**HEBER CITY CORPORATION**
**75 North Main Street**
**Heber City, UT 84032**
**Heber City Council Meeting**
**July 18, 2023**

**Approved Minutes**

**4:30 p.m. Work Meeting**
**6:00 p.m. Regular Meeting**

**I.** WORK MEETING - 4:30 P.M.

Mayor Franco called the meeting to order at 4:31 p.m.

**City Council Present:** Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler (absent 4:20 - 6:00 p.m.)
Council Member Scott Phillips - remotely (left at 7:27 p.m.)
Council Member Ryan Stack

**Staff Present:** City Manager Matt Brower
Assistant City Manager Mark Smedley
Community Development Director Tony Kohler
Planning Manager Jamie Baron
City Engineer Russ Funk
Airport Manager Travis Biggs
City Attorney Jeremy Cook
Officer Bryan Berg
City Recorder Trina Cooke

**Staff Participating Remotely:** IT Specialist Anthon Beales, Human Resource Manager Cherie Ashe, Engineering Technician Desiree Muheim, City Planner Jacob Roberts, Planning Manager Jamie Baron, Public Works Director Matthew Kennard, Finance Manager Sara Nagel, and Accounts Payable Technician Wendy Anderson.

**Also Present:** Pam Patrick, Heber Lefgren, Ann Moulton, Jerry Duke, Missy Luke, Dave Turner, Di Ann Duke Turner, Nay Goale, Mark Neilson, Sarah Duke Duncan, Jon R. Duke, Mike Bradshaw, Jared Wright, Kyler M. Harris, Austin Codwell, Sid Ostergaard, Jen Ostergaard, Glenn Parman, Phil Jordan, Tori Broughton, Morgan Lawrence, Caden Lawrence, Don K. Taylor, Terry Deihl, Armand Johanson, Paul Linford, Seville Neal, Moiria Rust, and others whose signatures were illegible or did not sign in.

**Also Attending Remotely:** (names listed as signed-in virtually) Cheryl Fox, Jesse Porquis, Kelli G, Christi Judd, Curtis Leavitt, John Janson, KPCW, Kate Sattelmeier, Kristen Small, Parker Sever, Paul Linford, Ron Winterton, Phil, Shorty, TMT, and T.

1. Council Meeting new software training Civic Clerk (Trina Cooke, City Recorder) - *30 min*

Civic Clerk representative Jesse Porquis provided an overview of the board portal for City Council Members to use with the City's new meeting software.

2. Discuss proposed Code Amendment to Chapter 18.68 Supplemental Zoning Regulations (Kohler, Janson) – *30 min*

Work Meeting Item Two was postponed until August 1 in order to hold the Closed Executive Session originally scheduled for the end of the Regular meeting.

3. Review of Moderate Income Housing Action Items (Baron) – *20 min*

Planning Manager Jamie Baron Presented the Moderate Income Housing report.

Council Member Phillips informed the Council he would need to depart the meeting at 7:00 p.m.

**II.** BREAK - 10 MIN

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

1. Call to Order

Mayor Franco called the meeting to order at 6:05 p.m.

2. Pledge of Allegiance (Heidi Franco, Mayor)

Mayor Franco led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Mike Johnston, Council Member)

Pam Patrick shared a poem entitled "I know something good about you."

**IV.** CONFLICT OF INTEREST DISCLOSURE:

No conflicts were disclosed.

**V.** CONSENT AGENDA:

Mayor Franco proposed Action Agenda Items 7 and 8 be included with the Consent Agenda.

**Motion:** Council Member Phillips moved to keep the Duke property discussion on the Action Item agenda. **Second:** Council Member Johnston made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

**Motion:** Council Member Johnston moved to return item eight to the Regular Meeting Action Items agenda for discussion. **Second:** Council Member Phillips made the second.**Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

Council Member Phillips inquired whether the Mayor wished to assign someone other than herself to the Fire District Advisory Board in order to alleviate some of the workload she held. Mayor Franco explained that the Fire Chief had requested the Mayors represent the Cities on the board.

