

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
June 4, 2024**

APPROVED Minutes

6:00 p.m. Regular Meeting

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

1. Call to Order

Mayor Franco called the meeting to order at 6:00 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 Scott Phillips

City Council Absent: Commissioner Sid Ostergaard

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 Recorder Trina Cooke
Public Works Director Matthew Kennard
Finance Manager Sara Nagel

Staff Participating Remotely: City Attorney Jeremy Cook, Public Works Director Matthew Kennard, Engineer Kyle Turnbow, Finance Manager Sara Nagel, Engineer Ross Hanson, and Community Development Director Tony Kohler.

Also Present: Rick Magness (AWA Engineering), Roger Gough (Smith's), Mike Thompson, Nathan Richards, Grace Doerfler - KPCW, Tori Broughton, the Public Works team: Justin Motley, Zach Maxwell, Blake Walton, Matt Zeltinger, Thomas Coleman, Kayden Davis, Kayden Giles, Tess Ford, Cristian Payan, Rylan Keel, Ryan Walton, Chris Pederson, Riley Fairbourn, Kayden Giles, Candace Bufton, and Missy Luke, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed in online) Kevin Jardine, B, Denna Computer, DW, Grace KPCW, Kelli, and S.

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

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

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

Council Member Johnston recognized the current week was the City's observation of Unity Week and listed planned events. He shared the following quote by Ryunosuke Satoro: "Individually, we are one drop. Together we are an ocean." He felt it was important to remember we were better together. He shared that as a City that continued to grow, the community would be stronger if it recognized and supported its diversities rather than splitting apart into select groups. He shared two more quotes: Mahatma Gandhi said "Our ability to reach unity in diversity will be the beauty and the test of our civilization." Elder Neil L. Anderson said "As men and women, as sisters and brothers, as sons and daughters of God, we move forward together."

II. CONFLICT OF INTEREST DISCLOSURE:

Council Member Johnston recused himself from agenda item five. He explained that he had been working with the petitioner for the Bush annexation, therefore would not participate in the Council's discussion or any decision made.

III. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Mayor's Award - Public Works Water Main Break and Repair

Mayor Franco shared the hard work of the Public Works team that had worked tirelessly to repair an incredibly significant water main break recently. She thanked them for their hard work, commitment, and dedication to the City. She identified each of them and asked for a round of applause.

2. Mayor's Award - Backhoe Rodeo Winner

Mayor Franco described the Backhoe Rodeo event held during the recent Public Works Week. She described the skills displayed by Chris Pederson, who had taken first place. Zachary Maxwell and Brandon Healy had also placed in events. Public Works Director Matthew Kennard described the exceptional work the team had done to repair the water line break. He listed the other entities that had participated in the Backhoe Rodeo and expressed his appreciation for everyone who had participated in and supported the event.

IV. CONSENT AGENDA:

Motion: Council Member Phillips made the motion to accept the Consent Agenda.

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

1. Approval of May 21, 2024, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. URS reaffirmation for 2024 Tier II Public Safety contributions already paid by Heber City (Cherie Ashe, Human Resources Director)

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

Council Member Barney shared a concern from a concerned citizen regarding blocked sight-lines. There were large tractor trailers blocking line of sight and the concerned citizen had witnessed multiple near accidents. Council Member Barney said she would speak with the Chief of Police off-line and asked to have code enforcement to address the situation.

VI. GENERAL BUSINESS ITEMS:

1. Wasatch County Wildfire Outlook (Troy Morgan, Wasatch County Fire Warden) - *15 min*

Troy Morgan, Wasatch County Fire Warden, shared the wildfire outlook for the coming season. He did not foresee the need to impose a fireworks ban for the coming holidays. The attached meeting materials showed the County was no longer in a draught. He thanked Public Works as well.

2. Yoppify - New Project & Utility Notification System (Russ Funk, City Engineer) - *20 min*

City Engineer Russ Funk recalled one of the Council Priorities established by Council was to have better communication with the residents that would be affected by ongoing construction projects. Mr. Funk described recent legislation that required the City to have usage meters installed for pressurized irrigation. The City had been awarded five million dollars to be applied toward the meter installation project. The City was also required to show residents how much water they used. Yoppify was a software that provided the City with the ability to text, email, and notify residents of ongoing projects that would affect them, as well as inform residents of their water usage. The system could also be used for water shut-off notices. Mr. Funk shared an overview of the program as found on the City's website.

3. Fraud Risk Assessment (Sara Nagel, Finance Manager)

Finance Director Sara Nagel described the requirement by the State Auditor's Office for the City to provide the Auditor's Office with an annual Fraud Risk Assessment. She reported that Heber City scored quite high on the report. It would be impossible for the City to report a zero risk. She expressed appreciation for the work of the Audit Committee.

