HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
May 21, 2024

APPROVED Minutes

5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

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

Mayor Heidi Franco called the meeting to order at 5:00 p.m. and indicated that the Council would move the Closed Executive Session from the end of the agenda to the beginning of the meeting and called for a motion to enter Closed Session [minutes for Closed Session found under agenda item X.] Mayor Franco called the public Work Meeting to order at 5:13 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 Planning Manager Jamie Baron City Engineer Russ Funk City Attorney Jeremy Cook Planning Department Administrator Meshelle Kijanen Chief of Police Parker Sever IT Director Anthon Beales Public Works Blake Walton

Staff Participating Remotely: City Engineer Russ Funk, Human Resources Manager Cherie Ashe, Public Works Foreman Chris Pederson, Planning Consultant Denna Woodbury, Engineering Tech Desiree Muheim, Public Works Director Matthew Kennard, and Finance Director Sara Nagel.

Also Present: Sam Burbidge, Tanner Riedel, Nelson Gardner, Ryan Walton, Gary Walton, Tori Broughton, Lane Lythgoe, Vaughn Hokanson, Rick Magnus, Roger Goff, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed in online) Andrew Dudik, B, DW, Grace Doerfler KPCW, Heber Lefgren, Josh (LDG), and S.

1. Rezone of property located at 167 West Center from Residential to C-3 Commercial (Jamie Baron, Planning Manager, Denna Woodbury, Planning Consultant) - *15 min*

Planning Consultant Denna Woodbury explained the applicant's request to change the zone from Residential Commercial (RC) to Central Commercial (C-3) for the property located at 167 West Center Street. The applicant hoped to construct a mixed-use building to include retail-commercial, offices, and residential space. A public hearing had been held during a previous Planning Commission Meeting where there had been concern expressed by neighbors regarding building height and use if rezoned. Staff recommended conditional approval of the request as it aligned with the Envision Central Heber plan. Staff felt the approval should be dependent upon the negotiation of a development agreement including a three-story building height limit. Council Member Phillips felt an MDA (master development agreement) might be more appropriate for the project rather than a zone change.

Tanner Riedel, representing the property owners, stated the property owners were not interested in building townhomes at the location as they did not feel it would be financially feasible but had agreed to the three-story height limit. Council discussion regarding the request, missing middle housing, and residential feedback proceeded. Consensus of Council majority was for the applicant to return with a project plan before a decision Council was made.

Mr. Riedel explained the owner was unlikely to spend the money for architects to create a design plan without the assurance of approval by Council. Discussion continued.

2. Center Creek Commercial Zone Change (Jamie Baron, Planning Manager) - *30 min*

This agenda item was postponed to an undetermined date in the future.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Franco called the meeting to order at 6:10 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 (Sid Ostergaard, Council Member)

Council Member Sid Ostergaard shared a story of coaching volleyball to show the importance of listening. He wanted to remind the Council to listen to the community they served.

IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed.

V. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Blake Walton - Mayor's Award for New City Water Feature Assignment

Mayor Franco presented Blake Walton with the Mayor's Award for his work as project manager of the newly installed water feature outside City Hall. She read the nomination submitted by Jamie Baron as included in the Staff Report.

VI. CONSENT AGENDA:

Motion: Council Member Phillips moved to accept the Consent Agenda.
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.**

1. May 7, 2024, City Council Meeting Minutes (Trina Cooke, City Recorder)

2. July 4, 2024 Red White and Blue Festival Sponsorship (Matt Brower, City Manager)

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

No one from the public came forward to comment.

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

1. Agreement for Wastewater Delivery and Dissolution of the Giles Special Services District (Jeremy Cook, City Attorney) - *20 min*

City Attorney Jeremy Cook explained the agreement would replace the existing special service district held by Ernie Giles. It was for three existing sewer connections with an option for the addition of two more. Council proposed a $5,000.00 dedication to the North Fields preservation fund per connection as was previously required in a similar agreement with Dickman Legacy Ranch. Council proposed language be added in the agreement to include approval by the engineering department for the connections.

Motion: Council Member Phillips motioned to approve the request and add language in the agreement that approval of the City was needed for where to connect and how many connections there would be; to add a $5,000.00 charge for each additional connection to be dedicated to the North Village Preservation fund; and to keep the rate charged by the City at 1.5 times the City rate for residents. **Second:** Council Member Cheatwood made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

2. Ordinance 2024-11 Amending On-Street Parking Regulations (Jeremy Cook, City Attorney) - *30 min*

Mr. Cook explained the proposed ordinance was intended to clean up the existing code at the request of the code enforcement officer. He reviewed the proposed changes as included in the attached Staff Report and Ordinance.

Motion: Council Member Phillips moved to approve the changes to the parking code with the adjustment to the language to allow recreational vehicles to be parked on the street for 36 hours in a seven-day period.

Discussion: Council Member Cheatwood wanted to know the reason to not allow boats or trailers within five-feet of a sidewalk. It was for safety purposes and sight-line.

Amended Motion: Council Member Phillips amended his motion to include that boats and recreational vehicles could not be within five-feet of the sidewalk. **Second:** Council Member Cheatwood made the second.

Discussion: Mayor Franco asked for the code sections to be changed. The 36-hour time limit was in section 10.16.070 item one and five-foot from sidewalk in the same section item four. Mayor Franco proposed adding an item nine in the same section to include no parking of any vehicle on the sidewalk.

