

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
November 5, 2024**

APPROVED Minutes

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

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

Mayor Franco called the meeting to order at 4:06 p.m., welcomed everyone present, and recognized that it was Election Day for the Country.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Aaron Cheatwood
Council Member Mike Johnston
Council Member Sid Ostergaard
Council Member Scott Phillips
- online at 4:30 p.m. and in person at 5:40 p.m.

Staff Present: City Manager Matt Brower
Community Development Director Tony Kohler
Planning Manager Jamie Baron
Finance Director Sara Jane Nagel
Public Works Director Matthew Kennard
Public Works Foreman Rance Echols
Public Works Foreman Chris Pederson
IT Director Anthon Beales
City Engineer Russ Funk
Airport Manager Travis Biggs
Parks and Cemetery Director Mark Rounds
City Attorney Jeremy Cook
City Recorder Trina Cooke
Chief of Police Parker Sever

Staff Participating Remotely: Police Officer Josh Weisher, IT Director Anthon Beales, Planner Jacob Roberts, Planning Manager Jamie Baron, Deputy City Recorder Robin Bond, Treasurer Mindy Kohler, Public Works Director Matthew Kennard, Human Resources Manager Cherie Ashe, City Engineer Russ Funk, and Planning Administrator Meshelle Kijanen.

Also Present: Jay Townsend, Rachel Kahler - CAMS, Greg Royall, Eric Ramirez, Tori Broughton, Michael Moulton, Kristy Bond, Di Ann Duke Turner, Ron Carlile, Luke Searle, Jason Talley, Jacob Erickson, Ryan Bunnell, Christen Thompson, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed-in online) Cory Jensen - Utah SHPO, Phil Jordan, Piper Riddle, Rebecca, Amber Anderson - State Historic Preservation Office, BProbst, Chelsea C, D, Dallin, Darek Slagowski, Edwards, Grace Doerfler, Huh, Jami Hewlett, Jeff Mabbutt, Jen, John, John Olsen, L. Dinga, Mark, Marsh, NA, Nick Lopez, Rebecca, S, and Zach.

1. Review of Heber Valley Airport Rates and Charges in the Consolidated Fees Schedule (Travis Biggs, Airport Director, Ryan Leick, Aeroplex Group Partners) - *60 min*

Airport Advisory Board (AAB) Chair Jason Talley, advised he owned one of two commercial businesses at the airport. He listed the AAB members and described the AABs work to hold quarterly meetings to discuss the needs of the Airport, its tenants, and the community. He provided the background of the AABs review and recommendations for the Rates and Fees Study Update proposed for the Heber Valley Airport. Mr. Talley questioned the transparency of a meeting between the second business owner at the airport, an FBO (Fixed Base Operator) named OK3, and the City Staff and Consultants. He felt that Staff and the consultants had failed to forward the AABs recommendations, as given, for the proposed updates to the Airport's Rates and Fees Study for Council consideration as was required by the City's ordinance. His request to Council was to allow the AAB to hold a special meeting to review the proposed legal changes to the rates and fees, and forward a renewed and unedited recommendation for Council consideration. He wanted to have the City Council representatives for the AAB present. He felt that if an FBO wished to address concerns, it should be done in a public meeting.

Mayor Franco outlined the passages referenced by Mr. Talley found in the current Airport Advisory Board Bylaws adopted by Resolution 2023-12. Mr. Brower noted the Staff Report had been compiled by the Airport's Legal Counsel Steve Osit and there was no action to be taken by Council that evening. He added that any alterations to the AAB recommendations had been based on legal recommendations.

Ryan Leicke, Aeroplex Consultant to the Airport, reviewed the Financial Feasibility Analysis, provided Study Context, shared a revised fee menu, and provided possible revenue options, as considered in the Rates and Fees Study results, and as included in the attached meeting materials. He provided background information regarding the study process, including a Fee Schedule Comparison reflecting the differences between the recommendations of the AAB versus Staff. Council discussion regarding fuel flowage fees and landing fees followed.

