

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

July 18, 2023

**4:30 p.m. Work Meeting
6:00 p.m. Regular Meeting**

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

I. WORK MEETING - 4:30 P.M.

1. Council Meeting new software training Civic Clerk (Trina Cooke, City Recorder) - *30 min*
2. Discuss proposed Code Amendment to Chapter 18.68 Supplemental Zoning Regulations (Kohler, Janson) – *30 min*
3. Review of Moderate Income Housing Action Items (Baron) – *20 min*

II. BREAK - 10 MIN

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

1. Call to Order
2. Pledge of Allegiance (Heidi Franco, Mayor)
3. Prayer/Thought by Invitation (Mike Johnston, Council Member)

IV. CONFLICT OF INTEREST DISCLOSURE:

V. CONSENT AGENDA:

1. Approval of June 6, 2023 and June 20, 2023, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Approval of Ordinance 2023-27 updating Title 7 of the Heber City Municipal Code, Elections, in order to align with State Code as amended in the 2023 Legislative Session (Trina Cooke)
3. Approval of Ordinance 2023-28 Amending the Heber City Council 2023 Annual Meeting Schedule (Trina Cooke)
4. Approval to Hang Flags on Main Street in Remembrance of 9/11 from September 5-15 (Rachel Kahler, Council Member)
5. Approve Appointment of Mayor Heidi Franco as the Heber City Representative on the Wasatch County Fire District Advisory Commission (Heidi Franco, Mayor)
6. Approval of POSTT (Parks, Open Space, Trails, and Trees) Committee Nomination Tori

Broughton (Heidi Franco, Mayor)

VI. PUBLIC COMMENTS:

VII. GENERAL BUSINESS ITEMS:

1. Presentation of Mayor's Award to Glen Parman (Heidi Franco, Mayor) - *5 min*
2. Presentation of Heber Valley's efforts to recognize 9/11 National Day of Service (Ann Moulton) - *5 min*
3. Presentation by Heber Light and Power on Time of Use Rates (Jared Wright) – *10 min*
4. Presentation by Animal Control Board (Justin Hatch, Animal Control Supervisor, Heidi Franco, Mayor, Heber Lefgren, Assistant County Manager) - *10 min*
5. Presentation of Findings from Colorado Cities Tour (Matt Brower, City Manager, Jamie Baron, Senior Planner) - *10 min*
6. Central Heber Replacements Project Update (Russ Funk, Engineering Director) - *10 min*

VIII. ACTION ITEMS:

1. Consider approval of Ordinance 2023-22 Adopting General Plan Amendment for Envision Central Heber Vision Statement (John Janson, Planning Consultant, Tony Kohler, Planning Director) - *45 min*
2. Presentation of Rail-Trail Project and Request Support for Grant Application and Commitment to fund Heber City Portion of Trail (Nancy O'Toole) - *15 min*
3. Review Proposed Amendment to the North Village Views and Highlands Master Plans (Tony Kohler, Planning Director) - *30 min*
4. Authorize City Manager to Sign DRAFT Section 4(f) De Minimis Impact Concurrence Request from Utah Department of Transportation (UDOT) (Matt Brower, City Manager) - *10 - min*
5. Adoption of the Advisory Arts Committee and discussion of committee procedures and potential Members (Matt Brower, City Manager) - *15 min*
6. Consider contract award to MC Contractors in the amount of \$841,523.48 for the construction of the Mill Road Roundabout (Russ Funk, Engineering Director) - *10 min*
7. Authorize Staff to Negotiate an Addendum to the Duke Land Lease Agreement Encompassing 15.79 +/- Acres (Heidi Franco, Mayor) - *10 min*
8. Consider Approval of the Children's Playground and Theme Associated with Wasatch Vista Park as Recommended by the Parks, Open Space, Trails, and Tree Advisory Committee. (Matt Brower, City Manager) - *10 Mins*

IX. COMMUNICATION:

X. CLOSED EXECUTIVE SESSION

1. Strategy session to discuss the purchase, exchange, or lease of real property ()

XI. ADJOURNMENT:

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media. To participate in the meeting visit this link, <https://global.gotomeeting.com/join/768927629>

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Trina Cooke at the Heber City Offices 435.657.7886 at least eight hours prior to the meeting.

Posted on July 10, 2023, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at www.heberut.gov, and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave.

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Discuss proposed Code Amendment to Chapter 18.68 Supplemental Zoning Regulations (Kohler, Janson) – *30 min*
RESPONSIBLE: Tony Kohler
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community Development

SUMMARY

As part of the Phase 3 Envision Heber Code Update, the City is reviewing the entire Code and Subdivision Ordinance.

The Supplementary, Administrative, General Provisions and Definitions Chapters are the final chapters left for the Planning Commission to update in this process this year. After these chapters are adopted a final cleanup of the updated code will occur to rectify all citations and new terminology in all sections.

The Planning Commission reviewed this item at the March 28, 2023 meeting and made some minor language changes to the draft. On April 25, 2023 they held a public hearing and forwarded a positive recommendation to the City Council for review and adoption. On June 20th, 2023 the City Council held a work session on this proposed draft.

The Supplementary Chapter is before you for a second review tonight. The Chapter has been updated to reflect current state law, changes made to other Chapter sections and has included some new provisions. Comments received from the June 20th City Council work session are reflected in this draft.

RECOMMENDATION

Staff recommends the City Council consider the updates to this chapter and schedule the item for adoption at a subsequent meeting.

BACKGROUND

The Supplementary Chapter included provisions that relate to many specific zoning districts and has been designed to provide these regulations in one chapter. The current chapter has been updated to reflect state law, incorporate sections that were moved from other chapters, deleted sections that were moved to other chapters and had new regulations added or updated. Exhibit 1 details the proposed draft. The chapter has not been updated for some time and many of the provisions were out of compliance with the law or were not reflective of practices in the Planning Department.

DISCUSSION

These three sections were added to the Chapter and reflect an update of existing standards and policies:

18.68.612 Child Day Care Facilities

18.68.613 Recreational Vehicle Courts (moved from its own chapter into this chapter) 18.68.614 Reasonable Accommodation Provisions

These sections regarding group homes were in conflict with Federal and State law and were deleted with a new section added that reflects the allowed regulations.

18.68.501 Residential Facilities For Elderly Persons

18.68.502 Elderly Residential Facilities As A Permitted Use

18.68.503 Approval Of Elderly Residential Facilities

18.68.504 Elderly Residential Facilities In Areas Zoned Exclusively For Single-Family Dwellings

18.68.505 Review And Approval

18.68.506 Definitions

18.68.601 Residential Facility For Disabled Persons-Group Care Facilities

As detailed in the draft other sections as marked were clarified for the latest regulations, made consistent with other Chapters and clarified review procedures.

Changes requested at the March 28th Planning Commission were made to the following:

1. 18.68.030 replaced “and” with “or”
2. 18.68.060 D. 2. added “not”
3. 18.68.140 Surface Water Drainage deleted “driveways”
4. Removed 18.68.210 Motor Vehicle Access as it is covered in the Engineering Specifications.

Changes from the June 20th Council meeting were as follows:

1. 18.68.05 Removed “uncovered decks” .
2. 18.68.06 amended items G and I as directed by Council on Accessory Buildings.
3. 18.68.75 Shipping containers amended to delete “with”.
4. 18.68.120 added state code language reference
5. 18.68. 140 removed “streets”.
6. 18.68.230 deleted outdoor fencing
7. 18.68.601 Will have attorney check transferability provisions.
8. 18.68. 622 Discussion on limiting external Accessory Dwelling Units (ADU’s) to the R1 zoning districts. Need Council consensus on this issue.

FISCAL IMPACT

There is no fiscal impact to the adoption of this ordinance.

CONCLUSION

Updates would provide a more functional updated chapter and codify policies practiced in the Planning Department.

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
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POTENTIAL MOTIONS

N/A

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Planning Director

EXHIBITS

1. Supplemental Ordinance

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE ZONE 18.68 SUPPLEMENTARY REGULATIONS

BE IT ORDAINED by the City Council of Heber City, Utah, Heber City Municipal Code, Chapters 18.68 Supplementary Regulations is hereby Amended and Adopted to read as follows:

18.68 Supplementary Zoning Regulations

18.68.010 Intent Of Provisions

18.68.015 Frontage For Dwellings

18.68.020 Yard Space For One Building Only

18.68.030 One Dwelling and One Internal and External Accessory Dwelling Unit Per Lot

18.68.040 Sale Or Lease Of Required Space Prohibited

18.68.050 Obstruction Of Required Yard Space Prohibited

18.68.060 Accessory Building—Lot Coverage Restricted

18.68.070 Accessory Building—Habitation Prohibited

18.68.075 Shipping Containers

18.68.080 Motels And Hotels—Determination Of Lot Area

18.68.090 Residential Zones - Commercial Vehicle Parking Restricted

18.68.100 Residential Zones -- Property Maintenance Standards

18.68.110 Building Height Measurement And Allowable Projections Above The Maximum Height Limit

18.68.120 Heights Of Fences And Walls

18.68.122 Deer Suppression Netting

18.68.125 Chickens In Residential Zones

18.68.130 Barn Location Restrictions

18.68.135 Grazing Animals In Non-Agricultural Zones

18.68.140 Surface Water Drainage

18.68.150 Intersection -- Visibility Triangle

18.68.155 Driveway Visibility Triangle

18.68.160 Yards -- Planning For Future Development

18.68.170 Setbacks—Exceptions Front Yard Setback Flexibility

18.68.172 Rural Highway Setbacks

18.68.175 Open Space

18.68.180 Concessions In Public Parks And Playgrounds

18.68.190 Domestic Sewage Disposal Facilities -- Approval Required

18.68.200 Gasoline Pump Island Location

18.68.210 Motor Vehicle Access

18.68.220 Pollution Prevention

18.68.230 Private Schools In Residential Zones

18.68.501 Residential Facilities For Elderly Persons

18.68.502 Elderly Residential Facilities As A Permitted Use

18.68.503 Approval Of Elderly Residential Facilities

18.68.504 Elderly Residential Facilities In Areas Zoned Exclusively For Single Family Dwellings

18.68.505 Review And Approval

18.68.506 Definitions

18.68.601 Residential Facility For Disabled Persons Group Care Facilities

18.68.606 Temporary Use And Structures

18.68.608 Mobile Food Vendors

18.68.609 Home Occupations

**18.68.610 Bed And Breakfast Homes And Boarding Houses, Lodging Houses, And
Rooming Houses**

18.68.611 Accessory Dwelling Units (ADUs)

18.68.612 Child Day Care Facilities

18.68.613 Recreational Vehicle Courts

18.68.614 Reasonable Accommodation Provisions

18.68.010 Intent of Provisions

The intent of this section is to accumulate in one chapter, regulations which apply to two or more zones, rather than to repeat them several times.

18.68.015 Frontage For Dwellings

Except as otherwise provided for in this title, at least one side of lot used as a dwelling site shall abut upon a street which has been designated or dedicated to the public for street purposes and the length of such abutting side measured at the setback line shall be at least as great as the width required for dwelling sites in the zone in which such building site is located.

18.68.020 Yard Space For One Building Only

No required yard or other open space around an existing building or which is hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on the lot whereon a building is to be erected or established.

18.68.030 One Dwelling and One Internal Or one External Accessory Dwelling Unit Per Residentially Zoned Lot

Only one building which contains a Single Family dwelling, and one internal accessory dwelling unit or one external accessory dwelling unit shall be located and maintained on a "R" zoning lot as defined in this title, except for dwellings within a planned unit development, mobile home park or ~~other large-scale development~~ and large multiple-family dwelling projects. "~~Large multiple-family dwelling projects~~" means any project containing five or more family dwellings.

18.68.040 Sale Or Lease Of Required Space Prohibited

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold ~~or leased apart~~ from such lot or building unless other space so complying is provided.

18.68.050 Obstruction Of Required Yard Space Prohibited

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, bay or box windows, belt courses, cornices and other ornamental features and unenclosed steps and unvalled stoops, porches, and carports, which may project up to three feet into

a required yard. No projection into a required court which is provided in connection with a court apartment shall be constructed except for customary sills, belt courses and cornices which may extend into the court not more than sixteen inches.

18.68.060 Accessory Buildings

Accessory buildings such as detached garages, sheds, barns and external accessory dwelling units in residential zones are subject to the following:

- A. No accessory buildings shall be located in the front yard.
- B. No accessory buildings shall be located between the street and the main building.
- C. Accessory Building Setbacks:
 - 1. Rear: 5 feet from property line
 - 2. Side: 5 feet from property line
 - 3. Street Corner Side: 10 feet from property line
- D. Accessory Buildings over 200 total square feet shall require a building permit and;
 - 1. Shall meet all setbacks for accessory buildings.
 - 2. Shall not be taller than the main structure not exceed a maximum of 25' in height.
 - 3. Shall be placed in the rear yard.
 - a. Exception. A garage may be placed within the side yard if all requirements of this ordinance are met.
- E. Accessory Buildings less than 200 total square feet:
 - 1. May encroach within the required accessory building setbacks if:
 - a. The building is no larger than 120 total square feet.
 - b. The building is no taller than 8 feet.
 - c. The building is movable, except as permitted in 18.68.060(I).
 - d. The building complies with 18.68.060(J).
 - 2. No such building shall be taller than 12 feet.
 - 3. No permit is required, unless required by the building code.
- F. Accessory Buildings less than 50 total square feet and no taller than 6 feet are exempt from all requirements other than 18.68.060(A).
- G. Square footage is calculated to the outside of the structure's exterior walls.
- H. Accessory buildings in any residential zone shall cover not more than twenty-five percent of the rear yard.
- I. Separation from other Structures. Accessory buildings shall be a minimum of 12 feet from any dwelling or other main building and not less than 8 feet from any other building. The separation applies to structures on this or any adjacent property, except if the accessory building is located in the rear yard and the "other building" is in a separate yard, then the accessory building may be placed within 5 feet of the property line.
- J. Accessory Building over Easements. Accessory buildings may be constructed (attached to a foundation as required by the building code) over utility easements provided that all applicable public utility companies have in writing released the easement for such a purpose. These releases must accompany the building permit application.
- K. Provisions for Roof Drainage. No roof eave shall extend over any property line and any roof that drains toward the adjoining property shall be set back at least 5 feet from the property line.

18.68.070 Accessory Building -- Habitation Prohibited

Living and sleeping quarters in any building other than the main residential building is prohibited without the approve Owner Occupied Accessory Apartment.

18.68.075 Shipping Containers

1. Shipping Container shall mean “A large metal box used for the transportation of goods”.
2. The keeping of shipping containers is prohibited in all residential zones.
 1. Exceptions. A shipping container may be located on a residential property when:
 1. The container is being used to store personal property in conjunction with a move to or from said property, not to exceed 2 weeks; or
 2. The container is being used for the storage of construction equipment with an active building permit.
 3. Shipping containers may be kept in Commercial and Mixed-Use zones upon the approval of a Conditional Use Permit consistent with Section 18.108.120, or a Temporary Use Permit consistent with 18.68.606.
 4. Shipping Containers may be kept in Manufacturing and Industrial zones when the following standards are met.
 1. Containers shall not be placed ~~with~~ in a required setback or landscaping area.
 2. Containers shall not be placed between a building and the street.
 5. In no case shall any containers be stacked.
 6. In no case shall any containers be placed in the public right of way.

18.68.080 Motels And Hotels -- Determination Of Lot Area^[MR1]

~~Lot area per dwelling unit shall apply to motels and hotels for those units that include kitchen facilities.~~

18.68.090 Residential Zones - Commercial Vehicle Parking Restricted

The storage and/or continuous parking of trucks having a rated capacity of one and one-half tons or greater and construction equipment such as bulldozers, graders, compressors, etc., shall not be permitted in any residential zone, provided that construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one year.

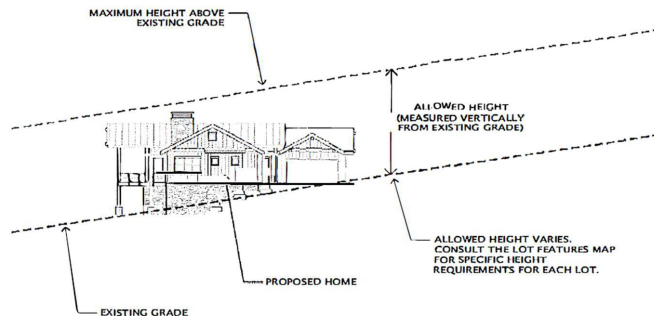
18.68.100 Residential Zones -- Property Maintenance Standards

No yard or other open space surrounding an existing building in any residential zone, or which is hereafter provided around any building in any residential zone, shall be used for the storage of junk, debris or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted in this title. [Title 8.08 of the Heber City Municipal Code Weed and Refuse Abatement also applies to this Section.](#)

18.68.110 Building Height Measurement And Allowable Projections Above The Maximum Height Limit

[A. Measurement:](#)

The height of buildings shall be measured using the graphic below. The intent of the height guideline is to present a human-scaled roofscape, one which steps with the contours of the terrain and recalls the natural setting.



Submitted plans shall include:

- Roof ridgeline plan
- Existing topography shown below the roof areas
- Multiple spot locations shown on the roof plan stating roof elevation, existing grade elevation, finished grade elevation, and the differences in feet, rounded to the nearest 3" (0.25') from the roof elevation. The spot locations on the roof shall include roof peak ends, several in the center of the roof, and the maximum height points.

B: Allowable Projections: Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, theater lofts, or similar structures, may be erected above the height limits prescribed in this title, but no space above the height limit shall be allowed for the purpose of providing additional floor space. All HVAC equipment and stacks/piping shall be located at least 10' from the edge of flat roofed buildings and located on the opposite side of the street facing façade for a pitched roof building. Pitched roof buildings that extend perpendicular from the adjacent street shall not locate HVAC equipment on the roof.

18.68.120 Heights Of Fences And Walls

- A. Fences and Walls in Residential Zones. No fence or wall shall be constructed to a height greater than four (4) feet in any front yard. Any fence or wall along a side yard or rear yard shall be not be constructed to a height greater than six (6) feet. However, a fence along a side or a rear property line of a residential lot, which side or rear property line borders a non-residential zone, may be constructed to the height allowed in the non-residential zone. The "thirty foot" **front yard** setback may be reduced to the front wall line for legally non-conforming homes which are closer than thirty feet to the street right-of-way line.

1. ~~New subdivisions must have Covenants, Conditions, and Restrictions for the subdivision approved by the City through the subdivision process and recorded with the subdivision plat, addressing standardized fence height, materials, and color for fences constructed within the subdivision.~~

- B. Fences and Walls in Non-Residential Zones. No fence or wall shall be constructed to a height of greater than eight (8) feet in any non-residential zone.
- C. The provisions of 18.68.150 shall apply to all fences on all corner lots.
- D. Outdoor swimming pools shall be completely enclosed by a six (6) foot tall fence or wall with a secured gate or as otherwise regulated by State code.
- E. All private fences, regardless of fence height or property zoning classification, shall be constructed upon private property and not within the street right-of-way.
- F. No fence shall be constructed near any driveway which would interfere with the visibility triangle required in Section 18.68.155.
- G. Fences and walls may be extended to eight (8) feet in height with the top two (2) feet constructed of barb-wire in the following institutional use areas: around culinary wells and springs, pump houses, airport, sewer facilities and electrical transmission and telecommunication facilities. When institutional fences are adjacent to residential zones, residential fences immediately adjacent to an institutional fence may be extended to eight (8) feet in height. However, no part of an institutional fence may hang over a residential lot
- H. Any fence constructed on top of or along a retaining wall, which is legitimately retaining, shall have their regulated height measured from the highest point of the top of the retaining wall. However, any fence constructed within a driveway visibility triangle or street visibility triangle as regulated by Section 18.68.155 and 18.68.150 shall not exceed the height limits for those respective code sections, with such height measured along street grade for street visibility triangles and driveway grade for driveway visibility triangles.
- I. All fences constructed prior to May 19, 2011, which conform to Sections 18.68.155 and 18.68.150, shall be considered legal.

18.68.122 Deer Suppression Netting

Deer suppression netting may be installed in any zone to protect gardens and landscaping, provided it:

- A. Is constructed with an open mesh material that allows a clear view through the mesh for any material placed at a height over 6 feet, and is not composed of the following prohibited materials:
 - 1. Contractor Sand/Snow fence (Usually orange);
 - 2. Chain Link;
 - 3. Poultry netting;
- B. Does not result in a total structure height over 8 feet; and
- C. Is not located within any front yard, and on corner lots is not located closer to the street than the dwelling.

18.68.125 Chickens In Residential Zones

Chickens may be kept within the ~~R-1, R-2, R-3, and R-14~~ Residential "R" Zones, on any detached single family dwelling lot, subject to the following:

- A. Hens (females) of any chicken species may be kept. However, roosters (males) are prohibited.
- B. Chickens shall be kept for personal family use only. Commercial uses (the selling of chicken products) of chickens are prohibited.
- C. Chickens shall be kept controlled on the property at all times.

- D. Coops shall not be located within the front yard, ~~and~~ shall be located at least twenty-five (25) feet from any neighboring dwellings, and shall be located at least twenty (20) feet from the edge of any open waterway that drains into a natural stream. Surface drainage from coops shall not be permitted to drain into a waterway that drains into a natural stream.
- E. Up to three (3) chickens may be kept on a detached single-family home lot which contains at least 5,000 square feet. One (1) additional chicken may be kept for each 1,000 square feet of lot area above the 5,000 square foot minimum, for a maximum of eight (8) chickens permitted on each lot.
- F. The premises upon which chickens are kept shall be maintained in a clean, sanitary, and reasonably odor-free condition.
- G. Definitions.
 - 1. "Coop" means a cage, pen, enclosure, or building for the sheltering of chickens.
- H. The provisions of this Section (~~Section 18.68.125~~) do not impair, enhance, or otherwise regulate the uses of other zones which expressly permit the keeping of chickens.

18.68.130 Barn Location Restrictions

No barn, barn for keeping of animals, corral or coop shall be constructed closer than one hundred feet from any existing dwelling or public street, nor shall any corral, pen or coop be constructed or maintained closer than twenty feet to any open waterway that drains into a natural stream. ~~The location of chicken coops in the R-1, R-2, R-3, and R-14 Residential Zones shall be regulated by Section 18.68.125.~~ Surface drainage from corrals or coops shall not be permitted to drain into a waterway that drains into a natural stream.

18.68.135 Grazing Animals In Non-Agricultural Zones

- A. Intent. The intent of this Section is to:
 - 1. Promote well landscaped properties in the City;
 - 2. Provide an alternative means for owners of larger properties in the city to maintain and control vegetation on their property through the pasturing of grazing animals; and
 - 3. Promote a green pastoral and rural town lifestyle.
- B. The raising, care and keeping of animals for personal family use and consumption is permitted in all zones. Animals are limited to only those specified:
 - 1. Large animals: horses, cows, llamas, alpacas, or ostriches, but not including pigs;
 - 2. Medium animals: sheep and goats, but not including pigs.
- C. Animals shall not be kept within the front yard of any dwelling or main building and shall be kept at least 20 feet from the rear of the dwelling or main building, and at least 10 feet from the side of the dwelling or main building. Barns and corrals shall be located as per Section 18.68.130. Animals shall not be permitted to wallow within or access a stream or canal.
- D. At least 34,000 square feet of green landscaped pasture area shall be maintained for each large animal, and at least 9,000 square feet of green landscaped pasture area shall be maintained for each medium animal.
- E. The premises upon which animals are kept shall be maintained in a clean, sanitary, and reasonably odor-free condition, and animals shall be kept controlled on the property at all times.
- F. The property upon which the animals are kept is required to be maintained in a green pastoral condition. In the event a pasture becomes overgrazed, the number of animals on a property ~~will need to~~ shall be reduced. Overgrazing occurs when animals are permitted

to graze vegetative cover excessively to the detriment of the vegetation, often characterized by soil erosion, dusty or muddy conditions, soil compaction, increased water runoff, noxious weed invasion, trampled vegetation, or a lack of grazing (i.e. hay or alfalfa) vegetation. A green pastoral condition exists when the land is not overgrazed, often characterized by the existence of healthy, non-trampled, green and growing vegetation (or dormant vegetation in non-growing months), healthy non-compacted soils, along with minimal dust, mud and weeds.

- G. The provisions of this Section (~~Section 18.68.135~~) do not impair, enhance, or otherwise regulate non-conforming animal uses, or the uses of zones which expressly permit the keeping of animals.
- H. Animals which create noise that disturbs neighbors shall be considered a public nuisance pursuant to Chapter 8.04 of this code.

18.68.140 Surface Water Drainage

Surface water from roof tops, **impervious surfaces**, lots or irrigation ditches shall not be allowed to drain onto adjacent lots or ~~streets~~ except after written agreement between the parties involved. **Low impact development techniques are required by the Heber City Standards and Specifications.**

18.68.150 Intersection -- Visibility Triangle

In all zones which require a front yard, no obstruction, **living or inanimate**, which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at a point forty-five feet from the intersection of the street lines.

18.68.155 Driveway Visibility Triangle

In all zones which require a front yard, no fence, wall, hedge, landscaping, or other material or structure that will obstruct vision between a height of three (3) feet and eight (8) feet shall be erected, placed or maintained within a triangular area formed ~~at a lot~~ by the intersection of a driveway line and a street property line and a line connecting them at a point 15 feet from their point of intersection.

18.68.160 Yards -- Planning For Future Development

Whenever a front or side yard is required for a building, which building abuts on a proposed street which has not been constructed but **which is shown in the General Plan as a future street, or represents a needed or likely connection to adjacent or future development**, or has been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.

18.68.170 ~~Setbacks -- Exceptions~~ Front Yard Setback Flexibility

- ~~A.~~ In residential zones, the setback from the street for any dwelling situated between two existing dwellings (a) on the same side of the street, (b) located within 150 feet of each other, and (c) located less than thirty feet from the front property line may be reduced to 20 feet or the same as the average for said two existing dwellings, whichever is the

greater setback distance, as demonstrated by the permittee to the Community Development Director or designee.

- B. The setback from the street for any dwelling located in an area where "density" zoning was previously permitted may be twenty feet from the front property line if that has been the setback pattern within said development.

18.68.172 Rural Highway Setbacks

Along any state and federal highway between ~~Coyote Lane~~ 850 North to Coyote Lane, all buildings and structures shall be setback from the edge of the highway right of way at least 150' for residential buildings and 50' for non-residential buildings.

18.68.175 Open Space =

When a proposed subdivision which adjoins a collector or arterial street as identified on the Heber City Master Street Plan, or adjoins a water feature such as a canal, stream, flood channel or other critical feature as determined by the City Council, the minimum required area and street frontage widths of the lots within the subdivision may be reduced by up to 25 percent of the usual requirement to accommodate dedicated open space along said features.

- A. The City Council may permit, through a special exception, a rear yard setback reduction of up to 5 feet and/or front yard setback reduction of up to 5 feet to accommodate these open space features, and/or a side yard setback reduction of up to 4 feet on each side yard, if in the opinion of the City Council such reduction is necessary to accommodate, protect or enhance the open space feature. Such reduction must be approved by the City Council through the subdivision process, and the reduction shall be noted upon the subdivision plat, stating which lots are affected and the approved setback distances. It is the responsibility of the developer to prove that the setback reduction is necessary to accommodate the open space.
- B. No density bonuses shall be granted as a result of this Section (i.e. if 10 lots are permitted before the lot size reduction, 10 lots are permitted after the lot size reduction).
- C. This Section shall not apply to cottage home lots infill lots.

18.68.180 Concessions In Public Parks And Playgrounds^[MR3]

Concessions, including but not limited to amusement devices, recreational buildings or refreshment stands, shall be permitted on a public park or playground when approved by the city council.

18.68.190 Domestic Sewage Disposal Facilities -- Approval Required

Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the health department before a building permit shall be issued therefor.

18.68.200 Gasoline Pump Island Location ^[MR4]

Gasoline pump islands shall be set back not less than fifteen feet from any street line to which the pump island is vertical and twelve feet from any street line to which the pump island is parallel and not less than twelve feet from any residential zone boundary line. If the pump island is set in an angle on the property, it shall be so located that automobiles stopped for service will

not extend over the property line. In no case shall pumps set closer than twelve feet from any street lines, nor closer than ten feet from any side or rear property line. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy-five by one hundred feet in size. Canopies over pump islands may extend to within five feet to the property lines.

18.68.210 Motor Vehicle Access

Access to all lots and parcels of land having frontage on a public street shall be controlled as follows:

- A. ~~Number of Driveways.~~
- B. ~~Access shall be by not more than two driveways from any one street, except as may be permitted by the City Engineer, when it can be shown that additional driveway approaches will promote traffic safety;~~
- C. ~~Driveway setbacks~~
 - 1. ~~Driveway approaches shall be no closer than five feet to the side property line, measured from the curb opening, and no closer than ten feet to another driveway approach. When permitted along collector or greater streets, driveway approaches shall be setback at least 50 feet from another driveway approach.~~
- D. ~~Driveway Approach Width~~
 - 1. ~~Non-Residential Uses. Driveway approaches for non-residential uses shall be not more than forty feet in width.~~
 - 2. ~~Residential Uses. Driveway approaches shall not be more than thirty feet in width for residential uses.~~
- E. ~~Driveways on centerline Corner Lots~~
 - 1. ~~Non-Residential Uses. On corner lots, commercial non-residential driveway approach shall closer than fifty feet to the point of intersection of the front property line with the side and no property line which abuts upon street.~~
 - 2. ~~Residential Uses. No residential driveway approach shall be closer than thirty feet on local streets feet or forty, on collector or greater street designations, when approved, to the point of intersection of the front property line with the side property line which abuts upon a street;~~
- F. ~~Driveways on Collector and Greater Streets~~
 - 1. ~~On Lots which contain frontage upon two different streets, driveway access shall be established from the street with the lesser street classification, as shown on the Master Plan. No driveway approach shall be established on collector or greater designation streets, or streets with a larger classification, except for non-residential and multifamily residential developments with common driveway approaches, which under certain situations, the City deems appropriate and which and includes traffic mitigation measures. acceptable to the City.~~
 - a. ~~Such measures may include, but are not limited to, shared driveways and setbacks from other driveway approaches.~~
- G. ~~Definitions~~
 - 1. ~~The "apron" is that portion of the driveway approach extending from the gutter flow line to the sidewalk section and lying between the end slopes of the driveway approach.~~
 - 2. ~~The "curb return" is the curved portion of a street curb at street intersections, or the curved portion of a curb in the end slopes of a driveway approach.~~

3. A "driveway" is an area on private property where automobiles and other vehicles are operated or allowed to stand.
4. "Driveway approach" is an area, construction, or improvement between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to a definite area of the private property, such as a parking area, a driveway, or a door at least seven feet wide intended and used for the ingress and egress of vehicles. The component parts of the drive way are termed the apron, the end slopes or curb return, and sidewalk section street.
- H. The "end slopes" are those portions of the driveway approach which provide a transition from the normal curb and sidewalk elevations to the grade of the apron, either by means of sloping surface or by means of a curb return, together with the area between the projected tangents of the curb return.
- I. The "sidewalk section" is that portion of the driveway approach lying between the back edge of the sidewalk and the apron, plus the end slopes measured at the front edge of the sidewalk.

18.68.220 Pollution Prevention

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by [State Law](#), the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which results in pollutants entering groundwater in amounts exceeding the standards prescribed [in State or Federal Law or policies or](#) by the Utah State Water Pollution Control Board of the Board of Health, shall be prohibited.

18.68.230 Private Schools In Residential Zones

Private schools in residential zones [shall be reviewed by the Community Development Director and approved if the application](#) meets the following standards.

- A. Building and Health Codes. The site shall comply with applicable health, building and fire codes.
- B. Licenses. The private school shall obtain applicable state and local business licenses.
- C. Site size. The site shall contain at least 1 acre.
- D. Street Access. The site shall front upon and directly access a Collector or Major Collector Street.
- E. Parking. [See Parking Chapter 18.72.](#) The site shall contain parking as follows:
 1. ~~Pre-School/Elementary/Jr. High: 3 parking stalls per room used for classroom or administration.~~
 2. ~~High School/Trade School: 3 parking stalls per room used for classroom or administration, plus 1 parking stall per 4 students.~~
 3. ~~Dance: 1 parking stall per 200 square feet of gross floor area.~~
 4. ~~Beauty: 5 parking spaces, plus two (2) per operator station plus one (1) space per two hundred (200) square feet of office space.~~
- F. Building setbacks. Building setbacks shall meet the requirements of the underlying zone.
- G. Height. Building height shall not exceed 2 stories [30'](#) above grade.
- H. Loading and unloading. 1 off-street loading/unloading space for every 20 people, or portion thereof enrolled. Loading space requirement may be eliminated if there is a circular drive-way.
- I. Lot Coverage. No more than 30 percent of the lot shall be covered by buildings.

- J. Common Areas. The site shall provide landscaped outdoor common area for use by students, covering a minimum of 20% of the site.
- K. Screening and Fencing. Outdoor playgrounds shall be surrounded by fencing. Evergreen trees and shrubbery shall be planted along property lines shared with adjoining residential subdivisions.

18.68.501 Residential Facilities For Elderly Persons^[MRS]

- A. A residential facility for elderly persons may not operate as a business.
- B. A residential facility for elderly persons shall:
 - 1. ~~be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;~~
 - 2. ~~be consistent with existing zoning of the desired location; and~~
 - 3. ~~be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.~~
- C. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

18.68.502 Elderly Residential Facilities As A Permitted Use

- A. A residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings.
- B. A permit to establish a residential facility for elderly persons shall be granted only if:
 - 1. the facility meets all applicable building safety, zoning, and health ordinances applicable to similar dwellings;
 - 2. there is adequate off-street parking space provided;
 - 3. the facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 - 4. no residential facility for elderly persons is established within three-quarters mile of another residential facility for elderly persons or residential facility for handicapped persons, as defined by Section 10-9-103 of the Utah Code;
 - 5. no person being treated for alcoholism or drug abuse is placed in a residential facility for elderly persons; and
 - 6. placement in a residential facility for elderly persons is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

18.68.503 Approval Of Elderly Residential Facilities

- A. Upon application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, Heber City may decide only whether or not the residential facility for elderly persons conforms to ordinances under 18.68.502(B); and
 - 1. if the residential facility for elderly persons complies with the ordinance under 18.68.502(B), Heber City shall grant the requested permit to that facility.
- B. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances under 18.68.502(B).

18.68.504 Elderly Residential Facilities In Areas Zoned Exclusively For Single-Family Dwellings

For the purposes of this section:

- A. No person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons; and
 - 1. placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.
- B. Subject to the granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:
 - 1. conforms to all applicable health, safety, zoning, and building codes;
 - 2. is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 - 3. conforms to Heber City's criteria adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings; and
 - 4. is not established within three-quarters mile of another existing residential facility for elderly persons or residential facility for handicapped persons, as defined by Section 10-9-103 of the Utah Code.
- C. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.
- D. Discrimination against elderly persons and against residential facilities for elderly persons is prohibited.
- E. Decisions regarding the application for a permit by a residential facility for elderly persons shall be based on legitimate land use criteria and not based on the age of the facility's residents.
- F. The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets the requirements of existing zoning ordinances that allow a specified number of unrelated persons to live together.

18.68.506 Definitions^[MR6]

As used in the chapter:

- A. "Conditional Use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- B. "Elderly person" means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
- C. "Residential facility for elderly persons" means a single-family or multi-family dwelling unit that meets the requirements of the 500-series of Chapter 18.68 of this ordinance.
 - 1. "Residential facility for elderly persons" does not include a health care facility as defined by Section 26-21-2 of the Utah Code.

18.68.601 Residential Facility For Disabled Persons ~~Group Care Facilities~~

A. ~~Definitions.~~ For the purpose of Section 18.68.601:

1. ~~“Disabled Person” means an individual with a disability as defined by the Federal Americans with Disabilities Act as amended (ADA), US Housing and Urban Development (HUD), and/or the Utah Fair Housing Act.~~
2. ~~“Residential facility for disabled persons” or “facility” means a single-family or multiple-family dwelling unit that provides a family-type living environment for disabled persons and meets the requirements of Section 18.68.601 “Residential Facilities for Disabled Persons”.~~

B. A. Intent.

It is the intent of this ordinance to accommodate individuals with a bona fide disability as defined by the ADA, HUD, and the Utah Fair Housing Act. This ordinance shall not be used to circumvent other requirements of the Heber City Zoning Ordinance.

C. ~~B.~~ Residential Facility for Disabled Persons Group Care Facilities as a Permitted Use.

Each facility is a permitted use within any Zone where residential dwellings are permitted. The granting of a permit to operate a facility rests with the ~~Zoning Administrator~~ Community Development Director or his or her designee, with appeals going to the Appeals and Variance Authority. The following standards shall be used in the Planning Director’s review of applications:

- 1) All facilities shall have adequate off-street parking space provided per Chapter 18.68.
- 2) All facilities shall be capable of use as a group care facility without exterior structural or landscaping alterations that would change the structure’s residential character.
- 3) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a group care facility, or if the structure fails to comply with the requirements.
- 4) The minimum site development standards for group care facility for elderly persons shall be the same as those required for a single-family dwelling in the zone in which the facility is to be located.
- 5) All required setback areas not occupied by buildings or parking shall be landscaped and properly maintained.
- 6) No Group Care facility shall be established, operated or maintained within the City without a valid license or operating contract issued by the Utah state division of licensing or department of corrections or other appropriate state agency, and without obtaining a Heber City business license. For types of uses that do not require a state license, the applicant shall provide evidence from the state of Utah indicating that the state does not require a license for the facility.

D. ~~License and Permits Required.~~ Each facility shall:

1. ~~Obtain a local business license when a facility is operated and managed by an entity for profit or non-profit;~~
2. ~~Obtain any applicable state, federal, and local licenses or permits, and provide evidence of required licensure upon application for a local business license;~~
3. ~~Meet all municipal building, safety, and health ordinances applicable to similar dwellings; and~~
4. ~~Conform to all applicable requirements of the Utah State Department of Human Services and be operated by or operated under contract with that Department.~~

E. ~~Facility Requirements.~~ Each facility shall:

Commented [MR1]: Attorney to provide final language

1. Establish and maintain adequate off-street parking spaces;—
 2. Be established, managed, and maintained in a manner consistent with the character and scale of the surrounding residential neighborhood;—
 3. Be occupied by sixteen (16) or fewer disabled persons in a family-type arrangement under the supervision of a house family or manager in accordance with the requirements of the Utah State Department of Human Services; provided, however, the occupancy of such facility shall not exceed the limits established by the Utah State Code, Utah State Administrative Rules, or the International Building Code.—
 4. Accept individuals within the facility on a strictly voluntary basis and shall not include placement of individuals as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;—
 5. Not be established or maintained within six hundred feet (600) feet of an existing facility, as measured in a straight line from the nearest property line of a facility to the nearest property line of another facility;—
 6. Provide services to a group of individuals with bona fide disabilities, as evidenced by receipt of an official ADA Certification or receipt of recent treatment or therapy within the past year for a qualifying disability; and—
 7. When part of an addiction recovery facility, require monthly drug and alcohol testing and verification, and provide said verification upon request to Heber City.—
- F. Enforcement. The following are factors that shall disqualify a facility from operating within Heber City and shall be grounds for declaration of such facility as a public nuisance, and subject such facility to license revocation and/or other available criminal or civil action. Knowingly or unknowingly:
1. providing services to CURRENT drug or alcohol users at a facility rather than providing services to RECOVERING alcohol or drug addicts;—
 2. permitting drug or alcohol use or drug manufacturing at a facility;—
 3. providing services to individuals that do not qualify with a bona fide disability and operating such facility under the guise or façade of a bona fide disabled facility; or—
 4. permitting or engaging in other unlawful activities which constitute a Pattern of Unlawful Activity pursuant to Title 76, Chapter 10, Part 16 of the Utah State Code.—
- G. Severability. If any part of this Section is found to be unlawful by a court of law, applicable State or Federal regulations shall govern that situation, and the remainder of this Section shall remain in full effect.

18.68.606 Temporary Uses and Structures

- A. Uses and structures may be permitted for a period of time outlined in this section, with no use or structure exceeding six (6) months.
- B. Permit. A temporary use permit is required for all temporary uses and structures.
1. Permit applications shall be submitted to the Planning Department and include the following:
 - a. Proposed use and time frame of use or structure.
 - b. Site plan outlining the size and location of the use or structure and any required parking and site improvements.
 2. Temporary use permits are reviewed and approved the Planning Department.

3. Certain uses may require a building permit in addition to the temporary use permit.

C. Uses and structures not listed in this section are not permitted as temporary uses or structures.

D. The following uses and structures are permitted on a temporary basis upon compliance with the standards associated with the use or structure as reviewed and permitted by the Community Development Director.

1. Shipping Containers

~~a. Containers in the C-2, C-3, C-4, MURCZ, and RC zones may be permitted as a temporary use for no more than ninety (90) days. No more than 2 permits may be granted for the same parcels per calendar year. Durations longer than ninety (90) days require a Conditional Use Permit as outlined in Chapter 18.108 of this Title. b. Containers may only be kept in commercial portions of developments with the Mixed Use zones. c. Containers shall not be placed within a required setback or landscaping area. d. Containers shall not be placed between a building and the street. e. Containers shall be screened from the view of the public right of way by being placed behind a building or within a screened outdoor storage area meeting the outdoor storage standards of the underlying zone. f. Containers shall not be placed in the public right of way.~~

1. Construction Office

- a. Construction Offices may be permitted as a temporary use in any zone.
- b. Structures shall not be placed in any right of way that has been dedicated and accepted by the City, or open for public use.
- c. A temporary use permit may be extended when associated with a commercial building permit. d. Separate permits may be obtained for developments with multiple phases.
- e. All temporary offices shall be removed within fourteen (14) days of the issuance of a Certificate of Occupancy or acceptance of the public infrastructure of the associated phase of a subdivision or development.