4. Updated FY2025 Tentative Budget (Sara Nagel, Finance Manager) - 10 min

Ms. Nagel reviewed the updates to the tentative budget. The budget would not be formally adopted until the City completed the Truth in Taxation process in August. Mayor Franco expressed concern with the stormwater fund reflecting a deficit. Ms. Nagel explained the fund would balance. The Mayor asked what funds were being referenced in the "contributions from other funds" column in the Airport Capital Fund. Ms. Nagel explained the funds referenced were other Airport funds. Discussion continued regarding the Airport budget.

Ms. Nagel recognized the group effort from every department and department head to compile the proposed budget. Mayor Franco noted the truth in taxation Public Hearing scheduled for August 20, 2024.

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

1. Public Hearing on Unbilled Services for Culinary Water, Sewer Water, Stormwater and Pressurized Irrigation Funds (Sara Nagel, Finance Manager) -

Finance Director Sara Nagel described the code requirement to disclose the amount of unfilled utility services the City provided for itself. Mayor Franco opened the public hearing at 7:03 p.m. No one from the public came forward to comment. The hearing was closed at 7:04 p.m.

Motion: Council Member Phillips moved for the City to continue the practice of providing unbilled utility services to itself. **Second:** Council Member Cheatwood made the second. **Voting Yes:** Council Members Phillips, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Ostergaard was absent. The **Motion Passed 4-0.**

2. Public Hearing on FY2025 Tentative Budget (Sara Nagel, Finance Manager) -

Finance Director Sara Nagel explained that she did not believe the Public Hearing for the tentative budget was required but the City had opted to hold the hearing for the sake of transparency. Due to the Truth in Taxation process the City was currently going through for the purpose of raising property tax, the Council would not need to vote to approve the item. City Manager Matt Brower noted the utility rate increase would be effective August 1, 2024. Ms. Nagel provided an overview of the budgeted revenues and expenditures.

Mayor Franco opened the Public Hearing at 7:09 p.m. With no one from the public coming forward to comment, the hearing was closed at 7:10 p.m.

3. Public Hearing UCA 10-3-818 Salaries in Municipalities Ordinance 2024-12
(Cherie Ashe, Human Resources Director) -

Human Resource Manager Cherie Ashe presented the new Legislative requirement enacted by Senate Bill 91. The bill required local governments to hold a public hearing for the purpose of declaring compensation increases for executive staff members.

Mayor Franco opened the Public Hearing at 7:15 p.m. No one from the public came forward to comment. The hearing was closed at 7:16 p.m.

Council Member Johnston felt the vehicle allowance should be increased. City Attorney Jeremy Cook noted that the City Manager contract would need to be amended to reflect any increased vehicle allowance. City Engineer Russ Funk shared concerns that the vehicle allowance was not enough to cover the cost of fuel and maintenance for personal vehicles. Council Member Phillips proposed the City provide vehicles for the employees in place of the allowance. Council Member Johnston asked Staff to return with recommendations and comparisons from other entities in order to update the vehicle allowance or consider purchasing additional City vehicles. Council discussion continued.

Motion: Council Member Phillips moved to accept Ordinance 2024-12 as presented. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Phillips, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Ostergaard was absent. The **Motion Passed 4-0.**

4. Update to US-40 North Access Agreement with UDOT & Wasatch County
(Russ Funk, City Engineer) - 15 min

City Engineer Russ Funk stated the purpose of the agenda item was to amend the existing Cooperative Access Agreement for Us Highway 40 North between UDOT (Utah Department of Transportation), Wasatch County, and Heber City. He provided background for the agreement and stated this would be the fourth amendment. The amendment had already been approved by UDOT and the County. He shared a drawing of the proposed access agreement as included in the attached Staff Report and meeting materials. Council Member Johnston asked Staff to address the access of the road for future residents. Discussion followed.

Motion: Council Member Phillips made the motion to accept the item as presented. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Phillips, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Ostergaard was absent. The **Motion Passed 4-0.**

5. Bush Annexation Petition (Denna Woodbury, Planning Consultant) - 15 min

Planning Consultant Denna Woodbury explained that if the Council chose to accept the annexation petition it would only begin the process of negotiation. Acceptance of the petition did not approve the annexation. Staff recommended acceptance of the Bush annexation for further evaluation.

Mayor Franco read a public comment aloud that had been received by email as attached to the end of the meeting minutes.

Motion: Council Member Phillips moved to accept the petition for annexation.

Second: Council Member Cheatwood made the second. **Voting Yes:** Council Members Phillips and Cheatwood. **Voting No:** Council Member Barney. Council Member Johnston was recused from the vote. Council Member Ostergaard was absent. **The Motion Failed 2-1.**

State Code 10-2-405 was read aloud to clarify how to proceed:

10-2-405 Acceptance or denial of an annexation petition -- Petition certification process -Modified petition.

