

**HEBER CITY CORPORATION  
75 North Main Street  
Heber City, UT 84032  
Heber City Council Meeting  
November 19, 2024**

**APPROVED Minutes**

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

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

Mayor Pro-Tem Aaron Cheatwood called the meeting to order at 4:03 p.m. and welcomed everyone present.

**City Council Present:** Mayor Heidi Franco - remotely  
Council Member Yvonne Barney  
Council Member Aaron Cheatwood - Mayor Pro-Tem  
Council Member Mike Johnston  
Council Member Sid Ostergaard  
Council Member Scott Phillips - remotely

**Staff Present:** City Manager Matt Brower  
Assistant City Manager Mark Smedley  
Community Development Director Tony Kohler  
Planning Manager Jamie Baron  
City Engineer Russ Funk  
Finance Manager Sara Jane Nagel  
City Attorney Jeremy Cook  
Chief of Police Parker Sever  
City Recorder Trina Cooke

**Staff Participating Remotely:** IT Manager Anthon Beales, Assistant City Manager Mark Smedley, Human Resources Manager Cherie Ashe, Engineer Kyle Turnbow, Public Works Director Matthew Kennard, Finance Manager Sara Nagel, Planning Manager Jamie Baron, Deputy City Recorder Robin Bond, and Wendy Anderson.

**Also Present:** Michael Mills, Paul Watson, Marian Crosby, Andy Dorobek, Neil Goldman, Katie Wilding, Russell Skousen, Oscar Covarrubius, Mike Bradshaw, Jill Snyder, Eric Hales, Clint Neerings, Maxx Cohen, Hans Anderson, Del Barney, Mark Rounds, Andrea Clayton, Rachel Kahler - CAMS, John Jansen, Adam Long, Jason Norlen, John Scheid, Thomas Coleman, Tori Broughton, Mark Nelson, and others who did not sign in or whose handwriting was illegible.

**Also Attending Remotely:** (names are shown as signed-in online) Phil Jordan, Beau Thompson, Greg, Jacquelyn, KPCW, Michael Demkowicz, Michael Mills, Michelle Robbins, S, Justin Keys, Chris Pedersen, Ileana A, JB, and Tim Robbins.

1. Provo River Restoration Project and Potential Impacts from Proposed Annexations (Michael Mills, Executive Director, URMCC) - 20 min

Michael Mills, with the Provo River Restoration Project, provided the purpose and background for the project. He reviewed the habitat restoration. The potential annexations that had filed petitions with Heber City caused concern for stormwater runoff into the Provo River. Mr. Mills noted the river was very important to maintaining the critical water supply for the Valley.

2. North Village Crossings/Resort Annexation and Associated Development Agreements for the Harvest Village and North Village Crossings Developments (Tony Kohler, Community Development Director, Jeremy Cook, City Attorney ) - 60 min

Community Development Director Tony Kohler provided a project summary. He reviewed the project map and the annexation process, including the negotiation of the Master Development Agreement. There were two development projects included in the annexation: the North Village Crossings, and Harvest Village Resort. The project representatives reviewed development design concepts for the North Village Crossings. City Attorney Jeremy Cook explained the purpose of the annexation negotiations with the developer was to allow the City to help guide a more desirable development. If the proposed annexation area were to remain outside the City boundary, in the County, the City would have no say in the development. Discussion regarding the project's design concepts, proposed density, and the annexation process continued.

Council Member Barney indicated that she would not support the annexation. Council Member Johnston wished to negotiate something that was win/win for City and the developer for the area. He provided more history regarding the development's previous negotiations with the County which had grandfathered the density for the developments in the area. He noted the benefits to the City if the annexation were approved versus the City feeling all the impact of the development in the County without receiving any of the benefits. Council Member Phillips reiterated that the development would be built whether it was annexed into the City or not. He hoped it would be in the City for the City to receive the potential sales tax revenue benefits. He also wanted to limit the building height to match the maximum allowed in the county.