2. Onsite Real Estate Sales Office

- a. Onsite Sales Offices may be permitted as a temporary use in residential zones as reviewed and permitted by the Community Development Director. Sales Offices located within a model home do not require a temporary use permit.
- b. Sales Offices shall be placed on private property.
- c. An off street parking area adjacent to the sales office shall be provided. Said parking area shall be constructed of compacted gravel or road base and provide for a minimum of 3 parking spaces.
- d. All sales offices shall be accessible to persons with disabilities.
- e. Sales Offices shall be removed upon the establishment of a sales office within a model home, clubhouse, or other permanent structure.

18.68.608 Mobile Food Vendors

- A. Definitions: Mobile Food Vendors are comprised of the following:
1. Ice Cream Truck: A fully encased food service establishment on a motor vehicle from which a vendor, from within the frame of the vehicle, serves ice cream; that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and that may stop to serve ice cream at the signal of a patron.
 2. Food Truck: A fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.
 3. Food Cart: "Food cart" means a cart that is not motorized; and that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
- B. General Requirements
1. All Mobile Food Vendors shall have a Business License and comply with the requirements of Section 5.04.160 [of the Heber Municipal Code](#).
 2. All requirements of the Health Department shall be met.
 3. A building permit shall be required for any electrical connections.
- C. Ice Cream Truck
1. Retail sales are permitted in all zones and:
 - a. Shall not sell any goods to individuals standing in the street.
 - b. Shall not be allowed to sell goods from a motorized vehicle while in the right of way on the following streets:
 - 1) Main Street
 - 2) Hwy 40
 - 3) Hwy 189
 - 4) Center Street
 - 5) 100 South (Midway Lane)
 - 6) 1200 South
 - c. Are prohibited from pulling any type of trailer with a motorized vehicle during business operation.
 - d. Shall not stop or be located within an area that would block an intersection or driveway clear site triangle or obstruct the view of traffic.
- D. Food Trucks
1. Retail sales are restricted to Commercial, Industrial, and Manufacturing Zones and shall:
 - a. Only be permitted at an existing brick and mortar business location, with the property owner's [written](#) permission.
 - b. Provide, maintain, and remove trash receptacles for the duration of sales and/or event.
 - c. Provide sanitation services for employees and patrons. An agreement with the hosting business may satisfy this requirement.
 - 1) Exceptions:

Retail sales are permitted on public and private school property with written permission of the school district or property owner, regardless of the zone.

- 2) Retail sales are permitted at parks or on public property as part of a Civic, Recreation, or Special Event with written permission of the property owner, regardless of the zone.
 2. Dining areas are only permitted when approved by the property owner and shall be set up and taken down with each occurrence.
 3. ~~Food Trucks are not permitted to be parked at a sales location overnight.~~ Food Trucks shall not be parked at a sales location overnight, without written permission from the property owner. Food Trucks shall not be parked overnight on public property or within a public right of way.
- E. Food Cart
1. Food Carts are prohibited outside of Civic, Recreation, or Special Events and;
 - a. Must have written permission from the property owner and event coordinator.
 - b. Shall obtain an Event Vendor Business License.
 - c. Shall not be located in the public right of way.
 - d. Shall not be located in an intersection or driveway clear site triangle.
 2. Dining areas are only permitted when approved by the property owner and shall be set up and taken down with each occurrence.
 3. Food Carts are not permitted to be located at a sales location overnight, unless approved with the associated event.
- F. Signs
1. All images, text, and wraps that do not project from a motorized or non-motorized vehicle that solely advertise for the Mobile Food Vendor business are permitted.
 2. Ice Cream Trucks are only permitted signage that does not project from the vehicle and solely advertises for the associated business.
 3. Food Trucks are permitted two A-Frame signs.
 4. Food Carts are permitted one A-Frame sign.
 5. A-Frame signs shall not exceed four feet in height and twelve square feet of sign copy area and include weights to prevent movement due to windy conditions.
 6. Signs are not permitted in the public right of way.
 7. Signs that exceed three feet in height shall not be placed in either an intersection or driveway clear sight triangle.
 8. Off-premise signs are prohibited.
- G. Process
1. Ice Cream Truck: The following shall be submitted for review with the business license application.
 - a. Picture of the vehicle.
 2. Food Trucks: The following shall be submitted for review with the business license application.
 - a. A Permitted Use application including a site plan for each location.
 - b. Any proposed signage.
 - c. Letter of consent by hosting ~~businesses~~ property owner.
 - d. Proof of sanitation facilities or agreement with hosting business/property owner.
 3. Food Carts: The following shall be submitted for review with the business license application.
 - a. Site Plan for each location
 - b. Any proposed signage
 - c. Letter of consent from property owner and event coordinator

18.68.609 Home Occupations

A. Purpose.

The purpose of this section is to permit the establishment of home occupations in all zoning districts in a manner that is compatible with the district in which they are located, with minimal negative impacts to surrounding residential areas. Home occupations are intended to promote local and sustainable economic growth and development.

B. The ~~zoning administrator~~ **Community Development Director** or designee may grant a permit for a home occupation subject to the following conditions:

1. The home occupation shall be carried on offsite or entirely within a building onsite;
2. The business licensee must reside at the site that contains the business. Short-term rental occupants (those found in nightly rentals, hotels, motels, bed & breakfast, Air BnB, etc.), do not qualify for a license for a home occupation;
3. Signs used in conjunction with a home occupation shall not be illuminated and shall not exceed one sign that is no more than 2 square feet in area;
4. The home occupation shall not involve the use of any yard space or carport space for storage or other business related activities, unless specifically stored within a trailer or a building;
5. No commercial vehicles shall be used onsite in connection with the home occupation except passenger motor vehicles. This subsection does not prevent deliveries to the home by parcel or letter carrier mail service vehicles typically employed for residential deliveries. No deliveries by semi-tractor/trailer trucks are permitted in connection with a home occupation. Deliveries shall not be made to or from the site between the hours of 10:00 pm and 7:00 A.M.;
6. Each site is permitted to park on the premises one commercial vehicle that has a rated capacity not to exceed one ton and one trailer not exceeding a length of 27 feet, excluding the tongue, provided:
 - a. Materials and equipment shall not be stored outside of the vehicle/ trailer;
 - b. The vehicle/trailer shall not be parked upon the street right of way or between the street and home; and
 - c. The vehicle/trailer must be well maintained.
7. The home occupation shall be clearly incidental to the primary use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling or alter the residential character of the surrounding neighborhood;
8. The home occupation activity shall be conducted entirely within the home or an enclosed accessory building or garage. The total permissible square footage to be used for the home occupation shall not exceed twenty-five percent of the total ground floor square footage of the house, or one room, whichever is greater. Where an accessory building or garage is used, no more than twenty-five percent of the total ground floor square footage

of the house or six hundred square feet in area, whichever is less, shall be devoted to the home occupation;

9. The home occupation shall be registered with the proper licensing agencies or City and State departments;

10. ~~In the opinion of the zoning administrator, t~~The physical appearance, traffic and other activities incidental to the home occupation shall not be contrary to the objectives and characteristics of the zone in which the home occupation is located;

11. The home occupation shall not generate vehicular traffic or parking around the dwelling unit or other external evidence of the home occupation not normally associated with a residential use;

12. In connection with the operation of the home occupation, it shall not be permitted:

- a. to have exterior displays or a display of goods visible from the outside,
- b. to produce offensive noise (not to exceed fifty-five (55) decibels), vibration, fumes, smoke, gas, light, dust or other particulate matter, odor, heat, humidity, glare, magnetic or electrical interference or other objectionable impacts extending beyond the property line of the lot where the occupation is located,
- c. to involve more than three people (total of employees and clients) being at the home at any one time due to the home occupation, except those members of the family living in the home. An unlimited number of employees may be employed offsite; or
- d. to occupy on-street parking beyond the extent of the property's street frontage;

13. Home occupations involving visitations from pedestrian or vehicular traffic shall only be conducted between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M. 14. The following businesses, regardless of their conformance with the standards for Home Occupations, are prohibited:

- a. Auto repairs;
- b. Welding shops or machine shops;
- c. Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators and other appliances or equipment that are too large to be carried in 1 individual's arms);
- d. Industrial assembly;
- e. Truck hauling;
- f. Kennels; and
- g. Stables.

18.68.610 Bed And Breakfast Homes And Boarding Houses, Lodging Houses, And Rooming Houses

A. Subject to the provisions contained herein, Bed And Breakfast Homes and Boarding Houses, Lodging Houses, And Rooming Houses shall be approved by the Planning Department as permitted uses as per the standards set for in this Section 18.108.034. B. When a Boarding Housing, Lodging Housing or Rooming Housing is permitted within a particular zone, the following standards shall apply:

1. Such facilities shall not shall not exceed eight guest rooms. 2. Each facility shall be modified to meet all building, zoning, fire, health and other applicable regulations. 3. Each facility must be and remain the primary residence of the owner. If employees may be hired in conjunction with the facility; however, the employees shall not be allowed to reside at the residence. A letter attesting that the owner(s) will occupy the said facility, except for bona fide temporary absences, shall be submitted to the Planning Department. 4. Parking shall be off the street, hard surfaced, and provided at a rate of one space per tenant plus two spaces for the residing owner(s). Off-street parking spaces may be provided in tandem. Off street parking shall not exceed 40% (forty percent) of any required setback area adjacent to a public street. 5. Construction and alterations of facilities shall not alter the residential character of the dwelling. 6. All facilities must collect and pay any applicable Transient Room Tax, Sales tax, and City Business License fees. 7. No more than one person may occupy any guest room within an approved facility. 8. High quality landscaping of the entire property is required. Solid fencing may be required to screen parking areas and utility areas. 9. All provided exterior lighting shall meet the requirements of Chapter 18.78 Lighting. 10. A site plan showing parking, buildings, landscaping and screening, building elevations and lighting shall be submitted to the Planning Department to illustrate compliance with this section.

C. When a Bed and Breakfast Inn is permitted within a particular zone, the following standards shall apply:

1. All facilities shall operate with a current city business license and collect Transient Room Taxes and Sales Taxes. 2. The number of guest rooms will be determined by the applicant's ability to provide acceptable parking and mitigate neighborhood impacts; however, no facility shall exceed ten (10) guestrooms. 3. Guest rooms are only available for overnight rental, with maximum continuous stay of fourteen nights. 4. No more than two persons may occupy any guest bedroom. 5. Food may only be served to residents, employees, lodgers, and guests of overnight lodgers. 6. Any retail use shall be incidental to the lodging use (i.e. gift shop) and shall not occupy more than twenty-five percent of the total floor area of the main floor and in no event more than three hundred square feet of floor area; 7. No cooking facilities are permitted in the guest bedrooms. A kitchenette with a small sink, small fridge, and microwave (no stove, oven, dishwasher) is permitted. However, a suite may have a separate kitchen that is not located within a bedroom. 8. An owner or manager shall live on the property, or there shall be 24 hour on-site management during guest rental nights. 9. Employees may be hired for cooking, cleaning, maintenance, and management of the Inn. 10. Alcoholic beverages shall not be sold or provided in a Bed and Breakfast. Guests may provide their own beverages, if desired. 11. Parking is required at the rate of at least one space per rented bedroom, plus two spaces for owner/manager. Off-street parking spaces may be provided in tandem. Parking is permitted to be off site or along the property's available street frontage. All on-street parking shall be built to adopted city road standards for either diagonal or parallel on-street parking. Off-street parking shall not exceed 40% (forty percent) of any required setback area adjacent to a public street. 12. High quality landscaping of the entire property is required. A landscaping plan shall be submitted to the city

planning department for review, comment, and approval. Solid fencing may be required to screen parking areas and utility areas. 13. All provided exterior lighting shall meet the requirements of Chapter 18.78 Lighting. 14. One identification sign may be placed on an ornamental wall or free standing monument sign, with said sign not exceeding 24 square feet in area. If illuminated, only hooded downward facing spot lighting is allowed. Free standing signs shall not exceed five (5) feet in height above natural grade. 15. Construction and alterations of facilities shall not alter the residential character of the dwelling. 16. A site plan showing parking, buildings, landscaping and screening, building elevations and lighting shall be submitted to the Planning Department to illustrate compliance with this section. 17. Bed & Breakfast Inns that are located within the R-1 Residential Zone shall front upon a Collector or Arterial Street as identified on the Heber City Transportation Plan, and shall be restricted to such Streets.

18.68.611 Accessory Dwelling Units (ADUs)

The zoning administrator **Community Development Director** may grant a permit for an Accessory Dwelling Unit subject to the following conditions:

- A. No more than one ADU may be permitted accompanying each Single Family Detached.
- B. Either the ADU or the principal residence shall be occupied by the owner of the property except for temporary bona fide absences.
- C. ADUs are permitted only in owner-occupied single-family dwellings or owner-occupied Single Family Detached.
- D. There shall be no external evidence of occupancy by more than one family. The ADU shall be clearly incidental to the primary use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling.
- E. Each unit shall have the same address as the main structure. Homes with an ADU may designate mail to its renters by Apartment Number, to wit, Apartment #1 or Apartment #2.
- F. A Single Family Detached with an ADU shall provide at least two (2) off-street parking spaces for the principal dwelling, and at least one (1) off-street parking space for the ADU.
 - 1. The required ADU off-street parking spaces are required to be hard surfaced with concrete or asphalt. 2. Garage or car port spaces do count as approved spaces. 3. Required ADU parking stalls may be located within a front, rear or side yard setback area, provided such placement does not displace required landscaping.
- G. A Single Family Detached with an ADU shall have one but no more than two (2) meters for each water, and gas service. Each meter shall be in the property owner's name. There shall only be one (1) electric meter per building.
- H. All construction and remodeling to accommodate the ADU shall be in accordance with both the International Residential and Building Codes, as amended, in effect at the time of construction or remodeling.
- I. Landscaping:
 - 1. The lot on which the ADU is located shall have a landscaped yard in accordance with Chapter 18.76.020. 2. The lot on which the ADU is located shall have street trees in accordance with Chapter 12.20.
- J. ADU size requirements are:
 - 1. Minimum size: no minimum size. 2. Maximum size: no maximum size for ADUs located within a main building; ADUs located within an accessory building shall not exceed 1,500 square feet and shall comply with Section 18.68.060.
- K. ADUs must include the following:
 - 1. A kitchen separate from the main dwelling. 2. Sanitation facilities (full bathroom) separate from the main dwelling.
- L. A person desiring an ADU shall:

Commented [MR2]: Discuss just permitting in R1 zone only - need council consensus

1. Obtain a Building Permit from the City and include the following in addition to standard submittal requirements for a permit:

a. Site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings or additions, dimensions from buildings or additions to property line, and the location of parking stalls, and utility meters. b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.

2. For ADUs that are rented, obtain a City business license. ADUs licensed within the City may be inspected annually as part of the business license renewal for compliance with building, fire, and health codes by any appropriate department of the City or other governmental agency to ensure compliance with building, fire and health and safety codes. No ADU shall be approved without all such required inspections and approval of the City Building Department. ADUs that were constructed legally previous to the adoption of this Code shall meet the building and safety codes required at the time of construction. No ADU business license shall be granted without providing evidence of a Certificate of Occupancy.

3. Record Notice of Compliance Agreement at time of building permit application and/or business licensure.

M. Prior Uses: No ADU existing prior to the enactment of this Section shall be "grandfathered", or considered legal solely because they were previously used as such.

N. Other Apartments Prohibited: There shall be no other type of accessory apartment allowed except as provided in this Section. Any portion of a home or dwelling unit that has been sectioned off so that any occupant in the dwelling does not have access to any portion of the home, and contains separate living quarters and/or a kitchen, regardless of the relationship of the occupants, shall be prohibited unless it meets all of the requirements and standards of this Section, and an application has been made pursuant to the requirements and conditions of this Section.

O. Decisions of the ~~zoning administrator~~ Community Development Director ~~not to issue a permit for~~ an ADU are appealable to the Appeal Authority.

P. The ownership of an ADU shall not be separated from a principal dwelling.

18.68.612 In-home Daycare /preschool standards-Child Daycare Facilities

A. Requirements

~~Before approval of an application for a Day-Care Facility or a Nursery School by the Zoning Administrator, the following requirements must be met:~~

- ~~1. All outdoor play areas must be enclosed by a fence of at least 5 feet if there are more than 6 children enrolled;~~
- ~~2. The facilities must be located on a thru street at least as wide as a secondary street as designated in the Heber City specification, which is 60 feet;~~
- ~~3. Nursery Schools in residential zones must meet all home-occupation requirements except the following:
18.108.020 M.3. which is: To involve no more than three people being at the home at any one time due to the home-occupation, except those members of the family living in the home, or as regulated by the State Department of Social Services, Division of Family Services, Family Day-Care Standards, November 1987. (Ord. 87-02 (part), Ord. 830998 SS1, 2, 1983.)~~
- ~~4. Nursery Schools in residential zones must meet the following requirements:
 - ~~1. No more than ten (10) children (including children under the age of eight (8) who are members of the family housed at the Nursery School permanently);~~~~

2. Minimum requirements are based on the following formula:
Outside—minimum of 40 square feet of free space per child.
Inside—minimum of 30 square feet of free space per child.
 5. None of the play areas in an all residential zone can be within the defined front or side yard setback requirement space.
 6. R-1 Zone—Day Care Facilities are allowed but must comply with the home occupation requirements.
- B. Parking

Day Care/Nursery Facilities shall have one (1) parking space for each employee, plus one (1) loading, unloading space for every 20 people, or portion thereof enrolled. Loading space requirement may be eliminated if there is a circular driveway.

Child daycare shall be permitted pursuant to the following provisions:

- A. Nonregistered Home Daycare.
Nonregistered home daycare, limited to no more than six (6) children, excluding the provider's own children, is permitted in the home of the care provider as set forth in the Zoning District Chapters of this title and within legal conforming single-family, duplex, and multi-family dwellings within commercial and nonresidential districts. A business revenue license or home occupation permit approval shall not be required.
- B. Registered Home Daycare or Registered Home Preschool.
A registered home daycare or registered home preschool may be allowed as a conditional use Chapter 18.108. Registered home day cares shall be considered administrative conditional uses and be eligible for administrative approval under that section. The principal place of residence is only to be used to provide educational or daycare opportunities for children under age seven (7) in small groups. The group size at any given time shall not exceed eight (8), including the provider's own children under age seven (7). The applicant shall also obtain appropriate licensing where applicable from the State pursuant to the Utah Code.
 1. Permit Application: An application for a residential home daycare or preschool must be submitted to the Planning Director. As a part of the application, the applicant must submit the following documentation:
 - a. The number of children and employees; both total for the day and the expected maximum number to be on the premises at any given time;
 - b. The hours and days of operation; and
 - c. Proof of appropriate licensing from the State, where applicable, or basis upon which exemption therefrom is claimed.
 2. Additional Standard of Review: All residential home daycare or preschools shall be subject to the following specific standards:
 - a. The applicant resides at the home in which the business will be conducted;
 - b. At no time shall the applicant provide home daycare or home preschool services for a group of children exceeding the maximum specified for such facility;

c. The outdoor play area for the home daycare or home preschool shall be located in the rear or side yards of the home for the protection and safety of the children and for the protection of the neighborhood;

d. The use of the home for the services of providing childcare shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the home or the neighborhood;

e. The care and supervision of the children shall be conducted in a manner which is not a public nuisance to the neighborhood;

f. There shall be no advertising of such occupation, business or service, no window or other signs or displays;

g. No employees other than persons lawfully living in the dwelling;

h. Dwellings that front upon a culdesac are prohibited from operating such facilities;

i. Parking standards per Chapter 18.72 of this title;

j. No play or yard equipment located in the front yard; and

k. It is unlawful for any person to engage in a "registered home daycare or registered home preschool" as defined without first obtaining a license pursuant to the provisions of the Heber City code. Prior to issuance of said license, the criteria set forth in this title must be satisfied and all applicable fees shall be paid. All home occupation business licenses shall be valid for one year, and may be renewed annually, provided there have been no reported violations of the issued permit.

C. Commercial Child Daycare Center and/or Preschool Facility:

1. Conditional Use Standards: A Child Daycare Center and/or Preschool Facility providing care and maintenance to nine (9) or more children at any one time of any age separated from their parents or guardians is allowed as a conditional use pursuant to the provisions of Chapter 18.108 of this title.

18.68.613 Recreational Vehicle Courts

A. Intent Of Provisions

The intent of this chapter is to promulgate minimum regulations which are designed to facilitate the development of safe and sanitary accommodations for short-term occupants.

B. Permit And Plans Required

Any person wishing to construct a recreational vehicle court shall prepare a plan therefor and submit the same to the ~~planning and zoning administrator~~, Community Development Director. Before a permit can be issued for any construction connected with a recreational vehicle court, the plans must be approved as set forth in this chapter. No construction connected with said vehicle court shall be commenced until a valid permit has been obtained

therefore.

C. Content Of Plan

The plan shall show the following information:

1. The topography represented by contours shown at no greater intervals than two feet when required by the ~~planning and zoning administrator;~~ Community Development Director;
2. The proposed street and recreational vehicle court layout;
3. Proposed reservations for parks, playgrounds and open spaces, if any;
4. Size and character of service and recreation buildings and other structures associated with land and facilities to be used by the recreational vehicle court occupants;
5. Proposed landscape planting plan, including type and location of plant material;
6. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants and other improvements.

~~D. Standards And Requirements~~[MR10]

The development of any recreational vehicle court shall conform to the following standards and requirements:

1. The area shall be in one ownership and shall remain in one ownership and the same shall not be subdivided thereafter.;
2. The plan must be prepared by an engineer, land surveyor, architect or landscape architect licensed to practice in the state;
3. Yard Lighting. A minimum of two-tenths footcandles of light shall be required for protective yard lighting the full length of all driveways and walkways;
4. All roadways shall be hard surfaced;
5. All recreational vehicle courts shall abut upon a collector or arterial street as set forth in the comprehensive plan of the city;
6. No exit or entrance from a recreational vehicle court shall be through a residential zone;
7. All one-way roadways shall be at least sixteen feet in width and all two-way roadways shall be at least twenty-four feet in width;
8. All recreational vehicle spaces shall be located at least twenty feet back from the right-of-way line of any public street and the resulting setback space must be landscaped with lawn and trees or shrubs as approved by the planning and zoning administrator except over-permitted driveways;
9. All areas within the court which are not occupied by buildings or hardsurfacing shall be landscaped and maintained with lawn, trees and shrubs designed to provide privacy and noise containment, and shall be equipped with adequate sprinkling devices as determined by the planning and zoning administrator;
10. Each recreational vehicle space shall be at least twenty feet in width and at least forty feet in length;
11. All recreational vehicles shall be served by a water system, a sewage disposal system and solid waste disposal facilities which have been approved by the State Health Department;
12. All recreational vehicle courts shall be maintained in a tidy and sanitary condition, free at all times from debris, trash and deleterious objects and structures;
13. Prerequisite to the occupancy of any recreational vehicle court shall be the obtaining of an annual license, which shall be issued only after inspection by the planning and zoning administrator. It shall be unlawful to operate a recreational vehicle court without first obtaining a license, and said license shall be refused or

revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as set forth in this section;

14. In addition to meeting the requirements of this section, all recreational vehicle courts shall also conform to the requirements set forth in the Code of Camp, Trailer Court, Hotel, Motel and Resort Sanitation Regulations, as adopted by the Utah State Board of Health.

18.68.614 Reasonable Accommodation Provisions

A. Applicability.

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations of Heber City or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulations of Heber City acts as a barrier to fair housing opportunities.

B. Requesting Reasonable Accommodation.

In order to make housing available to an individual with a disability, any eligible person as defined in Section A may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures. Requests for reasonable accommodation shall be in writing and provide the following information:

- (1) Name and address of the individual(s) requesting reasonable accommodation.
- (2) Name and address of the property owner(s).
- (3) Address of the property for which accommodation is requested.
- (4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
- (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.

C. Request for accommodation.

A request for reasonable accommodation in regulations of Heber City may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation. If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.

D. Reviewing Authority.

Requests for reasonable accommodation shall be reviewed by the Community Development Director using the criteria set forth in Section E. The Community

Development Director shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Section E. If necessary to reach a determination on the request for reasonable accommodation, the Community Development Director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. If a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

E. Required Findings.

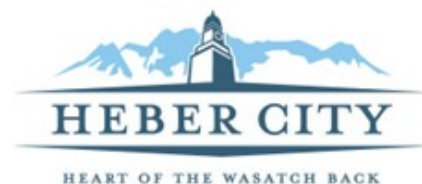
The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with Federal and State fair housing laws and based on the following factors:

1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
3. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction and;
4. Whether the requested accommodation would require a fundamental alteration in the nature of Heber City's land use and zoning or building ordinances.

F. Written Decision on the Request for Reasonable Accommodation.

The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the Community Development Director's findings on the criteria set forth in Section E. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process. The notice of decision shall be sent to the applicant by certified mail. The written decision of the Community Development Director shall be final unless an applicant appeals to the Appeal Authority. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Review of Moderate Income Housing Action Items (Baron) – 20 min
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community and Economic Development

SUMMARY

Presentation only

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning
Staff member: Jamie Baron, Senior Planner

EXHIBITS

1. 7.18.23 CC PP - MIHP Strategies

2023 Moderate Income Housing Strategies

JULY 18, 2023 COUNCIL MEETING

Short Term

Entitlements

ADU's – 11 in the last 12 months

Envision Central Heber

Parking – No significant increase of development

Fiscal Year 2022-2023		
Action	Status	State Code Strategy
<i>Consider Zone Changes to facilitate Affordable Housing and negotiate deed restricted units.</i> Next Steps: 1. Track affordable units entitled and annually review to evaluate supply and needs. 2. Negotiate affordable units, including specific target incomes, with all new annexations and residential zone changes.	Ongoing	A
<i>Downtown Sewer, Water, Irrigation replacement project.</i> This is a multi-year project to replace the utilities within the central core of Heber City. This construction project is funded began this fiscal year.	Underway	B
<i>Modify ADU code to reduce regulations.</i> Next Steps: 1. Track # of ADU's created each year and annually review ADU code to reduce barriers.	Complete	E
<i>Downton planning process to direct zone changes in downtown.</i> Next Steps: 1. Analyze data from public workshops to prepare scenario alternatives for public comment. 2. Analyze public comment to create a preferred scenario for draft of plan and adoption. 3. Identify priority code amendments to the down town area.	Underway	F
<i>Modify parking standards for mixed use and core areas</i> Next Steps: 1. Monitor development activity each year to determine how the new regulations have impacted developments. 2. Propose code amendments to reduce barriers identified.	Complete	H
<i>Modify Affordable Housing Code to be incentive based (non-legislative requests)</i> Next Steps:	Upcoming	J

Short Term

Affordable Housing – In process

Impact Fees for ADU's – Need a code amendment

Property Acquisition – In the works

Mansion Homes – Envision Central Heber

1. Draft code amendment to include incentives for developments that are administrative and choose to include affordable housing within the project. 2. Present to Planning Commission and City Council for consideration of adoption.		
<i>Ensure ADU's don't require additional Impact Fees</i> Next Steps: 1. Review annual impact fees proposals to ensure impact fees for ADU's are not added to the yearly Impact Fee Analysis.	Complete	R
<i>Begin search for possible property acquisition to create affordable units with other entities, including County, School District, Housing Authority, and non-profits.</i> Next Steps: 1. Identify parcels that meet the objective of the City. 2. Make offers on preferred parcel. 3. Amend zoning to allow for density to create affordable housing. 4. Establish partnership with other entities for affordable housing project.	Underway	T
<i>Implement Mansion Homes for residential transition areas.</i> Next Steps: 1. Identify areas for implementation, following the Down Town Planning Process. 2. Amend Zoning to permit Mansion Homes	Upcoming	W

Heber City 5 Year Affordable Housing Gap Analysis						
5 Year Affordable Housing Supply		5 Year Growth		2020 - 2027 Need		
Development	Units	Year	New Units		Income Group	Needed Units
Sawmill Condos	70	2020			30%	397
The Orchard	2	2021	192		50%	190
Wasatch Vista (Self Help Homes)	42	2022	200		80%	366
Parkview Place (MCHA)	49	2023	207		Total	953
Heber Meadows North	5	2024	216			
Coyote Ridge	18	2025	224			
Springs at Coyote Ridge	8	2026	233			
98 E Center	3	2027	242			
Old Mill Village	25					
Sawmill Town Home ADU's	62	Total	1514			
Meadows at Southfield (Self-Help)	46					
Highlands	67					
Jordanelle Ridge (5yrs of 30 yr plan)	97					
New London	60					
Turner Mill	29					
NV Views	17.5					
Total	600.5					
		5 Year Affordable Housing Gap				
		5 Year Need	5 Year Supply	5 Year Gap	New Units	Gap %
		953	600.5	352.5	1514	23%
		5 Year Gap Strategy				
		New Units	5 Year Affordable Supply	Market Rate Units	5 Year Gap	Gap % of Market Rate Units
		1514	600.5	913.5	352.5	39%

Medium Term

Fiscal Years 2023-2027			
Action	Status	State Code Strategy	Fiscal Year
Implement a good landlord and other programs to incentivize affordable rental unit retention. Continue to work with Housing Authority on deed restriction monitoring	Upcoming	K	24-25
Create a Community Land Trust	Upcoming	M	25-26
Apply for grants, including a CDBG grant from Mountainland Association of Governments, to pay for property acquisitions needed to develop affordable housing.	Upcoming	O	23-24
Consider Housing allowances for essential City workers	Upcoming		24-25
Incentivize affordable housing and affordable housing retention	Upcoming		23-24

Long Term

Fiscal Years 2028 - Future		
Action	Status	State Code Strategy
Rehabilitate existing housing into Affordable Housing via CRA. Next Steps: 1. Work with Council to identify the portion of CRA funds to be used for rehabilitation. 2. Work with Council to determine if the program will be a grant or low interest loan program.	Upcoming	C
Reinvest CRA funds into Affordable Housing. Next Steps: 1. Work with Council to identify how the designated CRA funds for affordable housing will be allocated, including the rehabilitation program, development assistance, property acquisitions. 2. Create an affordable housing investment plan for the CRA area that address yearly distributions/investments based on available funds.	Upcoming	P

Discussion



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HEBER CITY CORPORATION
75 North Main Street
Heber City
City Council Meeting
June 6, 2023

DRAFT Meeting Minutes

4:00 p.m. Closed Executive Session
5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. CLOSED EXECUTIVE SESSION-4:00 pm

Mayor Franco called the meeting to order at 4:01 p.m.

1. Ongoing or Imminent Litigation

Motion: Council Member Phillips moved to enter Closed Executive Session for the purpose of discussing pending or reasonably imminent litigation. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, and Stack. **Voting No:** None. The **Motion Passed 5-0** and the meeting entered Closed Executive Session at 4:02 p.m.

Present:
Mayor Heidi Franco
Council Member Yvonne Barney – arrived at 4:03 p.m.
Council Member Rachel Kahler
Council Member Mike Johnston
Council Member Scott Phillips – remotely
Council Member Ryan Stack

Staff Present:
City Manager Matt Brower
City Attorney Jeremy Cook
Heber Valley Airport Manager Travis Biggs
City Recorder Trina Cooke

Also Participating Remotely: Heber Valley Airport Special Counsel Steve Osit.

Motion: Council Member Kahler moved to end the Closed Executive Session. **Second:** Council Member Barney made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The **Motion Passed unanimously, 5-0**. The Closed Executive Session ended at 4:57 p.m.

II. WORK MEETING-5:00 pm

Mayor Franco called the Work Meeting to order at 5:05 p.m. and welcomed everyone present.

Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips – remotely
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
Assistant City Manager Mark Smedley
Finance Manager Sara Jane Nagel
Airport Manager Travis Biggs
Planning Director Tony Kohler
Senior City Planner Jamie Baron
Parks and Cemetery Director Mark Rounds
City Engineer Russ Funk
Public Works Director Matthew Kennard
Public Works Kaden Obray
Public Works Cristian Payan
City Recorder Trina Cooke
Police Lieutenant Branden Russell

Staff Attending Remotely: IT Specialist Anthon Beales, Human Resource Manager Cherie Ashe, Assistant City Manager Mark Smedley, Public Works Director Matthew Kennard, Finance Manager Sara Nagel, City Engineer Russ Funk, Engineering Technician Desireé Muheim, and Accounting Technician Wendy Anderson.

Public Present: Nioma Duke, Russ Witt, Cathy Witt, Cammie Nebeker, Shirlene Mayo, Pam Patrick, John Guilds, Haylee Obray, Robert Turner, Alma Turner, Laurie Wynn – the Wave, Veralee Rhees, Matthew Turner, Marcus Eder, Di Ann Duke Turner, David Ruesch, Dave Turner, Brian Duke, Dean Duke, M Sabey, Tori Broughton, Ann Zimmerman, April Grange, Chris Grange, LuAnn Brandt, Bob Brandt, Darryn Nihm, Sarah Duke Duncan, Jon R Duke, Jonathan Turner, Jill Nystul, Michelle Stevens, Bill Wark, Josh Jewkes, David Scott, Ann Moulton, Jacob Anderson, Mark Evans, Druann Lacey, Craig Lacey, Ben Turner, Melanie Funk, Ken Knight, Gabe Turner, Thomas Dunn, Jim Farvis, Shauna Bennett, and others who did not sign in or whose names were illegible.

Public Attending Remotely: (Names listed as shown signed-in online) DS, DW, George Bennett, K Smith, John Janson, TMT, AZ, Catherine, cf, CLP, D Woodbury, Don Taylor, Kamen Goddard, Kelli G, McKay Murdock, Meg Ryan, Ron Bridge, Shorty, Megan McKenna, and T.

1. Discussion regarding L. Remington Master Development Amendment (MDA) Amendment (Baron) – 20 min

WM 1 Staff report for L Remington CC 6-6-23

Planning Consultant Deena Woodbury presented the information as included in the Staff Report. Development representative Josh Jewkes shared the layout design changes made in response to Council's previous feedback. The updated proposal included 31 townhomes, with three affordable housing units, and a shift in architectural style to a craftsman design. The updated design was to address Council's concerns regarding parking availability, dumpster location, snow removal access, and density. The project met all zoning requirements including open space and landscaping. Council discussed the building design and layout plan, fire access, the playground location, and the possibility of surrounding it with a fence. Council expressed appreciation for the efforts of the applicants to comply with their prior directives.

2. Discuss potential redevelopment of properties located at 954 South and 988 South 600 West with new single-family detached dwellings, aka Cottage Style Dwellings (Kohler, Witt) – 20 min

WM 2 Proposed Redevelopment PP

Property owners Russ and Cathy Witt described the proposed project and provided an image as included in the meeting materials. They wished to demolish an existing home and install additional homes for a total of six single-family units across two lots spanning 1.02 acres. Council expressed support for the proposed redevelopment but asked to see architectural and design variations added.

Planning Director Tony Kohler outlined the process to move forward with a zone change including a public hearing before the Planning Commission and drafting a development agreement. Staff and the petitioner would then return to Council during a Work Meeting before seeking final Council approval by ordinance.

III. 15 MINUTE BREAK

IV. REGULAR MEETING-6:00 pm

1. Call to Order

Mayor Franco called the Regular Meeting to order at 6:03 p.m.

2. Pledge of Allegiance (Council Member Phillips)

Mayor Franco asked Council Member Johnston to lead the recitation of the Pledge of Allegiance as Council Member Phillips was not present physically.

3. Prayer/Thought by Invitation (Default: Council Member Franco)

Mayor Franco shared a prayer.

V. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed.

VI. CONSENT AGENDA:

1. Approval of May 15, 2023, City Council Special Meeting Budget Workshop #1 Minutes, May 16, 2023, City Council Meeting and Budget Workshop #2 Minutes, and May 24, 2023, Special City Council Meeting – Closed Executive Session Minutes (Cooke)

1.1 CA 5.15.2023 DRAFT Special Meeting Minutes - Budget Workshop 1

1.2 CA 5.16.2023 DRAFT Meeting Minutes - Budget Workshop 2

1.3 CA 5.24.2023 DRAFT Special Meeting Minutes - Closed Executive Session - Litigation

2. Approval of Addendum to Richard and Boni Losee Family Estate Right to Burial Agreement (Smedley) – 15 min

CA 2 Staff Report Losee Family Estate Burial Agreement and Proposed Addendum

Motion: Council Member Kahler moved to approve the Consent Agenda as presented. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

VII. PUBLIC COMMENTS:

Bob Brandt encouraged the Council to honor the Duke family's wishes for the property sold to the City to be used for cemetery expansion or a park. He opposed the City's involvement in providing affordable housing for the workforce and felt it should be left to developers.

Dave Nelson did not oppose property owner rights or density. He mentioned a past conflict with the City regarding development rights. He urged the City Council, and everyone else, to uphold their commitments and to show integrity.

Kenneth Knight noted the significance of the cemetery and was not pleased that there would be a road through the cemetery. He was concerned about diminishing open space and overdevelopment in Heber City. He said his water bill had gone up eighty percent. He hoped the City Council would designate the land for a park with a pond possibly, to preserve the heritage for residents, their children, and grandchildren.

1 Tracy Taylor informed Council that one of the links on the website was not feeding the video of
2 the meeting. She was advised that only the GoTo meeting link at the top of the website page
3 provided the video feed. The second link showing the meeting was in progress was an audio-only
4 feed.

5
6 Mark Evans was concerned that the Coyote Ridge developer was not required to install a
7 roundabout due to a slope that he had calculated as insignificant. He asked Council to keep
8 consistency and integrity throughout.

9
10 Michelle Stevens expressed support for the previous comments and emphasized the existing
11 pressure on the residents from upcoming developments. She felt a park would be a valuable
12 contribution to the community.

13 **VIII. GENERAL BUSINESS ITEMS:**

14
15 **Motion:** Council Member Kahler moved to receive the presentation of the Duke Farm Park by Di
16 Ann Duke Turner at that time and to allow unlimited public comment in order to permit everyone
17 who wished to speak to be heard. **Second:** Council Member Stack made the second. **Voting Yes:**
18 Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** None. The **Motion**
19 **Passed unanimously, 5-0.**

20
21 The meeting was moved forward to the Action Items agenda item one.

- 22
23 1. [Public Hearing to obtain Public input regarding the proposed 2023-2024 Fiscal Year Budget](#)
24 [\(Nagel\)](#)

25 [Budget PP](#)
26 [GB 1 Tentative Budget FY24](#)

27 Heber City Finance Manager Sara Nagel provided a quick overview of the proposed budget as
28 included in the attached meeting materials. She noted the Council had decided to go through the
29 Truth in Taxation process in order to consider a possible increase in property taxes and provided
30 a description of the process.

31
32 Mayor Franco opened the Public Hearing at 7:38 p.m.

33
34 Ken Knight felt his water utility bill had increased 80%. He noted the increased costs of everything
35 and said he could not afford the additional costs on top of inflation.

36
37 City Manager Matt Brower explained fee increases versus a tax increase. The City was affected
38 by inflation as well and needed to increase fees to cover costs. Mayor Franco noted the forty
39 million dollar infrastructure replacement project in the City as well as other costs the City faced.
40 City Engineer Russ Funk described the impact fees the City collected from developers.

41
42 The Public Hearing was closed at 7:42 p.m.

2. **Presentation of Mayor's Award to the Winners of the Backhoe Rodeo (Mayor Franco)**

Mayor Franco described the backhoe skills exhibited by Cristian Payan and Kaden Obray with the City's Public Works Department at the Backhoe Rodeo during Public Works Week. The competition had included multiple entities in the valley. She presented each with the Mayor's Award of a \$100 check.

3. **Presentation of Tree City USA Award by the Tree Subcommittee (Melanie Funk) – 5 min**

Heber City's Tree Subcommittee Chair Melanie Funk shared the 2022 Arbor Day Award earned by the City for observing Arbor Day and planting a tree. The City had also earned the Growth Award designation as a Tree City USA due to the City's adoption of a Tree Management Plan and the performance of a City-wide tree inventory.

4. **Monthly Current Development Report (Planning Department) - 10 min**

Planning PP

Senior City Planner Jamie Baron introduced the City's new Planner Jacob Roberts and shared a portion of his credentials. Mr. Roberts provided an overview of a planned tour of Main Street with a representative from Main Street USA that the Council was invited to participate in. Planning Director Tony Kohler described the Main Street USA program noting the City would be eligible for grants by participating.

Mr. Baron shared the new development and project applications received by the City during the previous month as shown in the attached presentation. The Council discussed affordable housing and how to prevent designated affordable housing from being purchased by investors to use as short-term rentals. The Council proposed revisiting the short-term rentals ordinance and to consider establishing restrictions.

Mayor Franco moved the meeting forward to the Action Items agenda item six.

IX. ACTION ITEMS:

1. **Presentation on Duke Farm Park, Affordable Housing, etc. by Diane Turner (Duke) - 20 Min**

Council Member Kahler felt it was important for everyone present to understand that the Heber City Council had been presented with a proposed development concept but had not considered any decisions regarding the property the City had purchased from the Duke family. The present Council had not been in place when the original real-estate transaction had occurred.

