

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
January 7, 2025**

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 4:01 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
Planning Manager Jamie Baron
City Engineer Russ Funk
Chief of Police Parker Sever
Parks and Cemetery Director Mark Rounds
Finance Director Sara Jane Nagel
City Attorney Jeremy Cook
City Recorder Trina Cooke

Staff Participating Remotely: Assistant City Manager Mark Smedley, Planning Manager Jamie Baron, Public Works Director Matthew Kennard, City Engineer Russ Funk, Finance Director Sara Jane Nagel, IT Director Anthon Beales, City Treasurer Mindy Kohler, Deputy City Recorder Robin Bond, Engineer Ross Hansen, Engineering Tech Desiree Muheim, and Human Resources Manager Cherie Ashe.

Also Present: Tori Broughton, Rachel Kahler, Matt Hansen, Kasey Plourde, Bob McKinley, Jason Glidden, Marc and Tracy Calhoun, Mark Austin, Faith Youngreen, Killion Robinson, Laura Hicken, Christy Judd, Allison Salisbury, Jason Talley, Katie Wilking, Todd Anderson, Paul Watson, Steve Downing, Bob and Linda Cohenour, Neil Goldman, Andrew Dorobek, Joe Barney, Phil Jordan, John Fisher, Maxx Cohen, Grace Doerfler - KPCW, Del Barney, Lindy Reiou, Claire Hassett, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed-in online) Grace Doerfler, Christen Thompson, Brittany Renshaw, B, Andrew Dudik, Jami Hewlett, John, Jones, Kelli, Lauri, Maxx Cohen, MEH, Nick Lopez, S, Shauna Bennett, Bryanna, Catherine, Chelsea Wall, Dantzelle Harper, Ileana A, Jeremy, JH, Liz Lange, Michael Mills, Suellen Winegar, Tara Morris, B, Brad Ehlert, Cami Bingham, Clara Hatcher, DGunn, Doug, Eric Hales, Erin, Faith Youngreen, George Bennett, Hyrum Bosserman, Jen, Jill Snyder, Jon, Julie Button, Justin Moss, Kenneth Roberts, KS, M Bamgartner, Marion Crosby, Meredith, MF, Peggy, RK, RSkousen, Shorty5, Tara Morris, Tim, and Tori.

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

Mayor Franco explained that Work Meeting agenda item one was being pushed to a future date. The meeting would move ahead to Work Meeting agenda item three.

2. Food Truck Court at Midway Lane and 100 West (Jacob Roberts, Planner) - *20 min*

Planner Jacob Roberts explained that the property owners of a currently vacant lot located at 100 West and Midway Lane wished to use the lot for a food truck court. Petitioner Hansen described the future plan for a mixed-use building to be constructed on the location but it would be some years in the future. In the meantime, he felt a food truck court at the location would be beneficial to the community. He described a temporary plan to lay asphalt, install a bathroom, and construct a pavilion or tent to shelter tables. Community Development Director Tony Kohler provided an overview of a meeting between the applicant and the City Staff to negotiate an all-around win for the applicant and the City.

Heber City Manager Matt Brower indicated the agreement would be temporary and would include a sunset. City Engineer Russ Funk described the disparity of impact fees that a restaurant versus food truck was required to pay as well as other details that would need to be addressed to host a food truck court at the proposed property. City Attorney Jeremy Cook felt a development agreement could temporarily waive impact fees and the City would be able to collect the impact fees when a permanent structure was installed. Council majority expressed support for City Staff to proceed with negotiations for the proposed project.

Mayor Franco moved the meeting forward to Work Meeting agenda item five.

3. Automated License Plate Reader (ALPR) Camera System Trial Report and Council Direction (Parker Sever, Chief of Police) - *20 min*

Chief Sever described the success the City had during the trial of the Flock Safety license plate reading camera software that had been placed strategically throughout the City. He was asking for Council direction regarding support of a budget amendment to extend the Flock Safety contract. Consensus of Council Majority supported a budget amendment to extend the safety software contract.

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

Chief Sever provided a public safety update including the following:

- ongoing concern with the vandalism of fences caused by kids running through them
- gang watch was ongoing but gangs were not widespread in Heber
- Code enforcement Officer Price was actively giving citations for violations

- the department's contract for policing services with Midway had begun
- the department had a new officer, Brian Cuthbertson, out of Snow College
- the department had been awarded a grant for speed radar to be attached to permanent signs
- stats of Police Officer responses to call-outs

The Work Meeting returned to agenda item two on the agenda.

