**HEBER CITY CORPORATION**
**75 North Main Street**
**Heber City, UT 84032**
**Heber City Council Meeting**
**AMENDED AGENDA**
**October 7, 2025**

**APPROVED Minutes**

**3:00 p.m. Work Meeting**
**6:00 p.m. Regular Meeting**

**I.** WORK MEETING - 3:00 P.M.

Mayor Franco called the meeting to order at 3:08 p.m. and welcomed everyone present.

| | |
|---|---|
| **City Council Present:** | Mayor Heidi Franco<br>Council Member Yvonne Barney<br>Council Member Aaron Cheatwood - arrived at 7:39 p.m.<br>Council Member Mike Johnston<br>Council Member Sid Ostergaard<br>Council Member Scott Phillips |
| **Staff Present:** | City Manager Matt Brower<br>Community Development Director Tony Kohler<br>City Engineer Russ Funk<br>City Attorney Jeremy Cook<br>City Recorder Trina Cooke<br>Chief of Police Parker Sever |

**Staff Participating Remotely:** City Engineer Russ Funk, Engineer Kyle Turnbow, IT Specialist Anthon Beales, Public Works Director Matthew Kennard, Finance Manager Sara Nagel, Human Resource Manager Cherie Ashe, Deputy City Recorder Robin Bond, Planner Jacob Roberts, and Assistant City Manager Mark Smedley.

**Also Present:** Rachel Kahler, Keri Smith, Marissa Stanger, Mia Yue, Jesse Allen, Ben Rhodes, Christine Richman, Jason Foster, Cody Williams, Jason Glidden, Linda Middleton, Nancy O'Toole, Dave Harris, Lars Erickson, Michael Demkowicz, Ryan Wallace, Jay Townsend, Russ Watts, Tori Broughton, Jason Talley, Moh Hansen, Greg Nelson, Cal Johnson, MCHT, and others who did not sign in or whose handwriting was illegible.

**Also Attending Remotely:** (Names are shown as signed-in online) Devin Dillinger - Confluence, Aspen Peterson, Doug Whiteaker - WTI, DW, H. Wall, A, Aaron Johnson, B, Catherine, Grace KPCW, Denna Woodbury, Jen, L, Lars Erickson, Michael Demkowicz, Nick Lopez, RK, Shorty5, S, and Sydney.

1. Consultant Interviews for the Trailhead Plaza RFQ (Request for Qualifications) (Anthony Kohler) - *3 hours*

Community Development Director Tony Kohler provided background for the redesign of the Main Street Park project that had been set in motion when established as a Council priority. The City had issued an RFQ (Request for Qualifications) to design firms for the renamed Trailhead Plaza project design. He expressed thanks to Marissa Stanger and Mia Yue with the POSTT (Parks, Open Space, Trails, and Trees) Committee, City Engineer Russ Funk, City Manager Matt Brower, and Park Square Consultant Keri Smith for serving on an ad-hoc RFQ review committee. The review committee had narrowed six RFQ submissions received down to three. The three remaining design firms were in attendance to present their design proposals for Council consideration. Mr. Kohler provided Council with a points chart to rate each firm on multiple aspects. Each of the three design firms provided a presentation as included in the meeting materials and recording. The three firms included:

1. Confluence Professional Design Services:
    - Devon Dillinger
    - Chris Sutterfield
    - Cam Preston
    - Kevin Simmons
    - Jason Ringdhal
2. GSBS Architects:
    - Jesse Allen
    - Ben Rodes
    - Christine Richman
    - Jason Foster
    - Cody Williams
3. Terracon:
    - Dave Harris
    - Lars Erickson
    - Michael Demkowicz
    - Ryan Wallace

Council held a question and answer period at the end of each presentation. Staff, Rachel Kahler, and review committee members Keri Smith, Marissa Stanger, and Mia Yue participated as well. Discussion would be continued at the end of the Action Items agenda during the Regular Meeting.

## II. BREAK - 10 MIN

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

1. Call to Order

Mayor Franco called the Regular Meeting to order at 6:33 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Sid Ostergaard, Council Member)

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

3. Prayer/Thought by Invitation (Mike Johnston, Council Member)

Council Member Johnston shared a story about perfection and people's desire to be the best. He recalled a book called Good to Great. He felt like good was good enough and always striving to be great, or perfect, could prevent us from achieving, or acknowledging, good. He suggested that we had to realize we are not perfect and recalled a famous basketball coach, John Wooden, saying "even really great gardens have some weeds" - a quote by Thomas Fuller. Council Member Johnston recommended that everyone realize that we are not perfect.