Di Ann Duke Turner expressed gratitude to the Council for allowing her time to speak and thanked those present to support her, especially the Dukes. She shared the history of the sale of Duke land to the City with the understanding that the land would not be used for development but as cemetery expansion or a park.

1 Mrs. Turner had reviewed the Council Meeting discussions from the time of the real estate
2 negotiations as well as emails obtained from the City through a GRAMA (Government Records
3 Access Management Act) request. She presented records documenting assurances by the City that
4 the land would remain undeveloped. She stated the family would not have sold the land to the City
5 if there had been any indication the City would develop on the land. She recognized that the Mayor
6 had been a Council Member at the time but that none of the current Council had served on the
7 Council then.

8
9 Dean Duke described the significance of the property and the Duke family's civic-minded decision
10 to sell the land to the City rather than a developer. He recalled the family's frustration negotiating
11 with the City. Mr. Duke noted the State requirement for designated open space and added that he
12 had a lease agreement stating that four acres of the property was to be used for cemetery or open
13 space. He suggested a passive park with footpaths, ponds, pavilions, playgrounds, and gardens.

14
15 Mayor Franco opened the discussion for public comment.

16
17 Pam Patrick felt the City's word should be upheld. The Duke Family had sold the property to the
18 City in good faith and hoped the City would uphold that faith.

19
20 Dave Turner, Di Ann Duke Turner's Husband, recalled being approached by the School District
21 years previous with the need to widen the road in front of his home to accommodate traffic for a
22 new elementary school. Mr. Turner had asked the School District to construct a sidewalk and had
23 agreed to give up 810 feet of his land in order to allow the road to be widened, a sidewalk built,
24 and the school district agreed to maintain the sidewalk as long as Mr. Turner owned the land. The
25 gentlemen shook hands on the agreement and it had been upheld ever since. He asked the City to
26 keep their word.

27
28 Jill Nystul was saddened by the disappearing greenspace. She too opposed high-density housing
29 on the land.

30
31 Jonathan Turner, son of Di Ann, expressed appreciation for the decisions the Council had to make.
32 He noted the many developers that had approached the family over the years and the resulting
33 family discussions about whether to sell land. The family had held on to the land in order for it to
34 become a legacy.

35
36 Robert Turner, son of Di Ann, was ashamed of the City. He shared a story of his grandpa Alma
37 donating land for a church. The kids had grown up on the land, watered alfalfa, played in the fields,
38 and made many memories there. He felt Alma Duke was a steward of the community and a housing
39 development on the land would not honor his legacy. He asked the City to be honorable.

40
41 Laurie Wynn, Heber City resident, had grown up in the area. She had served on a past parks
42 exploratory committee for the City that had been informed by consultants of the low percentage
43 of designated open space and parks in the City. She felt the land being discussed provided the City
44 with an opportunity to install a beautiful park for future generations to enjoy or to dedicate as
45 additional cemetery land.

1 Jerry Duke had lived in the area for 77 years. He had spent his youth in the fields and his great-
2 grandfather had owned land on both sides of Highway 40. He felt the Dukes could have made
3 much more money through the sale of the land to developers but had chosen the option to sell to
4 the City in order to preserve the land.

5
6 Ben Turner, number 10 of Di Ann's children, understood it was a different Council than had
7 negotiated the purchase agreement but hoped the current Council would take the opportunity to
8 preserve the land. He encouraged the Council to formulate legal framework to protect the
9 preservation of the land permanently as open space rather than allow a high-density development.

10
11 Megan McKenna, housing advocate for the Housing Resource Center at Mountainlands
12 Community Housing Trust, expressed support for affordable housing. She noted the growing
13 housing crisis in the Heber Valley and all of the Wasatch Back. Ms. McKenna shared personal
14 experience of family and friends being pushed out of Summit County due to affordability issues.
15 As a school teacher, she was unable to afford to live in the community she grew up in. She
16 highlighted housing challenges faced by essential workers. Ms. McKenna became a housing
17 advocate with the hope to assist with the housing crisis while still supporting appropriate open
18 space. She provided her email address if anyone wished to contact her.

19
20 Tracy Taylor recalled the intent of the City Council's agreement with the Duke family. She
21 informed that she was a real estate broker and that private property rights and the affordable
22 housing problem were separate issues. She felt that the City had used taxpayer money to purchase
23 the land and proposed the decision be put to the voters on the November ballot.

24
25 Karen Duke Smith was a distant relative to the Duke family and lived in the area the property was
26 located. She expressed appreciation for the open space and distaste for all the development. She
27 referred to an affordable housing development that had begun years prior and was forced to stop
28 as the builders could no longer afford to construct affordable housing. She called the example a
29 disaster and did not want to see that happen at the Duke property.

30
31 Michael Moulton, Chair of the Historical Preservation Committee, felt the land was historic and
32 should be preserved as such.

33
34 John Duke, caretaker of Duke Farms, explained he had been responsible for the property since
35 leaving the military in 1980. The family had received many offers to purchase the property but had
36 never seriously considered any of them. When the City cemetery expressed interest, there had been
37 a verbal agreement that the property would be used for cemetery expansion or open space to benefit
38 the community. He felt the Council would make the right decision.

39
40 Sarah Duke Duncan was raised on the property. She had turned the water off that night for her dad.
41 She had visited the cemetery with her husband the preceding Memorial Day and was thinking
42 about where they would be buried someday and hoped to possibly be buried on Duke Farms. She
43 wanted to see the beauty and the greenery preserved. She invited anyone who would like to
44 experience walking through the fields to take a walk with her.

1 Council expressed gratitude to all who had attended and for the comments shared. Council clarified
2 that no decision had been made and expressed their desire to maintain the beauty of the valley.
3 Council expressed appreciation for the family, friends, and neighbors that had shared the history
4 of the land and assured everyone that their concerns had been heard.

5
6 Mayor Franco returned the meeting to the General Business agenda item one.
7

- 8
9 2. Discuss proposed Code Amendment to Chapter 18.68 Supplemental Zoning Regulations
10 (Kohler, Janson) - 15 min

11 Staff Report Updating Ch 18.68 Supplemental Zoning Regulations

- 12 3. Discuss proposed Affordable Housing Ordinance Amendment (Ryan, Kohler) - 20 min

13 Staff Report Ordinance to Amend Ch 18.102 Affordable Housing

- 14 4. Consider Adoption of Ordinance 2023-19, moving Chapter 17.30 Trail Design Guidelines to
15 Chapter 18.118 Trail Design Standards (Janson, Kohler) - 15 min

16 Staff Report Ordinance 2023-19 Trails Standards

- 17 5. Discuss proposed Sensitive Lands Ordinance (Janson, Kohler) - 25 min

18 Staff Report Sensitive Lands and Exhibits

19
20 City Planning Director Tony Kohler explained that Staff needed policy direction from Council in
21 order to proceed drafting the Sensitive Lands Ordinance. Planning Consultant John Janson
22 provided an overview of the proposed updates to the Ordinance as previously directed by Council
23 as well as recommendations from the Engineering Department. The proposed Ordinance aimed to
24 replace the existing subdivision ordinance and extend its coverage to include site plans.

25
26 Council discussion included the promotion of better development practices without excessive
27 limitations; adding terms such as “low impact development” and “adherence to City standards” to
28 the language in the ordinance; incentives for clustering density with the possibility of transferring
29 excess density in the future; requiring certified engineers to provide studies and mitigation
30 techniques; distinguishing between mitigatable and non-mitigatable issues, such as fault lines; and
31 prohibiting construction on the highest hilltop ridgelines.

32
33 Past Chair of the Parks, Open Space, Trails, and Trees (POSTT) committee Ann Zimmerman
34 shared her background citing landfills, and concern about contaminating the aquifer. She had
35 reviewed the Ordinance and provided her recommendations as outlined in the written public
36 comment she had emailed as attached to the end of the meeting minutes.
37
38
39

6. Consider Approval of Tree Ordinance 2023-18 (Melanie Funk, Smedley) - 15 min

Tree Ordinance Staff Report and Exhibits

Assistant City Manager Mark Smedley and Tree Subcommittee Chair Melanie Funk reviewed the proposed Tree Ordinance and associated material as attached to the agenda. Mrs. Funk noted the need to adopt the Ordinance in order for the City to continue qualifying for grant money. Mr. Smedley shared the updates made to the proposed Ordinance in order to address concerns previously expressed by Council. Council discussed how to hold developers responsible for the life of trees planted in parkways and elsewhere in developments, the possibility of including tree-life guarantee language in the Ordinance, as well as concerns with enforcement of such requirements.

Motion: Council Member Stack made the motion to approve Tree Ordinance 2023-18 with direction to Staff to revisit the Ordinance in the future to address some of the issues discussed that night. **Second:** Council Member Phillips Seconded the motion. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** None. The **Motion Passed unanimously, 5-0.**

7. Consider Approval of the Historical Preservation Committee's Waymarker Signs (Phillips)

The Historical Preservation Committee Member Shauna Bennett shared the purpose of the proposed signs to share historic information at significant locations throughout Heber City. She suggested locations and shared images of the proposed ADA-compliant signs. Council expressed overall support of the project.

Motion: Council Member Phillips moved to approve the committee moving forward with the ADA-compliant sign design and that the signs be installed ADA-compliant. **Second:** Council Member Johnston made the second.

Discussion: City Manager Matt Brower recalled the Council had earmarked \$20,000 in the budget for the Historical Preservation Committee. Committee Chair Michael Moulton recalled there had been two blocks of money earmarked: the \$20,000, and separately, \$10,000 for the signs. Staff was directed to confirm the amount earmarked for the Historical Preservation Committee. Mr. Brower added that City policy required three bids be obtained before the signs could be ordered.

Vote: Voting Yes: Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** None. The **Motion Passed unanimously, 5-0.**

X. COMMUNICATION:

Motion: Council Member Kahler moved to extend the meeting until 10:15 p.m. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, and Phillips. **Voting No:** Council Member Stack. The **Motion Passed 4-1.**

1 City Manager Matt Brower recommended everyone go see the flowers blooming to the west at
2 Muirfield Park in the wetland area. He reviewed the planned projects and events for Unity Month
3 during June.

4
5 Mark Smedley explained the arrangement the City had made with a contractor to dispose of the
6 broken branches throughout the City. Community members within Heber City would need to get
7 the broken branches to the street.

8
9 Mr. Brower shared the itinerary for a trip to Colorado to identify best-practices of towns
10 comparable to Heber City. There would be members of the Planning Commission, Council, and
11 Staff participating.

12
13 Mr. Brower asked the Council to review and provide feedback on a PIO (Public Information
14 Officer) contract with Ryan Bunnell with Ignition Creative Group. Roger Brooks, downtown
15 success consultant, would be returning in July to provide more detailed suggestions and renderings
16 for Heber City. Mr. Brower sought Council help to meet with Schoolboard Members in order to
17 discuss the CRA (Community Reinvestment Agency) and ask them to rethink their position.
18 Sandbags would be picked up once the weather-service provided the all-clear for flooding.

19
20 Assistant City Manager Mark Smedley shared the amount of the bid that was returned for the City
21 Building's bell-tower renovation.

22
23 Council Member Phillips suggested a bronze statue of Chief Tabby and asked for Council support
24 to direct Staff to look into it. He felt the statue could potentially be paid for with grants.

25 **XI. ADJOURNMENT**

26
27 **Motion:** Council Member Stack made the motion to adjourn. **Second:** Council Member Phillips
28 made the second. The meeting adjourned at 10:17 p.m.

29
30
31
32
33
34
35
36 _____
37 Trina Cooke, City Recorder
38
39
40
41

42 **Public comment emailed to the City Council:**

43
44 Ann Zimmerman
45 _____

1 TO: Mayor Franco and Members of the Heber City Council

2 FROM: Ann Zimmerman, Heber City Resident

SUBJECT:	Agenda Item IX, Number 4, Proposed Sensitive Land Ordinance
T:	June 6, 2023, Council Meeting

3 DATE: June 5, 2023

4 DELIVERED: By Email Addressed to ccpublic@heberut.gov

5
6 First, I would like to acknowledge the City Council and the Planning Commission for their
7 work to bring the Proposed Sensitive Land Ordinance forward. I am offering these
8 comments in the spirit of a citizen who supports the Ordinance's intent of preserving a
9 sense of place and recognizing the unique features and sensitive environment of our area
10 that should be protected as the City develops.

11
12 Secondly, the Council is the steward of the future. A challenging job! Perhaps some of what
13 I have learned by serving for two years as Chair of the City's Open Space, Trails, Parks and
14 Trees Committee, a member of the Heber Valley Watershed Advisory Committee, and the
15 State of Utah Wetlands Working Group may be of value in reviewing this proposed
16 ordinance.

17
18 At a meeting with Tracy Richardson of the Health Department, I learned that Heber Valley's
19 aquifer upon which we rely for drinking water is what geologists call "unconsolidated" or
20 "unprotected." This means there is not a dense protective area above. An analogy is that the
21 aquifer isn't like a pie with a top and bottom crust, but like a pie with only a bottom crust—
22 a very rare type of aquifer for a built-up area. I'm sure the rest of you were already aware
23 of it, and this means that, sadly, our drinking water is especially vulnerable to rapid
24 transmission of contaminants, and it requires more vigilant protections.

25
26 For the Sensitive Land Ordinance, the character of the aquifer heightens the need to protect
27 streams, wetlands, and areas of high ground water more in this community than others with
28 consolidated aquifers, and it is to this that I direct most of my comments.

29 30 **Specific Comments**

31
32 1. Under A, Purpose and Intent, add number 6: [To ensure development does not lead](#)
33 [to deterioration of surface and ground water quality.](#)

34 Discussion: This provision would direct attention to the vulnerability of Heber
35 Valley's unconsolidated aquifer and recognize that stream contaminants are already
36 over action levels.

37
38 2. Under B, Applicability, reinsert [concept plan](#) between Development Agreement and
39 preliminary plans.

40 Discussion: Architects and landscape designers consulted said that concepts are based on
41 constraints and opportunities. Identifying sensitive lands is key to understanding constraints and
42 would result in a better early design and probably save the proponents money.

3. Under F, Development Prohibited, number 4, Significant stream beds: Delete Significant.

Discussion: This term is not defined in this ordinance. Use of the term should proceed only if this term is defined within the ordinance or referenced to a definition elsewhere in the City Code or in state or federal law. Otherwise, it is vague and subject to interpretation.

4. Under F, Development Prohibited, number 6, Identified Wetlands. Rewrite this provision. Delete any reference to averaging setback.

Suggested Language after first sentence ending in Clean Water Act: Wetlands shall be protected by appropriate setbacks as recommended by site-specific technical studies by licensed and accredited hydrogeology professionals following detailed studies that include consideration of protecting water quality, ground water recharge, health of the wetland plants, flood protections and effects of fluctuations in flow, and habitat disruption. In lieu of a site-specific study, a 75 (or 100)-foot setback shall be designated around the wetland. Continue section with sentence “areas considered to the potential pollution....

Discussion: The highest and best protections for wetlands is a site-specific study that recommends setbacks and protections based on conditions and the environmental protections the wetlands afford. Because of the cost of studies of this type, many jurisdictions opt for a prescribed setback distance. The setback distance is associated with the need for protections and the sensitivity of hydrological environment. This language affords a choice of a site-specific study or a standardized setback.

Discussion of Averaging: The methodology for averaging setback distances is not prescribed in the ordinance nor referenced to another source. Further, there is not a minimum setback distance set, so it may be less than a foot. In a review, I looked at over 100 ordinances and sample ordinances and the DEQ regulations for setbacks. There are no examples of averaging in any reviewed ordinances, sample ordinances nor regulations, and this may be the first such written in the nation. Further, averaging does not consider the specific wetland conditions. Should the Council like this method and elect to move forward with it, I recommend delaying approval and convening a technical panel of wetland experts to advise on the averaging method and to define it in the ordinance.

5. Under F, Development Prohibited, reinstate number 10, Viewsheds, that appears as deleted text in Exhibit 2.

Discussion: People and Places provided this language, and my personal view is this provision preserves a sense of place in our valley.

6. Under G, Development Constraints for Certain Sensitive Lands, number 2, Shallow Groundwater, include eligibility for shallow groundwater areas that cannot be properly mitigated as eligible for Sensitive Lands Preservation Incentives through Density Transfers with the Development (Item I)

1 Discussion: In our valley, shallow groundwater and the need for groundwater quality protection
2 can restrict development and it seems reasonable that incentives like density transfers should be
3 extended.

4
5 7. Under I, Sensitive Lands Preservation Incentives, there is language that reads, “and
6 areas delineated by ACOE as wetlands.” This language should read “and areas
7 deemed as wetlands as defined in this ordinance.”

8 Discussion: Designation by ACOE is internally inconsistent with the definitions
9 within the ordinance.

10
11 Thank you very much for considering these comments and recommendations.

DRAFT

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HEBER CITY CORPORATION
75 North Main Street
Heber City
City Council Meeting
June 20, 2023

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16

DRAFT Meeting Minutes

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4:30 p.m. Closed Executive Session
5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

24
25
26

I. CLOSED EXECUTIVE SESSION-4:30 pm

27
28
29

Mayor Franco called the meeting to order at 4:31 p.m.

30
31
32

1. Ongoing or Imminent Litigation

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Motion: Council Member Phillips moved to enter Closed Executive Session for the purpose of discussing pending or reasonably imminent litigation. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** None. The **Motion Passed unanimously 5-0** and the meeting entered Closed Executive Session at 4:32 p.m.

Present:

Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Rachel Kahler
Council Member Mike Johnston
Council Member Scott Phillips
Council Member Ryan Stack

Staff Present:

City Manager Matt Brower
City Attorney Jeremy Cook
Heber Valley Airport Manager Travis Biggs
City Recorder Trina Cooke

Also Participating Remotely: Heber Valley Airport Special Counsel Steve Osit.

Motion: Council Member Phillips moved to end the Closed Executive Session. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The **Motion Passed unanimously, 5-0.** The Closed Executive Session ended at 5:05 p.m.

II. WORK MEETING-5:00 pm

Mayor Franco called the Work Meeting to order at 5:07 p.m. and welcomed everyone present.

Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Attorney Jeremy Cook
Finance Manager Sara Jane Nagel
Airport Manager Travis Biggs
Planning Director Tony Kohler
City Engineer Russ Funk
Project Manager Blake Walton
City Recorder Trina Cooke
Deputy Chief of Police Jeremy Nelson
Police Lieutenant Branden Russell

Staff Attending Remotely: Planning Consultant Meg Ryan, Airport Consultant Curt Castagna, Airport Counsel Steve Osit, Senior Planner Jamie Baron, Public Works Director Matthew Kennard, Finance Manager Sara Nagel, City Engineer Russ Funk, Deputy City Recorder Robin Raines-Bond, and Accounting Technician Wendy Anderson.

Public Present: Kiera Allen, Pam Patrick, George Bennett, Gary Sackett, Jeffrey Johnson, Michael Moulton, Tracy Taylor, Tory Broughton, Del Barney, Jason Talley, and others who did not sign in or whose names were illegible.

Public Attending Remotely: (Names listed as shown signed-in online) Colorado, George Bennett, Jeff Peterson, Kelli G, Phil Jordan, Shorty, Matt, Tal Adair, and Travis.

1. Discuss proposed Code Amendment to Chapter 18.68 Supplemental Zoning Regulations (Kohler, Janson) – 20 min

WM 1 Staff Report Supplemental Zoning Regulations

Planning Consultant Meg Ryan presented the information as included in the attached materials. The supplementary chapter was being updated to reflect current State law, incorporate sections from other chapters, delete sections that were moved to other chapters, and updated or introduced new regulations. Council provided feedback and discussed the proposed changes to the supplemental zoning as well as suggested additional wording therein. The item would be returned to a future meeting for further discussion.

2. Discuss proposed Affordable Housing Ordinance Amendment (Ryan, Kohler) – 25 min

WM 2 Staff Report Affordable Housing

Work Meeting agenda item two was continued to a future meeting due to lack of time for discussion.

III. 15 MINUTE BREAK

IV. REGULAR MEETING-6:00 pm

1. Call to Order

Mayor Franco called the meeting to order at 6:11 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Council Member Stack)

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

3. Prayer/Thought by Invitation (Default: Council Member Barney)

Council Member Barney shared the following quotes in honor of the Independence Day, 4th of July, holiday:

“The power under the Constitution will always be in the People. It is entrusted for certain defined purposes, and for a certain limited period, to representatives of their own choosing; and whenever it is executed contrary to their interest, or not agreeable to their wishes, their servants can, and undoubtedly will be, recalled.” – George Washington

“Because, in a democracy, the individual citizen enjoys not only the ultimate power, but carries the ultimate responsibility.” – Norman Cousins

“For all tyranny needs to gain a foothold, is for people of good conscience to do nothing.” – Thomas Jefferson

She implored citizens to remember the power they held and reminded them of their responsibility to inform the Council and communicate concerns. She felt it was the civic responsibility of the community to do their part for democracy. She thanked the City Council Members and Mayor for their willingness to deliberate on the hard decisions they were asked to make.

V. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest declared.

VI. CONSENT AGENDA:

1. Approve settlement documents for AH Aero Services LLC dba OK3 AIR v. Heber City, et al, Civil No. 2:17-CV-01118-HCN-DAO (D. Utah) and related claims, as negotiated by the City's outside aviation counsel, including:

- a. Settlement Agreement
- b. Predevelopment Agreement
- c. Hangar A Extension Agreement
- d. Hangar E Extension Agreement
- e. FBO Lease Addendum
- f. New Hangar Lease
- g. Settlement and Final Release (Boyer)

CA 1 Staff Report AP Settlement 

Motion: Council Member Phillips made the motion to approve the Consent Agenda. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack and Phillips. **Voting No:** None. The Motion Passed unanimously, 5-0.

VII. PUBLIC COMMENTS:

George Bennett passed out a project timeline as attached below. There was an oversight with the requirement to bury the existing power lines. He had emailed the Council and City Staff to propose possible solutions. He explained the hardship faced in achieving the undergrounding of the power lines. City Engineer Russ Funk clarified the deed restriction obligating the property owner to curb and gutter improvements on the frontage of the property. City Manager Matt Brower proposed that the item be returned to the next City Council meeting for official approval.

Bennett Handout 

Mayor Franco extended the Public Comment period to 6:45 p.m. in order to allow for additional Public Comments.

Gary Sackett, representing Jeffery Johnson, a pilot who was interested in additional hangar space at the Heber Valley Airport. Mr. Johnson was concerned about receiving fair treatment by the City with regard to the Airport as the City and Airport navigated the Master Plan process. The Mayor and Council were sent a letter detailing the concerns.

Tracy Taylor, Chair of the Wasatch County Taxpayers Association, informed Council that she had submitted a GRAMA (Government Records Access Management Act) request to the City asking for information and records associated with the Airport. She recounted the experience with City Staff and was concerned that State Code had not been followed. She had paid a \$50 deposit to have Staff begin the process. She was informed the majority of the information could be found on the Flightpath website.

1 Ms. Taylor read from the GRAMA request email response indicating the fee to fulfill the request
2 was estimated to be \$250 which would include Staff time estimated for IT, Airport, and
3 administrative Staff. She then received another email indicating the records requested could
4 contain attorney-client privilege and would need to be reviewed by the City Attorney which was
5 estimated to cost \$1,500. She felt she did not get anything from her GRAMA request, wanted her
6 \$50 returned, and recommended that the City review GRAMA law and procedures. [UCA 63G-2-
7 203; Fees]

8
9 Di Ann Duke Turner wished to address affordable housing. She recalled a meeting in August of
10 2022 held by the Wasatch County Housing Authority at which Council Member Mike Johnston
11 and Heber City Manager Matt Brower had been present as well as the director of housing for
12 Summit County. Mrs. Turner read email excerpts obtained through the GRAMA process that
13 mentioned high-density workforce housing on land that had been sold to the City by the Duke
14 family. She read an email exchange between Mr. Brower and Council Member Johnston regarding
15 an agenda item being added to the City Council Meeting Agenda to specifically discuss the
16 property.

17
18 Council Member Johnston clarified that his wish to discuss the property at a Council Meeting was
19 in order to learn whether the other Council Members had interest in building workforce housing
20 at that location. He assured there was no nefarious intent and noted that the property belonged to
21 the City. He felt the City had a fiduciary responsibility to the citizens to use the property in a way
22 that most benefitted the community.

23
24 Mayor Franco proposed that the Council consider designating the land as a conservation easement
25 to protect it from being developed upon in the future.

26
27 Council Member Barney read a public comment received by email from Kellicia Gomez as
28 attached to the end of the minutes. She acknowledged receipt of an email from Merry Duggin but
29 elected not to read it publicly.

30
31 Council Member Stack expressed support for dedicating the former Duke property as a
32 conservation easement.

33
34 Council Member Phillips wished to know whether the City could recoup a portion of the cost of
35 the land from the Wasatch Open Lands Board (WOLB). Mayor Franco did not feel the County
36 would be receptive to the idea.

37 **VIII. GENERAL BUSINESS ITEMS:**

38 **1. Public Hearing Regarding Annual Unbilled General Fund Utility Services (Nagel)**

39 **GB 1 Public Hearing Unbilled Services 2022-2023**

40
41
42 Finance Director Sara Nagel explained that the City did not pay itself for the water and sewer
43 services used at its facilities and was therefore required to hold an annual Public Hearing in order
44 to disclose the amount of the unbilled services and allow the public the opportunity to comment.

1 Mayor Franco opened the Public Hearing at 6:49 p.m.

2
3 Tracy Taylor felt this was a minor issue and was concerned there were two other important issues
4 on the agenda for which the City was not holding public hearings prior to Council approval.

5
6 With no further comments from the public, Mayor Franco closed the Public Hearing at 6:51 p.m.
7

8
9 2. [Public Hearing Regarding Resolution 2023-09 to Amend the Fiscal Year 2022-2023 Budget \(Nagel\)](#)

10
11 [GB 2 Staff Report Resolution 2023-09 FY 22-23 Budget Amendment](#)

12 Heber City Finance Director Sara Nagel shared the details of the necessary budget amendments as
13 included in the Staff Report.

14 Mayor Franco opened the Public Hearing at 7:01 p.m.

15
16 Del Barney, Member of the Heber City Audit Committee, noted the standard practice of a City
17 adjusting their budget at the end of the year in order to maintain a balanced budget.

18
19 With no further comments from the public, Mayor Franco closed the Public Hearing at 7:03 p.m.
20

21 **Recess as the Heber City Council and Convene as the CRA (Community Reinvestment**
22 **Agency) Board**

23
24 **Motion:** Council Member Phillips moved to recess as the City Council and convene as the CRA
25 Board. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Barney,
26 Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The **Motion Passed unanimously** and
27 the CRA Board **convened at 7:04 p.m.**
28

29
30 3. [Public Hearing Regarding Adoption of the Fiscal Year 2023-2024 CRA Operating Budget \(Nagel\)](#)

31
32 [GB CRA 3-4 Staff Report_CRA Fund Budget Adoption_FY24](#)

33 Finance Manager Sara Nagel explained the City was not yet collecting the incremental CRA tax
34 yet but the hearing that night was required in order to remain compliant with the State.

35 CRA Board Chair Franco opened the Public Hearing at 7:06 p.m.
36

37 **Michael Moulton asked when** the City's actual budget would be approved. He had not seen any
38 funding set aside for the Historical Preservation Committee. Heber City Manager Matt Brower
39 proposed the Committee come to Council with funding requests when they have a proposal
40 prepared and the Staff would consider the budgetary funding at that time. Mayor Franco explained
41 the City was currently navigating the Truth in Taxation process and the City Budget would be
42 adopted in August.

1 With no further comments from the public, Chair Franco closed the CRA Public Hearing at 7:11
2 p.m.

- 3
4 4. [Approval of CRA Resolution 2023-01 Adopting the CRA Operating Budget for Fiscal Year
2023-2024 \(Nagel\) – 5 min](#)

5 [GB CRA 3-4 Staff Report_CRA Fund Budget Adoption_FY24](#) 

6
7 **Motion:** Council Member Kahler moved to approve CRA Resolution 2023-01, establishing an
8 operating budget of \$500 for the Heber City Redevelopment Agency as outlined in the Staff Report
9 and prepared in Resolution 2023-01. **Second:** Council Member Phillips made the second. **Voting**
10 **Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The
11 **Motion Passed unanimously, 5-0.**

12
13 **Motion:** Council Member Phillips moved to adjourn as the CRA Board and reconvene as the
14 Heber City Council. **Second:** Council Member Kahler made the second. **Voting Yes:** Council
15 Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The CRA Board
16 adjourned and the Heber City Council reconvened at 7:12 p.m.

17
18 **Adjourn as the CRA Board and Reconvene as City Council**

- 19
20 5. [Communication Item: Presentation of Heber City’s Annual Fraud Risk Assessment \(Nagel\)
– 2 min](#)

21 [GB 5 Staff Report Fraud Risk Assessment_FY2023](#) 

22
23 Finance Director Sara Nagel presented the Fraud Risk Assessment report and explained it was an
24 internal audit. Heber City scored very well.

- 25
26 6. [Communication Item: Termination of an Interfund Note between Waste Water Capital Fund
\(67\) and Waste Water Impact Fund \(57\) \(Nagel\) – 5 min](#)

27 [GB 6 Staff Report Termination of Interfund Note from Sewer Capital to Sewer Impact](#) 

28
29 Ms. Nagel noted that this agenda item was entirely informational. The money that had been
30 transferred between funds had not been needed or used, therefore, the funds had been returned and
31 the Interfund note was terminated.

- 32
33 7. [Communication Item: Central Heber Replacements Project Update \(Funk\) - 5 min](#)

34 City Engineer Russ Funk provided project progress updates and added that he expected the project
35 to remain on budget. Mayor Franco asked Staff to post additional informational signs for road
36 closures in order to better inform the public affected. Mr. Funk expressed concern with establishing
37 a deadline for project completion and further upsetting the public when the project was not
completed on time.

IX. ACTION ITEMS:

1. Adoption of the Airport Master Plan (McAllister) – 20 min

Item 1.1 Airport Master Plan PP

Item 1.2 Staff Report Heber Valley Airport Financial Analysis

Item 1.3 Exhibit A AP Master Plan

Airport Master Plan Consultant Jeremy McAlister presented the PowerPoint as included in the attached meeting materials. The presentation included an overview of the Master Plan process and the elements involved such as public involvement and a continuously updated project-specific website. He shared Master Plan findings and an image of the proposed improvements. The Master Plan information had all been available on the website throughout the process. Mr. McAlister reviewed the phases of the Master Plan implementation noting the timeline would be contingent upon funding. Council discussion followed.

Airport Consultant Curt Castagna presented the financial analysis for the Airport Study as included in the attached report. He noted the complicated process of forecasting 20 years into the future and provided further explanation of the chart projections.

Mayor Franco opened the discussion to the public.

Airport Advisory Board Chair Jason Tally was pleased to see the conclusion of the Airport Master Plan process. He wanted to see the Airport to remain self-sufficient and maintain the ability to qualify for grants requiring financial matches. He had placed a receiver on his hangar in order to transmit aircraft altitude. He asked that community members noticing planes flying too low get the aircraft number and report it to the FAA (Federal Aviation Administration).

Tracy Taylor felt the process for the Master Plan had only begun. She had requested a cost comparison from a B2 airport to a C2 airport through her GRAMA request and was provided with a B2 cost analysis. She felt the Heber City residents had a right to know their options. She wanted to see a cost-benefit analysis done before the Council approved anything. She was not convinced the Airport would be able to be self-sustaining by raising fees and was concerned it would fall to the taxpayers. She asked that Council continue the item until a B2 versus C2 cost analysis was performed. Ms. Taylor said the Master Plan document had only been made available to the public the day before. She felt there had been no public hearing and no public input and felt approval of the Master Plan was premature.

Pam Patrick, Wasatch County Resident, felt there were many members of the public who felt unheard. She asked the Council to distribute information better to the public.

Motion: Council Member Phillips moved to approve the Airport Master Plan, including the ALP (Airport Layout Plan), and financial analysis. **Second:** Council Member Kahler made the second.

1 **Discussion on the Motion:** Council Member Stack wished to address the feedback received
2 regarding the consideration of all the financial analyses from the Airport. The City Council had
3 listened to the public and had a financial study performed. The overwhelming response from the
4 people had been that they did not wish to subsidize the cost of the airport to remain non-compliant
5 by meeting the B2 Airport safety standards yet operating at a C2 level. He no longer heard much
6 public outcry because the City had been diligent to provide factually accurate information to the
7 people.

8
9 Council Member Johnston noted that the Council had been working on the Airport Master Plan
10 for over three and a half years, had spent hundreds of hours discussing and learning the facts, and
11 had reviewed hundreds of documents. He felt it was wrong to say the Council did not listen to the
12 public because they did not agree with what was said. He had asked community-members upset
13 about the Airport if they had read the documents available only to find they were forming their
14 opinions from what they read on Facebook. He noted the City was not done with the Airport but
15 had completed the Master Plan.

16
17 Council Member Barney acknowledged, from the public perspective, that the public did receive
18 misinformation through social-media sources. She asked how many individuals that had
19 complained about the Airport had attended the Airport event the previous weekend and noted it
20 had been a fantastic event. She recognized the Council did have facts and information that was not
21 always available to the citizens. She felt those who had worked on the Airport Master Plan had
22 faced a difficult challenge. She had said negative things about the Airport before she had all the
23 information. She did not want the Airport to move up to a C2 operating level from a B2 level but
24 it already was operating as a C2 and the Airport needed to meet the safety requirements. She was
25 disappointed there was not a side-by-side cost analysis for a B2 versus C2 comparison.

26
27 Mayor Franco felt it was disingenuous that the survey done by the City had never mentioned
28 increased airport landing or fuel-flowage fees. The City had never received anything in writing
29 from the FAA to indicate funding would be removed if the Airport remained at a B2 service level.
30 She felt the process had been shoved down the citizen's throats and the City had not been
31 forthcoming with all the information because there was a predetermined end that the Council was
32 now going to vote on. She did not think the process was done openly because of the predetermined
33 end.

34
35 Council Member Phillips recognized that he might not have understood the gravity of many of the
36 decisions the Council would need to make. He felt that none of the Council Members wanted to
37 see Heber City change but they were faced with unavoidable realities. He had stated in an interview
38 that he would support an airport upgrade if it kept the Airport safe. He disagreed with Mayor
39 Franco and felt it had been an open process and very public, and extensive. He believed the motion
40 he had made to accept the Airport Master Plan was the best move forward for the City. The Master
41 Plan would keep the Airport FAA-compliant; kept the Airport self-sustaining; it did not grow the
42 footprint of the Airport or extend the runway; it would not invite larger jets or become a
43 commercial Airport. The Master Plan would do everything the public had wanted, except remain
44 B2, which would only be possible if property taxes were raised. The Council had taken all the
45 information and compiled it and were ready to vote.

1 Council Member Kahler wished to thank the expert consultants and Airport Manager Travis Biggs.
2 She felt it was important to understand the countless hours the Council and experts had spent over
3 the past three and a half years. The Council had listened to the public and did not take the adoption
4 of the Master Plan lightly. She asked the public to understand that the public had not put in the
5 hours and done the research that the Council had. She believed the Council represented what was
6 best for the City, the constituents, the Airport users, and the future of Heber City and the Airport.

7
8 Mayor Franco said there was land in Daniel that would need to be purchased outside the existing
9 footprint of the Airport.

10
11 Council Member Phillips called the question. He wished to clarify that the owners of the land
12 would have the option to sell.

13
14 **Vote: Voting Yes:** Council Member Kahler, Johnston, Stack, and Phillips. **Voting No:** Council
15 Member Barney. The **Motion Passed 4-1.**

- 16
17
18 2. [Adoption of Ordinance 2023-19, moving Chapter 17.30 Trail Design Guidelines to Chapter](#)
19 [18.118 Trail Design Standards \(Janson, Kohler\) – 15 min](#)

20
21 [Item 2 Staff Report Ord 2023-19 Trail Design Standards](#)

22
23 City Attorney Jeremy Cook felt the Council should consider incorporating e-bikes and other
24 motorized vehicles in the Trail Design Standards. The Mayor felt the POSTT (Parks, Open Space,
25 Trails, and Trees) committee would like to review the ordinance. Council Member Kahler felt
26 there was a larger discussion needed with regard to e-bikes.

27
28 **Motion:** Council Member Kahler made a motion to continue agenda item two to the August 15,
29 2023 City Council Meeting. **Second:** Council Member Johnston made the second. **Voting Yes:**
30 Council Members Kahler, Johnston, and Stack. **Voting No:** None. Council Members Barney and
31 Phillips had stepped out of the room. The **Motion Passed 3-0.**

- 32
33 3. [Adoption of the Advisory Arts Committee, and discussion of committee procedures and](#)
34 [potential Members \(Smedley, Brower\) – 15 min](#)

35
36 [Item 3 Staff Report Advisory Arts Committee](#)

37
38 **Motion:** Council Member Kahler made the motion to continue agenda item three; address item
39 seven next; then review items four, five, and six. **Second:** Council Member Stack made the second.
40 **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council
41 Member Phillips was out of the room. The **Motion Passed 4-0.**

The meeting moved forward to agenda item seven.

4. Adoption of Resolution 2023-09 to Amend the Fiscal Year 2022-2023 Budget (Nagel) – 5 min

Item 4 Staff Report Resolution 2023-09 FY 22-23 Budget Amendment

Finance Manager Sara Nagel asked Council to establish a date to hold the required Public Hearing for the Truth and Taxation process. Council selected August 1 unless it was determined the Public Hearing for the Truth in Taxation process could not be held the same night as a City Council Meeting, then it would be on Monday, July 17, 2023.

Motion: Council Member Kahler moved to approve Resolution 2023-09 as presented with the findings and conditions presented by Staff. **Second:** Council Member Phillips made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

5. Approval of Resolution 2023-10 to Eliminate an Inter-fund Loan to Transfer Funds Between the Capital Projects Fund (42) and the Culinary Water Fund (51) (Nagel) – 5 min

Item 5 Staff Report Res 2023-10 Termination of Interfund Note
Resolution 2023-10

Motion: Council Member Phillips moved to approve Resolution 2023-10. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed unanimously, 5-0.**

6. Consider approval of Ordinance 2023-21 to Amend of Section 2.38. 020 of the City Code for the consolidation of the Building Inspection and Planning Departments and Appointment of Tony Kohler as Director (Brower) - 5 min

Item 6 Staff Report Ordinance 2023-21 Consolidation of the Building and Planning Depts
Ordinance 2023-21 Updated
Ordinance 2023-21 Clean

City Manager Matt Brower clarified the intent of the agenda item was two-fold. First, was to appoint Tony Kohler as the Director of the newly formed Community Development Department. And second, was to update Section 2.38.020 of the Heber City Code to create the Community Development Department and outlining the duties of the Director.

Motion: Council Member Stack made the motion to approve Ordinance 2023-21 in the form presented. **Second:** Council Member Phillips made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed unanimously, 5-0.**

7. Approval of Water Feature Design (Walton) - 5 min

Water Feature Presentation

Project Manager Blake Walton shared an image of the proposed sitting wall design and provided two color options for the compass design that would be in the center of the water feature. The engineering site plan addressing water drainage would be done by Sunrise Engineering.

Motion: Council Member Phillips made a motion to approve the wall as explained and the compass on the left with the lighter outer ring and compass. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed unanimously, 5-0.**

The meeting returned to agenda item four.

X. COMMUNICATION:

Mr. Brower shared that a group of Staff, Council, and Planning Commissioners would be embarking on a city site tour to four towns in Colorado. The purpose of the trip was to observe their downtown and meet with their city staffs to find what Heber could do better to create a successful downtown and try to incorporate workforce housing. Council Member Phillips recommended a few additional stops including Eagle to observe their success with workforce housing.

Mr. Brower informed of the success of the Unity planting and clean-up of the broken tree limbs. He invited everyone to attend the Red, White, and Blue Festival and shared some of the activities to take place. Sandbags would be removed soon and the public was welcome to take them. Mr. Brower intended to write a letter to have printed in the Wasatch Wave thanking the community for showing up when the City had asked for help with the sandbagging.

Mayor Franco provided an update on the process of hiring a new Chief of Police. She ensured the Council they would be invited to participate in the final interviews.

XI. CLOSED EXECUTIVE SESSION:

1. Personnel

Motion: Council Member Stack made the motion to enter Closed Executive Session for the purpose of discussing personnel. **Second:** Council Member Phillips made the second. The meeting entered Closed Executive Session at 9:58 p.m.

Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Attorney Jeremy Cook
Deputy Chief of Police Jeremy Nelson

Motion: Council Member Phillips moved to end the Closed Executive Session. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The **Motion Passed unanimously, 5-0.** The Closed Executive Session ended at 10:07 p.m.

XII. ADJOURNMENT

Motion: Council Member Phillips made the motion to adjourn. **Second:** Council Member Stack made the second. The meeting adjourned at 10:07 p.m.

Trina Cooke, City Recorder

VII. PUBLIC COMMENTS:

From: Kellicia Gomez
Sent: Tuesday, June 20, 2023 2:17 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Agenda tonight- public comment

Dear Council Members,

1 I see that the airport master plan is on the agenda for approval. I ask that this item be continued
2 due to only having 24 hours to review it in its entirety. The citizens have been engaged in this
3 process and would appreciate having time to review the plan before it is passed.

