

**HEBER CITY CORPORATION  
75 North Main Street  
Heber City, UT 84032  
Heber City Council Meeting  
May 6, 2025**

**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  
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  
City Attorney Jeremy Cook  
City Recorder Trina Cooke  
IT Director Anthon Beales  
Finance Director Sara Jane Nagel  
Airport Manager Travis Biggs  
Building Official Curt Davis  
Public Works Director Matthew Kennard  
Planning Manager Jamie Baron  
Fleet Manager Preston Hicken  
Chief of Police Parker Sever  
Accounts Payable Technician Wendy Anderson  
Public Works Administrative Assistant Missy Luke

**Staff Participating Remotely:** IT Director Anthon Beales, Finance Director Sara Jane Nagel, Public Works Foreman Chris Pederson, Assistant City Manager Mark Smedley, Planner Jacob Roberts, Public Works Foreman Chris Pederson, Public Works Director Matthew Kennard, Deputy Recorder Robin Bond, Accounts Payable Coordinator Wendy Anderson, and City Engineer Russ Funk.

**Also Present:** Rachel Kahler, Phil Jordan, Jonelle Fitzgerald, Brian Balls, Grace Doerfler, Todd Anderson, Neil Goldman, Ryan Miller, Andy Dorobek, Mike Bradshaw, Cody Winterton, Tori Broughton, Richard Knight, Bret Anderson, and others who did not sign in or whose handwriting was illegible.

**Also Attending Remotely:** (names are shown as signed-in online) Jami Hewlett, Joey, Lindy R, Mike, TMT, B, Bill, Clara Hatcher, Deb, DM, Erik Bunker, Gary Bush, Guest, Grace KPCW, J, Jen, Jjk, Missy, Nick Lopez, Pedro, S, Shorty5, SRH, and Tom DeMars.

1. Arts Advisory Board TAP (Trails, Arts, and Parks) Tax Project Recommendations (Phil Jordan, Farah Sanders - Arts Advisory Board Co-Chairs) - *20 min*

Assistant City Manager Mark Smedley reviewed the TAP (Trails, Arts, and Parks) tax grant process as followed by the Arts Advisory Board. Co-chairs of the Board, Phil Jordan and Farah Sanders, provided a process timeline, explained how the public could apply for the grant money, and listed eligibility requirements. The presentation, attached to the meeting materials, included a TAP Tax Grant Application Rubric to score the applications, listed the applications with the scores received by each, and provided the Board's project recommendations and dollar amounts. Discussion between the Council and the Board regarding the proposed recommendations followed.

2. Fiscal Year 2026 Budget Workshop Number Two (Sara Nagel, Finance Manager, Matt Brower, City Manager) - *90 min*

Finance Director Sara Jane Nagel provided an overview of the preceding 2026 Fiscal Year Budget Workshop Number One. She shared a presentation of funds, revenues, and expenditures, as included in the meeting materials. City Manager Matt Brower shared images reflecting the progress of the cemetery admin building project. Planning Manager Jamie Baron and Building Official Curt Davis shared a concept plan for a proposed second floor remodel at City Hall. Mr. Brower reviewed the recent Airport land acquisitions. Ms. Nagel shared the increased cost of health benefits for employees. Mr. Brower provided graphs reflecting employee insurance claims and auto claims.

II. BREAK - 10 MIN

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

1. Call to Order

Mayor Heidi Franco called the meeting to order at 6:05 p.m. and welcomed everyone present.

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

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

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

Council Member Scott Phillips read the following prepared thought:

"Lately, things have been a bit tense around this table. And that's not unusual—when people care deeply and have strong ideas, there's going to be disagreement. But I think it's important to remind ourselves that we're all here for the same reason: to serve our community and to make things better. Desmond Tutu said, 'Hope is being able to see that there is light despite all of the darkness.' That really speaks to me, especially during challenging times. Hope doesn't mean ignoring the hard stuff—it means believing that we can still move forward, together. Helen Keller put it this way: 'Alone we can do so little; together we can do so much.' None of us can make real progress on our own. It takes all of us—listening, collaborating, and finding ways to work through our differences. So, as we go into tonight's meeting, I hope we can do it with patience, with respect for one another, and with a little bit of grace. Because this work matters, and how we do it matters too. Thanks."

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Proclamation for 2025 National Public Works Week

Mayor Franco proclaimed the week of May 18-24, 2025, as National Public Works Week and recognized all the services that the department provided to the City. Public Works Director Matthew Kennard provided details of the activities planned and informed that Midway and Wasatch County's Public Works Departments would also be participating.