## IV. CONFLICT OF INTEREST DISCLOSURE:

Council Member Johnston disclosed conflicts with the food truck court agenda item and the Bush annexation.

## V. CONSENT AGENDA:

Mayor Franco proposed bringing forward Action Item two, regarding a contract award, to be included in the Consent Agenda approval.

Council Member Barney wished to recuse herself from the September 16, 2025, Meeting Minutes approval and the Ordinance for short-term rentals as she had not been in attendance at the September 16 City Council Meeting.

**Motion:** Council Member Barney moved to approve the September 2, 2025, Meeting Minutes listed in agenda item one; item three, the Police Department evidence purge; item four, the Airport Advisory Board nomination; and item five, Resolution 2025-16 to non-appropriate funds for Lenslock, Inc.
**Second:** Council Member Phillips
**Voting Yes:** Council Members Phillips, Ostergaard, Barney, and Johnston.
**Voting No:** None.
Council Member Cheatwood was absent.
The **Motion Passed, 4-0.**

**Motion:** Council Member Phillips moved to approve the September 16, 2025, Meeting Minutes; Ordinance 2025-27 Amending the Short-Term Rental Code; and Item two on the Action Items agenda, to award the contract for the 300 North sewer line upgrade project to Kenny Seng Construction.
**Second:** Council Member Ostergaard.
**Voting Yes:** Council Members Phillips, Ostergaard, and Johnston.
**Voting No:** None.
Council Member Cheatwood was absent.
Council Member Barney abstained.
The **Motion Passed Unanimously, 3-0.**

1. September 2, 2025, City Council Meeting Minutes and September 16, 2025, City Council Meeting Minutes (Trina Cooke, City Recorder)

2. Ordinance 2025-27 Amending Short Term Rental Ordinance (Anthony Kohler)

3. Evidence Purge Request (Parker Sever, Chief of Police)

4. Airport Advisory Board (AAB) Member Nominations (Heidi Franco, Mayor)

5. Resolution 2025-16 Non-appropriating Funds for Lenslock, Inc (Jeremy Cook, City Attorney)

6. Mark Evans Settlement Agreement (Jeremy Cook, City Attorney)

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

Jason Talley, Heber City resident and Chair of the Airport Advisory Board (AAB), stated that he was perplexed about an upcoming AAB agenda item. The item was for the consideration of a policy for new ground leases for airport hangar renewals. He explained his concern was that he had never seen the item before Council. He thought the 37-page document appeared to have been fully vetted without input from the AAB. He felt the AAB should have assisted with the compilation of the document. Mr. Talley questioned the term "non-reversionary" in the document title and felt it was being misused, as the document outlined reversionary leases. He felt the policy would create a situation where people that could afford to spend large amounts of money on hangars and were willing to spend that money with the expectation that if the value was going to go to zero. Compared with today's situation where we have small general aviation pilots and aircraft that are in those hangars because they know that they can continue to either borrow money for that lease or they can pass that on to other people or sell that down the road and have value that's in it. He wanted Council to know about this so there would be no surprise.

Linda Middleton encouraged the Council to look at the empty spaces that could be improved in the community. She recognized the park was a big issue but wanted it to stay the same. She did not feel it needed improvements. She suggested adding the proposed park amenities to areas near the airport. She felt Main Street Park was not the place for the proposed project. Her vision was that the trucks would be taken off Main Street and the downtown businesses would be improved. She loved the park as it was and did not feel it had the capacity for more infill. She felt this was the perfect community as it was and hoped the Council would consider improvements in the more derelict areas. She felt Council should consider improvements to the entry-ways into Heber. She asked Council to look to the code book and to add the park amenities to high-density planned areas.

City Manager Matt Brower explained the Airport Hangar lease plan was very outdated and Staff and Airport attorneys had been working on an updated policy based on direction from Council. The proposed lease plan had been thoroughly vetted and would be before the AAB at their next meeting for a recommendation to Council.