4 I also think the council deserves more time to go over it as well. 24 hours does not seem like
5 enough time before a vote.

6 My other concern is with action item #3. Re: the Art Advisory Committee

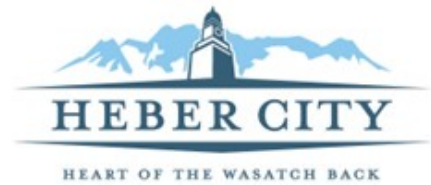
7 There is a system already in place that gives some “checks and balances” with the appointment
8 of committee members.

9 It is important that those people are appointed and approved by elected officials. Especially
10 when they are allocating our tax dollars. We elected our officials to represent us and this is a big
11 part of it. Please do not take that power away from the Mayor, council, and ultimately the
12 people.

13 Thank you for listening to my concerns!

14 Kelli Gomez- Heber City Resident

Heber City Council Staff Report



MEETING DATE: 7/18/2023

SUBJECT: Approval of Ordinance 2023-27 updating Title 7 of the Heber City Municipal Code, Elections, in order to align with State Code as amended in the 2023 Legislative Session (Trina Cooke)

RESPONSIBLE: Trina Cooke

DEPARTMENT: Administrative

STRATEGIC RELEVANCE: Administrative

SUMMARY

During the 2023 Legislative session, the Election Code, UCA 10-3-208, was updated to include an additional Financial Disclosure date for candidates running for Municipal office. Candidates must now file a financial disclosure 28 days (four weeks) prior to the election, 7 days before the day of the election, and 30 days after the election is held. The update also allows the Election Officer to grant a 24-hour grace period on the filing deadline as well as impose a fine of up to \$50 for late filing. If the candidate fails to file a Campaign Finance Statement within 24 hours after the deadline, the candidate will be disqualified from the election.

The proposed language to update the Heber City Code defaults directly to State Code as the State Code will always override City Code.

RECOMMENDATION

Approve

BACKGROUND

DISCUSSION

FISCAL IMPACT

None directly.

CONCLUSION

This action is necessary to remain compliant with State Code.

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve Ordinance 2023-27 to amend Heber City's Municipal Code Title 7, Elections**, as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve the item** as amended, as follows.

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny the item** with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member: Trina Cooke, City Recorder

EXHIBITS

1. UCA 10-3-208 Campaign Finance Disclosure in Municipal Election
2. Ordinance 2023-27 Amending Section 7.4.040 of the Heber City Municipal Code; Campaign Financial Disclosure Statements Deadlines

Effective 5/3/2023

10-3-208 Campaign finance disclosure in municipal election.

(1) Unless a municipality adopts by ordinance more stringent definitions, the following are defined terms for purposes of this section:

(a) "Agent of a candidate" means:

- (i) a person acting on behalf of a candidate at the direction of the reporting entity;
- (ii) a person employed by a candidate in the candidate's capacity as a candidate;
- (iii) the personal campaign committee of a candidate;
- (iv) a member of the personal campaign committee of a candidate in the member's capacity as a member of the personal campaign committee of the candidate; or
- (v) a political consultant of a candidate.

(b) "Anonymous contribution limit" means for each calendar year:

- (i) \$50; or
- (ii) an amount less than \$50 that is specified in an ordinance of the municipality.

(c)

(i) "Candidate" means a person who:

- (A) files a declaration of candidacy for municipal office; or
- (B) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a municipal office.

(ii) "Candidate" does not mean a person who files for the office of judge.

(d)

(i) "Contribution" means any of the following when done for political purposes:

- (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a candidate;
- (B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the candidate;
- (C) any transfer of funds from another reporting entity to the candidate;
- (D) compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;
- (E) a loan made by a candidate deposited to the candidate's own campaign; and
- (F) an in-kind contribution.

(ii) "Contribution" does not include:

- (A) services provided by an individual volunteering a portion or all of the individual's time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;
- (B) money lent to the candidate by a financial institution in the ordinary course of business; or
- (C) goods or services provided for the benefit of a candidate at less than fair market value that are not authorized by or coordinated with the candidate.

(e) "Coordinated with" means that goods or services provided for the benefit of a candidate are provided:

- (i) with the candidate's prior knowledge, if the candidate does not object;
- (ii) by agreement with the candidate;
- (iii) in coordination with the candidate; or
- (iv) using official logos, slogans, and similar elements belonging to a candidate.

(f)

- (i) "Expenditure" means any of the following made by a candidate or an agent of the candidate on behalf of the candidate:
 - (A) any disbursement from contributions, receipts, or from an account described in Subsection (3)(a);
 - (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
 - (C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;
 - (D) compensation paid by a candidate for personal services rendered by a person without charge to a reporting entity;
 - (E) a transfer of funds between the candidate and a candidate's personal campaign committee as defined in Section 20A-11-101; or
 - (F) goods or services provided by a reporting entity to or for the benefit of the candidate for political purposes at less than fair market value.
 - (ii) "Expenditure" does not include:
 - (A) services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate; or
 - (B) money lent to a candidate by a financial institution in the ordinary course of business.
 - (g) "In-kind contribution" means anything of value other than money, that is accepted by or coordinated with a candidate.
 - (h)
 - (i) "Political consultant" means a person who is paid by a candidate, or paid by another person on behalf of and with the knowledge of the candidate, to provide political advice to the candidate.
 - (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i), where the person:
 - (A) has already been paid, with money or other consideration;
 - (B) expects to be paid in the future, with money or other consideration; or
 - (C) understands that the person may, in the discretion of the candidate or another person on behalf of and with the knowledge of the candidate, be paid in the future, with money or other consideration.
 - (i) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal office at any caucus, political convention, or election.
 - (j) "Reporting entity" means:
 - (i) a candidate;
 - (ii) a committee appointed by a candidate to act for the candidate;
 - (iii) a person who holds an elected municipal office;
 - (iv) a party committee as defined in Section 20A-11-101;
 - (v) a political action committee as defined in Section 20A-11-101;
 - (vi) a political issues committee as defined in Section 20A-11-101;
 - (vii) a corporation as defined in Section 20A-11-101; or
 - (viii) a labor organization as defined in Section 20A-11-1501.
- (2)

- (a) A municipality may adopt an ordinance establishing campaign finance disclosure requirements for a candidate that are more stringent than the requirements provided in Subsections (3) through (7).
- (b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1).
- (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained in Subsections (3) through (7).
- (3) Each candidate:
 - (a) shall deposit a contribution in a separate campaign account in a financial institution; and
 - (b) may not deposit or mingle any campaign contributions received into a personal or business account.
- (4)
 - (a) In a year in which a municipal primary is held, each candidate who will participate in the municipal primary shall file a campaign finance statement with the municipal clerk or recorder no later than seven days before the day described in Subsection 20A-1-201.5(2).
 - (b) Each candidate who is not eliminated at a municipal primary election shall file a campaign finance statement with the municipal clerk or recorder no later than:
 - (i) 28 days before the day on which the municipal general election is held;
 - (ii) seven days before the day on which the municipal general election is held; and
 - (iii) 30 days after the day on which the municipal general election is held.
 - (c) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement within 30 days after the day on which the municipal primary election is held.
- (5) If a municipality does not conduct a primary election for a race, each candidate who will participate in that race shall file a campaign finance statement with the municipal clerk or recorder no later than:
 - (a) 28 days before the day on which the municipal general election is held;
 - (b) seven days before the day on which the municipal general election is held; and
 - (c) 30 days after the day on which the municipal general election is held.
- (6) Each campaign finance statement described in Subsection (4) or (5) shall:
 - (a) except as provided in Subsection (6)(b):
 - (i) report all of the candidate's itemized and total:
 - (A) contributions, including in-kind and other nonmonetary contributions, received up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and
 - (B) expenditures made up to and including five days before the campaign finance statement is due, excluding an expenditure previously reported; and
 - (ii) identify:
 - (A) for each contribution, the amount of the contribution and the name of the donor, if known; and
 - (B) for each expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or
 - (b) report the total amount of all contributions and expenditures if the candidate receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds the anonymous contribution limit, and is from a donor whose name is unknown, a candidate shall disburse the amount of the contribution to:

- (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
 - (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (8)
- (a) A municipality may, by ordinance:
 - (i) provide an anonymous contribution limit less than \$50;
 - (ii) require greater disclosure of contributions or expenditures than is required in this section; and
 - (iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.
 - (b) A candidate is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (8)(a) if:
 - (i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and
 - (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (9).
- (9) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 35 days before each municipal general election, notify the candidate in writing of:
- (a) the provisions of statute or municipal ordinance governing the disclosure of contributions and expenditures;
 - (b) the dates when the candidate's campaign finance statement is required to be filed; and
 - (c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.
- (10) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:
- (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
 - (b) make the campaign finance statement filed by a candidate available for public inspection by:
 - (i)
 - (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and
 - (B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or
 - (ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.
- (11)
- (a) If a candidate fails to timely file a campaign finance statement required under Subsection (4) or (5), the municipal clerk or recorder:
 - (i) may send an electronic notice to the candidate that states:
 - (A) that the candidate failed to timely file the campaign finance statement; and
 - (B) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the candidate will be disqualified; and
 - (ii) may impose a fine of \$50 on the candidate.

- (b) The municipal clerk or recorder shall disqualify a candidate and inform the appropriate election official that the candidate is disqualified if the candidate fails to file a campaign finance statement described in Subsection (4) or (5) within 24 hours after the deadline for filing the report.
- (c) If a candidate is disqualified under Subsection (11)(b), the election official:
- (i) shall:
 - (A) notify every opposing candidate for the municipal office that the candidate is disqualified;
 - (B) send an email notification to each voter who is eligible to vote in the municipal election office race for whom the election official has an email address informing the voter that the candidate is disqualified and that votes cast for the candidate will not be counted;
 - (C) post notice of the disqualification on a public website; and
 - (D) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; and
 - (ii) may not count any votes for that candidate.
- (12) An election official may fulfill the requirements described in Subsection (11)(c)(i) in relation to a mailed ballot, including a military overseas ballot, by including with the ballot a written notice:
- (a) informing the voter that the candidate is disqualified; or
 - (b) directing the voter to a public website to inform the voter whether a candidate on the ballot is disqualified.
- (13) Notwithstanding Subsection (11)(b), a candidate who timely files each campaign finance statement required under Subsection (4) or (5) is not disqualified if:
- (a) the statement details accurately and completely the information required under Subsection (6), except for inadvertent omissions or insignificant errors or inaccuracies; and
 - (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
- (14) A candidate for municipal office who is disqualified under Subsection (11)(b) shall file with the municipal clerk or recorder a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.
- (15) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.
- (16)
- (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.
 - (b) In a civil action under Subsection (16)(a), the court may award costs and attorney fees to the prevailing party.

Amended by Chapter 45, 2023 General Session

ORDINANCE NO. 2023-27

AN ORDINANCE AMENDING SECTION 7.04.040, CAMPAIGN FINANCIAL DISCLOSURE STATEMENTS DEADLINES, IN THE HEBER CITY MUNICIPAL CODE

WHEREAS, the municipal election candidate financial disclosure statements requirements were changed during the 2023 Legislative Session and;

WHEREAS, the Heber City Municipal Code needs to be amended in order to align with the updated requirements established by the State,

NOW, THEREFORE, BE IT ORDAINED BY THE HEBER CITY COUNCIL THAT:
7.04.040 Campaign Financial Disclosure Deadlines is hereby amended and adopted as follows:

7.04.040 Campaign Financial Disclosure Statements Deadlines

- ~~1. Each candidate who will participate in the municipal primary shall file a campaign finance statement with the municipal recorder no later than seven (7) days before the date of the Primary Election;~~
- ~~2. Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal recorder a campaign finance statement 30 days after the day on which the municipal primary election is held;—~~
- ~~3. Each candidate who is not eliminated at the municipal primary election shall file with the municipal recorder a campaign finance statement, no later than seven (7) days before the day on which the municipal general election is held; and~~
- ~~4. No later than 30 days after the day on which the municipal general election is held.~~

7.04.040 Campaign Financial Disclosure Statements Deadlines

- A. Candidates will comply with all candidate financial disclosure statements deadline requirements outlined in UCA 10-03-208, and as may be amended or changed thereafter in the State Code.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 18th day of July 2023.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Yvonne Barney	_____	_____	_____	_____
Council Member Mike Johnston	_____	_____	_____	_____
Council Member Rachel Kahler	_____	_____	_____	_____
Council Member Scot Phillips	_____	_____	_____	_____
Council Member Ryan PC Stack	_____	_____	_____	_____

APPROVED:

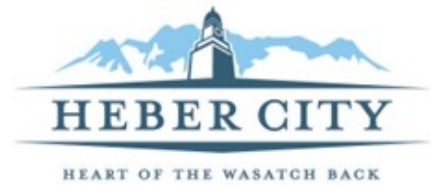
Mayor Heidi Franco

ATTEST:

RECORDER

Date: _____

Heber City Council Staff Report



MEETING DATE: 7/18/2023

SUBJECT: Approval of Ordinance 2023-28 Amending the Heber City Council 2023 Annual Meeting Schedule (Trina Cooke)

RESPONSIBLE: Trina Cooke

DEPARTMENT: Administrative

STRATEGIC RELEVANCE: City Council

SUMMARY

In order to align a special election with the regularly scheduled municipal election, Governor Cox pushed the dates for both the primary and general elections. Heber City is participating in Ranked Choice Voting and will not be holding a primary election. Therefore, the City is only affected by the change in date of the General Election. The originally approved 2023 Annual City Council Meeting Schedule was adopted without a meeting on November 7 due to the original election date. This Ordinance will move the single meeting date for November from the 21st to the 7th in order to accommodate the newly established election date on November 21st, 2023 rather than November 7th.

RECOMMENDATION

Approve

BACKGROUND

DISCUSSION

FISCAL IMPACT

None

CONCLUSION

In order to accommodate the date change of the Municipal Election, the 2023 Heber City Council Annual Meeting Schedule must be amended.

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve Ordinance 2023-28 to amend the 2023 Heber City Council Annual Meeting Schedule** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve the item** as amended, as follows.

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny the item** with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member: Trina Cooke, City Recorder

EXHIBITS

1. Ordinance 2023-28 Amending the 2023 Annual Meeting Skd

ORDINANCE NO. 2023-28

**AN ORDINANCE AMENDING THE 2023 ANNUAL HEBER CITY COUNCIL
MEETING SCHEDULE: REGULAR MEETINGS**

WHEREAS, pursuant to Utah State Code 52-4-202(2)(a), the City Council of Heber City, Utah, has deemed it necessary to adopt an annual City Council Meeting schedule for the year 2023;

WHEREAS, the Utah State Legislature held a special session to change the municipal election date for 2023 from November 7 to November 21;

NOW, THEREFORE, BE IT ORDAINED BY THE HEBER CITY COUNCIL THAT:
The attached City Council schedule shall be amended for the year 2023 in order to accommodate the new election date, as shown in exhibit A, unless otherwise noticed.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 18th day of July 2023.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Yvonne Barney	_____	_____	_____	_____
Council Member Mike Johnston	_____	_____	_____	_____
Council Member Rachel Kahler	_____	_____	_____	_____
Council Member Scot Phillips	_____	_____	_____	_____
Council Member Ryan PC Stack	_____	_____	_____	_____

APPROVED:

Mayor Heidi Franco

ATTEST:

RECORDER

Date: _____

Exhibit A

2023 City Council Meeting Schedule AMENDED

January 17

February 7 & 21

March 7 & 21

April 4 & 18

May 2 & 16

June 6 & 20

July 18

August 1 & 15

September 5 & 19

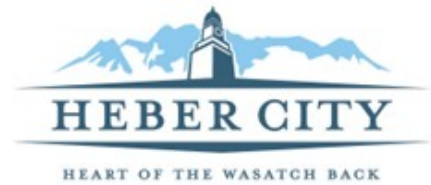
October 3 & 17

November 7 MEETING ADDED

~~November 21~~ MEETING CANCELLED

December 5 & 19

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Approval to Hang Flags on Main Street in Remembrance of 9/11 from September 5-15
RESPONSIBLE: Rachel Kahler
DEPARTMENT: Administrative
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

Approval

BACKGROUND

DISCUSSION

Consent Agenda

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Remove from Consent Agenda for further discussion
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Remove from the Consent Agenda

I move to remove the item from the consent agenda in order to hold further discussion.

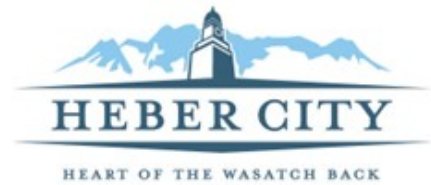
ACCOUNTABILITY

Department: Administrative
Staff member: Rachel Kahler, Council Member

EXHIBITS

None

Heber City Council Staff Report



MEETING DATE: 7/18/2023

SUBJECT: Approve Appointment of Mayor Heidi Franco as the Heber City Representative on the Wasatch County Fire District Advisory Commission

RESPONSIBLE: Heidi Franco

DEPARTMENT: Administrative

STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member:

EXHIBITS

1. Resolution 23-02 Updating the fire and ems advisory commission

**WASATCH COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT
RESOLUTION UPDATING THE FIRE AND EMS ADVISORY COMMISSION
RESOLUTION NO. 23-02**

RECITALS

WHEREAS, the Wasatch County Fire Protection Special Service District (the "District") is a special service district established by the County Legislative Body of Wasatch County, Utah, pursuant to the provisions of Utah law, for the purpose of providing fire and life safety services within the boundaries of the District;

WHEREAS, the Wasatch County Council is, by statute, the Governing Board of the District (the "Governing Board")

WHEREAS, the Governing Board has already created the Fire and EMS Advisory Commission to advise and make recommendations regarding the day to day operations of the services provided by the District and finds these recommendations and advice to be beneficial in furthering those purposes, and

WHEREAS, the Board desires to create an advisory body to directly advise the Governing Board on the business aspect of the running of the District;

NOW THEREFORE, BE IT RESOLVED BY THE WASATCH COUNTY FIRE DISTRICT GOVERNING BOARD as follows:

1. **Establishment and Membership.** There is hereby established a Fire and EMS Advisory Commission, consisting of seven (7) regular members as follows:
 - a. Regular Members: Regular members of the commission shall be qualified electors and/or property owners of Wasatch County. The regular members shall consist of the following:
 - i. One (1) commission member who is a member of the Wasatch County Administration or Council, and is appointed by the Governing Board;
 - ii. One (1) commission member who is a financial expert with demonstrated experience in accounting, finance, or other similar training and experience and is appointed by the Governing Board, which may take recommendations from the Fire Chief and Commission;
 - iii. One (1) commission member that is a subject matter expert with demonstrated experience in EMS, Fire, or similar services who are appointed by the Governing Board, which may take recommendations from the Fire Chief and Commission;

iv. Four (4) commission members who are citizens which are recommended by the applicable Governing Body, approved by the Governing Board, which may take recommendations from the Fire Chief and Advisory Commission;;

1. One Member (1) appointed by Heber City
2. One Member (1) appointed by Midway City
3. One Member (1) appointed by Hideout Town
4. One Member (1) appointed at large including but not limited to the following areas:
 - a. Daniel
 - b. Wallsburg
 - c. Charleston
 - d. Independence
 - e. Interlaken
 - f. Additional Subject Matter Expert (SME)

b. Compensation: the board may fix per diem or hourly compensation for members of the Fire and EMS Advisory Commission, based on necessary and reasonable expenses and on regular meetings actually attended. The board may also compensate members of the commission if it is deemed necessary to seat qualified members.

2. **Powers and Duties.** The Fire and EMS Advisory Commission shall have all power and authority, to direct and conduct its own business. The commission is created for the express purpose of providing an ongoing review of operational and policy decisions of the district and making recommendations to the Governing Board:

- a. The Fire and EMS Advisory Commission shall exercise all powers and duties authorized by the Governing Board including, but not limited to the following:
 - i. Make requests of fire district staff to provide information, produce reports, or other items relating to the administration of the fire district;

- ii. Make recommendations to the Governing Board regarding budget adoption. Make an initial approval of warrants, administrative policy, personnel matters, and other items as requested by the board as well as review and make recommendations regarding monthly finances and payables.
 - iii. A copy of the approved warrants list will be provided to the Governing Board monthly for their review, final approval and processing. A copy of the quarterly financials will also be provided and presented to the Governing Board every quarter for their review.
- 3. **Office Positions:** The commission chair, and vice chair positions shall be appointed by the Governing Board and may be selected from the regular membership. Each will serve for a period of one (1) year.
- 4. **Term of Office:** The five (5) members appointed by the Governing Board shall be appointed for a three (3) year term. The initial appointment of members shall be for staggered terms of one (1) two (2) and three (3) years discretion of the Governing Board. The member from the County Administration and financial expert shall serve at the will of the Governing Board and may be replaced at any time.
- 5. **Removal and Vacancies:** The Governing Board may, remove any of the five (5) members for cause if written charges are filed against the member with the Governing Board by the commission chair or the Fire Chief. The Governing Board shall provide the charged member with a public hearing if the member requests such a hearing. The remaining two members serve at the discretion of the Governing Board. The Fire Chief, with the advice and consent of the Governing Board, shall fill any vacancy on the commission. The person appointed to fill the vacancy shall serve for the unexpired term of the member whose office is vacant.
- 6. **Fire and EMS Advisory Commission Procedures:**
 - a. Meetings: The Fire and EMS Advisory Commission shall meet at the call of the chair and any other time the commission deems necessary and appropriate. The commission shall maintain minutes and records of its proceedings in accordance with the requirements of state law.
 - b. Quorum: a minimum of four (4) members of the Fire and EMS Advisory Commission shall constitute a quorum. The vote of four (4) commission members shall be required to render any decision or take any action when a quorum is in attendance.
 - c. Rules, Regulations and Bylaws: The Fire and EMS Advisory Commission shall make and enforce such rules, regulations and bylaws for the

government of itself, the preservation of order, the processing of requests, and the transaction of its business as may be necessary. Rules, regulations and bylaws adopted by the FIRE and EMS Advisory Commission shall not take effect until they are submitted to and approved by the Governing Board.

APPROVED and PASSED this 13 day of June, 2023.

By:

Steve Farrell

District Board Chair

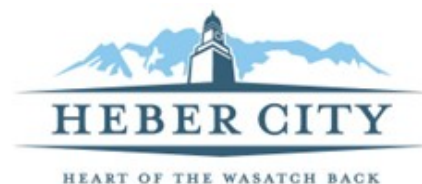
Attest:

By:

Kristen Richardson

Administrative Assistant

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Approval of POSTT (Parks, Open Space, Trails, and Trees)
Committee Nomination Tori Broughton
RESPONSIBLE: Heidi Franco
DEPARTMENT: Administrative
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member:

EXHIBITS

1. POSTT Cover Letter
2. Resume 072023

Tori Broughton
(970) 596-7217
emailtorib@gmail.com

July 7, 2023

Mayor Franco,

Thank you for the opportunity to apply for a POSTT committee seat. Given the access to open space it's not surprising that Heber City is experiencing rapid growth. The growing pains that this rapid growth creates, a solid Parks, Open Space, Trails & Tree advisory board is more important than ever. Though I am new to the valley I believe I could bring a unique perspective to the group. I have lived all over the West and have been an avid user of trails and open space for the past 25+ years. As a local resident and homeowner, as well as a main street business manager, I am invested in ensuring this community holds true to its values as it grows.

Being in the bike industry for the past 20+ years has allowed me to manage large businesses and work with large groups of people. I am adept at managing a budget and growing a business. My networking and team building skills have been key to my longevity and success in this industry. As an avid mountain biker, I understand the delicate balance between preservation and access. More important than the business skills I possess, I am extremely civic minded and enjoy bringing people together to accomplish mutual goals. Serving my community has been a dream of mine since I held my first elected position in my 4-H club as a teen in Rifle, Colorado.

Heber City is a fantastic place to call home thanks to the access to open space and trails. I'm confident my enthusiasm and perspective will complement the board as it is tasked with finding solutions to managing a bright future for Heber City.

Thank you for your consideration,

Tori Broughton

TORI E. BROUGHTON

emailtorib@gmail.com – (970) 596-7217

RELEVANT EXPERIENCE

Trek Bicycle Company

11/2022 to Present

Retail Manager

- Implement strategies to improve customer experience, increase sales, increase profitability.
- Mentor talent for future opportunities.
- Be the favorite community bike shop.

Trek Bicycle Company

01/2022 to 11/2022

Business Development Manager

- Manage North American retail acquisitions from due diligence through contract negotiation and deal closing.
- Project managed store openings, leading large teams through processes ranging from visual merchandising to operational setup.

Trek Bicycle Company

11/2017 to 01/2022

District Retail Manager

- Worked directly with company owned stores across Washington, Idaho, Colorado, and New Mexico
- Guided Trek Store Managers in implementing new strategies to improve customer experience, sales, and profitability.
- Uphold brand standards and maintain consistency across all stores.
- Cultivate top talent for future opportunities.

Trek Bicycle Company

10/2014 to 11/2017

Visual Presentation Specialist

- Manage the visual aspects of new store openings, remodels, and acquisitions. This includes ordering all fixtures.
- Manage seasonal floor sets, visual assets for marketing promotions, and store appearance for 10 stores across 3 states.
- Conduct merchandising training for Trek direct retail staff.
- Lead consumer clinics at direct retail stores. Flat tire repair, basic maintenance, and product clinics.
- Analyze merchandising strategy through Ascend sell through reports.

Trek Bicycle Company

12/2012 to 10/2014

Factory Demo Product Specialist

- Managed yearly regional event calendar including dealer demos, event demos, employee clinics, and regional ride camps. This includes planning, promotion, and execution of event.
- Educated dealers via product clinics and shop rides on new product and technologies.
- Submitted weekly field reports including event recaps, expense reports, etc.
- Managed all logistics of event participation.
- Created and preformed professional presentations.
- Maintained fleet of up to 50 high end bikes ranging from road to downhill.

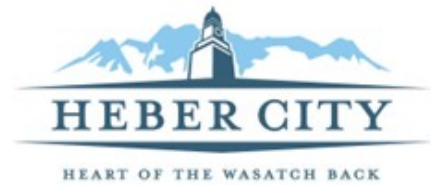
Light & Motion Industries, Inc.**02/2012 to 08/12**Field Promotions Manager

- Represent the company at 24 hour races, tradeshow, and other industry and consumer events throughout North America and Canada.
- Managed the company Sprinter van, scheduling and performing demos and administering education on lighting products to key retailers and consumers. Also maintained records of van demo equipment and sales inventory
- Provided product, merchandizing, and consumer feedback to product development and marketing staff.
- Implemented and maintain measures to track R.O.I. for demo program and events.

Trek Bicycle Company**01/2008 to 02/2012**Women's Product Specialist

- Work autonomously to educate Trek dealers on sales techniques, selling to women, purchasing and merchandising and technical product information.
- Provide consumers with the knowledge and experience they need to feel confident purchasing from the Trek family as well as in their cycling endeavors.
- Gain insight into female market and present product information at Ladies Nights and free bicycle test rides, presenting technical product information to consumers, and answering their questions and concerns.
- Maintain an efficient twelve-month travel schedule through 6 states and two Canadian provinces.
- Represent Trek Bicycles at various trade shows (Sea Otter, RAGBRAI, Trek Tri, etc.)

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Presentation of Mayor's Award to Glen Parman
RESPONSIBLE: Heidi Franco
DEPARTMENT: Administrative
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member:

EXHIBITS

1. Mayor's Award Nomination - Glenn Parman 07.11.23

Mayor's Award Nomination: Glenn Parman, Fleet Manager

Public Works would like to nominate our outstanding Fleet Manager Glenn Parman for a Mayor's Award. Since he began working for Heber City in January of 2022, Glenn has taken the initiative to implement myriad new standard operating procedures which have proven to both increase efficiency and keep costs down.

An excellent example of the value that Glenn has brought to our Fleet Department is the overhaul he has made to our vehicle liquidation program. Prior to Glenn's tenure as Fleet Manager, the auctioning of the City's old/used vehicles and equipment was entirely outsourced. While outsourcing vehicle liquidation saved our staff's time and labor, the City was not able to recapture the significant amount of funds on resold vehicles that we do now by managing our own auctions via the Public Surplus portal.

To give a concrete example of the City's cost savings and financial benefit, thanks entirely to Glenn's implementation of the in-house vehicle liquidation program via the Public Surplus web portal, below is a table showing the increase in revenue from auctioned vehicles and equipment resold from 2018 to 2023 (YTD):

Year	Revenue from Auctioned Vehicles
2018 – TNT Auction (Outsourced)	\$1,067.50
2019 – TNT Auction (Outsourced)	\$53,568.00
2020 – TNT Auction (Outsourced)	\$57,593.75
2021 – TNT Auction (Outsourced)	\$29,450.00
2022 – Public Surplus Auction (In-House)	\$46,900.00
2023 YTD (January – July 12, 2023) – Public Surplus Auction (In-House)	\$239,399.00

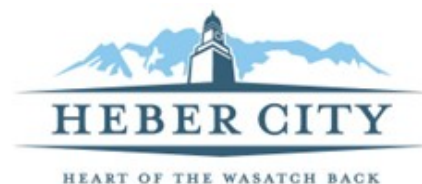
It is evident from the figures above that auctioning used vehicles/equipment in-house, under Glenn's direction, is much more financially beneficial to the City than is outsourcing. While managing auctions in-house requires more time and labor than does outsourcing, the fiscal benefits greatly outweigh the added cost.

In addition to the in-house auctioning program, Glenn has instituted an electronic QR code driven vehicle inspection program. This allows City vehicle and equipment operators to now log their daily vehicle/equipment inspection online by simply scanning a QR code. This system also accommodates the reporting of any necessary maintenance requests, potential safety hazards, and other concerns directly to Glenn on a daily, real-time basis, thereby eliminating the need for paper logs and repair orders and making the process nearly entirely paperless. Additionally, Glenn is working to streamline and improved our preventative maintenance program, has improved our CDL training program, and has cleaned out and reorganized the Mechanic Shop – all in under a year and a half.

As evidenced by the examples above, we believe Mr. Parman has demonstrated he is a pro-active, capable, strategic manager who has brought a wealth of positive energy and monetary savings to the City. We feel that Glenn has more than proven himself, and his hard work and dedication make him more than deserving for a Mayor's award nomination.

Thank you for your consideration!

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Presentation of Heber Valley's efforts to recognize 9/11 National Day of Service
RESPONSIBLE: Ann Moulton
DEPARTMENT: Administrative
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

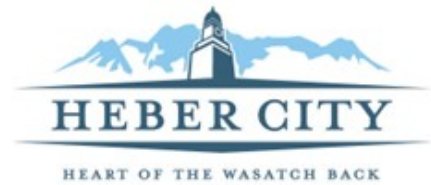
ACCOUNTABILITY

Department: Administrative
Staff member:

EXHIBITS

None

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Presentation by Heber Light and Power on Time of Use Rates (Jared Wright) – 10 min
RESPONSIBLE:
DEPARTMENT: Administrative
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

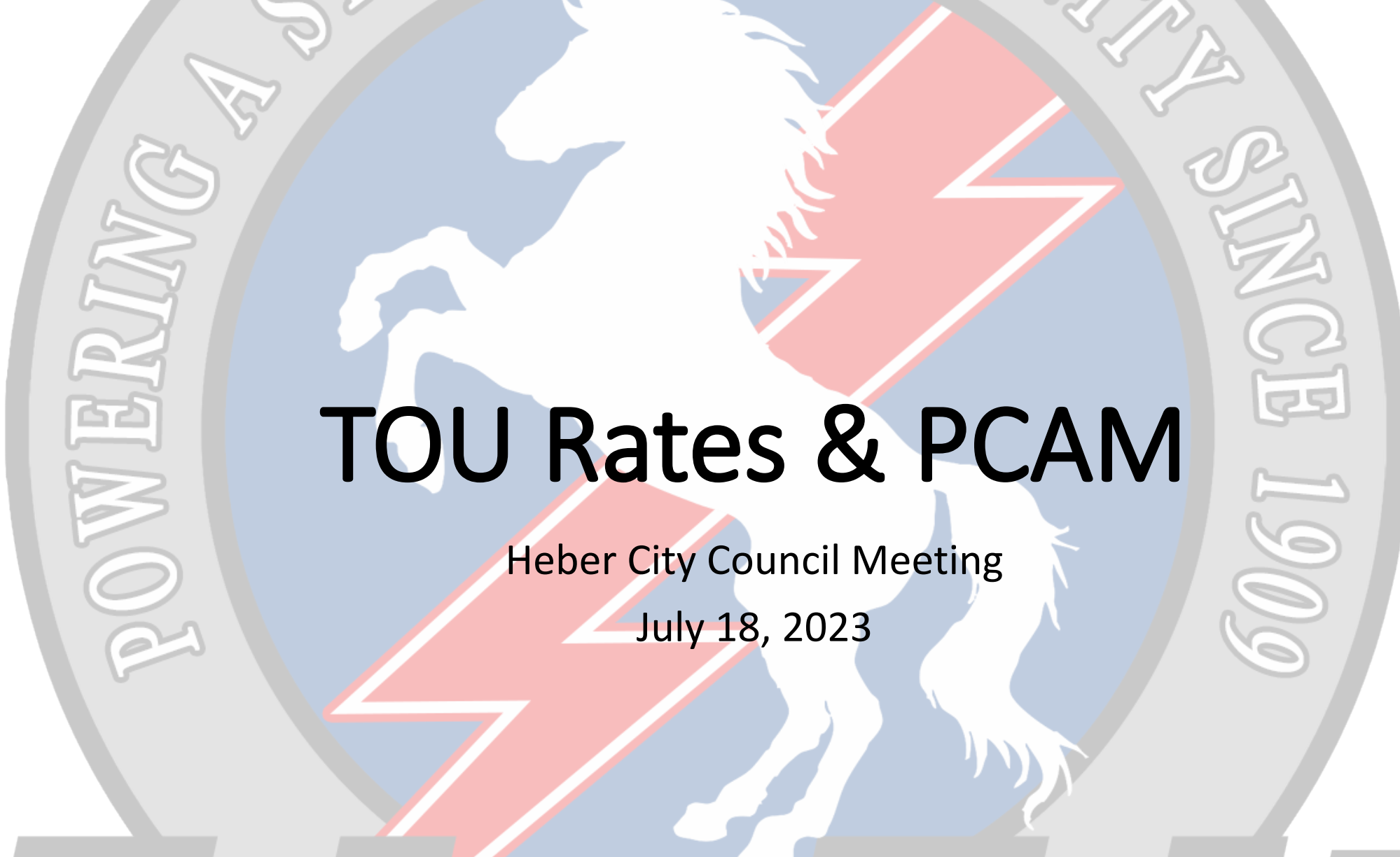
I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member:

EXHIBITS

1. TOU PCAM



TOU Rates & PCAM

Heber City Council Meeting
July 18, 2023

Heber Light

TOU Rates

Why Time-Of-Use Rates?

The goal of time-of-use rates is to better align the costs that electricity consumers see with the actual cost of producing electricity.

Helps shift usage away from high peak hours.

TOU Rates

How is TOU determined?

Cost of Service studies analyze meter data, including time of peak demand, and purchased power costs to calculate the times of the day that costs are highest. Rates are then designed to accurately and fairly capture those costs.

TOU Rates

Rates

Winter (October through May)

On-Peak (3PM-10PM)

\$0.14371 / kWh

Off-Peak (10PM-3PM)

\$0.07221 / kWh

TOU Rates

Rates

Summer (June-September)

On-Peak (3PM-10PM)

\$0.20376 / kWh

Off-Peak (10PM-3PM)

\$0.10055 / kWh

TOU Rates

Rates

On-Peak

Monday through Friday

Off-Peak

Weekends and Holidays

PCAM

Power Cost Adjustment Mechanism

Heber Council Meeting – July 18, 2023

PCAM

Why Power Cost Adjustments?

The cost to generate or buy electricity fluctuates. This is due to changing fuel costs, weather, equipment outages, and the demand for electricity. Adjustments are made to reflect the **true** cost of power each month.

This could be an increase or a decrease.

PCAM

What is a PCA (how is it billed)?

The PCA is a separate line item on the bill. It is essentially an additional kWh charge based on that month's factor.

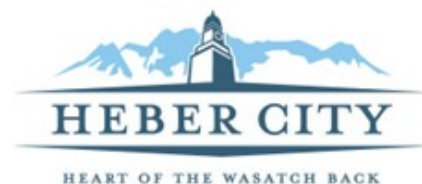
PCAM

How is the Factor calculated?

Total Cost / Total kWh
less Base Rate =
Monthly PCA

6 Month PCA averages this across the previous 6 months.

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Presentation by Animal Control Board
RESPONSIBLE: Justin Hatch, Heidi Franco, Heber Lefgren
DEPARTMENT: Animal Control
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

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Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

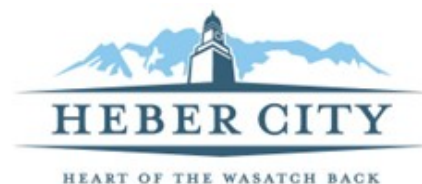
ACCOUNTABILITY

Department: Animal Control
Staff member: Heidi Franco, Mayor

EXHIBITS

1. Animal Services Contract
2. Heber City Council Meeting Presentation_20230718_Policy Discussion regarding Animal Control Services R
3. Power Point Policy Discussion regarding Animal Control Services

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Presentation by Animal Control Board
RESPONSIBLE: Justin Hatch, Heidi Franco, Heber Lefgren
DEPARTMENT: Animal Control
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
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POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

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Alternative 2 - Approve as Amended

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Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Animal Control
Staff member: Heidi Franco, Mayor

EXHIBITS

1. Animal Services Contract
2. Heber City Council Meeting Presentation_20230718_Policy Discussion regarding Animal Control Services R
3. Power Point Policy Discussion regarding Animal Control Services

**Wasatch City/County Animal Control
Animal Control Agreement**

Whereas, the Midway City, Heber City, and Wasatch County (the "Parties") have a determined need to establish an animal control program, including the construction of new facilities, to provide adequate animal control for the health, safety and welfare of their residents; and

Whereas, the Parties have determined that it is the best interests of their citizens to pool resources and cooperate in establishing an animal control program and constructing, equipping and operating the necessary facilities: and

Whereas, the Parties desire to enter into an agreement to establish such a program and set forth the rights, obligations and responsibilities of each party.

Now therefore, in consideration of obligation, payments and agreements provided herein, the parties hereby stipulate and agree as follows:...

1. Heber City is to be responsible for animal control as it relates to licensing, euthanizing, and the controlling and care of stray and unwanted dogs, cats and other animals within the Heber City limits, Midway City limits and those remaining areas of Wasatch County as designated by the Wasatch County Commission. Animal control will be enforced based on a uniform animal control law to be agreed upon by all Parties.

2. An animal control board will be established with five members based on percentage of population. The board will meet at least quarterly to review the operations to report to their respective entities.

3. The Parties will construct a new animal control facility on Heber City property. The fair market value of the property will be taken into consideration and constitute an up front Heber City contribution to the initial construction budget. The fair market value will be established by the Animal Control Board. The Parties will have joint ownership of the land, buildings and equipment; however, Heber City will have the option to acquire Wasatch County and Midway's interest in said land and improvements, should this contract terminate, by paying to them their proportionate share of the then fair market value. The animal control board will have input into design of the facility. Heber City will manage the design and construction of the new facility.

4. Construction costs for the new facility, additional equipment and the annual operating budget for animal control operations will be divided among the entities based on population as reflected in the last available census report. The percentages for first six months of 1999 are: Heber City - 44 % Wasatch County- 38 % Midway- 18 %. All monies collected from license sales, tickets, fines etc. will be earmarked for animal control to be used to offset costs for the following year.

5. Heber City will provide the animal control officers who will be Heber City employees. Heber City will be reimbursed for animal control expenses by the participating entities billed on a quarterly basis.

6. Each Party shall insure and indemnify all of the parties and animal control officers for any liability incurred within its boundaries.

7. This shall be a year to year contract and may be terminated by any one of the parties by giving a ninety day written notice prior to the end of any contract year.

12/11/98

To whom it may concern,

I have tried to throw a rope on all of the suggestions and important points needed to finalize an animal control agreement. I will turn this back over to Heber City to put it to legal speak so that Midway can consider it and pass it the first council meeting in January. It may require further fine tuning as time goes on but we need to start somewhere.

If you have heartburn with any of this please let Heber City know as soon as possible.

Thanks,

Harold Remund

cc Dan Mathews
 Lynn Adams
 Gene Owens
 Laren Provost
 Keith Jacobsen
 Sharron Winterton

Interlocal Cooperation Agreement for Animal Services

This Interlocal Cooperation Agreement for Animal Services is made and entered into as of _____ by and between Heber Valley Animal Services, a political subdivision of the state of Utah the County of Wasatch, Heber City, Midway City, Township of Interlaken. Heber Valley Animal Services and Wasatch County, Heber City, Midway City and the Township of Interlaken and Hideout may be collectively referred to as the "Parties herein.

Recitals

Heber Valley Animal Services and the Parties based, in part, upon the following recitals:

- A. In 1999, the Parties entered into an Interlocal Cooperation Agreement for Animal Services.
- B. The Parties, through this agreement desire to modify certain terms and/or provisions of the Agreement.

