

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

APPROVED Minutes

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

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

Mayor Heidi Franco called the meeting to order at 4:02 p.m. and welcomed everyone present.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney - arrived remotely at 4:06 p.m.
Council Member Aaron Cheatwood - arrived at 4:06 p.m.
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
Chief of Police Parker Sever
Enforcement Officer Travis Price
Parks and Cemetery Director Mark Rounds
Public Works Director Matthew Kennard
Public Works Foreman Rance Echols
City Attorney Jeremy Cook
City Recorder Trina Cooke

Staff Participating Remotely: Finance Manager Sara Jane Nagel, Deputy City Recorder Robin Bond, Public Works Director Matthew Kennard, Engineer Kyle Turnbow, Assistant City Attorney J. Mark Smedley, Human Resources Manager Cherie Ashe, and IT Specialist Anthon Beales.

Also Present: Tori Broughton, Mia Yue, Scott House, Greg Royall, Jason Glidden, Dale Steward, Neil Goldman, David French, Michael Marini, Andy Dorobek, Mark Blossil, Bryanna Layer, Janet Blossil, Derek Anderson, Ileana Anderson, Katie Wilkins, Tara Morris, Todd Anderson, Paul Watkins, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed-in online) Catherine, Christen Thompson, Dan, Jason Talley, Michael Mills, SRH, Alex, B, C Lewis, Cameron, Chelsea Wall, Grace Doerfler KPCW, Ileana Anderson, Jami Hewlett, Jay, Jen, Jeremy Call, Kelli, Kyle Turnbow, Lindsay, Liz Lange, Marian Crosby, Matt W, Maxx Cohen, NA, S, and a Wasatch County Resident.

1. Wasatch Trails Foundation Presentation (Mia Yue) - 20 min

Executive Director of the Wasatch Trails Foundation, Mia Yue, explained the foundation was a back-country trails advocacy group. She shared the information from the attached presentation regarding the maintenance required for the Wasatch Mountains trail system. The Park City Mountain Trails Foundation had sponsored the initial pilot year for the Wasatch Trails Foundation's trail maintenance program. The foundation was seeking TAP (Trails, Arts, and Parks) tax funding from Heber City to continue the maintenance program. The foundation's Board President Scott House described how the funding was maximized through grant match programs. The foundation wished to be a partner with the local entities that they were asking to help fund the basic needs for the trail maintenance program.

City Manager Matt Brower explained that the City had set aside \$150,000 of the TAP tax revenue annually for trail maintenance. Council had not specified whether the funds were to be directed to paved or back-country trails. Council expressed support of the program. Discussion continued regarding maintenance responsibility of the trail systems within developments, maintenance continuity, and grant possibilities.

2. 300 South Trail Recommendation (Russ Funk, City Engineer, Mia Yue) - 20 min

City Engineer Russ Funk wished to confirm Council support for the paved trail on 300 South from Main Street Park on 100 West to 600 West. He described the significance of the trail section and felt the trail needed to be 8 feet wide. He shared some of the obstacles the trail installation was facing. Mr. Funk asked Council to support Staff's recommendation for a budget amendment in order to proceed with the engineering design through the winter and begin construction in the spring. He explained that the item was also on the Action Items agenda for a Council vote. Discussion continued regarding funding, possible grants, and the alignment of the trail.

3. Callaway Drive Sewer Maintenance Access and Weed Abatement (Matthew Kennard, Public Works Director) - 20 min

Public Works Director Matthew Kennard described the concern with certain areas in the City that the Public Works Department needed to access for sewer mainline maintenance. He shared images mapping the City sewer lines in the areas of concern. Adjoining property owners had ignored the City's requests to not place structures on the easements along the canal as it prohibited access to the sewer main lines. Discussion followed regarding who owned the land where the easements were located for sewer

line access and methods to prevent future violations.

City Manager Matt Brower indicated that Staff was seeking Council's approval to begin outreach to the property owners in the areas of concern. City Engineer Russ Funk clarified where the City currently held ownership of easements. Consensus of Council majority provided consent for Staff to proceed with an outreach plan for the property owners. There would also need to be negotiations for an agreement with the Central Utah Water Conservancy Project to access easements they owned along the canal.

Enforcement Officer Travis Price shared his efforts to identify areas violating the weed abatement requirements. There had been trouble establishing ownership of land in certain areas of the City. He reviewed the City Code requiring vegetation to be trimmed to no taller than four inches to minimize fire hazards and to poison noxious weeds. Discussion followed regarding who was responsible for the maintenance along City easements that were located on private residential property. Officer Price had researched the cost to outsource the weed abatement in the easement areas and had determined that it was cost prohibitive. He wished to begin outreach to home-owners that were responsible for the maintenance.