**VII.** GENERAL BUSINESS ITEMS:

1. Celebration Workforce Housing (Russ Watts, Anthony Kohler) - *30 min*

Petitioner Russ Watts was present, with Mountainlands Affordable Housing representative Jason Glidden, to discuss collaboration with the City for the Celebration Workforce Housing project. He recognized the need in the community for affordable housing and clarified the project would be a rental unit project, not a to-own project. He reviewed the objectives, and impeding factors, as included in the meeting materials. He had spoken with representatives at the Hospital, Fire Department, County, and the School District. He hoped the City would partner with the project by agreeing to an impact fee payment plan. The project was intended to be offered to first responders before other City and County workers. Interest rates needed to come down in order to provide affordable housing. Council discussed opportunities and restrictions.

City Engineer Russ Funk felt the water requirement calculations presented were not accurate. Council discussed the project details and asked staff to work with Mr. Watts on the water requirement calculations and seek ways for the City to work to assist with the project's success. The project discussion would return to a future Council Meeting.

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

1. Utah State High School Rodeo Scholarship Fund Contribution Request (Jon Provost) - *10 min*

Jon Provost, Director of the Wasatch County Parks and Recreation, was present to request the City's annual contribution for the Utah State High-School Rodeo Finals scholarship fund. Heber City had been contributing to the scholarship fund for 20 years.

**Motion:** Council Member Phillips moved to continue the $10,000.00 scholarship fund.
**Second:** Council Member Ostergaard made the second.
**Voting Yes:** Council Members Phillips, Ostergaard, Barney, and Johnston.
**Voting No:** None.
The **Motion Passed, 4-0.**
Council Member Cheatwood was absent.

2. Contract Award to Kenny Seng Construction for the 300 North Sewer Line Upgrade Project (Russ Funk, City Engineer) - *10 min*

This agenda item was approved with the Consent Agenda.

3. Ordinance 2025- 25 Bush Annexation (Jamie Baron, Planning Manager) - *30 min*

Discussion for this agenda item was postponed until a future meeting.

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

Planner Jacob Roberts provided background for the proposed food-truck court project as outlined in the attached Staff Report. He shared an image of the proposed truck layout design and landscaping. Council discussed details such as after-dark lighting, parking, and remaining a good neighbor to surrounding businesses.

Project applicant Matt Hansen did not want to agree to section 15 in the agreement that required the dedication of a small corner of land to the City. City Engineer Russ Funk explained the land dedication would accommodate a future trail in the City's Master Trail Plan. He listed several exceptions the City was allowing for the project but noted the decision was a legislative decision to be made by the Council. Mr. Hansen felt that if the City needed the land, it should pay fair market value for the land. City Manager Matt Brower described the City's vision for the future of the corner. The food-truck court was intended to be a temporary arrangement.

Mike Johnston had recused himself from his City Council post to represent the applicant. He stressed the positive impact the proposed project would offer the community and pointed out that no other food trucks in town paid impact fees nor were required to install bathrooms. He felt if the City wanted the 110-foot corner of land, the City should pay for it. Council further discussed traffic, and when impact fees should be required, but expressed a general consensus of support for the project.

**Motion:** Council Member Phillips moved to approve the development agreement without item 15 for the land dedication.

**Second:** Council Member Ostergaard made the second.

**Discussion:** Mayor Franco wanted to know what would happen once the 5-year agreement expired. City Attorney Jeremy Cook advised the permitted use would revert to the current use regulations or the agreement could be extended. Mayor Franco noted the name on the agreement was not Mr. Hansens. Mr. Hansen confirmed it was his partner's name on the agreement. Council Member Barney asked whether the impact fee collection could be readdressed annually and asked the language in the agreement be amended.

**Second motion made:** Council Member Cheatwood moved to allow public comment.
**Second:** Council Member Phillips made the second.
**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, and Barney.
**Voting No:** None.
Council Member Johnston was recused.
The **Motion Passed, 4-0.**

Linda Middleton said she had shopped at food trucks. She was concerned about the sight-line and proposed a scenario of someone trying to navigate the corner where the food truck court would be located. She felt people would not patronize food trucks when it was windy and said she had learned a lot during the COVID situation. She had cooked for a year. She imagined driving a small car at the corner where the food truck was located, and there might be a child on a bicycle, or someone walking, and weather driving conditions. She liked to go to a restaurant and sit down and thought food trucks were just supposed to be at park events. She had not envisioned a food truck court as a safe place, or healthy environment, for a family when ordering food with kids running around, worried about sight-lines and interacting with traffic. Most cars had back-up cameras but hers did not. She said she should never be allowed to park there. Somewhere like Moab was great because there was no weather but this was a real weather community here and it needed trees and heat. She felt there were more parking lots and more pavement and asked who the City was paying to pave the Valley. She said most people in the community had to get to work in the morning and had to drive east with the sun in their face and west to return home and could not see with the sun in their face.

