HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
September 3, 2024

APPROVED Minutes

3:45 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. WORK MEETING - 3:45 P.M.

Mayor Heidi Franco called the meeting to order at 3:54 p.m. and welcomed everyone present.

City Council Present:
Mayor Heidi Franco
Council Member Yvonne Barney - online 4:09 p.m.; in person 4:35 p.m.
Council Member Aaron Cheatwood
Council Member Mike Johnston
Council Member Sid Ostergaard
Council Member Scott Phillips

Staff Present:
City Manager Matt Brower
Community Development Director Tony Kohler
Planning Manager Jamie Baron
City Engineer Russ Funk
City Attorney Jeremy Cook
City Recorder Trina Cooke
Deputy City Recorder Robin Bond
IT Specialist Anthon Beales
Chief of Police Parker Sever

Staff Participating Remotely: Assistant City Manager J. Mark Smedley, Human Resources Manager Cherie Ashe, Public Works Director Matthew Kennard, City Engineer Russ Funk, IT Specialist Anthon Beales, Finance Manager Sara Nagel, Planning Manager Jamie Baron, City Treasurer Mindy Kohler, Deputy City Recorder Robin Bond, Engineer Ross Hansen, Engineer Kyle Turnbow, and Accounting Technician Wendy Anderson.

Also Present: Mark Wilson, Marcus Keller, Cindy Delano, Lane Lythgoe, Mark Nelson, Tori Broughton, Scot Lythgoe, Wayne Bond, Alex Norr, Justin Keyes, Neil Goldberg, Andrew Dorobek, Rich Wolper, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed-in online) Richard Breitenbeker, B, Bingo, Grace Doerfler KPCW, Jami Hewlett, Marian Crosby, RSkousen, S, Shorty5, and Trever Kreutzer - Crews & Associates.

1. Heber City Wellbeing Survey Results Presented by Dr. Courtney Flint, USU (Heidi Franco, Mayor) - *45 min*

Dr. Courtney Flint presented the findings in the Wellbeing Study for Heber City. The study had been conducted at no cost to Heber City through social media, the City website, and email. She reviewed the demographics of the survey respondents as well as the underrepresented groups who were less likely to respond to surveys. The results of the survey are included in the meeting materials and the meeting recording. Council provided feedback, asked questions, and further discussed the survey results.

2. Crossings-Resort Annexation (Tony Kohler, Community Development Director) - *60 min*

Community Development Director Tony Kohler provided an overview of the proposed Crossings Resort Annexation. City Attorney Jeremy Cook reviewed concerns with the potential bypass route through the proposed annexation land. He read the City's proposed language for the development agreement. Development representative Neil Goldman shared details of a conversation with UDOT (Utah Department of Transportation). The developers hoped to not be held up for an indefinite amount of time because of the intended bypass. Mr. Goldman felt the language proposed by the City was not a fair option for the developer. Mr. Cook noted it would be unlikely that UDOT would impose eminent domain on newly built townhomes for a bypass if the City were to allow development before the bypass route was finalized. City Engineer Russ Funk recognized the decision was legislative for the Council to make, but felt it was important to note what an beneficial impact the potential bypass would have for the community. He did not want the City to do anything to hinder UDOT's progress towards the construction of the bypass. He felt the County's conservation easement had placed a roadblock for UDOT. Landowner Alex Norr pointed out that if Heber did not approve the annexation, the City would lose the opportunity to have a seat at the table to determine what was developed. Council discussion proceeded regarding the language in the proposed development agreement and concern with making any decision without the results of UDOT's EIS (Environmental Impact Statement) study.

Mark Wilson, with the North Fields Irrigation Board, shared that the Board had not been contacted with regard to any UDOT or North Fields development projects. The roads located in the North Fields were historical livestock roads. He indicated his willingness and availability to discuss concerns and relevant issues at any time. He stated that he understood the need for a bypass based upon the traffic pressure on Heber City's Main Street.

Justin Keyes, representing the development, also served on the Wasatch County Open Lands Board (WOLB). He provided background from WOLB meetings with UDOT regarding the conservation easement established in the North Fields by Wasatch County. He claimed that UDOT had assured WOLB that the conservation easement would not postpone UDOT's EIS conclusion. He felt the City should proceed with the annexation negotiations.

Consensus of Council majority was to hold off making any decision without the results of UDOT's EIS (Environmental Impact Statement) study. City Manager Matt Brower agreed to arrange a meeting between the City and UDOT. The development representatives agreed to return to a future meeting with the City Council to continue the conversation.