4. FEMA Floodway Encroachments (Russ Funk, City Engineer) - 20 min

City Engineer Russ Funk shared images of structures that homeowners had constructed or placed in the FEMA designated flood-way and flood-plain. Heber City was enrolled in the National Flood Insurance Program (NFIP) which prohibited any structures located in the flood-way or plain. Many of the property owners had installed fences within the prohibited area. Consequences to the City if the structures were not removed could be fines or suspension from the NFIP. Council expressed support for Staff to reach out to the property owners to communicate the need to take action.

5. Request from Jordanelle Ridge to Modify Upper Village Transportation Master Plan (Russ Funk, City Engineer) - 20 min

Discussion for this agenda item was postponed.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Heidi Franco called the meeting to order at 6:10 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Heidi Franco, Mayor)

Mayor Heidi Franco led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Sid Ostergaard, Council Member)

Council Member Ostergaard recognized how special the Heber Valley and its citizens were. He asked the community to reach out to their neighbors as Christmas approached to ensure everyone had what they needed.

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Mayor's Award Presentation to Heber Valley Airport Manager Travis Biggs

Mayor Franco read the letter submitted by the Wasatch County Fire Warden Troy Morgan nominating the Heber Valley Airport Manager Travis Biggs for his assistance during the past year's fire season as well as preceding fire seasons. Mayor Franco thanked Mr. Biggs and presented him with a token of appreciation from the City.

V. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest to disclose.

VI. CONSENT AGENDA:

Motion: Council Member Ostergaard moved to approve the Consent Agenda as presented. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Ostergaard, Barney, and Johnston. **Voting No:** None. Council Members Cheatwood and Phillips had stepped out of the meeting. The **Motion Passed 3-0.**

1. Approval of November 5, 2024, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Fiscal Year 2026 Budget Calendar Adoption (Sara Nagel, Finance Manager)
3. 2025 Heber City Observed Holidays (Cherie Ashe, Human Resources Manager)
4. Ordinance 2024-27 to Adopt the 2025 Annual City Council Meeting Schedule (Trina Cooke, City Recorder)

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

Iliana Anderson, Moulton Lane resident, expressed concerns with the proposed Crossings annexation and development. She hoped Council would hold the development to the established NVOZ (North Village Overlay Zone) code. She felt the code helped the City maintain its rural feeling and charm. She read from page 11 of the code pertaining to required transitions and buffering for existing residential development. The development plans had buildings along her property line that were planned to be 70-feet tall which far exceeded the code. She hoped the City would

challenge the developers to adhere to the established code.

Tara Morris was concerned with the Crossings development as well. She was concerned with the water issues and how the aquifer could be protected from a large development being constructed atop it. She felt people did not move to the Valley for its retail shops but for the open space and beautiful farming culture.

Brianna Layer was concerned about the proposed Harvest Village annexation and felt it was heart-wrenching to lose the open space when entering the valley. She said the entry to the valley felt like a sanctuary and to lose the open space beauty upon entering the valley was very sad. She hoped the Council would take a hard look at the proposed annexation and make the right decision.

Catherine lived on 200 South and wanted to know when the construction would be done. The City had informed the community it would be done by December 1 and it was still not completed. She also said only half of her road had been chip-sealed due to the construction. City Manager Matt Brower explained some of the challenges that had caused delays with the construction. Engineer Russ Funk explained that the road would be completed during a future season.

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

1. Public Hearing and Possible Council Action on Ordinance 2024-28 to Amend the Heber Valley Airport Fees in the Consolidated Fee Schedule (Sara Nagel, Finance Manager) -

Heber Valley Airport Manager Travis Biggs introduced the agenda item and the Airport Consultant Ryan Leik. Mr. Leik provided information as attached in the meeting materials and included in the meeting recording. He reviewed the results of the feasibility study for the airport's rates and fees and provided study context. He shared the fee schedule comparison for the existing fees versus the proposed fees and forwarded the recommendation from the Airport Advisory Board (AAB) as well as the recommendation from the consultants, Staff, and the Airport Legal Counsel. The recommendation was to increase the Airport fees within the Consolidated Fee Schedule in order to support ongoing capital improvements and operating costs.

AAB Chairman Jason Talley noted that the 3% transfer fee was for new leases and lease transfers. He recommended that Council direct the AAB perform an annual review for all fees. Mr. Talley shared conversations with commercial operators who had expressed interest in opening operations at the Heber Valley Airport. He asked for Council's direction to have Airport decisions regarding the commercial minimum standards to be presented to the AAB prior to involving consultants. Mr. Brower indicated the City Staff reviewed the consolidated fee schedule annually within the budgeting process.

