

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
September 19, 2023

APPROVED Minutes

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

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

Mayor Franco called the meeting to order at 4:03 p.m.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney - arrived 4:07 p.m.
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
Assistant City Manager Mark Smedley
Community Development Director Tony Kohler
Planning Manager Jamie Baron
City Engineer Russ Funk
Finance Manager Sara Nagel
City Planner Jacob Roberts
City Attorney Jeremy Cook
City Recorder Trina Cooke
Detective Heath Harvey

Staff Participating Remotely: IT Specialist Anthon Beales, Human Resources Manager Cherie Ashe, Finance Manager Sara Jane Nagel, City Engineer Russ Funk, Planning Manager Jamie Baron, Engineering Administrative Assistant Desiree Muheim, and Accounts Payable Technician Wendy Anderson.

Also Present: Chris Merritt, Amber Anderson, Chelsea Gauthier, Michael Moulton, Paul Royall, William F. Webb, Rachel Michael, Allison Salisbury, Alissa Haynes, John Hajny, Lisa Bahash, Piper Riddle, McKay Riddle Johnson, Tonia Webb, Laurie Thomson, Mark Thomson, Ann Moulton, Ryan Bonner, L. Wynn - Wave, Tori Broughton, Del Barney and others who did not sign in or whose names were illegible.

Also Attending Remotely: (Names are shown as signed-in online) Christen Thompson, John Janson, Meg Ryan, Russ Watts, Caroline Rodriguez, CLP, Danny

Hill, Diana, Dark Skies Advocate, Fox 13 News, Jeremy, Kristin Bunnell, KUTV, KSL, Julie M, Grace - KPCW, EA, Kyle Kohler, Lisa Jane Dinga, Nick Lopez, Parker Sever, Rws, Shorty, Vickie, and Vaughn Hokanson.

1. State Historic Preservation Office (SHPO) presentation on the National Main Street Program, Historic Preservation and state and national grant programs (Kohler, Smedley, Gauthier, Clarke) (Tony Kohler, Community Development Director) - *60 min*

Chris Merritt, State Historic Preservation Officer with the State of Utah, described the importance of preserving the history of communities. Mr. Merritt reviewed the purpose and function of their organization and noted the grants available for historical preservation purposes. He felt there were many opportunities for historical revitalization along Heber's downtown Main Street.

Amber Anderson further described the benefits of registering with the National Register of Historic Places. Chelsea Gauthier headed the Utah Main Street Program to support community transformation while promoting economic vitality. She reiterated potential funding programs and possible grants. Council discussion followed.

2. Implementing the Central Heber Vision (Tony Kohler, Community Development Director) - *40 min*

Planning Consultant John Janson explained there was clarification needed in the City's General Plan in order to proceed with enacting the Envision Central Heber Plan. He offered nine steps, as outlined in the attached Staff Report, in order to implement the Vision. A public hearing with the Planning Commission would be needed. Mr. Janson felt a joint meeting between the Planning Commission and Council would be helpful and possibly an additional public open house. Consensus of the Council was for Staff to proceed with the necessary steps to implement the Vision.

3. Discussion regarding changing the name of Hidden Creek Lane between Highway 40 and Mill Road (Jamie Baron, Planning Manager) - *10 min*

City Planning Manager Jamie Baron explained that the residents of the original Hidden Creek Lane were unhappy about the road name being used for a road in the new development across the highway.

Rachel Michael, resident of Hidden Creek Lane, described the existing confusion with the road as the post office had it listed under Hidden Creek Road but the emergency services had it listed as Hidden Creek Lane. She noted the road across the highway did not directly align with the pre-existing Hidden Creek Lane. She had submitted the attached letter to the Heber City Council signed by all the neighbors to request the name change for the road in the new development. Council discussion concluded that the road be given the name of its number coordinate, 1790 South, until the subdivision was built.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Franco called the meeting to order at 6:04 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Scott Phillips, Council Member)

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

3. Prayer/Thought by Invitation (Ryan Stack, Council Member)

Council Member Stack shared a prayer.