**Motion:** Council Member Phillips moved that the Duke Farm discussion be moved forward on the agenda in order for him to be present for the discussion. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

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

1. Approval of June 6, 2023 and June 20, 2023, City Council Meeting Minutes (Trina Cooke, City Recorder)

2. Approval of Ordinance 2023-27 updating Title 7 of the Heber City Municipal Code, Elections, in order to align with State Code as amended in the 2023 Legislative Session (Trina Cooke)

3. Approval of Ordinance 2023-28 Amending the Heber City Council 2023 Annual Meeting Schedule (Trina Cooke)

4. Approval to Hang Flags on Main Street in Remembrance of 9/11 from September 5-15 (Rachel Kahler, Council Member)

5. Approve Appointment of Mayor Heidi Franco as the Heber City Representative on the Wasatch County Fire District Advisory Commission (Heidi Franco, Mayor)

6. Approval of POSTT (Parks, Open Space, Trails, and Trees) Committee Nomination Tori Broughton (Heidi Franco, Mayor)

**VI.** PUBLIC COMMENTS:

Airport Manager Travis Biggs shared two videos of the latest event held at the Heber Valley Airport produced by local high school students. Kyler Harris and Austin Calwell shared their background and interest in photography and videography.

Morgan Lawrence felt the elimination of one of the two traffic lights on Main Street would help alleviate some of the traffic pressure. He proposed a realignment of Midway Lane to 100 South with funding from UDOT (Utah Department of Transportation as Main Street and Midway Lane were both State Roads. Mayor Franco felt the suggestion aligned with the Envision Heber agenda item and invited Mr. Lawrence to stay to listen to the Council discussion later in the meeting.

Di Ann Duke Turner noted that the farm lease for the Duke property was the only written record of the dollar amount that the City had paid for the land purchased from the Duke Family. She recalled conversations with City representatives who had verbally committed to keeping the land as open space for either cemetery use or a park.

Mayor Franco moved the meeting forward to item four on the Action Items agenda for discussion.

**VII.** GENERAL BUSINESS ITEMS:

1. Presentation of Mayor's Award to Glen Parman (Heidi Franco, Mayor) - *5 min*

Mayor Franco highlighted the services of Fleet Manager Glenn Parman as itemized in the letter attached to the agenda that was submitted by Public Works Director Matthew Kennard.

2. Presentation of Heber Valley's efforts to recognize 9/11 National Day of Service (Ann Moulton) - *5 min*

Ann Moulton, Just Serve Specialist, read the statement attached to the agenda.

3. Presentation by Heber Light and Power on Time of Use Rates (Jared Wright) – *10 min*

Jared Wright, representing Heber Light and Power, was present to explain the time-of-use rates as offered by the Power company. He described the cost of service study to determine peak demand hours of the day to accurately capture costs. The purpose was to encourage power conservation during peak demand in order to alleviate pressure on the system. The time-of-use program was a voluntary opt-in program with a commitment of one year. He noted simple changes to habits could produce energy savings.

4. Presentation by Animal Control Board (Justin Hatch, Animal Control Supervisor, Heidi Franco, Mayor, Heber Lefgren, Assistant County Manager) - *10 min*

Assistant County Manager Heber Lefgren presented the proposal to move the Animal Services to the County as proposed by the Animal Control Board. He noted his background as the director of the animal control department in San Antonio, Texas. Mr. Lefgren shared the accommodations offered by the shelter and provided a general assessment of the facility. Neither Mr. Lefgren nor Animal Control Supervisor Justin Hatch felt the department was failing. The intent was to look to the future to address the need for a new facility to offer better services, including adoption-friendly enclosures, and to determine which local entity was best suited to oversee the department. Council discussion followed.

5. Presentation of Findings from Colorado Cities Tour (Matt Brower, City Manager, Jamie Baron, Planning Manager) - *10 min*

City Manager Matt Brower explained the purpose for the tour of four different Colorado cities' downtown main streets had been to learn what had led to their success. Council Members, Planning Commissioners, and executive Staff had been invited to participate. Planning Manager Jamie Baron shared the PowerPoint as attached to the agenda highlighting architecture, art installations, parking solutions, restaurants and retail shops, as well as other amenities contributing to their success.

Planning Commissioner Sid Ostergard felt the tour had been very beneficial and thanked the City for the opportunity. Planning Commissioner Phil Jordan had participated in the tour as well. He felt contemporary and historic architecture could exist complementarily together. He thought parking solutions could be integrated into Heber's downtown area.

Mr. Brower invited the Council to a lunch meeting with Roger Brooks who would be sharing renderings for Heber City's downtown and Main Street revitalization.

Jerry Duke hoped the Council would proceed cautiously. He did not want to see Heber City follow the path of Park City and repeat their mistakes

6. Central Heber Replacements Project Update (Russ Funk, Engineering Director) - *10 min*

The replacements project update was not provided or discussed.

**VIII.** ACTION ITEMS:

1. Approval of Ordinance 2023-22 adopting General Plan Amendment for Envision Central Heber Vision Statement (Tony Kohler, Community Development Director) - *45 min*

Council Member Johnston felt the Council would not be able to get through the Envision Central Heber discussion due to the lateness of the hour and proposed dedicating a full two hours to the discussion at a future Work Meeting. Council Member Stack agreed.