Amended Motion: Council Member Phillips moved to approve changes to the parking code with Ordinance 2024-11, changing the boat and recreational vehicle parking time frame in 10.16.070-A.1. to 36 hours in a seven-day period; to add lefter F. to section 10.16.030 stating no vehicles parked on or impeding sidewalk; and remove section four from 10.16.070-A. **Second:** Council Member Cheatwood's second stood.

Vote: Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

3. Smiths Marketplace requests development agreement for proposed signs located at 744 North Highway 40 (Tony Kohler, Community Development Director) - *30 min*

Community Development Director Tony Kohler explained the request from Smith's Marketplace for permission to install multi-tenant signs that were larger than permitted in the current code. The Planning Commission had held a Public Hearing and forwarded a positive recommendation to Council. Staff also recommended approval. Mr. Kohler shared images for the proposed signs. Rick Magnus, consultant for Kroger, described their intent to comply with the dark-sky restrictions in Heber City. The store was planned to open on schedule.

Mayor Franco opened the discussion for public comment. No one from the public came forward to comment.

Council Member Johnston did not feel the sign needed to be 20-feet tall. He questioned who the tenants were that would use the multi-tenant signs and whether Smith's owned the pad where the sign would be located. Discussion continued.

City Attorney Jeremy Cook recommended Council table the item to return on a future agenda and he would re-evaluate the language in the Development Agreement to indicate the there would be only one monument sign for all the businesses in the development. Consensus of Council majority was to have the applicant return with a smaller sign design with a 15-16 maximum height, a landscape design for the surrounding area, and language in the development agreement that there would be only one sign for the development.

4. Animal Control Memorandum of Understanding (MOU) Contract Discussion and Council Direction. (Parker Sever, Chief of Police)

Chief of Police Parker Sever presented the proposed Interlocal Memorandum of Understanding (MOU) for Animal Control as included in the meeting materials. The previous MOU had been adopted in 1999 and needed to be updated. Assistant Wasatch County Manager Heber Lefgren noted the purpose of the discussion was to establish the framework of the contract. The budget discussion could be held at a later date. Council discussion continued regarding animal control services provided and how to appropriately charge all the entities within the County for said services.

Mr. Brower explained that all the policy decisions for the Animal Control Department were currently made by the Animal Control Board but the City retained the liability. He asked if the Council wished to have policy decisions made by the City and for the board be an advisory board to the Council. Mayor Franco explained that the MOU draft would be amended as directed by Council to address the concerns discussed and would then return to Council for further review. The City would proceed with the budget process. Chief Sever noted the growth of the community and recommended review of the MOU every two years.

IX. COMMUNICATION:

City Manager Matt Brower spoke with a UDOT (Utah Department of Transportation) representative and clarified that the City and County Council fully supported UDOT proceeding with steps to build the bypass. Mayor Franco stated the Wasatch Open Lands Board had passed a resolution to work with UDOT for the bypass while still seeking additional conservation in the North Fields.

Mr. Brower provided an update for the CRA (Community Reinvestment Agency). He had Ryan Bunnell working on community outreach to help residents better understand the CRA. The County and School Board had indicated their desire to wait until after the election make a decision regarding the CRA. Mr. Brower felt the School Board and County may be concerned about the CRA being viewed as an additional tax on the residents. Council Member Cheatwood felt the City should move forward immediately with the community outreach. Council Member Johnston explained the CRA money only came from new development in the designated CRA area. There was no new tax being imposed on existing residents. Discussion continued regarding how to further encourage the County and School Board to approve the City's CRA.

Mr. Brower shared that he and Mr. Kohler had met with the brokers for the Christensen property which consisted of approximately 4,500 acres and was located east of Red Ledges. The brokers were offering to take Council on a tour of the land on June 21 and discuss development. The City's Annexation Policy Plan would need to be amended to encompass the area if Council were to consider annexing.

Heber City's Public Works Department had won two of the three events at the Backhoe Rodeo earlier that day.

The season's first Market on Main would be Thursday, June 6, 2024 from 4:00 p.m. to 9:00 p.m.

The Tabernacle rededication and Water Feature Ribbon-Cutting was scheduled for Saturday, June 8, 2024, at 1:00 p.m. The annual downtown flower planting would be from 9:00 a.m. to 12:00 noon the same day.

The Red, White, and Blue Festival was scheduled for July 4, 2024. Heber City was sponsoring the free lunch at the Main Street Park and Mr. Brower invited the Council to join him to help serve the lunch.

Council Member Barney had provided Assistant City Manager Mark Smedley with the number of Centarians. She shared concerns from residents regarding the installation of pressurized irrigation and what it would cost residents to install. She hoped the City would take measures to better inform the residents of their options.

X. CLOSED EXECUTIVE SESSION

Motion: Council Member Phillips moved to enter a Closed Executive Session for the purpose of discussing pending or imminent litigation. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Phillips, Ostergaard, and Johnston. **Voting No:** None. Council Members Barney and Cheatwood were not in the room. The **Motion Passed 3-0** and the meeting entered Closed Session at 5:00 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 Attorney Jeremy Cook

1. Personnel ()

Motion: Council Member Phillips moved to adjourn the Closed Session. **Second:** Council Member Ostergaard made the second. The Closed Executive Session was adjourned at 5:10 p.m.

XI. ADJOURNMENT:

Motion: Council Member Phillips moved to adjourn. **Second:** Council Member Cheatwood made the second. The meeting adjourned at 10:05 p.m.

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Trina Cooke, City Recorder