

Heber City Corporation  
75 North Main Street  
Heber City, UT  
City Council Meeting Minutes  
July 7, 2020

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

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on July 7, 2020, in the City Council Chambers in Heber City, Utah

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

**Present:** Mayor Kelleen Potter  
Council Member Heidi Franco  
Council Member Wayne Hardman  
Council Member Mike Johnston  
Council Member Rachel Kahler  
Council Member Ryan Stack – participating remotely

**Staff present:** City Manager Matt Brower  
Planning Director Tony Kohler  
City Planner Jamie Baron  
City Engineer Bart Mumford  
City Attorney Mark Smedley  
Finance Manager Wes Bingham  
Police Chief David Booth  
Police Lieutenant James Moore  
Police Lieutenant Jeremy Nelson  
City Recorder Trina Cooke

**Others Present:** Matthew Geddes, Kyle Green, Steven Rowley, Marcus Arbuckle, Jon Haderlie, Bruce Barrett, Camille Palmer and Paul Linford.

**Participating Remotely:**

Mayor Potter called the Work Meeting to order at 4:35 p.m. and welcomed all present in person as well as those joining the meeting remotely.

1. Presentations from Auditor Request for Proposals: (presentations – 20min; Q&A – 10 min)

WM Item 1 Staff Report and RFP

Forced Ranking Form

City Manager Matt Brower explained to Council how to utilize the forced ranking form in order to select their first choice from the Auditor candidates. He advised Council the finance department had narrowed the applicants to the top three and introduced the first presenter.

- a. Larson & Company 4:30 p.m.

WM Item 1a. Larson Company

Jon Haderlie presented the proposal for audit services from Larson and Company as attached.

- b. Keddington & Christensen 5:00 p.m.

WM Item 1b. Keddington & Christensen

Steven Rowley and Marcus Arbuckle presented the proposal for audit services from Keddington and Christensen as attached.

- c. Squire & Company 5:30 p.m.

WM Item 1c. Squire Proposal for Audit Services\_Heber City

Matthew Geddes and Kyle Green presented the proposal for audit services from Squire and Company as attached.

Mr. Brower asked the Council to discuss the candidates and they would make their decision at the end of the Regular Meeting. Discussion regarding the applicants followed.

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

1. Call to Order

Mayor Potter called the Regular Meeting to order at 6:00 p.m. and welcomed all present in person as well as those joining the meeting remotely.

2. Pledge of Allegiance (Mayor Potter)

Mayor Potter led the recital of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Default: Council Member Hardman)

Council Member Hardman offered a prayer.

III. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest to disclose.

IV. CONSENT AGENDA:

1. Approval of May 19, 2020 City Council Meeting Minutes and June 2, 2020 City Council Minutes (Cooke)

#### 5.19.2020 DRAFT Minutes

#### 6.2.2020 DRAFT Minutes

Council Member Franco asked for the May 19, 2020 minutes (page 6, lines 41-42) to include the list of amendments to the Sorenson MDA, as agreed upon by Council and Sorenson representatives, and drafted by City Attorney Mark Smedley and John Plunkett, Counsel for Sorenson.

**Motion:** Council Member Franco moved to conditionally accept the June 2, 2020 minutes as presented but wait to review the May 19, 2020 minutes with the additional information provided by Mark Smedley on page 6 lines 41-42. Council Member Kahler made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

Council Member Stack asked for a clarification to be made on the May 19, 2020 minutes (page 2, lines 28-29). The Work Meeting item 2. Main Street Banner Policy Discussion, his recommendation had been that the content of banners be restricted to City, County and Governmental speech rather than indicate the entities were allowed to restrict content.

#### V. PUBLIC COMMENTS:

Mayor Potter read the public comments received via email. [attached]

#### VI. ACTION ITEMS:

1. Update Regarding Heber City's Ongoing Response to COVID-19 (Brower)

City Manager Matt Brower provided an update of the current COVID-19 pandemic situation. He noted the City's intent to move forward with the Market on Main following the Wasatch County Health Departments approval and following health and safety requirements. He then reviewed the Market activities schedule.

Heber City Police Chief Dave Booth provided an update of the Police Departments ongoing safety measures.

City Attorney Mark Smedley provided an update of the Justice Courts ongoing safety measures. A brief discussion followed regarding stricter regulations for virtual hearings and trials as well as alternate courts proceedings.

