

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting **AMENDED Agenda**
January 21, 2025

DRAFT 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
Council Member Aaron Cheatwood
Council Member Mike Johnston
Council Member Sid Ostergaard
Council Member Scott Phillips

Staff Present: City Manager Matt Brower
Assistant City Manager Mark Smedley
Community Development Director Tony Kohler
City Engineer Russ Funk
City Attorney Jeremy Cook
IT Director Anthon Beales
City Recorder Trina Cooke

Staff Participating Remotely: Assistant City Manager Mark Smedley, Human Resources Manager Cherie Ashe, IT Director Anthon Beales, Engineering Technician Desiree Muheim, Planner Jacob Roberts, Public Works Director Matthew Kennard, City Engineer Russ Funk, and Finance Director Sara Jane Nagel.

Also Present: Katie Wilking, Travis Rico, Bob McKinley, Lindy Reioux, Missy Luke, Laren Gertsch, Mark Wilson, Paul Watson, Del Barney, Tori Broughton, Oscar Covarrubias, Kendall Crittenden, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed in online) B, Clara Hatcher, Dave, Grace Doerfler KPCW, Ileana A, Maxx Cohen, Richard, Marian Crosby, Jill Snyder, Jonhaderlie, S, TMT, Tracy Stratton, and Z.

1. Review and Approval of Development Agreements for North Village Crossing and Harvest Village (Tony Kohler, Community Development Director, Jeremy Cook, City Attorney) - 110 min

City Attorney Jeremy Cook described the status of the ongoing negotiations for the two Development Agreements (DAs) between the City and the two developments, Harvest Village and the Crossings, located within the North Village Crossings Annexation. He reviewed the developer's requirement to meet the City's storm-water management standards. City Engineer Russ Funk asked that all references to storm-water "detention" ponds be edited to read "retention" ponds for storm-water runoff as they were not the same. He further clarified "detention" versus "retention" requirements as outlined in the City's Storm-water Master Plan. Harvest Village representative Justin Keyes explained that the development was asking for an additional floor level in a proposed hotel structure (five stories instead of four). The building height would still comply with the City's max height of 70 feet and all other requirements outlined in the City's North Village Overlay Zone (NVOZ). Mr. Cook reviewed the proposed changes to the Harvest Village MDA as listed and described in the attached Staff Report. Council discussion followed.

Mayor Franco asked for the language in section 8.1 to require a 100-foot buffer, with parking allowed in west 25 feet, then 35 feet designated for the retention bond and/or trail, then the next 40 feet would be landscaping with six to eight-foot undulating berming. Mr. Cook indicated that he would draft the updated language.

Mr. Cook next reviewed the updates made to the North Village Crossings Development Agreement as found in the attached meeting materials. He noted the parking would be underground, but the building height would not exceed the 70-foot maximum allowed in the City Code. They reviewed the planned retaining walls layout, height, and design. Additional Council discussion followed.

II. BREAK - 10 MIN

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

1. Call to Order

The start of the meeting was delayed due to technical difficulties. Mayor Heidi Franco called the meeting to order at 6:38 p.m. and welcomed everyone present. She read a Public Notice informing everyone that a Public Hearing originally scheduled for that night had been postponed to February 4, 2025.

2. Pledge of Allegiance (Aaron Cheatwood, Council Member)

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

3. Prayer/Thought by Invitation (Scott Phillips, Council Member)

Council Member Phillips shared the following thought: He said to always put your neighbor first. He recognized that the Council might not always agree, but felt it was in the spirit of respect and collaboration that a solution the community deserved would be found. He shared the following quote by Margaret Mead: "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has". He felt the Council's strength lay not in their uniformity of thought but in their ability to listen, understand, and work together despite their differences. He asked the Council to commit to putting the best interest of Heber first and approach every challenge with open minds and a shared sense of purpose. By embracing their roles as neighbors, they could model the kind of civil discourse that would carry them through the difficult times and carry the City forward.

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Mayor's Award Nomination of Kyle Mair

Mayor Franco read the Mayor's Award nomination for Kyle Mair as included in the meeting materials and presented him with a Heber City Challenge Coin.

V. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts disclosed.

VI. CONSENT AGENDA:

Motion: Council Member Phillips moved to approve the Consent Agenda.

Second: Council Member Cheatwood made the second.

Discussion: Mayor Franco asked who paid the park reservation or gathering fees. Assistant City Manager Mark Smedley stated the person or group reserving the park was required to pay their own fees. The Mayor was concerned about multiple day bookings. Mr. Smedley clarified that there were instances when a park would be reserved for multiple days, such as was the case for the annual car show.

Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

The **Motion Passed Unanimously, 5-0.**

1. Resolution 2024-20 to Update the Parks Policy (J. Mark Smedley, Asst. City Manager)
2. Contract Award to Garrett Parks and Play for Provision of Park Equipment for the Coyote Springs Park in Heber City (Russ Funk, City Engineer)

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

Mark Wilson, President of the North Fields Irrigation Company, had met with Matt Brower, Russ Funk, and some of the engineers from the proposed North Village Crossings developments. The group held a long discussion that had covered many issues but had yet to be concluded. He felt a decision by Council that night would be premature and wanted the developers to meet with the irrigation board to further discuss the many potential impacts to the North Fields and possibly Provo River. He recalled the agreement that stated there would be no storm water drainage into the North Fields. He noted the ground water would flow west into the river, and it was used as culinary water. He asked to be careful to protect the people who drank the water. He did not feel they fully understood all the potential problems

Charles Wall, member of the North Fields Irrigation Company Board, shared their policy to not accept any gray or storm water. The board had walked the lands with engineers and discussed how to modify the system to accept storm water but there were many farmers raising livestock and calving in the spring. He said they did not intend to change their policy.

Lindy Reioux, Heber City Resident, stated that she, and quite a few other people in attendance, were opposed to the Harvest Village Development project. She understood that a lot of work had gone into the project and felt she must be missing something. She wanted to know how the project benefited the residents of Heber City. She asked Council Member Phillips to explain the benefits for her. Council Member Phillips stated that the Council had discussed the project at length and he would be happy to have a conversation after the meeting but it would not be an appropriate discussion for the public comment portion of the meeting. Ms. Reioux asked if the retention ponds were included in the open space calculation. The answer was yes.

Council Member Barney read an email from Don Taylor, Wasatch County Trails Coordinator, regarding the lack of compliance for the trail width and connections shown in the North Village Crossings design plan. City Engineer Russ Funk shared that he had mentioned the same concern at a previous meeting and the developer had confirmed they would comply with the City Trails Master Plan requirements.

Jamie Hewlett said that Council Member Phillips had indicated the reason he supported the proposed annexation was that the property owners had been paying taxes on the land. She had pulled up tax records and found one of the landowners had paid only \$16 in property tax in 2023. He responded that it was not the amount of property taxes the developments paid but the infrastructure expense. The land had been granted the density 20 years prior by the County and the landowners had to pay for the infrastructure to support the density granted.

VIII. GENERAL BUSINESS ITEMS:

1. Fiscal Year 2024 Financial Statement Audit Presentation (Jon Haderlie, CPA Larson & Company, PC) - *15 min*

Finance Director Sara Jane Nagel stated she would email Council the Audit report. She named the members of the Audit Committee and thanked them for their work. She thanked the auditors as well. Audit Contractor Jon Haderlie described the details of the audit report as included in the attached meeting materials. The audit showed the City was a low-risk auditee based on the lack of significant findings from the previous two-year audits. There were no compliance issues found.

City Manager Matt Brower commended Ms. Nagel and her team for having no findings in the audit. Audit Committee Chair Dell Barney echoed Mr. Brower's commendation. He noted the good work of Ms. Nagel and her team. Mr. Barney and the Audit Committee wished to forward a recommendation for internal controls to comply with the appropriate separation of duties to prevent fraud or mistakes. The Committee recommended the cash handling be handled separately from the utility billing. Both were currently handled by the same employee. The solution would be to hire another part-time employee or designate a different employee to pick up additional duties.

2. Monthly Development Report (Jamie Baron, Planning Manager) - *10 min*

Community Development Director Tony Kohler shared a chart reflecting 2024 applications in review compared to 2023. He shared the current applications being reviewed by the City as shown in the meeting attachments.

3. The Views on Main Development Agreement Term Sheet (Luke Kennard) - *45 min*

This agenda item was bypassed to be returned to a future meeting.

4. Wasatch Highlands Discussion (Matt Brower, City Manager) - 10 mins

City Manager Matt Brower stated that he had been asked to place this discussion item on the agenda for Council consideration. City Attorney Jeremy Cook informed Council that the applicant had the right to continue with the annexation process but felt that Council's feedback might give the applicant a better line of direction for how they wished to proceed. Council Members recalled the previous week's Interlocal meeting with the County and expressed a desire to work with the County towards an amicable solution for the proposed development. County Council Member Kendall Crittenden echoed the City Council's desire to work together. He reviewed potential concerns for the proposed developments. Council discussion continued regarding how to best keep the lines of communication open between the City and the County and continue to proceed amicably. City Manager Matt Brower summarized the applicant's right to proceed through the City's annexation process.

The next step in the process was scheduled for the upcoming Planning Commission Meeting for consideration to recommend an adjustment to the City's Annexation Policy Plan on January 28, 2025.

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

1. City Council Strategic Planning Priorities 2026 (Matt Brower, City Manager) - *30 min*

Mayor Franco moved forward on the agenda to discuss item two first.

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

City Attorney Jeremy Cook continued the review of the proposed Crossings development MDA as had begun during the preceding Work Meeting discussion. Mayor Franco requested that the scenic buffer trail be installed in conjunction with the construction of the roads. City Engineer Russ Funk clarified his suggestion to change the language from "the City will" to "the City may require additional groundwater modeling". He said the purpose for the requested language change was that he did not see a need for additional groundwater modeling. A Crossings representatives noted the requested requirement had not been imposed on any previous developers. Discussion continued regarding groundwater modeling; storm water treatment requirements; protecting downstream landowners; site-plan and density restrictions; the permission of short-term rentals in the development; the proposed gas station design; and the fee-in-lieu for the affordable housing requirement.