Now, based upon the forgoing, and in consideration of the terms set forth in this agreement, the parties do hereby agree as follows:

A. Exhibit A of the Agreement is replaced in its entirety with the Exhibit A below:

- 1. Heber Valley Animal Services is to be responsible for animal services as it relates to controlling and care of stray and unwanted domesticated animals within Wasatch County (UNINCORPORATED), Heber City, Midway City, Hideout and Interlaken Township.
 - A. Charleston, Independence, Daniels, Wallsburg will not be provided with patrolling of the townships, Heber Valley Animal Services will respond to calls in the townships during regular business hours.
- 2. Equipment and the annual operating budget for animal services will be divided among the entities based on the annual sales tax report in April of each year.

Wasatch County Population
Animal Control - Percentage Allocation
April 2021 Sales Tax Population Estimates

<u>City</u>	<u>Population</u>	<u>Percent</u>	<u>County Percentage</u>
Heber	17,082	50.11%	
Midway	5,280	15.49%	
Interlaken	235	0.69%	
Hideout	998	2.93%	
County & Other Cities	10,496	30.79%	30.79%
	34,091	100.00%	30.79%

2021/2022 Proposed Budget		\$365,250
Less Animal Control Revenues		<u>\$(20,009)</u>
Net to Allocate		\$345,241
Heber	50.11%	\$172,990
Midway	15.49%	\$53,471
Interlaken	0.69%	\$2,380
Hideout	2.93%	\$10,107
County & Other		
Cities	<u>30.79%</u>	<u>\$106,293</u>
	<u>100.00%</u>	<u>\$345,241</u>

All monies collected from license sales, citations, etc. will be earmarked for animal services to be used to offset costs for the following year.

3. Heber City will provide the animal services officers who will be Heber City Employees and under the supervision of the Heber City Police Department. Heber City will be reimbursed for all animal services and administrative expenses by the participating entities on a quarterly basis.
4. Heber City is responsible for obtaining liability coverage through its insurance carrier to cover the activities of the animal services officer and shall be responsible for any claims, demands, liability or consequential damages of any kind or nature to third parties arising from the various animal services activities of the animal services officer within the service area. The cost of the coverage shall be a shared expense.
5. This shall be a year to year contract and may be terminated by any one of the parties by giving a ninety day written notice prior to the end of any contract year.
6. Each party shall provide legal services for the animal services officers to consult with in respect to matters relating to happenings within their respect to matters relating to happenings within their respective jurisdictions as well as the issuance of any information and prosecution arising thereunder. As to capital expenditures, the entities at the request of Heber City will provide their share at the time of purchase. The operating expenses shall include fair compensation for administrative services provided by Heber City which amount shall be set by Heber City subject, however to approve by the animal services board.

7. Resolution of the respective entities approving this agreement are attached hereto.

Dated this _____ day of _____

Attested:

Heber City Recorder

Attested:

Midway City Clerk/Recorder

Attested:

Wasatch County Clerk

Attested:

Hideout Clerk/Recorder

Attested:

Interlaken Clerk/Recorder

Mayor:

Heber City

Mayor:

Midway City

Wasatch County:

Chairman of the Wasatch County Commission

Mayor:

Hideout

Mayor:

Interlaken

POLICY DISCUSSION REGARDING ANIMAL CONTROL SERVICES

PRESENTED BY: HEBER LEFGREN, ASSISTANT
COUNTY MANAGER FOR WASATCH COUNTY

JULY 18, 2022

1

BACKGROUND

- HEBER VALLEY ANIMAL CONTROL (HVAC) IS RESPONSIBLE FOR RESPONDING TO ALL ANIMAL RELATED SERVICES REQUESTS FOR ALL OF WASATCH COUNTY
 - DISPATCH SERVICES PROVIDED BY WASATCH COUNTY
- PROVIDES SHELTERING AND ADOPTION SERVICES FOR IMPOUNDED PETS
- RESPONSIBLE FOR THE ENFORCEMENT OF ANIMAL RELATED LAWS
- OVERSEES LOCAL LICENSING PROGRAM FOR OWNED PETS

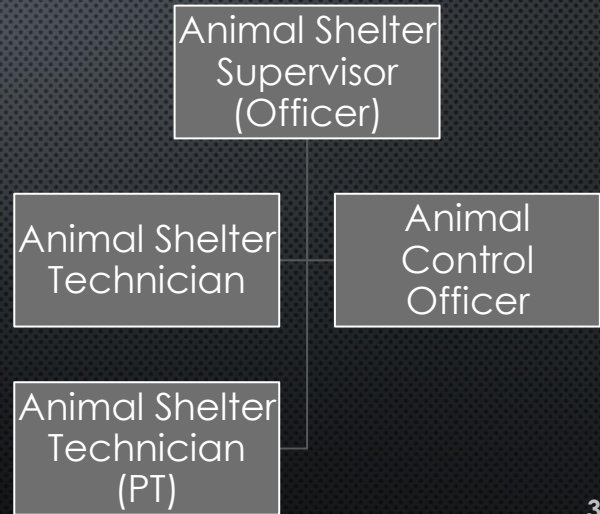


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BACKGROUND (CONT.)

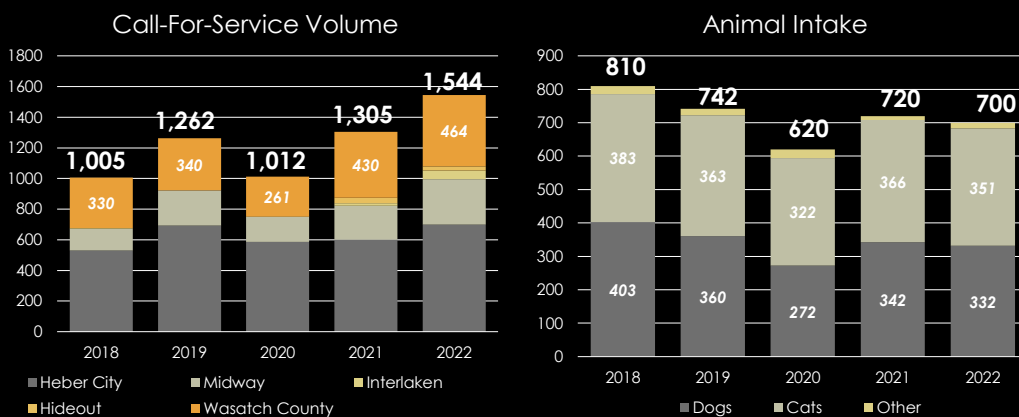
- MANAGED AS A DIVISION WITHIN HEBER CITY POLICE DEPARTMENT
- MADE UP OF 3 FULL-TIME AND 1 PART-TIME CITY EMPLOYEES
 - ANTICIPATE NEED TO ADD 1 ADDITIONAL POSITION IN FUTURE
- HAS AN ANIMAL CONTROL BOARD MADE UP OF MEMBERS REPRESENTING PARTICIPATING COMMUNITY



3

3

HVAC 5 YEAR PERFORMANCE RECORD



Take Away: Service Requests have increased by +53% over 5 years while Intake has slightly decreased over same period of time

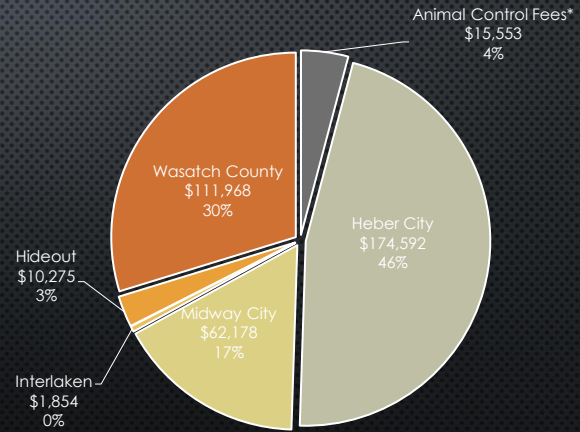
4

4

HVAC OPERATING BUDGET

2023 Operating Budget: \$376,420

- BUDGET REMAINS RELATIVELY STABLE WITH ONLY MODEST ANNUAL INCREASES
 - LESS THAN \$28,000 INCREASE IN PAST 5 YEARS
- BUDGET IS OFFSET BY
 - COLLECTION OF PRIOR YEAR ANIMAL CONTROL FEES
 - SERVICE FEES CHARGED TO PARTICIPATING AGENCIES
- DISTRIBUTION OF SERVICE FEES ARE BASED UPON THE PERCENT OF TOTAL POPULATION WITHIN EACH AGENCY



*Fees include: Adoption, Impoundment, Licensing, Relinquish, and Livestock

5

5

HEBER VALLEY ANIMAL CONTROL FACILITY

- SHELTERING FACILITY LOCATED ON AIRPORT ROAD (NEXT TO SOLID WASTE SERVICE STATION)
 - 3,040 SQ. FT. FACILITY
 - 14 INDOOR KENNELS (WITH DIVIDER)
 - 58 CAT KENNELS
 - 1 INTERACTIVE CAT PLAY ROOM
 - 11 OUTSIDE DOG KENNELS
 - 3 LARGE PLAY AREAS FOR DOGS
 - TEMPORARY HOUSING FOR IMPOUNDED LIVESTOCK



6

6

GENERAL ASSESSMENT OF FACILITY/SERVICES

- ANIMAL CONTROL BOARD HAS BEEN MEETING TO DISCUSS THE FUTURE OF ANIMAL CONTROL
 - PARTICIPATING AGENCIES ARE GRATEFUL FOR AND APPRECIATE THE SERVICES CURRENTLY PROVIDED TO COMMUNITY BY HVAC
 - FACILITY HAS BEEN MAINTAINED WELL AND HAS SEEN POSITIVE "HOME GROWN" IMPROVEMENTS TO MEET THE CURRENT DEMAND FOR SERVICES
 - CONVERSION OF OFFICE SPACE INTO CAT INTERACTIVE ROOM
 - CONVERSION OF CREMATORIUM INTO STORAGE SPACE
 - BUILDING OF OUTDOOR DOG KENNELS AND PLAY AREAS
 - BUILDING OF OUTSIDE STORAGE SHEDS
 - ESTABLISHING MANY SIGNIFICANT OUTSIDE PARTNERSHIPS THAT HAVE REDUCED COSTS TO COMMUNITY



7

7

GENERAL ASSESSMENT OF FACILITY/SERVICES (CONT.)

- AS COMMUNITY GROWS, THERE IS GENERAL CONCERN THAT THE NEEDS OF THE COMMUNITY WILL OUTPACE THE AVAILABLE/PLANNED RESOURCES OF HVAC
 - LEVEL OF SERVICES PREVIOUSLY PROVIDED MAY NOT MEET THE PERCEIVED NEEDS OF THE GROWING POPULATION
 - NUMBER OF ANIMAL RELATED SERVICE REQUESTS ARE INCREASING (53% INCREASE IN 4 YEARS)
 - PET OWNERSHIP HAS INCREASED SIGNIFICANTLY (FROM 56% IN 1988 TO 66% IN 2023)
 - NUMBER OF PETS PER HOUSEHOLD IS ALSO INCREASING (5% INCREASE IN 4 YEARS)
 - THE PERCEIVED RELATIONSHIP BETWEEN PETS AND FAMILIES IS ALSO CHANGING
 - 97% OF PET OWNERS CONSIDER PETS AS PART OF THEIR FAMILY
 - 51% OF PET OWNERS SAY PETS ARE AS MUCH A PART OF THEIR FAMILY AS A HUMAN MEMBER
 - FACILITY IS OUTDATED AND UNABLE TO PROVIDE SPACE FOR KEY SERVICES
 - CAN NOT SEPARATE SICK AND/OR QUARANTINED PETS AWAY FROM GENERAL POPULATION.
 - NO SPACE TO PROVIDE BASIC MEDICAL SERVICES (EVEN TEMPORARILY)
 - PRIOR "HOME GROWN" SOLUTIONS MAKE PROPER CLEANING PROTOCOLS MORE DIFFICULT TO MANAGE
 - FACILITY IS NOT DESIGNED TO BE "ADOPTION" FRIENDLY

Most pet owners see their pets as part of their family, and many say they're on the same level as humans

% of U.S. pet owners saying they consider any of their pets to be a part of their family

	Yes, as much as a human member	Yes, but NOT as much as a human member
All pet owners	51	46
Men	43	52
Women	57	41
Lower income	64	33
Middle income	46	50
Upper income	43	55
Urban	61	37
Suburban	47	50
Rural	50	46

Note: Shares of respondents who say they do not consider their pets to be part of their family or who didn't offer an answer not shown. Family income tiers are based on adjusted 2021 earnings. Source: Survey of U.S. adults conducted April 10-16, 2023.

PEW RESEARCH CENTER

8

8

2 POLICY QUESTIONS

AS ANIMAL BOARD DISCUSSES THE FUTURE OF HVAC, 2 POLICY QUESTIONS NEED TO BE DISCUSSED BY POLICY MAKERS:

1. *WHAT APPETITE IS THERE TOWARDS FUNDING NECESSARY LONG-TERM IMPROVEMENTS TO HVAC*
2. *WHICH AGENCY IS BEST SUITED TO MANAGE ANIMAL CONTROL SERVICES FOR WASATCH COUNTY IN FUTURE?*



9

9

POLICY QUESTION 1:

WHAT APPETITE IS THERE TOWARDS FUNDING NECESSARY LONG-TERM IMPROVEMENTS TO HVAC

- FACILITY UPGRADES: REBUILD, UPGRADE, OR RELOCATE
- INCREASE IN QUANTITY OF SERVICES
- INCREASE IN QUALITY OF SERVICES
- UNIFORM LEVEL OF SERVICES TO ALL AGENCIES?



10

10

POLICY QUESTION 2: HOW SHOULD HVAC BE MANAGE IN THE FUTURE?

OPTION 1:

FIELD AND SHELTERING SERVICES CONTINUE TO BE MANAGED BY HEBER CITY THROUGH IMPROVED MOU WITH PARTICIPATING AGENCIES

OPTION 2:

MANAGEMENT OF FIELD AND SHELTERING SERVICES TRANSFERRED TO COUNTY WITH NEW MOU WITH PARTICIPATING AGENCIES

OPTION 3A:

MANAGEMENT OF FIELD AND SHELTERING SERVICES TRANSFERRED TO A NEWLY SSD (WITH TAXING AUTHORITY TO FUND SERVICES)

OPTION 3B:

MANAGEMENT OF SHELTERING SERVICES TRANSFERRED TO A NEWLY SSD WHILE FIELD SERVICES PROVIDED INDEPENDENTLY BY EACH AGENCY

11

11

OPTION 1: FIELD AND SHELTERING SERVICES CONTINUE TO BE MANAGED BY HEBER CITY THROUGH IMPROVED MOU WITH PARTICIPATING AGENCIES

THINGS TO CONSIDER:

- WOULD REQUIRE NO TRANSITION PLAN AS STRUCTURE REMAINS THE SAME, BUT RECOMMEND A MORE DETAILED MOU OUTLINING SERVICES BEING PROVIDED
- AGENCIES OUTSIDE OF HEBER CITY WILL HAVE LIMITED INFLUENCE OVER DAY-TO-DAY OPERATIONS OR THE PLANNING OF FUTURE NEEDS
- DIFFICULT TO ALIGN UNIQUE NEEDS/PRIORITIES OF INDIVIDUAL AGENCY INTO SERVICES PROVIDED
- DISPATCH SERVICES ARE MANAGED BY SEPARATE AGENCY



12

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OPTION 2: MANAGEMENT OF FIELD AND SHELTERING SERVICES TRANSFERRED TO COUNTY WITH NEW MOU WITH PARTICIPATING AGENCIES

THINGS TO CONSIDER

- WILL REQUIRE A TRANSITION PLAN FOR STAFF AND OPERATIONS
- ALIGNS MANAGEMENT OF SERVICES WITH AGENCY THAT PROVIDES DISPATCH SERVICES & WITH THE PERCEIVED AGENCY OF RESPONSIBILITY
- AGENCIES OUTSIDE OF WASATCH COUNTY WILL HAVE LIMITED INFLUENCE OVER DAY-TO-DAY OPERATIONS OR THE PLANNING OF FUTURE NEEDS
- MAY BE HARDER TO JUSTIFY CURRENT FUNDING STRUCTURE (CHARGING FEES TO AGENCIES MAY BE SEEN AS A DOUBLE TAX)
- DIFFICULT TO ALIGN UNIQUE NEEDS/PRIORITIES OF INDIVIDUAL AGENCY INTO SERVICES PROVIDED
- TRANSFER OF INDIRECT SUPPORT SERVICES FROM COUNTY TO CITY WILL BE DIFFICULT AND MAY REQUIRE ADDITIONAL RESOURCES FROM THE COUNTY (REDUCTION OF RESOURCES FROM CITY).



13

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OPTION 3A: MANAGEMENT OF FIELD AND SHELTERING SERVICES TRANSFERRED TO A NEWLY SSD (WITH TAXING AUTHORITY TO FUND SERVICES)

THINGS TO CONSIDER:

- WILL REQUIRE APPROVAL BY LOCAL VOTERS
- WILL REQUIRE A TRANSITION PLAN FOR STAFF AND OPERATIONS
- MAY PROVIDE ALTERNATIVE FUNDING SOLUTIONS
- ALL AGENCIES WILL HAVE LIMITED INFLUENCE OVER DAY-TO-DAY OPERATIONS OR THE PLANNING OF FUTURE NEEDS
- BECOMES MORE DIFFICULT TO PROVIDE FOR UNIQUE NEEDS/PRIORITIES OF INDIVIDUAL AGENCY
- MAKES IT MORE DIFFICULT TO TAKE ADVANTAGE OF INDIRECT RESOURCES PREVIOUSLY PROVIDED BY GOVERNING AGENCY
- MAY REDUCE LEVEL OF OVERSIGHT FROM LOCAL ELECTED OFFICES



14

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OPTION 3B: MANAGEMENT OF SHELTERING SERVICES TRANSFERRED TO A NEWLY SSD WHILE FIELD SERVICES PROVIDED INDEPENDENTLY BY EACH AGENCY

THINGS TO CONSIDER:

- SIMILAR TO OPTION 3A EXCEPT:
 - ALLOWS FOR CUSTOMIZED FIELD SERVICES BASED ON UNIQUE NEEDS OF EACH AGENCY
 - REQUIRES ADDITIONAL TRANSITION OF FIELD SERVICES TO ALL AGENCIES (ALONG WITH ASSOCIATED COSTS)
 - LIKELY TO BE THE MORE EXPENSIVE OPTION PRESENTED DUE TO DUPLICATION OF SERVICES BETWEEN AGENCIES.



15

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QUESTIONS/ANSWER/DISCUSSION



16

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POLICY DISCUSSION REGARDING ANIMAL CONTROL SERVICES

PRESENTED BY: HEBER LEFGREN, ASSISTANT
COUNTY MANAGER

JULY 12, 2022

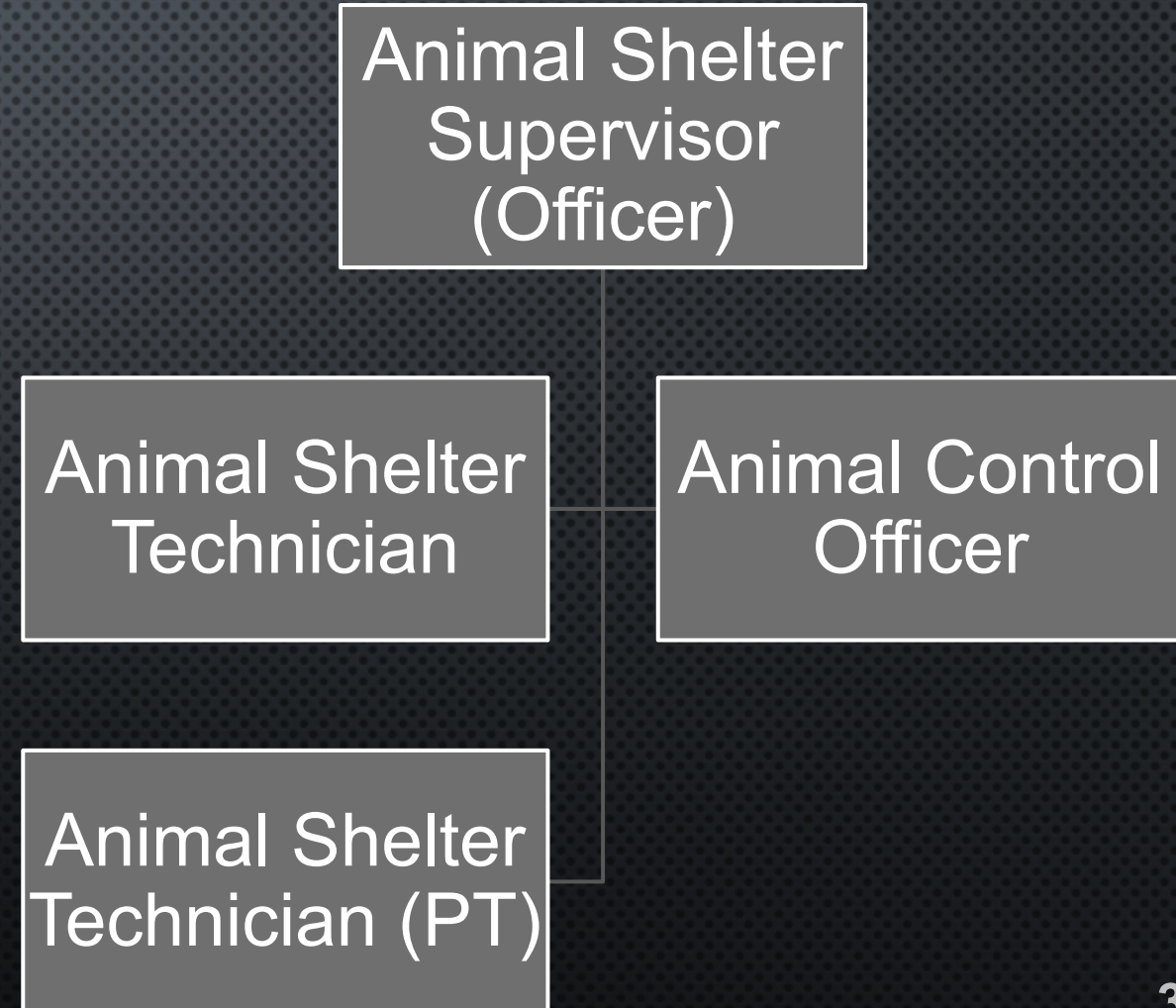
BACKGROUND

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- PROVIDES SHELTERING AND ADOPTION SERVICES FOR IMPOUNDED PETS
- RESPONSIBLE FOR THE ENFORCEMENT OF ANIMAL RELATED LAWS
- OVERSEES LOCAL LICENSING PROGRAM FOR OWNED PETS

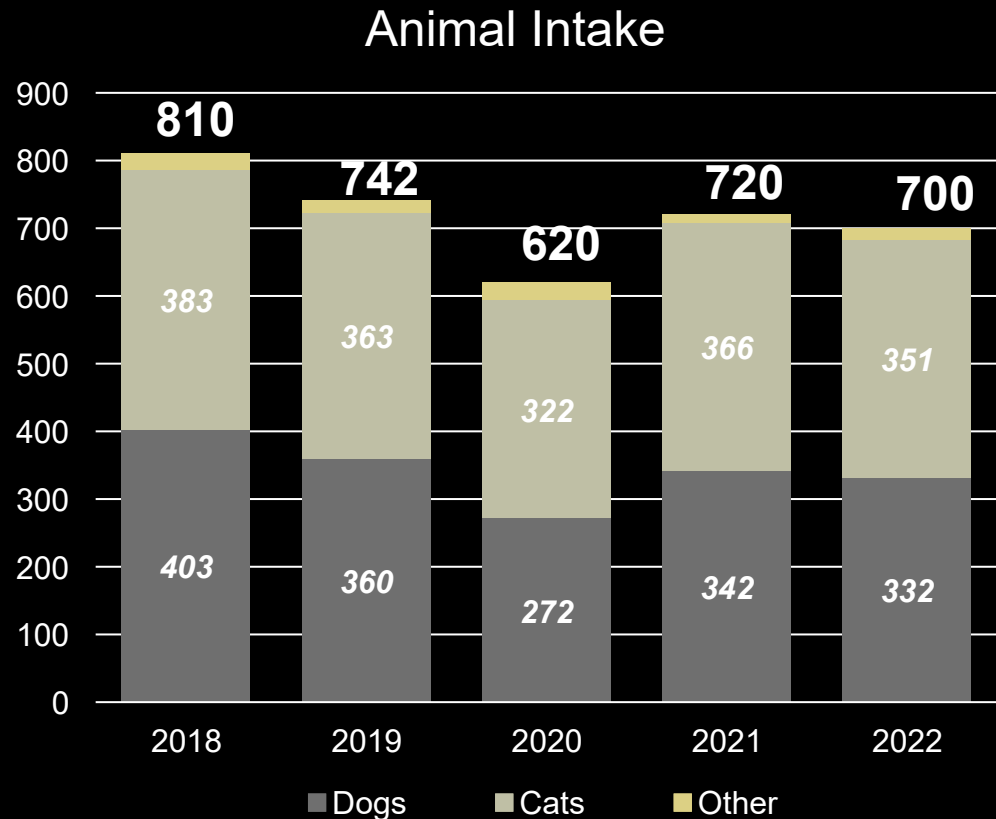
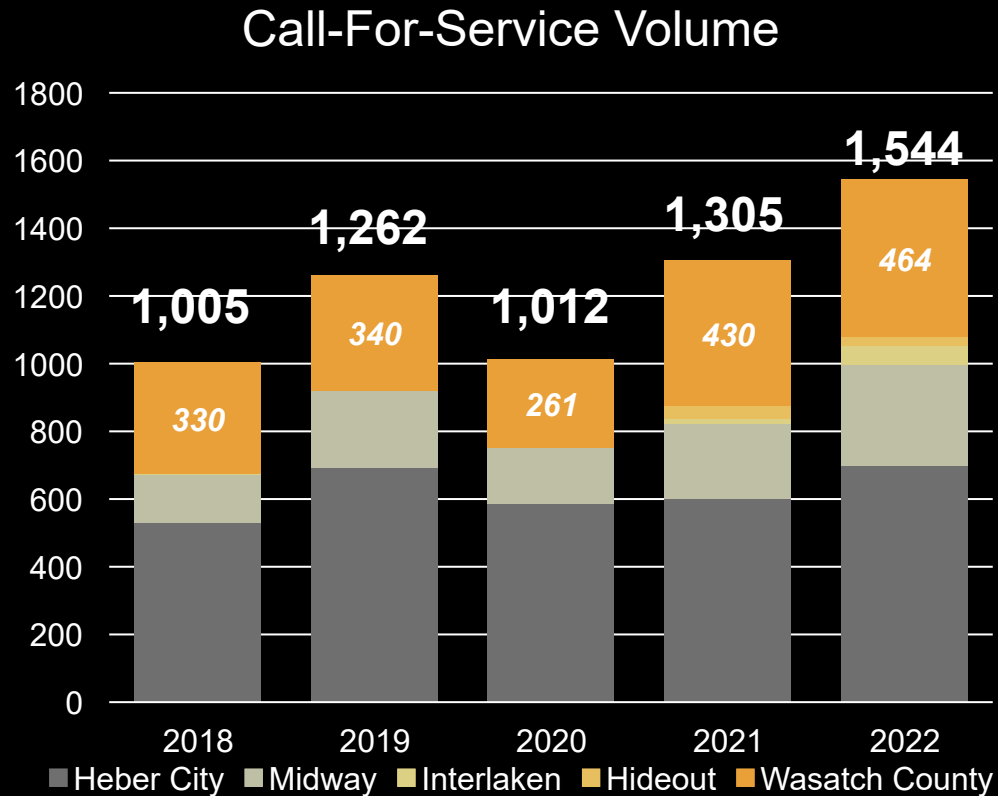


BACKGROUND (CONT.)

- MANAGED AS A DIVISION WITHIN
HEBER CITY POLICE
DEPARTMENT
- MADE UP OF 3 FULL-TIME AND 1
PART-TIME CITY EMPLOYEES
 - ANTICIPATE NEED TO ADD 1
ADDITIONAL POSITION IN FUTURE
- HAS AN ANIMAL CONTROL BOARD
MADE UP OF MEMBERS
REPRESENTING PARTICIPATING
COMMUNITY



HVAC 5 YEAR PERFORMANCE RECORD

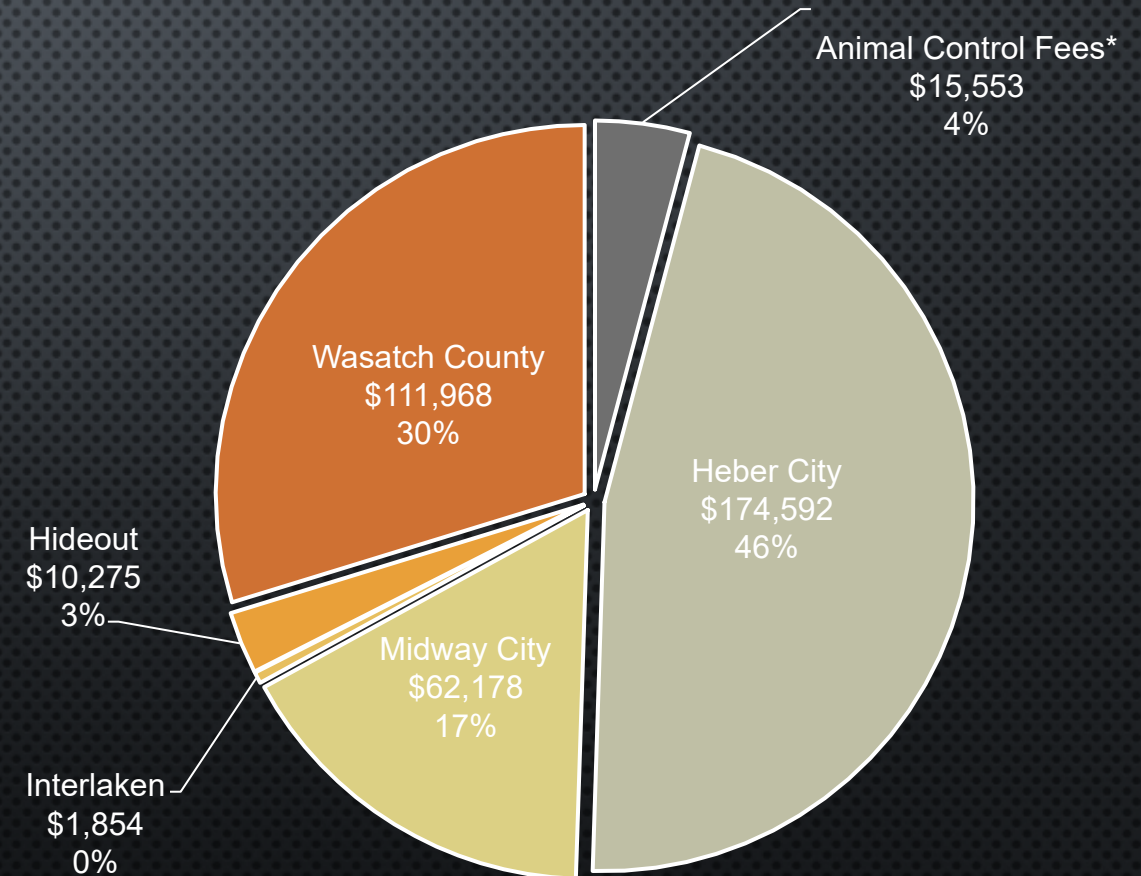


Take Away: Service Requests have increased by +53% over 5 years while Intake has slightly decreased over same period of time

HVAC OPERATING BUDGET

- BUDGET REMAINS RELATIVELY STABLE WITH ONLY MODEST ANNUAL INCREASES
 - LESS THAN \$28,000 INCREASE IN PAST 5 YEARS
- BUDGET IS OFFSET BY
 - COLLECTION OF PRIOR YEAR ANIMAL CONTROL FEES
 - SERVICE FEES CHARGED TO PARTICIPATING AGENCIES
- DISTRIBUTION OF SERVICE FEES ARE BASED UPON THE PERCENT OF TOTAL POPULATION WITHIN EACH AGENCY

2023 Operating Budget: \$376,420



*Fees include: Adoption, Impoundment, Licensing, Relinquish, and Livestock

HEBER VALLEY ANIMAL CONTROL FACILITY

- SHELTERING FACILITY LOCATED ON AIRPORT ROAD (NEXT TO SOLID WASTE SERVICE STATION)
 - 3,040 SQ. FT. FACILITY
 - 14 INDOOR KENNELS (WITH DIVIDER)
 - 58 CAT KENNELS
 - 1 INTERACTIVE CAT PLAY ROOM
 - 11 OUTSIDE DOG KENNELS
 - 3 LARGE PLAY AREAS FOR DOGS
 - TEMPORARY HOUSING FOR IMPOUNDED LIVESTOCK



GENERAL ASSESSMENT OF FACILITY/SERVICES

- ANIMAL CONTROL BOARD HAS BEEN MEETING TO DISCUSS THE FUTURE OF ANIMAL CONTROL
 - PARTICIPATING AGENCIES ARE GRATEFUL FOR AND APPRECIATE THE SERVICES CURRENTLY PROVIDED TO COMMUNITY BY HVAC
 - FACILITY HAS BEEN MAINTAINED WELL AND HAS SEEN POSITIVE “HOME GROWN” IMPROVEMENTS TO MEET THE CURRENT DEMAND FOR SERVICES
 - CONVERSION OF OFFICE SPACE INTO CAT INTERACTIVE ROOM
 - CONVERSION OF CREMATORIUM INTO STORAGE SPACE
 - BUILDING OF OUTDOOR DOG KENNELS AND PLAY AREAS
 - BUILDING OF OUTSIDE STORAGE SHEDS
 - ESTABLISHING MANY SIGNIFICANT OUTSIDE PARTNERSHIPS THAT HAVE REDUCED COSTS TO COMMUNITY

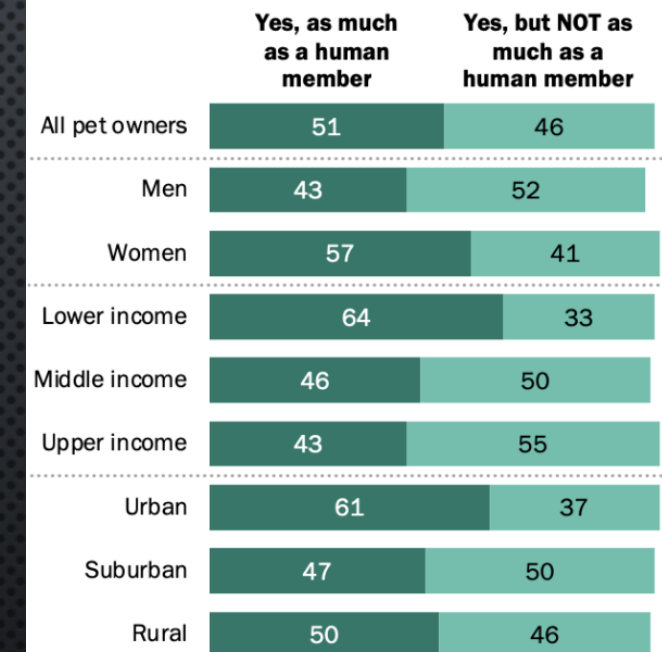


GENERAL ASSESSMENT OF FACILITY/SERVICES (CONT.)

- AS COMMUNITY GROWS, THERE IS GENERAL CONCERN THAT THE NEEDS OF THE COMMUNITY WILL OUTPACE THE AVAILABLE/PLANNED RESOURCES OF HVAC
 - LEVEL OF SERVICES PREVIOUSLY PROVIDED MAY NOT MEET THE PERCEIVED NEEDS OF THE GROWING POPULATION
 - NUMBER OF ANIMAL RELATED SERVICE REQUESTS ARE INCREASING (53% INCREASE IN 4 YEARS)
 - PET OWNERSHIP HAS INCREASED SIGNIFICANTLY (FROM 56% IN 1988 TO 66% IN 2023)
 - NUMBER OF PETS PER HOUSEHOLD IS ALSO INCREASING (5% INCREASE IN 4 YEARS)
 - THE PERCEIVED RELATIONSHIP BETWEEN PETS AND FAMILIES IS ALSO CHANGING
 - 97% OF PET OWNERS CONSIDER PETS AS PART OF THEIR FAMILY
 - 51% OF PET OWNERS SAY PETS ARE AS MUCH A PART OF THEIR FAMILY AS A HUMAN MEMBER
 - FACILITY IS OUTDATED AND UNABLE TO PROVIDE SPACE FOR KEY SERVICES
 - CAN NOT SEPARATE SICK AND/OR QUARANTINED PETS AWAY FROM GENERAL POPULATION.
 - NO SPACE TO PROVIDE BASIC MEDICAL SERVICES (EVEN TEMPORARILY)
 - PRIOR “HOME GROWN” SOLUTIONS MAKE PROPER CLEANING PROTOCOLS MORE DIFFICULT TO MANAGE
 - FACILITY IS NOT DESIGNED TO BE “ADOPTION” FRIENDLY

Most pet owners see their pets as part of their family, and many say they're on the same level as humans

% of U.S. pet owners saying they consider any of their pets to be a part of their family



Note: Shares of respondents who say they do not consider their pets to be part of their family or who didn't offer an answer not shown. Family income tiers are based on adjusted 2021 earnings. Source: Survey of U.S. adults conducted April 10-16, 2023.

PEW RESEARCH CENTER

2 POLICY QUESTIONS

AS ANIMAL BOARD DISCUSSES THE FUTURE OF HVAC, 2 POLICY QUESTIONS NEED TO BE DISCUSSED BY POLICY MAKERS:

1. *WHAT APPETITE IS THERE TOWARDS FUNDING NECESSARY LONG-TERM IMPROVEMENTS TO HVAC*
2. WHICH AGENCY IS BEST SUITED TO MANAGE ANIMAL CONTROL SERVICES FOR WASATCH COUNTY IN FUTURE?



POLICY QUESTION 1:

*WHAT APPETITE IS THERE
TOWARDS FUNDING NECESSARY
LONG-TERM IMPROVEMENTS TO
HVAC*

- FACILITY UPGRADES: REBUILD, UPGRADE, OR RELOCATE
- INCREASE IN QUANTITY OF SERVICES
- INCREASE IN QUALITY OF SERVICES
- UNIFORM LEVEL OF SERVICES TO ALL AGENCIES?



POLICY QUESTION 2:

HOW SHOULD HVAC BE MANAGE IN THE FUTURE?

OPTION 1:

FIELD AND SHELTERING SERVICES CONTINUE TO BE MANAGED BY HEBER CITY THROUGH IMPROVED MOU WITH PARTICIPATING AGENCIES

OPTION 2:

MANAGEMENT OF FIELD AND SHELTERING SERVICES TRANSFERRED TO COUNTY WITH NEW MOU WITH PARTICIPATING AGENCIES

OPTION 3A:

MANAGEMENT OF FIELD AND SHELTERING SERVICES TRANSFERRED TO A NEWLY SSD (WITH TAXING AUTHORITY TO FUND SERVICES)

OPTION 3B:

MANAGEMENT OF SHELTERING SERVICES TRANSFERRED TO A NEWLY SSD WHILE FIELD SERVICES PROVIDED INDEPENDENTLY BY EACH AGENCY

OPTION 1: FIELD AND SHELTERING SERVICES CONTINUE TO BE MANAGED BY HEBER CITY THROUGH IMPROVED MOU WITH PARTICIPATING AGENCIES

THINGS TO CONSIDER:

- WOULD REQUIRE NO TRANSITION PLAN AS STRUCTURE REMAINS THE SAME, BUT RECOMMEND A MORE DETAILED MOU OUTLINING SERVICES BEING PROVIDED
- AGENCIES OUTSIDE OF HEBER CITY WILL HAVE LIMITED INFLUENCE OVER DAY-TO-DAY OPERATIONS OR THE PLANNING OF FUTURE NEEDS
- DIFFICULT TO ALIGN UNIQUE NEEDS/PRIORITIES OF INDIVIDUAL AGENCY INTO SERVICES PROVIDED
- DISPATCH SERVICES ARE MANAGED BY SEPARATE AGENCY



OPTION 2: MANAGEMENT OF FIELD AND SHELTERING SERVICES TRANSFERRED TO COUNTY WITH NEW MOU WITH PARTICIPATING AGENCIES

THINGS TO CONSIDER

- WILL REQUIRE A TRANSITION PLAN FOR STAFF AND OPERATIONS
- ALIGNS MANAGEMENT OF SERVICES WITH AGENCY THAT PROVIDES DISPATCH SERVICES & WITH THE PERCEIVED AGENCY OF RESPONSIBILITY
- AGENCIES OUTSIDE OF WASATCH COUNTY WILL HAVE LIMITED INFLUENCE OVER DAY-TO-DAY OPERATIONS OR THE PLANNING OF FUTURE NEEDS
- MAY BE HARDER TO JUSTIFY CURRENT FUNDING STRUCTURE (CHARGING FEES TO AGENCIES MAY BE SEEN AS A DOUBLE TAX)
- DIFFICULT TO ALIGN UNIQUE NEEDS/PRIORITIES OF INDIVIDUAL AGENCY INTO SERVICES PROVIDED
- TRANSFER OF INDIRECT SUPPORT SERVICES FROM COUNTY TO CITY WILL BE DIFFICULT AND MAY REQUIRE ADDITIONAL RESOURCES FROM THE COUNTY (REDUCTION OF RESOURCES FROM CITY).