IV. CONFLICT OF INTEREST DISCLOSURE:

Council Member Stack recused himself from the HVT (Heber Valley Transit) discussion as his office represented them. He did not feel it was a direct conflict but wished to avoid any potential appearance of impropriety.

V. CONSENT AGENDA:

1. Approval of September 5, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Ordinance 2023-33 Removing Title 4 from the Heber City Municipal Code and deferring to State requirements (Jeremy Cook, City Attorney)
3. Consider Approval of Contract Award for Construction of the 1200 South 500 East Traffic Signal (Russ Funk, City Engineer) -

Council Member Kahler asked that City Engineer Russ Funk provide information for the concerned community members on Consent Agenda item three prior to approval due to a recent accident at the intersection involving a juvenile. Mr. Funk shared that Council had previously expressed interest in the installation of a traffic signal at the intersection. The City had performed a traffic safety study and the results had not warranted a signal at that time. Despite study results, the City Council and Staff had decided to proceed with the installation of a traffic signal based upon safety concerns. The Engineering Department had requested funding for the signal in the existing budget cycle and had planned on beginning the installation project in the spring but had recently decided to accelerate the timeline.

Motion: Council Member Kahler moved to approve the three Consent Agenda items as listed. **Second:** Council Member Johnston seconded the motion.

Discussion: Council Member Phillips asked to correct a statement in the September 5, 2023, meeting minutes. Page 13 of the minutes indicated that he said the temple lighting would be downward facing in order to maintain the dark skies and he had actually said "no light would be escaping the surface of the temple".

Mayor Franco asked if the crosswalk on 1200 South had been repainted since the road was resurfaced. City Engineer Russ Funk stated that the crosswalk had not been repainted yet as there was another coating that needed to be added to the road surface before the crosswalk could be redone. An officer would be posted at the crosswalk location until it was repainted.

Amended Motion: Council Member Kahler agreed to amend her motion to include Council Member Phillips requested correction to the meeting minutes.

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

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

1. Public Handouts

William F. Webb referred to a recent letter to the editor in the Wasatch Wave that had proposed one-way traffic on 100 East and 100 West in order to alleviate some of the traffic pressure on Main Street. He felt it was a good suggestion and it could work in conjunction with the bypass. He expressed his support to rename the Public Safety building for Chief Dave Booth. Mr. Webb shared that he had a neighbor who had committed suicide and Chief Booth had continued to stop by to perform welfare checks on the affected residents. Mr. Webb found the Chief to be compassionate and very dedicated to public safety.

John Hajne reminded Council he was hit by a vehicle 40 years prior and traffic safety was very important to him. He stated the City had contracted a third-party engineering firm to perform the traffic study and he felt it should be made available to the public as it had been paid for by the tax-payers. He wished to clarify his disagreement with the concept that there would be 200 lots on the land where the temple would be built. The location was zoned for 1-acre lots which equated to 18 lots. The engineering information that each home generated 10 round-trip traffic trips per day was from the 60's. He did not agree that the elected City Officials could not do more to guide the temple construction. He referred to the MOU (Memorandum of Understanding) between the City and the County from 2019 that he felt gave the City more negotiating power and wondered why the temple was not in the MOU. He suggested the City post the written guidelines for traffic requirements to inform the public and contractors.

Ann Moulton, Just Serve Specialist, had helped organize the September 11 day of service held on September 9, 2023. She wished to thank the City for their support. The service project had completed nine projects with 300-400 participants. A property clean-up was done on 274 Main Street, filling a construction dumpster and two truck beds.

Christen Thompson, Heber City Resident, liked the existing City branding and questioned the wisdom of spending tax-payer money on rebranding. With regard to speed limits and streets, he proposed lowering speed limits on Mill Road and 1200 South; installing cross-walks on 600 South Mill Road and at 600 South 270 East, by the high school; and better intersection designs such as the Dutch-style intersections with a tighter turn radius for cars and providing protected lanes for cyclists.

VII. GENERAL BUSINESS ITEMS:

1. Discussion with High Valley Transit regarding assistance from Heber City to facilitate future HVT bus stops, bike-and-ride lots, and other issues for expanded transit in the near future in Heber City (Mike Johnston, Council Member) - *15 min*

Council Member Johnston had invited High Valley Transit to present at the City Council Meeting in order to coordinate how the City could help facilitate walk-and-ride and bike-and-ride bus-stop locations going forward.

