

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
Amended Agenda

February 3, 2026

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

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

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

1. Habitat for Humanity (Michael Plowman, Director of Development, Habitat for Humanity of Summit and Wasatch Counties) - *30 min*
2. Consideration of Council Letter to UDOT Regarding Comments on Draft EIS for the Heber Valley Corridor (Russ Funk, City Engineer) - *30 min*
3. Potential request to adjust permitted flagpole heights (Jacob Roberts, Planner) - *20 min*
4. Review and Approve Council's FY'27 Budget and Policy Priorities (Matt Brower, City Manager) - *30 min*

II. BREAK - 10 MIN

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

1. Call to Order
2. Pledge of Allegiance (Yvonne Barney, Council Member)
3. Prayer/Thought by Invitation (Sid Ostergaard, Council Member)

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Mayor's Recognition to Dennis Gunn for Planning Commission Service
2. Mayor's Award for Sergeant Brayden Powers

V. CONFLICT OF INTEREST DISCLOSURE:

VI. CONSENT AGENDA:

1. January 20, 2026, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Declaration of Police Department Firearms no Longer in use as Surplus Property (Parker Sever, Chief of Police)
3. Declaration of Surplus Property - AED's (Parker Sever, Chief of Police)

4. Resolution 2026-02 to Approve a Change to the Heber Light & Power (HL&P) Company Organization Agreement (Heidi Franco, Mayor)
5. Mayor's Nominations to Planning Commission (Heidi Franco, Mayor)
6. Cancel the March 17, 2026, City Council Meeting Due to Election Caucus Conflict

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

VIII. GENERAL BUSINESS ITEMS:

1. Discussion about Housing Opportunities for Essential Employees (Scott Ogilvie, Wasatch Commons) - *25 min*

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

1. North Village Views MDA (Denna Woodbury, Planning Consultant) - *45 min*
2. Resolution 2026-03: A Resolution of the City Council of Heber City, Utah, Establishing a Comprehensive Communication Policy for City Staff and Elected Officials (Ryan Bunnell, Matt Brower, City Manager, Jeremy Cook, City Attorney) - *45 min*
3. Atlas Towers Ground Lease Agreement for City Property located at approximately 590 East Center Street (Tony Kohler, Community Development Director, J. Mark Smedley, Asst. City Manager) - *45 min*
4. Review and Approve Council's FY'27 Budget and Policy Priorities (Matt Brower, City Manager) - *30 min*
5. Consideration of Council Letter to UDOT Regarding Comments on Draft EIS for the Heber Valley Corridor (Russ Funk, City Engineer) - *30 min*
6. Election of Mayor Pro-Tem (Heidi Franco, Mayor) - *5 min*

X. COMMUNICATION:

XI. ADJOURNMENT:

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media. In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Trina Cooke at the Heber City Offices 435.657.7886 at least eight hours prior to the meeting.

Posted on January 29, 2026, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at www.heberut.gov, and on the Utah Public Notice Website at <http://pmn.utah.gov>.

Seven Homes in the Heber Valley

2004, 2006, 2006, 2009, 2009, 2013, and 2016

Two homes in Kamas

2000 and 2007

Two Homes in Park City

2012 and 2013

Three Homes in Coalville

1997, 2002, and 2002

Twenty-Six Homes in Silver Creek Village

2021, 2022, 2024 and 2026

Thirty-one years serving the Wasatch Back

Home Repairs we have completed

- Sixteen in Heber Valley
- Three in Kamas
- Three in Oakley
- Seven in Coalville
- Seventeen in Park City

Other Programs we do

- Facilitate deconstruction of homes and community Education about deconstruction
- Financial Education Courses
 - 2-3 sessions per year 8-12 classes
 - Participate in 6-10 housing how-to's per year

Homeownership for our essential workforce

- Ability to pay
- Willingness to partner with us
 - Sweat Equity Hours
- Work in the County

The past Five years

- Donation of property in Silver Creek Village facilitated the growth of 26 homes
- Two single family homes
- One Four Plex
- Two ten plexes

Other advances in past five years

- Construction Financing
- Transition to third party loans
- Partnerships with for profit developers to provide their affordable housing requirements
 - We can do it more efficiently- assume AMI regs
- Tracking owner occupancy
- Subsidize the costs

ReStore thrift store

- Donated product from individuals, families and organizations helps fund our builds and programs
- Keeps tons of waste out of the landfills
- Provides opportunities for great thrifting for people in our community



Heber City Council Staff Report

MEETING DATE: 2/3/2026

SUBJECT: Consideration of Council Letter to UDOT Regarding Comments on Draft EIS for the Heber Valley Corridor

RESPONSIBLE: Russ Funk

DEPARTMENT: Engineering

STRATEGIC RELEVANCE: Necessary Administrative Action

SUMMARY

UDOT recently publishing the Draft EIS (including identification of the preferred route) for the Heber Valley Corridor. The 60-day public comment period will run through March 9th. This item is intended to finalize a comment letter from the City with comments supported by a Council majority. The purpose of the letter is not to influence what alternative is ultimately selected by UDOT, but to try and ensure that legitimate traffic concerns are considered.

RECOMMENDATION

Review the proposed letter based on the discussion during the January 6th Council Meeting and determine if it is ready to be approved by the Council and submitted to UDOT or if additional changes or comments are needed.

BACKGROUND

UDOT has been working on the Draft EIS (Environmental Impact Statement) for the Heber Valley Corridor (Bypass) for several years. The City Council previously determined that they did not want to interfere with UDOT's EIS process but did want to demonstrate support for the project and UDOT's selection process. The City passed Resolution 2023-07 indicating this decision.

In an effort to improve communication regarding the project over the past year, UDOT has been meeting with City and County staff, as well as providing updates during Council Meetings. Although some concerns have been raised with UDOT during this coordination, UDOT requested that some of these concerns be shared during the official comment period in an effort to keep the EIS process moving forward.

The Council reviewed comments suggested by staff and recommended some additional changes during the January 6, 2026 Council Meeting. Staff has tried to capture all comments provided during that discussion in the proposed attached letter.

DISCUSSION

Is the letter ready to be approved and submitted to UDOT?

FISCAL IMPACT

N/A

CONCLUSION

ALTERNATIVES

1. Approval of the Proposed Letter
 2. Approval of the Proposed Letter with Additional Changes
 3. Continue
-

POTENTIAL MOTIONS

Alternative 1 - Approval of Proposed Letter

I move to **Approve the Proposed Letter as presented by Staff**

Alternative 2 - Approval of Proposed Letter with Additional Changes

I move to **Approve the Proposed Letter with additional changes** as follows:

Alternative 3 - Continue

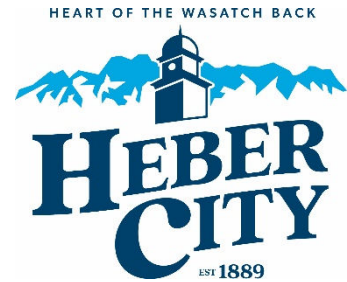
I move to **continue** the **item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

ACCOUNTABILITY

Department: Engineering
Staff member:

EXHIBITS

1. Proposed Comment Letter



February 3, 2026

Heber Valley Corridor EIS
c/o HDR
2825 E Cottonwood Parkway, Suite 200
Cottonwood Heights, UT 84121

Subject: Heber City Comments on the Heber Valley Corridor Draft EIS

Dear Evaluation Team,

Heber City would like to express our appreciation for the work and effort your team has put into preparing the Draft Environmental Impact Statement (EIS) for the Heber Valley Corridor. We recognize the importance of this project to our community and thank you for your efforts to keep us informed throughout the process.

On behalf of our community, we would like to provide comments for consideration regarding the final alternative(s). In general, Heber City would have preferred to see the South Highway 40 leg—planned to run along 1300 South—located further south through the undeveloped area to reduce impacts on residential and commercial properties along 1300 South. If this adjustment can still be considered, we would greatly appreciate it.

Our additional comments and concerns are outlined below:

Issue 1: Proposed Southfield Road Cul-de-sac

Concern: Current alternatives call for a dead-end cul-de-sac at the south end of Southfield Road. Southfield Road is designated as a Major Collector in Heber City's Transportation Master Plan and serves as an important link to major roads, including Highway 40, 650 South, and Midway Lane. It provides critical capacity and multiple ingress/egress routes for large events on the west side of town, including at the Wasatch County Events Center. UDOT has indicated that future alternatives were evaluated assuming a 1200 South connection from Southfield Road to Industrial Parkway.

Resolution Request: Provide a connection from the bypass near 1200 South to Southfield Road, or construct the future connecting road between Southfield Road and Industrial Parkway.

Issue 2: No Westbound Access to 1300 South from Hwy 189 & 1300 S Intersection

Concern: Traffic coming from south Heber (north on Daniel Road) cannot access the Valley Station commercial development (Walmart) or 300 West without going north through the Hub intersection and turning left off Main Street at 1000 South. This movement is already restricted and difficult during heavy traffic.

Resolution Request: Allow westbound traffic along 1300 South from the Hwy 189 & 1300 South intersection by creating an additional tunnel or opening under the bypass road to merge with westbound traffic on the north side of the bypass.

Issue 3: One-Way Access at Industrial Parkway

Concern: Traffic traveling along Industrial Parkway cannot pass under the bypass and continue on Industrial Parkway. Detours to the underpass at 300 West would add traffic to signals and intersections that are expected to experience capacity concerns.

Resolution Request: Consider adding another underpass at this location for a more direct route.

Issue 4: No Left Turns or Access to the Bypass from Southfield Rd at Midway Lane

Concern: Due to anticipated traffic and proximity of planned signals for the bypass interchange and the new high school at 1000 West, northbound traffic on Southfield Road will not be able to turn left to head to Midway or access the bypass.

Resolution Request: Allow full movement at this intersection and access to the bypass in both directions. One idea is to realign the Southfield Road intersection to line up with the new signal at 1000 West, which is already being pursued by Heber City and Wasatch County. Can this solution be considered as part of the project?

Issue 5: Trail Access at Midway Lane Interchange

Concern: Proposed trail access requires pedestrians or cyclists to take a half-mile detour through the interchange. The concern is that many people may not be willing to do this, and may risk crossing with traffic (4 crossings), which may lead to increased accident risk.

Resolution Request: Evaluate other alternatives including an elevated or below-grade walkway for safe pedestrian crossing.

Issue 6: No Direct Access to College Way from the Bypass

Concern: The alternatives identify College Way (3000 North) as the northernmost signalized intersection before the Hwy 32 interchange. This location will serve as the primary access to the North Village, including UVU and the future Arts District. As designed, traffic heading north on the bypass would need to get off the bypass at 900 north and travel along the existing north Hwy 40 route and then turn onto College Way at the future signal. Traffic leaving College way going south would need to turn left at the signal to travel back down the old Hwy 40 to 900 North where it could access the bypass. These options will rely heavily on the planned traffic signal(s) and may contribute to poor level of service during high traffic volumes.

Resolution Request: Consider options for more direct access to College Way, including:

- 1) A northbound exit ramp merging directly with College Way;
- 2) A free right lane from College Way to merge northbound without stopping; and
- 3) A merge lane or ramp on the west side of Hwy 40 to provide direct southbound access to the bypass.

Issue 7: Maintenance Responsibility of Frontage Roads & Trails

Concern: The City is also concerned about responsibility for maintenance and upkeep of frontage roads and trails to be built as part of the project.

Resolution Request: Our preference would be for UDOT to assume this responsibility and we request that UDOT provide clarification and/or negotiate with the City as needed.

Thank you for your consideration of these comments. Heber City looks forward to continued collaboration to ensure the best possible outcome for our community.

Sincerely,

The Heber City Council



Heber City Council Staff Report

MEETING DATE: 2/3/2026
SUBJECT: Potential request to adjust permitted flag pole heights
RESPONSIBLE: Jacob Roberts
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community Development

SUMMARY

Heber Light and Power is proposing to install a flagpole at the new administrative building currently under construction at 626 West 300 South. The proposed flagpole would be approximately 70 feet in height (please see attached document), while the City's code currently permits flagpoles up to a maximum height of 25 feet. Staff is seeking direction from the City Council on how to proceed. Potential options include a text amendment to the municipal code to allow taller flagpoles, or a development agreement to permit a site-specific exception allowing a 70-foot flagpole on this property.

RECOMMENDATION

Staff at this time recommends the applicant apply for a text amendment to amend the Sign ordinance (18.104)

BACKGROUND

Staff was approached by Heber Light and Power about the possibility of installing a large flag pole at the new Heber Light and Power Admin Building located at 626 West 300 South. Staff shared that currently flag poles are only permitted to be a maximum of 25 feet tall. Staff from Heber Light and Power expressed interest in seeing this code change to allow for a taller flag pole at this location.

DISCUSSION

At this time, City staff is requesting feedback from the City Council on the most appropriate path forward. Options include a text amendment to modify permitted flagpole heights, a site-specific development agreement applicable only to this property, or maintaining the current maximum flagpole height of 25 feet.

Under the existing code, flagpoles are limited to a maximum height of 25 feet. Staff believes that a text amendment to the code would be the most appropriate solution to allow taller flagpoles in specific zoning districts. A site-specific development agreement could be difficult to enforce over time, and staff does not believe that taller flagpoles would create significant nuisance impacts when

located in appropriate zones. Potentially suitable zones could include, but may not be limited to, the Institutional and Public Facilities Zone (IPFZ), Commercial Zones, and Industrial Zones.

FISCAL IMPACT

N/A

CONCLUSION

Heber Light and Power has requested approval to install a 70-foot flagpole at the new administrative building located at 626 West 300 South, which exceeds the current maximum flagpole height of 25 feet permitted under the City's sign ordinance. Staff has reviewed potential options to address this request, including maintaining the existing height limit, approving a site-specific development agreement, or pursuing a text amendment to the municipal code.

After consideration, staff believes that a text amendment to the sign ordinance (Section 18.104) is the most appropriate path forward. This approach would allow the City to establish clear, consistent standards for taller flagpoles in appropriate zoning districts, rather than creating a one-off exception that may be difficult to enforce in the future. Staff does not anticipate that taller flagpoles would result in significant nuisance impacts when limited to suitable zones such as the Institutional and Public Facilities Zone (IPFZ), Commercial Zones, or Industrial Zones.

Staff is requesting direction from the City Council on whether to proceed with a text amendment to the sign ordinance, explore an alternative approach, or maintain the existing regulations as currently written.

ALTERNATIVES

POTENTIAL MOTIONS

At this time staff is seeking direction from the Council as to the best route forward.

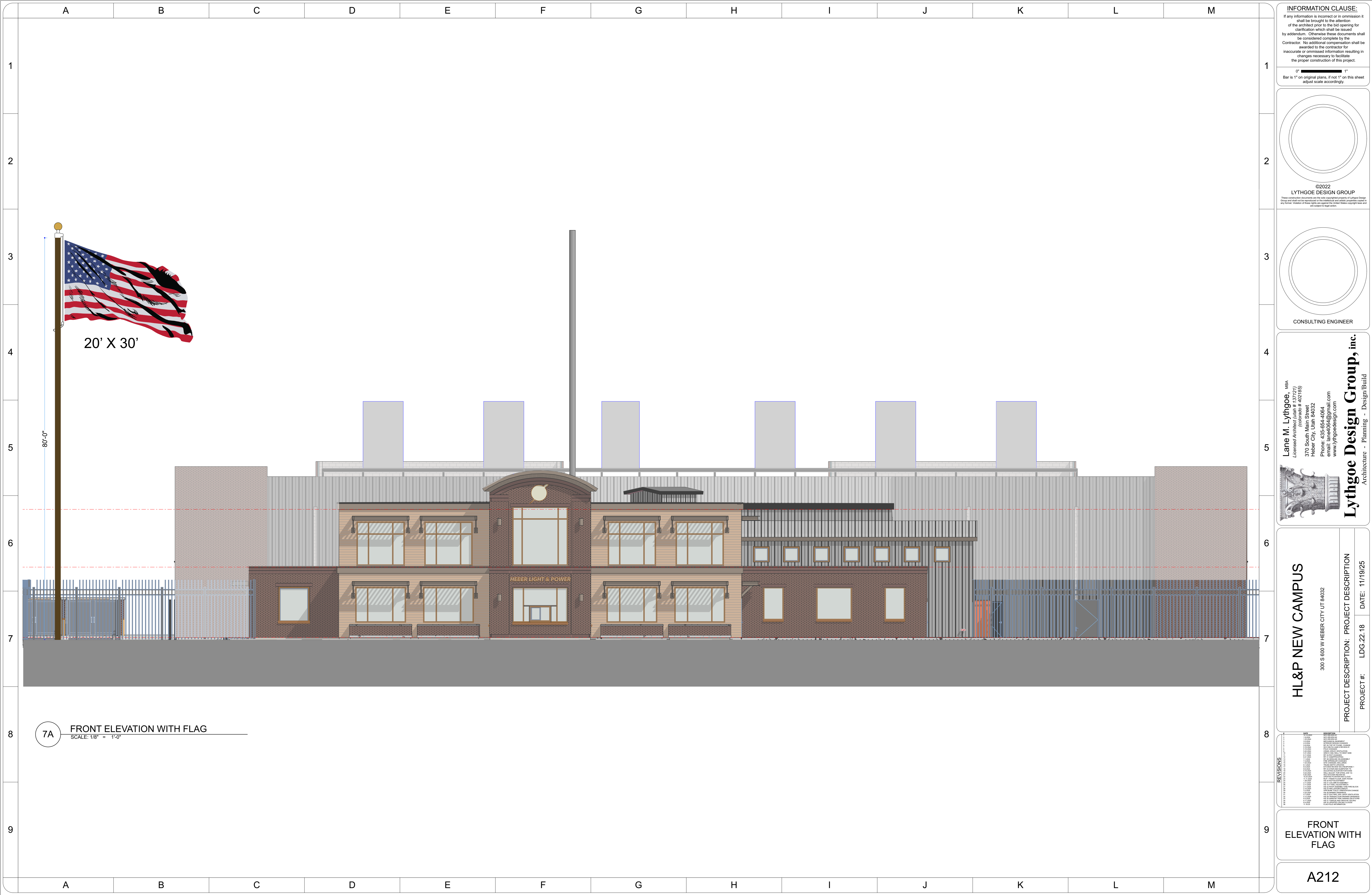
ACCOUNTABILITY

Department: Planning
Staff member: Jacob Roberts, Planner

EXHIBITS

1. 2025.11.19 | HLP Admin (v28) (FLAG SET)





INFORMATION CLAUSE:
If any information is incorrect or in omission it shall be brought to the attention of the architect prior to the bid opening for clarification which shall be issued by addendum. Otherwise these documents shall be considered complete by the Contractor. No additional compensation shall be awarded to the contractor for inaccurate or omitted information resulting in changes necessary to facilitate the proper construction of this project.

0" 1"
Bar is 1" on original plans, if not 1" on this sheet adjust scale accordingly.

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CONSULTING ENGINEER

Lane M. Lythgoe, M.E.A.
Licensed Architect (Utah # 137121)
Licensee # 402189
370 South Main Street
Heber City, Utah 84032
Phone: 435-654-4064
email: lane@lmdesign.com
www.lythgoedesign.com

Lythgoe Design Group, inc.
Architecture - Planning - Design/Build

HL&P NEW CAMPUS
300 S 600 W HEBER CITY UT 84032

PROJECT DESCRIPTION: PROJECT DESCRIPTION
PROJECT #: LDG.22.18 DATE: 11/19/25

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A212

UPDATED ON: 11/19/25



Heber City Council Staff Report

MEETING DATE: 2/3/2026
SUBJECT: Review and Approve Council's FY'27 Budget and Policy Priorities
RESPONSIBLE: Matt Brower
DEPARTMENT: Administrative
STRATEGIC RELEVANCE:

SUMMARY

During the annual retreat on January 22 and 24, 2026, Council established its policy and budget priorities for FY27. These priorities, outlined in the attached document, will guide staff throughout the FY27 budget development process.

RECOMMENDATION

Review and approve the policy and budget priorities for FY27.

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative

Staff member:

EXHIBITS

1. CC FY27 Priorities and Action Register

Heber City Council
FY '27 Policy & Budget Priorities
Established 1/24/26; Adopted TBD

City Council (CC) Policy/Budget Priorities					
Priorities	Description/Strategy	Operationalizing Strategy	Target	Responsible	Status/Budget Instructions
Leadership Role in 2034 Olympic Games Planning	Assume leadership role in planning and leveraging 2034 Olympic Games for benefit of the community and to advance economic opportunities for Heber City	Initial opportunities include 1) locating Soldier Hollow parking closer to downtown; 2) host a “live site” at Heber City Park during the Games; 3) advance Heber Valley Corridor design and construction; and 4) transform Hwy 40 through downtown into a walkable, pedestrian friendly atmosphere; 5) improved walkability from back of event center, over railroad tracks, to HVR. 6) Create Council committee to represent Heber and lead initiative.	Ongoing	MB/CC	FY27: No outlay.
Execution of Envision Central Heber Initiative	Begin taking assertive and strategic actions to realize Envision Central Heber vision	<u>Main Street District (MSD)</u> Trailhead Plaza Design and Construction (Main Street Park) 1. Complete Terracon public outreach initiative as presented at Council’s January ’26 retreat. 2. Adopt preferred Plaza design and phasing plan. 3. Commence design. 4. Complete phasing as funding resources permit.	Plaza 1-April ‘26 2-April ‘26 3-TBD 4-TBD	Plaza Terracon/TK/ KS/CC	Trailhead Plaza 1-Underway as of 1/26/26. FY27: TK includes outlay to complete design. Source: TAP Tax
		Parking 1. Finalize downtown parking policy (in-lieu) and begin executing strategy for increasing parking opportunities in downtown area 2. Leverage shared parking agreements in downtown area to increase parking opportunities.	Parking 1.Q4 ‘26 2.Q4 ‘26	Parking MB/TK/CC	Parking FY27: No outlay. Work can be done in-house.
		C-Street Pedestrian Alley 1. Terracon completes their Brown Field grant work, including design of “C” street cross section—public outreach/framing info. 2. Adopt policy to require redevelopment to recognize “final” C-street pedestrian avenue. 3. Working with UDOT for pedestrian crossing concepts on Midway Lane between Hwy 40 and 100 W.	C-Street 1.Q2 ‘26 2.Q2 ‘26 3.Ongoing	C-Street Terracon/TK/ RF	C-Street 1)Underway Jan. 26 FY27: No outlay; complete FY’26
		Infrastructure 1. Complete design for 100 W. for blocks between 500 N. and 600 S. Construction priority would focus on blocks between 100 N and 300 S. 2. Develop strategy to bury power lines under “C” street. 3. Mainstreet Enhancements: develop concept plan for Main Street enhancements. Transitioning to shovel ready plans to present to UDOT/Legislature for funding.	Infrastructure 1.TBD 2.TBD 3.TBD	Infrastructure RF/CC	Infrastructure 1)Design Underway 2)TBD 3)Awarded Federal \$120k grant for Main Streety Transportation Safety Study. Currently entering into grant agreement. FY27: 100 W construction commences in spring ’27.

City Council (CC) Policy/Budget Priorities					
Priorities	Description/Strategy	Operationalizing Strategy	Target	Responsible	Status/Budget Instructions
		Funding 1. Evaluate and seek all available funding opportunities to execute Envision Central Heber initiatives Property Acquisition 1. Acquire strategic properties, through purchase, to advance Central Heber Vision. Priority property is County fire station property and key private parcels. Downtown Business Development 1. Quantify current business mix and hours of operation in downtown area. 2. Work with and educate property owners on Envision Central Heber initiative. 3. Work to achieve 10/10/10 mix. Fire Station Property Improvement 1. Plan for exterior and internal improvements 2. Develop and execute strategy to fill building with uses County Administration Parcel 1. Partner with County to finalize design for parcel that’s aligned with Envision Central Heber plan. Branding & Promotion 1. Finalize branding for C-Street and park. 2. Develop and implement promotion plans for downtown Transportation: Downtown Transit Links 1. Evaluate transit stops in downtown area based on data. <u>Arts & Recreation District (ARD)</u> 1. Continue focused discussion with stakeholders to realize vision for area. Initial plan presented on 1/20/24. Wasatch County currently developing alternative plan.	Funding Ongoing Property Acquisition Q2’26 Business Development 1.Q3’26 2.Ongoing 3.ONgoing Fire Station 1.Q2 ‘26 2.ASAP after purchase County Parcel TBD Branding 1.Q2. ‘26 2. Q4 ‘26 Transit 1.TBD Art & Rec. District Ongoing	Funding MS/NO Property MB/CC Business TK/CAMS/MB Fire Station 1.TK 3.MB/TK/DK County Parcel MB/CC Branding RB MB/CC Transit TK Art & Rec. MB/CC	Funding Property Acquisition Wasatch County drafting a PSA. FY27: No outlay Purchase expected in FY’26. Utilize revenues from 4th amendment to Jordanelle Ridge Agreement. Business Development Fire Station FY27: Remodel cost estimates budgeted with CRA funds. County Parcel FY27: No outlay expected until plan reviewed and approved. Branding & Promotion FY27: No outlay for branding. Include funding for promotion plan. Transit FY27: No outlay-internal work. Arts & Recreation District (ARD) FY27: No outlay expected.
Airport Compliance	Remain compliant with FAA grant assurances and settlement agreements	1.OK3 Settlement compliance	1.Ongoing	TB/JC/CC	FY27: Fund expected legal and engineering costs.
Heber Valley Arts Center	Continue support for Arts Center	2. Master Plan Funding—Funding plan and execution	2.ASAP		
		1.Continue strong relationship with stakeholders—WCAC & Jordanelle Ridge	1-Ongoing	CC/MB/JC	1-Ongoing
		2. Outdoor Amphitheater---complete feasibility study and identify next steps.	2.April ‘26		2-Expected to be done April ‘26
					FY27-No outlay.
Dog in Park Policy	Amend City’s existing ordinance to allow for dogs in city parks with conditions.	1-Amend City’s ordinance to allow dogs in city parks with conditions, such as leashes.	1-Prior to summer ’26	MS/MK/CC	FY27: No outlay. Internal work.
			HMOM		

City Council (CC) Policy/Budget Priorities					
Priorities	Description/Strategy	Operationalizing Strategy	Target	Responsible	Status/Budget Instructions
		2-Provide for necessary signage, waste stations, and education.	2-Prior to HMOM		
Dark Sky	Update policies to include 1) amortization for commercial and residential properties; 2) eliminate lights in soffits; 3) strengthen existing code; and 4) enforcement. Include funding for street light retrofitting. Work with UDOT to eliminate unnecessary streetlights. Education program.	1-Policies: Update existing policy to include council requested items. 2-Include funding in FY'27 budget for street light retrofitting. 3-Develop and execute game plans to eliminate un-necessary UDOT lights. 4-Establish and launch education program.	1-Q2 '26 2-Q2 '26 3-Q2 '26 4-Q2 '26	1)TK 2)MK 3)MK 4)RB	FY27: Outlay dependent on available revenue sources.
Transportation Infrastructure	Program, design, fund, and construction of transportation infrastructure improvements presented by RF at Council's annual retreat held in January '26.	Begin process of prioritizing and budgeting for presented improvements.	TBD	RF	FY27: Outlay will be determined during budget development process.
Gateway/Park/Way Finding Signs	Finalize and implement plans for gateway, park, and wayfinding signs.	1-Finalize designs for gateway/park/way findings signs. 2-Implement designs	1.Q2'26 2.FY'27	RB/MK	FY27: Outlay for 1 sign.
Affordable Housing Plan	Move the needle on developing and realizing affordable housing in Heber community.	1-Affordability Ideas A) Negotiate greater affordability with new MDAs (80% AMI to 120% to 60% AMI) B) Explore City owned land opportunities, swapping land, use of County and/or District property for AH C) Affordable Housing University D) Consider code alternatives, such as STR moratorium in downtown area; limit institutional investors; limits on application fees; yard maintenance costs, etc.	A-Ongoing B-Ongoing C-Commence Q2 '26 D-Q3 '26	TK/MB/JC/CC	FY27: No outlay. Inhouse work.
Historic Preservation	Establish a Historic Preservation District in downtown area	1-Identify district boundary 2-Draft historic district policy	1.Q4'26 2.Q4'26	TK	Underway: Historic building inventory to commence Spring '26. FY27: No Outlay. Inhouse work.
Community Reinvestment Agency (CRA)	Establishment of one or more interlocal agreements with WCSD and WC	Remain in holding pattern until work on County administration parcel project is completed and New London (Richie) development group finishes lobbying WCSD.	Hold	MC/CC	
Targeted Tax Relief	Assess ways to reduce property tax burden on homeowners in Heber City matching Wasatch County's current program requirements.	1-Access alternatives and present to Council at the annual budget workshops.	1-Completed in conjunction with FY '27 budget.	SN	FY27: Project decrease in general fund revenue.

Heber City Council
2026 Strategic Retreat Action Register

Execution Strategy					
Action Item	Description	CC	Target	Responsible	Status/Budget Instructions
Meeting Efficiency	Identify tools, training, and/or rules for improving council meeting efficiency.	All	ASAP	MB/JC/CC	
Staffing Needs/Consultant Utilization/Expansion Space/Organization Chart	Staffing 1.Evaluat FY '27 staffing requests with respect to available funding. Include as part of budget workshop presentations alternatives for funding staffing requests. Consultants 1. Create a summary sheet(s) to itemize current use of consultants, outsourcing and partnerships. Intent of summary sheet is to evaluate whether cost savings and other advantages could be achieved hiring staff to do the same work. Basic data to include firm name, scope of work, hours of work, amount paid annually, etc. Summary sheet to be presented in April/May budget workshops Expansion Space 1.Complete research on court consolidation alternatives. Research to include utility of court space and HL&P building. Decision on HL&P building future not to be made until staffing, consultant and expansion space research and work is completed and presented to the city council. Organization Charts 1.Provide organization charts as part of budget workshops.	All	Findings to be presented in conjunction with FY '27 budget workshops.	Staffing 1.MBSN Consultants 1.LEAD/MB/SN Expansion Space 1.PS/MB Organization Charts 1.MB	
Muirfield Park	1.Identify capital stack for completing project—part in FY '26 and FY '27. 2.Bid, award, and construct in current calendar year.	All	Bid release in early spring '26.	RF/MB/SN	Construction plans at 90% Split project costs between FY '26 and FY '27.
City Property Maintenance	Develop and execute plans to “better” maintain city owned properties, specifically plants, weeding and litter maintenance.	Mike	'26 Summer growing season	MK	Strategy is already in development. Staffing request included in FY'27.
City Lobbyist	Lobbyist report to Council. Two-way communication.	All	ASAP	MB	FY'27: Eliminate outlay.
N. Village Preservation Fee	1.Present to City Council alternatives for N. Village Preservation Fee 2.Adopt policy for outlay of fees.	All	Q3 '26 Q3 '26	TK	FY27: No outlay.
America 250	Design and execute plans for establishing an America 250 memorial in Muirfield Park	All	Before July '26	MB/MK	FY27: No outlay. Current FY cost
Business Documentation	Business processes are documented to ensure ease of employee transitions.	Cheatwood	Q3'26		FY27: No outlay. Inhouse work.
Inflationary Tax Increase	Consider annual inflationary tax increase.	All	FY '27 Budget	SN	FY27: Will conduct assessment
Economic Development	Coordinate with Dallin Kocher for an Economic Development Report to city council.	Cheatwood	Q2 '26	MB	FY27: No outlay
Recycling	Improve Heber City organization’s recycling ethic—at public gathering places, buildings, etc.	All	Q3'26	MS/MK	FY27: Include funding for containers at major city parks/facilities.
AAB Bylaws	Review proposed bylaw changes with a subcommittee of council, staff and AAB members.		Q3'26	TB/JC	FY27: No outlay

Mayors Award for Brayden Powers

Occurred: Jan 7th, 2026
Entered: Jan 7th, 2026
Entered By: Blaine Rigby

Mayors Award for Brayden Powers

Document Fields

Date Occurred	Time Occurred	Location
Jan 7th, 2026	12:00pm	Heber City Police Department

Document Body

I am submitting a Mayors Award Commendation for Sergeant Powers in recognition of his exceptional initiative, dedication, and service to the department. Through his proactive efforts and personal commitment of time and resources, Sergeant Powers successfully secured a \$20,000 grant from the State of Utah to offset and support the costs associated with the department's body-worn camera system.

Sergeant Powers' forward-thinking approach and attention to operational needs demonstrate strong leadership and a commitment to responsible stewardship of public funds.

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
January 20, 2026**

DRAFT 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 4:01 p.m. and welcomed everyone present.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Aaron Cheatwood
Council Member Mike Johnston
Council Member Morgan Murdock
Council Member Sid Ostergaard

Staff Present: City Manager Matt Brower
Assistant City Manager Mark Smedley
Community Development Director Tony Kohler
Airport Manager Travis Biggs
City Engineer Russ Funk
Finance Manager Sara Jane Nagel
City Attorney Jeremy Cook
City Recorder Trina Cooke
Chief of Police Parker Sever
Human Resources Manager Cherie Ashe
Public Works Director Matthew Kennard

Staff Participating Remotely: Human Resources Manager Cherie Ashe, Engineering Technician Desiree Muheim, IT Director Anthon Beales, Planning Manager Jamie Baron, Public Works Director Matthew Kennard, City Engineer Russell Funk, Engineer Ross Hansen, Finance Director Sara Jane Nagel, Deputy City Recorder Robin Bond, and Accounting Technician Wendy Anderson.

Also Present: Wade Hansen, Lorrie Hansen, Randy Christ, Cannon Taylor, Randy Bird, Andrea Clayton, Naomi Kisen, Wyatt Woolley UDOT, Tori Broughton, Carol Johnson, Gabe Gubler, Tom Johnson, T. Jared Johnson, Jason Glidden, Jake Meibos, Ben Atwood, Nathan Jarvis, Michaela Jarvis, Maren Meibos, Heidi Atwood, Cole Sorenson, John McDonald, Mia Yue, Casey Lewis, Amber Sorenson, Kim Dickerson, Gaylen Latimer, Andrew Bernstein, Ryan Pratt, Mallory Pratt, Kylee Richards, Scott House, Seth Plaizier, Cheryl Fox, Kate Sattelmeier, Jason Wooton, Jentry Hardman, Rachelle She, Sara Tuney, Kerry Tuney, Paul Water, Jason Olsen, John McDonald, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed-in online) Anna Simons, Cody W, Jami Hewlett, Kirk Langston, Lori Rutland, Michael Simons, Mike Bradshaw, Neil Richards, Nick Lopez, B, Brian W, Catherine, Dave B, Denna, Grace Doerfler KPCW, Guest, Jen, John, Laurel Bevans, Lindsay Letzelter, Matt W., Observer, Phone, Ramts78, Robert Madsen, S, Sara Turley, Sheriff Rigby, Shortcake5, Shorty5, Steph, and Tom & Tera Nye.

1. Strength, Weakness, Opportunities and Threat (SWOT) Presentations: - 35 *min*

- Airport SWOT - 5 *min*
- Public Works SWOT - 5 *min*
- Engineering SWOT - 5 *min*
- Police Department SWOT - 5 *min*
- Human Resources SWOT - 5 *min*

Airport Manager Travis Biggs presented the SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis for the Heber Valley Airport as included in the meeting materials. He explained that the Airport was self-funded and did not rely on taxpayer subsidization. The Airport provided services for small aircraft including gliders, small private planes, hot air balloons, and private jets.

Public Works Director Matthew Kennard presented the SWOT Analysis for the Public Works Department as included in the meeting materials.

City Engineer Russ Funk presented the SWOT Analysis for the Engineering Department as included in the meeting materials.

Chief of Police Parker Sever presented the SWOT Analysis for the Police Department as included in the meeting materials.

The meeting moved forward to agenda item three and returned to the Human Resources SWOT Analysis presentation after the UDOT presentation.

Human Resources Manager Cherie Ashe shared the SWOT Analysis for her one-person department as attached to the meeting materials.

2. Annual Open Public Meeting Act (OPMA) Training and Conflict of Interest Disclosures (Jeremy Cook, City Attorney) - *30 min*

It was determined to hold the training either later in the meeting or by asking the Council to visit the State Auditor's website for an online training.

3. Utah Department of Transportation (UDOT) Environmental Impact Statement (EIS) Update (Craig Hancock) - *45 min*

Wyatt Woolley, Naomi Kisen, and Andrea Clayton, UDOT (Utah Department of Transportation) representatives, were present to deliver the EIS (Environmental Impact Statement) study results. They shared a presentation as included in the meeting materials. Ms. Kisen explained that the public comment period for the proposed bypass route was ongoing and members of the public, including the Heber City Council Members, who wished to submit a formal comment should visit the website for the [UDOT Heber Valley Environmental Impact Statement study](https://hebervalleyeis.udot.utah.gov/). The public comment period was open from January 9, 2026, through March 9, 2026, at <https://hebervalleyeis.udot.utah.gov/>. State law did not allow for, or require, compensation be given to impacted neighbors unless land was being taken. The UDOT representatives invited the public to visit the website for more comprehensive information. There would be two public meetings hosted by UDOT: a virtual meeting was planned on January 27 from 6:00 p.m. to 7:30 p.m. and an in-person meeting on January 28 from 5:30 p.m. to 8:30 p.m.

4. Discussion on Text Amendment for Rear-Yard Setbacks (Mike Johnston, Council Member) - *10 min*

This item was pushed to the General Business agenda for later discussion.

Council Member Johnston referenced an email sent to each Council Member from a resident who was prevented from extending the kitchen in his home due to the City's rear-yard set-back regulations. He felt it would be more appropriate for the Council to have a public discussion regarding the rear-yard setback variance request. He suggested exploring a broader policy approach that could apply uniformly, noting similar situations experienced by other residents. It was proposed that, rather than changing the rear-yard setback requirement, the Council consider a code amendment allowing limited exceptions for certain additions. Staff confirmed that would require a text amendment to the zoning code. Council directed staff to proceed with options for a code amendment for Council consideration.

Mayor Franco returned the meeting to Action Item two.

II. BREAK - 10 MIN

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

1. Call to Order

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

2. Pledge of Allegiance (Heidi Franco, Mayor)

Mayor Franco led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Morgan Murdock, Council Member)

Council Member Morgan Murdock expressed gratitude for his new granddaughter being born in this free country where every child began life with God-given rights. He reflected upon the words of the Declaration of Independence indicating the right to "life, liberty, and the pursuit of happiness." He shared the following about the pursuit of happiness:

Jeff Rosen, CEO Emeritus of the National Constitution Center, explained that the founders viewed the pursuit of happiness as making wise choices and exercising self-mastery in order to achieve the wisdom and harmony necessary for true freedom.

Martin Luther King, Jr., taught that happiness was most often found not by seeking it for ourselves, but seeking it for others.

Dale Carnegie wrote: "Remember happiness doesn't depend upon who you are or what you have. It depends solely upon what you think."

Council Member Murdock noted the different perspectives about the elusive pursuit of happiness and felt that no matter what challenges and setbacks we faced in life, we could learn from the Founding Fathers, leaders, and writers, some important lessons about the pursuit of happiness. The following were lessons that he'd gathered: Cultivate a positive attitude, become more resilient, work hard, find strength in family, serve others, improve one's character, and most importantly, maintain a sense of humor. He hoped when his granddaughter was older, he would have the opportunity to share some of these ideas with her. He believed that, as we applied these principles, each of us could discover more happiness and fulfillment in our daily lives.

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Mayor's Award for Sergeant Brayden Powers

The Mayor's Award for Brayden Powers was postponed to the next City Council meeting on February 3, 2026.

V. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts disclosed.

VI. CONSENT AGENDA:

Mayor Franco asked City Engineer Russ Funk to share the safety improvements being proposed for the intersection of 980 South and Mill Road. Mr. Funk described the proposed curb bulb-outs intended for traffic slowing and pedestrian visibility. There would also be flashing lights to warn of the upcoming cross-walks. He shared diagrams of the improvements as included in the meeting materials.

Motion: Council Member Cheatwood moved to approve the Consent Agenda as presented.

Second: Council Member Barney made the second.

Voting Yes: Council Members Ostergaard, Johnston, Barney, Cheatwood, and Murdock.

Voting No: None.

The **Motion Passed Unanimously, 5-0.**

1. Approval of January 6, 2026, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Contract Award to Woodward Co for Construction of the 980 South Mill Road Intersection Improvements (Russ Funk, City Engineer)

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

Kim Dickerson, President of the Wasatch County School District, wished to thank the Council for their efforts to improve safety for the children on the school routes. She congratulated the newly elected and reelected City officials.

Ben Atwood was representing the neighbors of the proposed Garbett homes project. He read a prepared statement listing the concerns of the neighbors. The group opposed changing the zoning and respectfully asked the Council to stick to the established zone. He noted there were already too many cars lining the streets and felt spot zoning for high-density housing would create a burdensome impact on the existing home-owners. Several of the neighbors had submitted comments by email that are attached to the end of the meeting minutes.

Tom Johnson stated that he was an adjoining property owner with the proposed Garbett Homes project and described an ongoing property line dispute with another neighbor. He was concerned that the project was unaware of the dispute. He shared that as a contractor, one of the largest concerns faced was offering enough parking, driveways, and garages.

Seth Plaizier said that he was not against development in general, as a resident, but he agreed with previous comments made. He felt there was ample space in the appropriate locations for the high-density housing proposed. He was opposed to the zone exception that he felt went against the Master Plan that the Council had adopted.

Jami Hewlett asked if the proposed Garbett homes was an Ivory homes project. It was not.

Neil Richards wished to be on record in support of the comments made by Ben Atwood.

Josh Hardman opposed rezoning for the reasons provided in Ben's statement. There were many children in the area and Center Street traffic was already a large concern. He understood the need for affordable housing but did not feel the proposed project property was the appropriate location. His primary concern was regarding the traffic and safety for the children.

Mike Simons was the father of a special needs child and expressed concern with the existing traffic on Center Street. He hoped smart decisions were being made and cited the zoning code that did not permit the requested density in the area.

