HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
February 20, 2024

APPROVED Minutes

4:00 p.m. Closed Session
4:30 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. CLOSED SESSION - 4:00 P.M.

Mayor Heidi Franco called the meeting to order at 4:13 p.m. and welcomed everyone present.

Motion: Council Member Cheatwood moved to enter Closed Session. **Second:** Council Member Barney made the second. **Voting Yes:** Council Members, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Phillips was excused. The **Motion Passed 4-0.**

The meeting entered Closed Session at 4:14 p.m. pursuant to UCA 52-4-205.

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

1. Strategy Session to Discuss the Purchase, Exchange, or Lease of Real Property UCA 52-4-205 (Jeremy Cook, City Attorney)

Motion: Council Member Barney made the motion to adjourn the Closed Session and return to the Regular Meeting. **Second:** Council Member Cheatwood made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Phillips was excused. The **Motion Passed 4-0.**

The meeting returned to regular session at 4:54 p.m.

II. WORK MEETING - 4:30 P.M.

Mayor Franco called the Work Meeting to order at 4:56 p.m. and welcomed everyone present.

City Council Present:	Mayor Heidi Franco Council Member Yvonne Barney - departed at 5:40 p.m. Council Member Aaron Cheatwood Council Member Mike Johnston Council Member Sid Ostergaard
City Council Absent:	Council Member Scott Phillips
Staff Present:	City Manager Matt Brower Assistant City Manager Mark Smedley Community Development Director Tony Kohler Planning Manager Jamie Baron City Planner Jacob Roberts City Engineer Russ Funk Finance Director Sara Nagel City Attorney Jeremy Cook City Recorder Trina Cooke

Staff Participating Remotely: IT Manager Anthon Beales, Human Resources Manager Cherie Ashe, Deputy City Recorder Robin Raines-Bond, Assistant City Manager Mark Smedley, Engineering Administrative Assistant Desiree Muheim, Engineering GIS Technician Shiona Howard, and Engineer Ross Hansen.

Also Present: McKay Riddle, Aaron Johnson, Adam Thompson, Aaron Gabrielson, Eric Hales, Kaden Obray, M. Crosby, Ryan Walton, Rene Wood, Josh Weisher, Scott Jaffa, Jessica Broadhead, Dave Johnson, Russ Witt, Dallin Koecher, Lynsee Sulser, Wendy Anderson, Kody Giles, Caradee Williams, Mike Bradshaw, Tori Broughton, Cathy Witt, Ben Sehy, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (Names are shown as signed in online) Aubrey Larsen LDI, Joe & Kimsha Byrne, Brock M, Curtis,Grace Doerfler, KPCW Production, Media@MDG, and Mike Lynch.

1. Potential Rezone of Property from R-3 Residential to C-3 Commercial at 167 West Center (Riedell, Tony Kohler, Community Development Director) - *25 min*

Petitioner Tanner Rydel explained the desire to rezone two parcels to C3 commercial. The property owners hoped to redevelop the lots as mixed-use units to include ground-level commercial or office space with residential units, and possible affordable housing, on the upper floor.

Property owner Sam Burbidge described possible design plans for the two parcels and shared concept images. Council majority expressed support for the project to proceed.

2. Potential MDA for School House Academy (Jamie Baron, Planning Manager) - *25 min*

The Mayor skipped forward on the agenda to discuss Work Meeting agenda item three.

Planning Manager Jamie Baron shared the PowerPoint presentation as included in the meeting materials. He explained the proposed schoolhouse would be a commercial daycare. He hoped to see the City move away from Master Development Agreements (MDAs) and wished to know if the Council would support a zone change or approve the daycare as a conditional use. Council discussion followed noting the need for daycare facilities in the community. General consensus of Council was supportive of the project moving forward.

Petitioner McKay Riddle clarified that a daycare was required by State Code to have a six-foot fence surrounding the facility. Mr. Riddle explained that they owned the neighboring lot. Dave Johnson inquired the about the City's time-line for a text amendment. Mr. Baron outlined the process requirements, stating the timeline would take approximately three-plus months.