OPTION 3A: MANAGEMENT OF FIELD AND SHELTERING SERVICES TRANSFERRED TO A NEWLY SSD (WITH TAXING AUTHORITY TO FUND SERVICES)

THINGS TO CONSIDER:

- WILL REQUIRE APPROVAL BY LOCAL VOTERS
- WILL REQUIRE A TRANSITION PLAN FOR STAFF AND OPERATIONS
- MAY PROVIDE ALTERNATIVE FUNDING SOLUTIONS
- ALL AGENCIES WILL HAVE LIMITED INFLUENCE OVER DAY-TO-DAY OPERATIONS OR THE PLANNING OF FUTURE NEEDS
- BECOMES MORE DIFFICULT TO PROVIDE FOR UNIQUE NEEDS/PRIORITIES OF INDIVIDUAL AGENCY
- MAKES IT MORE DIFFICULT TO TAKE ADVANTAGE OF INDIRECT RESOURCES PREVIOUSLY PROVIDED BY GOVERNING AGENCY
- MAY REDUCE LEVEL OF OVERSIGHT FROM LOCAL ELECTED OFFICES



OPTION 3B: MANAGEMENT OF SHELTERING SERVICES TRANSFERRED TO A NEWLY SSD WHILE FIELD SERVICES PROVIDED INDEPENDENTLY BY EACH AGENCY

THINGS TO CONSIDER:

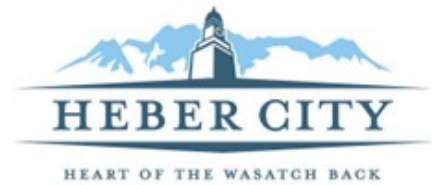
- SIMILAR TO OPTION 3A EXCEPT:
 - ALLOWS FOR CUSTOMIZED FIELD SERVICES BASED ON UNIQUE NEEDS OF EACH AGENCY
 - REQUIRES ADDITIONAL TRANSITION OF FIELD SERVICES TO ALL AGENCIES (ALONG WITH ASSOCIATED COSTS)
 - LIKELY TO BE THE MORE EXPENSIVE OPTION PRESENTED DUE TO DUPLICATION OF SERVICES BETWEEN AGENCIES.



QUESTIONS/ANSWER/DISCUSSION



Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Presentation of Findings from Colorado Cities Tour
RESPONSIBLE: Matt Brower, Jamie Baron
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community and Economic Development

SUMMARY

Members of the City Council, Planning Commission, and Staff visited four Colorado Cities regarding down towns and plazas.

RECOMMENDATION

Staff is seeking feedback from the Council on the findings of the presentation and how to implement priorities within the downtown area.

BACKGROUND

The towns of Glenwood Springs, Boulder, Fort Collins, and Steamboat Springs were selected as they would be similar in nature to Heber City as a destination/gateway community in a mountainous region, and contain good examples of Down Towns, Pedestrian Streets, and Plazas, similar to the upcoming Envision Central Heber Plan.

DISCUSSION

Takeaways

- Time
- Financing/Development Districts--CRAs and DDAs
- Pedestrian Prioritization
- Architecture
 - Street Presence/canopy
 - Finish and Form
 - Max Height over stories/CUP
 - Parking Garages and reduced parking requirements
- Streets
 - Festival streets/seamless transition
 - Treatments/planters/benches(orientation)
 - Expansion of outdoor dining
- Staffing

FISCAL IMPACT

CONCLUSION

The key takeaways from the tour was the funding, policies, and designs needed to create a destination downtown.

ALTERNATIVES

Not an Action Item

POTENTIAL MOTIONS

Not an Action Item.

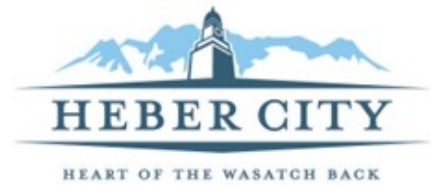
ACCOUNTABILITY

Department: Planning
Staff member: Matt Brower, City Manager
Jamie Baron, Senior Planner

EXHIBITS

1. Colorado Wrap-Up

Heber City Council Staff Report



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FISCAL IMPACT

CONCLUSION

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ALTERNATIVES

Not an Action Item

POTENTIAL MOTIONS

Not an Action Item.

ACCOUNTABILITY

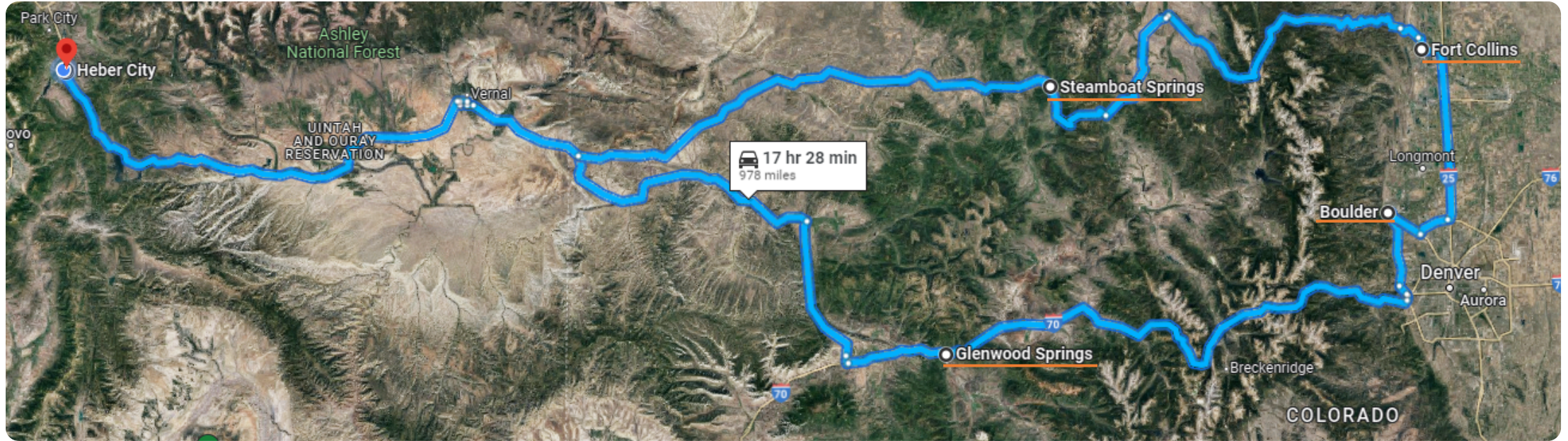
Department: Planning
Staff member: Matt Brower, City Manager
Jamie Baron, Senior Planner

EXHIBITS

1. Colorado Wrap-Up

A wide-angle photograph of a bustling outdoor plaza. In the center is a circular water feature where several children are playing. The plaza is paved with light-colored bricks. To the left, there are orange patio umbrellas and people sitting at tables. In the background, there are brick buildings, one of which has a sign that says "BEN & JERRY'S". Large green trees are scattered throughout the plaza, and strings of white lights are strung across the top of the frame. The sky is blue with some white clouds.

2023 Downtowns & Plazas Tour



Four Stops

- Glenwood Springs
- Boulder
- Fort Collins
- Steamboat Springs

Glenwood Springs

- Population: 10,326 (2021)
- Bisected by State Hwy 82

Focus Area

- Grand Avenue
- Plaza below Grand Ave Bridge

Key Takeaways

- TIF/DDA
- Plaza and Festival Street
- Architecture
- Parking Structure and limited parking requirements



Plaza Below Grand Ave Bridge





Grand Ave







Boulder

- Population: 104,175 (2021)

Focus Area

- Pearl Street Plaza
- Surrounding Neighborhoods

Key Takeaways

- Pedestrian Streets
- Architecture
- Historic Preservation



Pearl Street Plaza









Fort Collins

- Population: 168,538 (2021)

Focus Area

- Old Town Square

Key Takeaways

- DDA
- Time
- Festival Streets
 - Pedestrian emphasis (ex. curb-less streets)
- Plaza/gathering area
- Limited parking requirements



Old Town Square







Steamboat Springs

- Population: 168,538 (2021)

Focus Area

- Highway 40 / Lincoln Ave
- Yampa Street

Key Takeaways

- Farmers Market
- Architecture/Design
 - Rooftop Seating
- Critical mass of retail and dining



Yampa Street



Highway 40 / Lincoln Ave





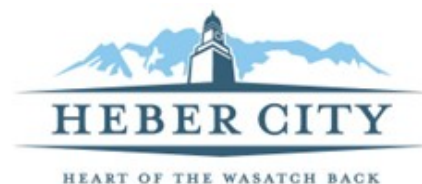
Big Takeaways

- Time
- Financing/Development Districts
- Pedestrian Prioritization
- Architecture
 - Street Presence/canopy
 - Finish and Form
 - Max Height over stories/CUP
 - Parking Garages and reduced parking requirements
- Staffing

Streets

- Festival streets/seamless transition
- Pedestrian focused—curb-less, midblock crossings, etc.
- Treatments/planters/benches
 - (orientation)
- Expansion of outdoor dining

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Central Heber Replacements Project Update
RESPONSIBLE: Russ Funk
DEPARTMENT: Engineering
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the **item** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the **item** as amended, as follows.

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the **item** with the following findings.

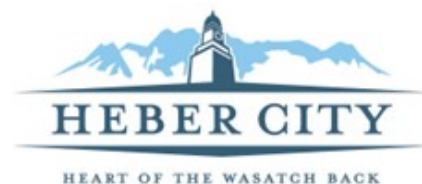
ACCOUNTABILITY

Department: Engineering
Staff member: Russ Funk, Engineering Director

EXHIBITS

None

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Central Heber Replacements Project Update
RESPONSIBLE: Russ Funk
DEPARTMENT: Engineering
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Engineering
Staff member: Russ Funk, Engineering Director

EXHIBITS

None

Heber City Council Staff Report



MEETING DATE: 7/18/2023

SUBJECT: Consider approval of Ordinance 2023-22 Adopting General Plan Amendment for Envision Central Heber Vision Statement

RESPONSIBLE: John Janson, Tony Kohler

DEPARTMENT: Planning

STRATEGIC RELEVANCE: Community Development

SUMMARY

As part of the public process to explore potential alternative scenarios for the downtown, central neighborhoods and the tourist/recreation area, a more specific plan and vision is being proposed. People + Place has been contracted with to manage this process and throughout the winter several workshops have been held, culminating in a final workshop on May 3, 2023. Ideas generated by those meetings have been combined to create a series of more formal land use proposals. The intent is to modify and enhance the current sections in the Envision Heber 2050 general plan but to assure consensus on this Vision. This specific plan is called Envision Central Heber.

RECOMMENDATION

Staff recommends the City Council approve Ordinance 2023-22, adopting the Envision Central Heber Vision.

BACKGROUND

The Envision Heber 2050 general plan was adopted in 2020. It covers the downtown area but not in the detail needed for developing priorities/steps for the City to consider in implementation. This process will lead to additional changes in the general plan and then follow-up with ordinance changes to assure that future development meets the intent of the plan.

During the Envision Central Heber process, and similar to the Envision Heber 2050 general plan process, stakeholders provided input to the City that lead to the generation of 3 different scenarios for the downtown area. The 3 scenarios differed in their scope, densities, heights, uses and design for 3 distinct areas in the downtown including the Main Street, Central Neighborhoods and the Recreation & Tourism Districts. Throughout a series of workshops, stakeholders helped refine the 3 scenarios into one preferred scenario.

In the preferred scenario, the Main Street District extends from 500 North to 600 South, and includes properties that front on both sides of 100 West and 100 East. Historic Main Street was identified as a distinct sub-district from 300 North to 300 South within this area. Within this core Historic Main Street sub-district, uses include commercial and mixed use buildings with heights up to three stories and four stories if design step backs are utilized. The Outer Main Street sub-district extends north of 300

North and South of 300 South to 600 South and 500 North. Within this Outer Main Street sub-district, uses also include commercial and mixed use, with building height up to four stories if design step backs are utilized, and up to five stories if additional design features and affordable housing is included. The Main Street District is bordered on the western side frontage of 100 West and the eastern side frontage of 100 East with a Main Street Transition Area that includes residential single-family and missing middle housing that transitions from the higher intensity commercial Main Street District to the existing lower density residential areas in the surrounding Central Neighborhoods Districts to the east and west of the Main Street District.

The Central Neighborhoods District includes areas from 500 North to 600 South and 600 West to 600 East that are not part of the Main Street District. The Central Neighborhoods include single-family and accessory dwelling uses. The Neighborhood Mixed Use Corridor is a sub District along 100 South that includes some limited commercial uses and missing middle residential and single family uses, with building heights up to three stories.

The recreation and Tourism District extends from 600 West to approximately 1000 West, from 650 South northward to 500 North, encompassing the future high school site, fair grounds and Heber Valley Rail Road. Uses include a mix of civic, commercial and recreation type uses, with building heights up to four stories and design step backs required for buildings over three stories. The rail road area would be further limited to two stories. A sub-district was identified to the west of the future high school along 600 West that includes a New School Neighborhood of housing up to three stories.

The Planning Commission held a public hearing on June 13th. Public input at the hearing centered on reinforcing the history of the area more, that implementation will need development friendly incentives, and the idea of realigning via a smooth connection Midway Lane and Center Street. Planning Commissioners raised concerns about parking, which is addressed in the vision as a phased approach – on street parking striping first, surface parking lots, and then a parking structure. As part of the discussion, activating downtown to create more demand, would logically come first, although the on-street striping of parking spaces is generally fairly inexpensive.

The Planning Commission gave a unanimous recommendation to the City Council to adopt the Vision. Some discussion was held that even with the adoption, sections of the Envision Heber 2050 General Plan would be coming back to them as the Vision is incorporated into the chapters.

Link to the Summary Poster – Poster includes the Vision for each district, the Main Street cross sections and many of the potential renderings of the area.

[Link to Posters](#)

DISCUSSION

Input at the May workshop was positive and the prioritization exercise revealed the greatest area of emphasis should be the downtown area. Within the downtown, suggestions for a pedestrian focused alley, reimaged Main Street (beautification), mixed use, historic preservation, and more activity were the most mentioned projects. For parking the phased approach was highly supported, moving from striped on-street parking, to public surface parking lots, and then as demand necessitates building multi-level parking garages.

For the Tourism/Recreation area, the projects that were supported include more trails/trail depot, retail and restaurants near the railroad, a pedestrian alley pilot project, more tourist oriented

amenities, and some emphasis on the 600 W/Midway Lane as the west gateway to Heber.

For the Central Neighborhoods the public suggestions are to remain a quiet mostly single family neighborhood, with allowances for accessory dwelling units (detached and attached) and flag lots. The streets should transition to more pedestrian/bike friendly streets. Pocket parks and the history walk on Center Street were also popular and generally there was also support for enlarging the transition area along Midway Lane to include Center Street.

The City has also engaged Roger Brooks, a world renowned city downtown revitalization specialist. In a recent meeting with him, the Central Heber Vision was detailed, allowing him to comment on its' content. Included here is s short summary:

Roger thinks we should emphasize City Park - first priority. This means activating it in a way that it brings people back all the time, not just for events. The benefits of this would be increased interest in new developments locating adjacent to the park. He also suggested closing 200 South between Main and 100 West which adds to the park and creates more development potential on the north side of the street (as a consultant, all of that suggests a "pause" on the park design). Finding a non-traditional park designer that embraces the activity principle could be key to achieving the park becoming the "living room" for Heber and the catalyst to downtown revitalization.

Food trucks and the connection to the alley also were liked by Roger.

Alley - great idea and endorsed by Roger

Create a transportation connection like a trolley to the Heber Valley Railroad (new idea), and emphasize downtown.

For the City Hall block there is a need for a plan - maybe a different kind of plan with not as much emphasis on activity. All agreed the County building should be relocated.

In general, he very much endorsed the Vision and emphasized working on the downtown.

FISCAL IMPACT

Potential to incentivize growth in the Downtown and Tourist/Recreation districts.

CONCLUSION

The significant outreach public process has led to a citizen generated scenario for Central Heber.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Planning Director
John Janson, Planning Consultant

EXHIBITS

1. Ord 2023-22 Env Central Heber

ORDINANCE NO. 2023-22

AN ORDINANCE APPROVING THE ENVISION CENTRAL HEBER VISION STATEMENT AS AN AMENDMENT TO THE GENERAL PLAN.

BE IT ORDAINED by the City Council of Heber City, Utah, the Envision Central Heber Vision Statement is hereby adopted as an Appendix to Heber City’s General Plan as illustrated in Exhibit A.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of _____ 2023.

	AYE	NAY	ABSENT	ABSTAIN
Rachel Kahler	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Ryan Stack	_____	_____	_____	_____
Scott Phillips	_____	_____	_____	_____
Yvonne Barney	_____	_____	_____	_____

APPROVED:

Mayor Heidi Franco

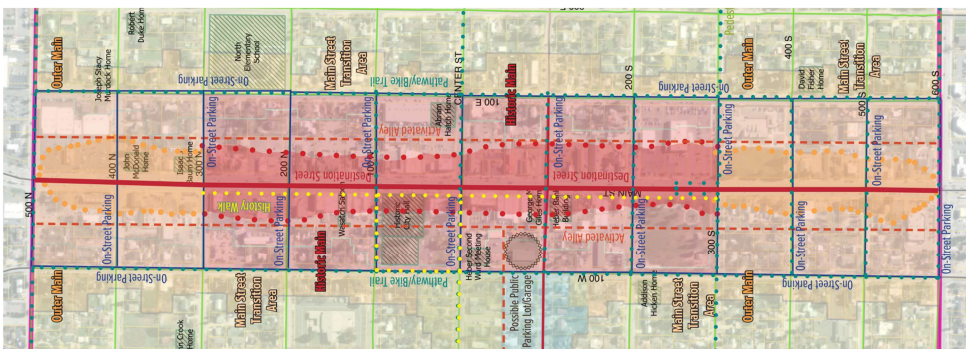
ATTEST:

RECORDER

Date: _____

Exhibit A: Envision Central Heber Vision

Main Street is characterized by a vibrant business environment and ample housing opportunities that support dining, shopping, playing, and gathering opportunities, providing a strong destination in the heart of Heber City. Historic Main (300 North to 300 South) features the richest suite of options for people to return to again and again, from restaurants and shops to inviting public spaces and streets, making the area a strong destination for residents and visitors. Alleys off Main Street as well as streets bisecting Main provide quieter spaces for shopping and dining. Outer Main (north of 300 North and south of 300 South) offers the greatest opportunities for working and living near Historic Main. The District as a whole features Main Street destination branding and beautification.

[illegible][illegible]

HEIER CITY MAIN STREET CROSS SECTION

SHOOTING BUILD OUTS

The diagram shows a cross-section of Main Street with various building footprints and setbacks. Key features include:

- Building Footprints:** Several buildings are shown with different setbacks from the street. For example, one building has a 10' setback, another has a 15' setback, and a larger building has a 20' setback.
- Trees:** Mature trees are planted along the sidewalks, with some trees having a 10' setback from the building.
- Sidewalks:** The sidewalks are shown with a 5' width.
- Street Layout:** The street is shown with a 10' width and a 15' setback from the building.

A perspective rendering of the proposed development. It shows two large, light-colored buildings with gabled roofs. In front of them are landscaped areas with trees and shrubs. There are several cars parked in designated spaces. Pedestrian paths are indicated by dashed lines. The sky is blue with some birds flying.





The western gateway into Heber from Midway at 600 West and 100 South is anchored by a flex-space venue and plaza supporting recreational opportunities and lifestyle. It includes mixed uses focusing on meeting day-to-day needs of nearby residents and visitors, and supporting and expanding local and regional recreation and tourism opportunities. A small commercial area adjacent to the railroad depot provides convenient options for dining and services. Needed missing middle and more reasonably priced housing is provided east of the named high school.

[illegible]

Heber City Council Staff Report



MEETING DATE: 7/18/2023

SUBJECT: Presentation of Rail-Trail Project and Request Support for Grant Application and Commitment to fund Heber City Portion of Trail

RESPONSIBLE: Nancy O'Toole

DEPARTMENT: City Council

STRATEGIC RELEVANCE: Community Vibrancy and Economic Development

SUMMARY

Don Taylor and Nancy O'Toole from Mountainland Association of Government propose the following pursuant to the Rail Trail Project for a proposed City's participation in a portion of that Trail. The Transportation Investment Fund (TIF) grant portal is now open for nominations of proposals until August 31, 2023. The grant has a required matching of 40% of total costs. The total cost for the project is \$5,707,779.57.

RECOMMENDATION

The City Council approve and fund Phase Three of the trail within the city. This will require a 40% matching fund and the total cost for Phase Three is \$815,698.37. The forty percent matching would be \$326,279.35.

BACKGROUND

The Rail Trail is laid out to start at the north end of the Deer Creek Trailhead, at Wasatch Mountain State Park, and follows the road down and around Tate Barn to SR 113 and Tate Lane. It then crosses SR 113 and heads east following the railroad easement all the way to the Heber Valley Railroad Depot. It is proposed to be a ten-foot-wide paved trail with two pedestrian bridges. The Trail is broken down into three phases. Phases one and two are in Wasatch County and Phase Three in Heber City.

On June 21, 2023, Nancy O'Toole recommended to the Wasatch County Council to move forward with the Rail to Trail project. The County's 40% contribution will be close to 1.7 million dollars. The County Council voted unanimously to submit the project to the TIF grant portal.

DISCUSSION

Don and Nancy have been working on moving this project forward. Dallin Kocher received rural grant money to help fund the necessary work and move the Project to be shovel-ready. Don has been working with Consor Engineering to get the required engineering done by late this Fall. A wetland delineation has been completed. Meetings with Johnathan Hunt, the Wasatch Mountain State Park Manager on the route of Phase One, which is located on Park property. These meetings included County Planner, Doug Smith and Wes Johnson of Horrocks Engineering. As a result, plotting of the trail is being proposed from the parking lot down to SR 113 and Tate Lane, which includes a boardwalk to mitigate the impact on the wetlands. Later this Summer and Fall, Consor Engineering will do the pre-

engineering and surveys for Phases two and three, which is anticipated to give the City a more accurate cost for those Phases.

FISCAL IMPACT

Phase three is in the Heber City limits. As indicated above, if the City elects to participate, the estimated total cost is \$815,698.37 with a required match from the City of \$326,279.35. Depending on the priority given, the project has an estimated build-out in 2024 or 2025.

CONCLUSION

This Project is a UDOT priority because of the potential inter-county connections this Project creates. Last year, Wasatch County was awarded a TIF grant to finish off Center Street (SR 113) Trail down to Tate Lane. This SR 113 Section is a crucial connector to connect the Midway Trail system to the Rail Trail proposal, and then on to Wasatch Mountain and Deer Creek State Parks. Phase one is in Wasatch Mountain State Park's footprint and next to their new Chalet Campground being built adjacent to the North end of Deer Creek Trailhead. Phase one connects Midway to the two state parks. Phases two and three will then connect Heber City with Midway, and Deer Creek and Wasatch Mountain State Parks. If funded, the Provo River Parkway is scheduled to be built while the Rail Trail is constructed. Once both connectors are made, Wasatch County will be seamlessly connected to Utah County with an inter-County trail system. The Heber Valley Railroad is looking forward to running cars with attachments for bikes for the public to use for riding the Wasatch/Utah County trail system.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: City Council
Staff member: Nancy O'Toole

EXHIBITS

1. railtrail
2. 12431_CostEstimate_2023-07-12
3. Phase Map_2023-07-12

Heber City Council Staff Report



MEETING DATE: 7/18/2023

SUBJECT: Presentation of Rail-Trail Project and Request Support for Grant Application and Commitment to fund Heber City Portion of Trail

RESPONSIBLE: Nancy O'Toole

DEPARTMENT: City Council

STRATEGIC RELEVANCE: Community Vibrancy and Economic Development

SUMMARY

Don Taylor and Nancy O'Toole from Mountainland Association of Government propose the following pursuant to the Rail Trail Project for a proposed City's participation in a portion of that Trail. The Transportation Investment Fund (TIF) grant portal is now open for nominations of proposals until August 31, 2023. The grant has a required matching of 40% of total costs. The total cost for the project is \$5,707,779.57.

RECOMMENDATION

The City Council approve and fund Phase Three of the trail within the city. This will require a 40% matching fund and the total cost for Phase Three is \$815,698.37. The forty percent matching would be \$326,279.35.

BACKGROUND

The Rail Trail is laid out to start at the north end of the Deer Creek Trailhead, at Wasatch Mountain State Park, and follows the road down and around Tate Barn to SR 113 and Tate Lane. It then crosses SR 113 and heads east following the railroad easement all the way to the Heber Valley Railroad Depot. It is proposed to be a ten-foot-wide paved trail with two pedestrian bridges. The Trail is broken down into three phases. Phases one and two are in Wasatch County and Phase Three in Heber City.

On June 21, 2023, Nancy O'Toole recommended to the Wasatch County Council to move forward with the Rail to Trail project. The County's 40% contribution will be close to 1.7 million dollars. The County Council voted unanimously to submit the project to the TIF grant portal.

DISCUSSION

Don and Nancy have been working on moving this project forward. Dallin Kocher received rural grant money to help fund the necessary work and move the Project to be shovel-ready. Don has been working with Consor Engineering to get the required engineering done by late this Fall. A wetland delineation has been completed. Meetings with Johnathan Hunt, the Wasatch Mountain State Park Manager on the route of Phase One, which is located on Park property. These meetings included County Planner, Doug Smith and Wes Johnson of Horrocks Engineering. As a result, plotting of the trail is being proposed from the parking lot down to SR 113 and Tate Lane, which includes a boardwalk to mitigate the impact on the wetlands. Later this Summer and Fall, Consor Engineering will do the pre-

engineering and surveys for Phases two and three, which is anticipated to give the City a more accurate cost for those Phases.

FISCAL IMPACT

Phase three is in the Heber City limits. As indicated above, if the City elects to participate, the estimated total cost is \$815,698.37 with a required match from the City of \$326,279.35. Depending on the priority given, the project has an estimated build-out in 2024 or 2025.

CONCLUSION

This Project is a UDOT priority because of the potential inter-county connections this Project creates. Last year, Wasatch County was awarded a TIF grant to finish off Center Street (SR 113) Trail down to Tate Lane. This SR 113 Section is a crucial connector to connect the Midway Trail system to the Rail Trail proposal, and then on to Wasatch Mountain and Deer Creek State Parks. Phase one is in Wasatch Mountain State Park's footprint and next to their new Chalet Campground being built adjacent to the North end of Deer Creek Trailhead. Phase one connects Midway to the two state parks. Phases two and three will then connect Heber City with Midway, and Deer Creek and Wasatch Mountain State Parks. If funded, the Provo River Parkway is scheduled to be built while the Rail Trail is constructed. Once both connectors are made, Wasatch County will be seamlessly connected to Utah County with an inter-County trail system. The Heber Valley Railroad is looking forward to running cars with attachments for bikes for the public to use for riding the Wasatch/Utah County trail system.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: City Council
Staff member: Nancy O'Toole

EXHIBITS

1. railtrail
2. 12431_CostEstimate_2023-07-12
3. Phase Map_2023-07-12

Summary

Don Taylor and Nancy O'Toole from Mountainland Association of Government are presenting a presentation on the Rail Trail Project for the city's portion of the trail. The Transportation Investment Fund (TIF) grant portal is now open for nominations of proposals until August 31, 2023. The grant has a required matching of 40% of total costs. The total cost for the project is \$5,673,125.0.

Recommendations

We are recommending the city council to fund Phase three of the trail that lies within the city. This will require a 40% matching fund and the total cost for Phase three is \$1,583,830. The forty percent matching would be \$633,532.0.

Background

The Rail Trail starts at the North end of the Deer Creek Trailhead, at the Wasatch Mountain State Park and follows the road down and around Tate Barn to SR 113 and Tate lane. It then crosses SR 113 and heads east following the railroad easement all the way to the Heber Valley Railroad Depot. It will be a ten-foot-wide paved trail with two pedestrian bridges. The trail is broken down into three Phases. Phases one and two are in Wasatch county and Phase three is in Heber city.

On June 21, 2023, Nancy O'Toole went before the county council for a recommendation to move forward with the Rail to Trail project. The county's 40% contribution will be close to 1.7 million dollars. The County council voted unanimously to submit the project to the TIF grant portal.

Don Taylor and Nancy O'Toole have been working on moving this project forward. Dallin Kocher received rural grant money to help fund the necessary work in order for it to be shovel ready. Don has been working with Consor Engineering to get the necessary engineering done by late this fall. A wetland delineation has been done. Meetings with Johnathan Hunt, Wasatch Mountain State Park manger on the route of Phase one that is on Park property, included was Doug Smith and Wes Johnson of Horrocks engineering. Together we were able to plot the trail from the parking lot down to SR 113 and Tate lane while impacting very little wetlands with a constructed boardwalk. Later this summer and fall Consor will do the pre-engineering and surveys for Phase two and three which will give us a more accurate cost for Phase two and three.

Fiscal Impact

Phase three is in Heber city limits and the estimated total cost is \$1,583,830 with a required match of \$633,532.0. The project, depending on the priority given, could be built in 2024 or 2025.

Conclusion

The connections this project creates are the reason UDOT is considering this project a priority. Last year Wasatch county was awarded a TIF grant to finish off Center Street (SR 113) trail

down to Tate Lane. A key connector to connect Midway trail system to the Rail Trail proposal and to Wasatch Mountain and Deer Creek State Parks. Phase one is in Wasatch Mountain State Park's footprint and next to their new campground being built at the Chalet which is next to the North end Deer Creek Trailhead. Phase one connects Midway to the two state Parks. Phases two and three will connect Heber city with Midway and the Deer Creek and Wasatch Mountain State Park. The Provo River Parkway will be built during the time the Rail Trail will be built if funded. Once both connectors are built it will connect Wasatch County to Utah County with a trail system. The Heber Valley Railroad is looking forward to running cars with attachments for bikes for the public to use for riding the trail system. This project is a win for everyone.



PROJECT: WASATCH CO. RAILROAD TRAIL
 PROJECT # F-LC51(14)
 PIN: 12431
 DESCRIPTION PHASE COST SUMMARY

		SUBTOTAL				GRAND TOTAL
Number	Description	PHASE 1	PHASE 2	PHASE 3		
10 - Roadway						
		\$ 798,861.57	\$ 1,261,206.10	\$ 533,915.31		\$ 2,593,982.97
STRUCTURES						
		\$ -	\$ 800,000.00	\$ -		\$ 800,000.00
Bid Items Total		\$ 798,861.57	\$ 2,061,206.10	\$ 533,915.31		\$ 3,393,982.97

Misc Non-Bid: UDOT Contingency Fund					
		\$ 159,772.31	\$ 412,241.22	\$ 106,783.06	\$ 678,796.59
MISC NON BID					
		\$ 300,000.00	\$ 250,000.00	\$ 15,000.00	\$ 565,000.00
CONSTRUCTION ENGINEERING					
		\$ 130,000.00	\$ 325,000.00	\$ 80,000.00	\$ 535,000.00
PRELIMINARY ENGINEERING					
		\$ 130,000.00	\$ 325,000.00	\$ 80,000.00	\$ 535,000.00

Construction Engineering:	\$ 130,000.00	\$ 325,000.00	\$ 80,000.00	\$ 535,000.00
Non-Bid:	\$ 459,772.31	\$ 662,241.22	\$ 121,783.06	\$ 1,243,796.59
Preliminary Engineering:	\$ 130,000.00	\$ 325,000.00	\$ 80,000.00	\$ 535,000.00
Non-Bid Items Total:	\$ 719,772.31	\$ 1,312,241.22	\$ 281,783.06	\$ 2,313,796.59

Bid Items Total:	\$ 798,861.57	\$ 2,061,206.10	\$ 533,915.31	\$ 3,393,982.97
Non-Bid Items Total:	\$ 719,772.31	\$ 1,312,241.22	\$ 281,783.06	\$ 2,313,796.59

Grand Total:	\$ 1,518,633.88	\$ 3,373,447.31	\$ 815,698.37	\$ 5,707,779.57
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PROJECT: WASATCH CO. RAILROAD TRAIL
 PROJECT # F-LC51(14)
 PIN: 12431
 DESCRIPTION PHASE 1 - SOLDIER HOLLOW TRAILHEAD TO SR-113

LENGTH 4900 FT

539000

		GRAND TOTAL			
Number	Description	Quantity	Unit	Unit Price	Amount
10 - Roadway					
1	MOBILIZATION	1	Lump	\$ 69,896.51	\$ 69,896.51
2	TRAFFIC CONTROL	1	Lump	\$ 30,000.00	\$ 30,000.00
3	LANDSCAPING	1	Lump	\$ 93,000.00	\$ 93,000.00
4	EXCAVATION	1,059	CU YD	\$ 17.00	\$ 17,996.91
5	3" HMA ASPHALT (152 lb/ft3)	931	TON	\$ 120.00	\$ 111,720.00
6	6" UNTREATED BASE COARSE	907	CU YD	\$ 52.00	\$ 47,185.19
7	10" GRANULAR BORROW	1,059	CU YD	\$ 42.00	\$ 44,462.96
8	SURVEY	1	Lump	\$ 1,100.00	\$ 1,100.00
10	TRAIL FENCE	4900	FT	\$ 15.00	\$ 73,500.00
11	RAILROAD CROSSINGS	1	EA	\$ 265,000.00	\$ 265,000.00
12	BOARDWALK	100	FT	\$ 450.00	\$ 45,000.00
Subtotal					\$ 798,861.57
STRUCTURES					
		-	Lump	\$ -	\$ -
		-	Lump	\$ -	\$ -
Subtotal					\$ -

Bid Items Total \$ 798,861.57

Misc Non-Bid: UDOT Contingency Fund					
	UDOT Contingency Fund	1	Lump	\$ 159,772.31	\$ 159,772.31
Subtotal					\$ 159,772.31
MISC NON BID					
	ROW	-	Lump	\$ -	\$ -
	RELOCATING UTILITIES	1	Lump	\$ 300,000.00	\$ 300,000.00
Subtotal					\$ 300,000.00
CONSTRUCTION ENGINEERING					
	C.E.	1	Lump	\$ 130,000.00	\$ 130,000.00
Subtotal					\$ 130,000.00
PRELIMINARY ENGINEERING					
	P.E.	1	Lump	\$ 130,000.00	\$ 130,000.00
	APPRAISAL AND ACQUISITION	-	Lump	\$ 50,000.00	\$ -
Subtotal					\$ 130,000.00

Construction Engineering: \$ 130,000.00
 Non-Bid: \$ 459,772.31
 Preliminary Engineering: \$ 130,000.00
 Non-Bid Items Total: \$ 719,772.31

Bid Items Total: \$ 798,861.57
 Non-Bid Items Total: \$ 719,772.31

Grand Total: \$ 1,518,633.88



PROJECT: WASATCH CO. RAILROAD TRAIL
PROJECT # F-LC51(14)
PIN: 12431
DESCRIPTION PHASE 2 - SR-113 TO 1200 SOUTH

LENGTH 11875 FT

		GRAND TOTAL			
Number	Description	Quantity	Unit	Unit Price	Amount
10 - Roadway					
1	MOBILIZATION	1	Lump	\$ 112,609.65	\$ 112,609.65
2	TRAFFIC CONTROL	1	Lump	\$ 22,500.00	\$ 22,500.00
3	LANDSCAPING	1	Lump	\$ 75,000.00	\$ 75,000.00
4	EXCAVATION	2,566	CU YD	\$ 17.00	\$ 43,614.97
5	3" HMA ASPHALT (152 lb/ft3)	2,256	TON	\$ 120.00	\$ 270,750.00
6	6" UNTREATED BASE COARSE	2,199	CU YD	\$ 52.00	\$ 114,351.85
7	10" GRANULAR BORROW	2,566	CU YD	\$ 42.00	\$ 107,754.63
8	SURVEY	1	Lump	\$ 26,500.00	\$ 26,500.00
10	TRAIL FENCE	11875	FT	\$ 15.00	\$ 178,125.00
11	RAILROAD CROSSINGS	1	EA	\$ 265,000.00	\$ 265,000.00
12	BOARDWALK	100	FT	\$ 450.00	\$ 45,000.00
Subtotal					\$ 1,261,206.10
STRUCTURES					
	SNAKE CREEK BRIDGE	1	Lump	\$ 400,000.00	\$ 400,000.00
	PROVO RIVER BRIDGE	1	Lump	\$ 400,000.00	\$ 400,000.00
Subtotal					\$ 800,000.00

Bid Items Total \$ 2,061,206.10

Misc Non-Bid: UDOT Contingency Fund					
	UDOT Contingency Fund	1	Lump	\$ 412,241.22	\$ 412,241.22
Subtotal					\$ 412,241.22
MISC NON BID					
	ROW	-	Lump	\$ 2,250,000.00	\$ -
	RELOCATING UTILITIES	1	Lump	\$ 250,000.00	\$ 250,000.00
Subtotal					\$ 250,000.00
CONSTRUCTION ENGINEERING					
	C.E.	1	Lump	\$ 325,000.00	\$ 325,000.00
Subtotal					\$ 325,000.00
PRELIMINARY ENGINEERING					
	P.E.	1	Lump	\$ 325,000.00	\$ 325,000.00
	APPRAISAL AND ACQUISITION	-	Lump	\$ 50,000.00	\$ -
Subtotal					\$ 325,000.00

Construction Engineering: \$ 325,000.00
Non-Bid: \$ 662,241.22
Preliminary Engineering: \$ 325,000.00
Non-Bid Items Total: \$ 1,312,241.22

Bid Items Total: \$ 2,061,206.10
Non-Bid Items Total: \$ 1,312,241.22

Grand Total: \$ 3,373,447.31 \$ 4,189,145.69



PROJECT: WASATCH CO. RAILROAD TRAIL
 PROJECT # F-LC51(14)
 PIN: 12431
 DESCRIPTION PHASE 3 - 1200 SOUTH TO HVRR DEPOT

LENGTH 4600 FT =D7*110

		GRAND TOTAL			
Number	Description	Quantity	Unit	Unit Price	Amount
10 - Roadway					
1	MOBILIZATION	1	Lump	\$ 46,083.21	\$ 46,083.21
2	TRAFFIC CONTROL	1	Lump	\$ 27,000.00	\$ 27,000.00
3	LANDSCAPING	1	Lump	\$ 90,000.00	\$ 90,000.00
4	EXCAVATION	994	CU YD	\$ 17.00	\$ 16,895.06
5	3" HMA ASPHALT (152 lb/ft3)	1,520	TON	\$ 120.00	\$ 182,400.00
6	6" UNTREATED BASE COARSE	852	CU YD	\$ 52.00	\$ 44,296.30
7	10" GRANULAR BORROW	994	CU YD	\$ 42.00	\$ 41,740.74
8	SURVEY	1	Lump	\$ 16,500.00	\$ 16,500.00
10	TRAIL FENCE	4600	FT	\$ 15.00	\$ 69,000.00
11	RAILROAD CROSSINGS	-	EA	\$ 265,000.00	\$ -
12	BOARDWALK	-	FT	\$ 450.00	\$ -
Subtotal					\$ 533,915.31
STRUCTURES					
		-	Lump	\$ -	\$ -
		-	Lump	\$ -	\$ -
Subtotal					\$ -

Bid Items Total \$ 533,915.31

Misc Non-Bid: UDOT Contingency Fund					
	UDOT Contingency Fund	1	Lump	\$ 106,783.06	\$ 106,783.06
Subtotal					\$ 106,783.06
MISC NON BID					
	ROW	-	Lump	\$ 2,250,000.00	\$ -
	RELOCATING UTILITIES	1	Lump	\$ 15,000.00	\$ 15,000.00
Subtotal					\$ 15,000.00
CONSTRUCTION ENGINEERING					
	C.E.	1	Lump	\$ 80,000.00	\$ 80,000.00
Subtotal					\$ 80,000.00
PRELIMINARY ENGINEERING					
	P.E.	1	Lump	\$ 80,000.00	\$ 80,000.00
	APPRAISAL AND ACQUISITION	-	Lump	\$ 50,000.00	\$ -
Subtotal					\$ 80,000.00

Construction Engineering: \$ 80,000.00
 Non-Bid: \$ 121,783.06
 Preliminary Engineering: \$ 80,000.00
 Non-Bid Items Total: \$ 281,783.06

Bid Items Total: \$ 533,915.31
 Non-Bid Items Total: \$ 281,783.06

Grand Total: \$ 815,698.37 \$ 4,189,145.69

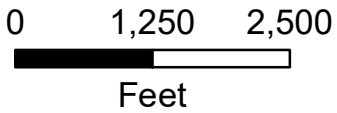


**Wasatch County Railroad
Trail, Construction
Phases**

UDOT Project No: F-LC51(14)
PIN: 12431

- Phase I
- Phase II
- Phase III
- Emergent Marsh
- Wet Meadow
- Open Water
- Future/Improved Trailhead
- Existing Trailhead
- Bridge or Boardwalk

Total Impacted Wetlands:
Wet Meadow: (1.35 acres)
Emergent Marsh (0.21 acres)



N



Heber City Council Staff Report



MEETING DATE: 7/18/2023

SUBJECT: Review Proposed Amendment to the North Village Views and Highlands Master Plans stemming from proposed change to North Village transportation corridor

RESPONSIBLE: Tony Kohler

DEPARTMENT: Planning

STRATEGIC RELEVANCE: Community Development

SUMMARY

Highlands and the North Village Views have submitted a request to amend their respective MDAs to address street connectivity. Section 17.2.4 of the Highlands and Views MDAs requires the Administrator (City Manager), to notify the City Council of the request, and Council has the option of permitting the request to proceed as an Administrative Amendment approved by the City Manager, or can require the amendment to be processed as a Modification Amendment, which requires a larger and longer process of approval that includes approval by the City Council and review by the Planning Commission.