VIII. GENERAL BUSINESS ITEMS:

1. Consolidation of Justice Court Discussion (Parker Sever, Chief of Police) - 30 min

Chief of Police Parker Sever provided a PowerPoint presentation as included in the meeting materials. He reviewed the pro's and con's of combining the local Heber City Justice Court with the Wasatch County Justice Court. He shared the benefits of retaining the Justice Court system within the City as well as the benefits of the two courts consolidating. He walked through the process and timing of consolidation. Concerns included the loss of employment for current staff but he proposed the possibility that the existing City Court staff could be absorbed by the County. He proposed alternative uses for the current Justice Court space such as converting the courtroom into a future Council Chamber and additional offices.

Heber City Justice Court Judge Randy Birch stated that Utah evaluated courts based on workload, determined by the number and types of cases filed, which were driven by enforcement actions and not controlled by the court. He reported that the City Justice Court was currently assessed at approximately 0.41 of a full-time court, while the County court was assessed at approximately 0.5 to 0.6. He cautioned that combining these caseloads could exceed the equivalent of one full-time court and might require additional judicial resources. He noted the Heber City Court Clerk would be retiring that year.

City Prosecutor Mark Smedley felt there were both advantages and disadvantages to consolidating prosecution and court services with the County. He cautioned that doing so would reduce local control and could diminish the personal, community-based approach inherent in a local justice court and prosecution system, which often represented a citizen's first interaction with government in lower-level matters. He emphasized that a local prosecutor and justice court allowed for stronger working relationships with law enforcement and greater personal engagement with the public, which he felt could be lost if cases were handled by the County.

Mayor Franco asked how the funding would transpire. Chief Sever advised he had yet to receive the numbers for the cost from the County, but he had been communicating with them regarding drafting a memorandum of understanding (MOU).

City Manager Matt Brower described the administrative and financial reasoning for seeking alternatives for the City's Court system, including increased efficiency. Council Member Johnston felt it was better for the community to keep a local justice court and did not believe that consolidating the courts would save the City any money. Chief Sever agreed to return with additional information, including cost comparisons.

2. Jordanelle Ridge Open Space (Matt Brower, City Manager) - 30 min

Cheryl Fox and Kate Sattelmeier, with Summit Land Conservancy, Mia Yue, with the Wasatch Trails Foundation, and Mike Bradshaw and Cody Winterton, with Jordanelle Ridge were present to participate in the discussion. City Manager Matt Brower provided the background of the annexation, including the total acreage, and acreage in the annexation agreement that would be dedicated as open space. The County and City had been negotiating a tri-party agreement with Jordanelle Ridge for an open space and recreation designation. The proposal was to have a designated third party included for additional oversight, such as the Summit Land Conservancy. He provided the points that Jordanelle Ridge was seeking to have in the agreement, in order to allow a conservation easement.

City Attorney Jeremy Cook read the State Code that defined a conservation easement. He detailed the background of the negotiations to date and reviewed the current agreement. He noted that the property owner had maintained the trail system for over 20 years. He felt the area could be more accurately described as a park than a conservation easement. Mr. Cook explained that with the current structure of the agreement, the HOA would own, maintain, and care for the trails, the City would provide enforcement, and the County would provide backup enforcement. He proposed an agreement that could potentially be changed in the future, if the change was deemed beneficial, contingent upon the agreement of all parties. He acknowledged that allowing the potential flexibility came with some risk. One of the benefits of the HOA owning the land was tax revenue to the City.

Jordanelle Ridge representative Mike Bradshaw explained the land calculations to arrive at the total number of dedicated open space acreage. Discussion continued regarding forthcoming developments with open space and parks dedication, as well as HOA versus City ownership, and the seven points requested by the Jordanelle Ridge development.

Summit Land Conservancy representative Cheryl Fox described the purpose of the protections provided by a Land Conservancy. The Conservancy held many easements that included recreation space. Their protections allowed for change within certain parameters. Kate Sattelmeier explained the collaborative community effort the Conservancy attempted to facilitate. Discussion continued.

Mia Yue advised that the Wasatch Trails Foundation would continue to advocate for trails as long as the trails remained open to the public. She recognized Heber City's support for the trail maintenance crew by granting funding through the TAP (Trails, Art's, and Parks) tax.

Consensus of Council majority was to proceed with seeking a mutually beneficial agreement and to include a third-party land trust protection for added future oversight.

Mayor Franco moved the meeting back to discuss Work Meeting agenda item four.

3. Affordable Housing University: Topics for Future Affordable Housing Discussions (Matt Brower, City Manager) - *10 min*

This item was postponed to a future meeting.

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

1. North Village Views MDA (Denna Woodbury, Planning Consultant) - *20 min*
2. Garbett Homes potential zone change at 811 East Center (continued from January 6, 2026, Council meeting) (Tony Kohler, Community Development Director, Jacob Ballstead) - *15 min*

Community Development Director Tony Kohler provided background for Garbett Homes negotiations working towards an equally beneficial development in effort to provide a more affordable housing option in the community. If Council supported proceeding, the proposed project would begin the City process, starting by going before the Planning Commission and holding a public hearing. Mr. Kohler clarified that the project did not need Council support to begin the process, but staff felt it would be appropriate to gauge Council's interest prior to embarking on the complete process required. Mr. Kohler shared the updates to the proposal that had been made based upon Council feedback from the previous meeting. Project representative Jacob Balstaedt thanked the Council and advised that he had tried to implement all the Council's requests into the updated design model.

Council Member Johnston wished to address the public comments made earlier in the meeting. He shared the Council's previous discussions that addressed residents' concerns brought forth that night. Council had held lengthy discussions to reduce building height, increase parking, protect existing trees, and promote tenant ownership. He hoped to keep communication open with the concerned residents. Council Member Ostergaard added that Heber City was in need of the "Missing Middle" housing for essential workers within the community. Council Member Barney conceded the need for "Missing Middle" housing, but reiterated her hesitancy to support any high-density housing. Council Member Murdock lived a few blocks from the proposed project and shared the concern for the safety of the children. He too, liked the trees. Mayor Franco expressed concern with the short driveways. Mr. Balstaedt advised the short drives would not be utilized for parking. Mayor Franco recalled the large number of town-homes that had been approved in the North Village. She felt the City should keep the R1 zone. She felt if the Council wished to up-zone the property, the General Plan should be updated. Council discussion continued regarding the lack of, and need for, affordable housing in the community, parking, the trees and trail on the property, existing zoning, and the concerns expressed by the neighboring residents.

Motion: Council Member Barney made the motion to extend the meeting to 10:30 p.m.

Second: Council Member Cheatwood made the second.

Voting Yes: Council Members Ostergaard, Johnston, Barney, Cheatwood, and Murdock.

Voting No: None.

The **Motion Passed Unanimously, 5-0.**

Mayor Franco opened the ten-minute public comment period at 9:39 p.m.

Jake Meibos said that the property was literally in his back-yard. He recognized Council Member Ostergaard's vision but did not feel that the proposed design met the expectation. He had looked at the plans and did not see how two to three bedrooms could fit into the proposed two-story units. He acknowledged the two parking stalls per unit but asked how many people could fit two cars in their own two-car garage with all their stuff. He did not feel the design or location was appropriate for the area or the type of family Heber wanted to bring into the community.

Maren Meibos wished to add perspective. There were already cars lining streets in the neighboring cul-de-sac. Her neighbor was a single family that had six cars and parked in front of her home. She appreciated the comments regarding the trees and canal. She wanted to reiterate that they were a special, natural feature that the neighbors all enjoyed.

Carol Johnson's property bordered the property on the side of the open space shown on the image of the proposed project. She felt fewer units would hold less of a shock value for the neighbors. She proposed there should be two entrances and exits for emergency response and questioned access for the response vehicles if the streets were lined with cars on both sides.

Ms. Johnson recalled debris build-up within the canal and water breaching the debris. She was concerned with water management. She did not feel \$500,000.00 was an affordable option. She had a son who could not afford that amount and said that if he could, he would want his own piece of property, not a townhome.

Gabe Gubler had previously worked for Heber City and pointed out that public utility trucks could not be parked in any of the units shown in the design. He noted that any first responder or public utility worker that was on-call would not be able to take their work vehicle home to park at any of the proposed units. He stated that he was friends with the Johnsons. He said that there were multiple families living in single-family homes in the community and asked how the City could tell him that would not happen in the proposed units as well.

Someone who did not give their name asked how snow removal vehicles, garbage trucks, and delivery vehicles would be able to access the proposed development.

Thomas Johnson had been pre-approved for \$335,000.00 for a home. He worked as a diesel mechanic and could not afford a town-home in Heber. He had friends that had left Heber because they could not afford housing. He did not feel the proposed housing would be good for anyone. He felt the housing and land value in Heber should be re-assessed and revised.

Motion: Council Member Cheatwood moved to extend the public comment for ten more minutes.

Second: Council Member Murdock made the second.

Voting Yes: Council Members Ostergaard, Johnston, Barney, Cheatwood, and Murdock.

Voting No: None.

The **Motion Passed Unanimously, 5-0.**

Cole Sorenson thanked the Council for listening and said he was completely opposed to any zone change, or spot-zoning, on the proposed property. He felt the zone should remain as it was listed in the City's master plan. He felt that he and his neighbors had worked hard to afford to live in the area they did, hoping they had found their forever homes. He understood the need for high-density but did not feel that the proposed location was appropriate.

Kylee Richards wanted to give a mom's perspective. She wanted to address the trail that currently ended at her neighbor's house across the street. Her kids were little and played in the cul-de-sac. She agreed with the zoning and traffic concerns previously mentioned. She was concerned about the fast electric bikes and scooters on the trail and did not wish to see the trail extended.

Seth Plaizier confirmed the granted parking requirements in the existing zone. He acknowledged that there were many large vehicles driven by residents and recognized that he was asking Council to not build in his back yard but he felt there were many other areas in the community that were more appropriate for the high-density proposed. He did not feel the proposed project would solve the issue, nor did it meet the City's long term goals.

Neil Richards asked if there were rentals being proposed. He noted that owner-occupied requirements would not prevent room rentals which would increase the parking overflow into the cul-de-sac. He shared that he and his wife both worked full-time jobs to afford their home in Heber, where they had chosen to live. He called the current proposal very out of touch.

Casey Lewis had reviewed Envision Heber 2050 and did not believe the proposed project fit into the vision. He read an excerpt from the plan as follows: "Envision Heber 2050 is intended to guide development decisions by prioritizing neighborhood compatibility, transportation safety, pedestrian connectivity, and quality of life."

Motion: Council Member Cheatwood moved to extend the public comment period for another five-minutes to allow those participating online an opportunity to speak.

Second: Council Member Murdock made the second.

Voting Yes: Council Members Ostergaard, Barney, Cheatwood, and Murdock.

Voting No: Council Member Johnston.

The **Motion Passed 4-1.**

Nick Lopez, a firefighter, said he was concerned about all high-density developments. He felt that not more than one firetruck would be able to access the proposed development, which could potentially put both residents and firefighters at risk. He thought that a fire-truck would be unable to turn around. He outlined other logistical concerns for firefighting or emergency situations and responders.

Anna Simons owned an adjoining property and had a hearing impaired son. She was very concerned about the traffic. She noted that the master plan zoning had been very intentional. She was concerned about the precedent that a zone exception would set for future developers. She hoped the Council would listen to their constituents. She felt it was not only their neighborhood that would be affected, but the whole community, if the Council were to set a precedent by making a zone exception.

Council expressed appreciation for the constituents in attendance for sharing, provided feedback for the proposed project, considered how to obtain the missing middle housing product needed in the valley, and reviewed the existing or impending multi-unit housing elsewhere in Heber City.

Motion: Council Member Cheatwood moved to continue agenda item one for the North Village Views with the specific guidance to come back with elevations that would answer staff report questions about the overlays and garages; to approve agenda item three for the CAMS agreement for professional services; and for agenda item four for the USU survey questions to be handled by email amongst the Council.

Second: Council Member Ostergaard made the second

Voting Yes: Council Member Ostergaard.

Voting No: Council Member Johnston.

Motion: Council Member Barney moved to continue item three in order to bring it back for discussion.

Second: Council Member Murdock made the second.

Discussion: Council Member Johnston felt it was wrong for Council to make an applicant sit for four and a half hours and not allow time for a discussion due to Council's inability to manage meeting time. He also did not feel it was appropriate to discuss the survey questions through email. Mayor Franco said there was not a magic wand to keep time and felt everyone needed to be allowed the opportunity to speak. Council Member Cheatwood proposed using some of his time at the Council Retreat, coming up that Saturday, to discuss item three for the CAMS agreement. City Manager Matt Brower advised that item three needed to proceed as there was work that needed to begin.

Motion Withdrawn: Council Member Barney withdrew her motion.

Replacement Motion: Council Member Cheatwood wished to replace his previous motion and continue item one with the direction to return to Council with elevations; to approve item three; and to discuss agenda item four during the Annual Council Retreat scheduled for the upcoming Saturday.

Second: Council Member Barney made the second.

Voting Yes: Council Members Ostergaard, Johnston, Barney, Cheatwood, and Murdock.

Voting No: None.

The **Motion Passed Unanimously, 5-0.**

3. Professional Services Agreement with the Community Alliance of Mainstreet (CAMS) (Matt Brower, City Manager) - *15 min*
4. Discussion and approval of extra questions for USU (Utah State University) Wellbeing Survey (Heidi Franco, Mayor) - *20 min*
5. Election of Mayor Pro-Tem (Heidi Franco, Mayor) - *3 min*

Action Item five would return on the next meeting agenda.

X. COMMUNICATION:

XI. ADJOURNMENT:

Motion: Council Member Barney moved to adjourn.

Second: Council Member Cheatwood made the second.
The meeting was adjourned at 10:38 p.m.

Trina Cooke, City Recorder

VII. PUBLIC COMMENTS: (Received by email)

From: Nathan Jarvis [REDACTED]
Sent: Monday, January 19, 2026 5:34 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Input for Garbett Homes potential zone change

Dear City Council,

There's a growing concern in our neighborhood regarding the Garbett Homes development proposal for Center Street and 830 East. I'm all in favor of seeing the property in question transformed into something useful and less unsightly.

For the record I understand the need to provide more housing in the valley. However I question the reasons for entertaining a zone change to allow the creation of the proposed island of high density units. I look forward to learning more via the City Council meeting scheduled for January 20, 2026.

I am very curious about the developer's solution for adequate parking and impact on traffic. From the plan I have seen there are only 11 guest parking spots. I'm curious about how many vehicles are allowed

for per unit. Based on the plans that are floating around there would be 26 units squeezed onto the lot. 26!

I appreciate the hard work the City Council does for the community. I look forward to learning why this kind of zone change would be considered. So far I have not received any official communication from the city.

Sincerely,

Nathan Jarvis



Heber City, UT 84032



"Three things in human life are important. The first is to be kind. The second is to be kind. And the third is to be kind." —Henry James

From: Cole Sorenson [REDACTED]
Sent: Tuesday, January 20, 2026 11:07 AM
To: Heidi Franco <hfranco@Heberut.gov>
Cc: City Council <citycouncil@heberut.gov>; CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Re: Garbett Home Discussion - Actual Density in Code and General Plan

Thank you for responding

On Jan 20, 2026, at 10:29 AM, Heidi Franco <hfranco@heberut.gov> wrote:

Council,

I believe it's important to stick to our actual city code zoning in the Garbett Home discussion tonight.

See this current zoning at and around the Garbett Home parcels at map below.

Garbett's existing parcels are the last part of the R-2 zone on Center street--see below.

More R-2 is directly **west & north** of the Garbett homes parcels. **Directly east and south of the Garbett's parcels are R-1 zoning.**

Medium orange is R-2. Light orange is R-1. Picture came from city:

<https://experience.arcgis.com/experience/f91108560b6e47f59b48009aea09a4f1>

Here's the **existing** city code purposes for R-1 and R2, as well as the general locations for R-3/COSZ. Go to:

<https://heber.municipalcodeonline.com/book?type=planzone#name=18.52.010 Purpose And Objectives>

18.52.010 Purpose And Objectives

A. The objective in establishing the **R-1 residential zone** is to encourage the creation and maintenance of residential areas within the city which are characterized by large lots on which single-family dwellings are situated, surrounded by well-kept lawns, trees and other plantings. A minimum of vehicular and pedestrian traffic and quiet residential conditions.

B. The objective in establishing the **R-2 residential zone** is to provide a residential environment within the city which is characterized by smaller lots and somewhat denser residential environment than is characteristic of the R-1 residential zone. Nevertheless, this zone is characterized by spacious yards and other residential amenities adequate to maintain desirable residential conditions.

C. The objective in establishing the **R-3 residential zone** is to provide appropriate locations within the city for high density residential development. In general, this zone is located in the central part of the city, adjacent to commercial areas where the impact of vehicular travel and parking is consonant with adjacent use of land, and where multiple dwellings can best be supplied with necessary public facilities. This zone is characterized by more compact development and somewhat higher volumes of traffic than is characteristic of the R-1 and R-2 zones.

Here's a larger overview of the zones on this side of the city. There are no 'commercial areas' close to the Garbett Homes parcels, only more R-1 and R-2 residential. Traffic generated would not be 'consonant' with adjacent use of land as said in the R-3 purpose.

Let's follow the existing zoning which has been in place for decades. Land purchases knew this density also.

Plus the future General Plan vision is to have this same area be a 'medium density residential zone' or MDR sometime in the future (which hasn't been passed yet).

The future density allowed there ***if an ordinance is ever passed to match this General Plan vision***, was only 3-6 units per acre, not the densities being asked for by Garbett.

See: <https://envisionheber.com/wp-content/uploads/2024/10/2023-General-Plan-Update-101224-SMALL.pdf> ; pg. 25 at top/20 on pg for map, and 29 up top/or 24 on the actual page for the MDR zoning goal.

Garbett is asking for much more density than in the current code and future general plan vision, plus much more impact to the existing R-1 residential around it who expect the City to follow existing zoning code.

Thank you for considering,

Heidi Franco

Transparency & Accountability to Citizens

<email-signature-
logo_89199529-
05e2-4546-8309-
c98edbae6877.jpg>

Heidi Franco
Mayor

[Heber City](#)
[75 North Main Street, Heber City, UT 84032](#)
Phone: [435-671-8244](tel:435-671-8244)
Email: hfranco@Heberut.gov

PRIVACY NOTICE:

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From: Tom Johnson [REDACTED]

Sent: Monday, January 19, 2026 11:13 PM

To: City Council <citycouncil@heberut.gov>; CC Public Comments <ccpublic@heberut.gov>; PC Public Comments <pcpublic@heberut.gov>; Anthony Kohler <tkohler@Heberut.gov>; Yvonne Barney <ybarney@heberut.gov>; Aaron Cheatwood <acheatwood@heberut.gov>; Sid Ostergaard <sostergaard@heberut.gov>; Mike Johnston <mjohnston@heberut.gov>; Morgan Murdock <mmurdock@heberut.gov>; Heidi Franco <hfranco@Heberut.gov>

Subject: (EXTERNAL) PROPOSED Subdivision near Broadhead Estates

Hi Council Members,

I'm writing in regards to the proposed subdivision near Broadhead Estates and Millroad Estates located at 830 East Center street, that's been presented by GarBett Homes. I'm opposed to the property at that location being subdivided to include 26 two story town homes. The current property has one residential home and should be limited to a max of 2 primary residence homes at that location. I don't agree with the proposed zoning change to this location to allow for 26 two story town homes. If this proposed subdivision is approved it will lower the property values of the surrounding homes, increase traffic on Center street, and disrupt the local wildlife. In addition, the proposed plan doesn't include enough parking for the housing units on the plan. It's also important for the committee to know that the property boundary on the East side of the North property that borders lots 1, 2 and 3 of the Ivory Millroad Estates is currently in a property boundary dispute that has yet to be resolved. I'm the owner of Lot 2 of the Ivory Millroad Estates located at 70 S Miller's Mile Road and have been in contact with Mike and Jolene Austin owners of the North Family Trust, trying to resolve the correct property line between our property. The owners of Lot 1, Ivory Millroad Estates recently resolved their property boundary dispute and purchased additional land west of their property to the canal from the North Family Trust. The property line bordering lot 1,2 and 3 of Ivory Millroad Estates has been surveyed multiple times as recently as 2025 and the exact line has been surveyed and pinned by Elevate Engineering.

This type of subdivision with two story town homes is more suited for properties closer to Main street and should not be allowed to be approved/built beyond 300 East. To my knowledge, no other small lot subdivision has been approved this far East with this many units. The existing development's in this area are single family homes with reasonable lot sizes, adequate parking and wide streets to allow for parking for guests and snow removal. I don't understand why the planning commission and the City Council are entertaining the idea of changing Zoning for these small lots to be developed with 2-3 story town homes jam packed side by side without adequate parking. It's also a joke to state that these are low income/affordable housing units. \$500k is NOT affordable. I have a 23 year old son who couldn't afford to buy a \$500k town home and if he did spend that kind of money he would buy a single family home on it's own parcel of land

I hope that you will read this email with an open mind and take into consideration the desires of the current tax payers that will be affected by this Proposed Subdivision.

Respectfully,

Tom and Carol Johnson

Owner of Lot 2, Ivory Home Millroad Estates

[REDACTED]
Heber City, UT 84032
Cell [REDACTED]

From: William Damron [REDACTED]
Sent: Monday, January 19, 2026 10:56 PM
To: CC Public Comments <ccpublic@heberut.gov>; PC Public Comments <pcpublic@heberut.gov>; City Council <citycouncil@heberut.gov>; Morgan Murdock <mmurdock@heberut.gov>; Yvonne Barney <ybarney@heberut.gov>; Mike Johnston <mjohnston@heberut.gov>; Sid Ostergaard <sostergaard@heberut.gov>; Aaron Cheatwood <acheatwood@heberut.gov>; Anthony Kohler <tkohler@Heberut.gov>; Jamie Baron <jbaron@Heberut.gov>; Jacob Roberts <jroberts@heberut.gov>
Subject: (EXTERNAL) Proposed Rezoning of property for Garbett Homes Development off of Center Street

Dear Planning Commision and Heber City Councilmen,
We would like to voice our concerns along with our neighbors in Broadhead Estates about the proposed rezoning for the Garbett Homes development. We have lived in our home here for 10 years and Rachelle grew up here and is a long time resident of Heber City. We have watched our beautiful community grow and progress and we realize that change is inevitable and that the town will continue to grow. However, we object to the proposed rezoning of the property that lies directly behind our home at 43 South 750 East for the 26 housing units. This seems extremely out of place and is not appropriate for the area. As cited by our wonderful neighbors, we also have concern for the additional traffic load this will bring to Center Street, as well as the overflow parking that will likely spill on to Center Street. As the community has grown with each new development there is an increase with traffic and construction vehicles. Our development already receives an overflow of traffic. We have construction trucks and even diesels barreling down our streets at high speeds not to mention just additional traffic. This is also a concern for children walking to school in the school zones as well. We have loved the view of the trees and would hate to see those taken out, not to mention the wildlife that is located along the creek being displaced. At looking at Garbett Homes designs, the style that has been proposed looks very modern and is very out of place in an area that has older homes and newer builds. The high density units are not a good fit for the area and are sorely out of place. We would love to see the integrity of the homes not being invaded by a random out of place housing development. **We strongly oppose the rezoning of the property and the Garbett Homes development** that is proposed for the site. Please consider our recommendation for the overall good and structure of the community.
Sincerely, Bill and Rachelle Damron, [REDACTED], Heber City Utah, 84032 [REDACTED]

From: Mallory Pratt [REDACTED]
Sent: Monday, January 19, 2026 9:57 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Garbett Homes potential zone change at 811 East Center - Public comment
Public Comment Regarding Proposed Garnett Homes Townhome Development

Approx. 830 E Center Street

My name is Mallory Pratt, and I am a resident of Broadhead Estates. I am writing to express serious concern regarding the proposed high-density townhome development by Garnett Homes at approximately 830 E Center Street.

First, this proposal would require rezoning that is incompatible with the surrounding area.

The property in question sits adjacent to established R-1 zoned neighborhoods, including Broadhead Estates, Timp Meadows, and Mill Road Estates. The purpose of R-1 zoning is to preserve low-density, single-family neighborhoods with larger lots and maintained open space. Introducing a 26-unit high-density townhome development in this location would directly undermine that purpose.

This proposal closely resembles spot zoning, which occurs when a single parcel is rezoned in a manner that is inconsistent with the surrounding zoning and contrary to the city's comprehensive plan. There are no comparable high-density developments in this immediate area, and approving one here would set a troubling precedent. Simply put, this development is out of character and out of place.

Second, the proposed "owner-occupied requirement" does not offer meaningful protection.

While the development is described as owner-occupied, the proposal includes 13 listed exceptions, effectively weakening the requirement to the point where owner occupancy is unlikely to be enforced. The city is already experiencing increased multi-family occupancy in single-family homes, and allowing a dense development with limited safeguards against rental or multi-family use will only exacerbate those issues. This raises legitimate concerns about long-term neighborhood stability and maintenance.

Third, traffic and parking impacts have not been adequately addressed.

The proposed parking count is insufficient to accommodate residents, let alone visitors. This will inevitably push overflow parking onto Center Street and the streets of Broadhead Estates—areas not designed for that level of congestion.

Additionally, the intersection of Center Street and 750 East is already known for high accident rates and frequent pedestrian crossings, including children. A development of this size could conservatively add 50–60 additional vehicles during peak hours, further increasing congestion, reducing visibility, and creating safety risks for existing residents.

Finally, this development will negatively impact property values and neighborhood appeal.

Residents of Broadhead Estates and surrounding neighborhoods chose to build here specifically because the area was designated for low-density residential use under the city's comprehensive plan. Approving this rezoning unfairly shifts the burden onto existing, tax-paying residents who relied on that plan when making significant financial investments in their homes.

It is the responsibility of the City Council and Planning Commission to use zoning as a legal tool to implement the goals of the comprehensive plan—not undermine them. I respectfully ask you to consider the long-term consequences of this decision and to uphold the zoning principles that protect established neighborhoods.

Thank you for your time and consideration.

Sincerely,
Mallory Pratt

From: Amber Sorenson [REDACTED]
Sent: Monday, January 19, 2026 9:30 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Proposed zoning change center street

Dear Members of the City Council,

My name is Amber Sorenson, and I am a homeowner whose property is directly adjacent to the area proposed for rezoning and development. I am writing to formally express my strong opposition to the proposal to rezone a small parcel of land from R2 to R3 high-density residential use behind my home, which is currently zoned R1.

This proposed rezoning is deeply concerning. Our neighborhood was established and purchased under the reasonable expectation that surrounding zoning would remain low-density and consistent with existing residential use. Introducing an R3 high-density development directly behind R1 single-family homes is incompatible with the current character of the neighborhood and represents a significant disregard from responsible land-use planning.

I am particularly concerned that this proposal appears poorly thought out and reckless in its potential impacts. A high-density R3 development will increase traffic, parking congestion significantly, noise, and strain on local infrastructure, while also negatively affecting privacy, safety, and property values for existing residents. These consequences disproportionately burden current homeowners who relied on established zoning when choosing to live here.

Rezoning such a small area to R3 also raises concerns about spot zoning and sets a troubling precedent for future development decisions. Changes of this magnitude should be guided by comprehensive planning, transparency, and meaningful consideration of community input—not by short-term development pressures.

I respectfully urge the City Council to reject this rezoning request and protect the integrity of our neighborhood. Please prioritize thoughtful planning, existing zoning standards, and the voices of residents who will be directly impacted by this decision.

Thank you for your time and consideration.

Sincerely, Amber Sorenson

From: Maren Meibos [REDACTED]
Sent: Monday, January 19, 2026 8:44 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Garbett Homes potential zone change at 811 East Center - Public Comment

Dear Council Member

My name is Maren Meibos. I live in the Broadhead Estates neighborhood in Heber City. (Roughly [REDACTED]) I am writing to you to express concern over the proposed Garbett Homes development going in behind my home/property on two vacant lots. The proposed number of 26 homes/townhomes for this development seems excessive to say the least. This is an established area with single family homes on reasonably sized lots. To approve this development would feel extremely out of place, and for lack of a better term, be an eyesore.

Any potential development should reflect and resemble the surrounding homes and neighborhoods. This feels as though someone has seen an opportunity to cram as many homes in as they can to make the largest profit possible, rather than attempting to put in a neighborhood that would blend in with the other surrounding neighborhoods and add value to the community. Current homeowners purchased their homes and property based on the understanding that the area was zoned for other single-family homes, not what I would consider high density housing. The traffic on Center Street would also be a major concern with this development. There are already parking issues in the current neighborhoods, with cars regularly lining the streets. The existing homes are on larger lots and less condensed. Imagine the potential problems with the proposed zoning change for this development, creating more homes in a smaller area.

Additionally, I feel I can speak for the majority in our neighborhood when I say that the large, mature willow trees and canal that run through the property and along the trail are a special and unique feature to the area, and to remove them and cover the canal would be tragic. I understood and expected that these lots would eventually be developed, but the future developer should take the existing natural features into consideration, and integrate them into their plans. Heber is sought after by many for its charm, character, and rural setting. When you remove the large trees that have been there for years, and cover the canal, the area loses its appeal to an extent. It is also a visited frequently by various wildlife, including deer, geese, ducks, and other bird varieties. Please take into consideration the homeowners that are already here, and approve homes that would add to our current community, keep the beautiful mature trees, and would blend in with our neighborhood, rather than forcing in an overcrowded subdivision that is out of place. Thank you for your time and thoughtful consideration on this issue.

I appreciate your service to our community!

Sincerely,

Maren Meibos

From: caseylewis81@gmail.com [REDACTED]
Sent: Monday, January 19, 2026 8:23 PM
To: CC Public Comments <ccpublic@heberut.gov>; PC Public Comments <pcpublic@heberut.gov>
Cc: City Council <citycouncil@heberut.gov>
Subject: (EXTERNAL) Garbett Homes Project (811 E Center St.) - Casey Lewis - [REDACTED]

Dear Members of the Heber City Council,

I am writing to respectfully share my concerns regarding the proposed Garbett Homes potential zone change at 811 E Center Street.

Heber City's General Plan, Envision Heber 2050, is intended to guide development decisions by prioritizing neighborhood compatibility, transportation safety, pedestrian connectivity, and quality of life. In reviewing this 26-unit proposal, I believe there are several areas where the project may not fully align with the city's stated goals.

First, access and safety are significant concerns. The site design appears constrained for emergency vehicles, waste management trucks, and snow removal truck or equipment, raising questions about safe and reliable access for essential services. In addition, the proposed sidewalk in front of the development does not connect to sidewalks to the east or to the west of the development because there aren't any sidewalks currently in place. The proposed pedestrian and trail connections terminate without linking to a broader, continuous sidewalk or trail network. This undermines the General Plan's emphasis on safe, connected pedestrian circulation.

Second, parking impacts are a major issue. The proposed density does not appear to provide sufficient parking for realistic household vehicle ownership. There is also no clear accommodation for wheelchair-accessible vehicles. As a result, overflow parking will likely spill onto a very busy Center Street and surrounding residential neighborhoods, creating congestion, safety concerns, and diminished neighborhood livability.

Third, the proposed R-3 zoning raises compatibility concerns. This site is surrounded primarily by R-1 and R-2 neighborhoods, not an established higher-density or mixed-use corridor. Introducing higher density in the interior of a low-density neighborhood risks disrupting neighborhood character and stability, contrary to the General Plan's context-sensitive growth and land use policies.

Finally, the loss of mature trees on city property for private development benefit raises concerns about whether the project delivers a clear and lasting public benefit, as envisioned in the General Plan.

I respectfully ask the City Council to carefully consider whether this proposed zone change meets the standards of Envision Heber 2050 and Heber City's zoning code, particularly with regard to emergency access, parking adequacy, pedestrian safety, and neighborhood compatibility.

Thank you for your time, service, and thoughtful consideration of these concerns.

Sincerely,

Thanks,

Casey Lewis



From: Tera [REDACTED]
Sent: Monday, January 19, 2026 8:13 PM
To: CC Public Comments <ccpublic@heberut.gov>
Cc: Tom Nye <tomnyejr@gmail.com>
Subject: (EXTERNAL) Opposition of re-zoning

Dear Mayor Franco, Members of the Heber City Council, and Planning and Zoning Committee,

We are writing to formally express my opposition to the proposed rezoning of the property located at 811 E Center Street in Heber City.

We are concerned that the requested rezoning would further contribute to an over concentration of high-density housing in Heber City, which is inconsistent with the existing character and zoning intent of the surrounding neighborhood. Continued increases in density without appropriate balance risk altering the community fabric and diminishing the quality of life for nearby residents.

In addition, increased residential density at this location would place additional stress on already impacted roadways and traffic patterns in the area. Center Street and surrounding roads experience regular congestion, and further development of this intensity is likely to exacerbate traffic safety concerns and access for residents and emergency services.

We also have serious concerns regarding the impact this rezoning and resulting development could have on city infrastructure, particularly utilities and water resources. As growth continues in Heber City, it is critical that existing systems—including water supply, sewer capacity, and related infrastructure—are not overburdened beyond their intended design or sustainable limits.

Rezoning this property may set a precedent for future developments that are not aligned with the City's General Plan and long-term land use policies. Thoughtful, measured growth is essential to ensuring Heber City remains livable, well-planned, and adequately supported by infrastructure.

We respectfully request that the City Council and Planning and Zoning Committee give careful consideration to these concerns and deny the proposed rezoning request. We urge the City to pursue development approaches that are compatible with existing zoning, infrastructure capacity, roadway safety, and the expectations of the community.

Thank you for your time, consideration, and service to Heber City. We appreciate the opportunity to share my concerns and ask that this email be included in the public record for this matter.

Sincerely,

Tom and Tera Nye



Heber City Council Staff Report

MEETING DATE: 2/3/2026
SUBJECT: Declaration of Police Department Firearms no Longer in use as Surplus Property
RESPONSIBLE: Parker Sever
DEPARTMENT: Police Department
STRATEGIC RELEVANCE:

SUMMARY

Declaration of surplus

RECOMMENDATION

That City Council by motion, approve the listed items as surplus property in accordance with Heber City Police Department practices.

BACKGROUND

Periodically, the firearms used by the police department need to be replaced due to age, condition, usage or changes in department needs. The list of firearms fall into one of those categories. None of these firearms are currently in use and none will require replacement as they are already considered surplus by the PD. We are therefore requesting authorization to dispose of or sell the following firearms currently held by the Heber City Police Department;

- Colt, Serial No. A0556306 – Full Auto
- Colt, Serial No. A0400523 – Full Auto
- Colt, Serial No. A0400627 – Full Auto
- Colt, Serial No. A0400574 – Full Auto
- Olympic Arms, Serial No. BT8240
- Olympic Arms, Serial No. SM2154
- Olympic Arms, Serial No. SM2155
- Olympic Arms, Serial No. SM2151
- Olympic Arms, Serial No. SM2150
- Olympic Arms, Serial No. SM2153
- Remington Model 1917, .30 caliber rifle, Serial No. 199595
- Remington 870 Express Magnum, Serial No. B154297M
- Remington 870 Express Magnum, Serial No. D528646M
- Savage Axis .308, Serial No. H991049

- Remington 870 Police Magnum, Serial No. CC69904D
- Remington 870 Police Magnum, Serial No. CC75821B
- Remington 870 Police Magnum, Serial No. CC69830D
- Remington 870 Police Magnum, Serial No. RS77846V

The pd no longer utilizes full-auto firearms, most of the shotguns have been replaced by less-lethal shotguns and the other firearms are being retired for excessive use and there are two firearms that are being removed from our evidence inventory.

Any disposal or sale of these firearms would be conducted in full compliance with all applicable federal, state of Utah, and local laws and regulations governing firearm possession, transfer, and sale. The intent of this request is to ensure responsible management of city property while maintaining public safety and adherence to established legal requirements.

Generally speaking, the police department is provided a credit from an authorized firearm reseller for future purchases made by the Heber City Police Department.

DISCUSSION

FISCAL IMPACT

Minor positive impact as the HCPD will receive a credit for future purchases.

CONCLUSION

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Police Department
Staff member: Parker Sever, Chief of Police

EXHIBITS

None



Heber City Council Staff Report

MEETING DATE: 2/3/2026
SUBJECT: Declaration of Surplus Property - AED's
RESPONSIBLE: Parker Sever
DEPARTMENT: Police Department
STRATEGIC RELEVANCE:

SUMMARY

The Police Department has 15 surplus automated external defibrillators (AED's). These AED's are older and require additional service. The PD has new AED's that are more compatible with EMS for service and use. We are requesting to donate the 15-AED's to the Wasatch County Fire Department for a community project they are working on. In exchange for the donation, they will return to us 3 serviced and working AED's that we will strategically locate at city buildings in case of an emergency.

RECOMMENDATION

That the Heber City Council by motion approve the declaration of surplus property and the donation of that property.

BACKGROUND

The Police Department has 15 surplus automated external defibrillators (AED's). These AED's are older and require additional service and have been replaced. The new AED's which were acquired over a number of budget cycles, are more compatible with EMS for service and use. We are requesting to donate the 15 replaced AED's to the Wasatch County Fire Department for a community project they are working on. In exchange for the donation, they will return to us 3 serviced and working AED's that we will strategically locate at city buildings in case of an emergency. The Surplus AED's are as follows:

AED BRAND	Serial #
Zoll AED Plus	TZ0JPQK
Zoll AED Plus	TQ03PBK
Life Line AED	101021205
Zoll AED Plus	TZ05SAJ
Zoll AED Plus	TZ0R5T1
Zoll AED Plus	TZ0R474

Zoll AED Plus	TZ0JGHU
Life Line AED	101001114
Life Line AED	101001079
Life Line AED	101021171
Zoll AED Plus	TQ03P90
Zoll AED Plus	TZ09WB0
Zoll AED Plus	TZ0N3AD
Life Line AED	101021203
Zoll AED Plus	TZ05QET

DISCUSSION

FISCAL IMPACT

No fiscal impact

CONCLUSION

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Police Department
Staff member: Parker Sever, Chief of Police

EXHIBITS

None

RESOLUTION NO. 2026-02

A RESOLUTION APPROVING A CHANGE TO THE HEBER LIGHT & POWER COMPANY ORGANIZATION AGREEMENT

WHEREAS, Heber Light & Power Company (“HL&P”) is an energy services interlocal entity created by Heber City, Midway City, and Charleston Town (“Members”) to provide electric service to customers within the municipalities and surrounding areas;

WHEREAS, HL&P exists pursuant to an organization agreement dated October 9, 2014 (the “Organization Agreement”) among the Members under the Utah Interlocal Cooperation Act;

WHEREAS, the Organization Agreement contemplates amendments and updates as needed and sets forth a process for making such changes, with such process requiring HL&P to adopt the amendment by vote and approval of at least two of the three Members for it to become effective;

WHEREAS, the HL&P Board voted on and approved an amendment to the Organization Agreement which replaces paragraph J.2. in its entirety under HL&P Resolution No. 2025-09 on November 19, 2025; and

WHEREAS, Charleston town approved the change to the Organization Agreement by the adoption of Resolution 2025-10 on December 4, 2025; and

WHEREAS, Heber City wishes to approve the amendment outlined in Heber Light & Power Company Board Resolution No. 2025-09.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Heber City, Utah, that the Heber City Council approves of the amendment to the Heber Light & Power Company Organization Agreement as contemplated by HL&P Resolution No. 2025-09, such that paragraph J.2. of the Organization Agreement shall be replaced in its entirety with the following language:

“Distributable Income” means the amount, if any, of the Company’s net income before depreciation or amortization that is available for distribution to the Parties after the payment of all operating expenses and debt service costs of the Company and the funding of all rate stabilization, surplus, or similar funds established under the Company’s bond indenture or resolution, or of any contingency reserves determined by the Board to be reasonably necessary to pay the costs of unexpected energy price fluctuations, equipment failures, or replacement or repair of self-insured assets or to provide rate stabilization. The amount of Distributable Income shall not exceed the available amount on deposit in the rate stabilization, surplus, or similar fund established under the Company’s bond indenture or resolution.

ADOPTED AND PASSED by the City Council of Heber City, Utah, this _____ day of _____, 2026. This Resolution shall become effective upon adoption and passage by the City Council.

HEBER CITY
A Utah Municipal Corporation

Heidi Franco, Mayor

ATTEST:

Trina Cook, City Recorder

(city seal)



Heber City
Heidi Franco, Mayor
75 North Main Street
Heber City, Utah 84032

Via email to hfranco@heberut.gov

January 16, 2026

Dear Mayor Franco:

As you know, Heber Light & Power Company wishes to amend the definition of “Distributable Income” used in its Organization Agreement. The proposed amendment incorporates depreciation, amortization, and the replacement or repair of self-insured assets into the definition of “Distributable Income” so that the term better reflects the available income that Heber Light & Power Company can distribute to its members, including Heber City. A redline showing the proposed changes is provided here:

“Distributable Income” means the amount, if any, of the Company’s net income **before depreciation or amortization** that is available for distribution to the Parties after the payment **of** all operating expenses and debt service costs of the Company and the funding of all rate stabilization, surplus, or similar funds established under the Company’s bond indenture or resolution, or of any contingency reserves determined by the Board to be reasonably necessary to pay the costs of unexpected energy price fluctuations **and**, equipment failures, **or replacement or repair of self-insured assets** or to provide rate stabilization. The amount of Distributable Income shall not exceed the available amount on deposit in the rate stabilization, surplus, or similar fund established under the Company’s bond indenture or resolution.

Heber Light & Power Company has already approved this proposed amendment through its Resolution No. 2025-10. Pursuant to section N.3. of Heber Light & Power Company’s Organization Agreement, the proposed amendment will not be effective until it is adopted by the governing bodies of two of Heber Light & Power Company’s Members. Charleston approved this change at its December Town Council meeting. As such, Heber Light & Power Company requests that you pass a resolution, in substantially the form included with this letter, which will approve and implement the changes to Heber Light & Power’s Organization Agreement as described above.

January 16, 2026
Page 2

Please contact either of us if you have any questions.