Airport Manager Travis Biggs clarified the commercial operators at the airport included a small flight school, Mr. Talley's electric aircraft operation, OK3, and a few commercial balloon ride-operators. Council Member Johnston noted the minimal revenue generated by the commercial operators. Parking fees were proposed for a rental car company and long-term parking. Mr. Brower proposed the recommendations on the revenues be reviewed annually to ensure they were amended and updated to address the current operational and capital needs of the airport. He added that the consultants had also proposed to annually review the capital projects identified. The FBO, OK3, was working on defining "regional trends" for fuel-flowage rates. The regional trends needed to be identified before Staff could recommend a fuel-flowage rate increase for the airport. The deadline for the Airport to increase the fuel-flowage rates was January 2025. Council discussion continued.

As a commercial operator at the Heber Valley Airport, Mr. Talley described the electric plane sales business he operated and the revenue generated. He stressed the importance of holding discussions in a public forum and wanted to see all fees applied equitably and fairly. He asked to hold a special AAB meeting the following week in order to forward a recommendation to Council before the next City Council Meeting scheduled for November 19, 2024. Mr. Talley asked Council to clarify whether they would consider the exemption of smaller aircraft from landing fees. Council Member Phillips noted the landing fee at the Heber Valley Airport for his small aircraft was four dollars and felt more airport revenue would be generated from increasing lease rates.

2. National Historic District & Historic Buildings Survey (Rachel Kahler, CAMS Executive Director) - 60 min

Executive Director of CAMS, and Historic Preservation advocate, Rachel Kahler, recognized residents present that had taken great lengths to maintain the historic preservation of the homes they owned. They were present that evening to discuss establishing a historic district in Heber City. Ms. Kahler shared grant opportunities available to designated historic districts. She listed communities that had established National and Local Historic Districts and the advantages and economic benefits that resulted from establishing said Districts. She explained the difference between a Local Historic District and a National Historic District. The Local Districts offered additional protection and the National Districts qualified for monetary assistance. Ms. Kahler wanted the City to apply for the National Historic District to enable property owners to apply for grants and income tax credits for the rehabilitation of their homes. She noted that the historic downtown area of Heber City offered affordable and attainable housing.

Amber Anderson and Cory Jensen, with the State Historic Preservation Office (SHPO), were present online to offer additional information regarding Historic District designation qualifications as well as tax-breaks and grant opportunities. A reconnaissance survey was required to earn the historic building designation. Council discussion regarding what would constitute a historic district designation followed.

Ms. Kahler shared mapped images of the area proposed in Heber City for a National Historic District. She indicated the need that night was for the City to agree to apply for a CLG (Certified Local Government) grant and clarified that the Heber City Staff would not be asked to do the work. It would be done by a consultant. Consensus of Council majority wished to proceed.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Heidi Franco called the meeting to order at 6:17 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Scott Phillips, Council Member)

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

3. Prayer/Thought by Invitation (Heidi Franco, Mayor)

Mayor Heidi Franco shared a prayer.

IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts disclosed.

V. CONSENT AGENDA:

Council Member Phillips inquired whether the nominees to the Historic Preservation Commission needed to live in Heber City proper. He noted that Kristy Bond lived outside the City's boundary. City Attorney Jeremy Cook agreed to look into the requirements and if it was not permitted to live outside City limits, the motion to approve the nomination would be invalidated.

Motion: Council Member Barney moved to accept the Consent Agenda as is.

Second: Council Member Phillips made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. **The Motion Passed Unanimously, 5-0.**

1. Approval of October 1, 2024, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Adoption of Resolution 2024-19 Heber City (SSMP) Sanitary Sewer Management Plan (Matthew Kennard, Public Works Director)
3. Mayoral Nomination to the Airport Advisory Board (AAB), Historic Preservation

Commission, and the Parks, Open Space, Trails, and Trees (POSTT)
Committee (Heidi Franco, Mayor)

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

No one from the public came forward to comment.

