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

APPROVED Minutes

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

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

Mayor Heidi Franco called the meeting to order at 4:04 and welcomed everyone present.

City Council Present:	Mayor Heidi Franco Council Member Yvonne Barney Council Member Mike Johnston Council Member Sid Ostergaard
City Council Absent:	Council Member Scott Phillips Council Member Aaron Cheatwood
Staff Present:	City Manager Matt Brower Community Development Director Tony Kohler Planning Manager Jamie Baron Finance Director Sara Nagel Human Resources Manager Cherie Ashe Parks and Cemetery Director Mark Rounds City Attorney Jeremy Cook City Recorder Trina Cooke

Staff Participating Remotely: IT Director Anthon Beales, Human Resources Manager Cherie Ashe, Engineering Administrative Assistant Desiree Muheim, Assistant City Manager Mark Smedley, Public Works Director Matthew Kennard, Deputy City Recorder Robin Raines-Bond, Engineer Ross Hansen, and Finance Director Sara Nagel.

Also Present: Loren and Phyllis Jensen, Michael Moulton, Neil Goldman, Katie Wilkins, Jill Snyder, Jonelle Fitzgerald, Marian Crosby, Tori Broughton, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed in online) Craig Hancock, Baum, BM, Chelsea Wall, Grace Doerfler, Kelli, Matt W, S, Mesia Swan, and TMT.

1. Review of Heber City's Dark Sky Ordinance (Tony Kohler, Community Development Director) - *20 min*

Community Development Director Tony Kohler shared a presentation regarding the City's current dark sky policy as included in the meeting materials. He described the City's efforts to bring all the City's street and building lights into compliance with the City's Dark Sky Policy and the ongoing awareness campaign asking residents to do the same. Council further discussed whether or not restrictions should be established for year-round decorative house lighting on the eaves of homes throughout the community that was gaining in popularity; restricting the time that exterior lights are allowed to be on at night; enforcement; and establishing a color temperature range.

2. Review Impact of City Policy upon the establishment of Day Care Facilities (Tony Kohler, Community Development Director) - *20 min*

Community Development Director Tony Kohler shared comparisons of the City versus State Code requirements for day-care and pre-school facilities as outlined in the attached meeting materials. He provided recommendations to update the City's existing Code as found in Chapter 18.86 in order to better align with State Code, with the inclusion of additional requirements to meet the City's expectations.

3. Potential Donation of Historic Cabins (Jacob Roberts, Planner) - *20 min*

City Planner Jacob Roberts explained that Mr. and Mrs. Jensen wished to donate several local historical cabins to the City. The subject was before Council to gauge the City's interest in obtaining the cabins. The City could seek grants to move and care for the cabins. Council discussion followed regarding the feasibility to move and maintain the cabins.

Historic Preservation Commission Chair Michael Moulton asked if the Home Depot was going to purchase the Jensen property. He felt that if a large corporation was going to purchase the land, the company could be asked to pay for the relocation of the cabins. He stated that he and the State's Public Archaeologist felt strongly that at least two of the cabins were from the original Fort Heber. The Utah Public Archaeologist felt it would be difficult to track the exact histories of the cabins as they had been moved multiple times. Mr. Moulton proposed relocating the structures to the old railroad depot land. Council Member Johnston felt that without a history connected to the buildings, the buildings were just old. He was leery to spend possibly hundreds of thousands of taxpayer dollars to relocate the buildings and then task the City with maintaining and preserving them. Council direction to Staff was to research both the history of the cabins and possible grant options.

4. Amendment to Heber City Annexation Policy Plan (Tony Kohler, Community Development Director) - *50 min*

Community Development Director Tony Kohler shared the necessary process to amend the City's Annexation Policy Plan. He provided the recommended boundary amendment to include the proposed Wellburg and Baum Annexations and stated the SITLA (School and Institutional Trust Lands Administration) and Christenson lands had been intentionally omitted for the time being. He shared information and a boundary outline image for Midway's proposed boundary expansion to envelope much of the North Fields. City Attorney Jeremy Cook felt that if Heber City wished to include the North Fields in its Annexation Policy Plan, the boundary could overlap Midway's proposed boundary plan. Council Member Johnston did not feel the North Fields needed to be included in Heber City's Annexation Policy Plan. Mayor Franco wished to see a conservation fee ordinance in place for the purpose of land purchase, and preservation of, the North Fields. Consensus of Council Majority was for staff to proceed with the process to amend the Annexation Policy Plan.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Heidi Franco called the meeting to order at 6:09 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 (Heidi Franco, Mayor)

Mayor Franco shared a prayer.

IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed.

V. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Mayors Award Presented to Mark Rounds

Human Resources Manager Cherie Ashe read her letter of recommendation to nominate Parks and Cemetery Director Mark Rounds for the Mayor's Award as attached in the meeting materials. Mayor Franco shared her observation of the many improvements achieved during Mr. Rounds tenure with the City and presented him with the award.

VI. CONSENT AGENDA:

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

1. Approval of June 18, 2024, City Council Meeting Minutes and July 2, 2024, Special City Council Meeting Minutes (Trina Cooke, City Recorder)

2. Ordinance 2024-14 Update to City Sign Code Section 18.104.050 (Jacob Roberts, Planner)

3. Ordinance 2024-15 Vacating Fitzgerald Small Subdivision (Tony Kohler, Community Development Director)

4. Amended Civil Legal Services Agreement (Jeremy Cook, City Attorney)

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

No one from the public came forward to comment.

