HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
January 16, 2024

APPROVED Minutes

4:30 p.m. OPMA Training
4:45 p.m. Closed Session
5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. COUNCIL TRAINING: OPEN AND PUBLIC MEETINGS ACT (OPMA) - 4:30 P.M.

Mayor Franco called the meeting to order at 4:32 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 Sid Ostergaard Council Member Scott Phillips
Staff Present:	City Manager Matt Brower Chief of Police Parker Sever City Engineer Russ Funk City Attorney Jeremy Cook City Recorder Trina Cooke

Staff Participating Remotely: City Engineer Russ Funk, Engineering Department Administrative Assistant Desiree Muheim, Engineering GIS Technician Shiona Howard, and Accounts Payable Technician Wendy Anderson.

1. Open and Public Meetings Act (OPMA) Annual Training (Jeremy Cook, City Attorney) - *15 min*

City Attorney Jeremy Cook provided the 2024 annual Open and Public Meetings Act (OPMA) training for the City Council as required by State Code. Mayor Franco asked that the training be offered to all the City's committees and advisory boards.

II. CLOSED SESSION - 4:45 P.M.

City Council Present:	Mayor Heidi Franco Council Member Yvonne Barney Council Member Aaron Cheatwood Council Member Mike Johnston Council Member Sid Ostergaard Council Member Scott Phillips
Staff Present:	City Manager Matt Brower City Engineer Russ Funk City Attorney Jeremy Cook City Recorder Trina Cooke

Motion: Council Member Barney made the motion to enter Closed Session. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0,** and the meeting entered Closed Session at 5:02 p.m.

1. Strategy session to discuss the purchase, exchange, or lease of real property (Matt Brower, City Manager)

Motion: Council Member Phillips moved to adjourn the Closed Session and return to the open meeting. **Second:** Council Member Cheatwood made the second. The Closed Session adjourned at 5:45 p.m.

III. WORK MEETING - 5:00 P.M.

Mayor Franco called the Work Meeting to order at 5:46 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 Sid Ostergaard Council Member Scott Phillips
Staff Present:	City Manager Matt Brower Assistant City Manager Mark Smedley Community Development Director Tony Kohler City Planner Jacob Roberts Chief of Police Parker Sever City Engineer Russ Funk Finance Director Sara Jane Nagel City Attorney Jeremy Cook

City Recorder Trina Cooke

Staff Participating Remotely: Human Resources Manager Cherie Ashe, Public Works Director Matthew Kennard, Assistant City Manager Mark Smedley, City Engineer Russ Funk, Finance Director Sara Jane Nagel, Accounting Technician Wendy Anderson, Airport Manager Travis Biggs, and Engineering GIS Tech Shiona Howard.

Also Present: Michael O'Connor, Michael Moulton, Del Barney, Clayton Vance, Cal Johnson, Matt Taylor, Adam Long, Adam Thompson, Tori Broughton, Karin Beck, Thomas M Hansen, and others who did not sign in or whose signatures were illegible.

Also Attending Remotely: (Names are shown as signed in online) Grace Kloepfer - KPCW, John Janson, Phil Jordan, Jason Norlen, Danny Hill, and Brock M.

1. Possible Development Agreement to construct 8 town homes at 460 W 200 S (Jamie Baron, Planning Manager) - *20 min*

Community Development Director Tony Kohler described the request of the petitioners for a zone change and development agreement to convert a single-family home lot into a multifamily townhome structure. He shared images of the proposed development as included in the attached meeting materials. Petitioners Michael O'Connor and Matt Taylor explained the intention was to provide accessible workforce housing. Council, Staff, and the petitioners discussed the details of the proposal.

Consensus of Council majority was to allow the petitioners to proceed with the zone change and development agreement process.