Rich Wallsberg, development representative, indicated their efforts to be responsible with the project. He referred to the proposed hotel, restaurants, gas station, and commercial business that would provide revenue for the City. Discussion continued.

Mr. Kohler asked the Council to review the list of requested direction needed by Staff before the next presentation to help move forward.

3. Request from Jordanelle Ridge to Modify Upper Village Transportation Master Plan (Russ Funk, City Engineer) - 30 min

This agenda item was not discussed during the Work Meeting but would be discussed during the General Business portion of the agenda.

## II. BREAK - 10 MIN

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

1. Call to Order

Mayor Pro-Tem Aaron Cheatwood called the meeting to order at 6:20 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Sid Ostergaard, Council Member)

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

3. Prayer/Thought by Invitation (Yvonne Barney, Council Member)

Council Member Yvonne Barney recognized it was currently Native American month and read the following quotes:

"There is a longing among all people and creatures to have a sense of purpose and worth. To satisfy that common longing in all of us, we must respect each other."

"When Christ said that man does not live by bread alone, he spoke of a hunger. This hunger was not the hunger of the body. It was not the hunger for bread. He spoke of a hunger that begins deep down in the very depths of our being. He spoke of a need as vital as breath. He spoke of our hunger for love. Love is something you and I must have. We must have it because our spirit feeds upon it. We must have it because without it, we become weak and faint. Without love, our self-esteem weakens. Without it, our courage fails. Without love, we can no longer look out confidently at the world. But with love, we are creative. With it, we march tirelessly. With it, and with it alone, we are able to sacrifice for others."

- Chief Dan George

## IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Oath of Office for Police Officer Kyle Pitt

Chief of Police Parker Sever introduced new officer Kyle Pitt and City Recorder Trina Cooke swore him in.

## V. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed.

## VI. CONSENT AGENDA:

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

1. Approval of October 15, 2024, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Policy Update to Increase Fixed Asset Threshold (Del Barney, Audit Committee Member) - *10 min*

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

Council Member Barney read a public comment received via email regarding an accident between a pedestrian and an e-bike. The email is attached to the end of the meeting minutes. City Manager Matt Brower shared that the City was looking into an e-bike policy and possibly partnering with Midway for a safety fair in the spring. The City was also looking into enforcement. Chief of Police Parker Sever added that the State had adopted new laws regarding e-bikes and the Police Department was planning to release public service announcements to inform and educate the community.

Maxx Cohen, property owner on Moulton Lane, wished to share his concerns with the proposed annexations discussed during the Work Meeting. He wanted the City to follow its North Village Overlay Zone code. The annexations would be an enormous development installed next to his home, impacting his views and way of life. He read section 9 from the City's existing zoning code for the area that required landscape buffering and set building-height restrictions.

## VIII. GENERAL BUSINESS ITEMS:

1. Utah Department of Transportation Update (UDOT) on the Heber Valley Corridor and Highway 40 Barrier (UDOT) - *25 min*

Craig Hancock, Utah Department of Transportation (UDOT) Region 3 Manager and the Heber Valley Corridor EIS (Environmental Impact Statement) Project Manager, presented an updated travel demand model for Highway 40 through the Heber Valley. He outlined the purpose for the Heber Valley Corridor Project to provide a bypass to alleviate the traffic pressure of transient vehicles passing through the Valley, and large commercial truck traffic. He reviewed the five alternative routes proposed and the screening process and criteria. Mr. Hancock provided a process timeline with a final EIS and ROD (Record of Decision) anticipated by spring of 2026.

UDOT Staff agreed to hold monthly coordination meetings with local governments and regular stakeholders to keep everyone informed.

Naomi Kisen, Environmental Program Manager for UDOT, wished to clarify that UDOT was not contemplating alternate routes from the ones previously presented that had been established since the beginning of the EIS study. Ms. Kisen described UDOT's policy towards development impact and bypass routes. She described the possible setbacks UDOT would face if working around a development within the proposed annexation.