2. Review of City's Investment Portfolio with Zions Bank (Bingham)

#### Item 2 Heber City Presentation

Mr. Brower explained the bank representative had been unable to join the meeting due to technical difficulties and would present at the next City Council Meeting scheduled for July 21, 2020.

3. Updating City's Grant Program and Establishing Council's Priorities for Fiscal Year 2020-2021 Grant Cycle (Sophie McDonnell)

Item 3 Grant Program Priorities

Mayor Potter introduced BYU (Brigham Young University) masters of publication candidate and City Intern, Sophie McDonnell. Ms. McDonnell shared her first assignment with the City was to formalize and streamline the grant program process for the approval of non-profit donations from the City. She stated the current budget included \$50,000 to be charitably distributed. She indicated the priorities as established from previous years had been identified as economic development, community engagement, and public health. Ms. McDonnell explained the new process would involve a committee established to review applications submitted by those organizations and foundations requesting the funds. The committee would then forward recommendations of fund distributions to the Council for approval once a year.

**Motion:** Council Member Franco moved to approve the non-profit priorities of economic development, community engagement and public health as presented. Council Member Kahler made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler and Stack. The motion passed unanimously.

4. Request for Preliminary Plat Approval for The Springs at Coyote Ridge (Baron)

Item 4 Staff Report

City Manager Matt Brower explained that the addendum to the VXC annexation agreement had yet to be fully executed, therefore felt it would be inappropriate to consider approval of the preliminary plat at this time.

Council Member Franco asked to discuss concerns she had with the amendment to the agreement. She felt the vested rights should be included with preliminary plat approval rather than the amendment to the Annexation Agreement. Discussion followed regarding which rights were vested and rights that were subject to change with the laws of the City.

Consensus of the Council was to add clarifying language to the previously approved addendum to the VXC Annexation Agreement indicating development details and design would be discussed during preliminary plat approval.

Council Member Franco asked whether Ivory homes would still be responsible for making the bridge improvements once they reached 40% build-out. City Planner Jamie Baron confirmed.

5. Discussion Regarding Coyote Ridge Street Lighting Concept (Mumford)

Item 5 Staff Report Coyote Ridge Street Light Standards

City Engineer Bart Mumford presented a streetlight concept plan for the Coyote Ridge and Coyote Springs developments. Discussion ensued regarding the number of streetlights necessary and the community feedback prioritizing dark sky compliance.

Council Member Stack asked for Council input regarding reducing the number of lights at intersecting roads from two to one. Council Member Johnston wanted two more weeks to further view the lighting of current developments. Consensus of the Council was to take two additional weeks to view subdivision lighting before making a decision at the following meeting.

Mr. Mumford indicated Staff would incorporate Council's direction into the new streetlight standard. Council Member Franco asked Staff to consider lower streetlights surrounding the agricultural areas to the north and south of the development in order to minimize the impact upon livestock.

## 6. Consider Ordinance 2020-30 Amending Chapter 18.102 Affordable Housing (Kohler)

### Item 6 PowerPoint

### Item 6 Staff Report and Ordinance 2020-30 Amending the Affordable Housing Ordinance

City Planning Director Tony Kohler presented an amendment summary as attached in the PowerPoint presentation. He reviewed the exceptions, owner occupied proportionality and clarification for the fee-in-lieu.

Council Member Johnston asked for the terminology to remain consistent as owner occupied rather than switching to "single-family".

Council Member Stack suggested the language for housing unit type specify that the affordable housing dedication could not consist of more than 45% apartment units, unless the 100% of the market rate units were apartments. He felt the owner-occupied units should be set at 50%. He recommended setting triggers for the affordable units construction. Mr. Kohler noted there was not sufficient Staff to enforce recommended triggers were met.

Discussion followed regarding the Wasatch County Housing Authority and Heber City's contribution.

Mr. Kohler reviewed the EAU (Equivalent Affordable Unit) equivalency chart, the Housing Authority accountability expectation and policy questions.

Council Member Franco expressed Heber was a family community and felt the rentals versus owner-occupied should be a much smaller percentage. Council Member Kahler indicated she did not want to see Heber as a city to house all the workers for the surrounding resorts. Mayor Potter referred to the requirements in Park City to help prevent that from happening. Mr. Kohler noted the strong need within the City for more affordable housing as families children grew to adulthood and had to move away from Heber or continue living with their parents, as they could not afford to live on their own within the City. Discussion continued.