The Mayor, Council, and Staff reviewed the requested revisions to be included in the Development Agreement as follows:

- 4.3: Gas Station Design - the canopy shall be designed and built and utilize materials similar to the canopy design attached in the exhibit
- 4.4.3: Scenic Buffer - should read "on the location specifically shown on the site plan"
- 4.4.5: Retention Walls - planting trees to reduce visual impact of walls
- 5.3: Timing - 50% of construction for affordable housing or the alternative fee-in-lieu completed with each phase before the next phase building permit was issued

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

Discussion: Council Member Ostergaard asked what remained on the meeting agenda to be discussed, including the Closed Meeting.

Second: The motion failed for lack of a second.

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

Second: Council Member Johnston made the second.

Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, and Johnston.

Voting No: Council Member Barney.

The **Motion Passed 4-1.**

- 5.4.3: Fee-in-Lieu - \$40,000
- 9.4 Storm Water - to include storm water quality standards
- 10: Short-Term Rentals: allowed in all units subject to compliance with the CC&Rs (Covenants, Conditions, and Restrictions)
- the Trail Plan would be updated to meet the City's Trail Master Plan Standards

Harvest Village representatives returned to review the updated changes to the Development Agreement as requested by Council during the Work Meeting.

- 4.4.1: Building Heights - addressed affordable housing with market-rate housing mixed in and similar architecture on all sides, compliant with the North Village Overlay Zone (NVOZ)
- 8.1: Highway 40 Landscape Buffer - outlining the setbacks, buffers, undulating landscaping, trail, and permitted locations of retention/detention ponds
- 5.3: Timing - 100% affordable housing construction required before hotel construction

Mayor Franco opened the public comment period at 10:13. p.m.

Ileana Anderson asked about the setback requirement in the Crossings. She thought the requirement had been changed from 30 feet to 15 feet from residential properties. It was clarified the smaller setback was eligible only along the road. The 30-foot setback from residences remained.

With no one further coming forward for public comment, the comment period was closed at 10:16 p.m.

Council Member Johnston wished to point out that the City would not be considering the annexation before them if the land had been zoned agriculturally, but due to the County granting high-density zoning that was grandfathered to the property, the City was trying to guide a responsible development. He felt the benefit to the City was substantial. The City had no intent to annex any land that was zoned agriculturally.

Motion: Council Member Johnston moved to adopt the two development agreements as amended that night, that Council had been working on for eighteen months, the development agreement for North Village Crossings and the development agreement for Harvest Village mixed-use development, per all the changes discussed and

reviewed again at the end.

Second: Council Member Ostergaard made the second.

Discussion: Council Member Barney stated that she respectfully disagreed with Council Member Johnston. She felt there were options and the City did not have to approve the annexation. She felt the County had changed its zoning and would have held the developers to new requirements. She did not feel the annexation would benefit the community and felt there were many other ways for the Council to look at it and the Council should have taken more time. She said the Council was not forced to comply with County decisions and she felt it would add density where the Community did not want density. She felt the decisions would create more problems down the road, including increased traffic pressure. She felt the Council could have waited and eased the pressure on the community.

Mayor Franco felt the people would be disappointed with the view-shed. She noted that she did not get to vote but stated she was not comfortable with the annexation. She said the location was on sensitive lands and noted the Provo River project was keeping a sharp eye on the process. Mayor Franco stated she was more concerned with everyone else's property rights than the rights of the developers. She indicated she would not have felt comfortable with the annexation even if the developers had been required to build all the public roads. She was concerned about the density the developments would bring.

Council Member Cheatwood expressed gratitude for the developers' willingness to negotiate with the City, the many meetings held, and extensive staff time that had been committed to the process. He respectfully disagreed on many aspects and noted he had not voted for the annexation to be approved but recognized the vote that evening was for the development agreements within the annexation. The annexation had already been approved. He acknowledged the vested rights that had been granted in the County. He appreciated the applicant's patience and respectful conversations.

Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, and Johnston.

Voting No: Council Member Barney.

The **Motion Passed 4-1**

Motion: Council Member Barney moved to extend the meeting until 10:40 p.m.

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.**

X. COMMUNICATION:

XI. CLOSED MEETING:

Motion: Council Member Barney moved to enter a Closed Meeting session for the purpose of discussing the purchase, exchange, or lease of real property.

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 Heber City Council entered a Closed Meeting at 10:28 p.m.

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

Staff Present:

City Manager Matt Brower
City Attorney Jeremy Cook
City Recorder Trina Cooke

1. To Discuss the Purchase, Exchange, or Lease of Real Property (Matt Brower, City Manager)

Motion: Council Member Barney moved to end the Closed Meeting and adjourn the Regular Meeting.

Second: Council Member Ostergaard made the second.

Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

The **Motion Passed 5-0.**

The meeting adjourned at 10:50 p.m.

XII. ADJOURNMENT:

Trina Cooke, City Recorder