V. CONFLICT OF INTEREST DISCLOSURE:

VI. CONSENT AGENDA:

**Motion:** Council Member Johnston moved to allow Suzette Gertsch five minutes to speak regarding her issue with Consent Agenda item number two.

**Second:** Council Member Phillips made the second.

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

**Voting No:** None.

**The Motion Passed 5-0.**

Assistant City Manager Mark Smedley introduced Ms. Gertsch stating that she ran a theater production company called Whimsy. She had applied for the TAP (Trails, Arts, and Parks) tax funds and had been denied.

Ms. Gertsch expressed her gratitude for the TAP program that granted money to art programs. She had been awarded some of the funds the previous year but needed twice as much and was counting on the second award this year in order to proceed with her production program. She wished to discover how she had gone wrong. Council Member Phillips asked Ms. Gertsch to leave her contact information with the Chief of Police to have the TAP Grant Award Committee contact her to discuss.

Council Member Phillips shared that he had spoken with Wasatch County Council Member, and Wasatch County Housing Authority (WCHA) Board Chair, Kendall Crittenden regarding a letter he had written to the City Council about Consent Agenda item three. Council Member Johnston clarified the City Council wished to change one paragraph in the code to allow the City the option to retain fees in lieu to replace the affordable housing dedication negotiated with developers and collected by the City rather than deposit directly with the WCHA. Council Member Barney felt the City Council had worked very hard to keep the lines of communication open with the County and thought the item should be continued.

**Motion:** Council Member Barney moved to accept items one, two, four, and five on the Consent Agenda and remove item three for further discussion with Wasatch County and the Housing Authority.

**Second:** Council Member Cheatwood made the second.

**Discussion:** Council Member Cheatwood did not feel there should have been such heavy subject content placed on the Consent Agenda and thought the Council should have held more discussions on some of them. Mayor Franco explained the reasons for the items being placed on the Consent Agenda was that Staff had not felt there would be debate on the subjects or Council had held previous discussions. She questioned item three and asked if anyone had spoken with the Housing Authority. Council Member Ostergaard represented Heber City on the Wasatch County Housing Authority (WCHA) board and agreed to discuss the item with the board at the next WCHA meeting. He stated that the City had good reason for wanting the affordable housing fee in lieu code amendment and intended to lead the charge for affordable housing in the community. Council Member Phillips added that the City Council did not wish to go against the County and wanted to keep open lines of communication with the County going, but the code amendment would allow the City to take much needed action to move forward with affordable housing opportunities in the City. and recommended to have open communication and collaboration.

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

**Voting No:** None.

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

Discussion to clarify the intent of the motion: Council Member Barney wished to share the ordinance information with the County Council and the Housing Authority.

1. April 15, 2025, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Arts Advisory Board TAP (Trails, Arts, and Parks) Tax Project Recommendations (Phil Jordan, Farah Sanders - Arts Advisory Board Co-Chairs)
3. Ordinance 2025-09 Adopting Code Amendment to Allow City to Retain Fees-in-Lieu for Affordable Housing (Jeremy Cook, City Attorney)
4. Resolution 2025-06 Supporting America250 Utah and Recognizing and Approving the Red, White and Blue Festival Board as Heber City's Official Committee (Rachel Kahler, CAMS Executive Director)
5. Red, White and Blue Festival Request for 2025 July 4th Festival Sponsorship (Rachel Kahler, CAMS Executive Director)

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

Jami Hewlett thanked Council Member Phillips for a letter and indicated he must have hired a PR (public relations) firm because in the past, he had been argumentative. She shared that the Planning Commission Chair had threatened to have her removed from their meeting if she did not stop speaking out but the developer was allowed to say whatever they wanted. She hoped the meetings could find a way to be fun and inviting instead of scary and intimidating for the public. She felt others in the community were afraid to speak up. She said the county building was historic because it was older than 50 years, therefore needed to be protected. She wondered about the proposed City building remodel and felt the City should live within its means. She felt the City should take one for the team, especially in the down turning economy, and not just remodel every chance they got. She said she also had questions about the land the City was considering buying.

Shelly Ryan wanted City to focus on adding more restrooms and water fountains to the Main Street Park remodel. She was tired of the public using her business facilities. City Manager Matt Brower provided the restroom and water fountains planned in the design of the Main Street Park improvements.