RECOMMENDATION

Staff recommends the proposed amendments be processed as an Administrative Amendment.

BACKGROUND

Highlands and the Views have applied for amendments to their respective MDAs. Section 17 of their MDAs identifies the following as permitted Administrative Amendments that can be approved by the City Manager:

1. **Infrastructure.** Modification of the location and/or sizing of the infrastructure for the Project that does not materially change the functionality of the infrastructure.
2. **Design Guidelines.** Modifications of the Design Guidelines.
3. **Development Unit Allocations.** Any allocation of Development Unit densities to be made by developer or its successors.
4. **Minor Amendment.** Any other modifications deemed to be minor modifications by the Administrator.

The proposed MDA amendments fit within number 3 above, Development Unit Allocations, which could be approved by the Administrator of the MDAs, who is the City Manager. Once an MDA amendment application has been received by the City, Section 17.2.3 of the MDA requires the City Manager to notify the City Council about the proposed MDA Amendments. This staff report is intended to serve as that notice. If Council would rather review the amendments as a Modification Amendment instead of the Administrator approving them as an Administrative Amendment, Section 17.2.4 of the MDA gives Council that option, provided Council notifies the City Manager within 2

business days after the first Council meeting following this notification.

The proposed changes are related to the City's request for compliance with the City's Transportation Plan. Staff has been meeting with Jordanelle Ridge, Highlands and North Village Views (aka Views) in an attempt to solidify street connectivity from Highway 40 eastward and connecting through and to those 3 developments, as well as trying to identify a north to south route through those developments. The preferred route offers good street connectivity and grades that meet city standards. Other options have less desirable circulation, non-conforming street grades or separate the future Art District into less developable pads. Highlands and the Views are requesting amendments to their MDAs in order to accommodate changes that are necessary to meet the City's Transportation Master Plan.

ERU and unit counts have been modified in Highland and the Views. For Highlands, the future north to south road (Coyote View Drive) has been moved eastward, which has eliminated Highland's view lots and replaced them with smaller Highlands lots and town homes and new view lots in Jordanelle Ridge. With this change accompanies a boundary adjustment between Highlands and Jordanelle Ridge, moving Jordanelle Ridge's boundary westward to match up with Coyote View Drive's new alignment. Additionally, Highland's boundary would be moved eastward to match that street's alignment. Along Valley Hills Boulevard in Highlands, previous single family dwellings have been replaced with townhomes to comply with the City requirement that dwellings not directly access a collector street. Finally, stacked flats have replaced townhomes near the future church site in Highlands. While the total number of dwellings has decreased by 8 units in Highlands from 809 to 801 units, the number of ERUs has increased from 558 to 579 by 21 ERUs. Highlands is asking for the additional stacked flats to address the loss of their high value view lots resulting from the Coyote View Drive shift to the east. The Highlands residential numbers do not include housing and commercial units below the Wasatch Canal in Highlands, as that part of the Master Plan is proposed to remain the same.

In the Views development, the Master Plan originally included 178 townhomes and 39 single family dwellings and no stacked flats. The developer committed to the City Council to not build stacked flats and intends to meet their commitment. However, in order to keep a viable Art District and keep University Avenue grades at or below City standard, the Views' plan must be modified, and this modification involves stacked flats. With this change, the Views would increase from 217 dwellings to 338 dwellings, but would see a decrease in the number of ERUS from 230 to 212.

DISCUSSION

Pros to the proposed amendments:

1. Secures an agreed upon street alignments between the 3 developments.
2. Secures a viable Art District layout.
3. Ensures conformance with the City's Transportation Plan and engineering specifications, including street grades.
4. Decreases the number of dwelling units in Highlands by 8 dwellings (but increases the number of ERUs by 21).

Cons to the proposed amendments:

1. Increases the number of stacked flats in the Views Development from zero to 224.
2. Increases the number of stacked flats in Highlands from 120 to 235 (adding 115 units) and decreases the number of Townhomes from 491 to 353 (decrease of 138).
3. Residential numbers include the net addition of 3 ERUs and the net addition of 113 dwelling units to the Views and Highlands.

FISCAL IMPACT

The proposed amendments do not have a direct financial impact to the City's budget. However, the amendments will help promote a more unified Art District by ensuring the district has viable transportation connectivity and developable building pads, thus encouraging more economic development. The amendments also solidify street alignment agreements between three distinct developers and the City and will decrease the likelihood for litigation and the need for continued negotiations between the City and developers.

CONCLUSION

The proposed amendments:

1. Results from the need to connect transportation routes according to City Specifications as identified in the City's Transportation Master Plan;
2. Are consistent with the General Plan and North Village Overlay Zone (NVOZ);
3. Results in a net increase of 3 ERUs overall, and a net increase of 113 dwelling units;
4. Results in the addition of stacked flats within the Views development, a permitted use in the NVOZ; and
5. Maintains the same amount of open space;

ALTERNATIVES

1. Proceed as Administrative Amendment
2. Proceed as Modification Amendment

POTENTIAL MOTIONS

Staff Recommended Option – Proceed as Administrative Amendment

I move to proceed with the amendment as an ***Administrative Amendment***.

Alternative 2 – Proceed as Modification Amendment

I move to proceed with the amendment as a ***Modification Amendment***.

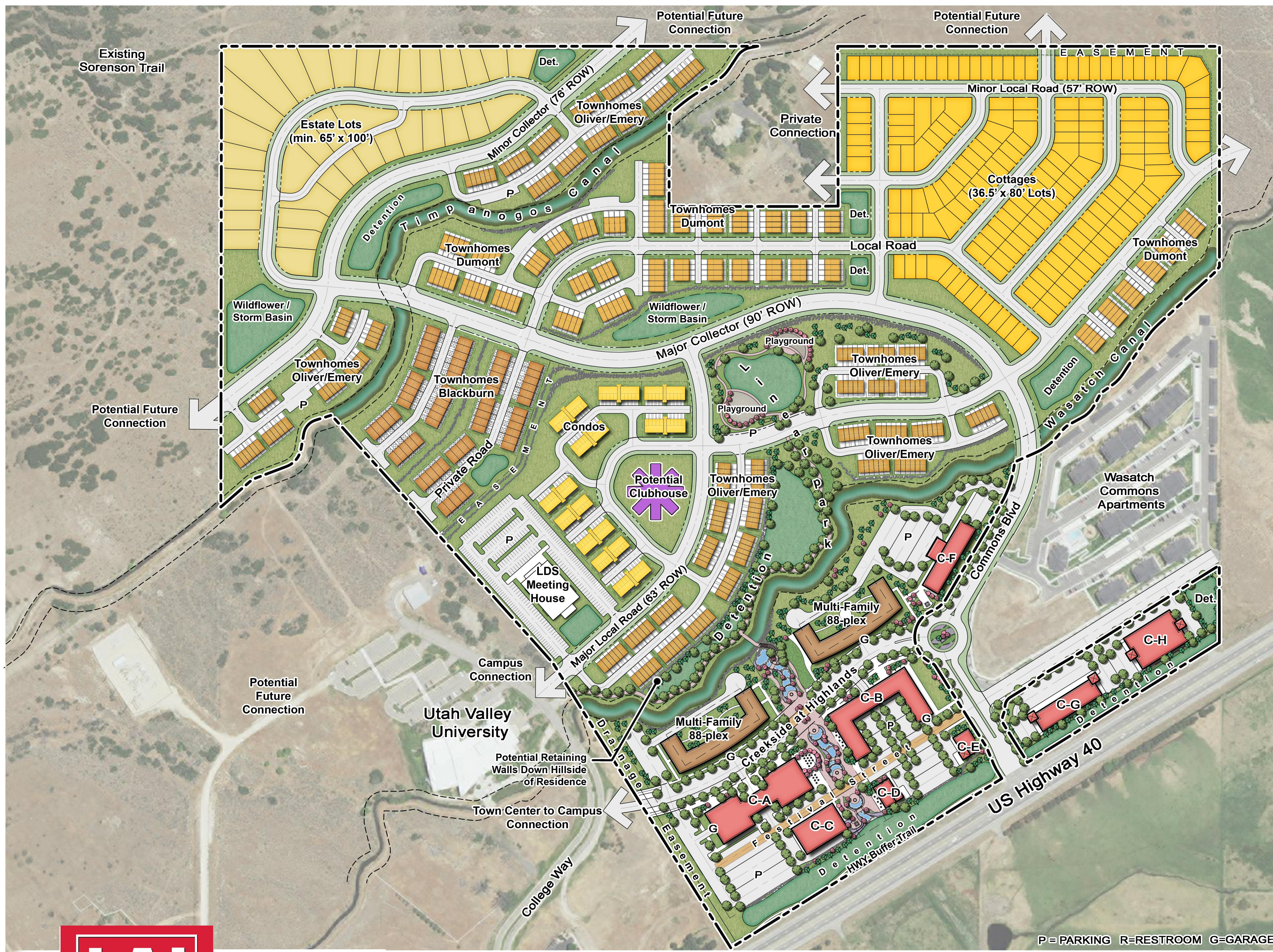
ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Planning Director

EXHIBITS

1. Highlands
2. Regional Map

3. The Views



DEVELOPMENT SUMMARY

Total Site Acreage = 142.88 ac.
Total ERU's = 736.89 Total ERU Allowed = 737

DR Horton Product - 798 Units (566 ERU's)

- Estate Lots (>1600 sf) = 36 Units
- Cottages (<1,600 sf) = 178 Units
- Condos (<1200 sf) =
 - 10 Plex x 10 Bldg = 100 Units
- Townhome - Dumont (1174 sf) = 156 Units
- Townhome - Blackburn (1485 sf) = 70 Units
- Townhome - Oliver / Emery = 258 Total Units
 - Oliver (1899 sf) = 90 Units
 - Emery (1406 sf) = 168 Units

Town Center Product - 276 Units (171 ERU's)

- Multi-Family - 88 Plex: 4 Stories + Garage
 - 2 Buildings = 176 Units
 - Garage Parking = 264 Spaces (1.5/Unit)
- Commercial / Mixed-Use (C-A): 4 Stories + Garage
 - Retail (1st Floor): 28,000 sf
 - Residential (3 Floors): 40 Units (Student Housing)
 - Garage Parking = 200 Spaces
 - Commercial = 140 spaces (5/1000 sf)
 - Residential = 60 Spaces (1.5/Unit)
- Commercial / Mixed-Use (C-B): 4 Stories + Garage
 - Retail (1st Floor): 27,000 sf
 - Residential (3 Floors): 60 Units
 - Garage Parking = 225 Spaces
 - Commercial = 135 Spaces (5/1000 sf)
 - Residential = 90 Spaces (1.5/Unit)
- Commercial (C-C): 1 Story
 - Retail (Grocery): 16,000 sf
- Commercial (C-D): 1 Story
 - Restaurant (1st Floor): 5,000 sf
- Commercial (C-E): 1 Story
 - Restaurant (1st Floor): 5,000 sf
- Commercial (C-F): 4 Stories
 - Hotel (4 Floors): 135 Keys
 - Total: 60,000 sf * (15,000 / Floor)
- Commercial (C-G): 3 Story
 - Gym (1st Floor): 15,000 sf
- Commercial (CH): 3 Stories + Basement
 - Storage Unit (4 Floors): 25,000 sf EA
 - Total: 100,000 sf*

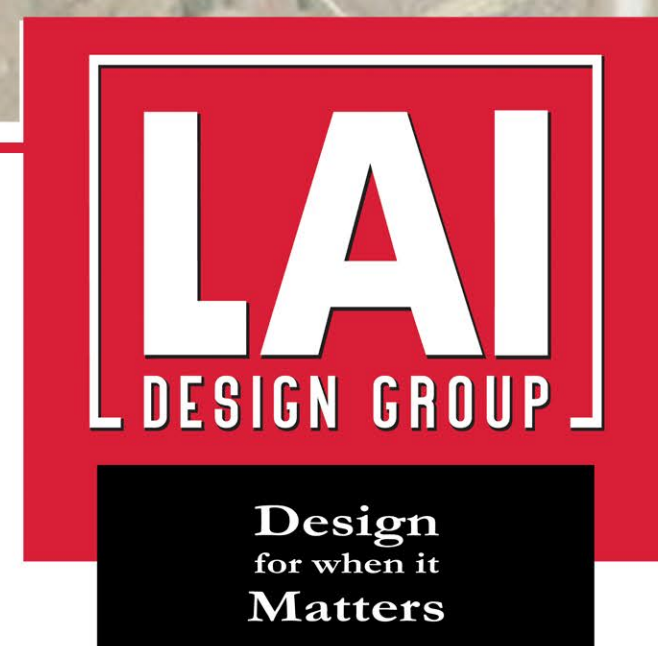
LINEAR PARK = 5.44 AC.

TOTAL COMM / MIXED-USE = 96,000 SF
(Storage Unit not included in total per DA)

TOTAL UNITS = 1,074
Market Rate = 966v
Affordable (10%) = 108 (Student Housing Applies)

TOTAL GARAGE PARKING = 689 SPACES
Commercial = 275 Spaces (5/1000 sf)
Residential = 414 Spaces (1.5/Unit)

P=PARKING R=RESTROOM G=GARAGE



Highlands - Conceptual Master Plan - v9

Heber City, Utah

August 30, 2022 • Project #201010

Architecture

Planning & Entitlements

Visual Media

Landscape Architecture

Real Estate Advisory

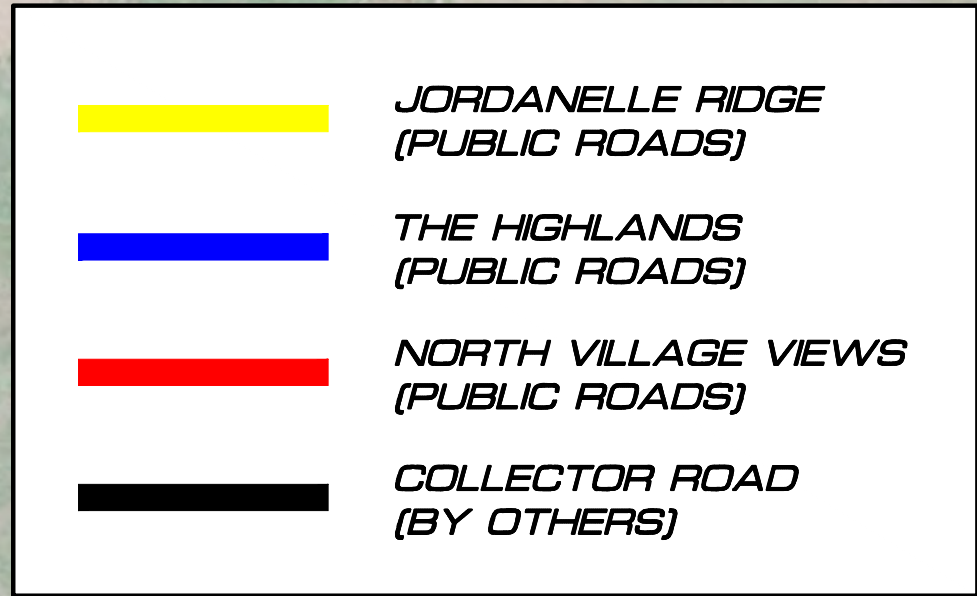


GRAPHIC SCALE: 1" = 150'

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303.734.1777 - Corporate

* For Illustrative Purposes Only

SINGLE FAMILY LOTS	39	16	-23	198	213	15
TOWNHOUSE UNITS	178	98	-80	491	353	-138
STACKED FLAT UNITS	0	224	224	120	235	115
TOTAL UNITS	217	338	121	809	801	-8
TOTAL ERUs	230	212	-18	558	579	21



	<i>JORDANELLE RIDGE (RESIDENTIAL PODS)</i>
	<i>CIVIC AREA (ART DISTRICT/UVU)</i>
	<i>THE HIGHLANDS</i>
	<i>NORTH VILLAGE VIEW</i>



SITE SUMMARY

TOTAL PROJECT AREA	33.66 ACRES
UNITS	202 TOTAL
OPEN SPACE:	16.72 ACRES (49.7%)

SITE LEGEND

SYMBOL	NOTES	ACRES
	DRAINAGE AREA 75' OFFSET FROM FLOW LINE	0.96
	DRIVES	4.42
	OPEN SPACE	16.72
	ROADS	3.09

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Authorize City Manager to Sign DRAFT Section 4(f) De Minimis Impact Concurrence Request from Utah Department of Transportation (UDOT)
RESPONSIBLE: Matt Brower
DEPARTMENT: Administrative
STRATEGIC RELEVANCE: Necessary Administrative Item

SUMMARY

The Utah Department of Transportation (UDOT) intends to make a de minimis impact finding regarding a Section 4(f) recreation source (i.e. Muirfield Park) and to request the City's concurrence that the Heber Valley Corridor Project would not adversely affect activities, features or attributes of Muirfield Park.

RECOMMENDATION

Approve concurrence that the Heber Valley Corridor Project would not adversely affect the activities, features, or attributes that make Muirfield Park eligible for Section 4(f) protection.

BACKGROUND

UDOT is preparing an Environmental Impact Statement (EIS) for the Heber Valley Corridor Project. Five action alternatives are being evaluated as defined in the draft EIS. Detailed information regarding the action alternatives is available on the project website at: <https://hebervalleyeis.udot.utah.gov>.

During project development, UDOT worked to avoid and minimize effects on resources protected under Section 4(f), including Muirfield Park. All five action alternatives would result in a de minimus impact on Muirfield Park.

Section 4(f) applies to significant publicly owned parks and recreation areas that are open to the public.

For a park or recreation resource, a de minimis impact is one that would not adversely affect the features, attributes or activities of the resource that qualify it under Section 4(f).

DISCUSSION

UDOT is seeking concurrence from Heber City that none of the five action alternatives would adversely affect the features, attributes or activities offered by Muirfield Park.

FISCAL IMPACT

N/A

CONCLUSION

UDOT is requesting an updated concurrence pertaining to Muirfield Park by authorizing the City Manager to sign the Section 4(f) de minimis impact concurrence request.

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member: Matt Brower, City Manager

EXHIBITS

1. UDOT Letter



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

LISA J. WILSON, P.E.
Deputy Director of Engineering and Operations

June 13, 2023

Matt Brower
City Manager
Heber City
75 N. Main Street
Heber City, UT 84032

Subject: UDOT Project No. S-R399(310), Heber Valley Corridor Environmental Impact Statement, Wasatch County, Utah (PIN 17523)
DRAFT Section 4(f) De Minimis Impact Concurrence Request

Dear Mr. Brower:

The purpose of this letter is to notify you that the Utah Department of Transportation (UDOT) intends to make a *de minimis* impact finding regarding a Section 4(f) recreation resource under your jurisdiction and to request your concurrence that the Heber Valley Corridor Project would not adversely affect the activities, features, or attributes that make this resource eligible for Section 4(f) protection.

This *de minimis* impact finding is pursuant to Section 4(f) of the Department of Transportation Act of 1966; Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and 23 Code of Federal Regulations Part 774. The review, consultation, and other actions required by these laws and rules are being carried out by UDOT pursuant to 23 United States Code Section 327 and a Memorandum of Understanding dated May 26, 2022, and executed by the Federal Highway Administration and UDOT.

UDOT is preparing an Environmental Impact Statement (EIS) for the Heber Valley Corridor Project to improve regional and local mobility on U.S. 40 from S.R. 32 to U.S. 189 and provide opportunities for nonmotorized transportation while allowing Heber City to meet their vision for the historic town center.

Action Alternatives

Five action alternatives are being evaluated in detail in the Draft EIS:

- WA1: Freeway with North U.S. 40
- WB1: Highway with North U.S. 40
- WB2: Highway with North U.S. 40 and Realigned U.S. 189
- WB3: Highway to S.R. 32
- WB4: Highway to S.R. 32 and Realigned U.S. 189

Alternatives WA1, WB1, and WB2 use existing U.S. 40 for the northern half of the proposed bypass, while Alternatives WB3 and WB4 are on new alignment in the north. Alternatives WB2 and WB4 realign S.R. 189 at the southern end of the proposed bypass. Alternative WA1 includes grade-separate interchanges, while all four WB alternatives would have signalized intersections. All five action alternatives include a multi-use trail adjacent to U.S. 40 from S.R. 32 to 900 North, and adjacent to the bypass from 900 North to 1300 South. All five action alternatives share a similar alignment directly north of Muirfield Park and would have the same effect on the park.

Detailed information regarding the action alternatives is available on the project website at <https://hebervalleyeis.udot.utah.gov>. During project development, UDOT worked to avoid and minimize effects on resources protected under Section 4(f), including Muirfield Park. All five action alternatives would result in a *de minimis* impact to Muirfield Park as described below.

Section 4(f) Parks and Recreation Resources

Section 4(f) applies to significant publicly owned parks and recreation areas that are open to the public. The land must be officially designated as a park or recreation area, and the officials with jurisdiction of the land must determine that its primary purpose is as a park or recreation area. UDOT has identified one Section 4(f) resource under Heber City's jurisdiction that potentially would be affected by this project: Muirfield Park.

***De Minimis* Impact Definition**

For a park or recreation resource, a *de minimis* impact is one that would not adversely affect the features, attributes, or activities of the resource that qualify it for protection under Section 4(f). *De minimis* impact determinations are based on the degree of impact after including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) to address the Section 4(f) use (that is, the net impact).

Muirfield Park

Muirfield Park is an existing 15.26-acre community nature park located at 650 North 200 West in Heber City. Heber City has also purchased the adjacent 4.36-acre Houston Parcel and 4.97-acre MacDonald Parcel 1 (north of the existing park) with the intent of adding amenities and expanding Muirfield Park (Figure 1).

Existing park amenities include a fenced-in dog park (the only city park where dogs are allowed), a small parking lot, a playground, a grassy area, a natural wetland area, and gravel walking paths. Planned amenities include sports courts, additional parking, a pavilion, a restored wetland with an interpretive boardwalk, structured stream crossings, and a naturalized meadow with shaded walking trails. A conservation easement is being developed by the Summit Land Conservancy to protect wildlife habitat and natural open space on the expansion parcels. Public access for nonmotorized public recreation from the adjacent, existing Muirfield Park will be permitted to allow for trails, benches, and a shaded pavilion. Trails would accommodate biking, walking, snowshoeing, cross-country skiing, trail running, fishing, and picnicking. An existing barn might be modified or replaced to provide an open pavilion.

Constructing any of the five action alternatives would require a culvert to allow Spring Creek to cross under the new bypass. The culvert would require a perpetual easement of about 0.02 acre in Muirfield Park to provide UDOT access to maintain the culvert and headwalls (Figure 1). The perpetual easement represents a very small encroachment given that the park totals about 25 acres. All five action alternatives would also require a culvert to allow the Sagebrush and

Spring Creek Canal to cross under the new bypass. Based on Wasatch County parcel data, the perpetual easement needed for the canal culvert would not encroach into Muirfield Park.

All five of the action alternatives would include a multi-use trail adjacent to the north edge of the expanded park. UDOT has coordinated with Heber City and will continue to coordinate through final design to provide access from the multi-use trail directly to Muirfield Park. None of the park or recreation activities would be adversely affected by the perpetual easement; therefore, a *de minimis* impact determination appears appropriate.

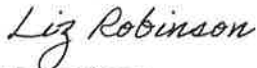
Public Notice and Opportunity for Public Comment

Prior to making a *de minimis* impact determination, UDOT will provide public notice and an opportunity for public review and comment concerning the effects on the protected activities, features, or attributes of Muirfield Park. This opportunity will be provided in conjunction with the opportunity for public review of and comments on the Draft EIS.

Request for Concurrence

Following the public review and comment period for the Draft EIS, UDOT will review comments related to Muirfield Park and revise the impact finding if necessary. At that point, we will ask you for an updated concurrence. If you have any questions, please contact me at (801) 910-2035 or lizrobinson@utah.gov.

Sincerely,



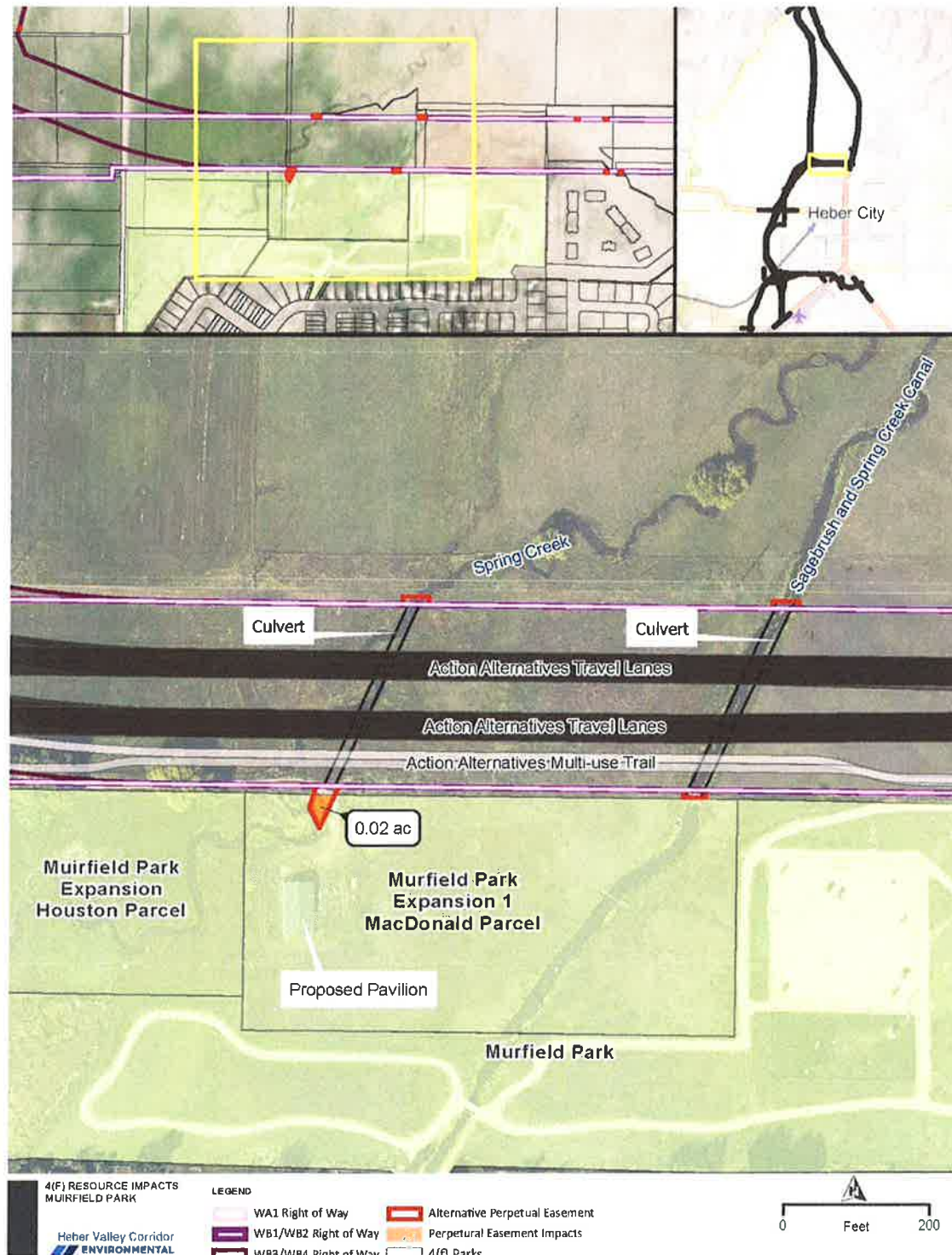
Liz Robinson
Cultural Resources Program Manager
Utah Department of Transportation

Regarding Muirfield Park, I concur with the Section 4(f) evaluation described above and with UDOT's intent to make a Section 4(f) *de minimis* impact finding.

Matt Brower
City Manager
Heber City

Date

Figure 1. Use of Muirfield Park by All Action Alternatives



Heber City Council Staff Report



MEETING DATE: 7/18/2023

SUBJECT: Adoption of the Advisory Arts Committee and discussion of committee procedures

RESPONSIBLE: Matt Brower

DEPARTMENT: Administrative

STRATEGIC RELEVANCE: Administrative and Council Priority

SUMMARY

In March 2023, City Staff gave a presentation of the TAP Tax, and outlined a process by which an advisory TAP Tax Committee could be designated, with structure, policies, and procedures.

This presentation is a request for authorization for the establishment of an Arts' Advisory Committee to assist the City Council and staff in the distribution of an annual portion of the TAP Tax, an explanation of a proposed plan for processing the TAP Tax monies over the next two to three years, and the framework by which two potential committees would participate and assist in this process.

RECOMMENDATION

Council approve designating the POSTT Committee, and an Advisory Arts Committee, as the two committees to assist City Staff and the City Council in allocating a portion of the TAP Tax, and authorize the Mayor to appoint the newly anticipated Advisory Arts' Committee, and authorize staff, under the City Manager's direction to implement the process, and the Committees' structures and roles.

BACKGROUND

The State Tax Commission estimates that last year, (2022) Heber City's TAP Tax would have been \$351,448.00 HC. The analysis was prepared based on historical distributions and uses assumptions, to calculate taxable sales for the TAP Tax. *(It is not intended to be a forecast of future distributions, Utah Tax Commission).*

Given these numbers, Heber City's monthly TAP Tax for 2022 could have been between \$25,691.00 and \$34,595.00, averaging \$29,287.00.

The State analyzed several other cities' data. The taxable sales average for those cities is around 6%. However, Heber City's ratio has been higher, at about 10%.

Most cities and towns that receive RAP Tax revenues, (Heber City uses the acronym TAP Tax), allocate the tax between projects into two major categories- cultural and arts, and recreational. These cities use a committee(s) to help identify groups and projects, and offer recommendations to the City Council.

These project recommendations are usually divided between:

- Suggestions from third-party entities,
- Suggestions from the public, and
- Suggestions from city staff.

In all models, the City Council makes the final decision.

DISCUSSION

Recommendation for the Heber City TAP TAX Projects and TAP Tax Allocation Schedule and Committee.

Staff recommends the following three-year plan for projects and structure.

Initial Use of TAP Tax Monies.

1. **First Year (2023-24):** For the first year, the majority of TAP Tax monies would be earmarked and expended on current, partially funded, or anticipated to be funded City Specific projects. Up to ten percent (10%) of the TAP Tax would be available for privately solicited projects, with recommendations from the Arts Advisory Committee, with final approval by the City Council through the budget process.

City-Specific Project Recommendations.

a. **First Year (2022-23):** It is anticipated that the first year could generate up to \$350,000.00 in TAP Tax. The following projects have been identified as priority items:

i. Water Feature at the Tabernacle, with an estimated \$100,000.00 contribution from TAP Tax monies.

ii. Mid Art Work for four round-a-bouts; located at 550 East, Center Street, Mill Road and Daniel Road, with an estimated \$50,000.00 contribution to each, (\$200,000.00 total) from TAP Tax monies.

2. **Second Year (2023-24):** Second Year (2023-24): It is anticipated that the second year could generate up to \$600,000.00 in TAP Tax. The second-year projects would consist of parks, identified

in the budget workshop as follows:

- i. Main Street Park;
- ii. Muirfield Parks;
- iii. Coyote Springs;
- iv. The Vista Sports Court (High school area) and
- v. Water Feature at the Tabernacle.

3. **Year (2024-25):** For year 2024-25 up to ten percent (10%) of the TAP Tax would be available

for arts and cultural grant projects through the budgetary process, with recommendations from the Art's Advisory Committee, with final approval by the City Council.

a. These recommendations and recommendations for City Specific Projects would come to the Council from the Advisory Committee, as they participate in the annual City Budget and Retreat meeting and conference. Except for the first two years as indicated above, it is recommended initially that, in the fiscal years following the initiating first two years, the total allocation would be set at percentages set annually during the budget development process.

b. The remaining percent of the TAP revenue would be dedicated to qualifying City

specific projects, which would be recommended by City staff. The City Council would make the final decision during the annual budget process.

i. Examples of recommendations for general projects, which could be city specific projects might include:

- Round-a-bout Art
- Park Amenities
- Pedestrian Trails/Bike-paths
- Arts and Cultural Programs- Murals
- Funding and support for the City's Trails/Parks/Open Space, and associated Masterplan Projects.

Recommended Art's Advisory Committee Structure.

1. **Advisory Arts Committee.** It is recommended that the City establish *one Committee for grants*, for the use of the TAP Tax monies for the Arts and Culture interests of the City, the *Arts' Advisory TAP Tax Committee*, and that appointments to this Committee be made by the Mayor, with advice and consent of the Council, and administered by staff under the Manager's direction.

This Advisory Committee would assist and make recommendations for grants and projects associated with the City's Arts and Culture, (music, art, drama, creative writing, photography and dance, etc.).

- One member with a demonstrated knowledge of or experience in the visual/performing arts.
- One member with a demonstrated knowledge of or experience in cultural arts.
- One member with a demonstrated knowledge of or experience in Historic preservation.
- One member with a demonstrated knowledge of or experience in Tourism (like someone from the tourism economic board).
- One member at large.

A total of _____ members.

All members are to reside within the Heber City limits. The County has its own share of the TAP tax for its uses.

Because 2023-24 would be the first year, three members would be appointed to serve three-year terms and two members would serve two-year terms. All appointments made after the first year would serve full three-year terms.

Such a committee would typically meet once per year to consider applications and make recommendations to the City Council. However, for the first year, because this would potentially be the initial year for such a committee and the TAP Tax funding allocations, more than one meeting would probably be useful to familiarize committee members and staff with the requirements of the TAP Tax program, establish bylaws and finalize the TAP Tax grant process (this would include developing procedures for the application process, rating projects, reporting requirements, etc.). It is the staff's recommendation that the City establish a TAP Tax Art's Advisory Committee for *Grant projects*, and for the City to use the existing POSTT Committee for assistance with *all other City Specific Projects*.

Committee meetings would be posted on the City website.

The proposed Art's Advisory Committee would receive and review applications from qualifying non-profit groups and make recommendations for funding/allocation of a percentage of the total TAP Tax revenues to the Heber City Council. The Committee would meet in January of 2023 to administer up to ten (10 %) of the TAP Tax proceeds acquired from April 1st to December 31st, 2023, for Art's projects for the coming year 2024.

It is anticipated that grant solicitations would be advertised and marketed in December, 2023 and January of 2024, and the Committee would make recommendations to the Council in the months of February and March 2024.

Any other TAP Tax appropriate projects, that are not Arts and Culture, would be processed through city staff and the existing POSTT Committee, then on to the City Council for final approval during the annual budget process.

3. City staff requests positive recommendations for any substantive, or prioritized Art or Cultural Projects that the City may want to focus on. The applications would be submitted to the Committee ahead of time with a request to rank them.

4. The applications would be discussed, vetted and recommendations forwarded to the City Council.

5. The City Council would make the final decision on funding, and then financial staff would allocate funds from accrued TAP Tax resources to each respective project.

6. Whatever is not expended on the projects is returned to the TAP Tax Fund. (*TAP Tax funds need to be spent within 10 years*).

7. **Timing.** The Advisory Arts Committee administers the stages as follows:

a. The grant application process would commence annually on January 1st and terminate on the 31st.

b. Grant review and approval during the month of February.

c. Council approval by March 30th.

In this manner, TAP Tax monies could be allocated with money already received from the previous July through December 31st. The process would be administered on an annual calendar, with monies gathered and allocated on a fiscal calendar.

FISCAL IMPACT

Potentially, the City could receive close to \$351,448.00 annually (a monthly average of **\$29,287.00**) for finance cultural facilities, recreational facilities, and zoological facilities, botanical organizations, cultural organizations, and zoological organizations within the city or within the geographic area of Wasatch County.

No direct negative impact, liability, or risk to Heber City.

CONCLUSION

It would be helpful for the Council to discuss and give direction regarding the use of an advisory a TAP Tax Advisory Committee. It is recommended that the City use the existing POST Committee to function as such an Advisory Committee.

That the Council directs Staff to form the Art's Committee, establish guidelines, processes, and policies to generally govern the TAP Tax use, adopt these by ordinance, and work with the Mayor in her appointments to the Committee.

City staff initially recommends Nancy O'Toole be one of the Committee members.

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member: Matt Brower, City Manager
J. Mark Smedley, Asst.City ManagerAll

EXHIBITS

1. Exhibits for July 18 Staff Report on Art's Advisory Committee for TAP Tax
2. Ordinance for Arts Advisory Committee - 4887-1893-7456 - 1

Exhibit A.

For Council discussion only

TAP Tax Project Guidelines

Supporting and promoting recreational, cultural, arts and parks facilities and programs to benefit the Heber valley community.

These funds are meant to aid project and program based activities (art creation, art presentation, cultural activities, recreation facilities and capital projects, recreation programs).

Capital projects are allowed but must be available for public use for at least 10 years. This timeframe may vary depending upon project specifics including dollar amount, estimated useful life of the capital project etc., this timeframe will be determined before the grant award.

Applicants are required to have a 501(c)(3) status to qualify for a grant. If an applicant (such as a local artist) does not have such status, they are then recommended to partner with an organization that does.

The location of the project takes place within Heber city limits

Projects must be completed within one year of grant award.

Projects must be matched by at least 25% (direct or indirect match)

An entity can apply for up to 20% of total funds available for the year. (\$_____)

Grant awards will be distributed in two payments, 50% at the time of award and 50% at project completion and final reporting.

If the organization has a currently open TAP Tax project, they may apply for a new cycle of TAP Tax funding but won't be awarded funds until the open project is completed.

Projects are required to announce and display that funding was provided by the Heber City TAP Tax Program.

TAP/Tax funds may be USED for expenditures directly related to:

- Collections /Exhibits: Acquisitions or public display of items that in part or as a whole are collected or exhibited.
- Contracted Services: Services obtained through the aid or direction of a second individual or company that are directly related to the project.
- Salaries that have a direct relation to the project (i.e. an art instructor's time in preparing and teaching an art program).
- General administration and overhead costs may be allowed if the applicant can demonstrate a direct relation or need to the proposed project: These costs are limited to a maximum of 10% of the total requested amount.

- Marketing/Advertising: Promotion of the organization's TAP Tax funded project/program.
- Programs/Performance/Production: Staging of programs, performances, productions, cultural festivals.
- Projects: Development of one-of-a-kind or one-time physical item or one-time events, including but not limited to historical, cultural, recreational.

TAP/Tax funds may NOT BE USED for (this list is not exhaustive):

- Accumulated deficits or debt retirement.
- Public schools and/or school programs or hiring of temporary or permanent staff.
- Lobbying Expenses.
- Scholarships, purchase awards or cash prizes.
- Regular operations of Magazines or Newspapers.
- Activities intended primarily for fundraising.
- Rehabilitative or therapeutic programs.
- Fireworks.
- Rodeos.
- Activities that are primarily religious in purpose.
- Cash reserves.

Projects will be evaluated on:

- Quality of proposed project.
- Demonstrated community need.
- Benefits to the community.
- The organization's history, ability to implement project and financial considerations.

TAP TAX APPLICATION

WITH COMPLIANCE REPORT and CRITERIA

If you answered no to either of the above questions, the applicant will not be able to proceed.

Page 229 of 258

EIN: _____

☐ ☐☐ ☐

Please list key staff positions of your
Organization on this project:
Staff:

Grant Contact

Executive Director: _____ Phone: _____ Email: _____

Alternate Contact: _____ Phone: _____ Email: _____

Project Information

Project Title: _____

Project Start Date: _____ Project End Date: _____

Amount Requested: _____ Total Cost of Proposed Project: _____

Project Title and Summary- In the space provided, please provide a brief summary of the proposed project.
Max 500 characters

Provide a Needs Assessment (Why is this project important?):
Max 500 characters

Project Goals and Implementation- Please describe in detail how this project will be accomplished, who will be involved, the timeline for completion, and how this project will benefit the citizens of Heber City.
Max 2000 characters



Project Target Audience- In the space provided, include the number of people expected to be reached by the project. Please include any plans to target specific age groups or underserved populations.

Max 500 characters

Please detail any partnerships for this project.

Max 500 characters

What qualitative and quantitative measures will you be using to evaluate your project goals?

Max 500 characters

Attachments

501(c)(3) Determination Letter
List of Board of Directors
Most Recent Financial Statement
Other Supporting Documentation

Disclaimer and Signature

I certify that my answers are true and complete to the best of my knowledge.

Signature:

Project Budget

Project Expenses		
Item	Total Amount	
	Grant Request	Match
	Comment	

Project Income		
Donations: Please provide a list of committed funding sources for this project:		
Source	Amount Committed/Items Donated	
Organization Contribution		
Donated Materials		
Other grants		

Evaluation Criteria

- **Quality of proposed project**
 - The quality and clarity of the project goals and design
 - Completeness
 - Value of supporting materials
- **Demonstrated community need**
 - What is the current need of Heber City citizens that this project aims to address?
 - Are other projects or programs already addressing this need?
- **Benefits to the community**
 - The number Heber City residents by age, user group etc. served by the project;
 - Does this project have the potential to become an influential part of the Community experience in years to come?
 - In what tangible ways will this project benefit Heber City?
- **The organization's history, ability to implement project and financial considerations**
 - The ability to carry out the project based on factors including the appropriateness of the budget, the resources involved, and the qualifications of the project's personnel
 - History of past City funding

ORDINANCE 2023-_____

AN ORDINANCE adding *Chapter 2.46 Arts Advisory Committee* to the Heber City Municipal Code.