5. 2025 Department SWOT (Strengths, Weaknesses, Opportunities, Threats) Analysis (All Departments) - *10 min*

City Manager Matt Brower reviewed the latest draft agenda for the upcoming 2025 Annual Council Retreat as attached in the meeting materials. He asked Council to review the included SWOT (Strengths, Weaknesses, Opportunities, and Threats) analyses submitted by each department prior to the Retreat. Council Member Cheatwood requested the SWOT analyses be updated to include each department's proposed action plan to resolve the Weaknesses listed.

The meeting was moved forward to agenda item two in the General Business section of the Regular Meeting agenda.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Franco called the meeting to order at 6:21 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Mike Johnston, Council Member)

Council Member Johnston let the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Aaron Cheatwood, Council Member)

Council Member Cheatwood shared a prayer.

IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts to disclose.

V. CONSENT AGENDA:

1. Approval of December 3, 2024, City Council Meeting Minutes and December 17, 2024, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Declaration of Surplus Equipment for Sale (Parker Sever, Chief of Police)
3. Mayoral Nominations for Planning Commission (Heidi Franco, Mayor)

Motion: Council Member Barney moved to accept the Consent Agenda as presented, with the exception of the December 17, 2024, City Council Meeting Minutes that had not been uploaded for review. **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.**

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

Mark Austin wished to reiterate his request to have a moratorium placed on all development to deal with the serious infrastructure issues at hand; traffic, sanitation, and water to name a few. He felt the bypass was not a silver lining and it would deal with less than 25% of the traffic issues. He thought the majority of the community was not pro-growth but most of the Council supported the growth. Mr. Austin proposed putting the question to the community of whether they wished to continue to allow growth and suggested that if there was a vote of 51% or more of the community that was against growth, the Council Members that supported growth could resign or put forth a vote of no confidence. He felt it was only fair that Council Members represent the interest of the community at large.

Joe Barney had lived in Heber City his entire life. He remembered what it was like growing up in a small town and playing on the McNaughton's Farm before it was Red Ledges. It was a very dear place to him and he had a lot of memories. He felt the growth was aggressive and was bothered that members of the Council heard the voices of the community and chose to ignore them. He read the following post that he had placed on Facebook: "It is sad certain City Council Members claim to love open spaces then vote for the complete opposite, look you in the eye, and tell you they are doing it for you. Sounds an awful lot like a sociopathic, crooked, politician to me. I hope that the three Council Members that voted for this insanity someday realize the damage they have done: when the last tree is cut down, the last fish eaten, and the last stream poisoned." He shared that one of the City Council Members had shared the comment with his employer. He did not know what the Council Member thought would happen, whether the Council Member wished to see him reprimanded or wanted to silence his First Amendment right, but Mr. Barney felt that such conduct from a Council Member was not appropriate. He invited the Council Member to message him directly or to have a conversation face-to-face, but to go behind his back to his employer, to have whatever they wanted to happen to him, happen, he felt that the Council Member's intentions were not pure. Mr. Barney said that he, as with many others in the audience, was frustrated with being silenced, ignored, and bullied by over-development. The development frenzy would not end well for any of them, for their future, or their children's future, who were going to have to pick up the mess when it all came to a head, and it would come to a head. Then they would have problems like Park City was having, there would be protests upon protests, unequal pay because they kept adding and adding and adding. He expressed frustration on behalf of himself and the community at not being heard. They needed to be heard. He seconded the previously stated sentiment that a moratorium needed to be placed on all development in Heber City as soon as possible or it would get out of control and get to a place of no return. The beautiful valley would be nothing but shopping malls, hotels that could not be filled with employees nor fill guest occupancy, and no hospitality worker would be able to live in the valley because it would be too expensive.

Lindy Reioux said that, as a resident of Heber City, she did not feel that what was being built was for the residents but rather for tourists, to bring other people into the Valley that used up all the

resources. She felt the residents did not want the tourists and wanted to keep the Valley like it was. She did not want the Heber Valley to turn into the next Park City. She felt it did not matter how many people in the community told the Council they did not want the development, the Council would not listen, and they did not care. She said the community was very worried about it and asked the Council to listen to what the residents who lived in the Valley wanted and needed, not the tourists.

Christy Judd stated she was there on behalf of Dan and Trudy Simmons and read a statement provided by them explaining their strong opposition to the annexation.