3. Zoning of Trade Schools (Jamie Baron, Planning Manager) - *25 min*

Planning Manager Jamie Baron explained the trade school regulations and definition as outlined by the State. The petitioner wished to open a school to teach safe and sanitary tattooing. General consensus of the Council was to not permit trade schools in the C3 zone within downtown Main Street.

Petitioners Joe and Kimsha Byrne explained that the proposed trade school would offer an apprenticeship program. The State had informed them that apprentice programs were exempt from certain regulations as apprenticeship programs were protected. The Byrnes were applying through a Federal program to be the first officially recognized tattoo apprenticeship program of its kind. Mr. Byrne noted it was a basement space they were looking to buy on Main Street and there was plenty of parking behind the building. The Department of Labor intended to offer State and Federal funding to tattoo apprenticeship programs. The Byrnes explained that their program would offer dental and medical benefits that were not offered elsewhere in the tattoo industry.

Mr. Baron explained there was currently nowhere in the City that permitted trade schools. Therefore, the issue would need to be readdressed in the future for Council consideration.

The meeting was returned to item two on the Work Meeting agenda.

III. BREAK - 15 MIN

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

1. Call to Order (Mayor Heidi Franco)

Mayor Franco called the meeting to order at 6:13 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Yvonne Barney, Council Member)

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

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

Council Member Johnston shared that he had been watching the States Legislative Session and had counted over 800 bills. He paraphrased a quote from whom he did not recall "Regulations grow at the same rate as weeds". He asked the Heber Council to be careful and not over-regulate Heber City's residents and businesses. He asked community members to speak up if they felt the Council was ever over regulating.

V. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts disclosed.

VI. AWARDS, RECOGNITION, and PROCLAMATIONS:

There were no awards to present that evening.

VII. CONSENT AGENDA:

Motion: Council Member Johnston moved to approve the Consent Agenda as listed. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, and Johnston. **Voting No:** None. Council Members Phillips and Barney were absent. The **Motion Passed 3-0.**

1. January 20, 2024, City Council Meeting Minutes for Day 2 of the Annual City Council Strategic Retreat, and February 6, 2024, City Council Meeting Minutes (Trina Cooke, City Recorder)

2. Nominations to the Audit Committee and Airport Advisory Board (Heidi Franco, Mayor)

3. Kitchen MDA Amendment (Tony Kohler, Community Development Director)

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

No one from the public came forward to comment.

IX. GENERAL BUSINESS ITEMS:

1. Heber Leadership Academy (HLA) - *20 min*

Ryan Walton and Adam Thompson were representing the Heber City Leadership Academy (HLA). The Mayor invited all the members present of the current HLA class to stand and introduce themselves. Mr. Thompson shared a PowerPoint with images of the proposed HLA class project to complete the landscaping around the water feature currently being installed at the historic Heber City Hall Building.

Council Member Cheatwood suggested seeking funding from local business-owners. Council Member Johnston expressed support. Council Member Ostergaard asked about lighting for the area. HLA member Dallin Quinn, asked for clarification for the goal of Council's request for lighting. It was intended to attract people to use the area and offer safety after dark.

2. Heber Valley Chamber of Commerce and Tourism (Dallin Koecher, Jessica Broadbent) - *20 min*

Dallin Koecher and Jessica Broadhead presented the annual report on behalf of the Heber Valley Tourism, Economic Development, and Chamber of Commerce, as included in the meeting materials. There was a survey included in the presentation polling residents' opinion of tourism in the valley.

3. Project Updates (Russ Funk, City Engineer)

City Engineer Russ Funk shared the status and expected timelines of the ongoing engineering projects throughout the City.

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

1. Reallocation of PTIF Funds (Benjamin Sehy, Meeder Public Funds Inc) - *25 min*

Finance Manager Sara Nagel explained that Zions Public Finance had done a great job for Heber City but the finance department felt it was important to explore alternate options on behalf of the City's monetary investments. Ben Sehy with Meeder Public Funds Inc. provided background and an overview and explained the services offered by the investment firm. He informed Council of the experience the firm had with municipal and governmental entity's investments.