Joey Barney felt the City and the County needed to be more collaborative and work together towards a resolution to the affordable housing crisis. He suggested the cause of the crisis could be in part due to the lack of communication between the City and the County.

Mike Hewlett called affordable housing a buzz-word. He implored City Council and Staff to do more research on the impact that affordable housing would have on the Valley. He said that adding more houses and more people would result in a significant tax increase due to the need for additional infrastructure. He asked the City to do their research and relinquish their effort for the impossible goal that was affordable housing. He said the Valley was already at maximum capacity.

Todd Anderson was on the Housing Authority Board and thanked the Council for pausing the withdrawal of the City's fee-in-lieu funds dedication to the Wasatch County Housing Authority. He felt the Housing Authority and the City could continue to collaborate in their affordable housing assistance efforts.

#### VIII. GENERAL BUSINESS ITEMS:

1. Wasatch County Health Department Annual Report (Jonelle Fitzgerald) - *10 min*

Executive Director of the Wasatch County Health Department, Jonelle Fitzgerald, shared the presentation as included in the meeting materials. She listed the services provided by the Health Department, shared budget information, and reviewed featured statistics.

Mayor Franco asked if the Health Department was at risk of federal funding cuts. Ms. Fitzgerald confirmed the Health Department was at risk of federal funding cuts under the existing administration. Council discussion followed regarding the healthcare needs within the community.

2. Red Rock Annexation Term Sheet (Jamie Baron, Planning Manager) - *30 min*

Planning Manager Jamie Baron reviewed the annexation process and provided the timeline for annexation. The Planning Commission had forwarded a positive recommendation to the Council and a public hearing would be forthcoming. He shared the term sheet being negotiated and wanted Council's feedback. City Attorney Jeremy Cook clarified that staff was asking the property owner to dedicate 60 feet of land for a future road to connect Daniels Road and 390 West. Council discussion followed regarding the proposed road, communication with the Daniel Town Mayor, development plans, and landscaping standards.

City Engineer Russ Funk explained the road would not be constructed for some time in the future. He noted the number of jobs the business provided and agreed that the annexation would be beneficial to the City.

Council Member Mike Johnston had declared a conflict of interest for this agenda item and had recused himself from the discussion as a Council Member. He was an Engineer with Atwell Engineering and was representing the Red Rock Annexation where Delta Stone was located. He listed the benefits to Heber City to allow the annexation of the industrial property. He felt it was a fair trade to deed Red Rock the quarter acre of City property in exchange for the requested land dedication for the road that the City was asking for. Council discussion continued.

Property owner Robert Hicken described his frustration at having purchased a lot that he felt was now being leveraged against him. Staff indicated they would work to finalize the annexation agreement, including the removal of the restrictive covenant on Lot 4 and the dedication of a 60-foot corridor for future road access and return to Council for a public hearing.

Mayor Franco relayed a concern from the special service district that Delta Stone did not let any of the industrial waste enter the sewer system.

3. Unity Week Events Overview (J. Mark Smedley, Asst. City Manager) - 5 min

Assistant City Manager Mark Smedley presented the events planned for Unity Week as outlined in the attached presentation.

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

1. Public Hearing for the Tentative Adoption of the Tentative Budget for Fiscal Year 2025-2026 and Establish a Public Hearing Date to Consider Adoption of the Final Budget (Sara Nagel, Finance Manager, Matt Brower, City Manager) - 10 min

Heber City Manager Matt Brower and Finance Director Sara Jane Nagel continued the budget presentation they had begun during the preceding Work Meeting. Ms. Nagel described the estimated cost of the proposed nine-step salary plan implementation. Mr. Brower added the intent of the proposed wage plan was to incentivize Staff retention. Council discussion for clarification of the wage program followed.

Mr. Brower described a proposed \$1,000.00 safety bonus incentive for employees considered high-risk, such as the Police Department and Public Works employees. Council discussion followed to consider a \$500.00 bonus rather than a \$1,000.00 bonus, and proposing alternate safety incentives.

Consensus of Council majority expressed support for the following budget questions:

- Approval of the revenue assumptions
- TAP (trails, arts, and parks) grant allocations as recommended by the Arts Committee
- Two added employees and to revisit the discussion in six months for additional full-time employees needed in other departments
- 2.8% COLA (cost of living adjustment) for all employees
- Implementation of the 9-step wage program
- Benefit change to PEHP
- Safety incentive plan for a \$500 bonus to qualifying employees annually
- Capital Improvement Plan
- Business license fee increase

Additional discussion followed regarding the proposed dollar amount to be invested in Main Street Park improvements; delaying certain large purchases until the sales tax revenue for the year was determined; and whether to proceed with the Truth in Taxation process to consider an increase in property tax.