The Public Hearing was opened at 6:46 p.m.

Jason Talley, speaking as the CEO of Elemental Aviation, one of the two declared commercial operators at the airport, expressed appreciation for the scaled commercial aeronautical fees. He felt it would allow his company to continue activity in Heber that would produce sales tax revenue. He proposed the fee for sales in excess of one million dollars be increased from \$2,000 to \$5,000. Mr. Tally expressed it was important that those who used the airport, pay for it.

With no one further coming forward from the public, the Public Hearing was closed at 6:48 p.m.

Council discussion followed to clarify the proposed fees.

Motion: Council Member Johnston moved to adopt ordinance 2024-28, amending the Heber Valley Airport Fees in the Consolidated Fee Schedule, with the findings that the proposed landing fee increase is reasonable and not unjustly discriminatory pursuant to FAA rules and policy, and also, the fees adoption were necessary for the airport to remain self-sustaining. **Second:** Council Member Ostergaard made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Barney, and Johnston. **Voting No:** None. Council Member Cheatwood was not present. The **Motion Passed 4-0.**

2. Review of Development Agreements for North Village Crossing and Harvest Village (Tony Kohler, Community Development Director, Jeremy Cook, City Attorney) - *90 min*

Community Development Director Tony Kohler shared maps reflecting the annexation boundaries for the proposed Harvest Village and Crossings annexation. He provided zoning map comparisons for the North Village and shared the zoning differences between Wasatch County, where the land was currently located, and Heber City, where it would be located if the City were to approve the annexation as found in the associated meeting materials. Crossings development representative Russ Skousen described the proposed workforce housing in the site plan that would fulfill the affordable housing requirement. Mr. Kohler continued to provide the building height comparison for the different types of building uses, retaining wall heights, and slope stability studies needed.

Paul Watson, development engineer, shared a retaining wall map for the site plan. He described the walls versus grading cuts on the landscape. The development engineer would be required to meet with the canal company to approve the walls proposed below a canal. Discussion continued regarding the retaining walls; flood plain; the retention basin located above the proposed development; groundwater and Geotech testing; provision of workforce and affordable housing; and proposed density concerns. Council Members described their individual preferences and priorities for the proposed development design.

Development representatives recalled that the area did not fall within City boundaries yet and hoped to negotiate a balance that would benefit the City and the developer in order to annex into City limits. City Engineer Russ Funk stated the streets planned were compliant with the City's transportation plan standards for a major collector road and met the design criteria.

Mountainlands Community Housing Representative Jason Gliddon confirmed that affordable housing was a density bonus and impact fees should only be waived on affordable housing offered above and beyond the municipality's requirement. He shared a presentation including how to determine and satisfy the affordable housing requirement, on-site versus off-site affordable units, and additional details that would need consideration for successful affordable housing such as a fee-in-lieu or deed restrictions.

Mayor Franco opened the discussion for public comment.

Mark Blasil asked if the development agreement would trump existing City Codes. From listening to the negotiations that evening, he felt the city was moving forward with the annexation. He said the City did not need another gas station. He said Heber was laughed at because of the out-of-control growth and no plan.

Christen Thompson asked that the negotiations include a timeline for the completion of the trail system the developers would be installing. He felt the additional amenities mentioned by Council Members would be good to create community gathering spaces in the area. Mr. Thompson asked that Council not make exceptions for added density.

Tori Broughton felt it was the right area in the valley for the proposed development. She felt if a school teacher did not want to live there, then perhaps the City needed to reconsider the possibility of off-site affordable housing. She said that if rental units did not make sense in the area, the City could make everything short-term rentals because she felt the valley did have a shortage based on the number of events hosted. She suggested that if rental units were constructed, they needed a way to make them attractive to the local workers. She felt there were a lot of single active people who needed to have storage for their outdoor activities equipment.

Tara Morris felt the proposal was disgusting. She did not believe the developers knew anything about what the community needed and said she guaranteed the Heber Valley community as a whole did not want the proposed development. The Valley did not need another hotel, as the existing hotels were not filled. Her kids did not want to play in a park surrounded by buildings. They did not need another dog park. She felt the Valley needed to preserve its open space as the State was in a drought. She called the developers greedy, asked that another third party perform the water study, and said the trees they intended to plant were some of the worst for water consumption. She asked the Mayor and Council to please preserve the beauty of the valley which was the farmland, open space, and the mountains. She said she knew that 80% of homes around the new Smith's were second-home-owners. She did not feel the proposed

development fostered community or families.