BE IT ORDAINED by the City Council of Heber City, Utah, that *Chapter 2.46 Arts Advisory Committee* is added to the Heber City Municipal as set forth below.

2.46 Arts Advisory Committee

- 2.46.010 Purpose
- 2.46.020 Appointment And Terms Of Members
- 2.46.030 Meetings
- 2.46.040 City Staff Support
- 2.46.050 Recommendation to City Council

2.46.010 Purpose

In 2022, Wasatch County residents approved a Recreation, Arts and Parks (RAP) Tax, which will generate funds to be used by Heber City to support recreation, arts and parks within Heber City. Heber City anticipates accepting applications for grants to be provided by Heber City with funding from the RAP Tax. The purpose of the Arts Advisory Committee is to assess grant applications for art projects or activities in Heber City and make recommendations to the City Council with respect to the grant applications.

2.46.020 Appointment And Terms Of Members

A. The Arts Advisory Committee shall consist of five voting members who are residents in Heber City, to be determined by the Mayor, with the advice and consent of the City Council.

B. The term of office for Arts Advisory Committee members shall be three years, except for the initial establishment of the Arts Advisory Committee, two members shall be appointed for two-year terms. Any vacancies in these positions shall be filled by a recommendation to and confirmation by the City Council. The appointment will be for the remaining time of the member whose vacancy is being filled. Two consecutive four-year terms shall be the limit for regular membership. Partial terms shall not be considered in determining whether a person has served two consecutive terms. If new or replacement appointments are not made, then the existing or current members shall continue in their capacity until a new appointment or replacement is made.

C. The appointed members of the Arts Advisory Committee shall elect a Chair of the Arts Advisory Committee. The Chair shall be responsible for conducting meetings.

2.46.030 Meetings

The Arts Advisory Committee shall meet at least once each year or more as needed, and conduct business in accordance with the Open Public Meeting laws of Utah. This includes public notification of meeting place, time, and agenda items.

2.46.040 City Staff Support

The City Manager shall appoint one or more members of the city staff to assist the Arts Advisory Committee in creating a grant application form, informing residents of the available of grant money, and processing grant applications.

2.46.050 Recommendation to City Council

A. The Arts Advisory Committee shall meet in January of each calendar year and evaluate art related grant applications received by Heber City. Based on the amount of funding allocated by the City Council for art related grants, the Arts Advisory Board shall make a recommendation to the City Council regarding which grant applications should receive funding and the amount of funding.

B. In assessing grant applications, the Arts Advisory Committee shall consider the following factors:

1. The number of Heber City residents that will benefit from the grant funding;
2. The overall benefit of the project or activity being funded compared to the amount of the requested grant;
3. Whether the project or activity is being funded in part by other groups or entities; and
4. The allocation of grant funds to different categories of art (i.e. visual arts, music, theater, literature, cinema, etc.).

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

If any provisions of the Heber City Code heretofore adopted are inconsistent herewith they are hereby repealed.

To the extent that any ordinances, resolutions, or policies of Heber City materially conflict with the provisions of this Ordinance, they are hereby amended to comply with the provisions hereof.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of _____ 2023.

	AYE	NAY	ABSENT	ABSTAIN
Rachel Kahler	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Ryan Stack	_____	_____	_____	_____
Scott Phillips	_____	_____	_____	_____
Yvonne Barney	_____	_____	_____	_____

APPROVED:

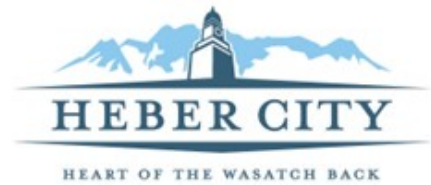
Mayor Heidi Franco

ATTEST:

RECORDER

Date: _____

Heber City Council Staff Report



MEETING DATE: 7/18/2023

SUBJECT: Consider contract award to MC Contractors in the amount of \$841,523.48 for the construction of the Mill Road Roundabout

RESPONSIBLE: Russ Funk

DEPARTMENT: Engineering

STRATEGIC RELEVANCE: Principles: Necessary Administrative Action
Goals: Infrastructure Sustainability

SUMMARY

The purpose of this item is to seek Council approval to award a construction contract to MC Contractors for Heber City's Mill Road Roundabout Project.

RECOMMENDATION

That the City Council authorize staff to execute a contract with the apparent low bidder, MC Contractors, for an amount of \$841,523.48.

BACKGROUND

Heber City has had a master planned 'Eastern Bypass' road planned since the early 2000's. This road will connect into US 40 at about 900 North, and continue east intersecting with both 550 East and Mill road, before turning south and running between Stone Creek and Red Ledges until it intersects with Center St. During the planning and design phases for the project, the City made the decision to construct roundabouts at both the 550 East and Mill Road Intersections. Over the past several months, staff has been working with our consultants and property owners who will be impacted by the project to finalize the design and bid it for construction.

The project was advertised for bid on June 28th, July 5th and July 12th with a public bid opening held on July 13, 2023. Only 1 bid was received and is summarized below:

Bidder	Total Bid
MC Contractors	\$841,523.48

The bid tabulation showing the full bid details is attached.

It is anticipated that construction will start in early August and will be completed by October 31, 2023

DISCUSSION

One thing for the Council to be aware of is that the final deeds for property acquisition have not been finalized. We are still working with property owners in an effort to resolve their concerns and finalize the acquisitions.

FISCAL IMPACT

In the proposed FY23/24 Heber City Budget, \$652,000 was budgeted for the Mill Road Roundabout Project.

Total engineering design and inspection services for the project are estimated to be \$155,448. With the bid amount of \$841,523.48, plus a 10% construction contingency, and \$15,000 for other construction incidentals (Heber L&P Costs), the total construction budget would be \$940,000. Property acquisition costs for the project are estimated at \$175,000 based on current appraisals and contracts, but have the potential to increase.

With all of these costs considered, the recommended project budget is \$1,270,000. This leaves a budget deficit of \$618,000. Approximately \$66,000 in engineering design fees were paid previously during FY 22/23, leaving a remaining deficit of \$552,000 in the FY23/24 budget. Additional budget discussion is anticipated during the meeting.

CONCLUSION

Costs for the project are significantly higher than anticipated. This is due in large part to inflationary increases exceeding projections, the amount of work currently available to contractors, and high property acquisition costs. It should be understood that even with the high costs, the project is not expected to cost less in the future. If we were to postpone the roundabout project, we could save money on property acquisitions and restoration work now, but keep in mind that we would still need to complete an intersection, and the costs of that project would still be significant. In addition, the improvements constructed in the interim, would be sacrificial and would need to be replaced in the future when the roundabout is ultimately built. If the Council still supports a roundabout, it would be less expensive in the long run to finish the project now.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve the item** as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve the item** as amended, as follows.

Alternative 3 - Continue

I move to **continue** the **item** to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the **item** with the following findings.

ACCOUNTABILITY

Department: Engineering
Staff member: Russ Funk, Engineering Director

EXHIBITS

1. Bid Tabulation

Engineer's Estimate
Horrocks Engineers

Project Manager: Willa Motley, P.E.
Project Engineer: Ryan Dummer, P.E.

Bid Opening: purchasing.utah.gov
Date: June 21, 2023
Time: 2:00 PM

Construction Cost Index: 13176

For: 900 N Mill Road Roundabout
Heber City
900 N Mill Road
Heber City, 84032

Base Bid
Contractors
MC Contractors, LLC

Base Bid	Alt 1	Total
\$821,873.48	\$19,650.00	\$841,523.48

Average	\$821,873.48	\$19,650.00	\$841,523.48
Engineer's Estimate	\$541,307.82	\$18,160.00	\$559,467.82
Percent Difference	-34%	-8%	-34%

Bidder 1	Bidder 2	Bidder 3
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Base Bid				Engineer's Estimate		MC Contractors, LLC		0		0	
ITEM NO.	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Mobilization	1	LS	\$25,400.00	\$25,400.00	\$59,500.00	\$59,500.00		\$0.00		\$0.00
2	Traffic Control	1	LS	\$14,800.00	\$14,800.00	\$33,650.00	\$33,650.00		\$0.00		\$0.00
3	Storm Water Pollution Prevention Plan	1	LS	\$4,700.00	\$4,700.00	\$17,500.00	\$17,500.00		\$0.00		\$0.00
4	Remove & Dispose of Existing Concrete Box	1	EA	\$540.00	\$540.00	\$1,400.00	\$1,400.00		\$0.00		\$0.00
5	Remove & Dispose of Existing Concrete Sidewalk	1444	SF	\$11.00	\$15,884.00	\$3.15	\$4,548.60		\$0.00		\$0.00
6	Remove Concrete Curb & Gutter	764	LF	\$13.30	\$10,161.20	\$5.50	\$4,202.00		\$0.00		\$0.00
7	Remove & Discard of Existing Sign	1	EA	\$176.00	\$176.00	\$350.00	\$350.00		\$0.00		\$0.00
8	Remove & Discard Gate	1	EA	\$200.00	\$200.00	\$300.00	\$300.00		\$0.00		\$0.00
9	Remove & Discard Barbed Wire Fence	170	LF	\$47.27	\$8,035.90	\$5.50	\$935.00		\$0.00		\$0.00
10	Remove & Discard Barbed Fence	250	LF	\$47.27	\$11,817.50	\$5.50	\$1,375.00		\$0.00		\$0.00
11	Remove & Discard Curb Inlet Box	2	EA	\$2,500.00	\$5,000.00	\$1,825.00	\$3,650.00		\$0.00		\$0.00
12	Remove & Discard Storm Drain Pipe	121	LF	\$21.00	\$2,541.00	\$42.00	\$5,082.00		\$0.00		\$0.00
13	Remove PI Meter Box	1	EA	\$2,500.00	\$2,500.00	\$435.00	\$435.00		\$0.00		\$0.00
14	Remove Lamppost & Base	1	EA	\$500.00	\$500.00	\$2,275.00	\$2,275.00		\$0.00		\$0.00
15	Remove Fire hydrant	1	EA	\$1,365.00	\$1,365.00	\$2,275.00	\$2,275.00		\$0.00		\$0.00
16	Relocate Existing Mailbox	2	EA	\$500.00	\$1,000.00	\$625.00	\$1,250.00		\$0.00		\$0.00
17	Relocate Landscaping Rocks	5	EA	\$250.00	\$1,250.00	\$170.00	\$850.00		\$0.00		\$0.00
18	Landscape Demolition NE (928 N Mill Rd)	1	LS	\$10,000.00	\$10,000.00	\$1,900.00	\$1,900.00		\$0.00		\$0.00
19	Landscape Demolition SE (874 N Mill Rd)	1	LS	\$10,000.00	\$10,000.00	\$3,850.00	\$3,850.00		\$0.00		\$0.00
20	Landscape Demolition NW (925 N Mill Rd)	1	LS	\$10,000.00	\$10,000.00	\$1,900.00	\$1,900.00		\$0.00		\$0.00
21	Pulverize, Regrade, & Compact	17866	SF	\$0.42	\$7,503.72	\$1.43	\$25,548.38		\$0.00		\$0.00
22	Roadway Excavation and Grading (Cut and Remove)	876	CY	\$15.00	\$13,140.00	\$55.00	\$48,180.00		\$0.00		\$0.00
23	Soft Spot Repair	79	CY	\$73.00	\$5,767.00	\$125.00	\$9,875.00		\$0.00		\$0.00
24	Pothole Existing Utility	2	EA	\$600.00	\$1,200.00	\$995.00	\$1,990.00		\$0.00		\$0.00
25	Install Fire hydrant	1	EA	\$9,450.00	\$9,450.00	\$9,200.00	\$9,200.00		\$0.00		\$0.00
26	Install 6" C900 PVC Waterline	24	LF	\$120.00	\$2,880.00	\$120.00	\$2,880.00		\$0.00		\$0.00
27	Combo Box Concrete Lid Reconstruction	1	EA	\$5,000.00	\$5,000.00	\$1,700.00	\$1,700.00		\$0.00		\$0.00
28	Install 24"x36" Catch Basin	2	EA	\$4,586.99	\$9,173.98	\$5,650.00	\$11,300.00		\$0.00		\$0.00
29	Install 18" ADS Storm Drain Line	70	LF	\$160.00	\$11,200.00	\$147.00	\$10,290.00		\$0.00		\$0.00
30	Relocate Irrigation Box Meter	2	EA	\$600.00	\$1,200.00	\$900.00	\$1,800.00		\$0.00		\$0.00
31	Install 2" Pressurized Irrigation Meter Box	1	EA	\$2,753.33	\$2,753.33	\$9,145.00	\$9,145.00		\$0.00		\$0.00
32	Raise and Collar Valve	3	EA	\$614.53	\$1,843.59	\$800.00	\$2,400.00		\$0.00		\$0.00
33	Raise and Collar Valve Cluster	2	EA	\$1,377.61	\$2,755.22	\$1,500.00	\$3,000.00		\$0.00		\$0.00
34	4" Asphalt Pavement	612	TON	\$90.00	\$55,080.00	\$141.00	\$86,292.00		\$0.00		\$0.00
35	Untreated Base Course	385	TON	\$26.00	\$10,010.00	\$68.00	\$26,180.00		\$0.00		\$0.00
36	Granular Borrow	466	TON	\$23.00	\$10,718.00	\$61.00	\$28,426.00		\$0.00		\$0.00
37	High Back Curb & Gutter	866	LF	\$37.00	\$32,042.00	\$50.00	\$43,300.00		\$0.00		\$0.00
38	Type M2 Curb	580	LF	\$30.98	\$17,968.40	\$80.00	\$46,400.00		\$0.00		\$0.00

39	Type Q Curb	61	LF	\$39.45	\$2,406.45	\$50.00	\$3,050.00		\$0.00		\$0.00
40	Mountable Curb	220	LF	\$34.26	\$7,537.20	\$80.00	\$17,600.00		\$0.00		\$0.00
41	Concrete Sidewalk	643	SF	\$4.60	\$2,957.80	\$11.00	\$7,073.00		\$0.00		\$0.00
42	Concrete ADA Ramp	643	SF	\$12.00	\$7,716.00	\$11.00	\$7,073.00		\$0.00		\$0.00
43	ADA Truncated Panel	8	EA	\$480.00	\$3,840.00	\$1,100.00	\$8,800.00		\$0.00		\$0.00
44	Concrete Driveway Tie-in/Realignment	1520	SF	\$11.50	\$17,480.00	\$16.00	\$24,320.00		\$0.00		\$0.00
45	3" Colored Concrete Pavement (Inside Islands)	1850	SF	\$9.53	\$17,630.50	\$25.00	\$46,250.00		\$0.00		\$0.00
46	8" Colored Concrete Pavement (Roundabout Apron)	3502	SF	\$13.28	\$46,506.56	\$22.00	\$77,044.00		\$0.00		\$0.00
47	Pavement Marking Paint (White)	6	GAL	\$43.50	\$261.00	\$400.00	\$2,400.00		\$0.00		\$0.00
48	Pavement Marking Paint (Yellow)	4	GAL	\$43.50	\$174.00	\$400.00	\$1,600.00		\$0.00		\$0.00
49	Pavement Marking - 12" Stop Bars and Cross Walks	154	LF	\$1.10	\$169.40	\$4.25	\$654.50		\$0.00		\$0.00
50	Landscape Installation SE (874 N Mill Rd)	1	LS	\$15,000.00	\$15,000.00	\$22,500.00	\$22,500.00		\$0.00		\$0.00
51	Landscape Installation NW (925 N Mill Rd)	1	LS	\$30,000.00	\$30,000.00	\$25,000.00	\$25,000.00		\$0.00		\$0.00
52	Sign - Yield R1-2 (36"x36"x36")	4	EA	\$554.02	\$2,216.08	\$700.00	\$2,800.00		\$0.00		\$0.00
53	Sign - R6-5P (30"x30")	4	EA	\$554.02	\$2,216.08	\$700.00	\$2,800.00		\$0.00		\$0.00
54	Sign - R4-7C (18"x30")	3	EA	\$554.02	\$1,662.06	\$700.00	\$2,100.00		\$0.00		\$0.00
55	Sign - W11-02 (36"x36")	6	EA	\$554.02	\$3,324.12	\$700.00	\$4,200.00		\$0.00		\$0.00
56	Sign - W16-7P (24"x12")	4	EA	\$554.02	\$2,216.08	\$700.00	\$2,800.00		\$0.00		\$0.00
57	Sign - W16-9P (24"x12")	2	EA	\$554.02	\$1,108.04	\$700.00	\$1,400.00		\$0.00		\$0.00
58	Install Lamppost	2	EA	\$1,000.00	\$2,000.00	\$7,000.00	\$14,000.00		\$0.00		\$0.00
59	HL&P 3" PVC Conduit	515	LF	\$52.37	\$26,970.55	\$34.00	\$17,510.00		\$0.00		\$0.00
60	HL&P 6" PVC Conduit	115	LF	\$62.50	\$7,187.50	\$69.00	\$7,935.00		\$0.00		\$0.00
61	HL&P 3" PVC Sweeps	14	EA	\$274.14	\$3,837.96	\$335.00	\$4,690.00		\$0.00		\$0.00
62	HL&P 6" PVC Sweeps	4	EA	\$333.65	\$1,334.60	\$785.00	\$3,140.00		\$0.00		\$0.00

TOTAL BASE BID				\$541,307.82		\$821,873.48		\$0.00		\$821,873.48	
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Additive Alternate #1											
				Engineer's Estimate		Bidder 1 MC Contractors, LLC		Bidder 2 0		Bidder 3 0	
ITEM NO.	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
A01	Install 1" Pressurized Irrigation Service	1	EA	\$3,500.00	\$3,500.00	\$4,000.00	\$4,000.00		\$0.00		\$0.00
A02	Install 1" Culinary Service	1	EA	\$5,500.00	\$5,500.00	\$6,000.00	\$6,000.00		\$0.00		\$0.00
A03	Install 4" Sewer Lateral Service	1	EA	\$9,160.00	\$9,160.00	\$9,650.00	\$9,650.00		\$0.00		\$0.00

Total Alternative Bid				\$18,160.00		\$19,650.00		\$0.00		\$0.00	
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* Denotes a mathematical error

I hereby certify that this is a true and correct Bid Tabulation for the
900 N Mill Road Roundabout



Ryan Dummer, P.E.

Heber City Council Staff Report



MEETING DATE: 7/18/2023
SUBJECT: Authorize Staff to Negotiate an Addendum to the Duke Land Lease Agreement Encompassing 15.79 +/- Acres
RESPONSIBLE: Heidi Franco
DEPARTMENT: City Council
STRATEGIC RELEVANCE: Necessary Administrative Item

SUMMARY

In July of 2018, Jon R. Duke executed a Land Lease Agreement with Heber City to farm the 15.79 +/- acres the City had previously purchased from the Duke family. The term of the agreement was for 5 years, which expires on July 20, 2023. The Duke family requests the City amend the agreement, under the same terms and conditions.

RECOMMENDATION

Staff recommends the Council authorize staff to negotiate a land lease amendment with the Duke family and authorize the City Manager to execute the new agreement, provided that the amended lease agreement contains all of the Council's desired terms. Should there be any deviations from the Council's desired terms, the agreement be brought back for further consideration and adoption.

BACKGROUND

In 2018, Heber City purchased 15.79 +/- acres from the Duke family. Accompanying the Purchase/Sale Agreement was a Land Lease Agreement which granted the Duke family the right to farm the land for agricultural purposes for a 5 year term. The annual rent was \$800 for each of the 5 years and the Agreement required the Dukes to provide a single-limit general liability insurance policy in the amount of \$500k to the City. The City also reserved the right to terminate the lease during the term if it developed 4 acres or more of the property for cemetery and/or open space purposes.

DISCUSSION

Although the City's Parks Masterplan identifies the 15.79 +/- acres as a future park, there are currently no initiatives or budget to execute on this masterplanned project. Amending the Land Lease Agreement for a new term would permit the Duke family the right to continue farming and maintaining the land. This would be a benefit to the City as the maintenance of the land would continue to be done by the Duke family.

In considering an amendment to the Land Lease agreement, the Council needs to determine what lease terms would need to be updated. For example, the following terms would need to be evaluated for updating in the amended agreement:

-Term

- Liability--single limit term insurance
- Conditions for termination
- Rent
- Other?

FISCAL IMPACT

No operation or maintenance expenses are anticipated by entering into a new lease with the Duke family. However, the annual rent would be considered general revenue.

CONCLUSION

Staff recommends the Council authorize staff to negotiate a lease amendment with the Duke family and authorize the City Manager to execute the new agreement, provided that the amended lease agreement contains all of the Council's desired terms. Should there be any deviations from the Council's desired terms, the agreement be brought back for further consideration and adoption.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: City Council
Staff member: Matt Brower, City Manager

EXHIBITS

1. Duke Farm Lease 2018-2023

LAND LEASE AGREEMENT

This Lease Agreement is made as of the 20th day of July, 2018, by and between Heber City Corporation, a body politic of the State of Utah, hereafter, (the "Landlord"), and Jon R. Duke, (the "Tenant").

IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. Subject and Purpose. Landlord leases to Tenant the 15.79 +/- acres of farm land, associated water rights / shares necessary to irrigate the farm land located in the County of Wasatch, Utah and described on the attached, Exhibit A, collectively, hereafter, (the "Property"), for Tenant's use for agricultural purposes. Tenant may not change the use of the Property without the prior written consent of Landlord. Tenant shall not engage in any activity that will cause or permit any hazardous substance or material to be stored, used or disposed of on the Property. Tenant shall maintain beneficial use of all water rights and shares appurtenant to the Property.

2. Term. Landlord leases the above Property to Tenant on a year to year lease, commencing July 20, 2018, for up to 5 years, except that during said 5 years, the City shall have the absolute right to terminate, at any time, in its sole discretion, upon the determination and subject to the certain and specific conditions (restrictive development covenant) in paragraph 2.1 below. Said termination shall be effectuated upon written notice given to Tenant from the City, exercising Landlord's right to terminate as detailed in section 14 below; provided, that, the term of this Lease may be extended by Tenant to the extent necessary to harvest the crops on the Property for the growing season in effect (if any) on the date of such termination notice (with such growing season to commence April 1 and end October 31 of each year).

2.1. The triggering conditions for termination within 5 years of this Agreement, referenced above are as follows:

2.2. The City in its sole discretion determines to develop at least four (4) acres of the Property for a cemetery or Open Space, as defined in the Heber City code.

2.3. These restrictive conditions upon the City shall terminate after 5 years from the date of this Agreement. After said 5 years, the City shall no longer be bound by the above restrictive development covenant of 2.2. The term of this Lease may be extended by Tenant to the extent necessary to harvest the crops on the Property for the growing season in effect (if any) on the date of such termination notice (with such growing season to commence April 1 and end October 31 of each year).

3. Rent. The rent under this Lease for the term shall be \$800.00 dollars per year. In addition, if Tenant fails to pay any amount required under this Lease (including, without limitation, property taxes) and Landlord instead pays such amount, all amounts paid by Landlord that are the responsibility of Tenant under this Lease shall then commence to accrue interest at the rate of twelve percent (12%) per annum until paid. The rent shall be prorated for any partial

lease year.

4. Property Taxes, Assessments, other Expenses. Tenant shall pay all real property taxes, if any, and assessments that may be assessed against the Property, and any other utilities (if any), charges, assessments, costs or expenses related to the Property (including any costs, expenses, charges or fees related to the water rights and shares appurtenant to the Property), and the maintenance thereof, without limitation whatsoever, it being the intention that the burden of all such items be borne by Tenant as if Tenant were the owner of the Property. Tenant shall pay such items on or before the date they are due; provided, that, if a tax bill or assessment or other bill or invoice is first sent directly to Landlord and not to Tenant, and if Landlord fails to forward such bill or invoice to Tenant at least five (5) days before the payment due date, then Tenant shall be obligated to pay such item five days after receipt of such bill or invoice and Landlord shall pay all late charges incurred as a result of such late payment.

6. Insurance. Tenant shall furnish and maintain at all times during the term of this Lease general liability insurance with a company authorized to do business in the State of Utah. Such insurance shall have a combined single limit of Five Hundred Thousand Dollars (\$500,000.00), shall name Landlord as an additional insured, shall provide that Landlord will be given thirty (30) days advance written notice of cancellation and shall contain a provision that Landlord, although named as an additional insured, shall nevertheless be entitled to recover under the policy for any loss occasioned to it, its agents, employees, guests, invitees, contractors and licensees. Tenant shall provide Landlord with current certificates verifying this insurance coverage. Tenant shall be solely responsible for furnishing fire and extended coverage insurance on Tenant's personal property used on the Property.

7. Alterations, Additions and Improvements. No alterations, additions or improvements in and to the Property shall be made without Landlord's written permission.

8. Repairs and Maintenance. Tenant shall perform all repairs and maintenance of the Property. Tenant shall maintain the Property in a clean condition and in a good state of repair at all times, free from debris and litter. Tenant shall not waste the Property.

9. Indemnity. Tenant shall indemnify Landlord and hold Landlord harmless against all expenses, liabilities and claims by or on behalf of any person or entity, including reasonable attorney's fees, arising out of either (1) a failure by Tenant to perform any of the terms or conditions of this Lease, (2) any injury or damage happening on or about the Property, (3) a failure by Tenant to comply with any law of any governmental authority, or (4) any mechanic's lien or security interest filed against the Property.

10. Access to Property. Tenant shall permit Landlord or its agents to enter the Property at all reasonable hours to inspect the Property.

11. Representations by Landlord. At the commencement of the term, Tenant shall accept the Property in its existing condition and state of repair, and Tenant agrees that no representations, statements or warranties, express or implied, have been made by or on behalf of Landlord in respect thereto except as contained in the provisions of this Lease, and Landlord shall in no event be liable for any latent defects in the Property.

12. Notices. All notices or communications to be given under this Lease shall be given in writing and shall be deemed given when deposited in the mail to the address shown below of the party entitled to receive notice, postage prepaid, registered or certified. The address of either party may be changed by written notice to the other party. Nothing herein shall be construed to preclude personal service of any notice in the manner prescribed for personal service of a summons or other legal process.

13. Assignment, Mortgage or Sublease. Tenant shall not assign, mortgage, pledge, sublet or encumber this Lease or the Property in whole or in part, nor shall this Lease be assigned or transferred by operation of law, without the prior consent, in writing of Landlord, which consent may not be unreasonably withheld.

14. Right to Terminate. Landlord shall have the right to terminate this Lease Agreement at any time, in its sole discretion, subject to certain and specific conditions, terms, and provisions of paragraphs 2, 2.1, 2.2 and 2.3 above. Tenant shall have the right to terminate this Lease at any time, in its sole discretion.

15. Surrender of Possession. Tenant shall, on the last day of the term, or on earlier termination and forfeiture of the Lease Agreement, peaceably and quietly surrender and deliver the Property to Landlord, all in good repair and in good condition. Tenant shall repair and restore all damage to the Property caused by the removal of equipment, trade fixtures and personal property. Any trade fixtures, equipment or personal property belonging to Tenant, if not removed upon termination, shall be deemed abandoned and become the property of the Landlord without payment or offset therefor.

16. Default or Breach. Tenant shall be deemed to have defaulted on or breached this Lease if Tenant shall fail to perform or comply with any of the conditions of this Lease and if the nonperformance shall continue for a period of thirty (30) days after notice thereof by Landlord to Tenant.

17. Remedies on Default. In the event of any default hereunder by Tenant, the rights of Landlord shall be as follows:

17.1. Landlord shall have the right, as detailed in paragraph 14 above, to cancel and terminate this Lease Agreement, as well as all of the right, title and interest of Tenant hereunder, by giving to Tenant not less than thirty (30) days' notice of the cancellation and termination. On expiration of the time fixed in the notice, this Lease Agreement and the right, title and interest of Tenant hereunder shall terminate in the same manner and with the same force and effect, except as to Tenant's liability for sums accrued prior to the date of termination, as if the date fixed in the notice of cancellation and termination were the end of the term herein originally determined.

17.2. Landlord may recover from Tenant all damages proximately resulting from the default or breach, including, but not limited to, the cost of recovering the Property or the cost of exercising any of the remedies provided herein or by law.

18. Application of Remedies. The rights and remedies given to Landlord in this Lease are distinct, separate and cumulative, and no one of them, whether or not exercised by

Landlord, shall be deemed to be in exclusion of any of the others herein, by law or by equity provided.

19. Attorney's Fees. Should any party default in any of the covenants or agreements herein contained, that defaulting party shall pay all costs and expenses, including a reasonable attorney's fee, which may arise or accrue from enforcing this Lease or in pursuing any remedy provided hereunder or by applicable law, whether such remedy is pursued by filing suit or otherwise. All parties agree to participate in formal mediation, prior to the commencement of legal action.

20. Miscellaneous. This Lease contains the entire agreement between the parties with respect to the subject matter hereof and cannot be changed or terminated except by a written instrument subsequently executed by the parties hereto. This Lease and the terms and conditions hereof apply to and are binding on the heirs, legal representatives, successors and assigns of both parties. This agreement shall be governed by and construed in accordance with the laws of the State of Utah. Time is of the essence in all provisions of this Lease.

IN WITNESS WHEREOF, the parties have executed this Lease on the date set forth above.

Tenant:



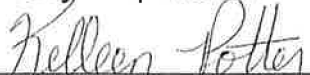
Jon R. Duke

Address:

477 East 500 North
Heber City, Utah 84037

Landlord:

Heber City Corporation

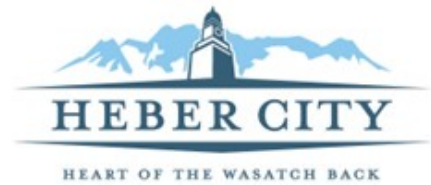
By: 

Kellen Potter, Mayor

Address:

C/O Matt Brower, City Manager
75 North Main Street
Heber City, Utah 84032

Heber City Council Staff Report



MEETING DATE: 7/18/2023

SUBJECT: Consider Approval of the Children's Playground and Theme Associated with Wasatch Vista Park as Recommended by the Parks, Open Space, Trails, and Tree Advisory Committee.

RESPONSIBLE: Matt Brower

DEPARTMENT: POSTT

STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
 2. Approve as amended
 3. Continue
 4. Deny
-

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 - Denial

I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: POSTT
Staff member: Matt Brower, City Manager

EXHIBITS

1. WVP PP

Wasatch Vista Park

Play Equipment



Park Area:





Current Park Amenities:

Fitness Court

FITNESS COURT
HOW IT WORKS

The Fitness Court® is a full body circuit training center comprised of 7 movement zones. Each zone offers hundreds of exercises, and targets different parts of the body through functional movement patterns. Rotate through the zones spending 45 seconds of exercise and 15 seconds rest in each zone for a 7 minute full body workout.

Download the Fitness Court® App for a library of hundreds of exercises and workouts or get started below with these instructions and movement lists of each of the 7 zones.

7 Movements • 7 Minutes

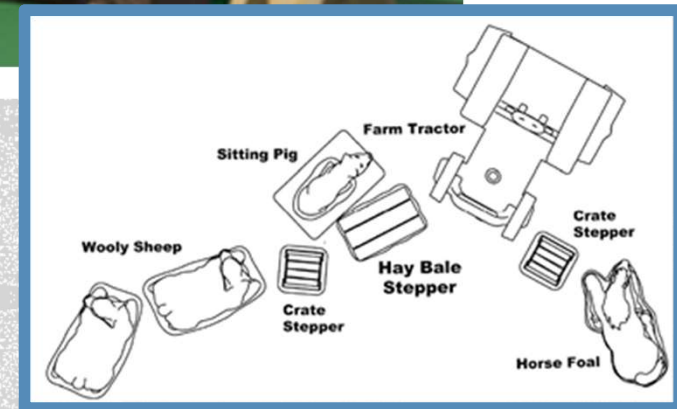
See below for 3 exercises that can be performed in each zone, corresponding to major muscle groups, and difficulty level. These 42 exercises are the basics - there are hundreds of ways to use the Fitness Court! These are just a few of the many exercises and muscle groups.

FITNESS COURT ZONE	EXERCISE DIFFICULTY LEVEL	TARGET MUSCLE GROUPS		
	EASY	MEDIUM	HARD	
1 CORE	[Illustration]	[Illustration]	[Illustration]	
2 SQUAT	[Illustration]	[Illustration]	[Illustration]	
3 PUSH	[Illustration]	[Illustration]	[Illustration]	
4 LUNGE	[Illustration]	[Illustration]	[Illustration]	
5 PULL	[Illustration]	[Illustration]	[Illustration]	
6 ABILITY	[Illustration]	[Illustration]	[Illustration]	
7 BEND	[Illustration]	[Illustration]	[Illustration]	



Themed Play Equipment:

Farm Theme



(concept part, subject to change)



Installed in woodchips.



Farm Pig

This little piggy went to the playground. The Farm Pig is a great addition to any farm or barn theme, adding a friend for kids to include in imaginative games.

(concept part, subject to change)

Material: PolyFiberCrete®
Finish/Texture: Light sandblast
Anti-graffiti: Acrylic sealer

Color Options:
Standard pictured.
Custom available.
Full or partial mosaic available.
Colors may vary from pictures.

For Ages: 2-12
Estimated Users: 3
Footing: Integral to part
Highest Designated Play Surface: 1'-4"
Installation: Install using two (2) straps under part.

Weights can vary up to 5% and dimensions ± 1-inch.
Colors may vary from rendered and photo images.



Footing integral to part



Installed in woodchips.

a part of Creatures by UPC Parks



Wooly Sheep

The Wooly Sheep is great for barnyard and farm themes. Her realistic details make her a friendly addition for any imaginative and themed play.

Material: Imagacast
Finish/Texture: Light sandblast
Anti-graffiti: Acrylic sealer

Color Options:
Standard pictured.
Custom available.
Full or partial mosaic available.
Colors may vary from pictures.

For Ages: 2-12
Estimated Users: 4
Footing: Integral to part
Highest Designated Play Surface: 2'-9"
Installation: Install using two (2) straps under part.



12" wood chips shown

12" of part to be installed below finish grade, either: 12" of wood chips, or 12" of fill and safety surfacing.

Farm Tractor

part of the Imagacast line



Installed in woodchips.



Farm Tractor

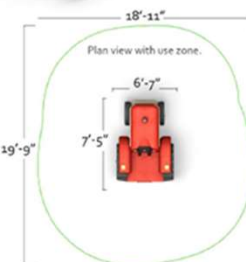
The Farm Tractor allows young minds to ride through the family farm. The realistic design offers imagination and an accessible style of play value for children of various ages and abilities.

Material: Imagacast
Finish/Texture: Light sandblast
Anti-graffiti: Acrylic sealer

Color Options:
Standard pictured.
Custom available.
Full or partial mosaic available.
Colors may vary from pictures.

For Ages: 2-12
Estimated Users: 7
Footing: Integral to part
Highest Designated Play Surface: 4'-3"
Installation: Install using two (2) straps under part.

Weights can vary up to 5% and dimensions ± 1-inch.



12" of part to be installed below finish grade, either: 12" of wood chips, or 12" of fill and safety surfacing.



Installed in woodchips.



Horse Foal

From the barnyard to the Old West, the Horse Foal is great for imaginative and themed play. She is a friendly addition to any playground and pairs well with the Mama Horse.

Material: PolyFiberCrete®
Finish/Texture: Light sandblast
Anti-graffiti: Acrylic sealer

Color Options:
Standard pictured.
Custom available.
Full or partial mosaic available.
Colors may vary from pictures.

For Ages: 2-12
Estimated Users: 3
Footing: Integral to part
Highest Designated Play Surface: 2'-10"
Installation: Install using two (2) straps under part.

Weights can vary up to 5% and dimensions ± 1-inch.
Colors may vary from rendered and photo images.



Footing integral to part



Installed in woodchips.



Hay Bale

This simple play piece is great for sitting and for augmenting farm and Old West themes. The Hay Bale also makes for a simple little climber.

Material: Imagacast
Finish/Texture: Light sandblast
Anti-graffiti: Acrylic sealer

Color Options:
Standard pictured.
Custom available.
Full or partial mosaic available.
Colors may vary from pictures.

For Ages: 2-12
Estimated Users: 3
Footing: Integral to part
Highest Designated Play Surface: 1'-5"
Installation: Install using two (2) straps under part.



12" wood chips shown

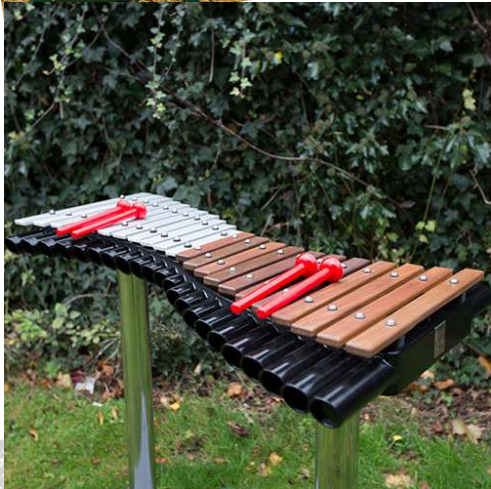
12" of part to be installed below finish grade, either: 12" of wood chips, or 12" of fill and safety surfacing.



Harmony
Flowers



Sunflower
Drum

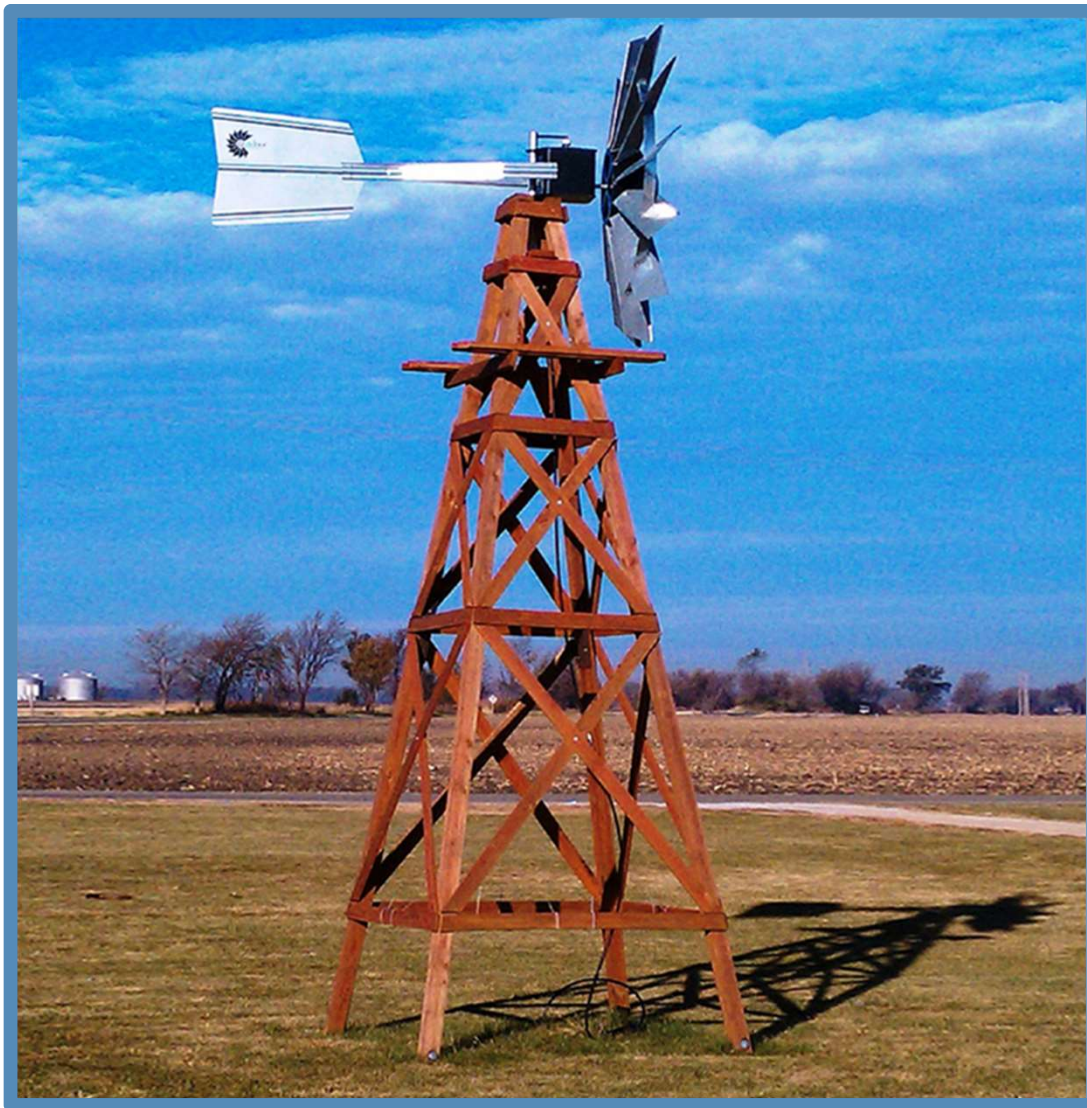


Rain
Wheel



Daisy Rain Wheel Panel

Musical Play Equipment Options



Windmill Feature:

Includes historic markers attached to the windmill that highlights the history of local farm families.