**Motion:** Council Member Barney made a motion to extend the meeting to 10:45 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.**

Mayor Franco opened the public hearing at 9:46 p.m.

Lindy Rioux agreed with Council Member Yvonne Barney that the public should have input on how the public park's improvements were to proceed. She felt there was too much planned for one park and thought that before any money was spent, the citizens should be allowed an opportunity to provide opinions.

Jami Hewlett said she was super confused that the public had not been given the opportunity to provide input on the budget. She thought that there had been changes made that night and the public had not had a chance to look at it. She stated that her kids were falling asleep and bawling. She said a lot of people were involved but could not be present because they were putting their children to bed and she was sick of the Council Meetings going so late in general. She felt it was not right that the Council could meet and make all these changes to the budget without allowing the public the opportunity to provide feedback when it was their taxpayer dollars. She wanted to know what the State Code said regarding the requirement of the budget approval that night. She had not seen that State Code. Ms. Hewlett said the park had already been designed once, and she did not know why the City was trying to change it. She did not think there should be another ice rink. She then questioned what State Code required the adoption of the budget that night.

Mayor Franco clarified that tonight's approval was for the Tentative Budget only. The changes discussed would be updated and available to the public for review. Another public hearing would be held on June 3rd, 2025, before the final budget was adopted.

City Attorney Jeremy Cook read from Utah State Code Annotated 10-6-111: Tentative budget to be prepared -- Contents -- Estimate of expenditures -- Budget message -- Review by governing body; and section 114: Budget -- Public hearing on tentatively adopted budget.

With no one further coming forward from the public, the Public Hearing was closed at 9:56 p.m.

**Motion:** Council Member Phillips moved to accept the Tentative Budget, so far presented, for fiscal year 25-26, as well as set the second public hearing date of June 3rd, 2025, for the adoption of the budget.

**Second:** Council Member Oster made the second.

Council Member Cheatwood clarified the Council needed to accept the Tentative Budget but was not approving anything that evening. Mayor Franco reiterated for the public clarification that this was the Tentative Budget and the final budget would be presented for adoption in June.

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

**Voting No:** None.

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

Later in the meeting, City Attorney Jeremy Cook explained that the City must adopt the Tentative Budget in order to establish the date for the public hearing for final budget adoption.

**Motion:** Council Member Barney moved to adopt the tentative budget.

**Second:** Council Member Phillips seconded the motion.

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

**Voting No:** None.

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

2. Public Hearing for Harvest Village Public Infrastructure District (PID) No 1 and No 2 (Tony Kohler, Community Development Director) - *30 min*

Community Development Director Tony Kohler defined the creation of a Public Infrastructure District (PID) as a mechanism to assist developments with infrastructure costs while providing public benefits. A PID could be established by 100% of the voters in the area or 100% of the property owners. In this case, it was established by 100% of the property owners. He described the areas of the two proposed PIDs and shared the development plan as shown in the attached meeting presentation. A PID would place an additional tax on the purchasers of homes within the PID boundary. Mr. Kohler listed the next steps in the PID creation process.

Mayor Franco opened the Public Hearing at 10:14 p.m.

Jami Hewlett claimed there was a lawsuit currently ongoing regarding PIDs, stating that PIDs were unconstitutional because they allowed taxation without representation. She felt the decision should be placed on hold until the Utah Supreme Court figured out if PIDs were unconstitutional. She explained that a PID allowed a developer to borrow money for infrastructure and tax new homeowners to pay the loan back. She claimed there were a lot of homes in foreclosure and did not know if the PID would ever get paid back.

Ms. Hewlett said the main point was that the new homeowners were charged an extra tax and did not get to decide what they wanted so it was being challenged as unconstitutional because it was taxation without representation. She felt the City would get a lot of lawsuits and she did not want to see taxpayer dollars spent on lawsuits.

Joey Barney felt the PID gave too much control and power to the developers and thought the infrastructure should be under the power of the City. He referred to Utah State Code 10-6-113 regarding the requirements for the adoption of the Tentative Budget.

With no one further coming forward to comment, the hearing was closed at 10:18 p.m.

