

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
September 17, 2024**

APPROVED Minutes

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

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

Mayor Franco called the meeting to order at 4:01 p.m. and welcomed everyone present.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney - arrived at 4:05 p.m.
Council Member Aaron Cheatwood - online
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
Chief of Police Parker Sever
Finance Manager Sara Nagel
Officer Josh Weisher
Officer Travis Price
Public Works Director Matthew Kennard
Parks and Cemetery Director Mark Rounds
Public Works Office Manager Candace Buffton
Public Works Admin Missy Luke

Staff Participating Remotely: Public Works Director Matthew Kennard, City Engineer Russ Funk, Community Development Director Tony Kohler, IT Director Anthon Beales, Human Resources Manager Cherie Ashe, Public Works Foreman Chris Pederson, Engineering Technician Desiree Muheim, Planning Manager Jamie Baron, Planner Jacob Roberts, Engineer Kyle Turnbow, Engineer Ross Hansen, Finance Manager Sara Nagel, Accounting Technician Wendy Anderson, and Deputy City Recorder Robin Bond.

Also Present: Cal Johnson, Greg Whitehead, Beau Thompson, Oscar Covarrubias, Tracy Stratton, Chad Staheli, Kendall Crittenden, Craig and Holly Cedarstrom, Joe Kim, Brian Balls, Grace Doerfler KPCW, Ryan Bunnell, M. Crosby, Sham Lune, Linda Middleton, Tori Broughton, Amanda Johan, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed-in online) Mike Bradshaw, Andrew, Bingo, BM, Cw, Grace Doerfler KPCW, Joseph, S, Shorty5, Sunny, and Mesia Swan.

1. Wasatch Highlands (SITLA & Christensen Lands) and the Heber City Annexation Policy Plan (Tony Kohler, Community Development Director) - 45 min

Community Development Director Tony Kohler shared map images of the proposed annexation and the current border of Heber City's Annexation Policy Plan. The City would need to amend the border of the Annexation Policy Plan in order to consider the proposed annexation.

Greg Whitehead and Tracy Stratton provided the background of the SITLA land located in Wasatch County. The group had approached the Christensen family to join efforts to petition Heber City with the request to annex their land as well. Beau Thompson, representing the Christensen family property, stated that the land had been used by his family for grazing sheep for multiple generations. Mr. Whitehead explained their intention to preserve as much open space as possible, dedicating approximately 50% of the project's land as open space that would be accessible to the public. The group pointed out the potential revenue for the City to be generated by impact fees if the City were to approve the annexation. Mr. Whitehead and Mr. Stratton further described their vision for the land and noted it would be a 30-40 year project. Discussion with Council followed.

Mayor Franco expressed concerns with the plan's ability to provide affordable housing, the ability to process its own sewage, and limited accessibility. Mr. Stratton shared the project's intention to construct additional access roads, showing the location on the map. Council majority expressed support to continue discussions for consideration of annexing the area. Mr. Kohler felt it would be appropriate for the petitioning group to meet with the Fire District, Heber Light and Power, and the Special Service District, then return to a future Council Meeting to share the results of said discussions.

2. Crossings-Resort Annexation (Tony Kohler, Community Development Director) - 15 min

Community Development Director Tony Kohler shared that the applicants and City representatives had met with UDOT (Utah Department of Transportation) regarding the bypass EIS (Environmental Impact Statement) study.

City Council Members Scott Phillips and Sid Ostergaard had attended the meeting with UDOT and expressed alleviation of certain concerns regarding the possibility of the proposed annexation delaying the completion of UDOT's bypass EIS study.

Mayor Franco asked the record to show that the Conservation Easement in the North Fields dedicated by Wasatch County had not stopped the EIS study.

Council Member Ostergaard noted he had moved into the Valley in 1998 and the bypass had long been considered far before then. He emphasized the importance of getting the large trucks and semis off Heber City's Main Street. Council Member Cheatwood asked why UDOT was not at the City Council Meeting to share the information in a public forum and asked that UDOT representation come to a future City Council Meeting. Mayor Franco agreed and felt that if UDOT were to impose eminent domain for a portion of the property to build the bypass, the project should not be allowed to retain the same density based on compensation provided by UDOT for land.

Justin Keyes, recalled the County's Conservation Easement discussion with UDOT. He wished to clarify that the conversation with UDOT had been productive and felt it would be effective for the Crossing's representatives to continue to hold conversations with the City and with UDOT.