Niel Goldman, with the proposed Harvest Village annexation project, shared a side-by-side image of the currently proposed development versus the approved water park design approved with the County. He shared images reflecting how the bypass routes could work with their development design. The project representatives hoped to annex and begin development sooner than the completion of the bypass.

Council wanted clarification regarding whether or not the proposed annexation could potentially delay the construction of a bypass. City Attorney Jeremy Cook clarified the intention of Staff to bring a completed development agreement forward in conjunction with the annexation approval process. City Engineer Russ Funk reminded Council of the need to preserve the bypass route options.

Erik Rasband, Project Manager for UDOT, described a proposed raised barrier down the middle of Highway 40 to improve safety. Between 2019 and 2022 there had been 11 crashes on Highway 40, six had serious injuries and one had resulted in a fatality. The proposed barrier could reduce serious crashes by up to 80%. A reduced speed limit would not reduce the number, or severity, of crashes. He shared an image reflecting the proposed future installation of traffic signals along Highway 40.

Council Member Phillips supported the barrier but felt it might be more urgent to install the traffic signals. Mr. Rasband said UDOT continued to move forward with the traffic signals and had the work under contract. Council Member Johnston expressed support for the barrier. City Engineer Russ Funk shared the transportation plan that would permit traffic to travel to a signalized intersection to cross Highway 40. Consensus of Council majority expressed support for the proposed traffic barrier.

2. Follow-Up Discussion on SLC/Heber City Tour & Central Heber Overlay Zone  
(Tony Kohler, Community Development Director, John Janson, Planning  
Consultant) - *45 min*

Community Development Director Tony Kohler indicated that Staff was seeking Council input for concept and structure ideas that the Council would support for the Central Heber Overlay Zone vision based upon the site tours taken the previous month.

Planning Consultant John Janson shared new discussion items to help Council

determine a direction they would like to take, including infill types to pursue, combining Midway Lane and a downtown transition overlay into one overlay, and providing additional uses for preserved historic homes. He suggested overlay zone sub-districts, new and/or revised land-use concepts within the overlay zones, including architectural standards. Council discussion continued regarding accessory dwelling units (ADUs), garage apartments, mansion homes, townhouses, multi-family courtyard developments, and mixed-use buildings including residential and commercial. Mr. Janson explained the State definition of a conditional use designation was not intended to disallow certain uses. City Attorney Jeremy Cook further clarified the conditional-use determination. Council Member Johnston felt there needed to be several options for property owners to encourage the preservation of the downtown historic homes. He outlined his ideas for the area. Council discussion continued.

3. Request from Jordanelle Ridge to modify Upper Village Transportation Master Plan (Russ Funk, City Engineer) - 30 min

City Engineer Russ Funk was seeking feedback from Council regarding three proposed changes to the Upper Village Transportation Master Plan located in the Jordanelle Ridge development. He shared images of the original plan and the plan with the proposed changes. Jordanelle Ridge representative Mike Bradshaw explained that design improvements had presented themselves as development had progressed. He shared maps of the planned developments in the area and described the proposed alternative road routes for the area and the projected traffic patterns for future residents. Council discussion proceeded.

Fire Chief Eric Hales shared the fire safety concerns of the new development's roads. He stated the fire department needed the roads to have connectivity between the neighborhoods for their access.

Mr. Funk shared that a shorter route was going to be more appealing to drivers. He had the traffic consultants perform an analysis to determine the amount of trips in the proposed plan. He referred to the looping road that was established in the original master transportation plan. He needed to know if the Council supported the private road proposed and who would be responsible for the maintenance of the public road proposed. Council discussion continued.

It was decided to return the item for further discussion to the December 3, 2024, City Council Meeting.

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

1. Public Hearing and Possible Council Action on Resolution 2024-18 to Amend the FY 2025 Budget (Sara Nagel, Finance Manager) -

Finance Manager Sara Nagel presented the proposed budget amendment information as included in the meeting materials.