Mark Coolum said he had been a resident of the Valley for four decades. He wanted to know who the engineering companies were representing the development companies. He asked how the sewage would be dealt with for all the new development. He asked about the impact to the Provo River and what the storm water management plan was. He questioned why the annexation needed to come into the City. Mayor Franco described the high standard the City had in place for storm water treatment. He hoped the Council would not annex and that the Council would be able to curb the growth.

Todd Anderson felt no decision should be made by the Council at 11:00 p.m. He felt that everyone had a long day, and no decisions should be made after 9:30 p.m. He recognized the entitlements held by both the Crossings and Harvest Village developments but asked that the Council think about why other developments without entitlements should be annexed. He felt the fee in lieu was ridiculously low and felt the Council should impose an appropriate dollar amount.

Christen Thompson acknowledged the mistake of the previous zoning in the County and felt the City should not compound the mistake. He felt the City was creating sprawl and building upwards. He listed the following suggestions:

- expand the sensitive lands ordinance
- make the distance between drainage areas and waterways protected
- change the zoning to match the master plan
- build the trails first
- use the MDAs (Master Development Agreements) to make the new buildings shoulder the cost to upgrade the sewers and roads
- could the city raise money to buy out the developers?

The public comment period was closed at 6:48 p.m.

VII. GENERAL BUSINESS ITEMS:

1. Heber City Committee Annual Reports: Planning Commission; Parks, Open Space, Trails Committee (POST); Historical Commission; and Airport Advisory Board (AAB) (Committees) - *60 min*

Planning Commission Chair Phil Jordan shared a presentation of the 2024 action items in review as included in the meeting materials. He introduced the Planning Commissioners present: Darek Slagowski, Robert Wilson, Tori Broughton, Greg Royall, and Dave Richards, as well as the ones that were not present: Joshua Knight and Dennis Gunn.

Commissioner Jordan commended the excellent Planning Department Staff for their assistance with the Planning Commission. He noted that it was a fact of life that people had found the Heber Valley and continued to move here.

Assistant City Manager Mark Smedley excused the POSTT (Parks, Open Space, Trails, and Trees) committee. The Committee wished to present at a later date. Mayor Franco expressed how critical the work was for the community that the POSTT committee performed and thanked them for their work.

Paul Carlile, Chair of the Historical Commission, introduced himself and the other members present: Shauna Bennett and Michael Moulton. Ms. Bennett reviewed the Commission's accomplishments of 2024, such as oversight of the renovation of the Tabernacle Bell Tower, working with the State for the historic designation of buildings and houses, and informational signs at historic sites to establish a walking tour. She reviewed plans for 2025 and thanked everyone on the committee for their hard work and the staff involved.

Chair of the Airport Advisory Board (AAB), Jason Talley, reviewed 2024 for the AAB. The AAB had recommended updates of the rates and fees to the City Council that had been adopted. He described new hangar projects. Landing fees had been outsourced. Looking forward to 2025, the AAB would review rates and fees once again. There were plans for additional commercial hangar projects. The bylaws would be reviewed and recommendations for updates and changes would be forwarded to the City Council. There would be more commercial operations forthcoming. Mr. Talley described the communication process between pilots and aircraft at an airport without a communications tower.

Mayor Franco moved the meeting forward to Action Item one.

2. Affordable Housing Survey Overview (Tony Kohler, Community Development Director) - 15 min

Community Development Director Tony Kohler provided the results of the Employee Housing Preference Survey. He shared graphs reflecting who had responded to the survey, from which essential worker category, the household size, how many wished to live in Heber Valley, how many wished to own homes versus rent, and additional details of survey questions and results as found in the attached meeting materials. Jason Gliddon from Mountainlands Community Housing Trust explained that the different AMI (Area Median Income) levels would require different housing strategies.

With time still permitting in the Work Meeting, Mayor Franco asked for a motion to enter a Closed Meeting.

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

1. Plourde Annexation Petition (Jacob Roberts, Planner) - 15 min

Planner Jacob Roberts shared the information regarding the Plourde annexation petition as included in the meeting materials. He noted that the Council's acceptance of the petition was the first step in the process. It did not approve the annexation.

Petitioner Kasey Plourde clarified that her annexation was independent of the other annexations being discussed that evening. She was an event planner and wanted to build an event center. It would be a private center that would host weddings, parties, or corporate events. She showed a

topical map with a concept design. Ms. Plourde had spoken with Max Covey at the Jordanelle Special Service District (JSSD) who had confirmed the location could receive services from JSSD.