Council Member Johnston felt the proposed location was critical for Heber City and suggested a public hearing be scheduled to receive public comment in order to incorporate feedback from the public into the Council's decision-making process. Council discussion continued.

County Council Member Kendall Crittenden shared that a petition for a municipal incorporation entitled River View, Utah, had been filed with the Lt. Governor's office. The proposed land area for River View would affect the annexation area being discussed.

3. Potential Development Agreement for Karl Malone Polaris Addition (Jamie Baron, Planning Manager) - 15 min

Planning Manager Jamie Baron shared the request from Karl Malone Polaris for a development agreement to build an addition to the front of the shop. The code allowed for a maximum 40-foot setback from Main Street and the proposed improvements would remain 160-feet from Main Street. Mr. Baron outlined the concerns the City had with the proposal.

David Hicks, representing the Karl Malone dealership, shared the group's desire to rebuild and update the existing building. They described the inability of the delivery trucks to turn around if required to meet the 40-foot setback. They were asking to be allowed the 160-foot setback.

Council Member Johnston expressed support for working with the applicant and suggested staff negotiate the replacement of the chain-link fencing in the development agreement. Council Members Phillips and Ostergaard agreed. Council Member Cheatwood felt, on the record, that if Karl Malone were to absorb the nail salon and insurance building along Main Street in the future, he would not be tolerant of non-conformance. Council discussion regarding additional improvements that could be negotiated continued. Consensus of Council majority was to proceed with the proposed development agreement negotiations.

4. Branding for Pedestrian Pathway, Bandshell, and Festival Street (Ryan Bunnell) - 30 min

Discussion for this agenda item was held during the General Business agenda line item.

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 (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 shared a thought from his mother: "You'll never be happier than you are grateful." He expressed gratitude for the Council and City Staff.

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Mayor's Award

Mayor Franco read the nominations of Missy Luke and Candace Bufton as included in the meeting materials and presented them both with a City Coin token. She called on previous award recipients Robin Bond and Mark Rounds to present them each with a token as well.

V. CONFLICT OF INTEREST DISCLOSURE:

Council Member Sid Ostergaard wished to disclose previous business dealings with DR Horton but noted he was not currently conducting any business with them and he did not have a conflict.

VI. CONSENT AGENDA:

Motion: Council Member Barney moved to approve the Consent Agenda to approve the Meeting Minutes from September 3, 2024, and August 20, 2024; Resolution 2024-17 clarifying the street name for 920 East; and the Mayor's nomination to the POSTT (Parks, Open Space, Trails, and Trees) committee. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

1. Approval of August 20, 2024, City Council Meeting Minutes and September 3, 2024, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Resolution 2024-17 Clarifying the street name for 920 East (Russ Funk, City Engineer)
3. Mayoral Nomination to POSTT Committee (Heidi Franco, Mayor)

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

Linda Middleton expressed thankfulness for the City newsletter and the Mayor's Minute published in the Wasatch Wave. She expressed appreciation for the Planning Department and City Staff. She felt that the City could easily get out of balance with future planning and current issues for existing residents trying to maintain their way of life. When she voted she looked for catch-words such as "attainable", and "balanced", and "representation for the residents". She noted that no one proposed putting the bypass through one of the six golf courses, through Soldier Hollow, or the State Park, but it was a regular occurrence for residents between her house and the Provo River. She felt it was far more valuable to preserve the North Fields than any of those areas. She felt the residents of Heber City were bearing the burden of another freeway going through her house and the Provo River. She felt the residents were facing extremes of weather, development, and proposals to host the world. She wanted to not hear it said that the residents of Heber wanted to buy Main Street and build another highway between the new high school and Midway that would be a bisection of the Valley. She asked the Council to work together with Midway to consider the idea of not destroying the Valley. She lived on the border of Heber City and Wasatch County and it was a mess all the time. She asked the Council to not burden the future and to not let the State take over. She stated we lived in Heber Heaven and it was a paradise. She wanted someone else to bear the burden of transporting hazardous materials through their city.

Mayor Franco shared that Mrs. Middleton had donated a flag listing all the names of the victims from Nine-Eleven and the City intended to have it framed to hang in the City Council Chambers.

Council Member Barney read an email from Jill Watson as attached to the end of these meeting minutes. City Engineer Russ Funk responded to the email and said the proposed back-road route to access Natural Grocers was through private lands and the landowners had declined to entertain the proposed access. Council discussion followed.

