

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
October 3, 2023**

APPROVED Minutes

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

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

Council Member Ryan Stack, acting as Mayor Pro Tem, called the meeting to order at 4:01 p.m.

City Council Present: Council Member Ryan Stack - Mayor Pro Tem
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips - remotely

Absent: Mayor Heidi Franco

Staff Present: Assistant City Manager Mark Smedley
Community Development Director Tony Kohler
Planning Manager Jamie Baron
City Engineer Russ Funk
City Attorney Jeremy Cook
Parks and Cemetery Director Mark Rounds
IT Director Anthon Beales
City Recorder Trina Cooke

Staff Participating Remotely: City Planner Jacob Roberts, Engineering Technician Desiree Muheim, IT Director Anthon Beales, Human Resources Manager Cherie Ashe, Public Works Director Matthew Kennard, Finance Manager Sara Jane Nagel, Airport Manager Travis Biggs, Accounting Technician Wendy Anderson, Deputy City Recorder Robin Raines-Bond. and other who did not sign in or whose signatures were illegible.

Also Present: Sid Ostergaard, Grace Doerfler, John Janson, Eric Hales, Farah Sanders, Cal Johnson, Bryan Witt, Ron Phillips, Tyler Ailshie, Jason Talley, Russ Witt, Cathy Witt, Nancy O'Toole, Matt Wiser, Canice Harte, Tori Broughton, Don K. Taylor, and others who did not sign in or whose signatures were illegible.

Also Attending Remotely: (Names are shown as signed-in online) Curt Castagna, Meg Ryan, Phil Jordan, Brock Marchant, Danny Hill, Lisa Dinga, Parker Sever, Sam Taylor, and TMT.

1. Traffic on 600 South Mill Road, as well as 400 South 820 East, and discussion on whether to add crossing guards for middle schoolers on 600 South and Mill Road (Ryan Stack, Council Member) - *20 min*

Mayor Pro Tem Stack expressed sadness for the recent vehicle-pedestrian accidents in the valley and concern for several near-misses he had been informed of. He was concerned that the middle-school kids did not have crossing guards.

City Engineer Russ Funk presented the City's traffic calming policy. He hoped Council would adhere to the policy in order to set good precedent. He shared the "Utah Manual on Uniform Traffic Control Devices." There was a roundabout planned for 1200 South Mill Road. Council Discussion followed.

Consensus of Council Majority was supportive of moving forward with the installation of a four-way stop at 600 South and Mill Road.

2. Main Street Park and 200 South Plaza Plan (Jamie Baron, Planning Manager) - *20 min*

City Planning Manager Jamie Baron was seeking Council direction for placement of the bandshell at Main Street Park. He asked whether the Council wished to close 200 South permanently to create a plaza.

Consensus of the Council majority was to proceed with the placement of the bandshell to extend into the existing parking on 200 South and half-way into the park. Council felt 200 South should be accessible to vehicles with possible one-way traffic westbound from Main Street to 100 West. Council further discussed whether an ice ribbon or splash pad should be installed at the Main Street Park.

3. Billboard Sign Relocation (Tony Kohler, Community Development Director) - *15 min*

Staff asked for Council direction regarding whether or not to pursue the removal of two billboards in Heber City. Consensus of Council majority indicated a lack of desire to further pursue the billboard removal.

4. Implementation of the Central Heber Vision with Commercial Zones Update (Tony Kohler, Community Development Director) - *45 min*

Planning consultant John Janson described the new noticing requirements set forth by the State Legislature and provided a timeline for the process to implement the Central Heber Vision including a public open house. He read through a summary of changes to

the C-3 zone and the parking chapter changes as listed in the attached Staff Report. Consensus of Council majority was to not limit the type of businesses permitted on the ground level of Main Street commercial stores. Discussion continued.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Pro Tem Stack called the meeting to order at 6:01 p.m.

2. Pledge of Allegiance (Ryan Stack, Council Member)

Mayor Pro Tem Stack led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Heidi Franco, Mayor)

Assistant City Manager Mark Smedley shared a prayer.

IV. CONFLICT OF INTEREST DISCLOSURE:

Council Member Phillips indicated his father was connected to agenda item six on the Action Items agenda but did not feel he needed to recuse himself.

