII. PUBLIC COMMENTS: (3 min per person/20 min max)

Mayor Franco opened the Public Comment period and invited members of the public who wished to speak to come forward with a time limit of three minutes each.

Russ Watts said he had spent the past three years collaborating with Mountainlands Affordable Housing on a project entitled Celebration Workforce Housing. He was there to let the Council know he was still interested in working with Heber City as well. Community Development Director Tony Kohler clarified the challenges the project was facing and the need for financial partnership. The Celebration Workforce Housing project had an agreement in place with the school district to share school parking space for housing for teachers. Council supported the project and asked for Mr. Watts to be added to a future agenda to further discuss details.

Brent Merrill stated that the dog park was a muddy mess. He had spoken with the Animal Control Supervisor about fixing it up. The small dog side of the dog park was grassy, therefore, all dogs of different sizes used the small dog side. He said Animal Control was giving out citations to the large dogs who were hanging out at the not muddy side of the park. Mr. Merrill said the Animal Control Officer was determined to prevent dogs over 35 pounds from going in the small dog side of the park, and was giving everyone in violation tickets. He said the City Ordinance did not specifically outline that larger dogs were prohibited. He said all the dogs played nicely from puppies to Great Danes and there was hardly enough seating. There was a sign posted dividing the small dogs from the large dogs and Mr. Merrill felt the sign should be taken down. He felt the dog-owners could self-police at the dog park. He felt that two picnic tables would accommodate seating for the number of people utilizing the dog park.

Public Comment period was closed at 6:38 p.m.

IX. GENERAL BUSINESS ITEMS:

1. Utah Department of Transportation (UDOT) Environmental Impact Statement (EIS) Update for the Heber Valley Corridor (Craig Hancock) - *20 min*

Craig Hancock and Naomi Kisen, representing the Utah Department of Transportation (UDOT) Environmental Impact Statement (EIS), were in attendance to provide an update of the ongoing study for the impending bypass route. Mr. Hancock informed everyone of a public meeting to be held September 25 regarding the US 40 widening project extending from the intersection at Highway 189 to Mill Road. A traffic signal would be installed where Highway 40 intersected at Mill Road and the speed limit would be lowered going north into town. Mr. Hancock reported that the public outreach was ongoing as well as local government coordination.

Ms. Kisen informed of environmental assessments that had been done. UDOT was in the final stages of completing the draft document for the bypass route environmental impact statement. There was a need for a 1300 South connection in the bypass plan. Discussion continued around the 1300 south connection, overpass and underpass options along the route, frontage roads along the bypass route, and additional proposed traffic solutions.

Mr. Hancock explained there would be no funding for the bypass project until the draft was finalized. Right-of-way condemnation under eminent domain would not happen before the project was funded. Mr. Hancock explained wetland mitigation for the North Fields, the project phasing, sound-walls, the State Road 113 intersection, and what to expect next.

Council Member Phillips proposed the City plant trees along the bypass corridor to help buffer the potential noise. He wished to remind the public of Heber City's lack of authority in the UDOT process.

2. Update Regarding Council 2025 Budget and Policy Priorities (Matt Brower, City Manager) - *15 min*

City Manager Matt Brower shared the status of the Council's list of budget and policy priorities established during the Annual Council Retreat the previous January 2025, as included in the meeting materials. Staff continued working to ensure the budget and the Council Priorities were in sync. He welcomed questions and comments to be directed to his office or by email.

X. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

Mayor Franco rearranged the agenda order to discuss item two regarding the Short-Term Rental Code first.

1. Mill Road & 980 S Intersection Improvement Options (Russ Funk, City Engineer) - *20 min*

Mr. Funk restated the six options for the Mill Road and 980 South intersection as discussed in the Work Meeting. He said the budget had money for traffic-calming initiatives. Mr. Funk recommended option two, including curb and sidewalk bulb-outs with RRFB (rectangular rapid flashing beacons) overhead.

Motion: Council Member Johnston moved to accept the City Engineer's recommendation for option two.
Second: Council Member Phillips made the second.
Discussion: Council Member Ostergaard asked if the addition of signs on the north was included. Council Member Johnston wished to obtain input from the crossing guards and police before making that decision and felt it could be easily added later.

Council Member Cheatwood proposed pulling power for the RRFBs at the time of pouring concrete for the bulbous so the power would be there but the City would not need to purchase the RRFBs at that time. Mr. Funk asked if he could meet with the Police Department and Crossing guards and proceed with their direction or if Council wished for him to return to Council before proceeding. Council consensus was for Mr. Funk to proceed unless there was a need to return to Council.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, and Johnston.
Voting No: None.
Council Member Barney was absent.
The **Motion Passed 4-0.**

2. Short-Term Rental Code Clarification (Tony Kohler, Community Development Director) - *20 min*

Community Development Director Tony Kohler proposed clarification was needed for the Short-Term Rental (STR) Code language regarding the number of occupants permitted in a rental, as outlined in the attached Staff Report. He wanted Council consensus for the proposed language and would work with the City Attorney on an amending ordinance to return to a future meeting's Consent Agenda. City Attorney Jeremy Cook agreed with the proposed language. Consensus of Council majority supported the proposed amended language.