2. Review Ordinance 2023-46 Master Development Agreement (MDA) for 22 South 100 West Clayton Vance (Jacob Roberts, Planner) - *20 min*

City Planner Jacob Roberts presented the zone change request from the petitioner from a residential R-3 zone to a C-3 commercial zone. He shared images of the proposed building design, including color options, and the location on a map as found in the attached meeting materials. The Planning Commission had held a public hearing and forwarded a positive recommendation to the City Council. Community Development Director Tony Kohler reviewed the policy questions before Council and suggestions to address utility easement concerns. City Engineer Russ Funk described the difficulties faced with undergrounding powerlines and decreased utility easement right-of-ways. Council discussion included parking concerns, road width, and right-of-way requirements.

City Manager Matt Brower suggested that the Council extend the upcoming Annual Council Retreat by one hour in order to continue the discussion.

IV. BREAK - 10 MIN

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

1. Call to Order - Mayor Franco

Mayor Franco called the Regular City Council Meeting to order at 7:05 p.m. and welcomed everyone present.

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

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

3. Prayer/Thought by Invitation (Yvonne Barney, Council Member)

Council Member Yvonne Barney shared a prayer.

VI. CONFLICT OF INTEREST DISCLOSURE:

Council Member Yvonne Barney indicated she would recuse herself from the vote for the Planning Commissioner nominations as her husband was one of the nominees. Mayor Franco proposed the nominees be voted upon separately in order for Council Member Barney to vote on the other nominees.

VII. CONSENT AGENDA:

1. January 2, 2024, City Council Meeting Minutes (Trina Cooke, City Recorder)

2. Planning Commissioner Nominations by Mayor (Heidi Franco, Mayor)

The Mayor removed Consent Agenda Item Two to approve the nomination of the Planning Commissioners from the Consent Agenda in order to be discussed during the Action Items Agenda.

Mayor Franco reviewed the qualifications for Planning Commissioner nominee and acting Planning Commission Alternate, Robert Wilson. She asked for the amount of time in the remaining terms of the two vacancies being filled. The vacation of the seat previously held by Oscar Covarrubius had five years remaining in the term. The vacation of the seat previously held by Sid Ostergaard had two years remaining.

Motion: Council Member Barney moved to confirm the nomination of Mr. Robert Wilson to fulfill the remaining five years of the Planning Commissioner term as vacated by Oscar Covarrubius. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

Council Member Barney recused herself from the discussion and vote for the nomination of Del Barney.

Mayor Franco reviewed the qualifications for Planning Commissioner nominee Del Barney and indicated she was nominating him to fulfill the remaining two years in the term for the seat vacated by Sid Ostergaard.

Council discussion resulted in the request to remove the nomination of Del Barney in order to avoid the possibility of appearing inappropriate to the public that a City Council Member and Planning Commission were married. Mayor Franco defended her nomination of Del Barney and felt he was fair and qualified. Council agreed with the Mayor's characterization of Mr. Barney.

Mayor Franco asked for a motion. No motion was put forth. Mayor Franco withdrew her remaining nominations to the Planning Commission.

3. Cancelation of March 5, 2024, City Council Meeting due to Utah State Legislative Caucus (Heidi Franco, Mayor)

4. Confirmation of Aaron Cheatwood Appointment to the City Audit Committee (Heidi Franco, Mayor)

Motion: Council Member Johnston moved to approve Consent Agenda items One, Three, and Four, and for Item Three to hold a Work Meeting on March 5 to end no later than 6:00 p.m. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Johnston, Ostergaard, Cheatwood, Barney, and Phillips. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

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

Evan Thompson had submitted his name and resume to be nominated to the Planning Commission and felt he was qualified. He listed his qualifications and asked for the definition of diversity the Council was looking for in Commissioner nomination. Mayor Franco responded that she felt Mr. Thompson was very qualified, but she was looking for more diversity in experience.

IX. GENERAL BUSINESS ITEMS:

1. Historic Preservation Commission (Michael Moulton, Historical Chair) - *20 min*

Chairman of the Historical Preservation Commission Michael Moulton presented the intent of the Commission to expand their authority. He introduced fellow Commissioner Scott Lythgoe. The Commission felt they had been working for years with no action and asked for more action from the Council. He felt other cities were excelling with their historical preservation. Mr. Moulton shared the Commission's priorities including:

- preservation of the old Rio Grande Heber Creeper Depot - $50k budget request for earnest money to purchase buildings from the current owner
- designation of Center Street as a Historic District

- establish a historic living history site for London Springs, the original settlement in the Valley
- further budget requests for memorial signage, a reconnaissance-level survey, and special events
- formally adopt a historic Preservation Master Plan

Mr. Moulton felt the Historic Preservation plan should be a focus of the Envision Central Heber plan. Council Member Johnston felt it was important for the government to insist on historical and heritage preservation. Council discussion surrounded the importance of historical preservation and ideas for the City to improve.