V. AWARDS, RECOGNITION, and PROCLAMATIONS:

VI. CONSENT AGENDA:

Motion: Council Member Kahler moved to approve Consent Agenda items one and two. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

1. September 19, 2023, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Ordinance 2023-34 Rename of Hidden Creek Lane to 1790 South (Jamie Baron, Planning Manager)
3. To approve a professional service contract for budget planning and budget book software to be negotiated by Staff with ClearGov for an amount not to exceed \$110,500 for a three-year contract (Anthon Beales, IT Director) -

Council Member Barney asked to have Consent Agenda item three removed from the Consent Agenda to ask some questions. IT Director Anthon Beales explained the software would streamline the budget process and save City staff hundreds of hours.

Motion: Council Member Kahler moved to approve the accounting software as presented by Staff. **Second:** Council Member Barney made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed 5-0.**

4. Nominations to the City Arts Advisory Board: Nancy O'Toole, Phil Jordan, and Farah Sanders (Heidi Franco, Mayor)

Council Member Kahler asked to have Consent Agenda item four removed from the Consent Agenda in order to permit the Art Advisory Board nominees present to introduce themselves. Nancy O'Toole, Farah Sanders, and Phil Jordan introduced themselves.

Motion: Council Member Kahler moved to accept the three nominations, Nancy O'Toole, Farah Sanders, and Phil Jordan to the Heber City's first Arts Advisory Board. **Second:** Council Member Phillips made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

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

Council Member Kahler read a public comment that was emailed to Council and attached to these meeting minutes.

1. Emailed comment received

VIII. GENERAL BUSINESS ITEMS:

1. Mayoral Proclamation for National Hispanic Heritage Month 2023 (Heidi Franco, Mayor) - *5 min*

Mayor Pro Tem Stack read the proclamation to designate September 15 through October 15, 2023, as National Hispanic Heritage Month.

2. Monthly Development Report (Jamie Baron, Planning Manager) - *10 min*

Planning Manager Jamie Baron provided the Monthly Development Reports for August and September as included in the attached presentation.

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

1. Temporary Commercial Aeronautical Activity Permit (Curt Castagna, Aeroplex Group Partner) - *20 min*

Airport consultant Curt Castagna described the request for a temporary commercial aeronautical activity permit and recommended Council authorize the temporary permit.

Jason Talley, applicant, introduced himself as a resident of Heber City and stated he was passionate about aeronautics. He had been given a unique opportunity to distribute electric aircraft and electric gliders and needed Council's authorization.

Motion: Council Member Phillips moved to accept the request as presented.

Second: Council Member Johnston seconded the motion.

Discussion on the Motion: Council Member Kahler questioned whether Resolution 2019-09, which had halted the approval of commercial activity at the airport until the Airport Master Plan was adopted, would be nullified by the adoption of the new Resolution. Assistant City Manager Mark Smedley explained the exception to allow the temporary permit would not nullify the previous resolution. Council Member Kahler felt the Council should revisit the previously established commercial restrictions for the Airport.

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

2. Envision Heber Phase 3 Code Updates: Chapter 18.68 Supplemental Zoning Regulations (Tony Kohler, Community Development Director) - 30 min

Planning consultant Meg Ryan presented the changes for the proposed code update for Chapter 18; Supplemental Zoning. Council discussed where they felt ADUs (Accessory Dwelling Units) should, or should not, be allowed, whether to permit short-term rentals in ADUs, and whether ADUs should, or should not, be limited by lot size or location. Council asked Staff to bring back the ADU discussion when revisiting the nightly rental discussion.

Council Member Johnston expressed concern with proposed zoning regulations negatively impacting lower-income families. He asked to remove "coop" from section 130 as it was previously addressed. He felt private schools should be allowed on half-acre lots and did not need a full acre.

Motion: Council Member Johnston moved to adopt Envision Heber phase 3 Code update chapter 18.68 Supplemental Zoning Regulations as presented with the following amendments: remove "coops" from 18.68.130 and change the max height from 25 feet to 27 feet in 18.68.060 D. 2. **Second:** Council Member Phillips made the second.

Discussion: Council Member Kahler preferred to table the item until further discussion could be held on 18.68.060 with regard to ADUs. Council Member Barney agreed. Mayor Pro Tem Stack asked whether the section could be removed from the motion and discussed independently.