VII. GENERAL BUSINESS ITEMS:

1. Downtown Infrastructure Replacements Project Update (Russ Funk, City Engineer) - *10 min*

City Engineer Russ Funk provided the monthly update of ongoing water and sewer line replacements and the anticipated timeline for finalization of each. He said the cemetery section of Heritage Farms Parkway was now open but noted some final details before completion. He informed that the pressurized irrigation metering project was approximately 45% complete and would continue into next year. Mr. Funk wished to prepare Council for an upcoming agenda item to consider a requested amendment to the Jordanelle Ridge transportation plan. He shared a map image of the proposed changes as well as his concerns. Council discussed the proposed changes from the original plan.

2. Monthly Public Safety Report (Parker Sever, Chief of Police) - *10 min*

Chief of Police Parker Sever provided the public safety update for Heber City. He shared the success of the newly implemented license plate reading cameras and software.

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

1. Acceptance of Provost Annexation Petition (Jamie Baron, Planning Manager) - *20 min*

Planning Manager Jamie Baron shared the location of the proposed annexation. The City's annexation Policy Plan did not encompass the entire property. There was a corner that had been omitted for the purpose of the possible bypass installation. He wished to receive Council feedback regarding whether to include the entire property and amend the Annexation Policy Plan. The zoning for the area within the County was one home per five acres.

City Engineer Russ Funk wished to provide background for the annexation area. When the annexation was approved for the land where the new high school was being constructed, there were roads planned in the transportation master-plan to accommodate the potential traffic. Because of the Council's previous indication that the City would not annex west of the high school, the roads and sewer capacities were not installed to accommodate higher density levels.

Rulon Gardiner, property-owner representative, indicated they were looking for preliminary approval of the annexation petition to work with the staff. They were not necessarily seeking the density reflected in the images presented but had been asked to provide a possible design. Property-owner Nick Provost had owned the land and farmed it for 30 years. The new high school was being constructed was right next to his home and he wished to sell the land for home development. He felt it was no longer a place for a farm and should be used to install homes.

The Council expressed concern with the bypass corridor preservation, open space preservation, and developing land in the North Fields.

Public comment:

Christen Thompson, Heber City resident, expressed gratitude for the work of the Council. He was looking forward to the downtown revitalization plans but expressed concern with the urban sprawl that was taking place. He reviewed the Highlands development plans and the added density coming to Heber City. He was concerned the City was not doing enough to preserve the open space as outlined in the general plan. He had been disappointed in the lack of natural vegetation preserved surrounding new development.

With no one further coming forward to offer public comment, the comment period was closed.

Council Member Ostergaard clarified the proposed annexation petition was before Council that evening to be accepted for consideration, not approval. He noted that while he did wish to preserve the North Fields, it did make sense to have homes around the school for walkability. Council Member Barney recognized the intrusion on the Provost's life but felt the Council needed to heed the desire of the community to preserve the North Fields. She was hesitant to approve additional density and did not wish to proceed. Council Member Cheatwood expressed empathy for the Provosts situation but recognized that the citizens had indicated they did not wish to see the area developed. Council Member Johnston felt the proposal did not align with the City's plan and did not want to annex anything that could interrupt the bypass for UDOT. Council discussion continued regarding the change of zoning proposed in the concept plan, preservation of the North Fields, and the bypass corridor.

Motion: Council Member Barney moved to deny the Provost Annexation Petition.

Second: Council Member Cheatwood made the second. **Voting Yes:** Council Members Cheatwood, Barney, and Johnston. **Voting No:** Council Members Phillips and Ostergaard. **The Motion to deny the petition Passed 3-2.**

2. Old Mill Village Impact Fees (Jamie Baron, Planning Manager) - 20 min

Planning Manager Jamie Baron described the requested impact fee waiver. Staff had worked with the City Attorney and did not find a reason the project would be eligible for an impact fee waiver or reimbursement. Applicant Jacob Erikson further explained why he felt the project should get the fee waiver requested. Mayor Franco felt the development had been allowed much higher density than outlined in the master plan and reviewed the ERU (Equivalent Residential Units) calculations. Council discussion continued to further explain ERU calculations and that the impact fees were determined by the density.