Jamie Dansie, transit planner for High Valley Transit (HVT), presented information regarding the installation of bus stops, ensuring ADA (Americans with Disabilities Act) compliance, and hopes to increase services in Heber Valley with more permanent bus stop structures. Council Member Johnston asked HVT to work with the City to project where additional stops needed to be added as new development was constructed. Discussion regarding future collaboration followed.

2. Presentation regarding Dark Skies in Heber City (Lisa Bahash) - *10 min*

Lisa Bahash and Alissa Haynes were co-founders of Wasatch Back Dark Skies. They provided information as shown in the attached PowerPoint. They would be proposing an amendment to the County's dark skies ordinance at the County Council meeting the following night.

Council Member Barney asked if there was a middle ground for the group to compromise with the County. Ms. Haynes agreed and noted it was easier to do it right from the beginning rather than try to recover later. The group had hoped the County would have made the temple an exception rather than adopting an ordinance that allowed the entire County the same lighting as the temple.

3. Utah League of Cities and Towns - September 2023 Conference Report - Housing Brochure & Data Request, NIMS Training, M&I Water and 'Water Neutral Savings,' Resolution 1 & Governor's Initiative on 'Disagree Better', Resolution 2 on 'Local Authority' See also: <https://www.nga.org/disagree-better/> (Heidi Franco, Mayor) - 20 min

Mayor Franco shared handouts with information provided at the Utah League of Cities and Towns (ULCT) conference. She felt M&I water needed to be addressed in the municipal code for development agreements. She handed out the attached Dignity Index card and read the proposed resolution to encourage dignity and civility in local politics. Mayor Franco proposed considering the adoption of a Code of Conduct.

4. Update of Council Priorities 2023-2024 (Matt Brower, City Manager) - 10 min

City Manager Matt Brower reviewed the progress of Staff to accomplish the Council priorities as listed in the attached spreadsheet. He commended the City Staff for their efforts. Mayor Franco shared plans for a stoplight to be installed at the new Smith's Marketplace location. The street light fixtures on Main Street were being replaced. Mr. Brower shared the progress of the new Heritage Farms Parkway. Council Member Johnston shared his appreciation for Mr. Brower and the City Staff and expressed thanks from the Council.

5. Central Heber Replacements Project Update (Russ Funk, City Engineer) - 5 min

City Engineer Russ Funk shared that phase one of the Central Heber Replacements project was near completion. The project had come in over a million dollars under budget at a time when construction materials were at an all-time high and construction crews availability were at an all-time low. He continued to provide details of the progress being made as well as the projected timeline.

Council Member Barney explained that the next part of the discussion was going to be a Q&A to address concerns expressed by the community. She had found there were misconceptions and misunderstandings online regarding the Central Heber utility lines replacement project. The discussion can be heard on the meeting recording on the city website www.heberut.gov in hour three, minute 23.

Laurie Wynn, resident, asked if speed signs could be installed on all of the approved detours, specifically 750 East.

Mr. Funk asked the public to be considerate to the crews as they were working hard.

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

1. Public Hearing for Resolution 2023-17 to Approve the 1st Budget Amendment to the Fiscal Year 2024 Annual Budget (Sara Nagel, Finance Manager) - 15 min

Finance Manager Sara Nagel reviewed the proposed budget amendments to the FY 2023-2024 annual budget as listed in the attached Staff Report. She noted that the Engineering Department had informed her that the amendment to fund 47, Impact Fees, for \$460,000.00 was no longer needed.

Mayor Franco opened the public hearing at 8:09 p.m. No one from the public came forward to comment. The Public Hearing was closed at 8:10 p.m.

Motion: Council Member Stack moved to approve Resolution 2023-17 amending the budget, subject to an alteration to fund 47, Impact Fee Fund, removing the requested allocation of \$460,000.00. **Second:** Council Member Phillips made the second.

Discussion: Mayor Franco asked if there was any impact to the City's surplus due to the proposed budget amendments. Ms. Nagel provided an explanation of the funds being rolled over from the previous year's budget and the amount listed in the General Fund of \$110,000 did not directly impact the surplus.