Amended Motion: Council Member Johnston amended his motion to remove section 18.68.060 from the motion. The second stood. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed 5-0.**

3. Resolution 2023-18 EMS (Emergency Medical Services) Sales Tax
Proposition 9, Wasatch County Fire District (Chief Eric Hales) - 20 min

Mayor Pro Tem Ryan Stack brought Action Agenda item three forward to be addressed first.

Wasatch County Fire Chief Eric Hales provided the information for Proposition 9, which proposed a .5 percent EMS (Emergency Medical Services) sales tax, as explained in the attached PowerPoint. He stressed the need to grow the department to serve the needs of the growing community.

Council Member Stack expressed concern for the City setting a precedent of adopting a resolution to support another entity's tax increase. General Council consensus supported the proposition but did not wish to approve it by resolution.

4. Engineering Funding for Phase III of the Heber Valley Railroad Trail (Nancy O'Toole) - 10 min

Mountainlands Association of Governments (MAG) contracted Grant Writer Nancy O'Toole and Wasatch County Trails Coordinator Don Taylor presented. The two had been promoting the Rail to Trail project and were trying to get the project shovel-ready in order to qualify for certain grants.

Motion: Council Member Johnston moved to accept the proposal for funding the engineering study for the Heber Valley Railroad trail in the amount of \$92,110. **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.**

5. Cottages rezone and Master Development Agreement (MDA) at 1000 South 600 West (Tony Kohler, Community Development Director) - 10 min

Council Member Johnston asked petitioner Russ Witt to agree to landscaping along the park-strip. Mr. Witt agreed to the landscaping request.

Motion: Council Member Kahler moved to approve Ordinance 2023-35 with the conditions in the Staff Report. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** none. Council Member Phillips had lost remote connection to the meeting and was absent for the vote. The **Motion Passed 4-0.**

6. Wittco Rezone and Master Development Agreement (MDA) at 801 South 100 West (Tony Kohler, Community Development Director) - 20 min

Community Development Director Tony Kohler presented the information for the re-zone request in the Master Development Agreement (MDA).

The City's Streets Master Plan included a future road through the parking lot located at Lee's Marketplace connecting Main Street and 100 West. The City was asking for 15 feet of the Witt property to be dedicated as an easement to the City for the installation of the road when needed. Applicant Ben Witt shared the intent to build only residential units but wished to retain the option to build commercial units on the ground floor if the opportunity arose. He offered to dedicate units in excess of 20 to the City for affordable housing. He wished to negotiate the purchase of the 15-foot easement by the City or be given fee waivers for the proposed development. Council was concerned about granting commercial C-2 zoning as the Public Hearing and the recommendation from the Planning Commission was for residential units only. Direction from Council was for the applicant to return at a future meeting with an agreement for all-residential units or to allow for limited commercial use on the main floor. City Attorney Jeremy Cook recommended the easement be traded in exchange for the commercial re-zone request.

Motion: Council Member Johnston moved to continue the item to a date uncertain, depending on the applicant. **Second:** Council Member Barney made the second.

Voting Yes: Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** none. Council Member Phillips had lost remote connection to the meeting and was absent for the vote. **The Motion Passed 4-0.**

Ron Phillips, attending for agenda item six, asked the City administration to consider re-ordering future agendas to have agenda items with applicants in attendance closer to the beginning of the meeting.

X. COMMUNICATION:

Council Members Kahler and Stack communicated they would be absent for the October 17, 2023, City Council Meeting.

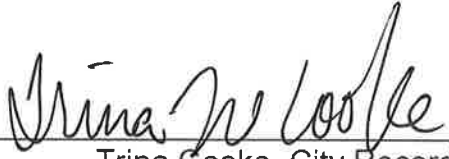
Council Member Kahler volunteered to participate in any capacity to work with UDOT (Utah Department of Transportation), Wasatch County, and the School District towards safer streets. Council Member Barney wished to have discussion regarding the possibility of installing a pedestrian sky-bridges. City Engineer Russ Funk indicated he would speak with UDOT regarding the possibility. Discussion regarding pedestrian safety continued.

City Recorder Trina Cooke shared the reason for the agenda order was to have high-cost consultants go first, followed by the items for which the public was in attendance.

XI. ADJOURNMENT:

Motion: Council Member Kahler made the motion to adjourn. **Second:** Council Member Johnston seconded the motion. The Heber City Council Meeting adjourned at 9:15 p.m.




Trina Cooke, City Recorder