## 7. Discussion and Action Regarding the North Village Resort and Consideration to Amend the Annexation Policy Plan (Kahler)

Council Member Kahler invited petitioner representative Bruce Barrett forward to join the conversation. She explained she wanted the conversation to focus on the resort portion of the proposed annexation. Council Member Kahler reviewed her list of concerns:

- Environmental issues
- Road Access
- Storm drains

- Proximity to Provo River
- Irrigation, waterways and bridges
- Meeting EPA standards
- The Floodplain location
- Location at the entryway to the Valley - resort did not appropriately represent the Heber Valley

Mr. Barrett addressed the storm-drain concern by providing a detailed description of the water system the resort would implement. He stated the water did not empty into the Provo River. He said the proposed system was a higher grade than required by Utah and the Department of Environmental Quality.

Council Member Kahler inquired how the North Village Irrigation company felt about the proposed water system. Mr. Barrett advised the company approved of the system. Council Member Franco asked to see the correspondence between the developer and the irrigation company, the Provo River Reclamation, users group and others who might oppose the development. Mr. Barrett replied he would be able to provide the requested correspondence. Discussion continued.

Council Member Kahler inquired the reason the petitioners wished to annex into Heber City when they were already entitled with the County. Mr. Barrett explained he felt the County did not operate in good faith. He noted the tax revenue benefit the proposed resort would offer the City.

Mayor Potter read a public comment received via email. [attached]

Mr. Barrett addressed the concerns submitted within the email. Discussion continued.

Council Member Kahler asked to have a conversation with the Council to determine whether the City was interested in moving forward with the proposed annexation.

Council Member Johnston explained the highly restrictive regulations imposed for storm drain systems. He noted the very advanced system the petitioners intended to install and stated the Council should turn their concern with old town Heber's storm drainage rather than what was being proposed for this project. He noted the Provo River flood map was no longer correct due to the dam upstream and current regulations.

Council Member Hardman inquired whether the petitioners expected the City to match the entitlements about to expire with the County. Mr. Barrett explained they had a development agreement with the County. Discussion continued.

Council Member Stack was not interested in moving forward with the project, as it would not appropriately represent the gateway to the Valley and City. He stated he did not wish to endorse a project with such large density.

Council Member Johnston stated he preferred nothing happened on the property and if he could go back 25 years and preserve the Probst farm, previously located there, he would. He asked the Council to look forward as the City was past the ability to retain the area as open space. He pointed out it was no longer a matter of whether or not the resort would be built but rather of whether or not Heber City would receive the potential revenue.



Mr. Barrett asked what specifically the Council disliked about the proposal. Council Member Hardman cited the high density and expressed concern with the entitlements held with the County. He feared the developer would return to the City and claim Heber City needed to honor said entitlements.

Council Member Kahler stated she did not like the project. She did not like the density and she did not want a water-park to be the gateway to the community. She did not want the City to be for sale. She felt the County had put ordinances in place and set expectations for the developers. She said she would rather see a dry 40 acres for the next 100 years. Council Member Kahler stated she hoped the petitioners could work it out with the County.

Council Member Franco indicated she agreed with Council Member Kahler and did not wish to see any development west of Highway 40. She felt the majority of Heber City agreed with the effort to preserve as much open space as possible. She indicated there were now programs in place allowing opportunities for cities and counties to buy conservation easements. She noted she was the chair of the Wasatch Open Lands Board. She was not ready to proceed with the consideration of the annexation and recommended they continue to work with the County.

#### 8. Discuss Feedback from Short-term Rental Social Media Campaign (Baron)

##### Item 8 Short Term Rentals

City Planner Jamie Baron shared the results of a social media poll the City had posted on Facebook. The purpose of the poll had been to obtain public input regarding the growing demand for short-term rental properties in residential neighborhoods. The question specifically addressed whether Heber City residents would prefer the rental properties be allowed throughout the City or be limited to certain zones. Limited to certain zones received the most votes with 52% over 48%. Mr. Baron stated Staff was looking for direction from the Council and he would work with the Short-term Rental committee to draft a regulating ordinance.

Council Member Johnston stated he felt the short-term rentals should be permitted throughout the City with the requirement of business licensing. Council Member Hardman agreed with Council Member Johnston.

Council Member Kahler expressed appreciation for the ordinance draft setting restrictions on the number of people permitted as well as parking.