Mayor Franco opened the discussion for public comment

Mark Coolum asked why the entire parcel needed to annex into the City if the intent was to only develop one acre. He was concerned that by annexing the entire forty acres, the potential would be opened for future development.

Jami Hewlett felt the annexation area could change ownership and new owners would seek new zones for additional development.

Motion: Council Member Phillips moved to accept the annexation petition **Second:** Council Member Cheatwood made the second.

Discussion: Council Member Oostergaard stated the access from Highway 32 would need approval from UDOT (Utah Department of Transportation).

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

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

Motion: Council Member Phillips moved to allow an unlimited time for public comment but to limit each person's comments to two minutes. **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.**

Cassie Duke was born and raised in Heber and was married to a real estate developer. She said she was not against development but hoped development would be done responsibly, in a well thought out manner. Her dream had been to raise her family in the beautiful Heber Valley. She felt the North Fields, extending the length of Highway 40 was what made the Valley special. She hoped the Council would not allow the large development that would disrupt that view.

Ava Baldwin thanked the Council for allowing the public to speak and for serving. She was from Las Angeles but hoped the Council would listen to the community and not forget they worked for the citizens and voters. She felt the tone of the community was asking the Council to slow down the development and the community would like to have a say in the process.

Lindy Reioux did understand why the decision needed to be made right then. She felt there were too many open issues that needed to be addressed and there were too many concessions being made for the developers. She suggested the City should make it difficult for developers, not easy.

Alison Salisbury understood the developers had a deadline and felt that should not be the City's or the community's problem.

Christen Thompson asked the Council to establish a timeline for the trails to be built and that it not be a decade later.

Jami Hewlett felt the City could start with a clean slate when allowing an annexation and that the City did not have to give the developers anything.

Maxx Cohen had spoken with development representative Russ Skousen and had been assured the developers would not ask for any exceptions to the NVOZ (North Village Overlay Zone) code. Mr. Skousen had assured Mr. Cohen the development would not exceed the building height along their adjoining property. Mr. Cohen asked the Council to ensure the developers followed the code.

Michael Mills, with the Provo River Restoration Project, was concerned that only a 30-foot buffer was being required along the river. He wished to see an 80 to 100-foot buffer between the river and the proposed development project to protect the river. He felt language needed to be stronger in the development agreement and use the word "shall" rather than "may" or "should"

Council Member Barney read a statement from Bryanna Layer asking the City to be more transparent. Ms. Layer had been informed by the County that the new development proposed would have to comply with the updated County zoning if it were to be developed in the County. The County's updated zone would limit the development to 137 ERUs (Equivalent Residential Units) rather than the 370 permitted in the previously approved agreement. She did not feel the City Council was being fully transparent by not addressing th point.

Liz Lange felt like the Council was giving the residents an opportunity to talk but wasn't listening. She had read in the December newsletter that there were currently 600 active construction sites in the City and felt that was an insane amount. She asked the City to get control of the growth and to please slow down. She felt the City needed to pause, the growth was out of control, and it was the citizens that were suffering.

Tara Morris had attended the last two meetings. She wanted to know why the City was accommodating the developer's financial deadlines. She felt the Council should listen to the State water representative and require more studies. She said more traffic would come.

Catherine Moore did not want the growth. She asked the Council to slow the growth and to think before the vote.

Ileana Anderson wished to raise the concern of blasting that would be needed for the proposed developments and all the future development. She asked if the Council had considered the impact to the land that would be caused by drilling into bedrock. She felt it was important for Council to establish guidelines for the impending blasting.

Mark Coolum did not understand why there needed to be 300 units. He had worked on a project that was one unit per acre and the developer had still made money. He said it was a nice project that protected the river. He thought there was a catastrophic floodplain along the river and asked what would happen if the dam broke.

Brittany Renshaw had grown up in the valley and had participated in the Self-Help home-building program. She and all her neighbors were productive members of the community, raising their families here, and contributing to the economy. She felt that was the appropriate kind of growth for the valley that the residents wanted to see, not the weekend warriors. She was asking that the development not be the huge monstrosity that was proposed.