Iliana Anderson asked the City stick to the North Village Overlay Zone and to not give the developers a ton of concessions. She said she knew that the County had changed the density in the area and would not allow the density the developers were claiming.

Council Member Barney shared that the Council had received an email from Michael Mills, Director of the Central Utah Water Project expressing concerns with the proposed developments stormwater management plans. Mr. Mills asked the Council to ensure both projects had sustainable stormwater management plans in place as the discussions and negotiations proceeded. His biggest concern was that the stormwater would end up in the Provo River. Andy Dorobek with Harvest Village had been studying the stormwater plan and stated that their project would not permit runoff into the Provo River. Harvest Village Representative Neil Goldman proposed a clause in the agreement stating runoff into the Provo River would not happen. They were confident their engineers would be able to design an achievable stormwater management plan. Mr. Goldman added that the Harvest Village development hoped to leave the meeting with some direction.

Matt Brower informed Council that the Harvest Village annexation would create a temporary island as the property owner of the area, Howard Saldarini, intended to annex into Heber City separately. City Attorney Jeremy Cook explained the purpose of Mr. Saldarini annexing separately was that it would be an abbreviated process. Mr. Cook felt he had consensus on several issues to allow staff to move forward with the agreement negotiations. He felt there was a consensus to not waive impact fees, to require installation payments of the preservation fees in line with development progression, but noted there was still a lack of consensus regarding affordable housing. Council Member Barney wanted the fire chief to confirm his approval of the development design for the Council and asked for more transparency. The Mayor asked for a clause to be added indicating utilities would be stubbed in; she did not feel the projects should be allowed to maintain the density for land purchased by UDOT (Utah Department of Transportation); and noted that the City no longer accepted a fee in lieu for affordable housing. Discussion continued regarding Council preferences, how to incorporate affordable housing, and the need to better define affordable housing in the City Code.

Motion: Council Member Barney moved to extend the meeting to 10:45 p.m. **Second:** Council Member Cheatwood made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, and Barney. **Voting No:** Council Member Johnston. The **Motion Passed:** 4-1.

Motion: Council Member Cheatwood moved to continue the discussion on the MDAs (master development agreements) for the two properties to a future date, as soon as they could be fit back in, hopefully the next meeting. **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.

3. 300 South Trail Recommendation (Russ Funk, City Engineer, Mia Yue) - 15 min

This agenda item was previously discussed during the preceding Work Meeting. City Engineer Russ Funk explained the motion needed from Council was to put the trail design project out to bid and return to Council with a budget amendment to approve the contract.

Motion: Council Member Cheatwood moved to direct Staff to put out an RFP (request for proposals) to receive bids, then once a proposal from an engineer was selected, staff would return to Council with a request for a budget amendment. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

4. Resolution 2024-20 to Update the Parks Policy (J. Mark Smedley, Asst. City Manager) - 10 min

Assistant City Manager Mark Smedley explained the updated policy outlined the park rental procedures, acceptable park behavior, and prohibited behaviors. Council Member Cheatwood expressed concern with the language prohibiting dogs from all parks as there was a dog park in the City. He questioned language that was vague or open to interpretation being difficult to enforce. Council further discussed protestors; peaceful demonstrations; political campaigning; what behaviors could be allowed or disallowed; purposes for park reservations; and how to prevent multi-day or extended monopolization of park space.

Motion: Council Member Cheatwood moved to continue the discussion of Resolution 2024-20 to the next time it could return to a meeting with the changes discussed. **Second:** Council Member Ostergaard seconded the motion. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

IX. COMMUNICATION:

1. Establish Dates for Annual 2025 City Council Retreat (Matt Brower, City Manager)

It was decided that the 2025 Annual City Council Retreat would be held on Thursday, January 16, and Saturday 18, 2025, with additional details to follow.

City Manager Matt Brower invited Council and the community to the Old Fashioned Christmas celebration scheduled for Friday, December 6, 2024, from 6:00 p.m. to 8:30 p.m.

Mr. Brower invited Council to the Citywide Staff Christmas party scheduled for Thursday, December 12, from 6:00 to 8:00 p.m. at the Timpanogos Valley Theatre.

City Engineer Russ Funk recalled the Council's priority to install a backup generator at the Heber Valley Hospital. The original enclosed design would exceed the budgeted amount. Staff had scaled back the project and redone the design to cost less but the project would still need a budget amendment to be completed. He asked to return the budget amendment to the next meeting on the Consent Agenda for Council approval. Council majority expressed support.

X. ADJOURNMENT:

Motion: Council Member Ostergaard moved to adjourn. **Second:** Council Member Cheatwood made the second. **Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.** The meeting adjourned at 10:42 p.m.

Trina Cooke, City Recorder