Tori Broughton, resident and small business operator on Main Street, urged Council to vote favorably for the project as she felt the food trucks were a win for small businesses in Heber City. She noted that commercial chains and nation-wide businesses were not operating food trucks and felt they created great entrepreneurial opportunities. She recognized the burden impact fees placed on small businesses and a food truck could help get someone's foot in the door until they could afford a brick and mortar place. She observed the difficulty of staffing issues for small businesses and noted the minimum staffing needed to operate a food truck. She reiterated her wish for the Council to vote yes for the food truck court.

With no one further from the public coming forward to comment, the Mayor closed the public comment period.

Council discussed options to ensure an uninhibited sight-line at the corner in question.

**Vote for original motion:**
**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, and Barney.
**Voting No:** None.
Council Member Johnston. was recused.
The **Motion Passed, 4-0.**

5. Karl Malone Polaris Development Agreement (Denna Woodbury, Planning Consultant) - *20 min*

Planning Consultant Denna Woodbury reviewed the zoning requirements the project could not meet due to the existing structure onsite. She explained the applicant wished to enter a development agreement to proceed with on-site renovations and improvements. The Planning Commission had previously held a Public Hearing and forwarded a positive recommendation. She read the terms and conditions of the Planning Commission as listed in the attached Staff Report. She shared images of the proposed building design and landscaping plans.

Mayor Franco pointed out that clause five indicated that the business wished to use the parking lot as a food court. City Attorney Jeremy Cook confirmed that it was in error and would remove the unintentionally included language. Council discussed the proposed agreement and the language therein; concerns; ideas for what Karl Malone could give back to the City for not meeting all the zoning requirements and asking for exceptions; as well as parking lot and landscape standards.

Mayor Franco opened the discussion for public comment at 9:14 p.m.

Linda Middleton asked the Council to consider sight-lines, and access, and moving traffic around corners, and around sidewalks. She recognized the love for the Jeep on the rock, but felt it was important to be able to see a lot longer down the sidewalks and the roads now that there were electric bikes, and 12 tanker trucks a day going down the street that were usually huge and needed a big space to turn these big trucks. She asked Council to consider sight-lines now that there were e-bikes and tanker trucks.

With no one further coming forward to comment, Mayor Franco closed the public comment period at 9:15 p.m.

Council Member Cheatwood asked if Karl Malone would contribute towards round-about art or some other equally beneficial public beautification project. Council discussed the many contributions Karl Malone consistently made to the community.

**Motion:** Council Member Ostergaard moved to approve with the change discussed in clause five.
**Second:** Council Member Phillips made the second.
**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
**Voting No:** None.
The **Motion Passed Unanimously, 5-0.**

6. 100 West Design - Consider Design Changes Based on Field Trip Discussions (Russ Funk, City Engineer, Horrocks) - *30 min*

City Engineer Russ Funk stated that the purpose of the agenda item was to get finalized direction from Council for the street and parking design on 100 West between 100 and 300 South. He recalled the original direction of Council and the many iterations that had followed. Consultant from Horrocks Engineering, Greg Nelson, listed points of clarification needed including: parking, landscaping, whether or not to underground power-lines, design criteria, traffic calming, and curb and sidewalk bulb-outs. Consensus of Council majority was to keep the power-lines above ground, to try to maximize parking landscaping, and to implement traffic-calming measures. Staff agreed to work block by block to meet these directions. City Engineer Russ Funk impressed the importance to build it how they wanted now. He felt the City would not return in ten years and try to make changes then.

**Motion:** Council Member Ostergaard moved to extend the meeting to 10:30 p.m.
**Second:** Council Member Johnston made the second.
**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
**Voting No:** None.
The **Motion Passed Unanimously, 5-0.**

Council discussion continued regarding the intersection.