Resident Camille Bowman stated she had a vested interest in the subject as she operated a short-term rental within Heber City. She shared her findings from the VRBO (Vacation Rental By Owner) and the Airbnb websites. She cited the current active rentals within the City between Airbnb and VRBO:

- 40 total:
  - 20 entire homes rented
  - 8 guest suites, basement apartments, or ADUs (Accessory Dwelling Units)
  - 3 condos or townhouses
  - 9 private rooms

Of the 40 total current active rentals, only eight lay within the proposed overlay zone. She said the majority of rented homes lay outside the proposed zone. She listed the size of homes currently rented.

Ms. Bowman stated that she felt she and other responsible hosts provided a valuable service to the community and brought great people to the City who spent their money at local restaurants and shops.

Council Member Stack felt the short-term rentals should be permitted throughout the City, if owner-occupied. He expressed concern with non-owner-occupied homes ability to ensure peaceful, quiet, short-term tenants that would protect the integrity of the overall neighborhood. He favored the downtown zone for non-owner-occupied units with a property management company. He felt basement rentals should be required to provide proof it was a permitted basement finish. He thought all rentals should be required to be licensed.

Council Member Franco agreed with the licensing and felt property management should be required to be located within ten miles.

Discussion regarding the definition of owner-occupied, licensing requirements, and how to protect the peace and integrity of the neighborhoods followed.

**Motion:** Council Member Johnston made the motion to move forward allowing home rentals in all zones, with the condition of licensing, under the regulations to be enacted by Council through ordinance. Council Member Hardman made the second. Voting Aye: Council Members Franco, Hardman, Johnston and Kahler. Voting Nay: Council Member Stack. The motion passed 4 – 1.

Council Member Franco reviewed the restrictions and requirements to be included in the ordinance:

- Licensing
- No street parking
- Property management
- Quiet hours
- Maximum occupancy
- Proof of permitted basement finish

#### 9. Selection of External Auditing Firm (Bingham, Brower) \*see work meeting materials

Council discussed the auditing firm candidates and shared the results of their forced rank voting forms. The result showed Keddington and Christensen as the number one candidate. Mr. Brower indicated he and the City Finance Manager Wes Bingham would enter negotiations with the firm and return to Council for approval of a contract.

## VII. COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL AND STAFF:

### 1. Staff Follow-Up Reports from City Council Requests

Chief Booth shared information regarding the Police Department's (PD) intention to begin stricter enforcement of illegally parked on Heber City streets. He stated the PD would first run an education campaign via social media, then issuing warnings, followed by citations. He predicted Council would receive complaints and asked for the consensus of Council for support. Discussion regarding the code followed. Council offered unanimous support of the proposed parking enforcement.

City Manager Matt Brower explained the City had received an application for development of storage sheds on the Southwest corner of 100 South and 600 West. He stated the area was prime tourism area and the City had proposed an alternate site. Mr. Brower asked if Council would like to impose a temporary moratorium for the area in order to protect the area to align with Envision Heber in the future. He clarified a moratorium would not apply to the current applicant. Council consensus was to move forward with the moratorium and to work with the applicant to encourage an alternate site for the storage sheds.



## 2. Clarification of Final Budget Amendment for Fiscal Year 2019-2020 (Brower)

City Finance Manager Wes Bingham detailed the clarification of budget details involving closing costs for the land swap had been \$500 and the basement remodel approximately \$5,000.

## 3. Fiscal Year 2020-2021 COLA (Brower)

City Manager Matt Brower reminded Council of the decision to postpone the enactment of the City's COLA (Cost of Living Adjustment) due to economic uncertainty caused by the COVID-19 pandemic. The postponement was intended to last until the City showed a 7% increase in sales tax revenue for three consecutive months. He stated Heber City had far exceeded the 7% increase in the past three months and Heber was not an isolated case, as 90% of cities in Utah had seen sales tax revenue increases in the past three months.

Council Member Franco expressed concern that the past three months had fallen in the previous fiscal year and thought the three months of consistent sales tax increase would have fallen in the current fiscal year. Discussion followed.

Consensus of the Council was to implement the COLA based on the past three months.

Council Member Johnston shared there were two weed boards and they had expressed concern with the amount of invasive thistles growing within Heber City. Mr. Brower explained the City's code enforcement had been sending letters to property owners asking them to take care of thistles on their property and the City's Parks and Cemetery Director Mark Rounds was taking care of thistles found on City property.

Council Member Franco reminded Council the first recommendation of the Wasatch Open Lands Board was scheduled to take place the following day at 6:00 p.m. during a Public Hearing. She recommended the City apply for bonds for the Coyote Springs Park or possibly for the open space for sale along Muirfield Park.