Motion: Council Member Ostergaard motioned to approve the reallocation of PTIF (Public Treasurers' Investment Fund) with Meeder Public Funds Inc with up to 80/20% strategy as discussed. **Second:** Council Member Cheatwood made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, and Johnston. **Voting No:** None.

Council Members Barney and Phillips were absent. The **Motion Passed 3-0.**

2. Ordinance 2024-06 Witt Cottages (aka Industrial Road Cottages) MDA (Tony Kohler, Community Development Director) - *15 min*

Community Development Director Tony Kohler explained the Master Development Agreement (MDA) had been approved by Council the previous December. There had not been an Ordinance presented then and a road dedication was now included. Mr. Witt had asked that the City include a provision to return the land to him if it was not utilized within a ten-year time-frame. City Engineer Russ Funk clarified that this was an opportunity for the City to negotiate a beneficial return from the property owner.

Property owner Russ Witt explained he had been through the entire process of negotiating with the City and the City had asked for four additional feet in dedication at the last minute for a trail. He felt the City should be more transparent with the process. Discussion followed.

City Attorney Jeremy Cook expressed preference for the land to be dedicated as an easement. Mr. Funk stated that if the Council did not want to see 8-foot trails, the City should update the Trails Master Plan.

Motion: Council Member Johnston made the motion to accept the MDA as written with a revision to item 6 to read "Upon redevelopment of the property, the developer shall grant an easement for an additional four-foot trail right of way along Industrial Parkway to accommodate a future trail. If the City has not constructed the trail within ten years after the recording of the easement, the easement shall terminate." **Second:** Council Member Cheatwood made the second.

Discussion: Council discussed the terms of the easement with Mr. Witt and agreed upon the following amendment:

Amended Motion: The easement would continue in perpetuity and the property owner retained the ability, after ten years, to request the City either build the sidewalk or vacate the easement. Council Member Cheatwood's second stood.

Voting Yes: Council Members Ostergaard, Cheatwood, and Johnston. **Voting No:** none. Council Members Barney and Phillips were absent. The **Motion Passed 3-0.**

3. Jordanelle Ridge (Fitzgerald) Preliminary Subdivision (Aubrey Larsen , Planning Consultant) - *30 min*

Planning Consultant Aubrey Larson provided the project details and background as included in the meeting materials. She shared images of the site plan and the trail plan. Council Member Johnston was concerned with the lack of guest parking available in the plan.

Project representative Mike Bradshaw indicated there could be parking found on the unit driveways where guests would need to park or on the public streets outside the development. Mr. Bradshaw explained the intent of the development's design was to create a walkable neighborhood.

Council discussion resulted in the request for the following changes to the community development plan:

1. More guest parking in all areas - especially in the middle area in F3
2. Small playgrounds or tot-lots throughout, including F3
3. Public access to private roads on adjoining stubs
4. Affordable housing phasing as included in the original agreement
5. Crosswalks by the stormwater channels to the springs
6. 18 affordable units
7. Additional pedestrian connectivity between buildings, every four or five units, in the F3 area
8. Public access to the private road from Ciarra way

Mr. Bradshaw agreed to incorporate the requested changes into the design concept.

Motion: Council Member Johnston moved to grant preliminary approval conditionally with the items listed and the conditions and findings of the Staff Report.
Second: Council Member Ostergaard made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, and Johnston. **Voting No:** None. Council Members Barney and Phillips were absent. The **Motion Passed 3-0.**

City Manager Matt Brower stated that Staff had asked to address item five on the agenda next.

4. 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*

Agenda item four was pushed to a future meeting.

5. Permitted and Conditional Use Amendment to the BMP (Business and Medical Park) Zone (Jacob Roberts, Planner) - *30 min*

Community Development Director Tony Kohler presented the proposed updates to the Business and Manufacturing Park (BMP) Zone. He shared the list of businesses proposed to be added to the zone, including pawn shops and tattoo parlors, as attached in the meeting materials. He read the recommendations forwarded from the Planning Commission. Council discussion followed.