Tracy Coolum wished to echo the comments of the first gentleman who had asked for a moratorium

on all development until the City could get control on the current issues like traffic, the bypass road, and all the other issues that came with growth. She had raised her family here when there had been only one high school, when everybody knew everybody. She felt the sentiment of everyone present that evening was to take a step back, to slow down, and to preserve what they had rather than adding to it and not being able to manage the growth.

Del Barney had been a Heber resident for over 40 years and been involved in government for over 20 years. He recognized the reason for the out-of-control growth was because of the way past councils and current councils had voted. He felt the Council acted like they did not have a choice but said that they did. He said the Council could say no. He asked why one of the Council Members would stoop so low as to threaten his son, or intimidate him through his employer, and said it had better not happen again.

Dantzelle Harper had lived in Heber for a few years and felt what drew people to Heber was the fields, the Valley, and the quiet. She did not feel the proposed development was Heber. She felt Heber was magical and wanted to keep it that way.

Kelli Gomez wanted to add her voice to agree with the comments being made. She referred to the proposed workforce units stating that every unit would add more traffic. She wanted the City to address the existing issues pressing on the Valley before adding more people to compound the issues. She asked the Council to slow the growth. She felt there was a tug-of-war between people pushing the town to be a tourist town and the people who wanted Heber to remain a beautiful, quiet community. She hoped the City could preserve the small town feel.

With no one further coming forward to comment, the public comment period was closed at 8:14 p.m.

City Attorney Jeremy Cook stated there had been multiple amendments to the proposed Harvest Village Development Agreement. He advised that he intended to walk through all the changes that were added to the agreement and asked for Council to provide additional input. Mayor Franco expressed concern about transparency that the latest version of the document had not been posted for public review in advance.

Council Member Barney thanked the development representatives, Neil Goldberg and Andy Dorobek, for reaching out to her. She acknowledged that the developers were doing what they needed to do and it was the Council's responsibility to review and discuss. She asked if the Council was being asked to make a decision that night.

Mr. Cook clarified that the majority of the changes to be reviewed were technical and beneficial to the City. There had been an addition made to address blasting regulations. He explained blasting was addressed in the State Code and the City could add restrictions such as providing notice to the neighbors. He noted the Development Agreement negotiations had been ongoing for over six months.

Council Member Phillips explained that the landowners had been paying for the infrastructure for years and should be permitted to sell the land at market value.

Mr. Cook proceeded to review the proposed changes to the Harvest Village Development Agreement. Discussion followed regarding commercial and retail units to be included; affordable housing units or fees in lieu; density; workforce housing; deed restrictions, provision of infrastructure; phasing plans; proposed workforce housing; landscaped buffers and berming; the North Fields preservation fees; setbacks; storm-water management and retention ponds; and eminent domain for

the bypass.

Mayor Franco wished for the record to show that section 4.2.3 cited eight contiguous units and the City's code allowed no more than four.

Motion: Council Member Barney moved to extend the meeting to 10:45 p.m. **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.**

Mr. Cook then reviewed the design plans for the Crossings showing the locations of buildings, parking, streets, parks, retention walls, as well as building heights. He noted the developer was asking for a narrower setback than permitted in the City code where they planned to construct a gas station. Council discussion continued.

IX. COMMUNICATION:

X. CLOSED MEETING:

Motion: Council Member Cheatwood made the motion to enter a Closed Meeting for the purpose of holding a strategic discussion regarding the purchase, exchange, or lease of real property. **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.** The Heber City Council entered a Closed Meeting at 5:44 p.m.

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

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
Finance Director Sara Jane Nagel
City Attorney Jeremy Cook
City Recorder Trina Cooke

Motion: Council Member Cheatwood moved to adjourn the Closed Meeting. **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 Heber City Council returned to an open meeting at 6:17 p.m.

XI. ADJOURNMENT:

Motion: Council Member Barney made the motion to adjourn: **Second:** Council Member Ostergaard made the second.

Discussion: City Engineer Russ Funk asked if he could have a few minutes to discuss the trails design in the plans with Council.

Amended Motion: Council Member Barney amended the motion to extend the meeting 10 more minutes before adjournment. **Second:** Council Member Ostergaard's second stood.

Mr. Funk explained that the trails reflected in the design plan indicated dirt trails and the City's Master Plan required paved trails. Mr. Cook reviewed additional updates to be included in the development agreements to be returned for Council approval at the next meeting on January 21, 2025.

Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston. **Voting No:** None. The **Motion Passed Unanimously, 5-0.** The meeting was adjourned at 11:01 p.m.





Trina Cooke, City Recorder