3. Valley Hills Drive (near City Cemetery) Pressurized Irrigation (PI) Line Extension (Matt Brower, City Manager) - *10 min*

Mr. Brower reminded the Council that the City had agreed to allow the homes adjacent to the cemetery to use and landscape City land in an easement area behind their homes. He asked Council to decide between the following options:

- a. pay a private contractor to install the irrigation line now
- b. wait until fall when the irrigation line could be installed in-house by the Public Works department at approximately half the cost of outsourcing the project
- c. not install an irrigation line and require the homeowners to connect to their culinary water for irrigation

Bret Anderson, one of the homeowners, was present to represent the residents whose properties were adjoining the cemetery easement property in question. He said there was already an irrigation line and didn't understand why the residents could not use that line.

Council Member Johnston explained there would be an additional cost for the residents to connect to the City's pressurized irrigation system as well as the monthly irrigation bill. Council discussion regarding whether all the affected residents wanted the irrigation line, the benefit to the City for the residents to maintain the landscaping in the area and eradicate the thistles, and that a separate irrigation line was needed.

City Engineer Russ Funk explained that the existing irrigation line was for City use and was metered. The residents would need a new irrigation line installed for their use.

Mr. Brower proposed Council make a motion to approve Public Works installing the irrigation line, contingent upon the decision of the property owners to use that line.

**Motion:** Council Member Phillips moved to approve Public Works installing the irrigation line, contingent upon the decision of the property owners to use that line.

**Second:** Council Member Cheatwood made the second.

**Discussion:** Council Member Johnston felt it might be burdensome for the property owner adjacent to the largest section of land to maintain so much land and expressed concern about whether the property owner would want to do so.

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

**Voting No:** None.

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

**Motion:** Council Member Barney moved to extend the meeting until 11:15 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.**

4. Second Amendment to the MDA (Master Development Agreement) for the Upper Jordanelle Master Planned Community - Update to the Transportation Plan (Russ Funk, City Engineer) - *15 min*

City Engineer Russ Funk reviewed the proposed amendment to the Master Development Agreement for the Upper Jordanelle Master Planned Community as outlined in the attached Staff Report, including images of the new plan versus the original plan. He listed the proposed changes to the language in the agreement:

- section C stated that new intersections connecting to US-40 and SR-32 would be built according to build-out requirements identified in the TIS (traffic impact study) submitted by the developer and shall have future needed lanes striped out as needed.
- strike section D
- section E read: Developer shall provide a paved trail (8 feet minimum) along all Major Collector and Mountain Collector routes, which trail shall be built at the same time as the roads. Trail widths shall be wider if required by the Trails Master Plan.

Mayor Franco requested that Mr. Funk meet with POSTT (Parks, Open Space, Trails, and Trees) committee to review the trails language and ask if POSTT wanted additional changes.

- section F read: The grades for all Collector Roads as shown on the Transportation Master Plan shall not exceed 8% (regardless of whether they were initially considered private, City, or County).

Development representative Mike Bradshaw explained that his understanding had always been that the developer agreed to improve Little Pole Road as a fire access only. He said the developer had committed to the existing residents there that they would not send traffic that way. Council discussion regarding the dedicated right-of-way expectation outlined in section G of the agreement followed.

- it was determined that section G would require a fire access road and right-of-way dedication to the City
- section J: The Collector Loop shall be operated and maintained by the Developer with public access until it is connected to the Wasatch County road through Benloch Ranch. At the time the road is connected, it shall be turned over and dedicated to the City.
- section K was changed from "every year" to "every two years" for the striping requirement.

**Motion:** Council Member Phillips made the motion to approve the agreement with the proposed changes listed.

**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.**

#### X. COMMUNICATION:

There were no communication items shared.

#### XI. CLOSED MEETING:

**Motion:** Council Member Phillips moved to enter Closed Meeting and to extend the meeting to 11:45 p.m.

**Second:** Council Member Cheatwood made the second.

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

**Voting No:** None.

The Council entered a Closed Meeting at 11:25 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  
Finance Director Sara Jane Nagel  
City Attorney Jeremy Cook  
City Recorder Trina Cooke

1. The purchase, exchange, or lease of real property

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

**Second:** Council Member Cheatwood made the second.

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

**Voting No:** None.

**XII. ADJOURNMENT:**

The meeting adjourned at 12:00 midnight.



  
Trina Cooke, City Recorder