2. Tree Committee (Melanie Funk, Tree Subcommittee Chair) - *10 min*

Assistant City Attorney Mark Smedley apologized on behalf of the Tree Committee Chair Melanie Funk, as she was unable to attend that evening. She hoped to return at the next meeting to present to Council. Council reviewed the presentation and discussed trees in the downtown area, how to prevent the trees lining Main Street from dying, and the existing bike racks on Main Street.

3. Audit Committee (Sara Nagel, Finance Manager) - *10 min*

Chair of the Audit Committee Del Barney described the Audit Committee's role within the City. They had reviewed independent auditors to audit the City. He expressed the Committee's support for Finance Director Sara Nagel. Mr. Barney shared the goal of the Committee to familiarize themselves with City procedures in order to minimize the City's risk of audit violations.

4. Building Department SWOT Analysis (Wes Greenhalgh, Building Official) - *5 min*

Community Development Director Tony Kohler presented the SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis for the Building Division as attached in the meeting materials.

Council Member Barney suggested the City work with the CAPS (Center for Advanced Professional Studies) program at the high school to offer internships to encourage interest in the building inspector trade.

5. Planning Department SWOT Analysis (Tony Kohler, Community Development Director) - *5 min*

Community Development Director Tony Kohler presented the SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis for the Planning Division as attached in the meeting materials.

6. Prosecutor's Office SWOT Analysis (J. Mark Smedley, Asst. City Manager) - *5 min*

Assistant City Manager and City Prosecutor Mark Smedley presented the SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis for the Prosecution Department as attached in the meeting materials.

7. Engineering Department SWOT Analysis (Russ Funk, City Engineer) - *5 min*

City Engineer Russ Funk presented the SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis for the Engineering Department as attached in the meeting materials.

8. Airport SWOT Analysis (Travis Biggs, Airport Director) - *5 min*

Heber Valley Airport Manager Travis Biggs presented the SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis for the Airport as attached in the meeting materials.

9. Road Projects Status Update (Russ Funk, City Engineer) - *10 min*

City Engineer Russ Funk provided the update for the local, ongoing, roads projects.

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

Mayor Franco returned the discussion to Consent Agenda Item Two: Planning Commissioner Nominations by Mayor. She noted both Action Agenda Items, One and Two, would be postponed to a future meeting.

1. Ordinance 2024-02 Updating the C-3 Commercial Zone, C-3 Design Criteria and Parking Regulations within the C-3 Zone (Tony Kohler, Community Development Director) - *40 min*

Item One on the Action Items agenda was postponed to the February 6 City Council Meeting.

2. Evans Property Acquisition (Russ Funk, City Engineer, Jeremy Cook, City Attorney) - *10 min*

Item Two on the Action Items agenda was postponed to the February 6 City Council Meeting.

XI. COMMUNICATION:

City Manager Matt Brower shared details for the upcoming 2024 Annual City Council Retreat scheduled for the coming Thursday, January 18, and Saturday, January 20, and asked Council to consider the priorities they wished to propose.

Heber City, Wasatch County, and the School District would nominate two members of each elected body to form an ad-hoc committee to protect the desires of each for the future bypass route. Council Members Phillips and Cheatwood would represent Heber City.

Mayor Franco asked the Engineering Staff to reach out to the Utah Geological Survey to identify any sensitive lands found when they mapped the top of the ridge the year prior.

XII. ADJOURNMENT:

Motion: Council Member Phillips moved to adjourn. **Second:** Council Member Ostergaard seconded the motion. The meeting adjourned at 9:50 p.m.

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Trina Cooke, City Recorder