Regards,

HEBER LIGHT & POWER COMPANY



Jason Norlen
General Manager



Adam S. Long
General Counsel



HEBER CITY COUNCIL STAFF REPORT

MEETING DATE: 2/3/26



SUBJECT: Nominations to Planning Commission

RESPONSIBLE: Mayor Heidi Franco

STRATEGIC RELEVANCE: Necessary Administrative Item

SUMMARY

Mayor is nominating two people to the Planning Commission: Tori Broughton and Kristina Goodnough.

Tori Broughton is nominated for a full six-year term on the Planning Commission (Feb 1, 2026 – Jan 31, 2032).

Kristina Goodnough is nominated for a two-year term as Planning Commission Alternate. (Feb 1, 2026 – Jan 31, 2027).

RECOMMENDATION

City Council can review Ms. Goodnough's qualifications below.

Nominee:

Kristina Goodnough
1178 Lauren Lane
Heber City, UT 84032
Kristinagoodnough@gmail.com

Background/Experience/Qualifications	Extensive experience in writing, editing, research and media relations for higher education and health care. Demonstrated proficiency in publication design and production, project management and building collaborative relationships with wide-ranging constituencies. Excellent written and verbal communication skills.
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Why I want to serve on the Planning Commission	I am delighted with Heber City's natural beauty and hospitality. I'd welcome the opportunity to help manage and protect its growth in a way that retains its character while promoting thoughtful expansion.
--	--

And, as a retiree, I have the time and patience to participate fully in the work of the commission.

Kristina Goodnough
kristinagoodnough@gmail.com

SUMMARY OF QUALIFICATIONS

Extensive experience in writing, editing and research for newspapers, higher education, and health care. Demonstrated proficiency in project management and building collaborative relationships with wide-ranging constituencies. Excellent written and verbal communication skills

PROFESSIONAL EXPERIENCE

WRITER, Community Health Center, Inc., Middletown, CT (2016-2017)

Research and develop two quarterly newsletters for external audiences, draft press releases, write blogs, op-eds, letters to the editor for faculty and leadership

SENIOR EDITOR/WRITER, University of Connecticut Foundation, Storrs, CT (2011-2014)

- Manage written communications for Foundation and fundraising team. Projects include newsletters, annual reports, case statements, donor profiles, executive talking points, and direct mail materials.

ASSOCIATE EDITOR/WRITER, Weill Cornell Medical College, Doha, Qatar (2009-2011)

- Direct writing team, graphic designers, and photographers to produce four-color magazine, annual report, and website for internal and external audiences
- Supervise complete redesign of magazine
- Initiate and supervise preparation of news releases and development of newspaper articles on health care or research for submission by faculty
- Support public events through supervision and production of fact sheets, press kits, and marketing materials

COMMUNICATIONS OFFICER 2, University of Connecticut, Farmington, CT (2000-2009)

- Direct, edit, and manage four-color magazine published three times annually and other publications including reports on research and strategic initiatives for internal and external audiences and stakeholders
- Direct internal employee communication through development of articles and photos for university publications and websites
- Promote the Health Center, its faculty and initiatives through media relations and media training for faculty and through annual placement of more than 300 positive stories in local, national and international media outlets

EDITOR, University of Connecticut Health Center, Farmington, CT (1999-2000)

- Plan, research, write and desktop design monthly newsletter and weekly news sheet for faculty and staff of UConn Health Center, which includes the School of Medicine, the School of Dental Medicine, the Graduate School and John Dempsey Hospital
- Provide editorial support to departments throughout the Health Center and serve as liaison to university's main campus in Storrs

COMMUNICATIONS SPECIALIST, Kaiser Permanente HMO, Farmington, CT (1998)

- Develop, research, write, design three separate publications: one for patients and members: one for brokers and corporations, and one for employees of one of the nation's largest health maintenance organizations

REPORTER The Hartford Courant, Hartford, CT (1977-1982)

- Initiate and produce stories and features for all sections of The Courant on topics ranging from municipal government and finance to agriculture and education

EDUCATION

Bachelor of Arts, Political Science

University of Vermont,
Burlington, Vermont

Master of Arts, Government

Georgetown University
Washington, DC

Heber City Council 2026 Annual Meeting Schedule

January 6 & 20

July 7 & 21

February 3 & 17

August 4 & 18

March 3 & ~~17~~

March 17 Meeting Cancelled

September 1 & 15

April 7 & 21

October 6 & 20

May 5 & 19

November 3 & 17

June 2 & 16

December 1 & 15



Heber City Council Staff Report

MEETING DATE: 2/3/2026
SUBJECT: Discussion about Housing Opportunities for Essential Employees
RESPONSIBLE: Scott Ogilvie, Wasatch Commons
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community Development

SUMMARY

Scott Ogilvie, representing Wasatch Commons, would like to take a few moments to describe a housing opportunity they are offering essential employees. As a preferred employer, Heber City team members will receive the current move-in special of one month free on an immediate move in, as well as an additional \$300 for being part of the program. Current apartment offerings include one-, two-, and three-bedroom floor plans. Mr. Ogilvie will provide more details in his presentation.

RECOMMENDATION

N/A

BACKGROUND

N/A

DISCUSSION

N/A

FISCAL IMPACT

N/A

CONCLUSION

N/A

ALTERNATIVES

N/A

POTENTIAL MOTIONS

N/A

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

1. Wasatch Commons Preferred Employer Program

Wasatch Commons

APARTMENTS



Thanks for being one of our Preferred Employers! Bring this flyer in and receive an additional \$300 off move in costs!



PROPERTY FEATURES



POOL & HOT TUB



NEWLY
REMODELED
UNITS



SPACIOUS
KITCHENS



FITNESS
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WASHER/DRYER

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WASATCHCOMMONS@LIVEAMC.COM



Heber City Council Staff Report

MEETING DATE: 2/3/2026
SUBJECT: North Village Views MDA
RESPONSIBLE: Denna Woodbury
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community Development

SUMMARY

North Village Views is asking for modification to the North Village Views Master Development Agreement (MDA) to address some of the required zoning design elements (including those contained in the North Village Overlay Zone) for the proposed homes. A public hearing has been held. A presentation, discussion, and direction from the City Council was given at the December 16, 2025, City Council meeting. This item is for the adoption of the amended MDA.

RECOMMENDATION

Staff recommends that City Council adopt the amendments to the North Village Views MDA.

BACKGROUND

North Village Views was annexed into Heber City in 2022. On November 12, 2022, the City Council approved a Master Development Agreement with North Village Views. The applicant has moved forward with the project and has some challenges in meeting NVOZ due to the topography.

A public hearing was held at the October 28, 2025, Planning Commission meeting where the Planning Commission provided a positive recommendation for an amendment to the existing MDA. There was discussion on incorporating all the comments from the different City Departments and entities into the amended MDA.

A presentation, discussion, and direction from the City Council was given at the December 16, 2025, City Council meeting. The discussion included the history of the project, road alignments, and why items cannot meet NVOZ, and the lack of elevations that are needed for a thorough review for the exceptions. There was also a discussion regarding the number of units per building and that the exception was no longer needed.

DISCUSSION

The North Village Overlay Zone Ordinance is the code for the North Village Views Development and works with the MDA to guide the development of this master plan. The MDA is utilized to address situations that are unique to the property development. North Village Views has some challenging

topography which makes it difficult to implement the NVOZ, and for this reason the request has been made to amend. Their challenges with the hillside and variance requests are similar to the requests granted to The Highlands. Additionally, the project has had to be redesigned in order to accommodate the UDOT road location. The road has had to be relocated, requiring land swaps for the new location. North Village Views is a master plan development with an existing MDA. It has been approved for up to 219 ERUs on 36.8 acres. The applicant would like to amend the Master Development Agreement to request variances from the North Village Overlay Zone (NVOZ) in order to develop their project in accordance with their site plan. The Variances requested correspond with 3. Variances from City's Vested Laws found in the MDA are the following:

a. Block length and perimeter vary from Section 18.21.040 of the Zone provisions such that distances are adjusted in accordance with the Site Plan. **Due to the topography, the block length and block perimeter cannot be achieved. The Highlands provided pedestrian connectivity to their amenities to compensate for longer block lengths.**

b. Alley loaded garages varying from Section 18.21.030 of the Zone provisions such that townhomes constructed on the property will not be required to be alley loaded but may instead be front loaded. **Due to the topography and road design, accessing the townhome from an alley cannot be achieved and have the grades work without large retaining walls. Non-alley-loaded townhomes will only be allowed on private streets.**

c. Townhome requirements vary from Section 18.21.030 of the Zone such that the following may be adjusted if required, and only to the extent required, to meet the site design set forth in the Site Plan::

- i. The front line property coverage. **The front property line coverage may be reduced due to topography that would require retaining walls to meet the standard.**
- ii. Front build-to zone — **The front build-to zone may be increased to accommodate topography when the property line curves such that the front build-to line is not reasonably achieved.**
- iii. Building variations — **Elevations have not been provided, so it is difficult to determine what items need to receive relief from the NVOZ code. The Highlands received relief from the minimum porch requirement on one of their housing types but was still required to provide private open space. Highlands was also required to meet the street face requirements with 360 degree architecture and added porch-like elements, so the street facade from the private streets is pleasing. An application for Site Plan review will be required as part of the development process.**
- iv. Transparency per story—**This request is required because of the garage doors. Without elevations, it is difficult to calculate what the reduction will be from the required 15%. This request will only apply to the garage level.**
- v. Number of units per building — **During the discussion at the December 16, 2025, City Council meeting, the applicant stated that this request is no longer needed.**

d. To facilitate the road alignment changes, a variance is granted from the standard buffer and open channel requirements along the historic natural drainage channel and allowing a portion of the channel, from the Timpanogos Canal to approximately 550 feet downstream of the Timpanogos Canal to be piped. Subject to review and approval of the City Engineer, downstream of the piped section, the channel may be reconstructed and relocated adjacent to the new collector road in accordance with the Site Plan **Their requests are similar to other hillside developments within the NVOZ district.**

e. All other requirements in accordance with the City's Vested Laws and the Zone, including but not limited to the following items, shall remain in effect:

- i. the Site Plan shall remain subject to final UDOT design and approval of design and connections to Highway 40;
- ii. the Developer shall comply, directly or indirectly, with all published Master Planned infrastructure and trails requirements for the Property, both on and adjacent to the Property;
- iii. the Developer shall ensure that emergency vehicle access is available during phased construction;
- iv. the City's storm water design manual must be followed for separation and pre-treatment as applicable;
- v. secondary access, including connectivity to adjoining properties, must be available as applicable.

FISCAL IMPACT

None.

CONCLUSION

The North Village Views Master Plan has challenging topography and makes it difficult to meet some of the required zoning design elements (including those contained in the North Village Overlay Zone) for the proposed homes. The changes that are being proposed to the MDA address the unique topography challenges and provide design elements to meet the intent of the required zoning design elements

Staff recommends that City Council adopts the amendments to the Master Development Agreement for North Village Views, subject to the following findings and conditions:

Findings

1. The application is consistent with the Municipal Zoning Code.
2. The application is consistent with the General Plan.
3. The proposed Site Plan shall comply with City ordinances, Federal, State Law, as applicable to the site where the conditional use is located.

Conditions:

- 1 All requirements of the City Engineer shall be met.
2. All other Code Requirements shall be met.
3. All conditions from reviewing departments and agencies be met.
4. Any other conditions or changes as articulated by the Planning Commission.
5. Any other conditions placed on the development through previous approvals and the Planning Commission.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve North Village Views MDA** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve North Village Views MDA** as amended, as follows:

Alternative 3 - Continue

I move to **continue** the **North Village Views MDA** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny North Village Views MDA** with the following findings.

ACCOUNTABILITY

Department: Planning

Staff member: Denna Woodbury, Planning Consultant

EXHIBITS

1. NVV concept 9-18-25a (1)
2. NVV concept 9-18-25a
3. NVV concept 9-18-25b (1)
4. NVV concept 9-18-25b
5. Second Amendment to North Village Views MDA for Packet - 4905-9069-0439 - 2
6. 2026.01.29 UpEntry THsPlan
7. 2026.01.29 LowEntry THsPlan
8. 2026.02.02 Unit 3 Story LowEntry
9. 2026.02.02 Unit 3 Story UpperEntry
10. PP for North Village Views Elevations
11. 2026 Council Budget and Council Priorities
12. 2026.02.02 Unit 2 Story Plus Basement





WHEN RECORDED, RETURN TO:

Heber City

Attention: City Recorder

75 North Main Street

Heber City, Utah 84032

Tax Parcel Nos.: 00-0021-2042, 00-0021-2609, 00-0021-2266, 00-0021-2267, 00-0007-8530

(Space above for Recorder's use only.)

**SECOND AMENDMENT TO
DEVELOPMENT AGREEMENT
FOR THE
NORTH VILLAGE VIEWS**

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE NORTH VILLAGE VIEWS (this "**Second Amendment**") is entered into this 20th day of January, 2026, by and between HEBER CITY, a political subdivision of the State of Utah (the "**City**"), and NORTH VILLAGE PROPERTIES, LLC, a Utah limited liability company ("**Developer**"). Each of Developer and the City are hereinafter referred to individually as a "**Party**" and collectively as the "**Parties**"

RECITALS:

A. This Second Amendment amends that certain Master Development Agreement for the North Village (the "**MDA**"), which MDA was approved by the City Council through ordinance 2022-27 and executed December 6, 2022 (as such MDA was amended by that certain First Administrative Amendment to the MDA for the North Village Views, which was recorded in the official records of the Wasatch County Recorder on January 18, 2024 as Entry No. 540891 in Book 1463 at Page 1839-1846 (together, the "**Agreement**")). Capitalized terms not otherwise defined in this Amendment shall have the meaning ascribed to them in the Original Agreement.

B. The Agreement encumbers property which is described in Exhibit A, attached hereto and incorporated herein.

C. Following discussions with the City, the Developer has submitted a formal request for an amendment to the Agreement to incorporate changes to the Agreement agreed by Developer and City.

D. The Parties agree that the Second Amendment is necessary to effectively and efficiently develop the Property in accordance with the intent of the Parties under the Agreement, including the approved Site Plan (and any amendments thereto) set forth in the Agreement.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants made herein and in the Original Agreement, the receipt and sufficiency of which are hereby acknowledged, the parties to this Amendment agree as follows:

1. **Effect of this Second Amendment.** Other than as specifically amended herein by this Second Amendment, the Agreement and all applicable provisions therein shall remain in full force and effect.

2. **Recording.** This Second Amendment shall be recorded with the Wasatch County Recorder's Office.

3. **Variances from City's Vested Laws.** The Agreement is hereby amended to allow for variances from the following City's Vested Laws (including the Zone) to allow Developer to develop the Property generally in accordance with the Revised Site Plan ("**Site Plan**"), attached hereto as Exhibit B and incorporated into the Agreement:

- a. Such necessary variances from Section 18.21.040 of the Zone such that block lengths and block perimeter distances are adjusted in accordance with the Site Plan;
- b. Such necessary variances from Section 18.21.030 of the Zone such that townhomes constructed on the property will not be required to be alley loaded, but may instead be front loaded. Townhomes and single-family units shall not be loaded from collector roads;
- c. Such necessary variances from Section 18.21.030 of the Zone such that the following may be adjusted if required, and only to the extent required, to meet the site design set forth in the Site Plan:
 - i. the front-line property coverage;
 - ii. the front build to zone;
 - iii. building variations;
 - iv. transparency per story only on garage level;
- d. To facilitate the road alignment changes, a variance is granted from the standard buffer and open channel requirements along the historic natural drainage channel and allowing a portion of the channel, from the Timpanogos Canal to approximately 550 feet downstream of the Timpanogos Canal to be piped. Subject to review and approval of the City Engineer, downstream of the piped section, the channel may be reconstructed and relocated adjacent to the new collector road in accordance with the Site Plan.
- e. All other requirements in accordance with the City's Vested Laws and the Zone, including but not limited to the following items, shall remain in effect:

- i. the Site Plan shall remain subject to final UDOT design and approval of design and connections to Highway 40;
- ii. the Developer shall comply, directly or indirectly, with all published Master Planned infrastructure and trails requirements for the Property, both on and adjacent to the Property;
- iii. the Developer shall ensure that emergency vehicle access is available during phased construction;
- iv. the City's storm water design manual must be followed for separation and pre- treatment as applicable;
- v. secondary access, including connectivity to adjoining properties, must be available as applicable.

4. **Variances to the Property Description.** Provided that the Developer provides written notice and an opportunity for the City to review such changes, the Parties hereby agree that Developer shall be entitled to make reasonable adjustments to the Property legal description and boundaries by effecting such land swaps with adjacent developers and property owners as are reasonably necessary to give effect to the Site Plan, without impacting the remainder of the Agreement, including this Second Amendment.

5. **Conflicts.** In the event of any conflict between the terms and conditions set forth in this Amendment and those set forth in the Original Agreement, the terms and conditions of this Amendment shall control.

6. **Ratification.** Except as expressly set forth in this Second Amendment, the Agreement is ratified and confirmed as written.

[Signatures appear on the following pages]

CITY:

Heber City, a political subdivision of the State of Utah

Heidi Franco, Mayor

Approved as to form and legality:

Attest:

City Attorney

City Recorder

By:_____By:_____

CITY ACKNOWLEDGMENT

STATE OF UTAH

)

:\$.

CITY OF HEBER

)

On the _____ day of _____, 2026, personally appeared before me Heidi Franco, who being by me duly sworn, did say that she is the Mayor of City of Heber, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the City by authority of its governing body.

NOTARY PUBLIC

Exhibit A
to
Second Administrative Amendment
to
Development Agreement for the North Village Views

(Description of Property)

Exhibit A

Development Agreement for North Village Views Residential Development

Legal Description

PARCELS 21-2609 & 07-853, ENTRY #442251:

Beginning at a point on the centerline of the Timpanogos Canal said point being North 00°28'54" West 270.81 feet and WEST 115.94 from the Northeast Corner of Section 19, Township 3 South, Range 5 East, Salt Lake Base and Meridian and running;

Thence South 51°57'07" East 113.12 feet along the centerline of said Timpanogos Canal; Thence South 55°05'22" East 52.87 feet along the centerline of said Timpanogos Canal; Thence South 52°41'32" East 44.68 feet along the centerline of said Timpanogos Canal; Thence South 47°56'47" East 261.47 feet along the centerline of said Timpanogos Canal; Thence South 39°35'56" East 102.04 feet along the centerline of said Timpanogos Canal; Thence South 75°00'53" East 26.17 feet along the centerline of said Timpanogos Canal; Thence

North 89°46'54" East 71.96 feet along the centerline of said Timpanogos Canal; Thence southeasterly 120.62 feet along the arc of a 98.00 foot radius curve to the right, the chord bears South 54°57'25" East 113.15 feet along the centerline of said Timpanogos Canal; Thence South 19°41'44" East 102.74 feet along the centerline of said Timpanogos Canal; Thence South 34°55'51" East 147.43 feet along the centerline of said Timpanogos Canal; Thence South 37°00'16" East 100.58 feet along the centerline of said Timpanogos Canal; Thence

South 48°04'46" East 20.70 feet along the centerline of said Timpanogos Canal; Thence South 55°31'15" East 116.23 feet along the centerline of said Timpanogos Canal; Thence South 74°48'25" West 17.48 feet; Thence westerly 193.02 feet along the arc of a 347.00 foot radius curve to the right, chord bears North 89°15'29" West 190.54 feet; Thence North 73°19'22" West 74.75 feet; Thence northwesterly 113.35 feet along the arc of a 353.00 foot radius curve to the left, chord bears North 82°31'19" West 112.87 feet; Thence

South 88°16'44" West 182.17 feet; Thence northwesterly 67.72 feet along the arc of a 347.00 foot radius curve to the right, chord bears North 86°07'48" West 67.61 feet; Thence North 10°34'50" East 167.93 feet; Thence

North 79°25'10" West 110.01 feet; Thence northwesterly 15.55 feet along the arc of a 10.00 foot radius curve to the right, chord bears North 34°53'04" West 14.03 feet; Thence northeasterly 16.62 feet along the arc of a 60.00 foot radius curve to the left, chord bears North 01°42'58" East 16.57 feet; Thence northwesterly 102.91 feet along the arc of a 303.35 foot radius curve to the right, chord bears North 73°10'38" West 102.42 feet; Thence North 63°59'49" West 141.63 feet; Thence southwesterly 37.15 feet along the arc of a 20.00 foot radius curve to the right, chord bears South 62°46'58" West 32.04 feet; Thence

North 63°59'49" West 21.15 feet; Thence northwesterly 31.71 feet along the arc of 60.00 foot radius curve to the left, chord bears North 79°08'12" West 31.34 feet; Thence South 85°43'26" West 41.59 feet; Thence southwesterly 89.28 feet along the arc of a 150.00 foot radius curve to the right, chord bears South 08°57'08" West 87.97 feet; Thence South 26°00'11" West 54.74 feet; Thence North 63°59'49" West 88.89 feet; Thence northwesterly 190.66 feet along the arc of a 603.00 foot radius curve to the left, chord bears

North 73°03'19" West 189.87 feet; Thence North 73°03'19" West 189.87 feet; Thence North 82°06'48" West 75.29 feet; Thence North 06°27'11" East 77.53 feet; Thence northwesterly 86.47 feet along the arc of a 150.00 foot radius curve to the left, chord bears North 10°03'42" West 85.28 feet; Thence South 27°27'52" East 146.06 feet; Thence North 43°52'21" East 685.58 feet to the point of beginning.

PARCELS 21-2267 & 21-2266, ENTRY #432395:

Beginning at a point being South 00°30'30" East 1085.37 feet and South 89°53'52" West 669.21 feet from the Northeast Corner of Section 19, Township 3 South, Range 5 East, Salt Lake Base and Meridian and running thence, South 89°53'52" West, a distance of 466.35 feet; Thence, South 42°04'20" West, a distance of 263.-72 feet to a point on the northwest sideline of State Highway 40; Thence, North 31°21'37" West, along said sideline a distance of 402.47 feet; Thence, North 87°13'09" East, a distance of 520.38 feet; Thence, North 32°30'59" West, a distance of 298.91 feet; Thence, North 52°35'58" East, a distance of 139.08 feet; Thence, North 32°24'17" West, a distance of 96.36 feet; Thence, North 49°02'11" West, a distance of 30.17 feet; Thence South 68°24'22" West 515.30 feet to a point on the northwesterly sideline of said State Highway 40; Thence, North 24°49'56" West, along said sideline a distance of 150.48 feet; Thence, North 69°59'05" East, a distance of 399.34 feet; Thence, South 70°20'17" East, a distance of 104.96 feet to the centerline of Wasatch Canal; Thence, along the center line of said Wasatch Canal the following nine (9) courses; (1) South 62°37'14" East 78.81 feet; (2) South 39°53'29" East 132.39 feet; (3) South 55°57'44" East 111.02 feet; (4) South 43°39'59" East 56.24 feet; (5) South 35°00'02" East 23.20 feet; (6) South 20°24'36" East 117.27 feet; (7) South 41°35'39" East 119.93 feet; (8) South 24°37'46" East 140.91 feet; (9) South 33°44'06" East 85.31 feet to the point of beginning.

PARCEL 21-2042, ENTRY #428172:

Commencing at the Northeast Corner of Section 19, Township 3 South, Range 5 East, Salt Lake Base and Meridian, and running thence South 00°30'30" East 1085.37 feet and South 89°53'55" West 23.55 feet to the point of beginning for this description: Thence South 89°53'55" West, a distance of 396.07 feet; Thence North 00°08'04" West, a distance of 1.82 feet; Thence South 89°53'55" West, a distance of 203.30 feet to a point on the east sideline of the existing 65.00 foot Wasatch Canal Right of Way; Thence running along said sideline for the following five courses: (1) Thence North 43°17'59" West, a distance of 36.37 feet; (2) Thence North 33°44'06" West, a distance of 72.49 feet; (3) Thence North 24°37'46" West, a distance of 143.17 feet; (4) Thence North 41°35'39" West a distance of 118.70 feet; (5) Thence North 20°24'36" West, a distance of 15.84 feet; Thence North 55°53'06" East, a distance of 196.76 feet; Thence Southeasterly along the arc of a curve to the left, having a radius of 500.00 feet, the center which bears North 73°22'35" East, a distance of 64.45 feet; Thence North 69°43'31" East, a distance of 140.58 feet; Thence northwesterly along the arc of a curve to the right, having a radius of 400.00 feet, the center which bears North 69°43'31" East, a distance of 255.08 feet; Thence southeasterly along the arc of a curve to the right, having a radius of 470.00 feet, the center bears South 18°25'33" West, a distance of 62.16 feet; Thence South 63°59'49" East, a distance of 96.94 feet; Thence southeasterly along the arc of a curve to the left, having a radius of 300.00 feet, the center of which bears South 77°17'51" East, a distance of 154.23 feet; Thence southeasterly along the arc of a curve to the left, having a radius of 300.00 feet, the center which bears North 73°01'46" East, a distance of 109.50 feet; Thence South 37°40'01" East, a distance of 361.29 feet; Thence southeasterly along the arc of a tangent curve to the left, having a radius of 250.00 feet, the center which bears North 52°20'00" East, a distance of 105.15 feet to the point of beginning.

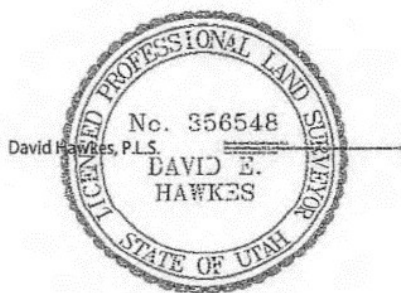
EXHIBIT A

A parcel of land lying and situate in the Southeast Quarter of Section 18, and the Northeast Quarter of Section 19, Township 3 South, Range 5 East, Salt Lake Base and Meridian. Comprising 1.21 acres of Lot 1, North Horizon Subdivision, as recorded in Book 511, at Page 306 of the Wasatch County Records.

Basis of Bearing for subject parcel being

North 87°06'33" West 2619.46 feet, measured, between the 2005, 3" Wasatch County Brass Cap monumenting the Southeast Corner of said Section 18 and the 1976, 3" Wasatch County Aluminum cap monumenting the South Quarter of said Section 18; Subject parcel being more particularly described as follows:

Commencing at the 1976, three inch brass cap monument monumenting the Southeast Corner of said Section 18, thence North 87°06'33" West 1580.22 feet coincident with the monument line of the south line of the Southeast Quarter of said Section 18; Thence North 02°53'27" East 305.38 feet to a point on the southeasterly right of way line of Moulton Lane and the True Point of Beginning; Thence North 63°50'34" East (North 63°43'50" East, plat) 80.84 feet coincident with said right of way line; Thence departing said right of way South 26°25'22" East 54.19 feet to a point of curvature; Thence southeasterly 43.25 feet along the arc of a 242.00 foot radius curve to the left (center bears North 63°34'38" East) through a central angle of 10°14'24" to a point of tangency; Thence South 36°39'46" East 518.08 feet along a line running parallel to and 66.00 feet easterly of the westerly boundary of said Lot 1 to a point of curvature; Thence easterly 123.36 feet easterly along the arc of a 242.00 foot radius curve to the left (center bears North 53°20'14" East) through a central angle of 29°12'27" to a point on the southerly boundary of said subdivision; Thence South 28°36'44" West (South 28°36'44" West, plat) 106.54 feet coincident with said subdivision boundary; Thence North 36°39'49" West (North 36°46'30" West, plat) 791.82 feet coincident with the westerly line of said Lot 1 and the prolongation thereof to the point of beginning.



Commencing at the Northeast Corner of Section 19, Township 3 South, Range 5 East, Salt Lake Base and Meridian, thence South $00^{\circ}30'30''$ East 1085.41 feet coincident with the east line of said quarter section to the True point of beginning;

Thence North $89^{\circ}53'52''$ East 116.19 feet;

Thence South $00^{\circ}06'08''$ East 125.00 feet;

Thence South $89^{\circ}53'52''$ West 1216.77 feet;

Thence South $42^{\circ}04'13''$ West 226.85 feet to the east right of way of US Highway 40;

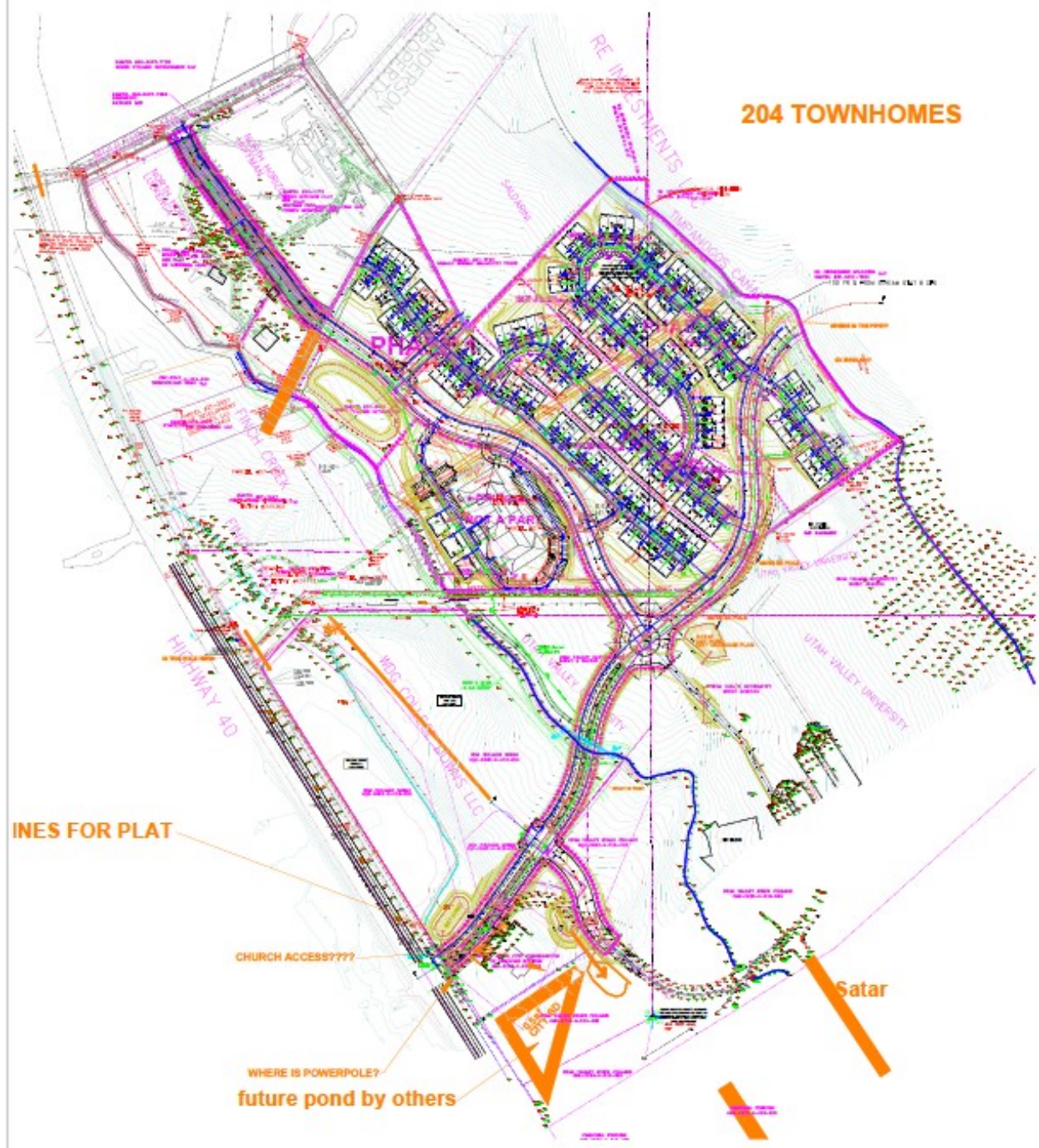
Thence North $32^{\circ}01'03''$ West 114.23 feet coincident with said right of way;

Thence North $42^{\circ}04'13''$ East 264.68 feet;

Thence North $89^{\circ}53'52''$ East 1135.57 feet to the point of beginning.

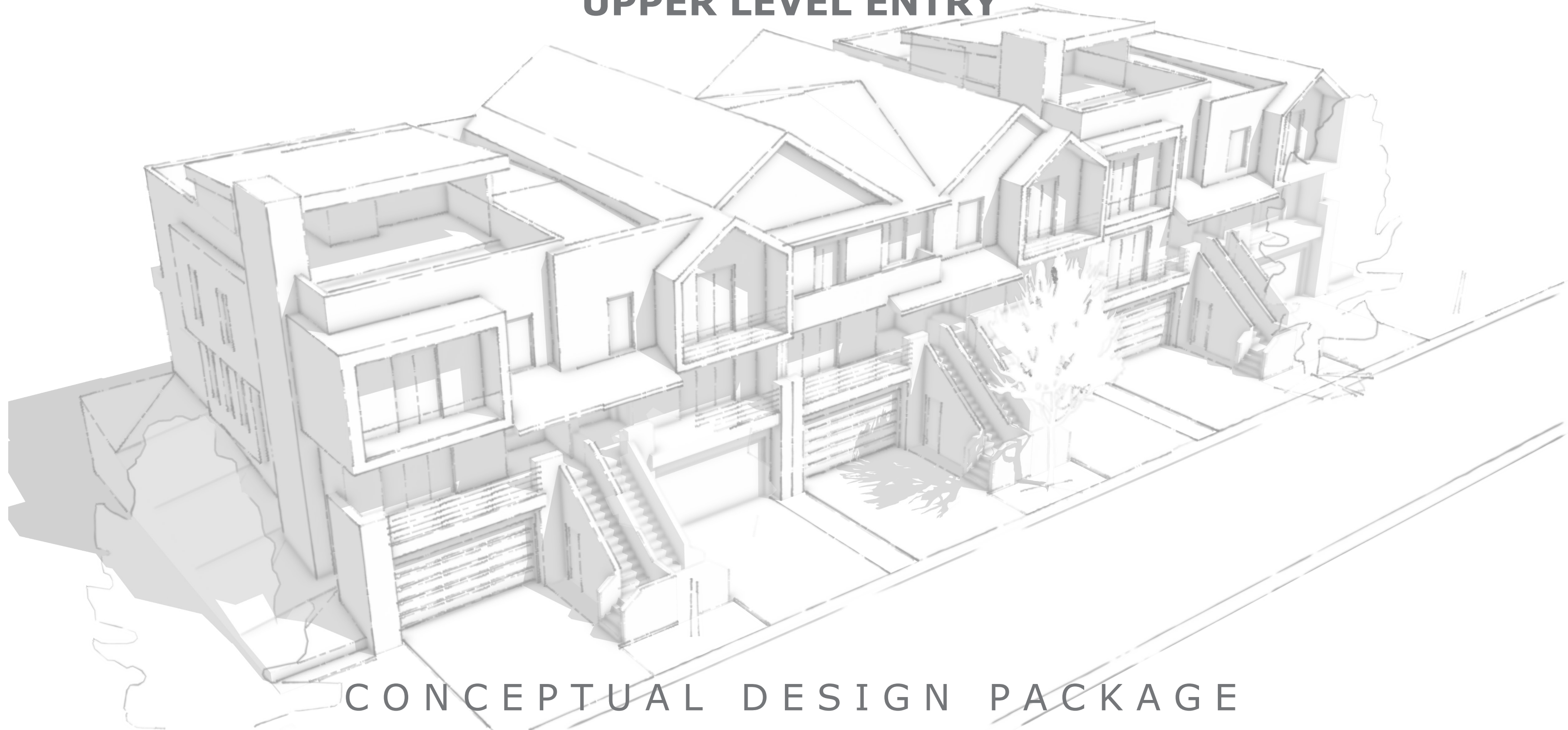
Exhibit B
to
Second Administrative Amendment
to
Development Agreement for the North Village Views

Revised Site Plan

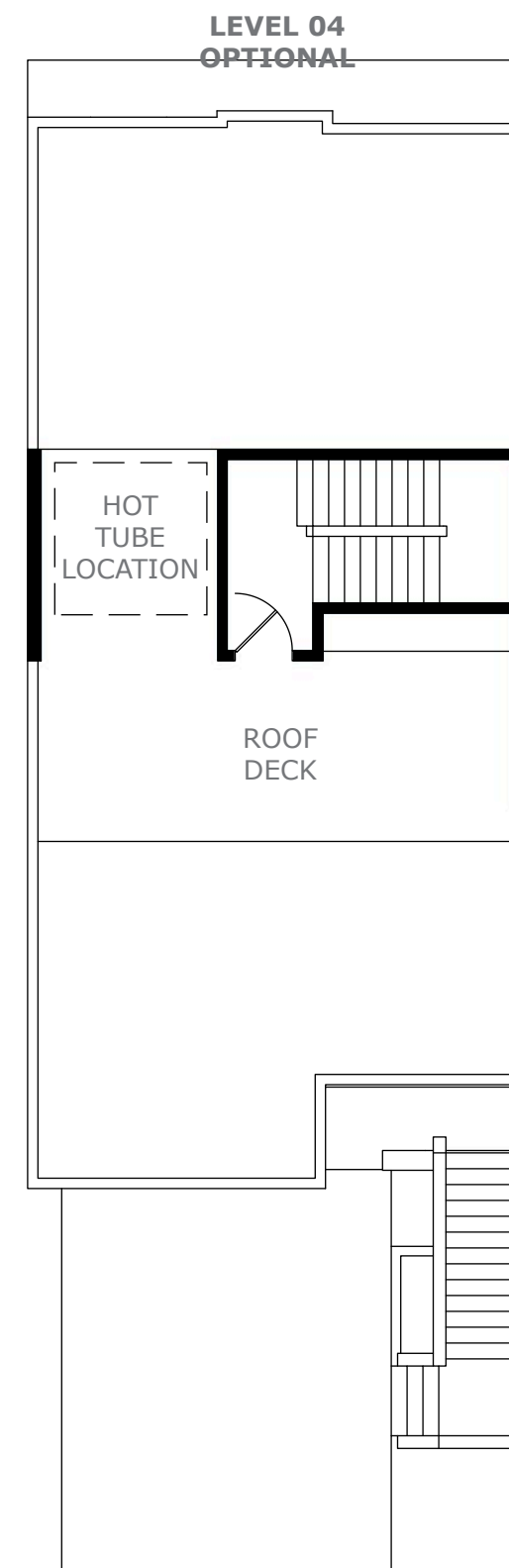
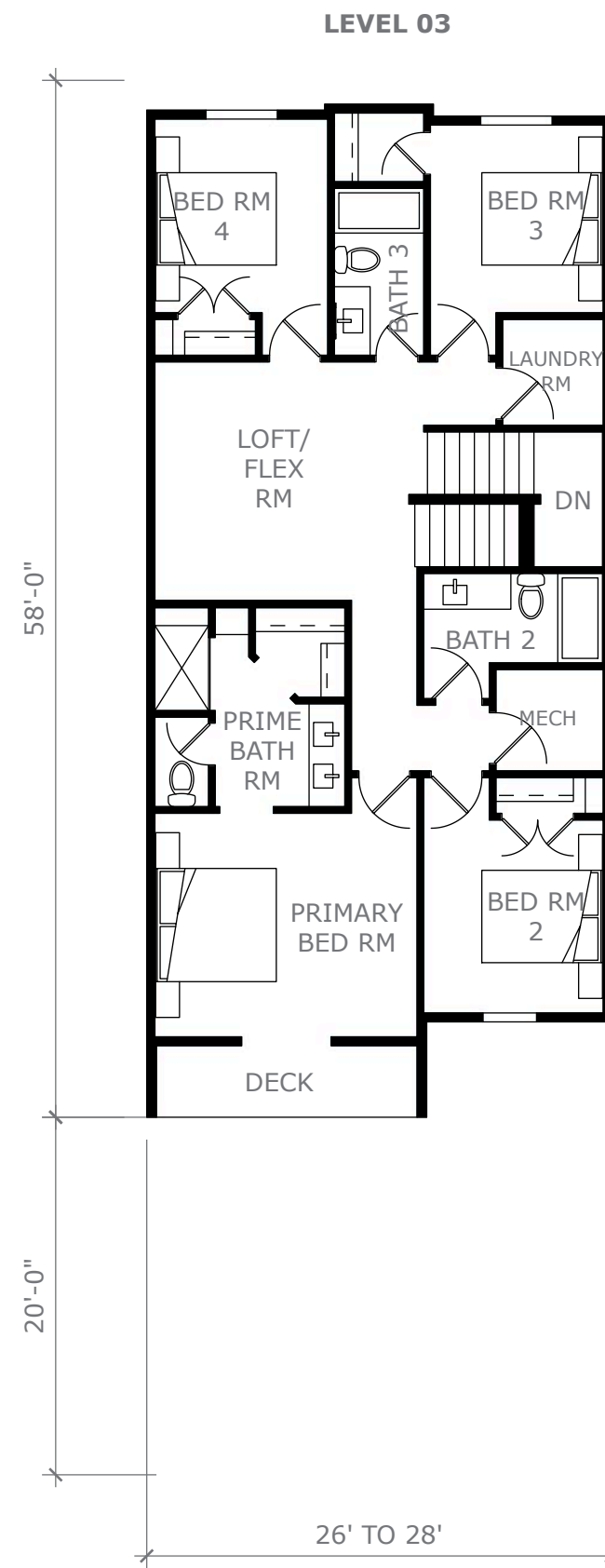
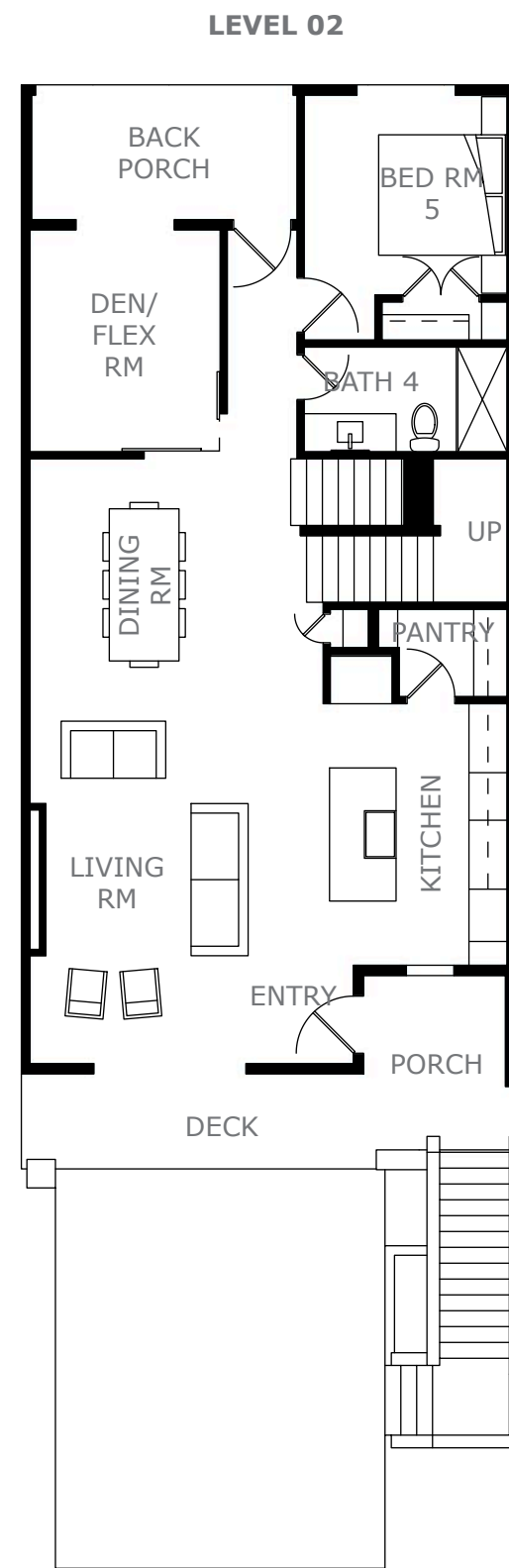
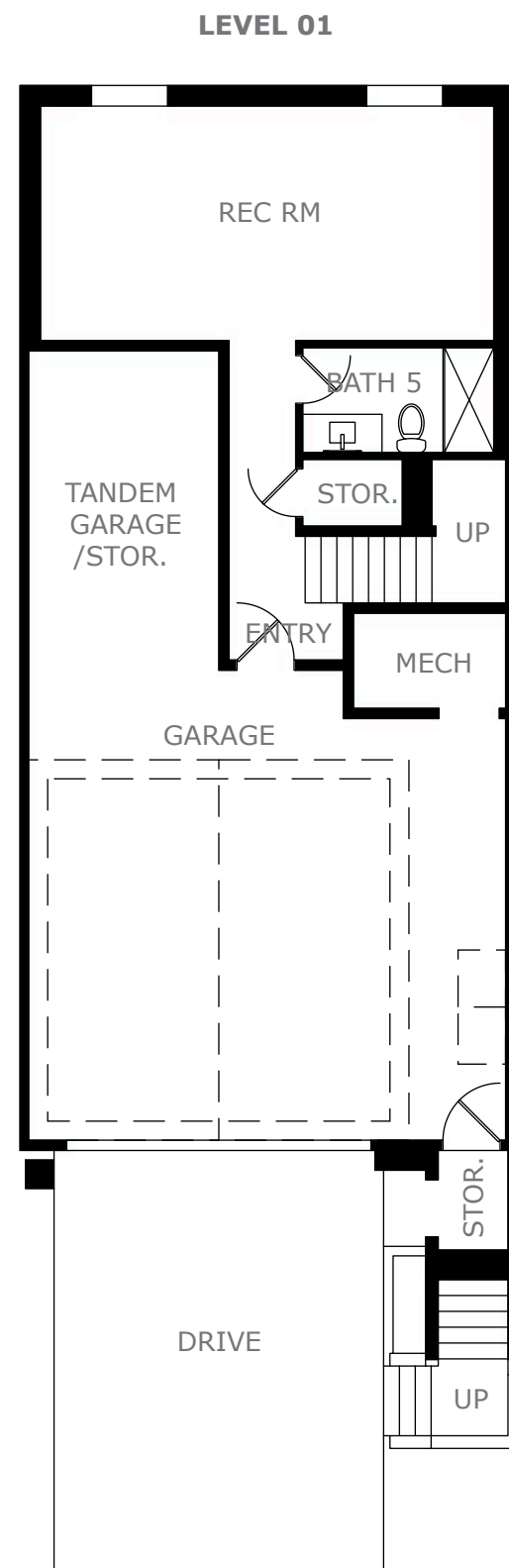