**Motion:** Council Member Johnston moved that the General Plan Amendment for Envision Central Heber be moved to a future Work Meeting in two weeks or a month, when Council would be able to give it due diligence of at least 90 minutes.
**Second:** Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

2. Presentation of Rail-Trail Project and Request Support for Grant Application and Commitment to fund Heber City Portion of Trail (Nancy O'Toole) - *15 min*

Nancy O'Toole provided a project update and reviewed the proposed phases. The trail would travel between the Heber Valley Railroad and Soldier Creek in the Wasatch Mountain State Park. Phase three of the trail would be entirely in Heber City. Ms. O'Toole had applied for a 60-40 UDOT grant in which Heber City would be responsible for only 40% of the cost of the phase 3 portion of the trail. The County Council had approved their portion of the trail grant match unanimously. MAG (Mountainlands Association of Governments) Trail Consultant for Wasatch County, Don Taylor, further provided history of the efforts to get the trail built and noted there had been an environmental impact study completed in 2016. Ms. O'toole felt the project would be at the top of the State's grant recipient list due to the readiness of the project to begin. Mr. Brower ensured the funding could be found in the City's budget.

**Motion:** Council Member Stack moved to approve and fund phase three of the trail within the City; to require a 40% match of the total cost for phase three at $815,698.37 with the 40% match to be $326,279.35. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

3. Review Proposed Amendment to the North Village Views and Highlands Master Plans stemming from proposed change to North Village transportation corridor (Tony Kohler, Community Development Director) - *30 min*

Mike Bradshaw, representing the North Village Views, identified the proposed changes to the transportation plan. Consultant for the development, Phil Jordan, further described the proposed modifications to the plan and the effects upon the initially proposed plan as well as the dedicated art center with an amphitheater. Mr.Bradshaw explained their goal had been to reestablish the surrounding development's master plans without increasing the overall density.

Council Member Stack noted an additional 139 units in the proposal and felt the proposal should go through the proper process beginning with the return to the Planning Commission. Council Member Barney agreed with Council Member Stack.

Project development representative Terry Deihl explained the unit count had gone down by seven units but the ERU (equivalent residential units) count had slightly increased. The reason was an effort to offer a more affordable product for the university area.

Mayor Franco opened the discussion for public comment. 7:15 p.m.

Dave Turner felt the item needed to be returned to the Planning Commission for additional review.

With no further comments from the public, the comment period was closed.

**Motion:** Council Member Johnston moved to proceed with the request as outlined by Staff as an administrative amendment and let Staff continue to deal with it and the Planning Commission to review it. **Second:** Council Member Kahler made the second.

Council Member Stack felt the request was somewhat a sleight of hand because Council had been advised the developments needed to go through the negotiation and approval process individually yet now they were requesting changes as a whole. Council Member Barney agreed. Council Member Kahler noted her diligence regarding density. She had changed her mind somewhat due to the lack of affordability in Heber City. Mayor Franco wished to have park and ride lots included in the plan.

**Vote: Voting Yes:** Council Members Kahler, Johnston, and Phillips. **Voting No:** Council Members Barney and Stack. The **Motion Passed, 3-2.**

4. Authorize City Manager to Sign DRAFT Section 4(f) De Minimis Impact Concurrence Request from Utah Department of Transportation (UDOT) (Matt Brower, City Manager) - *10 - min*

City Manager Matt Brower explained UDOT's (Utah Department of Transportation) request for a letter of concurrence from Heber City with regard to the use of approximately 2.14 acres of City land located at Muirfield Park. The land would be used as a culvert to support the proposed future bypass. UDOT had learned there was a conservation easement located on the land that prohibited culverts. UDOT had expressed confidence in their ability to work through the conflict. Cheryl Fox with Summit Land Conservancy had drafted a letter to UDOT to propose solutions and maintain protection of the conservation easement.

**Motion:** Council Member Stack moved to bring agenda item six forward based upon the time-sensitive contract approval needed. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

5. Adoption of the Advisory Arts Committee (Matt Brower, City Manager) - *15 min*

A motion was made at the end of the Council Meeting to continue agenda item five to a future meeting.

6. Consider contract award to MC Contractors in the amount of $841,523.48 for the construction of the Mill Road Roundabout (Russ Funk, Engineering Director) - *10 min*

Mr. Brower explained the City had received only one bid for construction of a proposed roundabout to be located on Mill Road. The bid was approximately $300,000.00 over what had been estimated by the City Engineers. New calculations estimated the cost would be increased to nearer $1,200,000.00. Mr. Brower noted the City had yet to acquire the additional private property needed to construct the roundabout. He suggested there may be more competitive bids if the City put the project out for bid again in January.