3. Jordanelle Ridge Open Space Easement (Jeremy Cook, City Attorney) - *20 min*

City Attorney Jeremy Cook provided the background for the proposed modification to the Jordanelle Ridge Open-Space Easement Agreement. He and the Jordanelle Ridge representatives had been working with the County to reach an acceptable agreement. He explained the agreement with the County and the City would create a double layer of protection from future City or County Council's changing the open space dedication.

The open space consisted of 1,967 acres. The property and trails would be maintained by the homeowner's association (HOA), but the easement would grant access to the public in perpetuity. Council discussed the protection of the ridge-line, where cell towers would be permitted, and the checks and balances provided by the three-way agreement.

Mayor Franco opened the discussion for public comment. With no one coming forward to comment, the comment period was closed.

Motion: Council Member Phillips moved to approve the Open Space Agreement as proposed.
Second: Council Member Ostergaard made the second.

Discussion: City Attorney Jeremy Cook wished to clarify that the agreement was really between the developer and the County and the proposed agreement would terminate the previous agreement. Approval from the County would still need to be obtained in order to make the proposed agreement binding.
Amended Motion: Council Member Phillips clarified the motion to include the termination of the previous agreement.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, and Johnston.
Voting No: None.
Council Member Barney was absent.
The **Motion Passed 4-0.**

Mayor Franco returned to item one on the agenda.

4. Heber Food Truck Court Development Agreement (Jacob Roberts, Planner) - *20 min*

Agenda item four was postponed to a future meeting.

5. Consolidated Fee Schedule Amendment to Update Cemetery Fee Schedule Columbarium Niche Pricing (Matt Brower, City Manager) - *15 min*

Mr. Brower presented an update for the new City Cemetery Admin Building, Columbarium, and Niches project. The project was scheduled to be finished on time and the ribbon-cutting was scheduled for Friday, October 3rd at noon. He stated that the prices of the niches needed to be increased to cover the increased construction cost. There had been nine change orders during construction that had created a significant cost increase for the total project of $1,430,078.79. He shared a new cost analysis for the niches. He stated that a special meeting was needed, including a public hearing, to approve the change of niche prices in the Consolidated Fee Schedule. The special meeting was necessary in order to comply with the public hearing class A noticing requirement outlined in Utah State Code 63G-30-102, and to get the fees in place before the project's open-house and ribbon-cutting event took place.

Mr. Brower shared the proposed updates to the cemetery niche pricing. The vote to approve would have to be taken after the Public Hearing at the Special Meeting. He added that special pricing for the grand opening would be extended through the end of the year. Council further discussed the pricing for resident versus non-resident niches, fee waivers for fallen officers or other staff, and opening and closing costs.

It was decided to hold the Special Meeting for a Public Hearing and vote on Tuesday, September 30, 2025, at 6:00 p.m.

XI. COMMUNICATION:

Mr. Brower shared the following information:

- Columbarium Open Houses and Ribbon-Cutting would be October 1, 2, and 3. He shared a draft program for the Ribbon Cutting and asked for a Council Member to give comments and a dedicatory prayer. Council discussed potential community members who would like the opportunity to offer the dedicatory prayer.
- The Daniel Road roundabout art-piece of an eagle had begun and was scheduled to be installed by the end of November. The 550 East roundabout sheepdog was nearing completion and was scheduled to be installed the following week. The artist would be meeting with donors who wished to have a Chief Tabby art-piece installed at the cemetery roundabout. He asked for, and was granted, Council approval to proceed.
- He asked for two Council Members to join a Wasatch County subcommittee to help determine a vision of viable uses for the County administration parcel. Council Member Johnston proposed the County partner with the City rather than sell the parcel to the City as a show of civic-mindedness. Council Member Ostergaard and Mayor Franco agreed to be part of the committee.
- Negotiations for the purchase-sale agreement for the Fire Station could be finalized in the next month or two. He felt the County wanted the appraisal price.
- Update on the water loss report: The City's water losses had previously been much higher than normal. City Engineer Russ Funk and Public Works Director Matthew Kennard had suggested, and executed, installing locks on the City's fire hydrants. Since that time, water loss had dropped from 20% to 8.8% between May and August 2025.
- There would be a lottery in approximately four weeks for essential employees for the first chance to purchase one of the affordable housing units in the City. There would be four units forthcoming.

Mr. Funk advised that the Central Heber Replacement Project was winding up quickly. He shared the final steps needed for completion and wanted to celebrate the completion with the last connection of the huge project. The contractors and sub-contractors wished to host a barbecue for the community impacted by the project on September 25 at Main Street Park from 4:00 to 7:00 p.m.

XII. CLOSED MEETING: (As Needed)

There was no Closed Meeting held.

XIII. ADJOURNMENT:

Motion: Council Member Phillips moved to adjourn.
Second: Council Member Cheatwood made the second.
The meeting adjourned at 10:06 p.m.

HEBER CITY CORPORATE Seal WASATCH COUNTY, UTAH

Trina Cooke, City Recorder