Motion: Council Member Barney moved to deny the Old Mill Village impact fee reimbursement request. **Second:** Council Member Cheatwood made the second.

Discussion: Council Member Ostergaard recognized it was an unfortunate situation and felt the Council should re-evaluate the impact fee calculation in an effort to make development affordable and for the City to meet its affordable housing quota. Council Member Johnston commented that a re-analyzation of the impact fees paid for the project would most likely determine the fees had been appropriate based on the different types of housing units in the development. City Engineer Russ Funk indicated the Engineering Department was in the process of updating the master plan and was studying the impact fee calculations. Council Member Cheatwood referred to a developer that had been before Council at a previous meeting that had stated the Council should not consider the impact fees when discussing affordable housing but rather other elements involved. He expressed appreciation to Mr. Funk for reminding Council that the impact fees prevented costs for new development from falling to existing residents.

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

3. Removal From Office Planning Commission Appointee (Scott Phillips, Council Member, Mike Johnston, Council Member) - *5 min*

Mayor Franco read section 18.12.115 of the City Code:

18.12.115 Planning Commission Terms Of Office, Organization And Removal From Office: C. Removal from Office. Any appointive officer may, at any time, be removed from office by the action of the appointive power with the concurrence of a majority of all the City Council, or of a majority of all the City Council with the concurrence of the appointive power.

Mayor Franco felt there needed to be a Council Member's name associated with the agenda item. Council Members Phillips and Johnston agreed to have their names on the agenda item. Mayor Franco further explained the agenda item had been intentionally delayed to avoid impacting the election results.

Council Member Barney shared the following statement from Winston Lee:

"Dear Mayor and City Council,

I have been asked to explain the issue I had with Jamie Hewlett regarding the letter she wrote and distributed in my name. I have recently learned that she holds a position and that this position is now in question. I have not asked for her removal nor do I have an opinion on whether she should be removed or not. The reason I don't have an opinion is because I have very limited knowledge and understanding of the functions of local government and I feel that I am unqualified to make a judgement on this.

I met Ms. Hewlett about a week before she distributed a letter supposedly written by me and with my name typed at the bottom. Her husband came into Lee Music and asked if I'd like to sign my name, email, and phone number to a roster that would protect buildings in my area and also notify me of important updates regarding the new developments. I gave him my information and I explained to him that I had reached out to the city planner and had been reassured that my building would not be torn down for the development. Mr. Hewlett then called his wife. He put her on speaker phone and told her that the city planner had reassured me. She claimed that I didn't know the whole story and that I had been deceived. Mr. Hewlett then asked if his wife could do a Tik Tok video about my business. I agreed. Ms. Hewlett showed up at my store about an hour later and we filmed a Tik Tok video - a tour of Lee Music. She then reiterated that my building was in danger and that I was being lied to about not being in danger.

After Ms. Hewlett left my store, I sent an email to the City Council and to the Chamber of Commerce asking if my building was in danger. I immediately received a response from Aaron Cheatwood. He reassured me that there were no plans to tear down my building. I also received a response the next day from Dallin at the Chamber. He also reassured me that there were no plans to tear down my building.

About a week later, the morning of a city council meeting, Ms. Hewlett called me while I was getting ready for work. She sounded distressed and wanted to tell me about a council meeting. I told her I was hurrying to get ready for work and didn't have time to talk. After I took a shower, I checked my texts. Jamie had sent the following text: "I sent you an email It is urgent Please send this to all of your students Your whole list" I didn't have time to look at the email she had sent me. I responded: "Thanks, Jami". She then sent a text "If you share it on Facebook I can share it from your post" I didn't respond. After driving to work I opened the email. It was a shocking email, describing my building as being in danger and asking people to support me at the council meeting that night. I deleted the email and thought that deleting it and not replying would put the issue to rest. She had asked me to send it to my students. I had no intention of sending it to my students. If she had asked permission to send it to anyone else I would have adamantly told her no.