MILAR TOWNHOMES

UPPER LEVEL ENTRY



CONCEPTUAL DESIGN PACKAGE



CONCEPT FLOOR PLANS

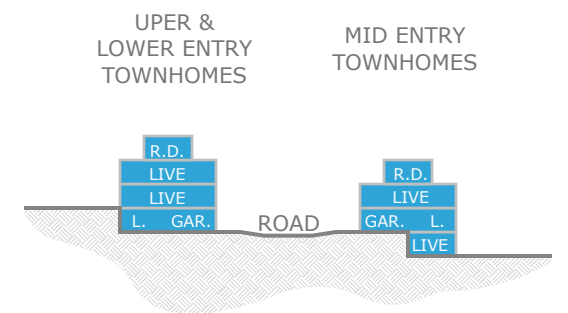
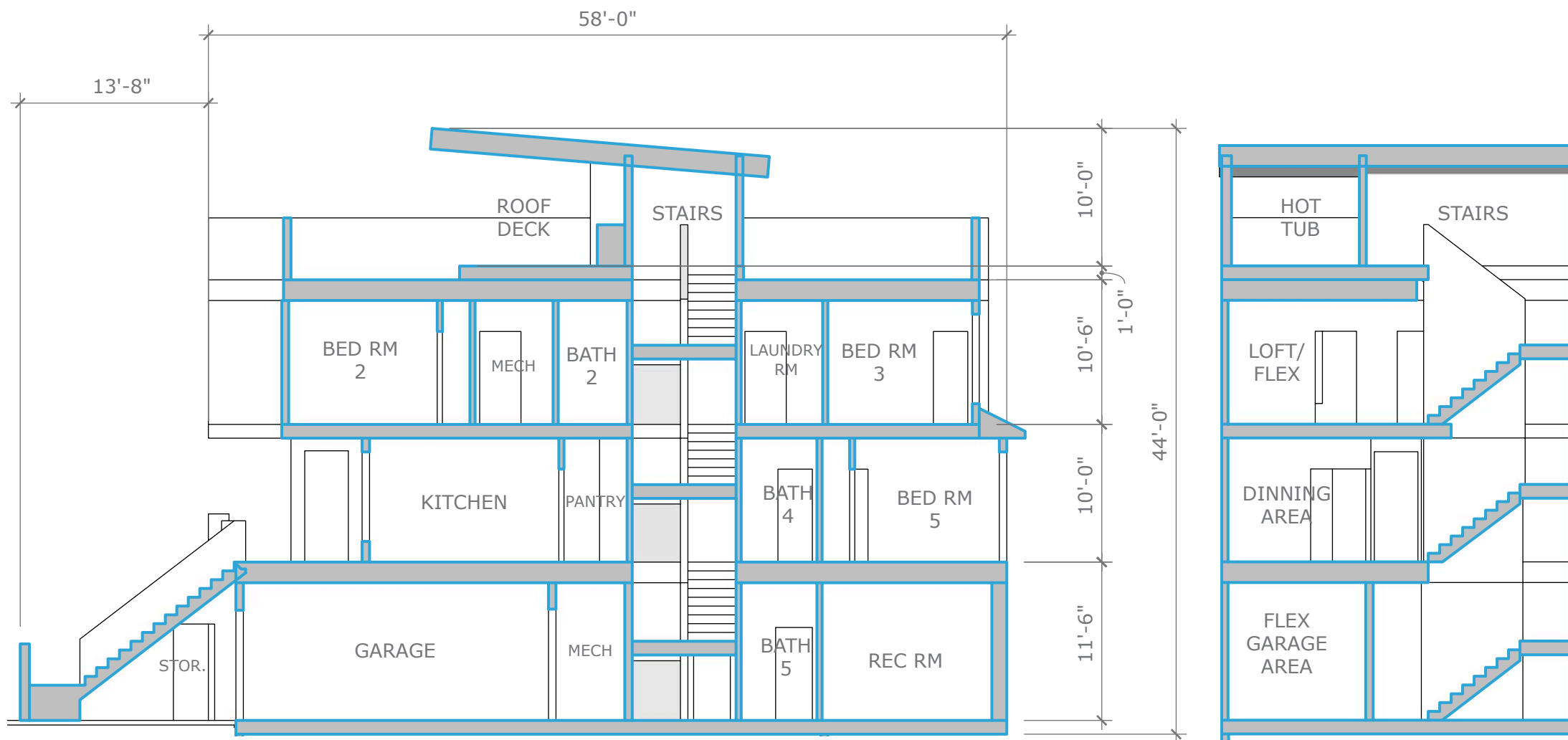
MILAR TOWNHOMES

HEBER - UT
29 January 2026

AE2025.394

SCALE 1" = 10'-0"





CONCEPT BUILDING SECTIONS

MILAR TOWNHOMES

AE2025.394

SCALE 1" = 10'-0"

HEBER - UT
29 January 2026



CONCEPT ELEVATION

MILAR TOWNHOMES

AE2025.394

SCALE 1" = 10'-0"

HEBER - UT
29 January 2026





STREET VIEW

MILAR TOWNHOMES

HEBER - UT
29 January 2026

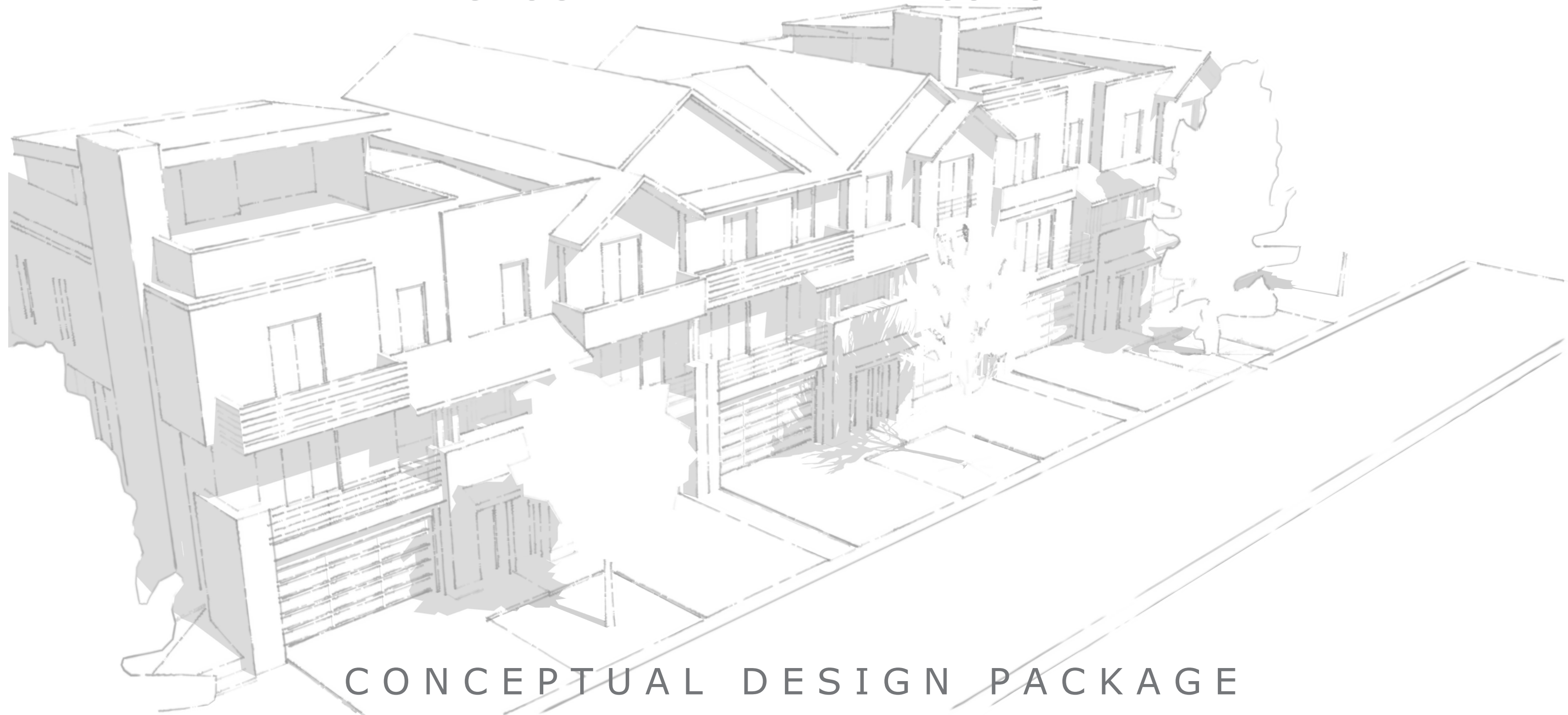
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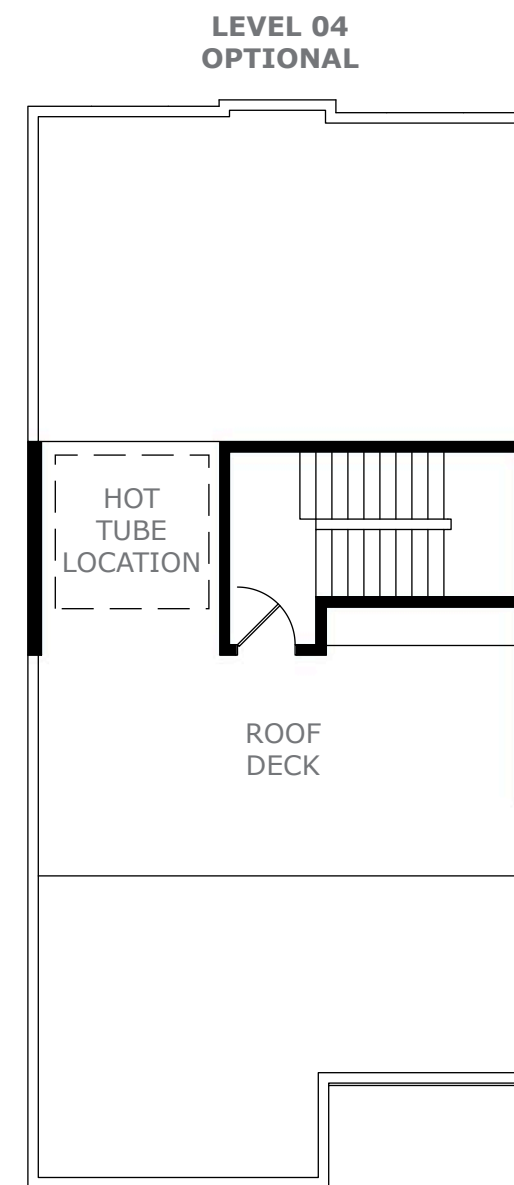
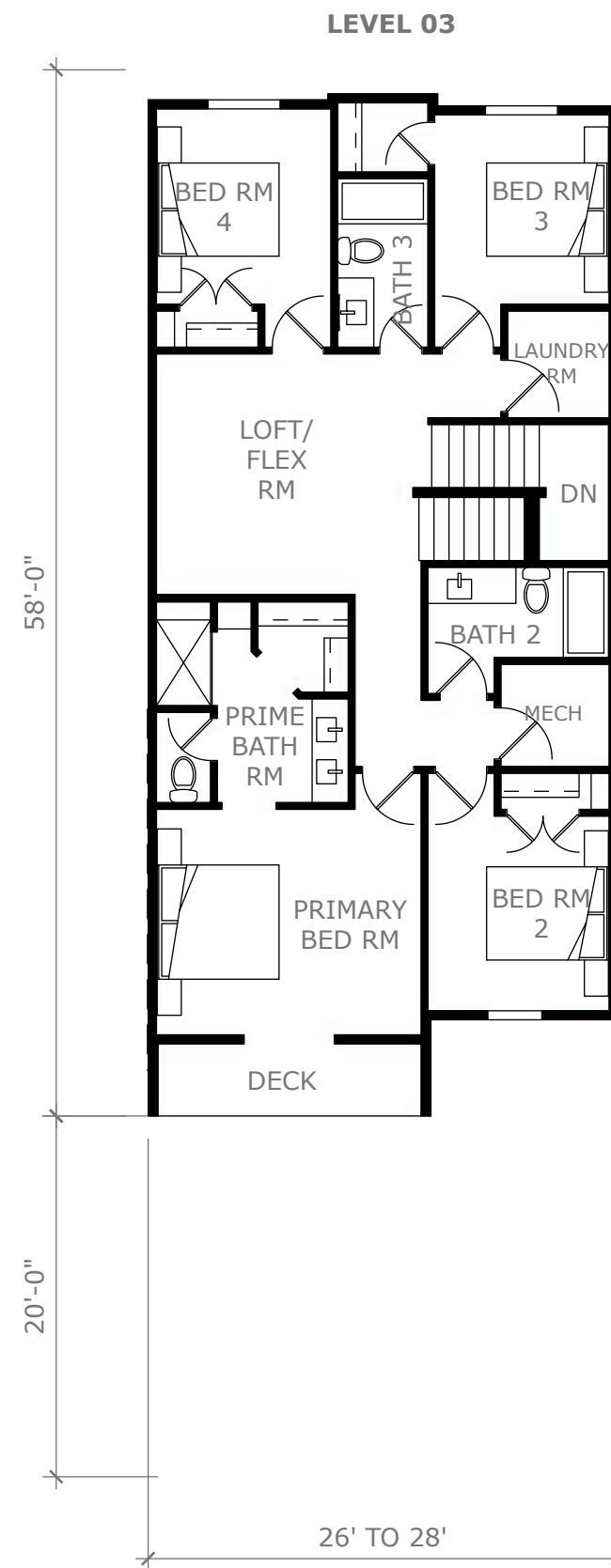
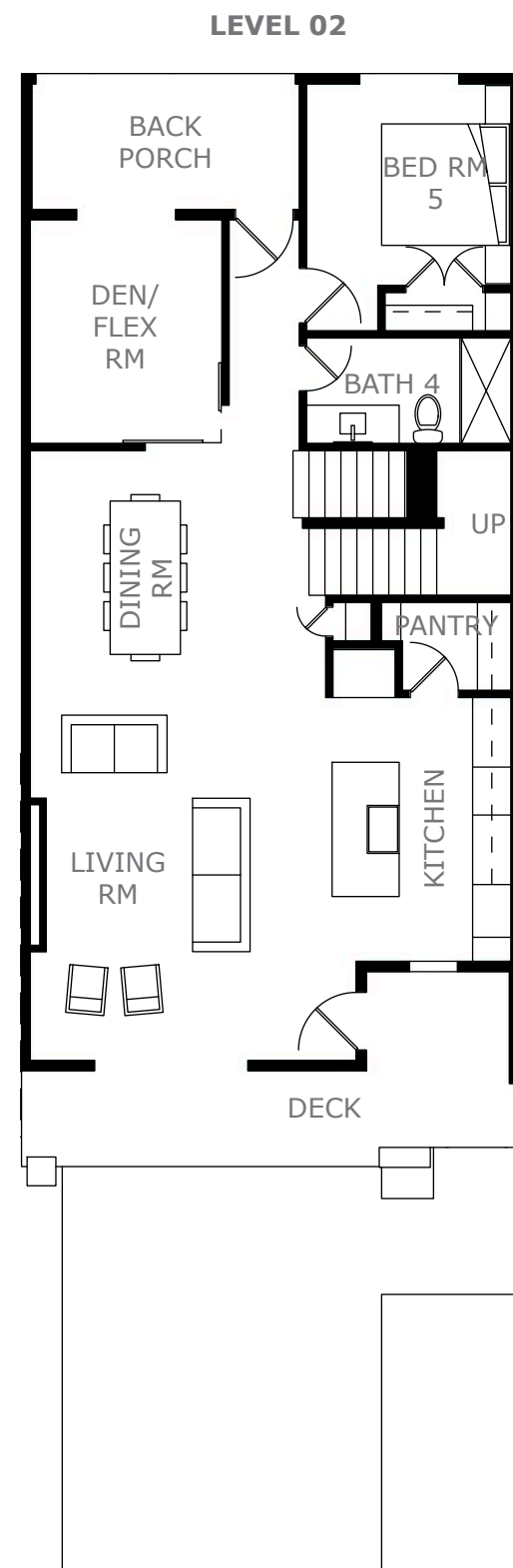
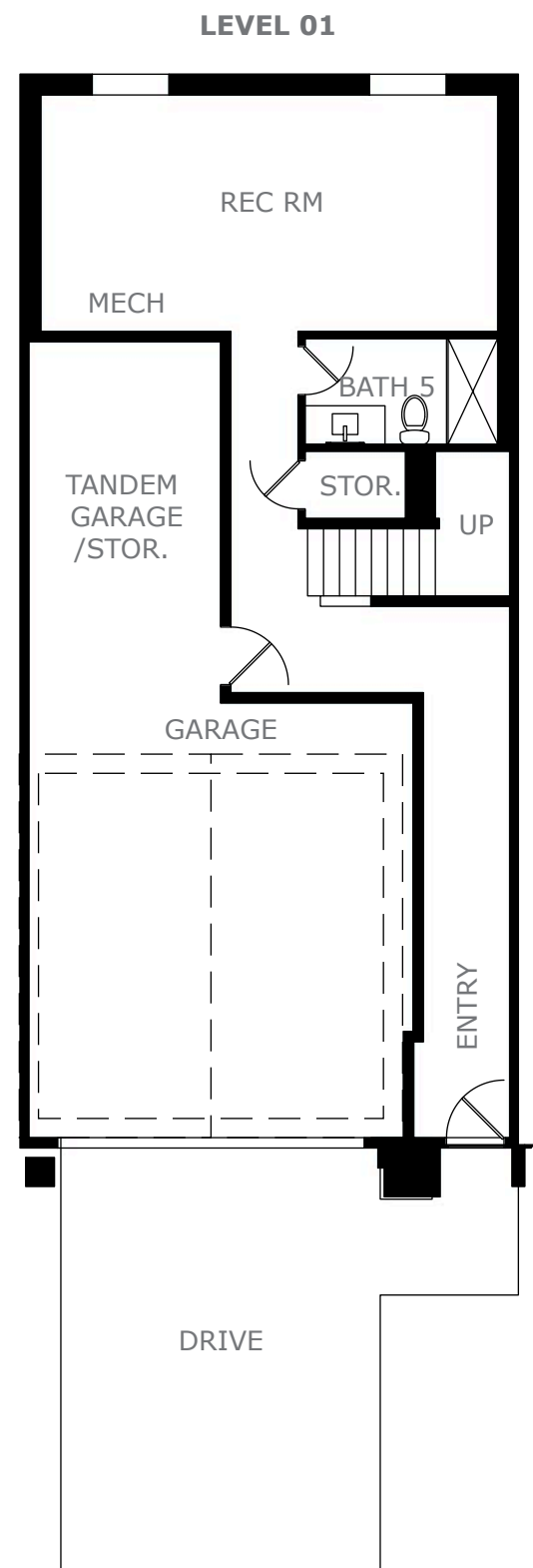


MILAR TOWNHOMES

GROUND LEVEL ENTRY CONCEPT



CONCEPTUAL DESIGN PACKAGE



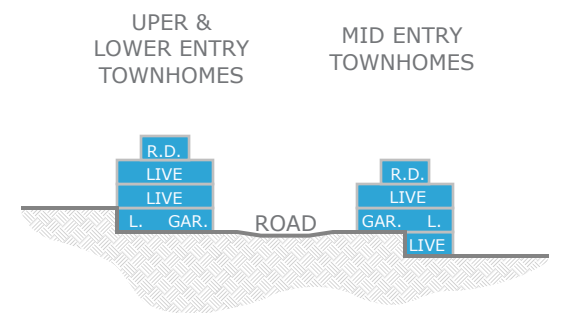
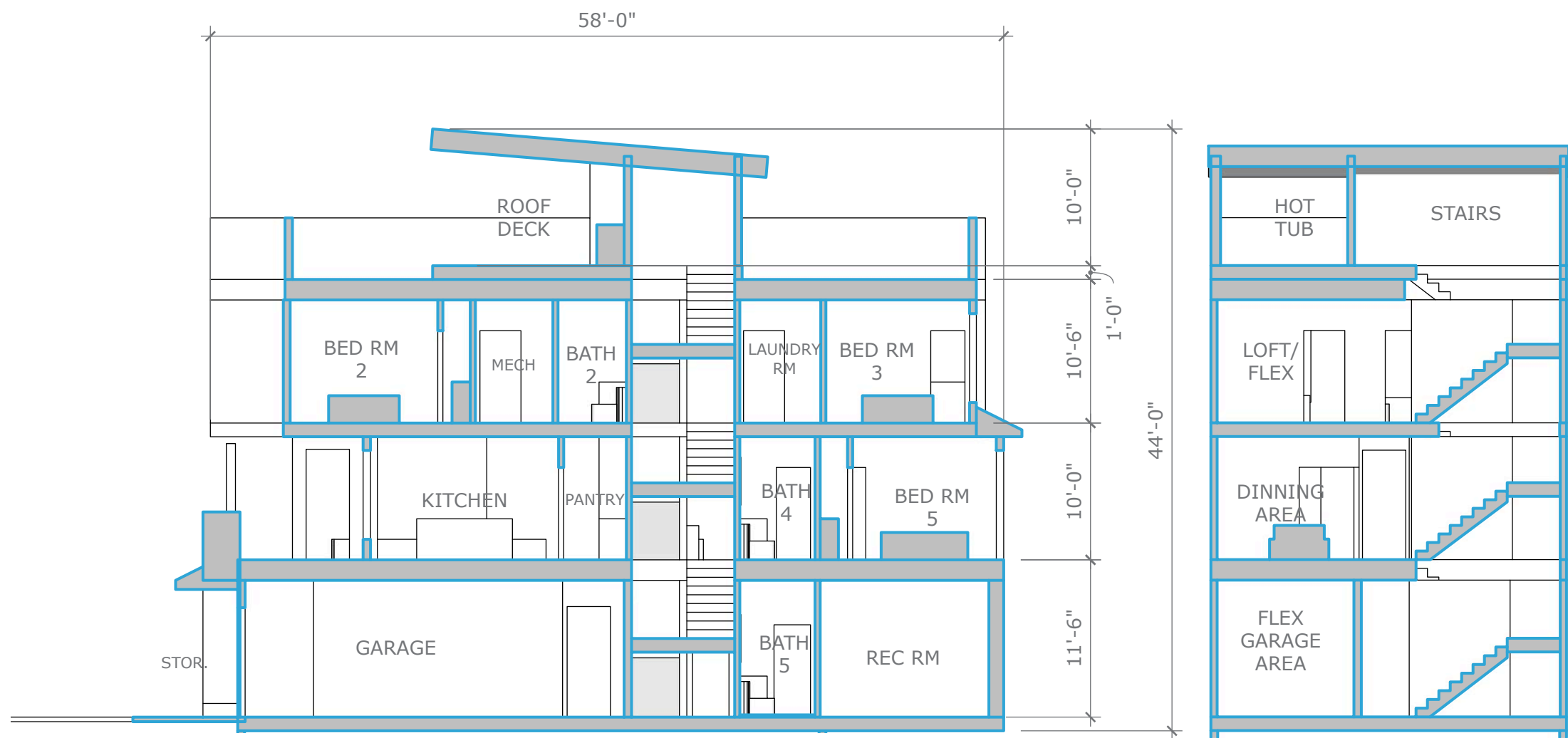
CONCEPT FLOOR PLANS

MILAR TOWNHOMES

HEBER - UT
29 January 2026

AE2025.394

SCALE 1" = 10'-0"



CONCEPT BUILDING SECTIONS

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AE2025.394

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HEBER - UT
29 January 2026



CONCEPT ELEVATION

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AE2025.394

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29 January 2026





STREET VIEW

MILAR TOWNHOMES

HEBER - UT
29 January 2026

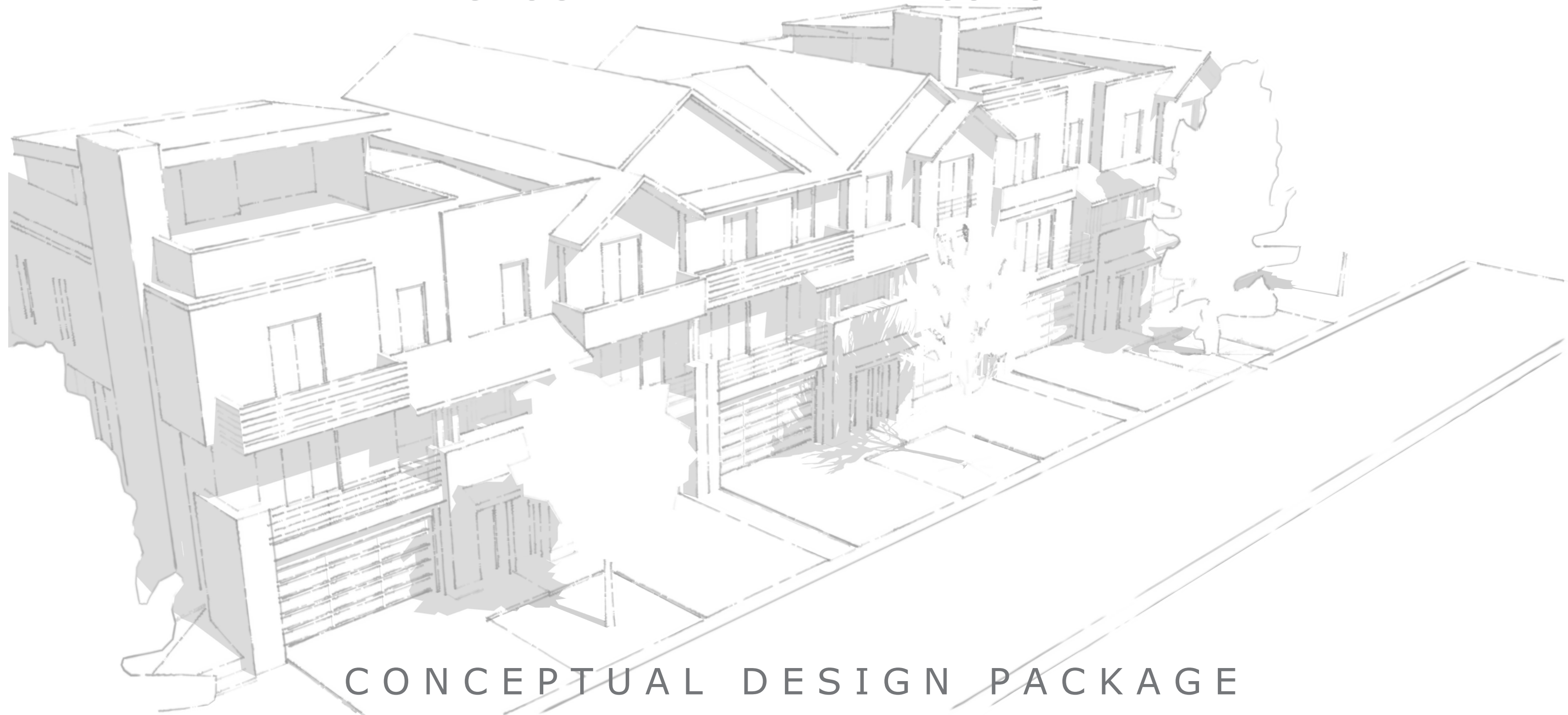
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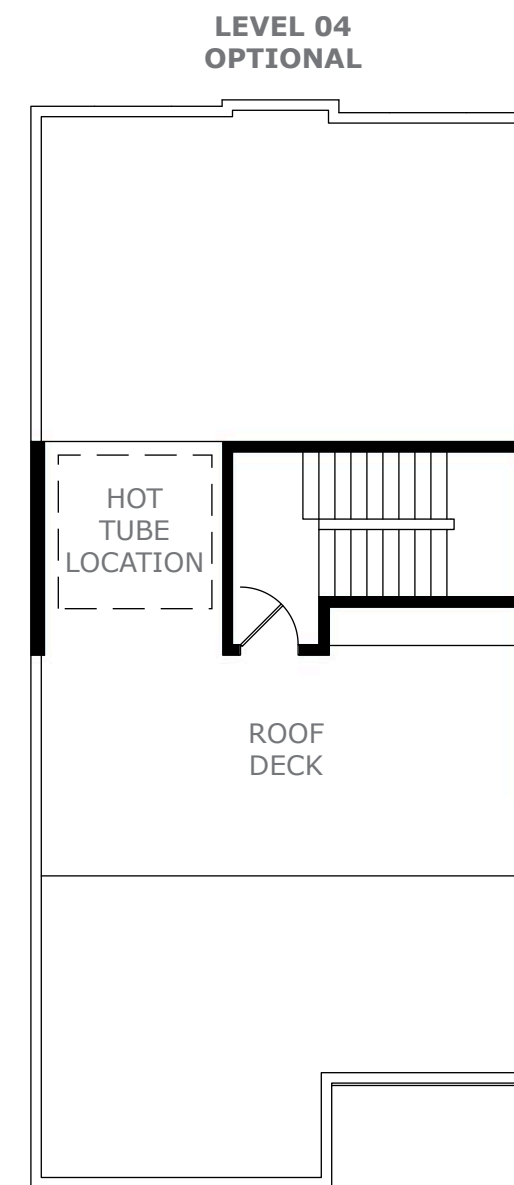
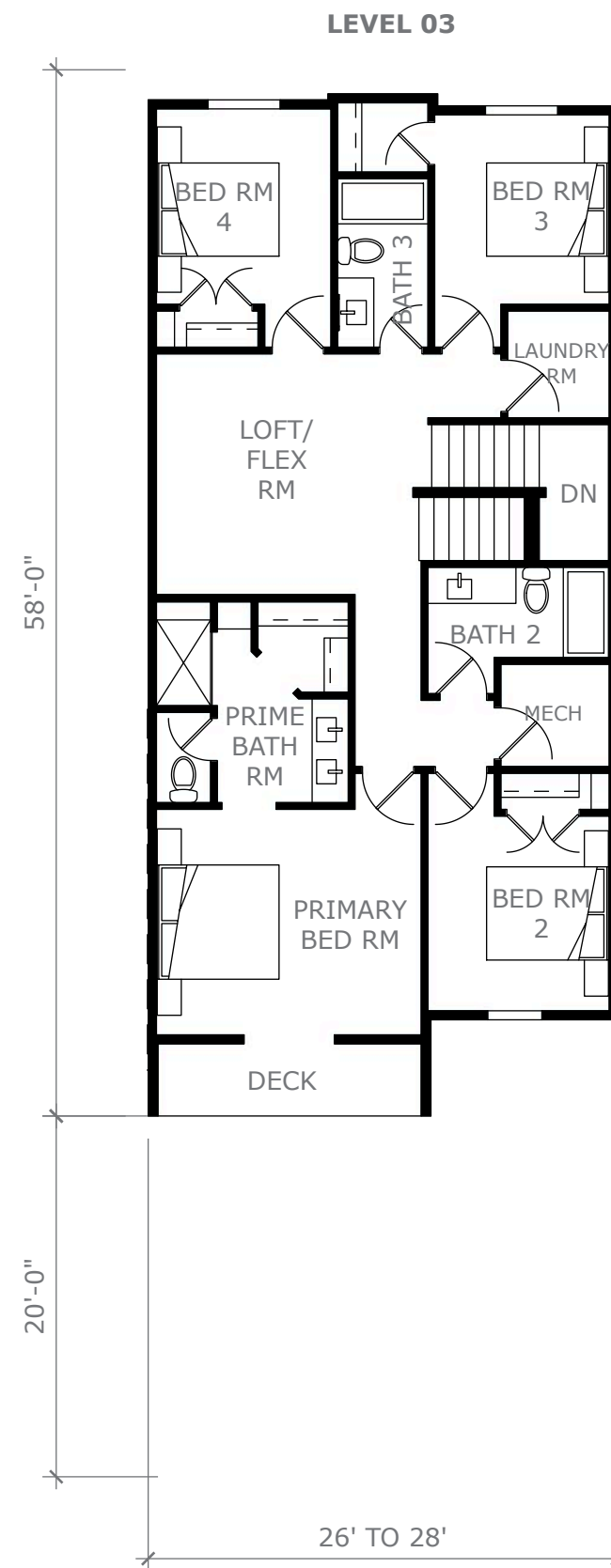
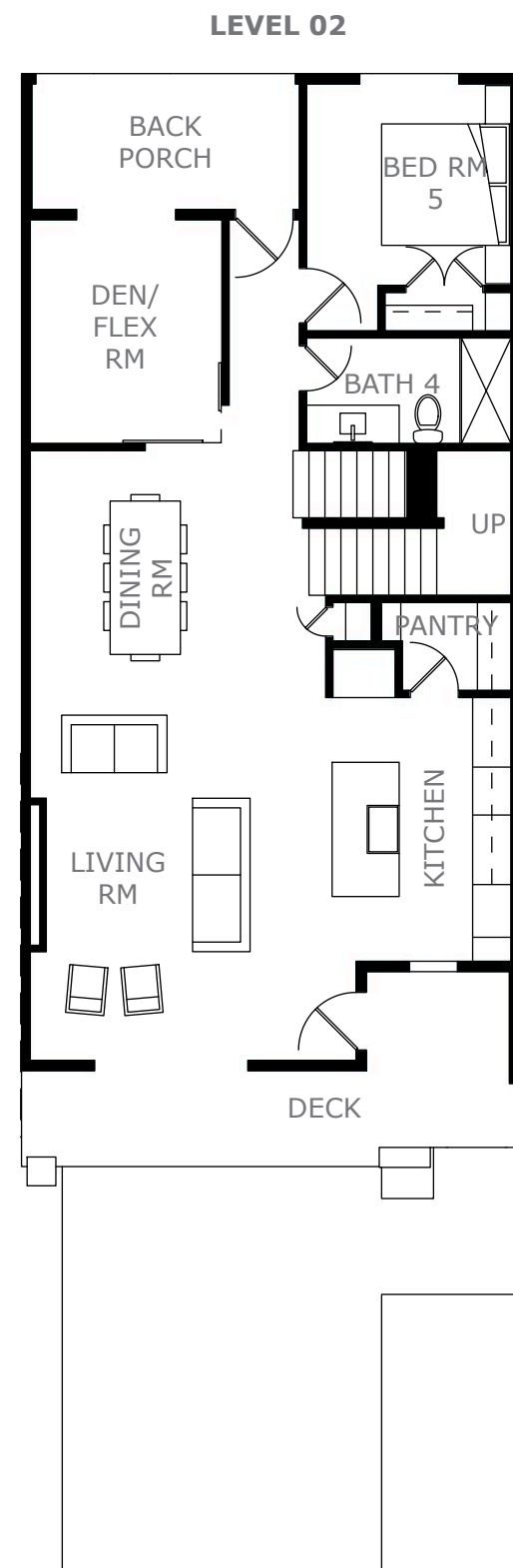
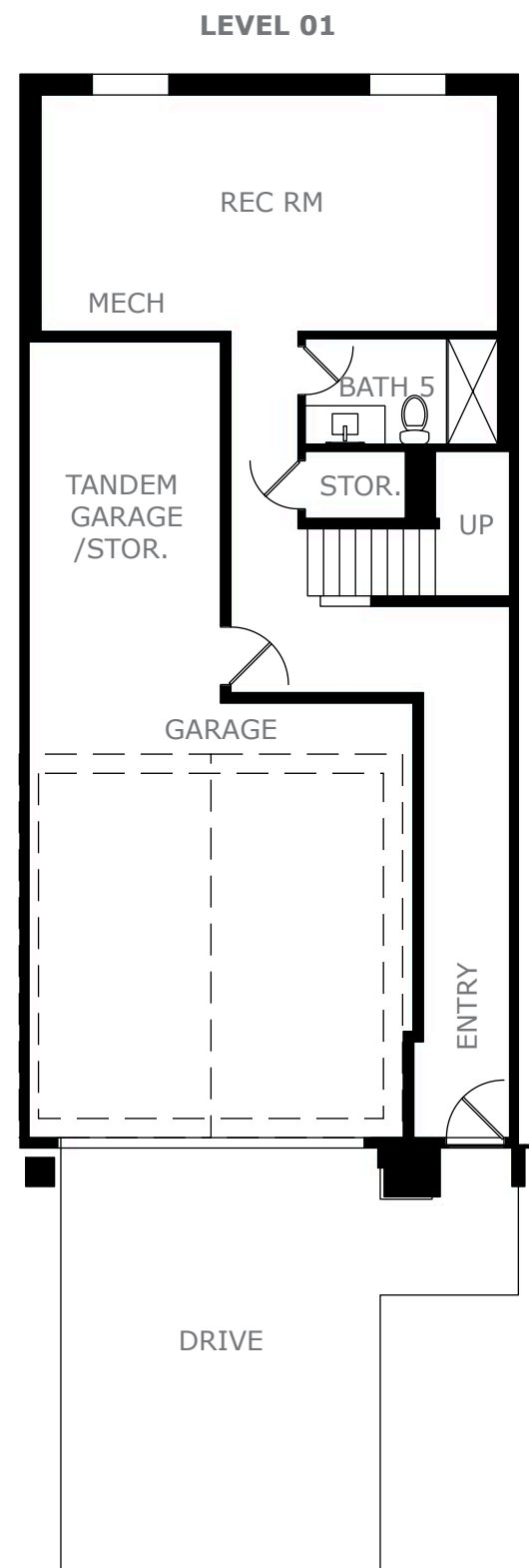