**Motion:** Council Member Johnston moved to deny the roundabout bid and continue with the plan for property acquisition and to revisit the project bid process once the property acquisition had occurred. **Second:** Council member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

**Motion:** Council Member Stack moved to consider agenda item eight next. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

7. Authorize Staff to Negotiate an Addendum to the Duke Land Lease Agreement Encompassing 15.79 +/- Acres (Heidi Franco, Mayor) - *10 min*

City Manager Matt Brower explained that the Council was being asked to provide direction to and approve Staff moving forward with the farm lease agreement negotiations for the Duke Family Farm.

Di Ann Duke Turner said that her family would like to await the Council's discussion and decision prior to commenting. She noted the size of Burgi Park in Midway. She did not feel there was such a thing as too big of a cemetery or too big a park.

**Motion:** Council Member Johnston moved to renew the land lease with the Duke Family for an additional five years with the current terms in the current land lease. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

**Motion:** Council Member Kahler moved to bring Action agenda item three forward in order to include Council Member Phillips in the discussion. **Second:** Council Member Stack made the second. Voting Yes: Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed Unanimously, 5-0.**

8. Consider Approval of the Children's Playground and Theme Associated with Wasatch Vista Park as Recommended by the Parks, Open Space, Trails, and Tree Advisory Committee. (Matt Brower, City Manager) - 10 Mins

Mr. Brower presented the attached PowerPoint for proposed amenities to be installed at the Wasatch Vista Park. A fitness court had been installed at the park and it was now proposed to install a chidrens playground nearby. The Parks, Open Space, Trails, and Trees (POSTT) committee had forwarded a recommendation to install a farm-themed playground, including an all-abilities musical equipment area, and a windmill with historical markers on it in recognition of the local farm families in the area. Mr. Brower proposed this be the second City project to be funded by TAP (Trails, Arts, and Parks) tax revenue. Council discussion followed.

Mayor Franco opened the discussion for public comment.

Kelly Gomez lived in the area and noted the many children located near the park. She wanted to know if there was a cost difference for a traditional play-set. She asked why traditional play equipment was being overlooked for the proposed farm scene play equipment. Council Member Barney shared the recent visit to Colorado cities had seen two such climbing playgrounds that were highly visited and appreciated by the children. She felt the musical equipment was very appreciated by the children as well.

**Motion:** Council Member Johnston moved to approve the recommended children's playground and farm theme at the Wasatch Vista Park as recommended by the POSTT committee. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

**Motion:** Council Member Stack moved to continue agenda item five to the next available agenda in the interest of the time. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The **Motion Passed 4-0.**

**IX.** COMMUNICATION:

Mr. Brower shared the date and time of the annual Wasatch County Parade and asked which Council Members would be able to attend. He reminded Council of the lunch with Roger Brooks on August 16 at the Avon theater.

Mayor Franco shared an invitation with elected officials county-wide to meet with Congressional representative John Curtis in the Heber City Council Chambers from 1:00-2:00 p.m. on Monday, August 21, 2023.

## X. CLOSED EXECUTIVE SESSION

1. Strategy session to discuss the purchase, exchange, or lease of real property ()

**Motion:** Council Member Barney made the motion to enter Closed Executive Session for the purpose of strategic discussion for the purchase, exchange, or lease of real property. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Johnston, Barney, Stack, and Phillips. Council Member Kahler was absent. **Voting No:** None. The **Motion Passed 4-0.** The meeting entered Closed Executive Session at 4:27 p.m.

**City Council Present:** Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Scott Phillips - remotely
Council Member Ryan Stack

**Absent:** Council Member Rachel Kahler

**Staff Present:** City Manager Matt Brower
City Attorney Jeremy Cook
City Recorder Trina Cooke

**Motion:** Council Member Johnston moved to exit the Closed Executive Session and return to the Rgular Meeting. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Johnston, Barney, Stack, and Phillips. Council Member Kahler was absent. **Voting No:** None. The **Motion Passed 4-0.** The meeting returned to Regular Session at 4:52 p.m.

## XI. ADJOURNMENT:

**Motion:** Council Member Stack moved to adjourn. **Second:** Council Member Barney made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, and Stack. **Voting No:** None. Council Member Phillips was absent. The meeting adjourned at 10:07 p.m.

Trina N Cooke

Trina Cooke, City Recorder