Motion: Council Member Johnston moved to adopt the changes to the BMP zone by Ordinance 2024-04 except for the tattoo parlors and pawn shops. **Second:** Council Member Cheatwood made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, and Johnston. **Voting No:** None. Council Members Barney and Phillips were absent. The **Motion Passed 3-0.**

Council Member Johnston asked to address agenda item seven next.

Motion: Council Member Johnston moved to extend the meeting to 10:15 p.m., or thereabouts, and that the Council discuss item seven on the agenda and communication items. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, and Johnston. **Voting No:** None. Council Members Barney and Phillips were absent. The **Motion Passed 3-0.**

6. Resolution 2024-02 Updating the Code of Conduct and Ethics (Jeremy Cook, City Attorney) - *20 min*

Agenda item six was pushed to a future meeting.

7. Resolution 2024-03 to Reaffirm Resolution 2023-07 and Recommend to County Council to Delay Decision on North Fields Open Space Conservation until Utah Department of Transportation (UDOT) Completes the Environmental Impact Study (EIS) (Scott Phillips, Council Member) - *10 min*

Council Member Johnston felt it was important to get easements in the North Fields to protect possible bypass routes for Highway 40 alternates. He felt it was not necessary to ask the County Council to defer the dedication of the conservation easement in the North Fields. He wished to preserve the agricultural zoning. He felt Council could agree they did not want commercial development along the proposed bypass route. He supported the Wasatch Open Lands Board's (WOLB's) proposal but did not want to prevent UDOT (Utah Department of Transportation) from continuing with the EIS (Environmental Impact Study) and thereby impacting the progress towards construction of the bypass. He proposed an agreement with the County, and property owner Mr. Gertsch, to allow Bypass easements in the proposed North Fields conservation easement. He was not supportive of the resolution as written and hoped the landowner and WOLB would work with UDOT.

City Engineer Russ Funk proposed allowing the County to proceed with the purchase of the land for a conservation easement and to exclude in writing the UDOT Bypass as a restricted use. Mayor Franco was unsure if the exclusion would be permitted within the Federal guidelines. Council discussion continued.

Council Member Johnston wanted to proceed with expressing support of WOLB's conservation easement purchase with the condition to allow the Bypass and support of UDOT continuing the EIS.

City Attorney Jeremy Cook explained that it could be easier to have UDOT condemn the land needed from the conservation easement for the bypass. He felt he would need to learn more information to provide an opinion. City Manager Matt Brower recommended the City meet with the County, Midway, and UDOT. He proposed adding the discussion to the County Council Meeting scheduled for March 6 following the City's CRA (Community Redevelopment Agency) discussion item on the agenda.

Motion: Council Member Johnston moved to not adopt Resolution 2024-03 that night but rather direct the City Manager to contact Craig Hancock with UDOT and tell him the City Council's concerns and desires for conservation easements but wished to support UDOT and asked Mr. Hancock to bring ideas to the City. To share what the County was planning with regard to conservation easements and return to the meeting on March 5. **Second:** Council Member Cheatwood seconded the motion. **Voting Yes:** Council Members Ostergaard, Cheatwood, and Johnston. **Voting No:** None. Council Members Phillips and Barney were absent. The **Motion Passed 3-0.**

Mayor Franco noted the Council had received a public comment via email regarding the proposed Resolution and it would be included in the meeting minutes [found at the end of the minutes].

XI. COMMUNICATION:

City Manager Matt Brower asked the City Council Members to attend the County Council Meeting scheduled for March 6, 2024, to ask the County to join the City in an Interlocal Agreement for the CRA (Community Reinvestment Agency). It was decided that Council Member Johnston would be the presenter.

Mayor Franco reminded Council to register for the upcoming Utah League of Cities and Towns Conference.

XII. ADJOURNMENT:

Motion: Council Member Ostergaard made the motion to adjourn. **Second:** Council Member Cheatwood made the second. The meeting adjourned at 10:39 p.m.

Trina Cooke, City Recorder