MILAR TOWNHOMES

GROUND LEVEL ENTRY CONCEPT



CONCEPTUAL DESIGN PACKAGE



CONCEPT FLOOR PLANS

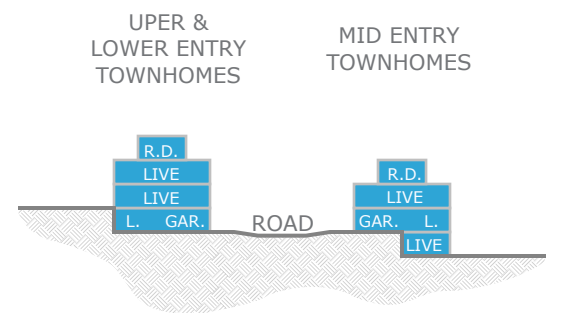
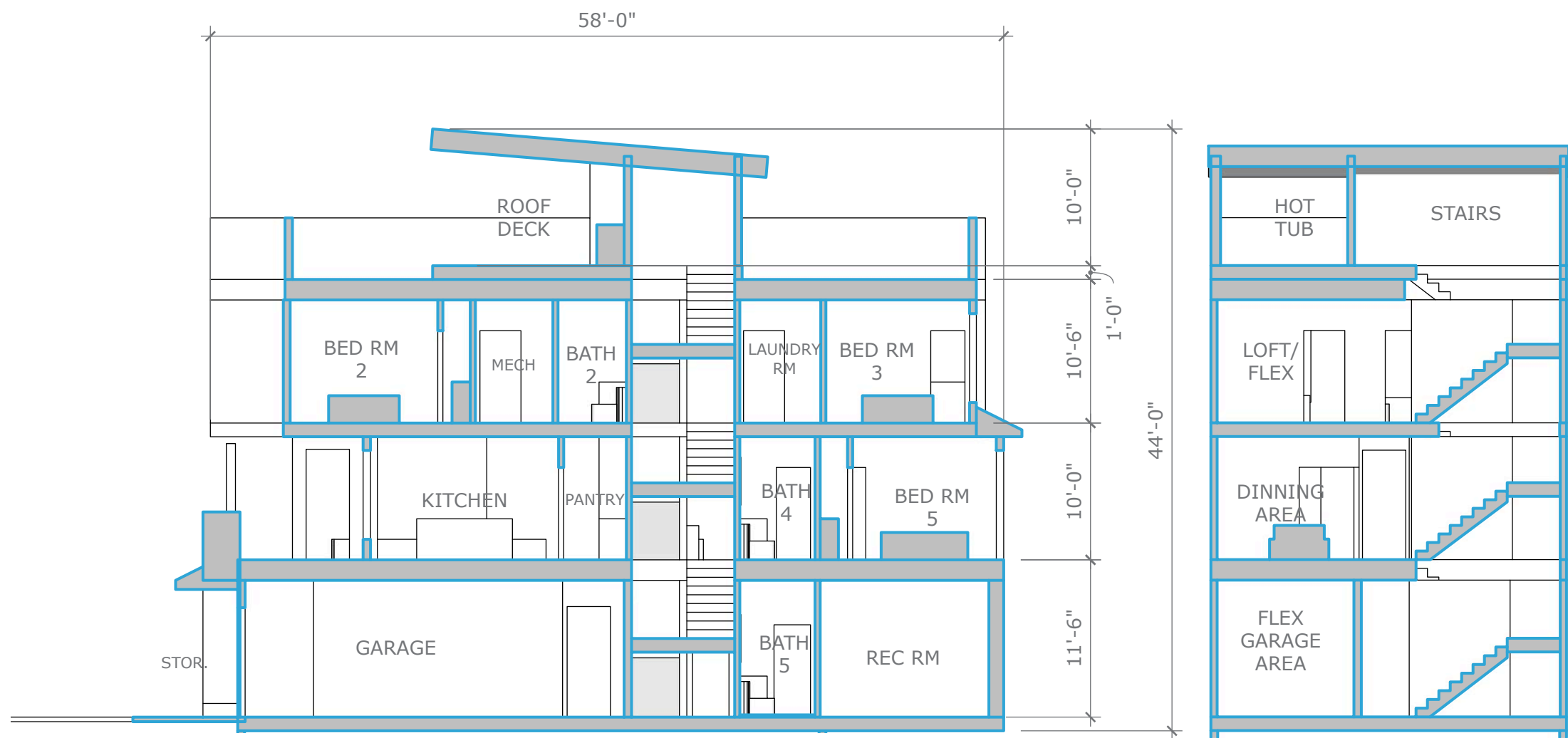
MILAR TOWNHOMES

HEBER - UT
2 February 2026

AE2025.394

SCALE 1" = 10'-0"





CONCEPT BUILDING SECTIONS

MILAR TOWNHOMES

AE2025.394

SCALE 1" = 10'-0"

HEBER - UT
2 February 2026



CONCEPT ELEVATION

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2 February 2026





STREET VIEW

MILAR TOWNHOMES

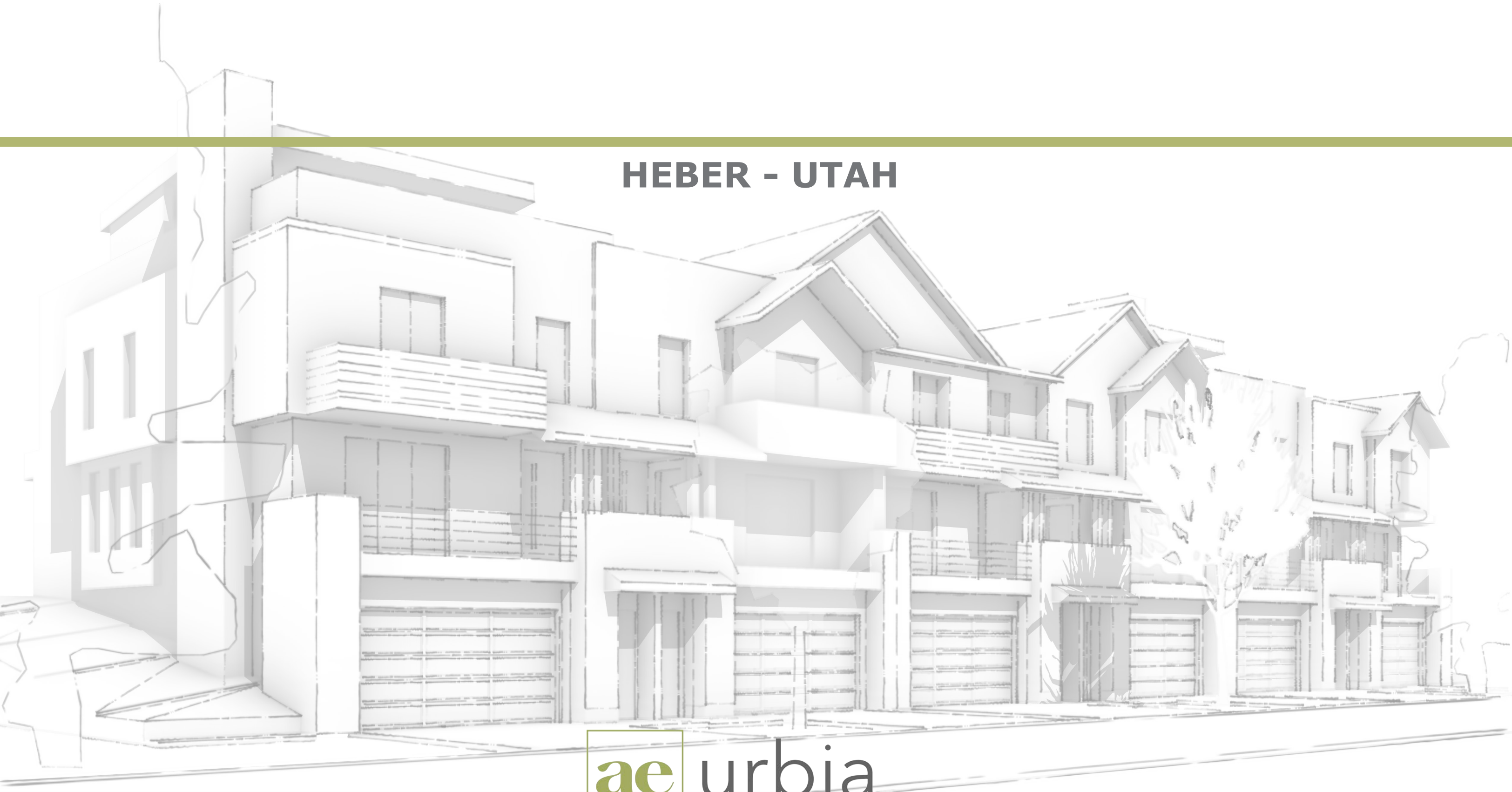
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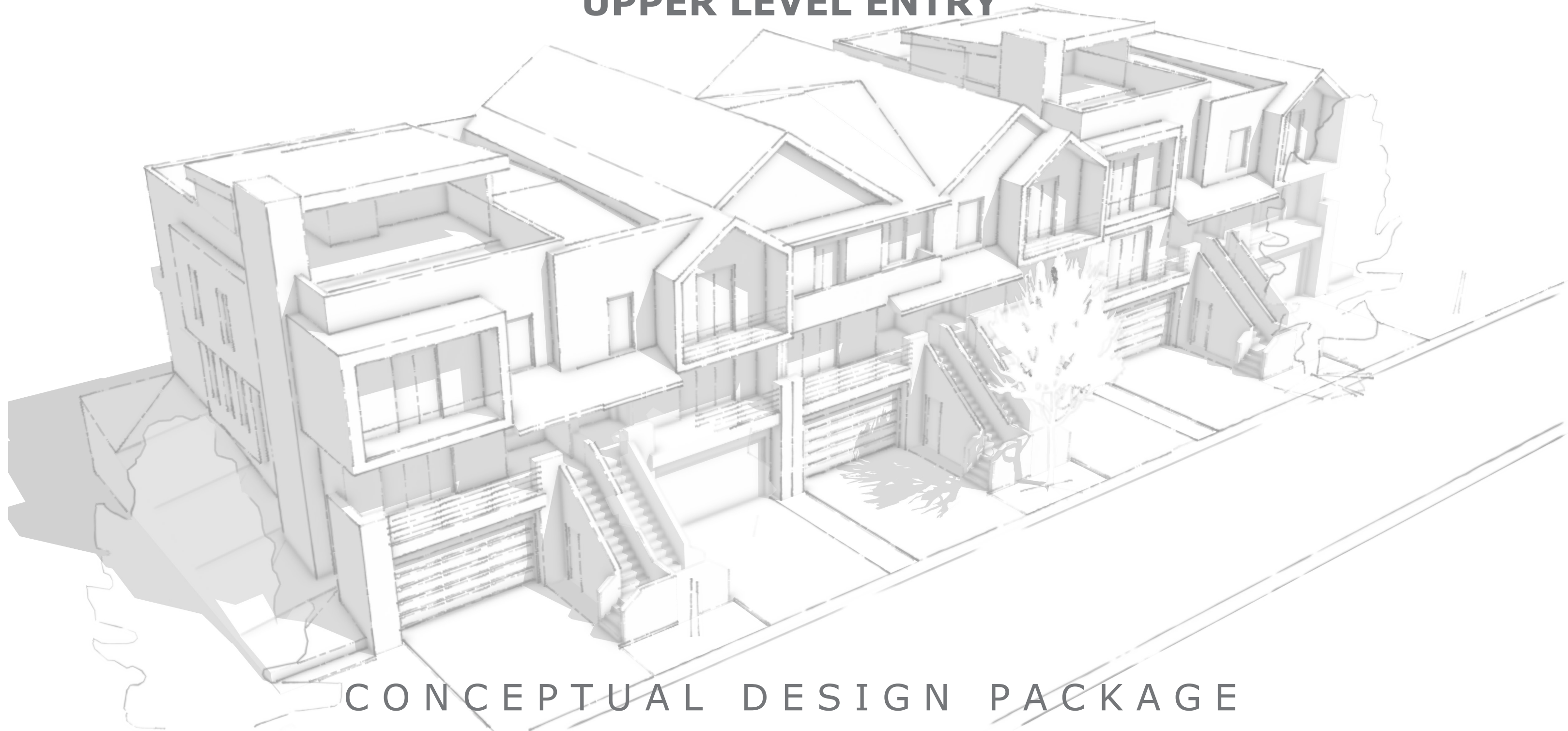


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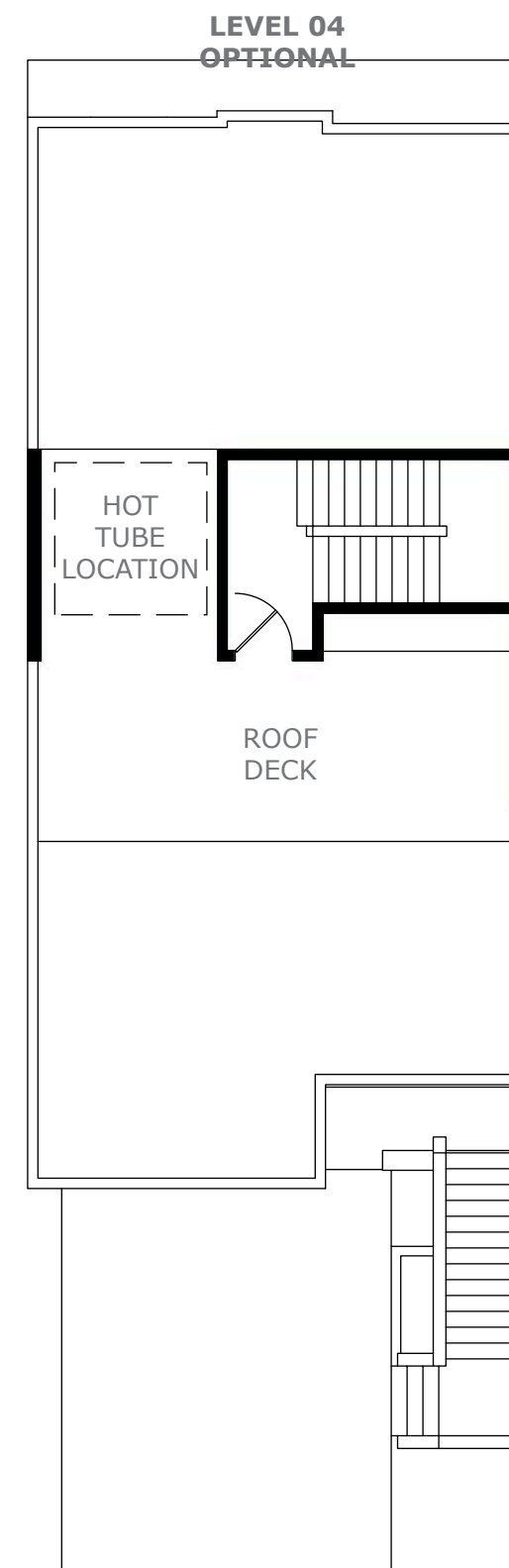
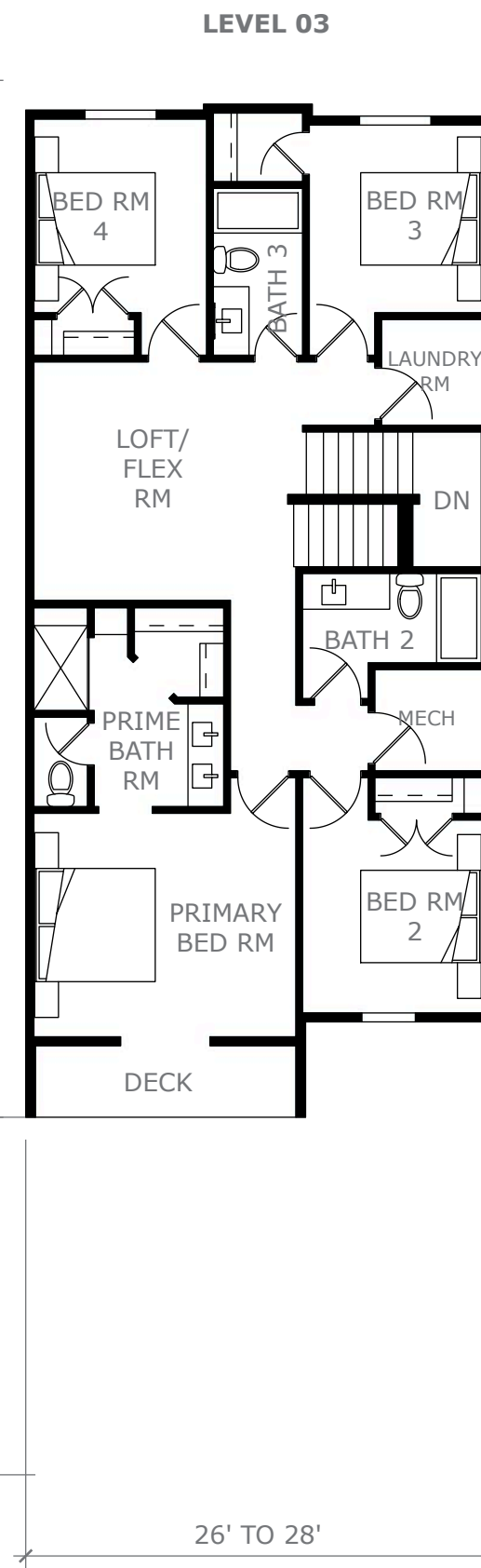
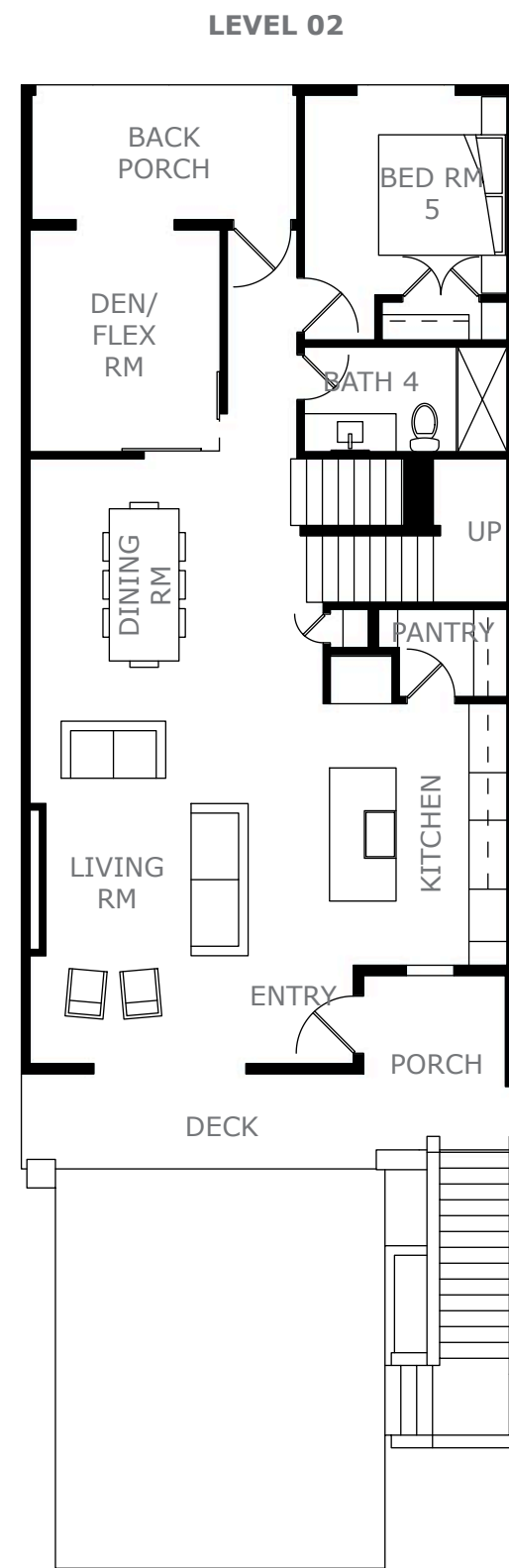
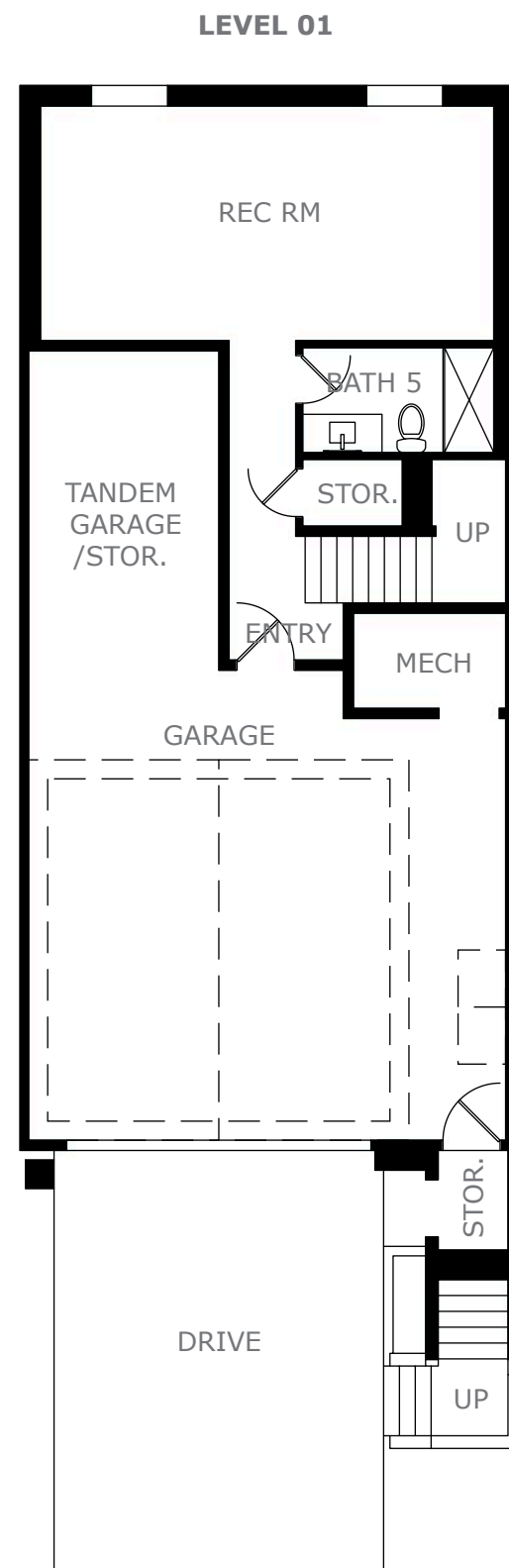


MILAR TOWNHOMES

UPPER LEVEL ENTRY



CONCEPTUAL DESIGN PACKAGE



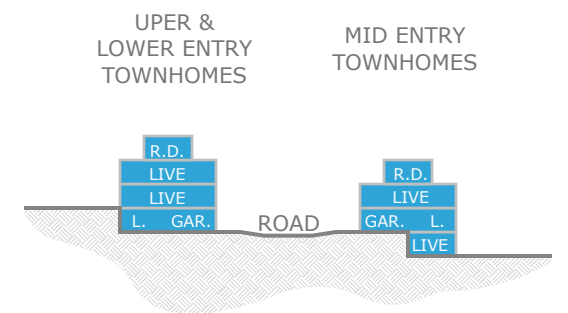
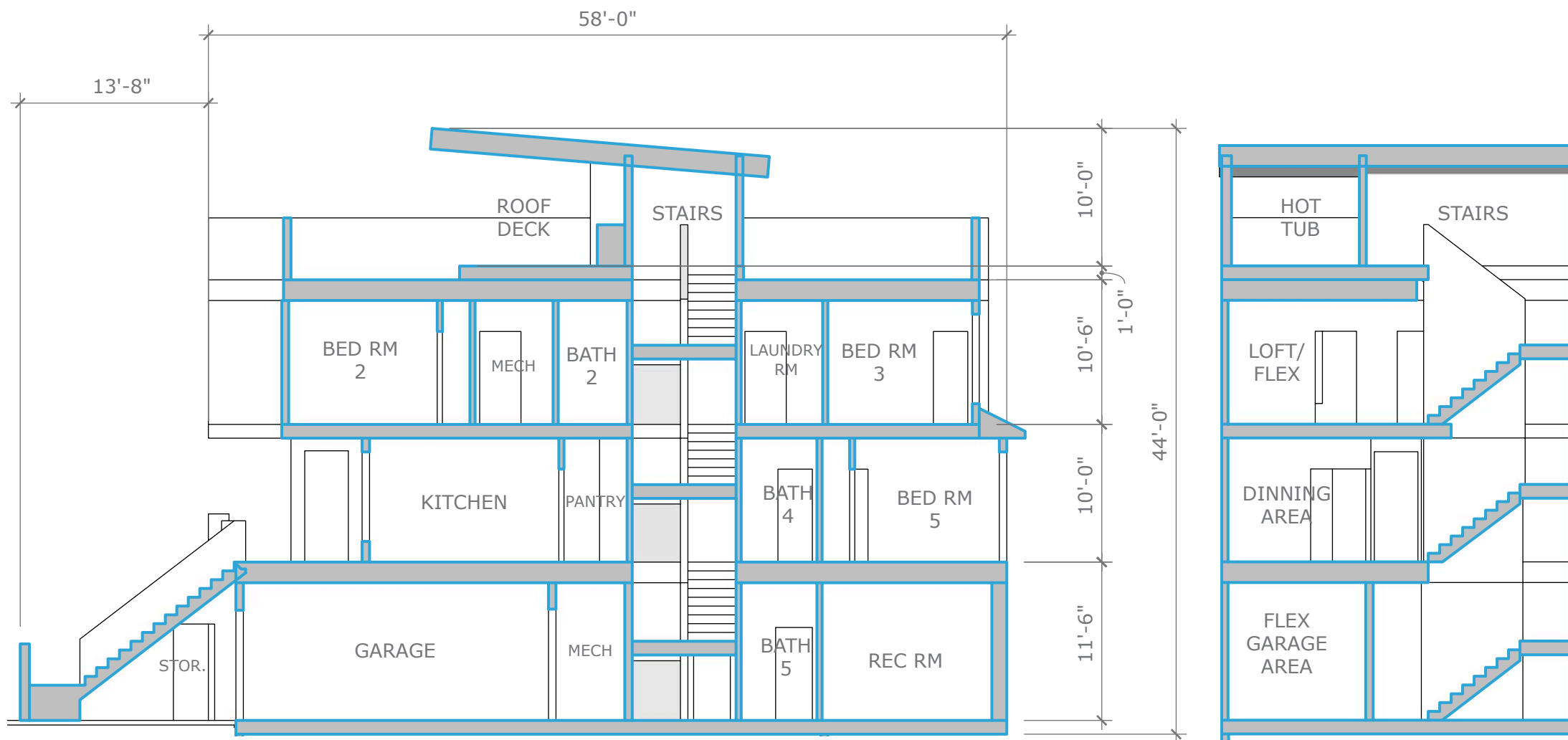
CONCEPT FLOOR PLANS

MILAR TOWNHOMES

HEBER - UT
2 February 2026

AE2025.394

SCALE 1" = 10'-0"



CONCEPT BUILDING SECTIONS

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SCALE 1" = 10'-0"

HEBER - UT
2 February 2026



CONCEPT ELEVATION

MILAR TOWNHOMES

AE2025.394

SCALE 1" = 10'-0"

HEBER - UT
2 February 2026





STREET VIEW

MILAR TOWNHOMES

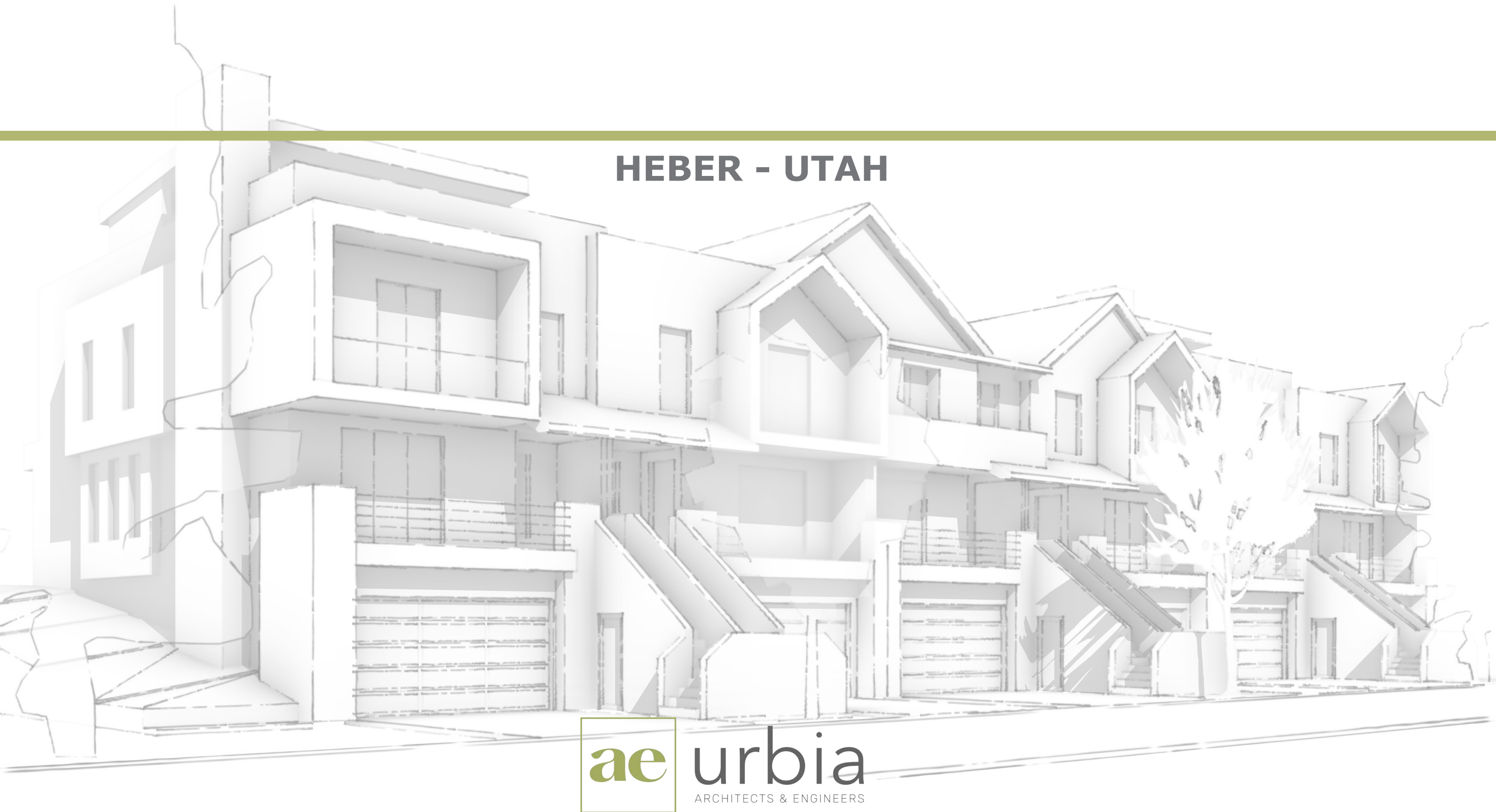
HEBER - UT
2 February 2026

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PERSPECTIVE



HEBER - UTAH





North Village Views Elevations

MDA Amendment Requests

Date February 3, 2026



NVOZ Requirements Relating to Elevations

1.5.o Building types, styles, and uses should present a recognizable theme that clearly relates to the NVOZ.

3.1.2 (6) (6) The use of a monotonously consistent template or repetitive architecture on a number of residential units in proximity to one another is not allowed. For single family detached buildings, no more than two identical or nearly identical buildings shall be located next to each other. For attached residential buildings, mixed use, and stacked flats, no more than four adjacent/grouped buildings shall have the same exterior architecture and no more than 2 identical buildings facing a street. As this consideration depends on a degree of aesthetic judgment, the issue shall be reviewed by staff on a project by project basis and shall consider the many facets of a building's quality, as described in this chapter and 3.1.5.

3.2.4 Street facade requirement

(1) Minimum Ground Story and Upper Floor Transparency/Measuring Transparency per Facade. (2) Blank Wall Limitations. A restriction of the amount of windowless area permitted on a facade with street frontage. (3) Entrance Type. The entrance type(s) permitted for the entrance(s) of a given building type. (4) Principal Entrance Location. The facade on which the primary building entrance is to be located. (5) Required Number of Street Entrances. (6) Vertical Facade Divisions. (7) Horizontal Facade Divisions.

NVOZ Requirements Relating to Elevations- cont.

3.25. Unique Architecture

All development within NVOZ is intended to have a unique sense of place and custom architecture. Multiple requirements are found throughout this ordinance which require custom design for each building.

3.8 Architectural Styles- 4. Architectural Design Theme

The architectural theme for the North Village Overlay Zone is inspired by the historic agricultural tradition in Heber Valley and the mountain valley geography. Acceptable styles include craftsman, farmhouse, mountain modern, and natural style (which may be further defined through a MDA).

5.13. 3. Balconies

The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot. Refer to Figure 3.15 (5).

(1) Size. Balconies shall have minimum dimensions of 6 feet deep and 8 feet wide, with a total square footage of not less than 60 square feet. Balconies are required for a minimum of 50% of the units in stacked residential and mixed-use buildings. Balconies may substitute for the required facade variation on rear and side facades

NVOZ Townhome Requirements

(4) Street Façade Requirements

r. Minimum Transparency per each story-15%

s. Blank Wall Limitations

t. Front Façade Permitted Entrance Type-stoop, porch

u. Principal Entrance Location per Unit-front

v. Vertical Façade Divisions-each townhouse unit shall have a vertical division with materials per unit

w. Horizontal Façade Divisions-required within 3' of the top of any visible basement or ground story

3.4 Townhouse Building

1. Description and Intent

The Townhouse Building is a building typically comprised of multiple vertical units, each with its own entrance to the street. This Townhouse Type may be organized as townhouses, duplexes, or row houses, or it could also incorporate live/work units where uses are permitted.

Parking is required to be located in the rear yard (alley loaded) and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, a minimum level of occupied space is required on the front facade to ensure that the street facade is



active.

2. Regulations

Footnotes

¹ For the purpose of the townhouse building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building shall meet all requirements of the building type and shall conform to a building style as per section 3.0. A maximum of six units per building.

² Each building shall meet the front property line coverage requirement, except three buildings of five units each may front a courtyard with a minimum width of 50 feet (building to building, including sidewalks on all three sides). The green courtyard shall be defined on two-three sides by buildings. See figure 3.6(1).

³ Rear yard setback on alleys is 5 feet.

⁴ When the Mixed-use entrance type is utilized, the maximum ground story transparency for the unit is 55% as measured between 2 feet and 8 feet above grade.

⁵ In conjunction with a planned community, single story townhouses may be constructed for up to 25% of the community.

⁶ In the NV and UV zone Townhouses shall be located behind commercial buildings and not occupy the commercial street frontage.



Figure 3.6 (1). Townhouse Green Courtyard

Building Type		Permitted Sub-Districts			
Townhouse		NV	NOS	UV	RR
	Permitted	yes ⁷	yes	yes ⁷	yes
(1) Building Siting Refer to Figure 3.6 (1).					
	Multiple Principal Buildings	permitted ^{1 and 4}	permitted ¹	permitted ^{1 and 4}	permitted ¹
a	Front Property Line Coverage	65% ²	65% ²	65% ²	65% ²
	Occupation of Corner	required	no	required	no
b	Front Build to Zone	10' to 20'	10' to 20'	10' to 20'	10' to 20'
c	Corner Build to Zone	10' to 15'	10' to 15'	10' to 15'	10' to 15'
d	Minimum Side Yard Setback	0' per unit; 15' between buildings	0' per unit; 15' between buildings	0' per unit; 15' between buildings	0' per unit; 15' between buildings
e	Minimum Rear Yard Setback	15' ³	15' ³	15' ³	15' ³
f	Minimum Unit Width Maximum Building Width	20' per unit maximum of 6 units per building	20' per unit maximum of 6 units per building	20' per unit maximum of 6 units per building	20' per unit maximum of 6 units per building
g	Intentionally blank				
h	Intentionally blank				
i	Parking	rear yard	rear yard	rear yard	rear yard
j	Vehicular Access	from alley			
(2) Height Refer to Figure 3.6 (2).					
k	Minimum Overall Height	2 story ⁴	2 story ⁴	2 story ⁴	2 story ⁴
l	Maximum Overall Height (42')	3 stories	3 stories	3 stories	3 stories
m	All Stories: Minimum Height Maximum Height	9' 14'	9' 14'	9' 14'	9' 14'
(3) Uses Refer to 2.0 Uses for permitted uses.					
n	Ground Story	live/work	residential	live/work	residential
o	Upper Story		residential		residential
p	Parking	permitted behind buildings in garage and driveways			
q	Required Occupied Space	15' deep on all full floors from the front facade			
(4) Street Façade Requirements Refer to Figure 3.6 (3).					
r	Minimum Transparency per each Story	15%	15%	15%	15%
s	Blank Wall Limitations	required per floor refer to 3.2.4 (2)			
t	Front Façade Permitted Entrance Type	stoop, porch	stoop, porch	stoop, porch	stoop, porch
u	Principal Entrance Location per Unit	front			front
v	Vertical Façade Divisions	each townhouse unit shall have a vertical division with materials per unit			
w	Horizontal Façade Divisions	required within 3' of the top of any visible basement or ground story			
(5) Roof Type Requirements Refer to 3.12					
Permitted Roof Types		parapet, pitched, flat, green/vegetative			
Tower		permitted	permitted	permitted	permitted

Table 3.6 (1). Townhouse Building Table: see letters on left and corresponding Figures 3.6(2)-(4).

3 Story Low Entry Elevation



CONCEPT ELEVATION

AE2025.394

SCALE 1" = 10'-0"

MILAR TOWNHOMES

HEBER - UT
2 February 2026



STREET VIEW

AE2025.394

PERSPECTIVE

MILAR TOWNHOMES

HEBER - UT
2 February 2026



3 Story Upper Entry



CONCEPT ELEVATION

AE2025.394

SCALE 1" = 10'-0"

MILAR TOWNHOMES

HEBER - UT
2 February 2026



STREET VIEW

AE2025.394

PERSPECTIVE

MILAR TOWNHOMES

HEBER - UT
2 February 2026



2 Story Plus Basement



CONCEPT ELEVATION

AE2025.394

SCALE 3"/32" = 1'-0"

MILAR TOWNHOMES

HEBER - UT

2 February 2026



STREET VIEW

AE2025.394

PERSPECTIVE

MILAR TOWNHOMES

HEBER - UT

2 February 2026



- The elevations submitted are conceptual.
- Building materials, colors, and percentages have not been provided to be able to determine if they will meet NVOZ in the amounts and types required.
- Floor plans were provided but dimensions for some elements, such as the porch and balconies/decks were not provided, which is needed to determine if they meet the requirements.
- Architectural Style has not been identified by the applicant. The elevations submitted do not appear to be Craftsman, Farmhouse, or Natural. It has been reviewed under the Mountain Modern Requirements.
- A Site Plan application will be required as part of the planning approval process.

Mountain Modern Requirements

(7) Minimum Required Elements

- Front porch that addresses the street, either full or partial- width (60-square-foot minimum) that incorporates timber columns with stone plinths/bases and timber trusses that reflect the internal structure of the building **Dimensions were not provided to determine if the 60-square foot requirement has been met. It appears that it does not and would require a variance. The porches do not incorporate columns and would require a variance.**
- Timber beams or braces under gables. **Does not have timber beams or braces. Would require a variance**
- Stone on front facade (20% minimum) **Calculations and materials have not been provided to determine if a variance is needed.**
- Lap siding or batt and board siding (no vinyl) on all four sides of the structure **Materials have not been provided to determine if a variance is needed.**
- Wide eave overhangs (18 inch minimum) **Dimensions have not been provided to determine if a variance is needed.**
- Recessed (2-foot minimum from the front facade) decorative garage door with small pane windows **Dimensions have not been provided to determine if a variance is needed.**
- Full metal or metal accent pitched roofs, especially on porch areas **Materials have not been provided to determine if a variance is needed.**
- Complimentary veneered, or textured/colored foundations, where exposed to view **Materials have not been provided to determine if a variance is needed.**
- Decorative wood or wood-like appearance garage doors recessed from the front plane of the building **Materials have not been provided to determine if a variance is needed.**

Variances Requested through the MDA Amendment

Variances from City's Vested Laws . The Agreement is hereby amended to allow for variances from the following City's Vested Laws (including the Zone) to allow Developer to develop the Property generally in accordance with the Revised Site Plan ("Site Plan"), attached hereto as Exhibit B and incorporated into the Agreement:

- a) Such necessary variances from Section 18.21.040 of the Zone such that block lengths and block perimeter distances are adjusted in accordance with the Site Plan;
- b) Such necessary variances from Section 18.21.030 of the Zone such that townhomes constructed on the property will not be required to be alley loaded but may instead be front loaded. Townhomes and single-family units shall not be loaded from collector roads;
- c) Such necessary variances from Section 18.21.030 of the Zone such that the following may be adjusted if required, and only to the extent required, to meet the site design set forth in the Site Plan:
 - i. the front-line property coverage;
 - ii. the front build to zone;
 - iii. building variations;
 - iv. transparency per story only on garage level;
- d) To facilitate the road alignment changes, a variance is granted from the standard buffer and open channel requirements along the historic natural drainage channel and allowing a portion of the channel, from the Timpanogos Canal to approximately 550 feet downstream of the Timpanogos Canal to be piped. Subject to review and approval of the City Engineer, downstream of the piped section, the channel may be reconstructed and relocated adjacent to the new collector road in accordance with the Site Plan.
- e) All other requirements in accordance with the City's Vested Laws and the Zone, including but not limited to the following items, shall remain in effect:
 - i. the Site Plan shall remain subject to final UDOT design and approval of design and connections to Highway 40;
 - ii. the Developer shall comply, directly or indirectly, with all published Master Planned infrastructure and trails requirements for the Property, both on and adjacent to the Property;
 - iii. the Developer shall ensure that emergency vehicle access is available during phased construction;
 - iv. the City's storm water design manual must be followed for separation and pre- treatment as applicable;
 - v. secondary access, including connectivity to adjoining properties, must be available as applicable.

Questions?