II. BREAK - 15 MIN

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

1. Call to Order

Mayor Heidi Franco called the meeting to order at 6:13 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 Ostergaard shared an experience that provided perspective for the purpose of serving on the City Council. It was to serve Heber City and to make the decisions to benefit the City and community within.

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Mayor's Awards

Mayor Franco read the nomination for Robin Bond to receive the Mayor's Award as included in the meeting materials, citing examples of her exemplary customer service.

V. CONFLICT OF INTEREST DISCLOSURE:

Council Member Phillips indicated he would recuse himself from the bond resolution discussions and votes.

VI. CONSENT AGENDA:

1. Approval of the August 6, 2024, City Council Meeting Minutes, and the August 20, 2024, Truth in Taxation Meeting Minutes (Trina Cooke, City Recorder)

2. Ordinance 2024-19 Amending Heber City Code, Sections 5.04.130 and 5.04.135 regarding Non-Profit Special Event Fee Waiver (Mindy Kohler, Treasurer) -

3. Cemetery Administration and Columbarium Project: Change Order One in the Amount of $294,840 and Ordinance 2024-20 Amending the City's Consolidated Fee Schedule to include New Cemetery Niche Pricing (Matt Brower, City Manager)

Council Member Cheatwood inquired why the contractor was placing an additional OH&P (Overhead and Profit) of $21,840.00 in the contract. He did not feel the contractor should charge such a large amount for the additional. Lane Lythgoe explained the additional cost projection for the second columbarium was based on the added administrative duties to coordinate and install.

Motion: Council Member Phillips moved to approve the Consent Agenda. **Second:** Council Member Ostergaard seconded the motion.

Discussion: Council Member Ostergaard stated that the additional administrative costs was standard practice. City Manager Matt Brower indicated he would circle back around with the contractor to see if the additional cost could be reduced.

Vote: Voting Yes: Council Members Phillips, and Ostergaard. **Voting No:** Council Member Cheatwood.

Discussion: Council Member Barney wished to have further clarification regarding Council Member Cheatwood's concerns. Council Member Cheatwood explained that he had voted no because he felt it was the Council's responsibility to save the taxpayer's money.

Amended Motion: Council Member Barney wished to amend the motion to approve the item with the addition to get clarity for the additional O&HP (Overhead and Profit) expense in the contract. **Second:** Council Member Cheatwood seconded the amended motion. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The Motion **Passed Unanimously, 5-0.**

Discussion: Council Member Ostergaard inquired whether Scott or Kevin Jardine were online to respond. The answer was no. Council Member Johnston requested to remove item three from the Consent agenda and proceed with the approval of items one and two.

Amended Motion: Council Member Phillips moved to remove item three from the Consent Agenda and approve items one and two. **Second:** Council Member Ostergaard made the second.

Amended Motion Withdrawn: Council Member Barney withdrew her amended motion.

Council Member Johnston explained that he felt the OH&P added into the contract was appropriate. Council member Cheatwood did not feel the increased work for the added columbarium could account for the added dollar amount. Council Member Barney expressed appreciation for Council Member Cheatwood's willingess to look out for the taxpayers. Council Member Phillips pointed out that it would be paid for by cemetery sales revenue.

Motion: Council Member Phillips moved to pass item three on the Consent Agenda as written. **Second:** Council Member Ostergaard made the second.

Discussion: Council Member Ostergaard stated that the added OH&P was industry standard and he trusted the contractor. City Manager Matt Brower indicated his intent to follow up with the contractor to discuss reducing the cost of the added OH&P.

Voting Yes: Council Members Phillips, Ostergaard, Barney, and Johnston. **Voting No:** Council Member Cheatwood. The **Motion Passed 4-1.**

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

Cindy Delano, Heber City resident, thanked the Council for their service and the Police Department for their prompt response to complaints in her neighborhood. She wished to garner clarification of the City Code with regard to the maximum occupancy permitted in short-term rentals as well as the number of cars permitted in driveways. She said there were two houses on her street that had been converted into short-term rentals. She said the renters used them as party homes, and the neighbors had to endure loud music, smoking of cigarettes and marijuana, and cars lining the streets, limiting the traffic to one-way. She felt she was unable to enjoy her outdoors due to the noise from the party houses. Mayor Franco invited her to speak with the Police Chief. Police Chief Parker Sever asked that the police be contacted while the offenses were taking place for the purpose of better enforcement. City Attorney Jeremy Cook stated the code was under review and would be updated to allow for better enforcement.