Early that same afternoon I was visited by Shelly and Lynette from Chick's Cafe. They

looked dismayed. They informed me that they would be attending the council meeting to support me and that they had my back. I had no idea what they were talking about. They said they had read my "Facebook post". I told them that I hadn't posted anything on Facebook. They said it was signed by me. I knew then that Jamie had sent the letter out on Facebook without notifying me or asking my permission. I then sent her a text "I should have been direct with you. I don't have a position. I'm neutral. I don't want my name being used for any argument." She responded with many texts afterwards: "Okay. Are you okay with your building being torn down? I think we have enough momentum to change this. But I need you to be on board. Everyone is ready to support you." I ignored her texts. Next, I received a text from Rob Sorensen. He asked if I had written the letter because he was ready to send it out to his contacts. I told him that I had not written the letter.

It was clear to me that Ms. Hewlett had no intention of leaving me out of it. So I sent an email to the City Council explaining that I didn't write the letter and that I had a neutral position. I also clarified that Ms. Hewlett had written the letter.

My opinion is that Ms. Hewlett used my building and my name to push her own agenda. Although I am not angry with her, I think her actions were careless, thoughtless, and reckless. As a music teacher, I need my students to see me as a music mentor, not a political activist. I didn't press charges because I didn't want to hurt Jamie. I think that in her mind she was doing what she felt was best for the community, while not considering how it could hurt me.

I hope this letter helps clarify what happened.

Thanks,
Winston Lee"

Motion: Council Member Barney made the motion to remove Alternate Planning Commissioner Jamie Hewlett from the Planning Commission. **Second:** Council Member Ostergaard made the second.

Discussion: Mayor Franco stated the term of the Alternate Planning Commissioner was a two-year term. She read the Rules of Order that prevented her from removing the agenda item as it had been placed there by a Council Member. Council Member Cheatwood clarified his request to postpone the agenda item until after the election. He had not wanted anything to interfere with the election. He had hoped to see a resignation rather than the Council having to vote to remove Ms. Hewlett from the position. Council Member Barney expressed disappointment regarding comments made in the media that implied it was the Mayor that had moved the item from the previous meeting's agenda.

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

IX. COMMUNICATION:

City Manager Matt Brower shared the following communication items:

- the joint Wasatch County Council/City Council Meeting to discuss the CRA (Community Reinvestment Agency) and the School and Institutional Trust Lands Administration (SITLA)/Christensen Annexation was scheduled for November 13.
- UDOT (Utah Department of Transportation) would also attend the meeting to discuss the bypass and additional imminent projects that would impact traffic for the community. Council discussed project timeline discrepancies given by UDOT.
- the Main Stage construction completion was scheduled for December 1. Planning Manager Jamie Baron further explained the project completion timeline. Council Member Ostergaard thanked Ryan Bunnell, Jamie Baron, and Matt Brower for taking the brunt of the frustrated business owners due to ongoing construction. Council discussed the importance of maintaining business access surrounding the construction area, and the installation of pavers on 200 South.
- the 6th annual All Hands conference for Staff had gone very well. Mr. Brower had challenged staff to utilize AI (Artificial Intelligence). He would introduce an AI policy. Council Member Cheatwood recommended contacting Executech for their AI policy and warned of the risks.

X. CLOSED MEETING:

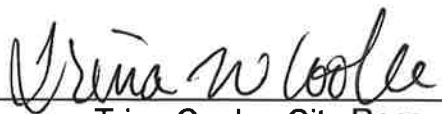
1. UCA 52-4-205(1)(a) Discussion of the Character, Professional Competence, or Physical or Mental Health of an IndividualH3b3rC1ty - 30 min

No closed meeting was needed.

XI. ADJOURNMENT:

Motion: Council Member Cheatwood made the motion to adjourn. **Second:** Council Member Ostergaard made the second. The meeting adjourned at 8:47 p.m.




Trina Cooke, City Recorder