Heber City Council
FY '27 Policy & Budget Priorities
Established 1/24/26; Adopted TBD

City Council (CC) Policy/Budget Priorities					
Priorities	Description/Strategy	Operationalizing Strategy	Target	Responsible	Status/Budget Instructions
Leadership Role in 2034 Olympic Games Planning	Assume leadership role in planning and leveraging 2034 Olympic Games for benefit of the community and to advance economic opportunities for Heber City	Initial opportunities include 1) locating Soldier Hollow parking closer to downtown; 2) host a “live site” at Heber City Park during the Games; 3) advance Heber Valley Corridor design and construction; and 4) transform Hwy 40 through downtown into a walkable, pedestrian friendly atmosphere; 5) improved walkability from back of event center, over railroad tracks, to HVR. 6) Create Council committee to represent Heber and lead initiative. Evaluate Olympic initiative to place art along rail trail.	Ongoing	MB/CC	FY27: No outlay.
Execution of Envision Central Heber Initiative	Begin taking assertive and strategic actions to realize Envision Central Heber vision	<u>Main Street District (MSD)</u> Trailhead Plaza Design and Construction (Main Street Park) - Complete Terracon public outreach initiative as presented at Council’s January ’26 retreat. - Adopt preferred Plaza design and phasing plan. - Commence design. - Complete phasing as funding resources permit. Parking - Finalize downtown parking policy (in-lieu) and begin executing strategy for increasing parking opportunities in downtown area - Leverage shared parking agreements in downtown area to increase parking opportunities. C-Street Pedestrian Alley - Terracon completes their Brown Field grant work, including design of “C” street cross section—public outreach/framing info. - Adopt policy to require redevelopment to recognize “final” C-street pedestrian avenue. - Working with UDOT for pedestrian crossing concepts, to maximize safety, on Midway Lane between Hwy 40 and 100 W. Infrastructure - Complete design for 100 W. for blocks between 500 N. and 600 S. Construction priority would focus on blocks between 100 N and 300 S. - Develop strategy to bury power lines under “C” street.	Plaza 1-April ‘26 2-April ‘26 3-TBD 4-TBD Parking 1.Q4 ‘26 2.Q4 ‘26 C-Street 1.Q2 ‘26 2.Q2 ‘26 3.Ongoing Infrastructure 1.TBD 2.TBD 3.TBD	Plaza Terracon/TK/ KS/CC Parking MB/TK/CC C-Street Terracon/TK/ RF Infrastructure RF/CC	Trailhead Plaza 1-Underway as of 1/26/26. FY27: TK includes outlay to complete design. Source: TAP Tax Parking FY27: No outlay. Work can be done in-house. C-Street 1)Underway Jan. 26 FY27: No outlay; complete FY’26 Infrastructure 1)Design Underway 2)TBD 3)Awarded Federal \$120k grant for Main Streety Transportation Safety Study. Currently entering into grant agreement.

City Council (CC) Policy/Budget Priorities					
Priorities	Description/Strategy	Operationalizing Strategy	Target	Responsible	Status/Budget Instructions
		3. Mainstreet Enhancements: develop concept plan for Main Street enhancements. Transitioning to shovel ready plans to present to UDOT/Legislature for funding. Funding 1. Evaluate and seek all available funding opportunities to execute Envision Central Heber initiatives Property Acquisition 1. Acquire strategic properties, through purchase, to advance Central Heber Vision. Priority property is County fire station property and key private parcels. Downtown Business Development 1. Quantify current business mix and hours of operation in downtown area. 2. Work with and educate property owners on Envision Central Heber initiative. 3. Work to achieve 10/10/10 mix. 4. Conduct market analysis. Fire Station Property Improvement 1. Plan for exterior and internal improvements 2. Develop and execute strategy to fill building with uses County Administration Parcel 1. Partner with County to finalize design for parcel that’s aligned with Envision Central Heber plan. Branding & Promotion 1. Finalize naming and branding for C-Street and park. 2. Develop and implement promotion plans for downtown Transportation: Downtown Transit Links 1. Evaluate transit stops in downtown area based on data. <u>Arts & Recreation District (ARD)</u> 1. Continue focused discussion with stakeholders to realize vision for area. Initial plan presented on 1/20/24. Wasatch County currently developing alternative plan.	Funding Ongoing Property Acquisition Q2’26 Business Development 1.Q3’26 2.Ongoing 3.Ongoing 4.FY’27 Fire Station 1.Q2 ‘26 2.ASAP after purchase County Parcel TBD Branding 1.Q2. ‘26 2. Q4 ‘26 Transit 1.TBD Art & Rec. District Ongoing	Funding MS/NO Property MB/CC Business TK/CAMS/MB Fire Station 1.TK 3.MB/TK/DK County Parcel MB/CC Branding RB MB/CC Transit TK Art & Rec. MB/CC	FY27: 100 W construction commences in spring ’27. Funding Property Acquisition Wasatch County drafting a PSA. FY27: No outlay Purchase expected in FY’26. Utilize revenues from 4th amendment to Jordanelle Ridge Agreement. Business Development Fire Station FY27: Remodel cost estimates budgeted with CRA funds. County Parcel FY27: No outlay expected until plan reviewed and approved. Branding & Promotion FY27: No outlay for branding. Include funding for promotion plan. Transit FY27: No outlay-internal work. Arts & Recreation District (ARD) FY27: No outlay expected.
Airport Compliance	Remain compliant with FAA grant assurances and settlement agreements	1.OK3 Settlement compliance 2. Master Plan Funding—Funding plan and execution	1.Ongoing 2.ASAP	TB/JC/CC	FY27: Fund expected legal and engineering costs.
Heber Valley Arts Center	Continue support for Arts Center	1.Continue strong relationship with stakeholders—WCAC & Jordanelle Ridge	1-Ongoing 2.April ‘26	CC/MB/JC	1-Ongoing 2-Expected to be done April ‘26 FY27-No outlay.

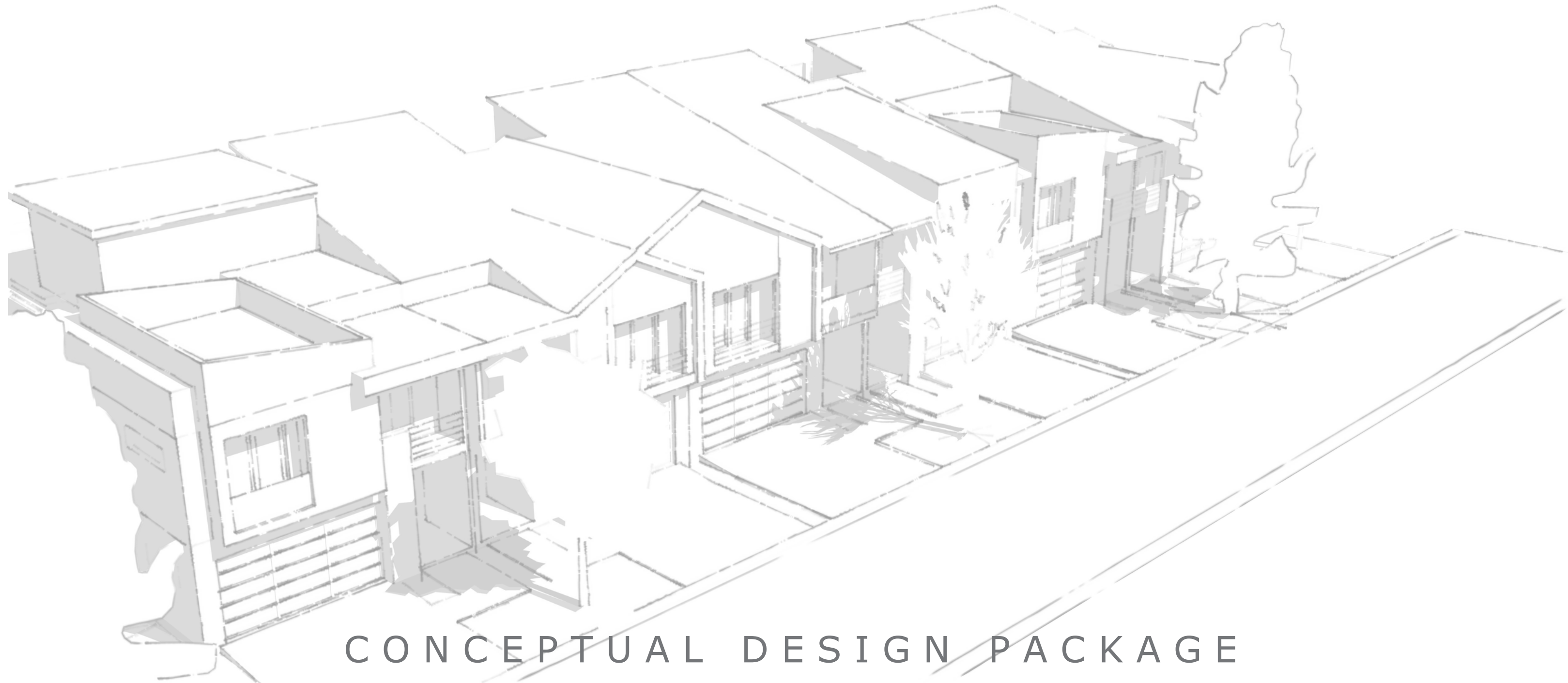
City Council (CC) Policy/Budget Priorities					
Priorities	Description/Strategy	Operationalizing Strategy	Target	Responsible	Status/Budget Instructions
		2. Outdoor Amphitheater---complete feasibility study and identify next steps.			
Dog in Park Policy	Review City's existing ordinance to allow for dogs in city parks with conditions.	1-Program a policy discussion with City Council regarding an amendment to the City's ordinance to allow dogs in city parks with conditions, such as leashes. 2-Provide for necessary signage, waste stations, and education.	1-Prior to summer '26 HMOM 2-Prior to HMOM	MS/MK/CC	FY27: No outlay. Internal work.
Dark Sky	Update policies to include 1) amortization for commercial and residential properties; 2) eliminate lights in soffits; 3) strengthen existing code; 4) enforcement; and 5) address existing non-compliant commercial lots. Include funding for street light retrofitting. Work with UDOT to eliminate unnecessary streetlights. Education program. Seek public feedback on dark sky initiatives, celebrate dark sky week, and seek dark sky certification.	1-Policies: Update existing policy to include council requested items. 2-Include funding in FY'27 budget for street light retrofitting. 3-Develop and execute game plans to eliminate un-necessary UDOT lights. 4-Establish and launch education program. 5-Identify desired feedback and preferred medium to collect dark sky feedback--then execute plan. Lay plans to celebrate dark sky week beginning in '26 and achieve dark sky certification in subsequent year.	1-Q2 '26 2-Q2 '26 3-Q2 '26 4-Q2 '26 5-Q2 '26 survey & celebration. Q2 '27 certification.	1)TK 2)MK 3)MK 4)RB 5)MS/LM	FY27: Outlay dependent on available revenue sources.
Transportation Infrastructure	Program, design, fund, and construction of transportation infrastructure improvements presented by RF at Council's annual retreat held in January '26.	Begin process of prioritizing and budgeting for presented improvements.	TBD	RF	FY27: Outlay will be determined during budget development process.
Gateway/Park/Way Finding Signs	Finalize and implement plans for gateway, park, and wayfinding signs.	1-Finalize designs for gateway/park/way findings signs. 2-Implement designs	1.Q2'26 2.FY'27	RB/MK	FY27: Outlay for 1 sign.
Affordable Housing Plan	Move the needle on developing and realizing affordable housing in Heber community.	1-Affordability Ideas A) Negotiate greater affordability with new MDAs (80% AMI to 120% to 60% AMI) B) Explore City owned land opportunities, swapping land, use of County and/or District property for AH C) Affordable Housing University D) Consider code alternatives, such as STR moratorium in downtown area; limit institutional investors; limits on application fees; yard maintenance costs, slumlord penalty, etc. E) Complete Needs Assessment while seeking input and partnership with County.	A-Ongoing B-Ongoing C-Commence Q2 '26 D-Q3 '26 E.O2 '26	TK/MB/JC/CC	FY27: No outlay. Inhouse work.
Historic Preservation	Establish a Historic Preservation District in downtown area	1-Identify district boundary 2-Draft historic district policy	1.Q4'26 2.Q4'26	TK	Underway: Historic building inventory to commence Spring '26. FY27: No Outlay. Inhouse work.
Community Reinvestment Agency (CRA)	Establishment of one or more interlocal agreements with WCSD and WC	Remain in holding pattern until work on County administration parcel project is completed and New London (Richie) development group finishes lobbying WCSD.	Hold	MC/CC	
Targeted Tax Relief	Assess ways to reduce property tax burden on homeowners in Heber City matching Wasatch County's current program requirements.	1-Access alternatives and present to Council at the annual budget workshops.	1-Completed in conjunction with FY '27 budget.	SN	FY27: Project decrease in general fund revenue.

Heber City Council
2026 Strategic Retreat Action Register

Execution Strategy					
Action Item	Description	CC	Target	Responsible	Status/Budget Instructions
Meeting Efficiency	Identify tools, training, and/or rules for improving council meeting efficiency.	All	ASAP	MB/JC/CC	
Staffing Needs/Consultant Utilization/Expansion Space/Organization Chart	Staffing 1.Evaluat FY '27 staffing requests with respect to available funding. Include as part of budget workshop presentations alternatives for funding staffing requests. Consultants 1. Create a summary sheet(s) to itemize current use of consultants, outsourcing and partnerships. Intent of summary sheet is to evaluate whether cost savings and other advantages could be achieved hiring staff to do the same work. Basic data to include firm name, scope of work, hours of work, amount paid annually, etc. Summary sheet to be presented in April/May budget workshops Expansion Space 1.Complete research on court consolidation alternatives. Research to include utility of court space and HL&P building. Decision on HL&P building future not to be made until staffing, consultant and expansion space research and work is completed and presented to the city council. Organization Charts 1.Provide organization charts as part of budget workshops.	All	Findings to be presented in conjunction with FY '27 budget workshops.	Staffing 1.MBSN Consultants 1.LEAD/MB/SN Expansion Space 1.PS/MB Organization Charts 1.MB	
Parks	Muirfield Park 1.Identify capital stack for completing project—part in FY '26 and FY '27. 2.Bid, award, and construct in current calendar year. POSTT 1.Seek feedback from POSTT on list of initiatives/concerns/opportunities discussed during day two of retreat. Red Ledges 1.Arrange for a Red Ledges representative to update City Council on status of final trail obligations.	All	Muirfield Bid release in early spring '26. POSTT: Q2 '26 Red Ledges: Q2 '26	RF/MB/SN	Construction plans at 90% Split project costs between FY '26 and FY '27.
City Property Maintenance	Develop and execute plans to “better” maintain city owned properties, specifically plants, weeding and litter maintenance.	Mike	'26 Summer growing season	MK	Strategy is already in development. Staffing request included in FY'27.
City Lobbyist	Lobbyist report to Council. On going two-way communication.	All	ASAP	MB	FY'27: Eliminate outlay.
N. Village Preservation Fee	1.Present to City Council alternatives for N. Village Preservation Fee 2.Adopt policy for outlay of fees.	All	Q3 '26 Q3 '26	TK	FY27: No outlay.
America 250	Design and execute plans for establishing an America 250 memorial in Muirfield Park	All	Before July '26	MB/MK	FY27: No outlay. Current FY cost
Business Documentation	Business processes are documented to ensure ease of employee transitions.	Cheatwood	Q3'26		FY27: No outlay. Inhouse work.
Inflationary Tax Increase	Consider annual inflationary tax increase.	All	FY '27 Budget	SN	FY27: Will conduct assessment
Economic Development	Coordinate with Dallin Kocher for an Economic Development Report to city council.	Cheatwood	Q2 '26	MB	FY27: No outlay
Recycling	Improve Heber City organization’s recycling ethic—at public gathering places, buildings, etc.	All	Q3'26	MS/MK	FY27: Include funding for containers at major city parks/facilities.
AAB Bylaws	Review proposed bylaw changes with a subcommittee of council, staff and AAB members.		Q3'26	TB/JC	FY27: No outlay

MILAR TOWNHOMES

MID LEVEL ENTRY



CONCEPTUAL DESIGN PACKAGE



CONCEPT FLOOR PLANS

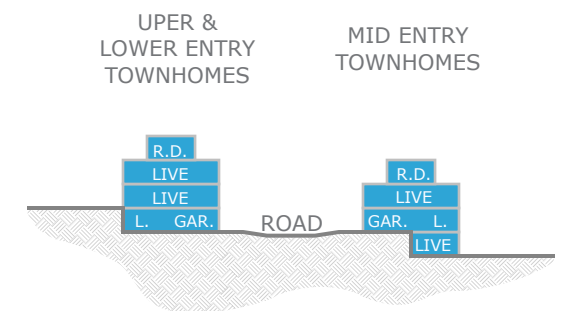
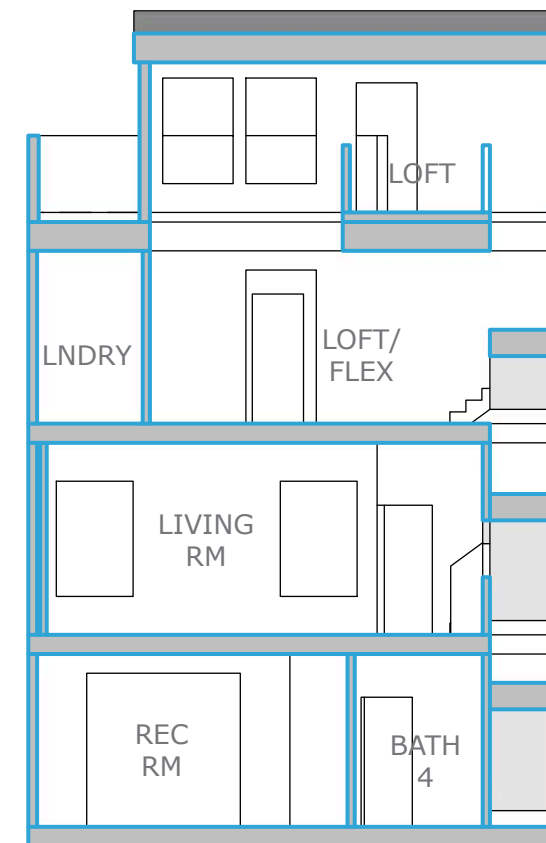
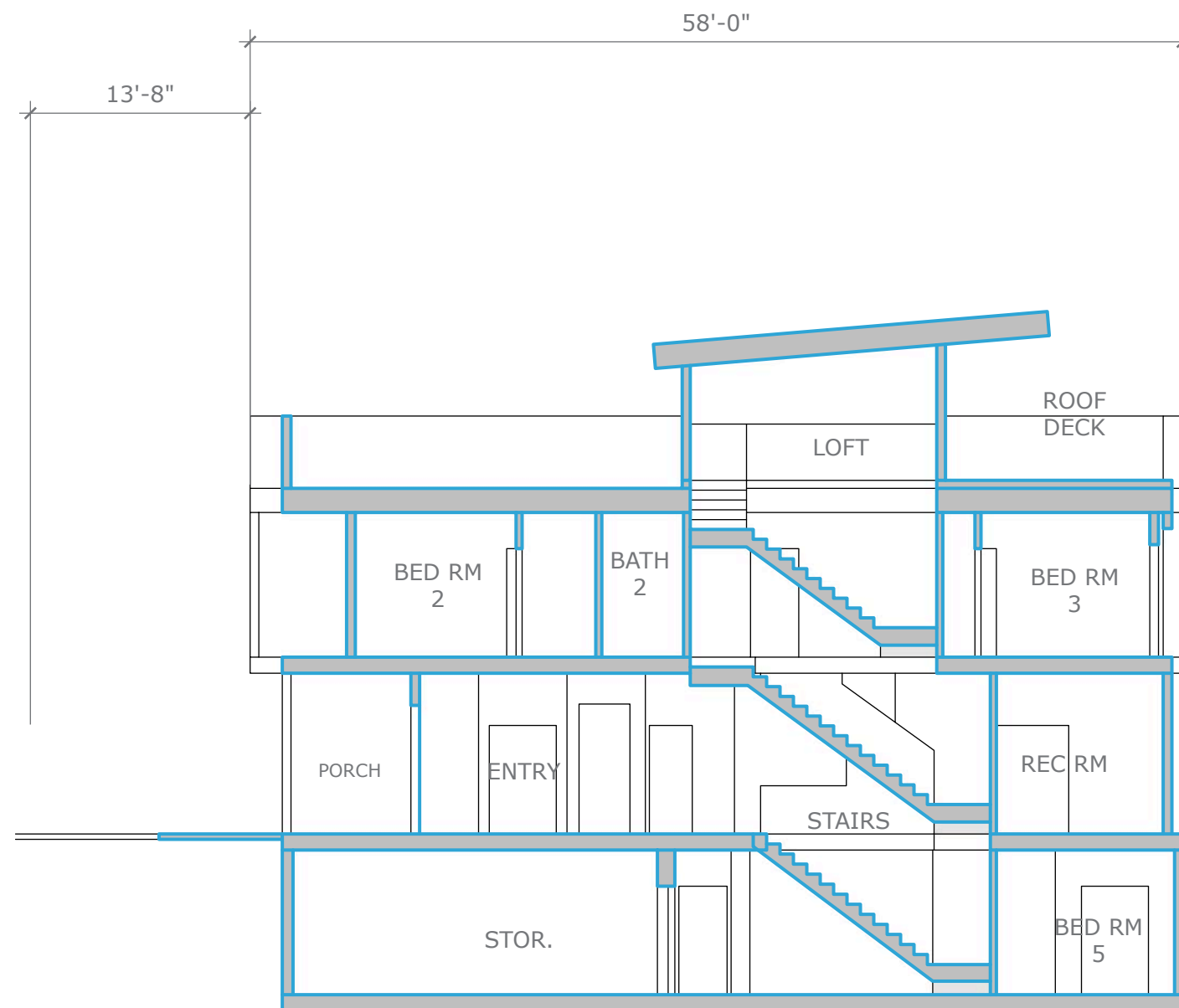
MILAR TOWNHOMES

HEBER - UT

2 February 2026

AE2025.394

SCALE 1" = 10'-0"



CONCEPT BUILDING SECTIONS

MILAR TOWNHOMES

AE2025.394

SCALE 1" = 10'-0"

HEBER - UT
2 February 2026



CONCEPT ELEVATION

MILAR TOWNHOMES

AE2025.394

SCALE 3"/32 = 1'-0"

HEBER - UT
2 February 2026





STREET VIEW

MILAR TOWNHOMES

HEBER - UT
2 February 2026

AE2025.394

PERSPECTIVE

HEBER - UTAH





Heber City Council Staff Report

MEETING DATE: 2/3/2026

SUBJECT: Resolution 2026-03: A Resolution of the City Council of Heber City, Utah, Establishing a Comprehensive Communication Policy for City Staff and Elected Officials

RESPONSIBLE: Ryan Bunnell, Matt Brower, Jeremy Cook

DEPARTMENT: Administrative

STRATEGIC RELEVANCE:

SUMMARY

During the Heber City Council meeting on December 2, 2025, and January 6, 2026, Council discussed a proposed communication policy aimed at establishing a unified, neutral "voice" for the city. Following the deliberation and public comment received at the January 6, 2026, meeting, the council voted unanimously to revisit a new draft of the policy at a future meeting.

RECOMMENDATION

Approve Resolution 2026-03.

BACKGROUND

Key aspects of the discussion held during the January 6, 2026, Council meeting included:

Neutrality: The note was that official city communications' primary purpose is to "educate and inform" rather than "persuade, interpret, or advocate".

Vetting Process: There should be a review and vetting before any communication is published. There was also a discussion that newsletters undergo legal review by the city attorney to ensure they contain nothing legally impermissible.

Personal vs. Government Branding: A key point was elected officials and staff should avoid using Heber City branding, for personal or private communication.

Following deliberation and public comment, the council voted unanimously to revisit a new draft of the policy at a future meeting.

DISCUSSION

Based on Council input, staff has redrafted the proposed communication policy.

A summary of the policy's eight sections is provided below:

Section I: Policy Purpose

The intent is to ensure that when a resident sees an official logo or reads a newsletter, the information is reliable and uniform. This prevents "mixed signals" where different departments, appointed staff, or officials tell the public different things.

Section II: Police Department Communications

Key Provisions

Internal Oversight: Unlike general city communications (which are typically reviewed by the City Manager), police communications are managed internally by the Chief of Police or a designated individual. This carve-out ensures that law enforcement experts, rather than general city staff, control the narrative and accuracy of public safety information.

Mandatory Pre-Approval: All "Police Department Communications"—specifically defined as press releases or official statements—must be reviewed and approved by the Chief or designee before they are made public.

Section III: Official City Written Communications

Covered Communications: The rule applies to most official city written materials, including press releases, newsletters, surveys, flyers, brochures, digital media posts, and website content. This rule is intended to maintain political neutrality with official City communications and ensure city resources are used to "educate and inform" rather than to "persuade, interpret, or advocate.

Exclusions: Routine communications (day-to-day, general information) are exempt, as are communications from the police department.

Review and Approval Process

Mandatory Review: Business communications must be reviewed and approved before being made public.

Approving Authority: The City Manager or a designated person holds this authority.

Review Criteria: The reviewer must assess the material based on four criteria:

Accuracy of official position: Does it reflect the majority view of the City Council?

Factual correctness: Is the information accurate and not misleading?

Reputation/Integrity: Does it avoid negatively impacting the City's image?

Legal risk: Does it avoid potential liability or litigation for the City?

Section IV: Elected Officials Communications

Key Rules for Official Communication

Factual Accuracy: When acting in an official capacity—including using city email, giving interviews, or serving on appointed boards—officials must make reasonable efforts to be factually correct.

Representing the Majority: Communications should reflect the "official position, policy or actions" of the city as decided by a majority of the City Council.

Disclaimer for Personal Opinions: If an official's statements do not reflect the majority's official position, they must clearly indicate that the opinion is theirs alone and not that of the city.

Restrictions on Promises and Commitments

No Unauthorized Promises: Officials shall not make promises or commitments to residents on behalf of Heber City unless those commitments have been pre-approved by the City Council.

Section V: Opinion Sections or Articles in City Newsletter

Disclaimer Requirement

Mandatory Labeling: If an elected official drafts an article for the newsletter, the newsletter shall include a disclaimer stating that the content contains their own opinions or positions.

Section VI: Press Releases

Key Requirements

Police Department Press Releases: Police Department press releases are exempt from review by City Manager and Mayor.

Mayor Review of General City Press Releases: The Mayor is granted a cursory review of general city press releases prior to issuance.

Press Release Authority: Final approval authority rests with the City Manager. The purpose of keeping final approval authority with the City Manager is to provide for clear roles and accountability.

Section VII: Disclosure to City Council

Key Requirements

Mandatory Briefing: The City Manager and Police Chief are required to share all official written communications and police statements with the City Council.

Timing: Ideally, these disclosures should happen prior to release. If that isn't possible (e.g., in an emergency or fast-breaking news event), they must provide the information "as soon as reasonably practical" afterward. By receiving this information early, Council members can prepare to answer questions from residents or the media accurately.

Section VIII: Council Reviews of Surveys

Key Rules for Official Surveys

Council Authorization: Any official survey of Heber City residents must be authorized by the City Council. This rule is designed to ensure that data collected and presented as official "City results" meets a minimum standard of scrutiny and approval by the governing body. It prevents misleading residents or using potentially biased informal data to justify official city actions.

Public Review Option: The City Council has the discretion to require that the survey's questions and format be reviewed during a public meeting. This ensures transparency and gives residents a chance to comment on the survey's design and intent before it is distributed.

Rules for Informal Surveys (Elected Officials)

Clear Disclaimer: Any informal survey conducted by an individual elected official must clearly state that it is not an official survey of the City.

No Misrepresentation of Results: Officials are prohibited from presenting or representing the results of an informal survey as if they were official data collected on behalf of Heber City.

Section IX: City Attorney Reviews

Key Requirements

Mandatory Referral: The City Manager or Police Chief must ask the City Attorney to review official communications (including Police Department communications) if they believe the content could lead to:

Legal liability for Heber City.

Legal action or litigation involving the City.

The "Emergency" Exception: This review is not required in emergency situations, allowing for faster public notification during urgent crises.

FISCAL IMPACT

Fiscal impacts associated with the proposed communication policy include additional hours required by the city's public information officer and attorney to review content, when requested, of newsletters and social media prior to publishing. It's unknown as to what this cost might sum to in the future.

CONCLUSION

Staff is looking to Council to either adopt the new draft of the communication policy or to provide additional feedback.

ALTERNATIVES

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Administrative
Staff member: Matt Brower, City Manager
Ryan Bunnell
Jeremy Cook, City Attorney

EXHIBITS

1. Resolution 2026-03 Adopting a Communications Policy (1)
2. City Press Releases
3. Communications Policy

RESOLUTION NO. 2026-03

**A RESOLUTION OF THE CITY COUNCIL OF HEBER CITY, UTAH, ESTABLISHING
A COMPREHENSIVE COMMUNICATION POLICY FOR CITY STAFF AND
ELECTED OFFICIALS**

WHEREAS, Heber City (hereafter “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council is the legislative and governing body of the City; and

WHEREAS, the City desires to ensure transparent, accurate, and objective communication with its residents, businesses, and the general public; and

WHEREAS, the City Council seeks to provide clear guidelines for the use of all communication platforms, including newsletters, surveys, social media, and press releases; and

WHEREAS, establishing a clear policy will foster public accountability, enhance community trust, and ensure consistent, professional messaging;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Heber City, Utah, that the City’s Rules of Order and Procedure for City Council is hereby amended, as attached hereto as Exhibit A, is hereby adopted:

	AYE	NAY	ABSENT	ABSTAIN
Yvonne M. Barney	_____	_____	_____	_____
Aaron Cheatwood	_____	_____	_____	_____
Mike Johnston	_____	_____	_____	_____
Morgan Murdock	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____

APPROVED:

Mayor Heidi Franco

ATTEST:

RECORDER

Date: _____

Policy Title: City Press Releases

Policy Topic: Utilization and authorization of press releases for communicating City matters.

Policy Purpose: The purpose of a press releases is to accurately represent and promote significant City news. The intent of this policy is to formalize the authority for issuing press releases and content review and approval process for press releases officially issued by Heber City.

Part 1: Purpose of Press Releases: The City may issue press releases for any of the following purposes, informational, promotional, situational, persuasive, political, etc.

Part 2: Authorization to Issue Press Releases: Authorization to issue press releases rests with the Mayor, or City Manager or Police Chief. The City Manager and Police Chief are authorized to issue press releases for routine City matters relative to their areas of authority. Press releases issued for non-routine matters, however, require the review and input of the Mayor and other subject matter experts as deemed necessary by the Mayor, City Manager or Police Chief. The Mayor, City Manager and Police Chief may collectively authorize experts to speak or issue releases on behalf of the City, subject to rules governing press release content found in Part 3 and Part 4 of this policy.

Part 3: Press Release Content: The City Manager and Police Chief are authorized to review and approve press release content that is specific to their span of responsibility. However, for non-routine matters or when the Mayor's actions or appointees are involved in media inquiries or city media statements, then the Mayor, in addition to the City Manager and/or Police Chief, must also approve the content of any release prior to issuing the release.

Part 4: Governing Body Updates: The governing body will be notified of all press releases. In lieu of press release copies, the Governing Body may be provided talking points or notices of press release issuances. Further, press release content must always be consistent with the official position of the Governing Body and/or other legal considerations.

Part 5: Media requests of Staff: Staff must notify the City Manager or Police Chief of media requests—interviews or statements—prior to accepting the request.



Heber City Communications Policy

I. Policy Purpose: The purpose of this communication policy is to uphold a clear, consistent, and trustworthy public identity and message, and to establish standards to clearly articulate between official Heber City statements and communications and personal opinions or positions of Elected Officials.

II. Police Department Communications. Any press releases or official statements of the police department (together “Police Department Communications”) shall be reviewed and approved by the Chief of Police or his designee prior to release.

III. Official Written City Communications: The city newsletter, flyers, brochures, digital communications on official City accounts or pages, or City website materials (collectively “Official City Written Communications”) shall be compiled by staff and must be reviewed and approved by the City Manager or his designee before publication or release to determine whether such materials:

1. Accurately reflect the official position of the City (as determined by a majority of the City Council);
2. Do not include any inaccurate or misleading information;
3. Do not negatively impact the reputation or integrity of the City; or
4. Do not unreasonably subject the City to potential liability or litigation.

The City Manager or his designee shall have final authority to either amend the wording or not publish any Official City Written Communications.

IV. Elected Official Communications. Elected Officials shall make all reasonable efforts to ensure that:

1. Any communication by the Elected Official in their official capacity or as a representative of the City (including written communications from the Elected Officials’ City email account, interviews, or statements made as an appointed board member) are factually correct and represent the official position, policy or actions of Heber City (as determined by a majority of the City Council); or

2. The Elected Official shall clearly indicate that the statements or opinions are only the position or opinion of that Elected Official.

Elected Officials may represent that the Elected Officials will campaign for, vote in favor of, or support an issue or item, but Elected Officials shall not make any promises or commitments to residents on behalf of Heber City or that can be construed as a promise or commitment on behalf of Heber City unless such promises or commitments have been approved by the City Council. Elected Officials shall comply with all state laws with respect to utilizing city resources for campaign purposes.

V. Opinion Sections or Articles in City Newsletter. Any articles in the City newsletter drafted by an Elected Official shall include a disclaimer that the article may include opinions or positions of that Elected Official and may not reflect the official policy of the City.

VI. Press Releases. Except for press releases related solely to the police department, any press releases shall be reviewed by the Mayor and City Manager prior to publication or release. City Manager is responsible for final press release content.

VII. Disclosure to City Council: In order to allow Mayor and City Council to be ready to respond to questions or comments from the public, the City Manager or Police Chief shall provide any press releases, Official Written City Communications or Police Department Communications to the Mayor and City Council prior to release or as soon as reasonably practical after the release if the City Manager or Police Chief believe that the communication involves a controversial policy or issue or will result in Elected Officials being required to respond to questions or comments from the public.

VIII. Council Review of Surveys. The City Council must authorize any official survey of the City, and the City Council may require that the questions and format of the survey be reviewed by the City Council in a public meeting. Informal surveys by Elected Official shall clearly indicate that they are not an official survey of the City, and Elected Officials shall not represent the results of such survey as an official survey of Heber City.

IX. City Attorney Review. Except for emergency situations, the City Manager or Police Chief shall request the City Attorney review any Official City Written Communications or Police Department Communications if the City Manager or Police Chief believe that the communication may result in liability for the City or any legal action involving the City.



Heber City Council Staff Report

MEETING DATE: 2/3/2026

SUBJECT: Atlas Towers Ground Lease Agreement for City Property located at approximately 590 East Center Street

RESPONSIBLE: Tony Kohler, J. Mark Smedley

DEPARTMENT: Planning

STRATEGIC RELEVANCE: Community Development

SUMMARY

This item is a continuation of the December 2 discussion about entering into a conditional lease agreement with Atlas to place a 65' cell tower on city property at approximately 590 East Center Street. If said Lease Agreement is approved by the City Council, Atlas Tower 1, LLC, (Atlas) will become the Lessee, with standing to initiate a zone change application seeking approval for placement of its said tower.

Council continued the discussion from December 2 and asked for staff and Atlas to look at the lease terms, specifically payment, and ensure that the terms are consistent with market rates. Atlas, Councilmember Cheatwood and Mark Smedley have met and concur the proposed rate is consistent with the market and is asking Council to consider approving the lease agreement.

After Council approves the lease agreement, Atlas would be responsible for pursuing a public notification process and applying for approval of a zone change and use approval for the site.

RECOMMENDATION

Council review and approve the proposed Conditional Lease Agreement

BACKGROUND

Atlas desires to place its 65-foot cell tower on a city-owned lot, at the Hospital Well. This proposed cell tower would house at least one anchor cell provider, anticipating attracting up to two other cell service providers.

Terms of the lease agreement require tenant to pay an initial \$150,000.00 payment, and thereafter, the proposed monthly lease term which includes a minimum of one anchor cell service provider is \$800.00. Each additional Anchor Tenant will generate an additional \$500.00 per month. As indicated, if the Tower attracts a total of three cell service providers, the monthly income to the City will be \$1,800.00. This rate is competitive throughout the State of Utah. The highest monthly rental rate in Utah over the past two years has consistently hovered at \$1,500.00.

Generally, there are two ways that cell towers are proposed to municipalities.

Most often, cell service providers will solicit cities directly, offering to build and install their own towers. While initially, these direct proposals from cell service providers offer competitive monthly

lease rates, because they own the towers, they discourage other cell service providers from sharing space on their tower. Legally, they are required to do so, but it is not openly solicited, and additional tenant placement on the anchor tenant's tower is often less than ideal. This can result in restricted monthly revenue to the City, and smaller offerings by other service providers, and less powerful service.

Alternatively, companies, not affiliated with carriers that build towers, act as brokers to all service providers, which in turn creates competitive cell service and esthetics and more equal placement on the towers. As a result, the monthly revenue can be as much or more than the individual cell service provider towers. With several providers sharing similar heights to broker towers, the service is better and more consistent. While service provider-owned towers may offer a slightly higher rate, a few hundred a month more, that carrier will make it harder for other carriers to climb on their towers. Often, an anchor carrier restricts the height of other carriers on their tower.

It is anticipated that if the lease is approved, Atlas will apply to the City for a zone change to the Institutional and Public Facilities Zone (IPFZ), which permits 65 foot tall (current height in current zone of R-1 Residential is 35 feet), for their tower, with the hope that at least two carriers, and potentially three, will desire space on this proposed tower if the tower height is increased. The thought is that when cell provider carriers become aware of the execution of the proposed lease, this site will be a popular location.

The Lease is conditioned upon approval of the Planning, Public Works and Engineering Departments and all requirements of new zoning requirements or a new zone allowing for increased height of a tower.

The City will be reviewing the final design and will have the option not to commence the lease if the City disagrees with the Tower design. The premises for the tower will be 50 x 50 feet, measuring 2500 sq. feet.

Atlas created a specific public outreach process described in the supplemental materials that is separate and prior to any zoning applications and approvals to ensure the neighborhood is aware of the upcoming cell tower application.

DISCUSSION

N/A

FISCAL IMPACT

One-time payment of \$150,000 plus

- Anchor Tenant: \$800.00/month
- Anchor Tenant plus one Additional Tenant: \$800.00 plus \$500.00/ month
- Anchor Tenant plus two Additional Tenants: \$800.00 plus \$1,000.00/month
- Anchor Tenant plus three Additional Tenants: \$800.00 plus \$1,500.00/month

CONCLUSION

Staff recommends approval of the proposed lease. After that, the Planning Department will look for an application from Atlas for a Zone change and use approval for a cell tower.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended

3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director
J. Mark Smedley, Asst. City Manager

EXHIBITS

1. Heber Hill Ground Lease City Atlas Tower updated 1.21.26
2. Contract Lease Comparables
3. Lease Comparables
4. Neighborhood Meeting Template Jan 2026
5. Project Overview
6. Community FAQ
7. 1000 ft notice area

LANDLORD:

HEBER CITY CORPORATION
75 N MAIN ST
HEBER CITY, UT 84032
Landlord E-mail: tkohler@heberut.gov
Landlord Phone #: 435-657-7900

TENANT:

Atlas Tower 1, LLC
2500 30th Street, Suite 304
Boulder, CO 80301

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is made upon the date of the last signee by and between, Heber City Corporation, a Utah municipality (the "**Landlord**"), whose address is 75 N. Main Street, Heber City, UT 84032, and Atlas Tower 1, LLC (the "**Tenant**"), whose address is 2500 30th Street, Suite 304, Boulder, CO 80301.

WHEREAS, the Landlord owns certain real property that is designated as parcel number 00-0020-2672 that is more particularly described or depicted in attached **Exhibit 1** (the "**Property**"); and,

WHEREAS, the Tenant desires to lease from Landlord a certain portion of the Property, more particularly described or depicted in attached **Exhibit 2** (the "**Premises**").

NOW THEREFORE, for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree:

1. RIGHT TO LEASE.

- (a) Landlord grants to Tenant the right to lease a portion of the Property measuring approximately (50 feet x 50 feet, measuring 2500 sq. feet.) together with unrestricted access for Tenant's uses from the nearest public right-of-way along the Property to the Premises as depicted on the attached **Exhibit 2** (collectively, the "**Premises**"). The exact location of the Premises shall be determined by the Landlord, provided that the Premises is located within the red shaded area shown on the attached Exhibit 2 or in a location that is otherwise acceptable to Tenant.
- (b) From and after the date of this Agreement as set forth above, and for the time period set forth below (the "**Testing Period**"), and at any time during the term of this Agreement, Tenant and its agents, engineers, surveyors and other representatives will have the right to enter upon the Property to inspect, examine, conduct soil borings, drainage testing, material sampling, and other geological or engineering tests or studies of the Premises (collectively, the "**Tests**"), to apply for and obtain licenses, permits, approvals, or other relief required of or deemed necessary or appropriate at Tenant's sole discretion for its use of the Premises and include, without limitation, applications for zoning variances, zoning ordinances, amendments, special use permits, and construction permits (collectively, the "**Government Approvals**"), initiate the ordering and/or scheduling of necessary utilities, and otherwise to do those things on or off the Property that, in the opinion of Tenant, are necessary in Tenant's sole discretion to determine the physical condition of the Premises, the environmental history of the Property, Landlord's title to the Property and the feasibility or suitability of the Property for Tenant's Permitted Use, all at Tenant's expense. Tenant acknowledges that Landlord may have underground facilities within the Premises, and Tenant shall coordinate with Landlord prior to any drilling or boring to determine the exact location of underground facilities. Tenant will restore the Property to its condition as it existed at the commencement of the Testing Period (as defined below), reasonable wear and tear and casualty not caused by Tenant excepted. In addition, Tenant shall indemnify, defend and hold Landlord harmless from and against any and all injury, loss, damage or claims arising directly out of Tenant's Tests. The Testing Period activities and the terms and conditions related to the Testing Period, including the indemnification statements shall only apply to the area being leased to Tenant ("**Premises**"), and shall be limited to uses and activities identified in this Lease Agreement, which include the construction, operation, maintenance, of a wireless communication site. The Initial Testing Period shall run from and after the date of this Agreement for a period of twelve (12) months, commencing on the date of full execution of this Lease.

Tenant will be allowed to conduct all testing activities that do not entail digging into the ground on the entirety of the premises.