VIII. GENERAL BUSINESS ITEMS:

1. Heber Valley Railroad: Overview, Update, and Future Plans (Mark Nelson, Executive Director Heber Valley Railroad) - *30 min*

Heber Valley Railroad Executive Director Mark Nelson shared a presentation offering a history of the Railroad, and providing an overview, update, and future plans for the Heber Valley Railroad, as included in the meeting materials. The Railroad was an independent agency of the State of Utah. He invited the Council to a celebration for the 125th anniversary for the Railroad on the 28th and 29th of September. Mr. Nelson shared that when the sign for the Rio Grande Train Station in downtown Salt Lake City had been replaced, the Heber Valley Rail Road had obtained the original sign. The Railroad had negotiated a renovation of the sign with the sign maker but the sign did not comply with the Heber City sign ordinance. He shared a projected platform extension and explained there was a question of who owned the land where the Railroad wished to place the extension. Council expressed support for the Railroad moving forward with project negotiations. Community Development Director Tony Kohler clarified the process for the sign exception that would require a zone change and questioned whether the sign would comply with the City's dark-sky regulations.

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

Planning Manager Jamie Baron provided the presentation for development and project applications filed with the City in the previous month, as included in the meeting materials.

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

1. Resolution 2024-10 authorizing the Issuance and Sale of not more than $4,000,000 Aggregate Principal amount of Water Revenue Bonds, Series 2024; and Related Matters (Marcus Keller) - *10 min*

City Engineer Russ Funk explained the City was pursuing additional funding for the ongoing Central Heber water and sewer line replacements project. He shared that the City had received approval from the Board of Water Resources for a $3,032,000 bond to be repaid over a 25-year period, at a 0% interest rate, as outlined in the attached meeting materials. Marcus Keller, with Crews and Associates financial group, provided additional details as included in the attached meeting materials. He explained the bond was not yet formally approved but the three parameters resolutions before Council for approval that evening established the details of the contracts.

Motion: Council Member Cheatwood moved to approve 2024-10 authorizing the Water Parameters Resolution as updated. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Phillip had recused himself from the vote.
The **Motion Passed 4-0.**

2. Resolution 2024-15 authorizing the Issuance and Sale of not more than $6,500,000 Aggregate Principal amount of Sewer Revenue Bonds, Series 2024; and Related Matters (Marcus Keller) - *10 min*

Mr. Keller explained the bond was estimated to be at no higher than a 6% interest rate through the private market. He provided an overview of Parameters Resolution 2024-16 as included in the attached meeting materials. It was noted the high construction cost was due to inflation. Mr. Funk noted the actual cost was estimated to be lower but the dollar amount had been precautionarily inflated. Mayor Franco questioned why the associated public hearing was scheduled to be held after the approval of the Parameters Resolutions. Mr. Keller explained the Resolutions called for the Public Hearings.

Motion: Council Member Cheatwood moved to approve Parameters Resolution 2024-15 as updated. **Second:** Council Member Barney made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Phillip had recused himself from the vote. The **Motion Passed 4-0.**

3. Resolution 2024-16 Authorizing the Issuance and Sale of not more than $2,000,000 Aggregate Principal Amount of Irrigation Revenue Bonds, Series 2024B; and Related Matters (Marcus Keller, Russ Funk, City Engineer) - *10 min*

Mr. Keller explained the only real difference with this Parameters Resolution from the preceding two resolutions was that the year 2024 was followed by a "B" because there had been previous bonds issued that year in this category.

Motion: Council Member Cheatwood moved to approve Parameters Resolution 2024-16 as updated. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Phillip had recused himself from the vote. The **Motion Passed 4-0.**

4. Ordinance 2024-21 Wasatch County Courts Zone Change (1361 US-40) (Jacob Roberts, Planner) - *15 min*

Planner Jacob Roberts presented the request by Wasatch County to rezone the property of the Wasatch County Courthouse located at 1361 S US-40, Heber City, UT 84032. The current zone was C-2 Commercial. The applicant was requesting to change the zone to the Institutional and Public Facilities Zone (IPF) in order to be more conducive to the use and maintenance of the facility. He provided the information as included in the attached meeting materials.

Assistant County Manager Richard Britenbeker further explained the County's request. Mr. Roberts added that the Planning Commission had held the required Public Hearing and no one from the public had come forward to comment.

Motion: Council Member Phillips moved to approve Ordinance 2024-21 for the Wasatch County Courts zone change. **Second:** Council Member Cheatwood made the second.

Discussion: Council Member Ostergaard expressed support for the zone change but asked the County to begin considering reciprocal negotiations for possible combined Courts systems for the City and County. City Manager Matt Brower asked that the County consider continued discussions regarding a proposed combined Court System.