(1) (a) (i) A municipal legislative body may:

(A) subject to Subsection

(1)(a)(ii), deny a petition filed under Section 10-2-403; or (B) accept the petition for further consideration under this part. (ii) A petition shall be considered to have been accepted for further consideration under this part if a municipal legislative body fails to act to deny or accept the petition under Subsection (1)(a)(i):

It was determined that unless Council voted to deny the petition, the annexation process would proceed.

Council Member Barney clarified she would not vote for any additional density in the proposed area.

6. Smith's Marketplace requests development agreement for proposed signs located at 744 North Highway 40 (Tony Kohler, Community Development Director) - 30 min

City Attorney Jeremy Cook reviewed the amended sign agreement between the City and Smith's Marketplace. Council had requested the applicant return with a rendering for a smaller 15-foot sign. The applicant, Rick Magness with AWA Engineering and Roger Gough representing Smith's, felt the City should permit them to install the 20-foot sign as their plans had been in place before the City changed their sign ordinance restricting sign size. Discussion followed regarding the City's sign ordinance and the size of sign the applicant wanted.

Motion: Council Member Johnston moved to accept the proposed agreement for the sign, contingent on the sign not exceeding the 15-foot height limit, and allowing for the fuel sign. **Second:** Council Member Barney made the second. **Voting Yes:** Council Members Phillips, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Ostergaard was absent. The **Motion Passed 4-0.**

7. Agreement for Jardine-Lythgoe to serve as General Contractor for Cemetery Admin Building Construction (Mark Rounds, Parks and Cemetery Director, Matt Brower, City Manager) - 30 min

Additional funding was needed to proceed with the construction of a new Cemetery Administration Building, the courtyard, and columbariums. City Manager Matt Brower reviewed the proposed agreement with Jardine-Lythgoe for the construction of the project as included in the meeting materials. The City would need an inter-fund loan to cover the funding. The loan would be paid back by the revenue received from cemetery sales. An ordinance would be presented for Council approval of an inter-fund loan at the next Council Meeting. Discussion followed for clarification of the project and funding details.

Motion: Council Member Phillips moved to approve the agreement as proposed. **Second:** Council Member Cheatwood made the second.

Discussion: Council Member Cheatwood noted the contract content referred to Jardine-Lythgoe but the execution signature page only signature line for Jardine Malaska. Mr. Brower explained Kevin Jardine was the contractor but would work with Scott Lythgoe as a joint venture for the project but the contract was with the contractor Jardine Malaska. Finance Manager Sara Nagel clarified the City was required by State Code to reimburse the inter-fund loan within 10 years. Parks and Cemetery Director Mark Rounds clarified the estimated revenue was based solely upon residential sales. Non-residential rates were much higher. Mr. Brower added that the sales of one side of the niches would almost cover the cost to repay the inter-fund loan.

Vote: Voting Yes: Council Members Phillips, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Ostergaard was absent. The **Motion Passed 4-0.**

VIII. COMMUNICATION:

Mr. Brower shared the following communication items:

- the first week of June was Unity Week
- Heber Market on Main would be held every Thursday beginning June 6, and run for 12 weeks
- Saturday, June 8 would be the annual Main Street flower planting from 9:00 a.m. to 12 noon
- the rededication of the tabernacle building and the ribbon-cutting for the new water feature would be at 1:00 p.m. on June 8

- the City staff safety carnival would be held on June 6 from 11:00 a.m. to 1:00 p.m. Mr. Brower asked for Council help cooking and serving
- help was needed to serve lunch at the Red, White, and Blue Festival as well on July 4, 2024

City Engineer Russ Funk shared the need to renegotiate the contract for the completion of phase 1 of the downtown sewer and water line replacements project. Staff would direct the contractor to proceed with phase five in order to continue to move the project toward completion.

Council Member Barney had received a comment concerning the Mill Road roundabout closure at the same time as 500 East would be closed. She suggested posting police officers to mitigate frustrated drivers.

IX. ADJOURNMENT:

Motion: Council Member Phillips moved to adjourn. **Second:** Council Member Barney made the second. The meeting adjourned at 9.02 p.m.



Trina Cooke, City Recorder

PUBLIC COMMENTS:

From: Mike Dixon [received by email]

Sent: Monday, June 3, 2024 4:06 PM

To: CC Public Comments ; Trina Cooke

Subject: (EXTERNAL) Bush annexation petition

Good evening City Counsel Members, my name is Michael Dixon I live next to the property Mr. Bush is petitioning to be annexed into the City. My address is 3480 N. Hwy. 40. Wasatch County has a zoning violation case against him for illegal buildings and construction debris. He was originally scheduled to appear before the judge in October of 2023, but he has hired a lawyer so it keeps getting delayed. He's scheduled to appear now in July. I've been trying to get this resolved for many years! I thought I should bring this to your attention before you consider his petition to be annexed into the city. Mr Bush is a licensed contractor and knows the rules that he hasn't followed. Thank you for your time.