- (c) During the Initial Testing Period and any mutually agreed upon extension thereof, Tenant may commence the Initial Term of this Agreement by notifying Landlord in writing. If Tenant commences the Initial Term, then Landlord leases the Premises to the Tenant subject to the terms and conditions of this Agreement. If Tenant does not commence the Agreement during the Initial Testing Period or any extension thereof, this Agreement will terminate and the parties will have no further liability to each other. Tenant must notify Landlord in writing of the commencement of the Initial Term prior to any construction activity.
- (d) Notwithstanding the foregoing, the City shall have the right to terminate this Agreement at any time prior to all Government Approvals if City determines, in City's sole discretion, that the design and engineering is not compatible with the Property or the City's current or future uses of the Property.

2. TERM.

- (a) This Lease shall commence (the "**Commencement Date**") upon Tenant sending a written Request for Commencement of Lease (the "**Lease Commencement Request**") to Landlord and Landlord acknowledging in writing acceptance and approval of the Lease Commencement Request, which acceptance and approval may be withheld by Landlord for any reason. If the Lease Commencement Request is not received by Landlord prior to December 31, 2026, this Lease shall terminate. Unless extended or sooner terminated as herein provided, the term shall be for a period of 240 Months following the Commencement Date ("**Initial Term**"). Upon the Commencement Date, Tenant shall provide initial Rent payment to Landlord within forty-five days and Landlord shall provide information to place or initiate automatic Rent payment delivery into Tenant's accounting and payment system.
- (b) Tenant shall have the option to extend the term of this Lease for Two 5-year Extensions each (each a "**Renewal Term**"). Each Renewal Term shall commence automatically, unless Tenant delivers notice to Landlord of its intent not to renew, such notice to be delivered not less than thirty (30) days prior to the end of the then-current term.

- 3. **RENT.** Tenant shall pay rent to Landlord beginning at Commencement Date a monthly rental payment of Eight Hundred Dollars (\$800.00) and a one-time payment of One Hundred Fifty Thousand Dollars (\$150,000.00) ("Rent") for the initial national broadband mobile network carrier to install equipment on the Communications Facility ("Anchor Tenant"), at the address set forth above on or before the fifth (5th) day of each calendar months in advance. Tenant shall also pay to Landlord Five Hundred Dollars (\$500.00) ("Additional Rent") for each additional national broadband mobile network carrier to install equipment on the Communications Facility ("Additional Tenants"), as shown by the payment schedule below. Rent will be prorated for any partial month. The initial Rent payment will be forwarded by Tenant to Landlord within sixty (60) days from the Rent Commencement Date, except that the one-time payment will be paid within thirty (30) days of site construction completion. On every year anniversary from Commencement Date the Rent shall increase by two percent (2 %) over the previous years' Rent amount.

Anchor Tenant: \$800.00/month

Anchor Tenant plus one Additional Tenant: \$800.00 plus \$500.00/ month

Anchor Tenant plus two Additional Tenants: \$800.00 plus \$1,000.00/month

Anchor Tenant plus three Additional Tenants: \$800.00 plus \$1,500.00/month

4. TAXES.

- (a) Tenant shall pay any personal property taxes assessed on, or any portion of such taxes attributable to the communications tower, lease area compound, and all equipment within the leased premises, including all improvements and tangible personal property of Tenant and/or its sub lessees ("**Communications Facility**"). Tenant acknowledges that Landlord is a governmental entity and not subject to property taxes, but privilege taxes or other taxes may be applicable due to Tenant's use of the property, including, but not limited to, taxes under Utah Code Ann. § 59-4-101. Tenant agrees to pay all taxes, fees or other assessment due and owing

as a result of Tenant's use of the Premises. If the Property is transferred to a non-governmental entity, Landlord shall pay when due all real property taxes and all other fees and assessments attributable to the Property and Premises. Tenant shall pay as additional Rent any increase in real property taxes levied against Premises, which are directly attributable to Tenant's use of the Premises (but not, however, taxes attributable to periods prior to the Commencement Date such as roll-back or greenbelt assessments) if Landlord furnishes proof of such increase to Tenant. In no event shall Tenant be required to pay any income taxes or other special assessments of tax due as a result of the rental income from Tenant to Landlord. In the event that Landlord fails to pay when due any taxes affecting the Premises or the Easement, Tenant shall have the right but not the obligation to pay such taxes and deduct the full amount of the taxes paid by Tenant on Landlord's behalf from future installments of Rent. Tenant shall have the right to protest the amount of any taxes with any applicable taxing authority and Landlord shall reimburse to Tenant that amount of any reduction in taxes resulting from such protest.

- (b) Landlord shall provide Tenant with a copy of any and all tax assessment documents or notices received by Landlord relating to the Communications Facility within 10 days of receipt by Landlord. If Landlord fails to provide Tenant with such notices within the required timeframe, Tenant shall be relieved of any responsibility to pay such taxes and Landlord waives any claims or rights to seek payment from Tenant relating to such assessments.

5. USE.

- (a) Tenant may use the Premises for the purpose of erecting, installing, operating and maintaining a radio and communications tower, using a site-specific design, approved by the City, including self-supporting tower, monopole stealth tower (e.g. monopine, bell tower, silo, etc.), or guy wire tower (with necessary cable anchor easements), to transmit and receive with equipment, antennas, dishes, mounting structures, equipment buildings and related equipment specific to the City approved cell tower. Upon written approval by the City, Tenant may make any improvement, alteration or modification to the Premises as are deemed appropriate by Tenant, Tenant shall have the right to clear the Premises of any trees, vegetation, or undergrowth which interferes with Tenant's use of the Premises for the intended purposes. Within the specific defined location upon the Premises, Tenant shall have the right to install communications towers, buildings, equipment, backhaul equipment and cable for all wireless communication equipment to be installed on the Property, antennas, dishes, fencing, and other accessories related thereto, and to alter, supplement, and/or modify same as may be necessary.
- (b) Landlord grants Tenant the right to clear all trees, undergrowth, or other obstructions and to trim, cut and keep trimmed and cut all tree limbs, which may encroach upon the Communications Facility or Premises. Landlord grants Tenant a non-exclusive easement in, over, across and through other real property owned by Landlord as reasonably required for construction, installation, maintenance, and operation of the Communication Facilities. Upon written approval from the City's Public Works Department, Tenant shall be entitled to sublease and/or sublicense the Premises, including any communications tower located thereon. At all times during the term of this Lease, Tenant, and its guests, agents, customers, lessees, and assigns shall have the unrestricted, exclusive right to use, and shall have free access to the Premises seven (7) days a week, twenty-four (24) hours a day. Tenant shall have the exclusive right to sublease or grant licenses to use the radio tower or any structure or equipment associated with the Tower, but no such sublease or license shall relieve or release Tenant from its obligations under this Lease. If at any time during the term of this Lease, the Federal Aviation Administration, Federal Communications Commission, or other governmental agency changes its regulations and requirements, or otherwise takes any action, the result of which inhibits Tenant's use of the Premises, or any communications tower located thereon, for the purposes originally intended by Tenant, Tenant shall have the right to terminate this Lease Agreement upon written notice to Landlord, provided that Tenant shall remove all equipment and facilities on the Property prior to the effective date of the termination, and Tenant shall pay one-time termination fee of ten thousand dollars (\$10,000) to Landlord.

- 6. **PERMITS AND APPROVALS.** Tenant acknowledges that Landlord is a Utah municipal with zoning and land use jurisdiction over the Property. Nothing in this Agreement shall be construed to waive any requirement for Tenant to obtain land use approval, exempt Tenant from any zoning, permit or land use requirements or regulations of Heber City, or provide any approval of Heber City to construct any improvements on the Premises.

In no event shall Heber City's denial of any permit or application be construed as a breach of this Agreement or create any liability under the terms of this Agreement.

7. **ACCESS AND UTILITIES.** To the extent that it is legal, and that Landlord has the right to allow the same, Landlord for itself, its successors and assigns, hereby grants and conveys unto Tenant, its' customers, employees, agents, invitees, successors and assigns a nonexclusive easement for ingress and egress, as well as for the construction, installation, operation and maintenance of overhead and, to the extent that it is legal, and that Landlord has the right to allow the same, underground electric and other utility facilities (including wires, poles, conduits and appurtenant equipment), with the right to reconstruct, improve, add to, enlarge, change and remove such facilities, over, across and through any easement for the benefit of and access to the Premises, subject to the terms and conditions herein set forth. The rights granted to Tenant herein shall also include the right to partially assign its rights hereunder to any public or private utility company or authority, along with the right to modify, adjust, or redesign any such access and utility easement in order to comply with local or state fire access requirements and enjoy all other rights and privileges reasonably necessary for Tenant's safe and efficient use and enjoyment of the easement for the purposes described above.
8. **EQUIPMENT AND FIXTURES.** All improvements, equipment or other property attached to or otherwise brought onto the Premises by Tenant shall at all times be the personal property of Tenant and/or its subtenants and licensees. Tenant or its customers shall have the right to erect, install, maintain, and operate on the Premises such equipment, structures, fixtures, no-trespassing signs, and personal property as Tenant may deem necessary or appropriate, and such property, including the equipment, structures, fixtures, signs, and personal property shall not be deemed to be part of the Premises, but shall remain the property of Tenant or its customers. Tenant shall not construct or install any fencing around the Premises without the prior written approval of Landlord, which approval shall not be unreasonably withheld, conditioned, or delayed. Any approved fencing shall provide Landlord with reasonable access through the fencing and shall not unreasonably interfere with Landlord's well(s) or other facilities.. At any time during the term of this Lease Agreement, Tenant or its customers shall have the right to remove their equipment, structures, fixtures, signs, and personal property from the Premises. Within sixty days (60) after termination hereof, Tenant or its customers shall have the obligation to remove all above ground equipment, structures, fixtures, signs, and personal property from the Premises, placed there by Tenant or its customers after taking tenancy of the property, and only such personal property and items belonging to Tenant or its customers. Any pre-existing personal property on the premises shall remain on the property as personal property of the Landlord. Tenant shall only be allowed to erect / install signs that are required by Federal, State, or Local law.
9. **ASSIGNMENT.** Tenant may assign this Lease to any person or entity at any time without the prior written consent of Landlord, so long as said person or entity has financial assets equal to or greater than Tenant, and said person or entity has the resources and experience to successfully run a Wireless Telecommunication Facility. After delivery by Tenant to Landlord of an instrument of assumption by an assignee that assumes all the obligations of Tenant under this Lease, Tenant will be relieved of all liability hereunder. Landlord may assign this Lease, in whole or in part, to any person or entity (a) who or which acquires fee title to the Premises and/or (b) who or which agrees to be subject to and bound by all provisions of this Lease. Except for the foregoing, assignment of this Lease by Landlord must be approved by Tenant, in Tenant's sole discretion. Notwithstanding any prohibition on assignment set forth herein, Tenant may collaterally assign its rights hereunder to a lender ("Lender") as security for a loan. In event of default by Tenant of Tenant's obligations to any Lender, Tenant's Lender shall have the express right to assume the Tenant's obligations under the Lease and acquire and/or sell all of the Tenant's rights under the Lease and improvements without consent from the Landlord.
10. **WARRANTIES AND REPRESENTATIONS.**
 - (a) Landlord warrants and represents that it is the owner in fee simple of the Premises, free and clear of all liens and encumbrances except as to those which may have been disclosed to Tenant, in writing prior to the execution hereof, and that it alone has full right to Lease the Premises for the term set out herein. Landlord further represents and warrants that Tenant, on paying the Rent and performing its obligations hereunder, shall peaceably and quietly hold and enjoy the Premises for the term of this Lease.

- (b) Landlord shall promptly pay all real estate taxes and assessments against the Premises when due and shall avoid any delinquencies with respect thereto. Landlord shall also pay promptly, when due, any other amounts or sums due and owing with respect to its ownership and operation of the Premises, including, without limitation, judgments, liens, mortgage payments and other similar encumbrances. If Landlord fails to make any payments required under this Lease, such as the payment of real estate taxes and assessments, or breaches any other obligation or covenant under this Lease, Tenant may (without obligation), after providing ten (10) days written notice to Landlord, make such payment or perform such obligation on behalf of Landlord. The full amount of any costs so incurred by Tenant (including any attorneys' fees incurred in connection with Tenant performing such obligation) shall be paid by Landlord to Tenant with interest at the statutory rate thereon.
- (c) Landlord has complied with all, and will continue to comply with environmental, health, and safety laws with respect to the Premises, and no action, suit, proceeding, hearing, investigation, charge, complaint, claim, demand, or notice has been filed or commenced against Landlord or regarding the Premises alleging any failure to so comply. Without limiting the generality of the preceding sentence, Landlord and the Premises are in compliance with all environmental, health, and safety laws. No asbestos-containing thermal insulation or products containing PCB, formaldehyde, chlordane, or heptachlor or other hazardous materials have been placed on or in the Premises by Landlord or, to the knowledge of Landlord, by any prior owner or user of the Premises. To the knowledge of Landlord, there has been no release of or contamination by hazardous materials on the Premises. Landlord hereby agrees to indemnify, defend and hold harmless the other party, its parent company or other affiliates, successors, assigns, officers, directors, shareholders, agents and employees (collectively, "Indemnified Persons"), from and against all claims and liabilities (including reasonable attorneys' and fees court costs) caused by or arising out of the presence of any asbestos or hazardous material present at the Property except to the extent such presence was caused by Tenant.
- (d) All utilities required for the operation of the Tenant's improvements enter the Premises through adjoining public streets or, if they pass through an adjoining private tract, do so in accordance with valid easements. Tenant shall be responsible to pay the cost to install any utilities to service the Premises.
- (e) Landlord has no knowledge of any fact or condition that could result in the termination or reduction of the current access from the Premises to existing highways and roads, or other utility services serving the Premises. The Premises abuts on and has direct vehicular access to a public road or has access to a public road via a permanent, irrevocable, appurtenant easement benefiting the parcel of real property, and access to the property is provided by, and will continue to be provided.
- (f) With respect to the Premises, except as disclosed in writing to Tenant prior to the execution hereof: there currently exist no licenses, sublicenses, or other agreements, written or oral, granting to any party or parties the right of use or occupancy of any portion of the of Premises; there are no outstanding options or rights of first refusal to purchase the Premises or any portion thereof or interest therein; and there are no parties (other than Landlord) in possession of the Premises.
- (g) It is intended that the legal description of the Premises accurately reflect an "as-built" survey of any existing communications tower and accordingly the parties agree that, if any part of such tower, buildings, roadways, utilities, or anchors related to the communications tower located on the Premises is located beyond the legal description of the Premises or any easements specified in the Lease, the Lease is hereby amended to provide that the Premises includes the existing location of any such improvements as part of the Premises demised in the Lease, to the extent that such improvements are located on real property owned by Landlord. To the extent that such improvements are not located on real property owned by Landlord, Landlord shall cooperate with Tenant and shall use reasonable efforts to secure approval and/or permission from the owner of the real property on which such improvements are located.

11. HOLD OVER TENANCY. Should Tenant or any assignee, sublessee, or licensee of Tenant hold over the Premises or any part thereof after the expiration of the term, set forth herein, such holdover shall constitute and be construed as a tenancy from month-to-month only, but otherwise upon the same terms and conditions, unless otherwise agreed to in writing by the City and Tenant.

- 12. INDEMNITIES.** The parties agree to indemnify, defend and hold harmless the other party, its parent company or other affiliates, successors, assigns, officers, directors, shareholders, agents and employees (collectively, “**Indemnified Persons**”), from and against all claims and liabilities (including reasonable attorneys’ and fees court costs) caused by or arising out of (i) such party’s breach of any of its obligations, covenants, or warranties contained herein, or (ii) such party’s acts or omissions with regard to the Lease. However, in the event of an Indemnified Person’s contributory negligence or other fault, the Indemnified Person shall not be indemnified hereunder to the extent that the Indemnified Person’s negligence or other fault caused such claim or liability.
- 13. INSURANCE.** Tenant shall insure against property damage and bodily injury arising by reason of occurrences on or about the Premises in the amount of not less than \$2,000,000. The insurance coverage provided for herein may be maintained pursuant to master policies of insurance covering other tower locations of Tenant and its corporate affiliates. All insurance policies required to be maintained by Tenant hereunder shall be with responsible insurance companies, authorized to do business in the state where the Premises are located if required by law, and shall provide for cancellation only upon 10 days’ prior written notice to Landlord. Tenant shall evidence such insurance coverage by delivering to Landlord, if requested, a copy of all such policies or, at Tenant’s option, certificates in lieu thereof issued by the insurance companies underwriting such risks.
- 14. INTERFERENCE.** During the term of this Lease, Landlord, its successors and assigns, will not grant any ground lease, license, or easement with respect to any of the Property adjacent to the Premises: (a) for any of the uses contemplated in paragraph 5 herein; or (b) if such lease, license, or easement would detrimentally impact Tenant’s Communications Facility, or the use thereof. Landlord shall not cause or permit the construction of radio or communications towers on the Premises or on any other property of Landlord adjacent or contiguous to or in the immediate vicinity of the Premises, except for towers constructed by Tenant.
- 15. ASSIGNMENT OF RENTAL PROCEEDS.** The City shall not sell the rental stream of this Agreement separate from the entirety of the Property, without written consent from Tenant.
- 16. SECURITY.** The parties recognize and agree that Tenant shall have the right to safeguard and protect its improvements located upon or within the Premises. Consequently, Tenant may elect, at its expense, to construct such enclosures and/or fences as Tenant reasonably determines to be necessary to secure its improvements, including the tower(s), building(s), and related improvements situated upon the Premises. Tenant may also undertake any other appropriate means to restrict access to its communications towers, buildings, and related improvements. The security activities under this paragraph shall only apply to the area being leased to Tenant (“**Premises**”) and shall be limited to uses and activities identified in this Lease Agreement, which include the construction, operation, maintenance, of a wireless communication site.
- 17. FORCE MAJEURE.** The time for performance by Landlord or Tenant of any term, provision, or covenant of this Agreement shall be deemed extended by time lost due to delays resulting from acts of God, strikes, civil riots, floods, material or labor restrictions by governmental authority, and any other cause not within the control of Landlord or Tenant, as the case may be.
- 18. CONDEMNATION.** Notwithstanding any provision of the Lease to the contrary, in the event of condemnation of the Premises, the Landlord and Tenant shall be entitled to separate awards with respect to the Premises, in the amount determined by the court conducting such condemnation proceedings based upon the Landlord’s and Tenant’s respective interests in the Premises. If a separate condemnation award is not determined by such court, Landlord shall permit Tenant to participate in the allocation and distribution of the award. In no event shall the condemnation award to Landlord exceed the unimproved value of the Premises, without taking into account the improvements located thereon, and in no event shall the Lease be terminated or modified (other than an abatement of Rent) due to a casualty or condemnation without the prior written consent of Tenant.
- 19. DEFAULT.** The failure of Tenant or Landlord to perform any of the covenants of this Agreement shall constitute a default. The non-defaulting party shall give the other written notice of such default, and the defaulting party shall cure such default within thirty (30) days after receipt of such notice. In the event any such default cannot reasonably be cured within such thirty (30) day period, if the defaulting party shall proceed promptly after

the receipt of such notice to cure such default, and shall pursue curing such default with due diligence, the time for curing shall be extended for such period of time as may be necessary to complete such curing, however, in no event shall this extension of time be in excess of sixty (60) days, unless agreed upon by the non-defaulting party.

- 20. ATTORNEY'S FEES.** If there is any legal proceeding between Landlord or Tenant arising from or based on this Agreement, the unsuccessful party to such action or proceeding shall pay to the prevailing party all costs and expenses, including reasonable attorney's fees and disbursements, incurred by such prevailing party in such action or proceeding and in any appeal in connection therewith. If such prevailing party recovers a judgment in any such action, proceeding or appeal, such costs, expenses and attorney's fees and disbursements shall be included in and as a part of such judgment.
- 21. PRIOR AGREEMENTS.** The parties hereby covenant, recognize and agree that the terms and provisions of this Lease shall constitute the sole embodiment of the arrangement between the parties with regard to the Premises, and that all other written or unwritten agreements, contracts, or leases by and between the parties with regard to the Premises are hereby terminated, superseded and replaced by the terms hereof.
- 22. NOTICES.** All notices, requests, claims, demands, and other communications hereunder shall be in writing and may be hand delivered (provided the deliverer provides proof of delivery) or sent by nationally-established overnight courier that provides proof of delivery, or certified or registered mail (postage prepaid, return receipt requested). Notice shall be deemed received on the date of delivery as demonstrated by the receipt of delivery. Notices shall be delivered to a parties at the address below, or to such other address that a party below may provide from time to time:

LANDLORD:

HEBER CITY c/o City Recorder
75 N MAIN ST
HEBER CITY, UT 84032

TENANT:

Atlas Tower 1, LLC
2500 30th Street, Suite 304
Boulder, CO 80301

23. MISCELLANEOUS.

- (a) Each party hereto warrants and represents that it has the necessary power and authority to enter into and perform its respective obligations under this Lease.
- (b) If any term of this Lease is found to be void or invalid, such invalidity shall not affect the remaining terms of this Lease, which shall continue in full force and effect.
- (c) All attached exhibits are hereby incorporated by this reference as if fully set forth herein.
- (d) Failure of either party to insist on strict performance of any of the conditions or provisions of this Lease, or failure to exercise any of a party's rights hereunder, shall not waive such rights.

This Agreement and performance hereunder shall be deemed to have been made in, shall be governed by, and construed in accordance with the laws of the State of Utah. Venue for any action to enforce the provisions of this Agreement shall be solely in the Fourth Judicial District Court in and for Wasatch County, Utah. This Lease constitutes the entire Lease and understanding of the parties and supersedes all offers, negotiations and other lease agreements with regard to the Leased Premises. There are no representations or understandings of any kind not set forth herein. Any amendment to this Lease must be in writing and executed by both parties.

- (e) This Lease shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.
- (f) A short-form memorandum of this Lease may be recorded at Landlord or Tenant's option in the form as depicted in **Exhibit 3** attached hereto and each party hereby agrees to execute such form promptly following request by the other.
- (g) Landlord agrees to provide Tenant with a completed W-9 form upon Lease execution for Tenant's bookkeeping and tax accounting purposes.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK,
SIGNATURES BEGIN ON NEXT PAGE]**

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the date last signed by a party hereto.

DATED this _____ day of _____, 2025.

LANDLORD:

HEBER CITY CORPORATION

Heidi Franco, Mayor

ATTEST:

City Recorder

DATED this _____ day of _____, 2025

TENANT:

ATLAS TOWER 1, LLC

Signature: _____

Printed Name: _____

Title: _____

EXHIBIT 1
Description of Parent Tract

Real property with parcel number 00-0020-2672 and an assessor legal description of BEGINNING AT A POINT WEST 2072.41 FEET FROM THE NE CORNER OF SEC 5 T4S R5E SLM: S90-0-0W 18.02; S0-0-35W 450.51; N90-0-0E 104.77; N0-0-0E 127.16; N88-40-25W 70.46; N62-27-52W 20.12; N0-0-0E 312.36 TO THE BEGINNING. AREA: 0.427 ACRES +/-

EXHIBIT 2

The Premises is depicted/described as follows (50 feet x 50 feet, measuring 2500 sq. feet.) and will be replaced by a surveyed legal description provided by Tenant when available. The Premises may be located anywhere within the red outlined space depicted below



EXHIBIT 3

Memorandum of Lease Agreement attached hereto on subsequent pages.

Return to:
Atlas Tower 1, LLC
2500 30th Street, Suite 304
Boulder, CO 80301

MEMORANDUM OF LEASE AGREEMENT

This Memorandum of Lease evidences a Lease (“Lease”) by and between, Heber City Corporation, a Utah municipality (the “Landlord”), whose address is 75 N. Main Street, Heber City, UT 84032, and Atlas Tower 1, LLC (the “Tenant”), whose address is 2500 30th Street, Suite 304, Boulder, CO 80301, which Lease commenced on _____ (the “Commencement Date”), for certain real property (the “Premises”), as described in Exhibit 1 attached hereto.

Landlord ratifies, restates and confirms the Lease and hereby Leases to Tenant the Premises, subject to the terms and conditions of the Lease. The Lease provides for the Lease by the Landlord to Tenant of the Premises for a term of 240 months. A copy of the Lease may be obtained by contacting the Heber City Recorder at the address above.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK,
SIGNATURES BEGIN ON NEXT TWO PAGES]**

IN WITNESS WHEREOF, the parties hereto have executed this MEMORANDUM OF LEASE as of the date last signed by a party hereto.

LANDLORD:

HEBER CITY CORPORATION

Heidi Franco, Mayor

State of Utah

County of Wasatch

On this _____ day of _____, 20____, before me personally appeared to me _____
_____ known (or proved to me on the basis of satisfactory evidence) to be the
person(s) described in and who executed the foregoing instrument and acknowledged that they executed
the same as their free act and deed.

WITNESS my hand and Official Seal at office this _____ day of _____, 20____.

Notary Public

My Commission Expires:

TENANT:

ATLAS TOWER 1, LLC

Signature: _____

Printed Name: _____

Title: _____

State of Colorado

County of Boulder

On this _____ day of _____, 20____, before me personally appeared _____ of Atlas Tower 1, LLC, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Official Seal at office this _____ day of _____, 20____.

Notary Public

My Commission Expires:

EXHIBIT 1
Description of Parent Tract

Real property with parcel number 00-0020-2672 and an assessor legal description of BEGINNING AT A POINT WEST 2072.41 FEET FROM THE NE CORNER OF SEC 5 T4S R5E SLM: S90-0-0W 18.02; S0-0-35W 450.51; N90-0-0E 104.77; N0-0-0E 127.16; N88-40-25W 70.46; N62-27-52W 20.12; N0-0-0E 312.36 TO THE BEGINNING. AREA: 0.427 ACRES +/-

EXHIBIT 2

The Premises is depicted/described as follows (50 feet x 50 feet, measuring 2500 sq. feet.) and will be replaced by a surveyed legal description when available. The Premises may be located anywhere on the Property so long as it is contained within the red outlined space depicted below:



(EXTERNAL) Re: Revisions to Atlas Ground Tower Lease per the suggestions of City Council on December 2m 2025

Sandra Layton<slayton@atlastowers.com>

Mark Smedley

Anthony Kohler;Russell Funk;Helmundt Strumpher <hstrumpher@atlastowers.com>

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Hello Mark, Tony, and Russ.

To supplement my earlier email, I am providing additional information that may help clarify current market realities. I have also included the offer to Heber City. The attached image shows recent tower sites across Utah, all developed or underway within the past three years, and illustrates the prevailing market conditions. In light of this, I would like to highlight several key considerations that may not have been fully factored into the proposed rental amounts:

1. Market Tolerance in Utah:
The proposed rent is significantly higher than what carriers are willing to pay in this region. When pricing exceeds market thresholds, carriers will select alternate locations.
2. Carrier Pricing Models:
Wireless carriers work within strict, pricing structures. A higher ground lease does not result in higher revenue on our end; instead, it makes the site financially non-viable.
3. Upfront Investment and Risk:
Atlas carries all upfront costs and development risk, including engineering, permitting, environmental studies, construction, and long-term maintenance.
4. Impact on Community Coverage:
If carriers decline the site due to cost, the community ultimately loses out on improved service and additional coverage, particularly important as commercial and residential growth continues in the area.
5. Value of the Buy-Down:
The \$150,000 buy-down provides the City with significant financial benefit. When paired with market rent, the City still receives strong compensation without jeopardizing carrier participation.
6. Multi-Carrier Potential:

Maintaining market rent along with rezoning for the increase height greatly increases the likelihood of securing multiple long term tenants, as required by the Telecommunications Ordinance.

Best Regards,

Sandra Layton
Project Manager
801-310-0844
slayton@atlastowers.com

www.atlastowers.com

2500 30th Street Suite 304 Boulder, CO 80301

On Wed, Dec 3, 2025 at 9:27 AM Sandra Layton <slayton@atlastowers.com> wrote:
Good morning, Mark, Tony, and Russ.

Thank you for following up.

After reviewing the requested revisions, I need to share that the proposed rental amount of \$2,500/month for the initial carrier and \$800/additional carrier are unfortunately not feasible. These numbers exceed what the wireless carriers are willing to pay for collocation on a tower in this market. In fact, at another location we lease from a local government entity, one of the carriers has already declined to collocate on the site specifically due to the high rent. They stated they will search for alternatives instead.

Our proposed amount of \$800/month for the initial carrier and \$500/additional carrier, along with the \$150,000 buydown, reflects what carriers will support. We simply cannot secure carrier commitments at this rental rate, and without carrier participation the project is not viable. As a result, if the proposed new terms are required, we would unfortunately have to walk away from this site and look at alternatives.

The only portion of the amount that we may be able to work with is the \$500/additional carrier rate and we will continue to make every effort to work with Heber City.

Thank you again, and I hope we can find a path forward that works for the City's goals and keeps the site marketable to the carriers.

Best regards,

Sandra Layton
Project Manager
801-310-0844
slayton@atlastowers.com

www.atlastowers.com

2500 30th Street Suite 304 Boulder, CO 80301

	UT sites		
	Buydown	Monthly rent	Carrier Share
Heber site	\$150,000	\$800	\$500
Active site	\$145,000	\$700	\$500
Active site	\$150,000	\$625	\$0
Active site	\$60,000	\$400	\$200
Active site	\$65,000	\$1,050	\$500
Active site	\$65,000	\$500	\$500
Construction	\$140,000	\$400	\$325
Active lease	\$51,000	\$500	\$300
Active lease	\$50,000	\$500	\$300
Active lease	\$0	\$1,200	\$0
Average Rates	\$87,600	\$668	\$313

January 8, 2026

Subject: Proposed Wireless Facility

Hello [Landowner Name],

I am reaching out to share information about a proposed land use project that Atlas Tower 1, LLC, a Boulder, Colorado-based company, is considering in your area. This notice is being provided in advance of any formal submittal so that nearby property owners have the opportunity to learn about the proposal and ask questions early in the process.

The project involves the construction of a new wireless communications facility (cell tower) intended to improve mobile coverage and network reliability in the surrounding area. The proposed structure is a 65-foot painted monopole, designed to blend with the surrounding environment.

The facility is proposed at a location currently used for public works-related purposes, where the land use would remain similar to what exists today. The site is located near Center Street and North 600 East (approximate coordinates 40.506425, -111.402686). The tower would be placed within a 50-foot by 50-foot fenced area, with a secure, locked gate. The facility would be unmanned and accessed only occasionally for routine maintenance.

We value community input and would welcome the opportunity to discuss the proposal and hear any feedback you may have. If there is interest, I would be happy to coordinate an informal Zoom meeting to review the project and answer questions.

Please feel free to contact me directly by email at slayton@atlastowers.com or by phone at (801) 310-0844.

Thank you for your time and consideration.

Sincerely,

Sandra Layton
Atlas Tower 1, LLC
slayton@atlastowers.com
(801) 310-0844

One-Page Project Overview – Proposed Wireless Facility

Project Purpose

To improve wireless coverage, network reliability, and capacity in the surrounding community through the construction of a new communications facility.

Proposed Location

- Near Center Street and North 600 East
- Existing public works–related use
- Land use would remain consistent with current conditions
- Approximate coordinates: 40.506425, -111.402686
-

Proposed Facility

- 65-foot painted monopole
- Designed to visually blend with surroundings
- Located within a 50' x 50' fenced compound
- Secure, locked gate
- Unmanned facility
-

Access & Operations

- No full-time staff
- Minimal vehicle traffic (occasional maintenance only)
- No ongoing noise or lighting
-

Community Benefits

- Improved wireless service and reliability
- Increased capacity for future growth
- Supports public safety and everyday connectivity
- Infrastructure investment without changing surrounding land use
-

Community Engagement

Atlas Tower is committed to early and transparent communication. Community members are encouraged to ask questions, share feedback, and participate in informal discussions prior to any formal permitting process.

Contact Information

Sandra Layton
Atlas Tower 1, LLC
slayton@atlastowers.com
(801) 310-0844

Community FAQ – Proposed Wireless Facility

What is being proposed?

A new wireless communications facility (cell tower) designed to improve mobile phone coverage and network reliability in the surrounding area.

Where would the facility be located?

The proposed site is near Center Street and North 600 East, at a location currently used for public works–related purposes. The land use would remain similar to what exists today.

What would the tower look like?

The tower would be a 65-foot painted monopole, designed to blend with the surrounding environment.

How much space would the facility use?

The tower would be located within a 50-foot by 50-foot fenced area with a locked gate.

Would the site be staffed or create traffic?

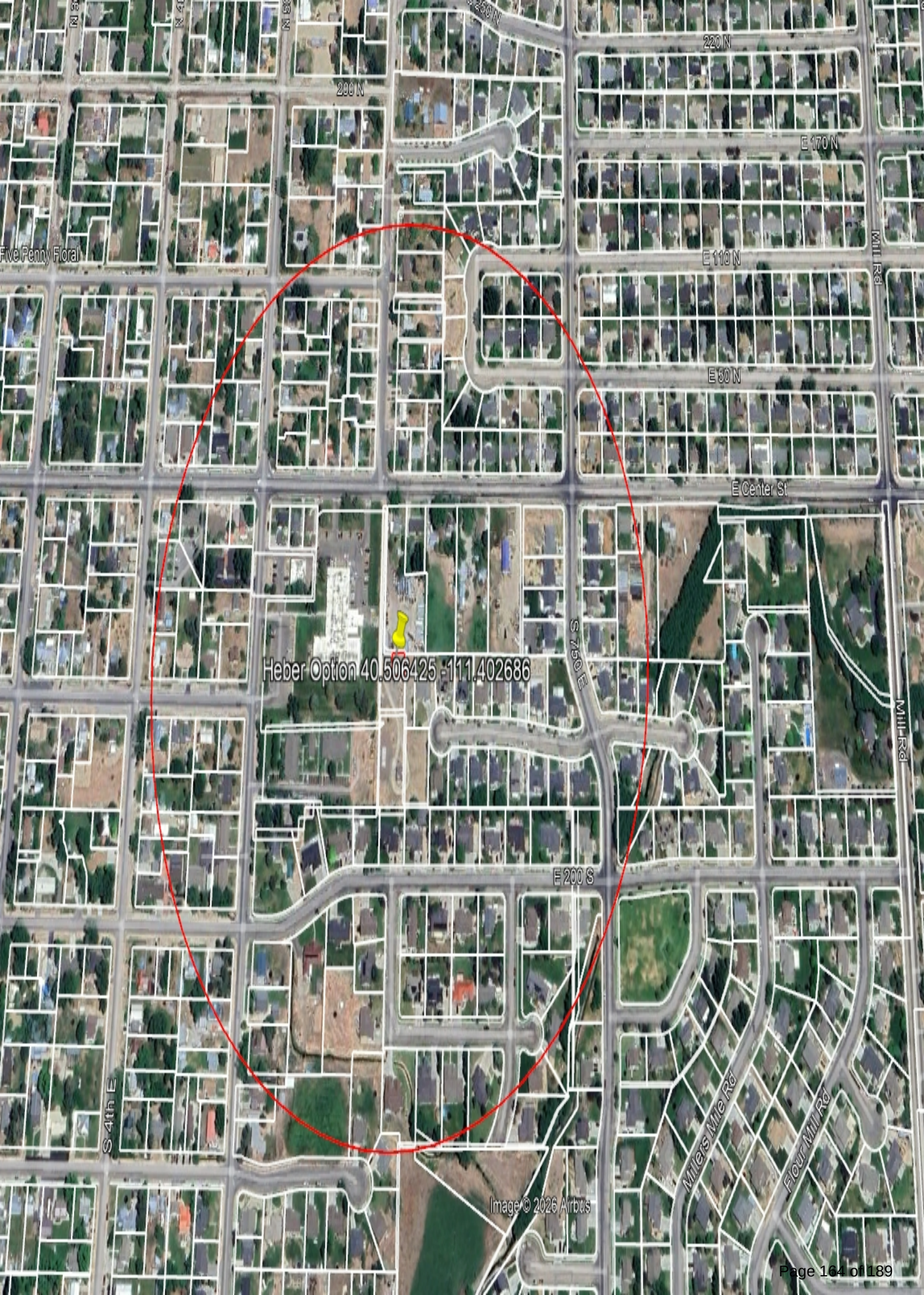
No. The facility would be unmanned and accessed only occasionally for routine maintenance, typically a few times per year.

Will there be noise, lights, or emissions?

- The facility does not generate ongoing noise.
- No permanent lighting is proposed.
- All wireless equipment must comply with FCC regulations regarding radio frequency (RF) emissions.
-

Why is this facility needed?

The tower would help address coverage gaps, improve call reliability, and support increasing demand from residential and commercial growth in the area.



Heber Option 40.506425 -111.402686



Heber City Council Staff Report

MEETING DATE: 2/3/2026
SUBJECT: Review and Approve Council's FY'27 Budget and Policy Priorities
RESPONSIBLE: Matt Brower
DEPARTMENT: Administrative
STRATEGIC RELEVANCE:

SUMMARY

During the annual retreat on January 22 and 24, 2026, Council established its policy and budget priorities for FY27. These priorities, outlined in the attached document, will guide staff throughout the FY27 budget development process.

RECOMMENDATION

Review and approve the policy and budget priorities for FY27.

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative

Staff member:

EXHIBITS

1. CC FY27 Priorities and Action Register - Updated

Heber City Council
FY '27 Policy & Budget Priorities
Established 1/24/26; Adopted TBD

City Council (CC) Policy/Budget Priorities					
Priorities	Description/Strategy	Operationalizing Strategy	Target	Responsible	Status/Budget Instructions
Leadership Role in 2034 Olympic Games Planning	Assume leadership role in planning and leveraging 2034 Olympic Games for benefit of the community and to advance economic opportunities for Heber City	Initial opportunities include 1) locating Soldier Hollow parking closer to downtown; 2) host a “live site” at Heber City Park during the Games; 3) advance Heber Valley Corridor design and construction; and 4) transform Hwy 40 through downtown into a walkable, pedestrian friendly atmosphere; 5) improved walkability from back of event center, over railroad tracks, to HVR. 6) Create Council committee to represent Heber and lead initiative. Evaluate Olympic initiative to place art along rail trail.	Ongoing	MB/CC	FY27: No outlay.
Execution of Envision Central Heber Initiative	Begin taking assertive and strategic actions to realize Envision Central Heber vision	<u>Main Street District (MSD)</u> Trailhead Plaza Design and Construction (Main Street Park) 1. Complete Terracon public outreach initiative as presented at Council’s January ’26 retreat. 2. Adopt preferred Plaza design and phasing plan. 3. Commence design. 4. Complete phasing as funding resources permit.	Plaza 1-April ‘26 2-April ‘26 3-TBD 4-TBD	Plaza Terracon/TK/ KS/CC	Trailhead Plaza 1-Underway as of 1/26/26. FY27: TK includes outlay to complete design. Source: TAP Tax
		Parking 1. Finalize downtown parking policy (in-lieu) and begin executing strategy for increasing parking opportunities in downtown area 2. Leverage shared parking agreements in downtown area to increase parking opportunities.	Parking 1.Q4 ‘26 2.Q4 ‘26	Parking MB/TK/CC	Parking FY27: No outlay. Work can be done in-house.
		C-Street Pedestrian Alley 1. Terracon completes their Brown Field grant work, including design of “C” street cross section—public outreach/framing info. 2. Adopt policy to require redevelopment to recognize “final” C-street pedestrian avenue. 3. Working with UDOT for pedestrian crossing concepts, to maximize safety on Midway Lane between Hwy 40 and 100 W.	C-Street 1.Q2 ‘26 2.Q2 ‘26 3.Ongoing	C-Street Terracon/TK/ RF	C-Street 1)Underway Jan. 26 FY27: No outlay; complete FY’26
		Infrastructure 1. Complete design for 100 W. for blocks between 500 N. and 600 S. Construction priority would focus on blocks between 100 N and 300 S. 2. Develop strategy to bury power lines under “C” street.	Infrastructure 1.TBD 2.TBD 3.TBD	Infrastructure RF/CC	Infrastructure 1)Design Underway 2)TBD 3)Awarded Federal \$120k grant for Main Streety Transportation Safety Study. Currently entering into grant agreement.

City Council (CC) Policy/Budget Priorities					
Priorities	Description/Strategy	Operationalizing Strategy	Target	Responsible	Status/Budget Instructions
		3. Mainstreet Enhancements: develop concept plan for Main Street enhancements. Transitioning to shovel ready plans to present to UDOT/Legislature for funding. Funding 1. Evaluate and seek all available funding opportunities to execute Envision Central Heber initiatives Property Acquisition 1. Acquire strategic properties, through purchase, to advance Central Heber Vision. Priority property is County fire station property and key private parcels. Downtown Business Development 1. Quantify current business mix and hours of operation in downtown area. 2. Work with and educate property owners on Envision Central Heber initiative. 3. Work to achieve 10/10/10 mix. 3.4. Conduct market analysis. Fire Station Property Improvement 1. Plan for exterior and internal improvements 2. Develop and execute strategy to fill building with uses County Administration Parcel 1. Partner with County to finalize design for parcel that’s aligned with Envision Central Heber plan. Branding & Promotion 1. Finalize naming and branding for C-Street and park. 2. Develop and implement promotion plans for downtown Transportation: Downtown Transit Links 1. Evaluate transit stops in downtown area based on data. Arts & Recreation District (ARD) 1. Continue focused discussion with stakeholders to realize vision for area. Initial plan presented on 1/20/24. Wasatch County currently developing alternative plan.	Funding Ongoing Property Acquisition Q2’26 Business Development 1.Q3’26 2.Ongoing 3.Ongoing 4.FY’27 Fire Station 1.Q2 ‘26 2.ASAP after purchase County Parcel TBD Branding 1.Q2. ‘26 2. Q4 ‘26 Transit 1.TBD Art & Rec. District Ongoing	Funding MS/NO Property MB/CC Business TK/CAMS/MB Fire Station 1.TK 3.MB/TK/DK County Parcel MB/CC Branding RB MB/CC Transit TK Art & Rec. MB/CC	FY27: 100 W construction commences in spring ’27. Funding Property Acquisition Wasatch County drafting a PSA. FY27: No outlay Purchase expected in FY’26. Utilize revenues from 4th amendment to Jordanelle Ridge Agreement. Business Development Fire Station FY27: Remodel cost estimates budgeted with CRA funds. County Parcel FY27: No outlay expected until plan reviewed and approved. Branding & Promotion FY27: No outlay for branding. Include funding for promotion plan. Transit FY27: No outlay-internal work. Arts & Recreation District (ARD) FY27: No outlay expected.
Airport Compliance	Remain compliant with FAA grant assurances and settlement agreements	1.OK3 Settlement compliance 2. Master Plan Funding—Funding plan and execution	1.Ongoing 2.ASAP	TB/JC/CC	FY27: Fund expected legal and engineering costs.