**Motion:** Council Member Phillips moved to direct staff to move forward with the direction given in the discussion.
**Second:** Council Member Ostergaard made the second.
**Discussion:** City Engineer Russ Funk explained the Council's direction as he understood it: to not underground the power-lines; to shift the sidewalk in order to keep the power-lines where they stood, which would reduce the asphalt; to determine whether more parking could be obtained by having angled parking on one side of the street or by having parallel parking on both sides; and return to Council with the final design. Council Member Phillips confirmed Mr. Funk had correctly understood the direction of Council and the intent of his motion.
**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No: None.**
**The Motion Passed Unanimously, 5-0.**

7. Selection of Final Consultant as per interviews for the Trailhead Plaza RFQ (Anthony Kohler) - *45 min*

Community Development Director Tony Kohler shared that Terracon had won the RFQ (Request for Qualifications) bid based upon the point-system Council had utilized. Council discussed the three design company's pros and cons.

**Motion:** Council Member Phillips moved to select Terracon as being the highest qualified firm to complete the work and direct Staff to work with that firm to obtain a sealed fee proposal and marked up copy of the architectural services agreement and if unable to negotiate with Terracon, make an offer to Confluence. If unable to negotiate with Confluence, to put the project out to bid again.
**Second:** Council Member Johnston made the second.
**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
**Voting No:** None.
The **Motion Passed Unanimously, 5-0.**

**IX.** COMMUNICATION:

City Manager Matt Brower wished to re-address the earlier discussion that had taken place regarding the airport lease agreements that had come forward during the public comment period. He recalled that the airport needed to be self-funded and the City needed to have a long-term, fiscally sustainable, airport that could also fund grant-match obligations. He reminded Council of a past law-suit that had been settled. The City was attempting to update the policy for both new and renewed hangar agreements. He explained that the restructuring of hangar leases was a legal process that staff had worked with the airport lawyer and consultants to provide the proposed policy to the Airport Advisory Board. This was the process followed for all agreements. Staff worked to negotiate the agreement, then presented to the appropriate boards for feedback and recommendations. Mr. Brower said the document would be formally presented to Council at a later date but he wanted to clear a few things up that were said in the public comment period. He felt it was important that the City run the Airport like a business and not use general fund revenues to balance the airport's budget. He proposed lease renewals be set at five-year terms in order for the City to benefit from market-rate increases. There were hangars currently being leased for $50.00 a month and the market rate was $3,000.00 per month. Council discussion continued regarding jets pushing out general aviation airport users by making the airport unaffordable,

Mr. Brower shared with Council that he felt the columbarium ribbon cutting had been a phenomenal event and thanked those who had attended.

Halloween Fest would be Thursday, October 24 from 4:30-6:30 p.m.at the Main Street Park.

There was a sewer line that ran behind the homes on Callaway Drive. The properties had been encroaching on the City sewer easement for years creating an inaccessible situation for the City. The Public Works department had delivered flyers to the residents to inform them of the survey that would mark the easement corridor. The City followed up with a Public Hearing for the same residents to answer questions and establish a game plan to clear the easement area.

The City had recently experienced a few key staffing turnovers. One of the turnovers had been the special events coordinator. Mr. Brower felt it important to take stock of opportunities that might arise with a turnover. He proposed the City contract with CAMS (Community Alliance for Main Street) for the community events and direct half the salary from the vacated events position to the CAMS position. The events would include Heber Market on Main, the Halloween Fest, Old Fashioned Christmas, and the seasonal Christmas Tree lighting. He wished to gauge Council interest before proceeding with an agreement. Another member of staff had retired. He further explained the shuffling of job responsibilities between City Treasurer Mindy Kohler, the cemetery niche sales, front counter clerk, business licensing, and the remaining open positions. He proposed one of the part-time positions be dedicated to assisting him with the programming and administration of key events and future ribbon cuttings, including the All-hands annual training, and the Heber Leadership Academy. Consensus of Council majority supported moving forward.

**X.** ADJOURNMENT:

**Motion:** Council Member Phillips moved to adjourn.
**Second:** Council Member Johnston made the second.
The meeting adjourned at 10:31 p.m.

Trina W Cooke

Trina Cooke, City Recorder