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

Motion: Council Member Stack moved to bring item five on the agenda forward for discussion. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed 5-0.**

2. Parker Sever Employment Agreement and Official Appointment as Heber City's Police Chief (Matt Brower, City Manager, Jeremy Cook, City Attorney) - 10 min

City Manager Matt Brower reviewed two additional proposed changes to the employment agreement for the incoming Chief of Police, Parker Sever. The first change was to section five: Termination of Employment, to change from ten days to 30 days that the employee may terminate the agreement with written notice. The second proposed change, was found in section 11: Residency, to change the language from indicating he live "within a reasonable distance to Heber City", to specifying he needed to live in the Heber Valley.

Motion: Council Member Kahler made a motion to accept the employment agreement with the two proposed changes of 30-day notice and to live within the Heber Valley.

Discussion: City Attorney Jeremy Cook clarified the intent was for section 11 to apply to the permanent full-time residency, allowing time for the new Chief to find and purchase a home.

Amended Motion: Council Member Kahler amended her motion to include in Section 11 that the employee agreed to establish full-time residence in the Heber Valley.

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

3. School House Academy Foundation Request for Funding (McKay Riddle) - 20 min

McKay Riddle Johnson presented the information regarding a proposed non-profit child development center they were working towards opening. She reviewed the services the school intended to offer. Piper Riddle explained that the program would offer extended hours for working parents and they were also partnering with the school district to offer child care for their employees. There would be scholarships available, tuition established at a fixed rate, and biannual fundraising. Aaron Johnson reviewed the grants the program had applied for and had found that many were available for municipalities rather than private parties. The group hoped Heber City would partner with them in order to assist with securing grants as well as waive certain municipal fees.

Council Member Kahler recognized the need for childcare in the community. She had reached out to another childcare facility and did not feel the request to waive fees was fair to the other facilities in the City that were required to pay the same fees. Council Member Stack agreed and felt it would not set a good precedent to waive City fees but did support working in partnership to secure grants for the program. Council Members Barney and Johnston indicated support for the project as well and felt the City should help with the acquisition of grants. Consensus of Council majority supported the City working with the school project towards securing grants.

4. Resolution 2023-16, the renaming of the Heber City Public Safety Building to the David D. Booth Public Safety Building (Heidi Franco, Mayor) - 10 min

Motion: Council Member Stack moved to remove action item four from the agenda, given that the Council had already addressed action item five. **Second:** Council Member Kahler seconded the motion.

Discussion: Mayor Franco felt the Council had gotten halfway there with the approval of the plaque to honor Chief Booth.

Call the Question: Council Member Stack called the question. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed 5-0.**

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

5. Plaque to commemorate Chief David D. Booth's retirement and contributions to Heber City including the construction of the Public Safety Building (Scott Phillips, Council Member) - *10 min*

Council Member Phillips explained he wished to commemorate Chief Booth for his service but was unsure whether renaming the Public Safety Building for him was the appropriate action. He proposed a bronze plaque to honor Chief Booth and read the proposed inscription to be engraved as found attached to the meeting materials. He reiterated the Council's gratitude for Chief Booth for leaving the community better than he had found it. Mayor Franco pointed out that the Police Department slogan at the top of the inscription should read "Protect with courage, serve with compassion" rather than "passion."

Motion: Council Member Kahler moved to accept Council Member Phillip's recommendation for a plaque to commemorate Chief Booth. **Second:** Council Member Johnston seconded the motion.

Discussion: Council Member Phillips asked if Council needed to include funding in an amount not to exceed \$8,000 in the motion. City Manager Matt Brower proposed letting Staff run with the project and return to Council if a budget amendment was needed. Council Member Johnston expressed, on behalf of the Council, utmost admiration for Chief Booth. Council Member Barney agreed and indicated her preference to name the building for Chief Booth but was willing to go along with the Council. She hoped the plaque would be placed at the entrance of the building where everyone who entered would be able to see it.