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

5. Central District Tour and Field Trip/Overlay Zone (Matt Brower, City Manager) - *15 min*

City Manager Matt Brower described the proposed tour and field trip for the purpose of furthering the dialogue and discussion of adopting the downtown overlay zone. Community Development Director Tony Kohler expanded upon the purpose of the intended field trip to help visualize the future for Heber City's downtown. There would be a walking tour of Heber City's downtown area, as well as a field trip to areas in Salt Lake that reflected the desired design concept. Council Member Cheatwood suggested including the Planning Commission as well as Rachel Kahler on the field trip. Council discussed historic preservation versus downtown revitalization, and maintaining the small-town, hometown feel of Heber. It was determined that an email survey to discover Council's availability would be distributed in order to establish a date and time for the proposed tours.

6. City Manager Agreement (Cherie Ashe, Human Resources Director, Scott Phillips, Council Member) - *15 min*

Human Resources Manager Cherie Ashe shared the request by Council Member Phillips to revisit the City Manager's contract. She shared a presentation reflecting the results of a wage study as included in the meeting materials. Included in the presentation was a graph indicating that Heber City's Manager was being paid approximately 5% less than the average of City Managers in the study. Council expressed appreciation for City Manager Matt Brower and Council majority supported raising his contracted wage. Council discussed whether to make the adjustment with a budget amendment or wait to make the change until the next fiscal year.

Mr. Brower proposed that half of his salary increase be distributed amongst his executive Staff.

Motion: Council Member Phillips moved to increase Mr. Brower's salary to the recommended amount of $208,293.00, with a maximum wage of $250,000.00, and allocate $6,000.00 between the Lead Team.

Discussion: Council Member Cheatwood asked if the higher maximum wage than listed was intentional. Council Member Phillips confirmed it was intentional and stated that Heber was a very expensive place to live. Mayor Franco asked who was on the Lead Team. Ms. Ashe said there were 15 employees on the Lead Team.

Amended Motion: Council Member Phillips amended his motion to increase the Lead Team allocation to $7,500. **Second:** Council Member Johnston seconded the motion.

Discussion: Council Member Cheatwood asked whether there should be language added that the employees must be in good standing. Ms. Ashe felt the raise would be merit-based and employees with warnings or performance-issues would not qualify.

Amended Motion: Council Member Phillips amended his motion to distribute the $7,500.00 to qualifying employees as determined by Ms. Ashe.

Discussion: Finance Director Sara Nagel asked that the increases be implemented the first full pay period in October.

Amended Motion: Council Member Phillips amended his motion to implement the increases the first full pay period in October. **Second:** Council Member Johnston's second stood.

Discussion: Mayor Franco asked to discover the difference between the highest-paid employee in the City versus the lowest-paid employee. Ms. Ashe indicated she would be able to discover the requested information.

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

X. COMMUNICATION:

Mr. Brower shared the following communication items:

- The entities involved in the interlocal agreement to send a unified letter of support to UDOT (Utah Department of Transportation) regarding the EIS (Environmental Impact Statement) for the bypass had decided to send individual letters from each entity rather than a joint letter, with Council's support.

- Heber City had successfully purchased two lots at the end of the Airport's runway four in the designated runway protection zone with the help of UDOT and the FAA. Mayor Franco asked for assurance that the lots would be designated as open space and requested to review the real estate contract. Mr. Brower indicated he would be able to provide that for the Mayor's review and noted there were two homes at the location.

- Council further discussed what could be done at the location and asked that the homes not be allowed to fall into disrepair and create an eyesore. Mr. Brower noted the limitation of uses due to the runway protection zone regulations.
- The CRA (Community Reinvestment Agency) discussion with School Board would take place at their regularly scheduled meeting at 5:00 p.m. on Tuesday, September 24, 2024. The School Board had requested additional community education information that would be provided at the meeting including informational videos.
- The ULCT (Utah League of Cities and Towns) 2024 Annual Convention was set for the following two days.

Council Member Cheatwood had looked up two current Air BNB ads indicating they could sleep more than 18 and could accommodate excessive parking, both in violation of City Code. He described the poor sound quality of recent meetings. City Recorder Trina Cooke commented on the continuing efforts being made to improve the sound quality of the meetings.

XI. ADJOURNMENT:

Motion: Council Member Phillips moved to adjourn. **Second:** Council Member Cheatwood made the second. The meeting adjourned at 9:00 p.m.

HEBER CITY CORPORATE Seal WASATCH COUNTY, UTAH

Trina Cooke, City Recorder