The Public Hearing was opened for public comment at 9:40 p.m. With no one coming forward to comment, the Public Hearing was closed at 9:41 p.m.

**Motion:** Council Member Barney moved to approve Resolution 2024-18 to amend the Fiscal Year 2025 Budget. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

2. Public Hearing and Possible Council Action on Ordinance 2024-25 to Amend the Consolidated Fee Schedule (Sara Nagel, Finance Manager) -

Finance Manager Sara Nagel provided a summary of the proposed updates to the Consolidated Fee Schedule as included in the meeting materials. Council Member Johnston asked what the site plan fee amendment was. Planning Manager Jamie Baron described a modified fee for small site plan amendments rather than paying an entire site plan fee in full.

Mayor Pro-tem Aaron Cheatwood opened the public hearing at 9:45 p.m. With no one coming forward from the public, the Public Hearing was closed at 9:46 p.m.

**Motion:** Council Member Johnston moved to approve Ordinance 2024-25 to amend the Consolidated Fee Schedule as proposed. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Phillips was not present. The **Motion Passed 4-0.**

3. Development Agreement with Heber Light & Power and Heber Valley Railroad (Jamie Baron, Planning Manager) - *20 min*

Planning Manager Jamie Baron described the request from Heber Valley Railroad to build a track with a switch gear for moving train cars from one track to another. The area included property for the new Heber Light and Power admin building located and a Heber City right of way easement. Mr. Baron asked if Council would consider waiving administrative fees for Staff time spent on the project. He felt the majority of the proposed location was on Heber City right of way but the location had been designated for a proposed eight-foot trail. City Engineer Russ Funk shared images of the proposed location and design. He felt that the City should not give up a right-of-way for the railroad.

Heber Light and Power (HL&P) General Manager Jason Norlen explained that when HL&P had acquired the property, they had submitted a quit-claim deed for the right-of-way easement to extend the boundary of their new campus. He stated that HL&P was not fond of the railroad's plan but they did wish to work with the railroad and be good neighbors.

**Motion:** Council Member Barney moved to extend the meeting to 10:30 p.m.

**Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Phillips was not present. The **Motion Passed, 4-0.**

Executive Director of the Heber Valley Railroad, Mark Nelson, described the need for the railroad to extend the train platform by approximately 400 feet. The switch would only be used when a train car was being switched to another track. The proposed area would not be used to park a train at any time. Mr. Nelson stated the request was not a must-have for railroad operations but would be extremely helpful for the railroad. Council discussion followed regarding the planned trail location, and alternate solutions to help the railroad. Consensus of Council majority was to continue to work with HL&P and the railroad to find a solution.

**Motion:** Council Member Barney moved to extend the meeting to 11:00 p.m. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. Council Member Phillips was not present. The **Motion Passed, 4-0.**

#### **X. COMMUNICATION:**

City Manager Matt Brower invited everyone to the City's Old Fashioned Christmas event scheduled for Friday, December 6.

#### **XI. CLOSED EXECUTIVE SESSION:**

**Motion:** Council Member Phillips moved to enter a Closed Meeting for pending or reasonably imminent litigation. **Second:** Council Member Barney made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.** The Council entered a Closed Meeting at 10:49 p.m.

#### **City Council Present:**

Mayor Heidi Franco - remotely  
Council Member Yvonne Barney  
Council Member Aaron Cheatwood - Mayor Pro-Tem  
Council Member Mike Johnston  
Council Member Sid Ostergaard  
Council Member Scott Phillips - remotely

**Staff Present:**

City Manager Matt Brower  
Planning Manager Jamie Baron  
City Attorney Jeremy Cook  
City Recorder Trina Cooke

1. Pending or Reasonably Imminent Litigation (Jeremy Cook, City Attorney )

**XII. ADJOURNMENT:**

**Motion:** Council Member Phillips moved to end the Closed Meeting and adjourn. **Second:** Council Member Barney made the second. The meeting adjourned at 11:05 p.m.



*Trina W Cooke*

Trina Cooke, City Recorder