VIII. GENERAL BUSINESS ITEMS:

1. Wasatch County Health Department Annual Report (Jonelle Fitzgerald) - *10 min*

Wasatch County Health Officer Jonelle Fitzgerald provided a handout and presented the 2023 Annual Report as included in the meeting materials. The Health Department continued to work on updating its website. She reviewed the many services offered by the Health Department and noted the operating budget and finance charts found in the handout.

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

Planning Manager Jamie Baron provided the monthly development report as included in the meeting materials.

3. Discuss North Village Harvest Village (Crossings/Resort Annexation) (Jeremy Cook, City Attorney) - *30 min*

City Attorney Jeremy Cook was seeking further direction from Council regarding the proposed Harvest Village Annexation, preservation of the potential bypass alignment, and how to proceed with a development agreement.

Niel Goldman, Developer representing the Harvest Village Annexation application, shared that the group had followed through on the Council's request to meet with UDOT (Utah Department of Transportation) and provided details of what had been learned in the meeting. They were willing to work with UDOT for the bypass alignment but hoped the Council would agree to a sunset date for the bypass installation in order to lessen the impediment on development. The group was seeking further discussion with Council regarding a proposed agreement. They hoped to return to the next Council Meeting for a Council Vote.

UDOT representative Craig Hancock explained UDOT's process that needed to be followed for the potential Bypass route and the current status of the EIS (Environmental Impact Study). He described the eminent domain land purchase process. Council discussion followed regarding land purchase by UDOT for the bypass road; the timeline for completion of the EIS; bypass route options; and the City getting a larger seat at the discussion and decision-making table to move forward collaboratively.

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

1. Letter of Support for UDOT's (Utah Department of Transportation) Environmental Impact Study (EIS)Process encompassing Heber Valley Corridor and Related Priority Outcomes (Scott Phillips, Council Member, Yvonne Barney, Council Member)

Council Member Barney explained the attached Interlocal letter was intended to be a unified expression of support for UDOT's EIS process from local Wasatch County entities in the Heber Valley regarding the bypass construction. She read the letter aloud, recalled discussion from the recent Interlocal Meeting, and added that Midway might bring forth minor language changes. Council Member Johnston expressed appreciation for Council Members Barney and Phillips for their work to gather the support of the included entities for the Interlocal letter of unified support.

Motion: Council Member Johnston made a motion to support the letter as written, sign the letter, and continue to support Council Members Barney and Phillips in any final discussion with Midway, Wasatch County, the Wasatch County School District, and Charleston. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Ostergaard, Barney, and Johnston. **Voting No:** None. Council Members Cheatwood and Phillips were absent. The **Motion Passed 3-0.**

2. Community Reinvestment Agency Interlocal Agreement (Matt Brower, City Manager)

City Manager Matt Brower listed concerns addressed that had been brought forward by the School Board about the CRA (Community Reinvestment Agency) for downtown revitalization. He outlined the path forward and recommended returning to the School Board in September for further discussion, then again in November for a vote to approve.

The School Board had expressed concern that the tax-payers would see the CRA as another burden and Council felt it was important to educate the community that the CRA was a reallocation of taxes rather than an additional tax. Mayor Franco felt it would be helpful to invite the community to listen to Roger Brooks the next time he was in town to present the downtown revitalization plan. Council discussion continued regarding steps to move forward and expressed support of Mr. Brower's plan.

X. COMMUNICATION:

City Manager Matt Brower shared that many people in attendance at the Red, White, and Blue festival were visiting from out of town. Council Member Johnston said the Rotary Club had served over 500 attendees at the pancake breakfast and the City had served 700-800 people lunch. Heber Market on Main was having a very successful season and the addition of the bike check was a hit. The City had a dark-sky booth at the market providing information and free dark-sky compliant light bulbs.

Mayor Franco shared the Smith's grand opening event would be held the coming Friday and there would be a ribbon-cutting on Saturday morning.

Council Member Barney shared a public comment regarding concern about a fire at the airport. Mr. Brower shared that the fire had burned approximately one acre and noted the measures the airport was taking to implement best practices going forward.

Mayor Franco asked staff to reach out to the developers regarding the required weed abatement on their land. Mr. Brower responded that the City was in contact with the developers and all were actively working on getting the weeds under control. The City was also working on weed abatement on City property.

Mayor Franco asked if the County Fair Days would have their fireworks show. Mr. Brower was uncertain but had forwarded the updated fire-work restriction map from the Fire Marshal.

Council Member Johnston asked if the City had first-right-of-refusal agreements with the County or Heber Light and Power for the purchase of their old admin buildings and land. Mr. Brower explained the City had been working on it. He expected the process to speed up once the two entities were closer to moving into their new buildings.

XI. CLOSED MEETING:

Motion: Council Member Ostergaard made the motion to enter Closed Meeting for the purpose of discussing the possible purchase or exchange of real property.
Second: Council Member Barney made the second. **Voting Yes:** Council Members Ostergaard, Barney, and Johnston. **Voting No:** None. Council Members Cheatwood and Phillips were absent. The **Motion Passed 3-0** and the Heber City Council entered a Closed Meeting at 8:43 p.m.

City Council Present:	Mayor Heidi Franco Council Member Yvonne Barney Council Member Mike Johnston Council Member Sid Ostergaard
City Council Absent:	Council Member Scott Phillips Council Member Aaron Cheatwood
Staff Present:	City Manager Matt Brower Community Development Director Tony Kohler City Attorney Jeremy Cook City Recorder Trina Cooke

XII. ADJOURNMENT:

Motion: Council Member Barney made the motion to exit the Closed Meeting and adjourn. **Second:** Council Member Barney made the second. The meeting adjourned at 9:17 p.m.

HEBER CITY CORPORATE Seal WASATCH COUNTY, UTAH

Trina W Cooke

Trina Cooke, City Recorder