VIII. GENERAL BUSINESS ITEMS:

1. Branding for Pedestrian Pathway, Bandshell, and Festival Street (Ryan Bunnell) - 30 min

Public Information Officer (PIO) Ryan Bunnell provided a presentation regarding the proposed City branding as included in the attached meeting materials. The purpose was to reinforce the City's existing brand, to further define the brand, and to propose names for the new downtown elements soon to be introduced. Mr. Bunnell reiterated the City's slogan was the "Heart of the Wasatch Back". Council discussed ideas for the downtown architectural guidelines, infill in the central neighborhoods, and how to incentivize the preservation of buildings with historic charm.

Mr. Bunnell felt that if there was a definition of standards, it would strengthen the brand. He proposed the City alleyway be named C Street for the City's namesake Heber C. Kimball. He proposed renaming the Heber City Park as the C Street Plaza. Changing the park to a plaza would permit potential future restaurants to obtain liquor licenses, whereas, State Code prohibited the sale of alcohol within a certain distance of a park. He provided additional possibilities for the proposed plaza.

Motion: Council Member Johnston moved to skip forward to the Highlands item **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Phillips had stepped out of the room. The **Motion Passed 4-0.**

2. Update on Code Enforcement Issues in the City and Public Safety Issues for the Month (Parker Sever, Chief of Police, Travis Price, Code Enforcement Officer) - 15 min

Chief of Police Parker Sever, Sergeant Josh Weisher, and Code Enforcement Officer Travis Price presented the information surrounding the successes and challenges for Code Enforcement as included in the attached meeting materials. Officer Price asked for red curbing where appropriate, to indicate and deter illegal parking. Parking continued to be a large problem within the City. The Officers discussed with Council the difficulty of trying to enforce short-term rental codes. Chief Sever indicated that once the code was updated, the Police Department would hold a training to ensure consistency in enforcement throughout the department. Water theft was an issue with construction sites. Discussion continued regarding the challenges faced by code enforcement, enforcement methods, and possible solutions.

Chief Sever provided the public safety overview and shared the high percentage of positive feedback the Police Officers were receiving via the public survey sent to residents that had local police interactions.

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

1. Highlands Residential Subdivision Preliminary, located at the Intersection of US-40 and Commons Boulevard (Denna Woodbury, Planning Consultant) - 30 min

Planning Consultant Denna Woodbury reviewed the information as included in the attached Staff Report and meeting materials. Highlands representative Curtis Leavitt further detailed the development plans. Council proceeded to discuss the development plan for clarification of the roads plan, design, trails and amenities, and density. Mayor Franco asked if the canal trail would be done in phase one. The development representative confirmed the trails would be done in phase one.

Motion: Council Member Johnston moved to grant preliminary subdivision approval for the flats presented for the Highlands residential project as presented with the following findings listed in the Staff Report: the application was consistent with the Municipal Zoning Code; The application was consistent with the General Plan; The proposed Site Plan shall comply with City ordinances, Federal and State Law, as applicable to the site where the conditional use was located. And the Conditions: All requirements of the City Engineer shall be met; and all other Code Requirements shall be met. **Second:** Council Member Phillips made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. **The Motion Passed Unanimously, 5-0.**

The meeting returned to agenda item two on the General Business Items section.

X. COMMUNICATION:

City Manager Matt Brower shared the following communication items:

- He thanked Code Enforcement for their efforts and recognized the significant improvement since the department had been formed.
- He thanked Tori Broughton and Mia Yue for the bike check they had provided at the Heber Market on Main during the 2024 summer season, and commended its success.
- He reminded Council of the CRA (Community Reinvestment Agency) discussion to be held during the Wasatch County School Board meeting on September 24, 2024, at 5:00 p.m.
- He asked Council to respond to Trina's email regarding the October 4, 2024, field trip.

Mayor Franco shared the following communication items:

- She reminded everyone of the upcoming event to celebrate the 125th anniversary for the Heber Valley Railroad train.
- She said the County Council was interested in acquiring letters of support for the Heber Valley Special Service District (HVSSD) who was seeking an agricultural protection area designation and Heber Light and Power that was seeking an industrial protection designation. The purpose was to protect the entities from nuisance lawsuits. She was seeking Council's approval to write a letter of support. Council discussion followed and was divided regarding whether or not to support the letters sought for protective zones. Council wished to receive more information before agreeing to write a letter of support from the City.

XI. ADJOURNMENT:

Motion: Council Member Phillips moved to adjourn. **Second:** Council Member Ostergaard made the second. The meeting adjourned at 9:52 p.m.




Trina Cooke, City Recorder