City Council (CC) Policy/Budget Priorities					
Priorities	Description/Strategy	Operationalizing Strategy	Target	Responsible	Status/Budget Instructions
Heber Valley Arts Center	Continue support for Arts Center	1.Continue strong relationship with stakeholders—WCAC & Jordanelle Ridge 2. Outdoor Amphitheater---complete feasibility study and identify next steps.	1-Ongoing 2.April '26	CC/MB/JC	1-Ongoing 2-Expected to be done April '26 FY27-No outlay.
Dog in Park Policy	Amend Review City's existing ordinance to allow for dogs in city parks with conditions.	1-Program a policy discussion with City Council regarding an amendment to the Amend -City's ordinance to allow dogs in city parks with conditions, such as leashes. 2-Provide for necessary signage, waste stations, and education.	1-Prior to summer '26 HMOM 2-Prior to HMOM	MS/MK/CC	FY27: No outlay. Internal work.
Dark Sky	Update policies to include 1) amortization for commercial and residential properties; 2) eliminate lights in soffits; 3) strengthen existing code; and 4) enforcement; and 5) address existing non-compliant commercial lots. Include funding for street light retrofitting. Work with UDOT to eliminate unnecessary streetlights. Education program. Seek public feedback on dark sky initiatives, celebrate dark sky week, and seek dark sky certification.	1-Policies: Update existing policy to include council requested items. 2-Include funding in FY'27 budget for street light retrofitting. 3-Develop and execute game plans to eliminate un-necessary UDOT lights. 4-Establish and launch education program. 5-Identify desired feedback and preferred medium to collect dark sky feedback--then execute plan. Lay plans to celebrate dark sky week beginning in '26 and achieve dark sky certification in subsequent year.	1-Q2 '26 2-Q2 '26 3-Q2 '26 4-Q2 '26 5-Q2 '26 survey & celebration. Q2 '27 certification.	1)TK 2)MK 3)MK 4)RB 5)MS/LM	FY27: Outlay dependent on available revenue sources.
Transportation Infrastructure	Program, design, fund, and construction of transportation infrastructure improvements presented by RF at Council's annual retreat held in January '26.	Begin process of prioritizing and budgeting for presented improvements.	TBD	RF	FY27: Outlay will be determined during budget development process.
Gateway/Park/Way Finding Signs	Finalize and implement plans for gateway, park, and wayfinding signs.	1-Finalize designs for gateway/park/way findings signs. 2-Implement designs	1.Q2'26 2.FY'27	RB/MK	FY27: Outlay for 1 sign.
Affordable Housing Plan	Move the needle on developing and realizing affordable housing in Heber community.	1-Affordability Ideas A) Negotiate greater affordability with new MDAs (80% AMI to 120% to 60% AMI) B) Explore City owned land opportunities, swapping land, use of County and/or District property for AH C) Affordable Housing University D) Consider code alternatives, such as STR moratorium in downtown area; limit institutional investors; limits on application fees; yard maintenance costs, slumlord penalty, etc. D)E) Complete Needs Assessment while seeking input and partnership with County.	A-Ongoing B-Ongoing C-Commence Q2 '26 D-Q3 '26 E.O2 '26	TK/MB/JC/CC	FY27: No outlay. Inhouse work.
Historic Preservation	Establish a Historic Preservation District in downtown area	1-Identify district boundary 2-Draft historic district policy	1.Q4'26 2.Q4'26	TK	Underway: Historic building inventory to commence Spring '26. FY27: No Outlay. Inhouse work.
Community Reinvestment Agency (CRA)	Establishment of one or more interlocal agreements with WCSD and WC	Remain in holding pattern until work on County administration parcel project is completed and New London (Richie) development group finishes lobbying WCSD.	Hold	MC/CC	
Targeted Tax Relief	Assess ways to reduce property tax burden on homeowners in Heber City matching Wasatch County's current program requirements.	1-Access alternatives and present to Council at the annual budget workshops.	1-Completed in conjunction with FY '27 budget.	SN	FY27: Project decrease in general fund revenue.

DRAFT

Heber City Council
2026 Strategic Retreat Action Register

Execution Strategy					
Action Item	Description	CC	Target	Responsible	Status/Budget Instructions
Meeting Efficiency	Identify tools, training, and/or rules for improving council meeting efficiency.	All	ASAP	MB/JC/CC	
Staffing Needs/Consultant Utilization/Expansion Space/Organization Chart	Staffing 1.Evaluat FY '27 staffing requests with respect to available funding. Include as part of budget workshop presentations alternatives for funding staffing requests. Consultants 1. Create a summary sheet(s) to itemize current use of consultants, outsourcing and partnerships. Intent of summary sheet is to evaluate whether cost savings and other advantages could be achieved hiring staff to do the same work. Basic data to include firm name, scope of work, hours of work, amount paid annually, etc. Summary sheet to be presented in April/May budget workshops Expansion Space 1.Complete research on court consolidation alternatives. Research to include utility of court space and HL&P building. Decision on HL&P building future not to be made until staffing, consultant and expansion space research and work is completed and presented to the city council. Organization Charts 1.Provide organization charts as part of budget workshops.	All	Findings to be presented in conjunction with FY '27 budget workshops.	Staffing 1.MBSN Consultants 1.LEAD/MB/SN Expansion Space 1.PS/MB Organization Charts 1.MB	
Muirfield Parks	<u>Muirfield Park</u> 1.Identify capital stack for completing project—part in FY '26 and FY '27. 2.Bid, award, and construct in current calendar year. <u>POSTT</u> 1.Seek feedback from POSTT on list of initiatives/concerns/opportunities discussed during day two of retreat. <u>Red Ledges</u> 1.Arrange for a Red Ledges representative to update City Council on status of final trail obligations.	All	<u>Muirfield</u> Bid release in early spring '26. <u>POSTT: Q2 '26</u> <u>Red Ledges: Q2 '26</u>	RF/MB/SN	Construction plans at 90% Split project costs between FY '26 and FY '27.
City Property Maintenance	Develop and execute plans to “better” maintain city owned properties, specifically plants, weeding and litter maintenance.	Mike	'26 Summer growing season	MK	Strategy is already in development. Staffing request included in FY'27.
City Lobbyist	Lobbyist report to Council. <u>On going</u> Two -way communication.	All	ASAP	MB	FY'27: Eliminate outlay.
N. Village Preservation Fee	1.Present to City Council alternatives for N. Village Preservation Fee 2.Adopt policy for outlay of fees.	All	Q3 '26 Q3 '26	TK	FY27: No outlay.
America 250	Design and execute plans for establishing an America 250 memorial in Muirfield Park	All	Before July '26	MB/MK	FY27: No outlay. Current FY cost
Business Documentation	Business processes are documented to ensure ease of employee transitions.	Cheatwood	Q3'26		FY27: No outlay. Inhouse work.
Inflationary Tax Increase	Consider annual inflationary tax increase.	All	FY '27 Budget	SN	FY27: Will conduct assessment
Economic Development	Coordinate with Dallin Kocher for an Economic Development Report to city council.	Cheatwood	Q2 '26	MB	FY27: No outlay
Recycling	Improve Heber City organization’s recycling ethic—at public gathering places, buildings, etc.	All	Q3'26	MS/MK	FY27: Include funding for containers at major city parks/facilities.
AAB Bylaws	Review proposed bylaw changes with a subcommittee of council, staff and AAB members.		Q3'26	TB/JC	FY27: No outlay



Heber City Council Staff Report

MEETING DATE: 2/3/2026
SUBJECT: Consideration of Council Letter to UDOT Regarding Comments on Draft EIS for the Heber Valley Corridor
RESPONSIBLE: Russ Funk
DEPARTMENT: Engineering
STRATEGIC RELEVANCE: Necessary Administrative Action

SUMMARY

UDOT recently announced that they will be publishing the Draft EIS (including identification of the preferred route) for the Heber Valley Corridor on January 7th. The 60-day public comment period will run through March 9th. This item is intended to discuss whether or not the City Council is interested in submitting a comment letter from the City with comments supported by a Council majority. The purpose of the letter would not be to influence what alternative is selected by UDOT, but to try and ensure that legitimate traffic concerns are resolved regardless of the alternative selected.

RECOMMENDATION

Discuss potential comments and issues related to the proposed bypass and determine whether or not the Council wants to submit an official letter on behalf of the City.

BACKGROUND

UDOT has been working on the Draft EIS (Environmental Impact Statement) for the Heber Valley Corridor (Bypass) for several years. The City Council previously determined that they did not want to interfere with UDOT's EIS process but did want to demonstrate support for the project and UDOT's selection process. The City passed Resolution 2023-07 indicating this decision.

In an effort to improve communication regarding the project over the past year, UDOT has been meeting with City and County staff, as well as providing updates during Council Meetings. Although some concerns have been raised with UDOT during this coordination, UDOT requested that some of these concerns be shared during the official comment period in an effort to keep the EIS process moving forward.

DISCUSSION

The following is a preliminary list of concerns that staff has raised for consideration by the Council:

Issue #1 - Proposed Southfield Road Cul-de-sac

The current alternatives call for a dead-end cul-de-sac at the south end of Southfield Rd. Southfield

Rd is designated as a Major Collector in Heber City's Transportation Master Plan. It serves as an important link to other major roads including Hwy 40 on the south end, 650 South, and Midway Lane. It provides critical capacity and multiple ingress/egress routes for large events on the west side of town including at the Wasatch County Events Center. UDOT has indicated that because Heber City's Transportation Master Plan includes a future 1200 South road connection from Southfield Rd to Industrial Pkwy that they evaluated the future alternatives with this connection in place.

Resolution Request - Figure out a way to make a connection to Southfield Road from the Bypass near 1200 South, or construct the future connecting road between Southfield Road and Industrial Parkway.

Issue #2 - No Westbound Access on 1300 S from Hwy 189 & 1300 S Intersection (Signal by Walmart)

Traffic coming from south Heber (north on Daniel Road or Hwy 40 cannot access the Valley Station commercial development (Walmart) or 300 West without going north through the Hub intersection and turning left off Main St at 1000 South. This movement is already very restricted and difficult during heavy traffic.

Resolution Request - Allow traffic from the Hwy 189 & 1300 S Intersection to go westbound along 1300 South (parallel to the bypass) by creating another tunnel or opening under the bypass road where traffic could merge with the westbound traffic on the north side of the bypass. The bypass road will already be elevated in this area so it would just be a matter of constructing it differently to allow traffic to pass under it in that location.

Issue #3 - One-way Access at Industrial Parkway

Traffic traveling along Industrial Pkwy can't pass under the bypass and continue on Industrial Pkwy. Traffic heading in either direction would need to detour to the underpass at 300 West and work their way back around to their destination. The detours may not be too significant, but this would add traffic to signals and intersections that may experience capacity concerns.

Resolution Request - Consider adding another underpass at this location for a more direct route.

Issue #4 - No Left Turns or Access to the Bypass from the Southfield Rd Intersection at Midway Lane

Due to anticipated traffic and the proximity of planned signals for the Bypass interchange and the new High School at 1000 W, traffic heading northbound along Southfield Rd will not be able to turn left to head to Midway or access the Bypass going north or south from Midway Lane.

Resolution Request - Figure out a way to allow full movement at this intersection and access to the Bypass in either direction. One idea that has been discussed is to work with Heber City and Wasatch County to realign the Southfield Road intersection to line up with the new signal at 1000 West allowing for full movement. Can this be done as part of the project?

Issue #5 - Trail Access at the Midway Lane Interchange with the Bypass

The proposed trail access through Midway Lane Interchange has pedestrians or cyclists taking a half mile detour to get through the interchange. The concern is that many people may not be willing to do this, and may risk crossing with traffic (4 crossings) increasing the likelihood for accidents.

Resolution Request - Evaluate other possible solutions including an elevated or below grade walkway to cross pedestrians safely.

Issue #6 - No Direct Access to College Way from the Bypass

Both of the final alternatives identify College Way (3000 N) as the northernmost signalized intersection before the Hwy 32 Interchange. In the case of Alternative B (North Fields Route), an overpass is also planned for this location. It is worth noting that Heber City's North Village

Transportation Master Plan had envisioned 2 major signalized intersections (one to the north and one to the south of this location) to split the traffic demand in this area. This College Way location will now serve as the one primary access to all of the North Village including significant traffic generators such as UVU and The Arts District and Amphitheater. As designed, traffic heading north on the bypass would need to get off the bypass at 900 north and travel along the existing north Hwy 40 route and then turn onto College Way at the future signal. Traffic leaving College way going south would need to turn left at the signal to travel back down the old Hwy 40 to 900 North where it could access the bypass. These options will rely heavily on the planned traffic signal(s) and may contribute to poor level of service during high traffic volumes.

Resolution Request- Consider options allowing for more direct access to College Way to/from the Bypass including: 1) A northbound Exit Ramp merging directly with College Way; 2) A free right lane from College Way allowing traffic intending to go northbound to merge with Hwy 40 traffic without needing to stop at the future signal; 3) A merge lane or ramp on the west side of old Hwy 40 allowing traffic direct access to go southbound on the new Bypass road without needing to go to 900 North.

Issue #7 - Potential Property Gap between End of Frontage Road through Simmons Property and Harvest Village Property

Alternative B includes a frontage road from the College Way interchange running along the west side of Hwy 40 to the north end of the Simmons Property. Future plans for secondary/emergency access from Harvest Village include connecting into that future frontage road. In addition, access through the private roads in the Harvest Village may be necessary to maintain farm access to North Fields property owners.

Resolution Request - Ensure that the property acquisition process for the frontage road extends all the way to the south property line of the Harvest Village property.

Issue #8 - Maintenance Responsibility of Frontage Roads & Trails

It is unclear who will be responsible for maintenance and upkeep of frontage roads and trails.

Resolution Request - Clarify and/or negotiate responsibility for maintenance.

Are there other concerns that the Council wants to discuss?

If the City Council supports a unified letter, what direction or support is needed from staff to help facilitate the letter?

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approval of a Letter with direction on Council supported comments
2. Letter Not Approved
3. Continue

POTENTIAL MOTIONS

Alternative 1 - Approval of Letter

I move to **Approve a Council Letter to UDOT**, with the following comments:

Alternative 2 - No Letter

I move to **Not send a Council Letter to UDOT**

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

ACCOUNTABILITY

Department: Engineering
Staff member:

EXHIBITS

1. Resolution 2023-07
2. Streets Master Plan Exhibit
3. College Way Collector Concept
4. Letter to UDOT - Amended

RESOLUTION NO. 2023-07

A RESOLUTION SUPPORTING UDOT'S CONTINUED DETAILED EVALUATION OF THE FIVE ALTERNATIVES FOR THE WEST BYPASS ROAD SET FORTH IN THE FINAL ALTERNATIVES DEVELOPMENT AND SCREENING REPORT

WHEREAS, Heber City supports the design and construction of a West Bypass Road as new US-40 to reduce traffic congestion in Heber City and allow for localized control of Heber City's Main Street;

WHEREAS, in January 2023, the Utah Department of Transportation ("UDOT") published the Final Alternatives Development and Screening Report;

WHEREAS, a copy of the Final Alternatives Development and Screening Report Summary (the "Summary") is attached hereto as Exhibit A, and the full Final Alternatives Development and Screening Report can be found at: <https://hebervalleyeis.udot.utah.gov>;

WHEREAS, as set forth in the Summary, UDOT evaluated twenty-three alternatives for the West Bypass Road and five alternatives passed the screening process;

WHEREAS, as set forth in the Summary, UDOT intends to carry forward the five alternatives for a detailed evaluation in the Draft Environmental Impact Study (EIS);

WHEREAS; Heber City believes that UDOT's continued evaluation of all five alternatives is in the best interest of the public and will allow UDOT to ultimately make the best decision on the preferred alternative. Heber City supports UDOT's process and decision-making.

NOW THEREFORE, BE IT RESOLVED by the City Council of Heber City, Utah, as follows:

Heber City supports UDOT's continued evaluation of all five West Bypass Road alternatives set forth in the Final Alternatives Development and Screening Report Summary attached hereto as Exhibit A. Heber City does not want any of the five alternatives to be excluded from evaluation.

This Resolution shall take effect and be in force from and after its adoption and publication.

ADOPTED AND PASSED by the City Council of Heber City, Utah, this 21st day of March, 2023. This Resolution shall become effective upon adoption and passage by the City Council.

HEBER CITY

A Utah Municipal Corporation

Personal Note: Mayor supports 2 County Resolutions on route preferences. Heidi Franco

Heidi Franco, Mayor

ATTEST:

Trina W Cooke
Trina Cooke, City Recorder



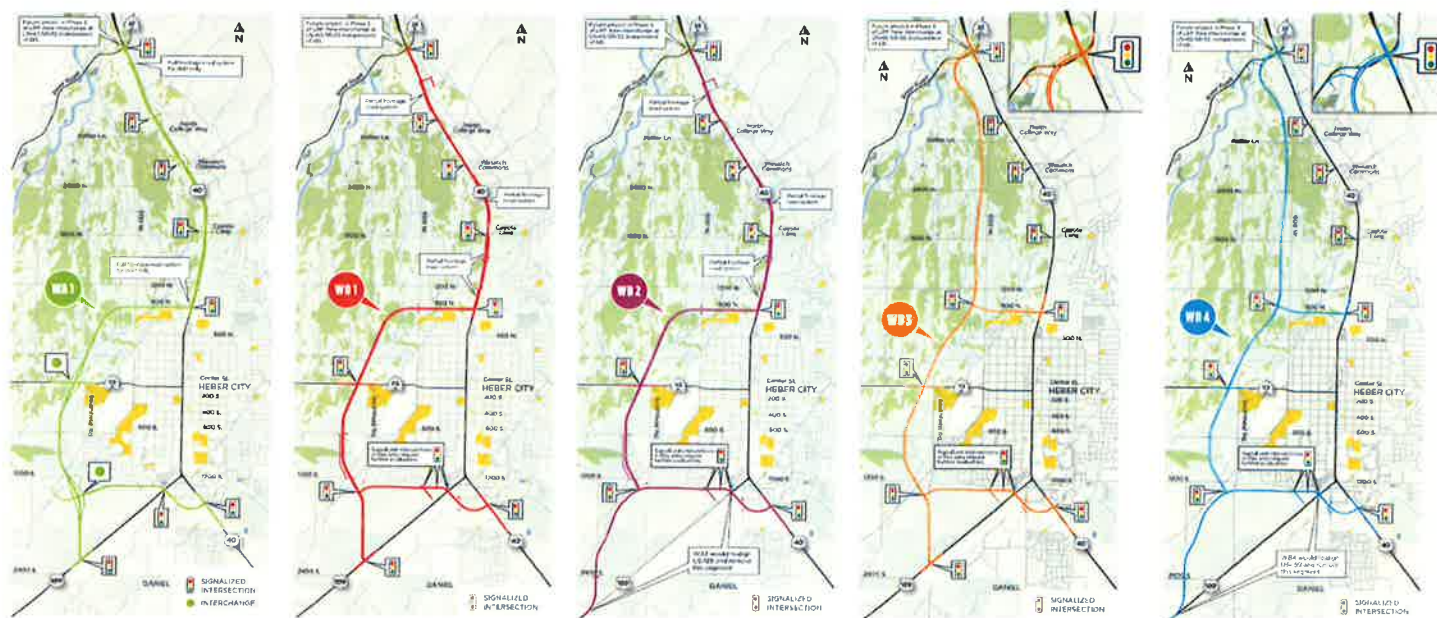
EXHIBIT “A”

FINAL ALTERNATIVES DEVELOPMENT AND SCREENING REPORT SUMMARY

DRAFT ALTERNATIVES SCREENING REPORT SUMMARY

The Utah Department of Transportation (UDOT) published the Draft Alternatives Development and Screening Report on June 7, 2022. The report detailed how the study team evaluated the 17 preliminary alternatives initially presented to the public and six new alternatives suggested by the public during the comment period held during Oct. 2021 in a three-level screening process. Preliminary screening focused on technical feasibility, Level 1 screening focused on the purpose and need of the project, and Level 2 screening focused on initial impacts to key resources. Based on an evaluation of 23 alternatives, five alternatives on the west side passed the screening process and will be carried forward for detailed evaluation in the Draft EIS.

A public comment period was held from June 7 to July 22, 2022 to receive input on the range of alternatives, the criteria used to screen alternatives as they relate to the project's purpose and key environmental resources, and the initial impact analysis to advise the screening process.



FINAL ALTERNATIVES SCREENING REPORT REVISION SUMMARY

After the release of the Draft Alternatives Development and Screening Report, UDOT collected and considered updated and new information for Level 2 screening, including an updated aquatic resource delineation, a historic buildings survey, and evaluating the Provo River Restoration Project as a Section 4(f) resource. This additional data collection and analysis was the result of agency and public input during the comment period.

The updated delineation showed more wetlands compared to preliminary data used for the draft report. As a result wetlands impacts increased for all alternatives. Based on the new data, alternatives WB3 and WB4 were realigned to minimize impacts to wetlands, and all the western bypass alternatives that passed Level 1 screening were re-evaluated against the updated information. Although Alternatives WB3 and WB4 have greater wetlands impacts compared to other alternatives, they also provide additional mobility benefits and will be carried forward for detailed evaluation. The outcome of the screening process did not change as a result of the new data or alignment shifts. None of the alternatives that passed through screening are seen as being un-permittable due to aquatic resource impacts or unselectable due to Section 4(f).

The final report includes new appendices to document the notification for the draft screening report release, presentations given to stakeholders and local councils, and the comments received during the alternatives screening comment period.

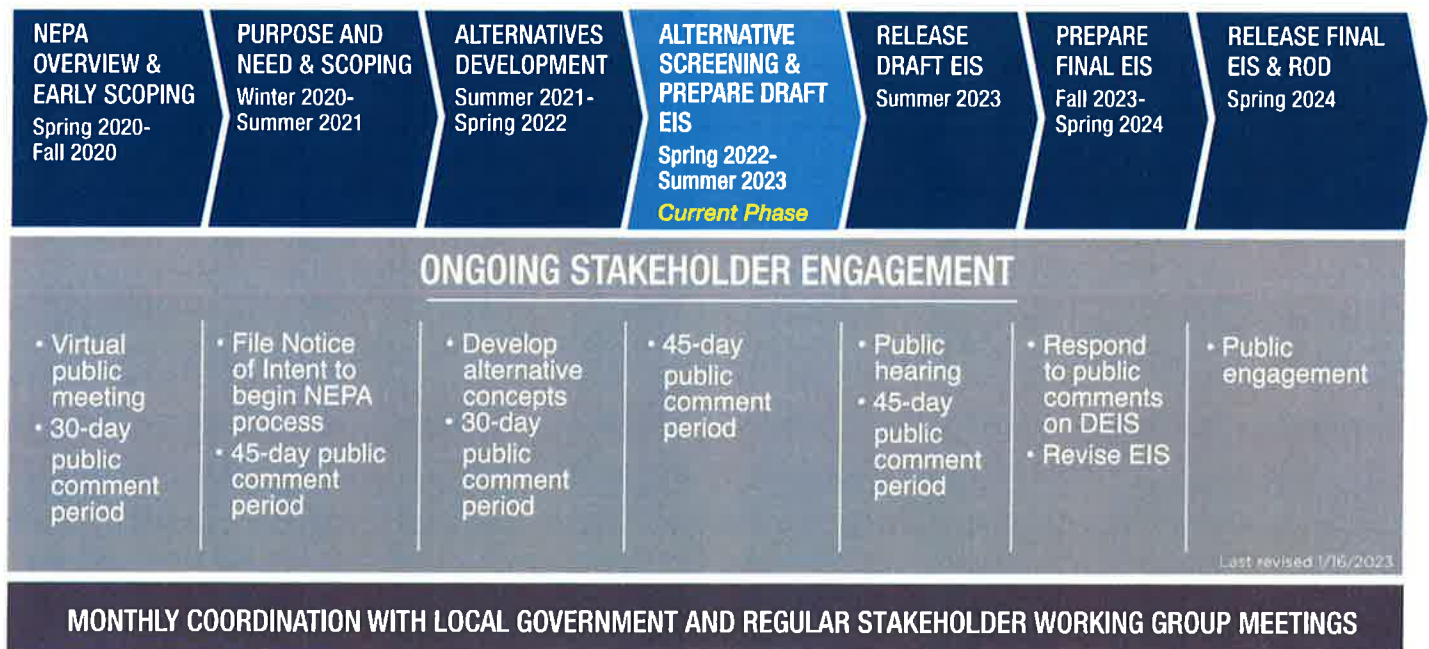
REVISED LEVEL 2 SCREENING RESULTS

ALTERNATIVE	Level 1 Screening						Level 2 Screening				
	Local Mobility PM peak hour operations (5-6pm) on Heber City Main Street			Meets Heber City Vision Impacts to downtown valued places/historic buildings	Regional Mobility Traffic operations between SR-32 and US-189		Residences and Businesses (#) Potential full acquisitions	Section 4(f)		Aquatic Resources (Acres impacted) Canals, ditches, perennial streams, wetlands	Cost (millions) High level project cost estimate
	Intersections with IUS F Five intersections on US-40 in downtown Heber City	Southbound Segments with IUS F	Southbound Queue Length at 500 North (feet)		Local Travel Time on US-40 SR-32 to US-189/US-40 intersection (m:s)	Regional Travel Time on Bypass SR-32 to US-189/3000 South (m:s) (on US-40)		Historic Buildings (#) Potential adverse effects	Prove River Restoration Project (acres of PRRP land impacted)		
US-40 Existing Conditions (2019)	0	2	375	No	8:20	10:40 (on US-40)	-	-	-	-	-
US-40 No-Action (2050)	3	2	13,100	No	17:40	19:05 (on US-40)	-	-	-	-	-
West Bypass Limited-Access Grade-Separated (WAI) Freeway with North US-40 (WAI)	0	1	1,600	Yes	11:05	9:10	18	8	0	12.4	\$244.9M
West Bypass Parkway At-Grade (WB1) Highway with North US-40 (WB2)	0	1	1,500	Yes	11:00	10:25	17	8	0	8.9	\$178.6M
West Bypass Parkway At-Grade with Realigned US-189 (WB2)	0	0	400	Yes	9:30	10:05	18	8	0	8.9	\$184.0M
West Bypass Parkway At-Grade with Northern Extension (WB3) Highway to SR-32 (WB3)	0	0	375	Yes	8:55	8:10	8	2	2.4	39.3	\$204.5M
West Bypass Parkway At-Grade with Northern Extension and Realigned US-189 (WB4) Highway to SR-32 and Realigned US-189 (WB4)	0	1	400	Yes	8:55	7:45	9	2	2.4	39.3	\$209.4M

WHAT NOTABLE REVISIONS WERE MADE BETWEEN THE DRAFT AND FINAL SCREENING REPORT?

Level 2 Screening Data	Draft Screening Report	Final Screening Report
Wetlands delineation	Relied on National Wetlands Inventory (NWI) data north of 1200 North	- Aquatic Resource delineation completed in the summer and fall of 2022 to encompass all alternatives that passed Level 1 screening - Delineation shows more wetlands impacts than NWI data for all alternatives - Alignment shifts for Alternatives WB3 and WB4 to minimize wetlands impacts - Update wetlands impacts for all alternatives in Level 2 screening
Historic buildings survey	Relied on desktop research of available data from agency databases, historical topographic maps and aerial photographs, and online archival sources	- Reconnaissance-level historic structures inventory conducted in 2022 for alternatives that passed through Level 1 screening - Updated Section 4(f) historic building impacts in Level 2 screening
Provo River Restoration Project (PRRP)	PRRP not identified as a Section 4(f) resource	Determination that PRRP should be considered a Section 4(f) wildlife refuge and included in Level 2 screening

EIS PROCESS & TIMELINE



The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being or have been carried-out by UDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated May 26, 2022, and executed by FHWA and UDOT.

H:\Heber City\City Projects\2024 Parks & Trails Master Plan UT-3369-24\Project Data\2025 Heber City Master Plan Update\Project Data\Sheet_Files\Fig 6.1 Streets Future.dwg - Layout1 - 9/12/2025 04:05pm, natalier

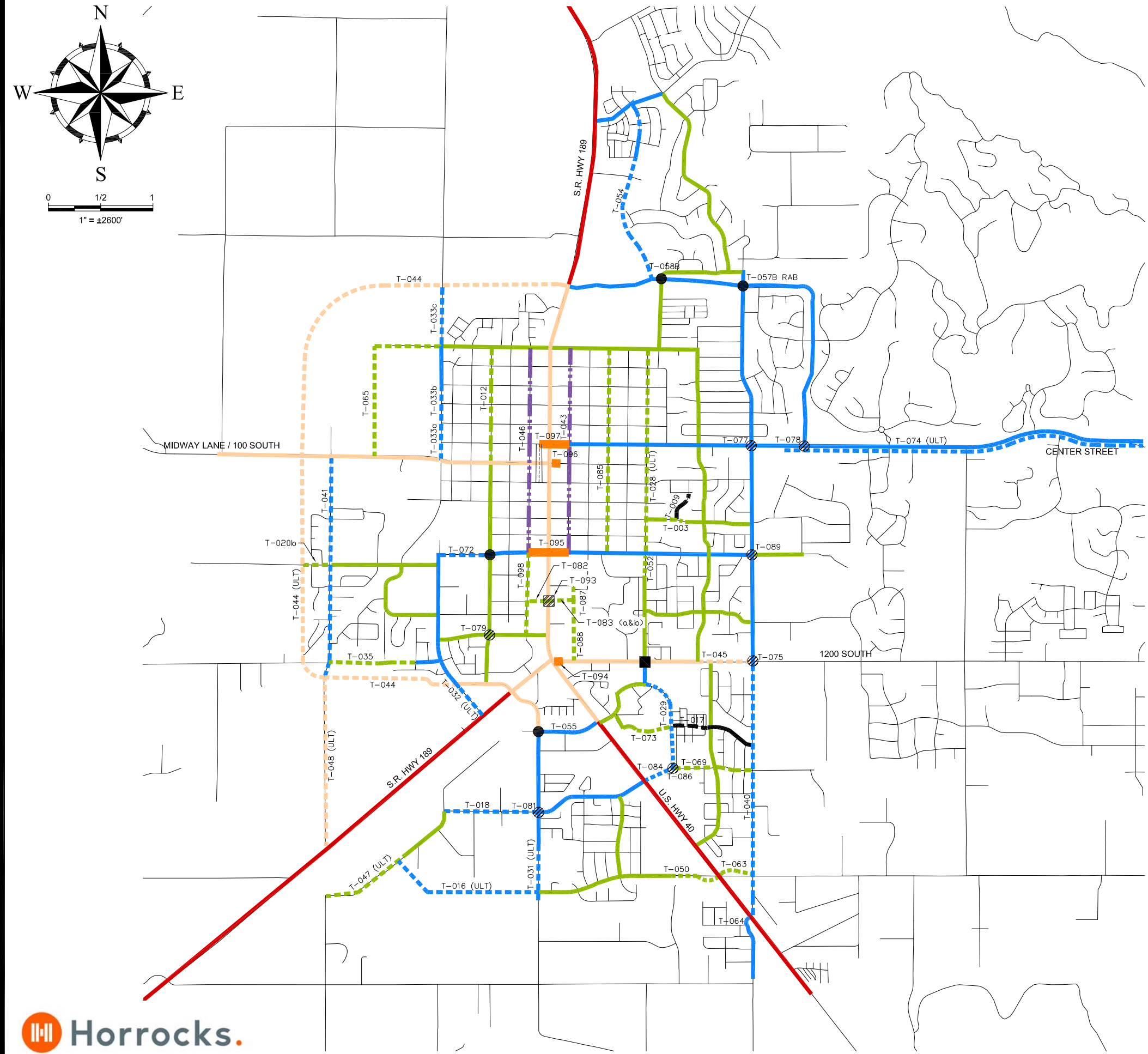
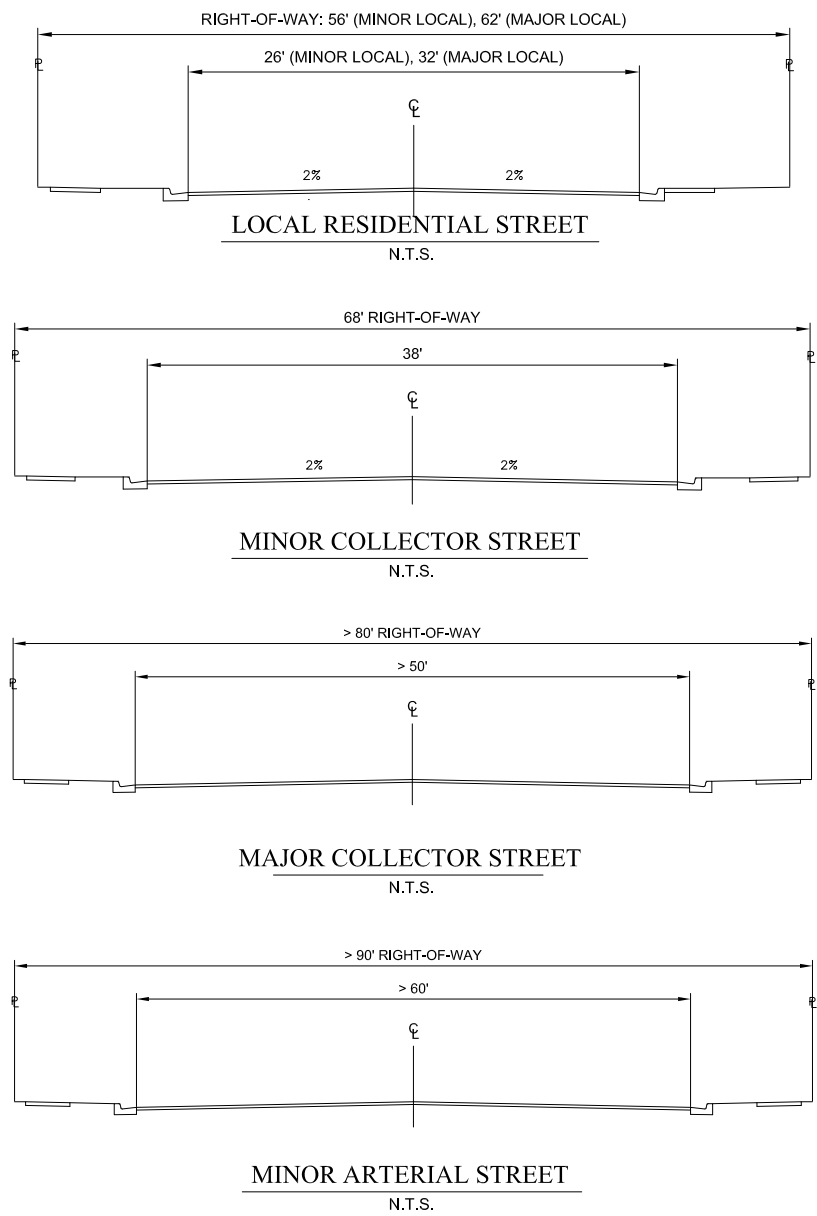


FIGURE 6-1
HEBER CITY
STREET SYSTEM
MASTER PLAN

- EXISTING LOCAL STREET
- EXISTING MINOR COLLECTOR
- EXISTING MAJOR COLLECTOR
- EXISTING MINOR ARTERIAL
- EXISTING PRINCIPAL ARTERIAL
- NEW OR UPGRADED LOCAL STREET
- NEW OR UPGRADED MINOR COLLECTOR
- NEW OR UPGRADED MAJOR COLLECTOR
- NEW OR UPGRADED MINOR ARTERIAL
- NEW OR UPGRADED PRINCIPAL ARTERIAL
- NEW OR UPGRADED MINOR ARTERIAL
- MEDIAN AND OTHER ROAD IMPROVEMENTS
- EXISTING ROUNDABOUT
- FUTURE ROUNDABOUT
- EXISTING SIGNAL
- FUTURE SIGNAL



204 TOWNHOMES

PHASE 1

PHASE 3

PHASE 2

NOT A PART

INES FOR PLAT

CHURCH ACCESS????

WHERE IS POWERPOLE?
future pond by others

Satar



February 3, 2026

Heber Valley Corridor EIS
c/o HDR
2825 E Cottonwood Parkway, Suite 200
Cottonwood Heights, UT 84121

Subject: Heber City Comments on the Heber Valley Corridor Draft EIS

Dear Evaluation Team,

Heber City would like to express our appreciation for the work and effort your team has put into preparing the Draft Environmental Impact Statement (EIS) for the Heber Valley Corridor. We recognize the importance of this project to our community and thank you for your efforts to keep us informed throughout the process.

On behalf of our community, please consider the following comments relating to the final alternative(s):

Issue 1: 1300 South Elevated Roadway

Concern: Heber City would have preferred to see the South Highway 40 leg—planned to run along 1300 South—located further south through the undeveloped area to reduce impacts on residential and commercial properties along 1300 South.

Resolution Request: Consider alternate routes to the south of 1300 South running more through the open land used for the HVSSD Sewer Fields. Evaluate whether these routes could reduce impacts to property owners and if they could reduce the cost and expense associated with the long length of raised roadway and underpasses along 1300 South. If an acceptable alternate route can be identified, it may eliminate some of the additional concerns listed below.

Issue 2: Proposed Southfield Road Cul-de-sac

Concern: Current alternatives call for a dead-end cul-de-sac at the south end of Southfield Road. Southfield Road is designated as a Major Collector in Heber City's Transportation Master Plan and serves as an important link to major roads, including Highway 40, 650 South, and Midway Lane. It provides critical capacity and multiple ingress/egress routes for large events on the west side of town, including at the Wasatch County Events Center. UDOT has indicated that future alternatives were evaluated assuming a 1200 South connection from Southfield Road to Industrial Parkway.

Resolution Request: Provide a connection from the bypass near 1200 South to Southfield Road, or construct the future connecting road between Southfield Road and Industrial Parkway.

Issue 3: No Westbound Access to 1300 South from Hwy 189 & 1300 S Intersection

Concern: Traffic coming from south Heber (north on Daniel Road) cannot access the Valley Station commercial development (Walmart) or 300 West without going north through the Hub intersection and turning left off Main Street at 1000 South. This movement is already restricted and difficult during heavy traffic.

Resolution Request: Allow westbound traffic along 1300 South from the Hwy 189 & 1300 South intersection by creating an additional tunnel or opening under the bypass road to merge with westbound traffic on the north side of the bypass.

Issue 4: One-Way Access at Industrial Parkway

Concern: Traffic traveling along Industrial Parkway cannot pass under the bypass and continue on Industrial Parkway. Detours to the underpass at 300 West would add traffic to signals and intersections that are expected to experience capacity concerns.

Resolution Request: Consider adding another underpass at this location to provide more direct routes and better direct access to Hwy 189.

Issue 5: No Left Turns or Access to the Bypass from Southfield Rd at Midway Lane

Concern: Due to anticipated traffic and proximity of planned signals for the bypass interchange and the new high school at 1000 West, northbound traffic on Southfield Road will not be able to turn left to head to Midway or access the bypass.

Resolution Request: Allow full movement at this intersection and access to the bypass in both directions. One idea is to realign the Southfield Road intersection to line up with the

new signal at 1000 West, which is already being pursued by Heber City and Wasatch County. Can this solution be considered as part of the project?

Issue 6: Trail Access at Midway Lane Interchange

Concern: Proposed trail access requires pedestrians or cyclists to take a half-mile detour through the interchange. The concern is that many people may not be willing to do this, and may risk crossing with traffic (4 crossings), which could lead to increased accident risk.

Resolution Request: Evaluate other alternatives including an elevated or below-grade walkway for safe pedestrian crossing and potential bike lanes through the intersection.

Issue 7: No Direct Access to College Way from the Bypass

Concern: The alternatives identify College Way (3000 North) as the northernmost signalized intersection before the Hwy 32 interchange. This location will serve as the primary access to the North Village, including UVU and the future Arts District. As designed, traffic heading north on the bypass would need to get off the bypass at 900 north and travel along the existing north Hwy 40 route and then turn onto College Way at the future signal. Traffic leaving College way going south would need to turn left at the signal to travel back down the old Hwy 40 to 900 North where it could access the bypass. These options will rely heavily on the planned traffic signal(s) and may contribute to poor level of service during high traffic volumes.

Resolution Request: Consider options for more direct access to College Way, including:

- 1) A northbound exit ramp merging directly with College Way;
- 2) A free right lane from College Way to merge northbound without stopping; and
- 3) A merge lane or ramp on the west side of Hwy 40 to provide direct southbound access to the bypass.

Issue 8: Maintenance Responsibility of Frontage Roads & Trails

Concern: The City is also concerned about responsibility for maintenance and upkeep of frontage roads and trails to be built as part of the project.

Resolution Request: Our preference would be for UDOT to assume this responsibility and we request that UDOT provide clarification and/or negotiate with the City as needed.

Thank you for your consideration of these comments. Heber City looks forward to continued collaboration to ensure the best possible outcome for our community.

Sincerely,

The Heber City Council



Heber City Council Staff Report

MEETING DATE: 2/3/2026
SUBJECT: Election of Mayor Pro-Tem
RESPONSIBLE: Heidi Franco
DEPARTMENT: City Council
STRATEGIC RELEVANCE:

SUMMARY

2.08.020 Mayor Pro Tem -- Filling Of Vacancy

The mayor shall preside at all meetings and upon the mayor's temporary absence or disability, the Legislative Body shall elect one of its number to act as mayor pro tem, who during such absence or disability, shall possess the power of mayor. If a vacancy shall occur in the office of mayor, the Legislative Body shall elect a mayor who shall possess all the rights and powers of mayor until the next municipal election and until a successor is elected and qualified.

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
-

- 3. Continue
 - 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: City Council
Staff member:

EXHIBITS

None