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

6. Subdivision Requirements Update (Tony Kohler, Community Development Director) - *30 min*

Planning Consultant John Janson reviewed the proposed updates to Heber City's municipal code with regard to section 17.30, Subdivisions, as outlined in the attached Staff Report. Council Member Stack inquired whether all of the proposed changes were in order to comply with State Code. Mr. Janson responded that there were additional proposed changes to the Municipal Code that were not state-mandated. Consensus of Council majority was to return the agenda item to the next meeting as an action item to be voted on.

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

Council Member Mike Johnston served on the Wasatch County Housing Authority Board and shared the Board's decision to not hire a full-time housing director at that time as there was not a full-time workload. The Board was contracting with MAG (Mountainlands Association of Government) for staff to fill their needs. He reviewed the progress being made with deed-restricted housing in new developments to offer lower-cost housing for government employees and first responders. He recommended those interested in housing should contact the Housing Authority Board or MAG. Planning consultant Meg Ryan asked that if there was a motion made to include moving section 18.102.040 into 18.102.050. Council Member Johnston commended Tony Kohler and Meg Ryan for their work on the affordable housing code. He recognized affordable housing was a difficult topic to address in the code but felt they had realized a good start.

Motion: Council Member Johnston moved to adopt Ordinance 2023-20 adopting an updated affordable housing plan as presented and to move 040 into 050 as recommended. **Second:** Council Member Phillips made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed 5-0.**

8. City Rebranding (Ryan Bunnell) - 15 min

Ryan Bunnell presented the updated rebrand proposed. Council expressed support for the new branding. Council Member Phillips clarified the existing branding would not be replaced until replacement was needed due to wear and tear.

Public comment: Paul Royall expressed support for the design. City IT Specialist Anthon Beales expressed support for the new design and felt it would work well on the website and with email signatures.

Motion: Council Member Phillips moved to accept the design as the new Heber City Logo, the brand guidelines book, and the style guide as presented by Ryan Bunnell. **Second:** Council Member Kahler seconded the motion. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed 5-0.**

9. Resolution 2023-11 Updating the Personnel Policies & Procedures Handbook (Jeremy Cook, City Attorney , Cherie Ashe, Human Resources Director) - 20 min

City Attorney Jeremy Cook shared the implemented updates shown in the attached redlined version reflecting the changes proposed by Council during the previous meeting.

Motion: Council Member Phillips moved to adopt Resolution 2023-11. **Second:** Council Member Stack seconded the motion. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed 5-0.**

10. Authorization to solicit proposals for sale of City-owned Commerce Park property (Matt Brower, City Manager) - 5 min

City Manager Matt Brower recalled the previous invitation to negotiate (ITN) issued by the City in 2021. At the time, Council had declined all offers submitted to purchase the parcel of City-owned land located in the industrial area. The City continued to receive offers to purchase the parcel and Mr. Brower wished to obtain Council direction. Council Member Phillips proposed proceeds from the sale be applied towards the first employee-dedicated affordable housing with deed restrictions for Heber City employees. Mr. Brower recognized it was a Council prerogative but recommended setting the money aside for downtown parking infrastructure or the purchase of the County building. Council Member Stack wished to specify that the City would not entertain proposals for storage units. Council Member Barney did not wish to see the land used for rock or concrete businesses. Consensus of Council majority was for Staff to proceed with the ITN process.

IX. COMMUNICATION:

Mr. Brower shared the Fitness Court ribbon-cutting would take place the following Monday at 4:00 p.m.

City Recorder Trina Cooke advised that the Ranked Choice Voting ballot would have six rankings for candidate selection rather than allowing ranking for all 11 of the candidates.

Council Member Rachel Kahler read a prepared statement to address the Mayor's article in the Wasatch Wave the previous week. Mayor Franco felt Council Member Kahler's comments were out of order and called for a motion to adjourn.

Motion: Council Member Stack moved to allow Council Member Kahler to finish her statement. **Second:** Council Member Phillips made the second.

Council Member Kahler completed her statement. Council discussion regarding respectful conduct continued.

X. ADJOURNMENT:

Motion: Council Member Stack made the motion to adjourn. **Second:** Council Member Phillips seconded the motion. The meeting adjourned at 9:53 p.m.

Trina Cooke, City Recorder