## VIII. CLOSED EXECUTIVE SESSION:

### 1. Pending Litigation

**Motion:** Council Member Kahler made the motion to enter Closed Executive Session for the purpose of discussing impending litigation. Council Member Stack made the second. Rollcall Vote: Voting Aye: Council Members Johnston, Hardman, Kahler, Franco and Stack. The meeting entered Closed Executive Session at 9:58 p.m.

**Present:**

- Mayor Kelleen Potter
- Council Member Heidi Franco
- Council Member Wayne Hardman
- Council Member Mike Johnston
- Council Member Rachel Kahler
- Council Member Ryan Stack – participating remotely

**Staff present:** City Manager Matt Brower  
Police Chief David Booth  
Police Lieutenant James Moore  
Police Lieutenant Jeremy Nelson  
City Recorder Trina Cooke

**Motion:** Council Member Kahler made the motion to return from Closed Executive Session to the Regular Meeting. Council Member Stack made the second. The meeting returned to regular session at 10:26 p.m.

#### IX. ADJOURNMENT

**Motion:** Council Member Kahler made the motion to adjourn. Council Member Stack made the second. The meeting adjourned at 10:27 p.m.



*Trina Cooke*

Trina Cooke, City Recorder

**Following are public comments submitted by email for the July 7, 2020 City Council Meeting, either for the Public Comment period or specific agenda items as listed:**

#### V. PUBLIC COMMENTS:

**From:** Sara Hunt Stevens  
**Sent:** Tuesday, July 7, 2020 3:18 PM  
**To:** CC Public Comments <ccpublic@heberut.gov>  
**Subject:** (EXTERNAL) Pride Banners

July 7, 2020

Madam Mayor and City Council Members,

I am writing today to voice my support for the Wasatch Back Pride banners on Main Street in Heber City. I am not personally vested in the LGBTQ community. I do not have any family members or children that are LGBTQ.

The State of Utah and our communities in Wasatch County, have a very high rate of suicide among our teenagers. This is frightening and unacceptable. Some of these teenagers are part of the LGBTQ community and some are still hiding their true selves. It is important to show support for this part of our community so they know they ARE part of our community. Many times our LGBTQ neighbors and children feel excluded. I believe by displaying the Pride banners on Main Street, we are letting all of our community know that we acknowledge their existence. We acknowledge they are part of our community. Perhaps this small gesture may show even one struggling LGBTQ person that we (their neighbors, friends, and community) acknowledge them.

Let's use this opportunity to help minority groups in our community feel accepted as part of our community. This is not a political statement. This is simply a small gesture, that is not government paid, that shows a specific portion of community they are here and we know!

Frankly I am surprised and disappointed that there are people in our community that feel threatened by rainbow colors. Showing support for different parts of our community does not take away from majority groups in our community. When we accept others that are different from us in some way, we make our community stronger.

Thank you for your time and consideration on this manner.

Sincerely,

Sara Stevens  
Midway Resident

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**From:** fusser00  
**Sent:** Tuesday, July 7, 2020 2:41 PM  
**To:** CC Public Comments <ccpublic@heberut.gov>  
**Subject:** (EXTERNAL) Pride flags

Such a shame how it comes down to the hanging of flags in our community. That's just it.! Our Community who supports everyone and all, so why the issue what the flag represents. Your supposed to love everyone, be kind, help people. Is the flag really hurting anyone?. Or you are just set in your ways of old school thinking and maybe religious based. No one else states that they are offended by anything else hanging there. But we can we all do not see things the same way. But if someone is paying for the spots to hang them, then they have the right and freedom and voice to so!!! Let them fly, you don't like it don't look. They are not pushing anything else. I'm offended that with all going on in the world you think this is a priority.

Sent via the Samsung Galaxy Note8, an AT&T 5G Evolution capable smartphone

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**From:** Sebastian Kuhlmann  
**Sent:** Tuesday, July 7, 2020 2:36 PM  
**To:** CC Public Comments <ccpublic@heberut.gov>  
**Subject:** (EXTERNAL) Pride Flags

To: Mayor Kelleen Potter,

Hi! My name is Sebastian. I am an 18 year old transgender man. I grew up in many places not only in Utah, but all over the country and when i first moved out into my own place, Heber was where I went. I remember coming to check out apartments and seeing all the pride flags and looking at my fiancee and saying, "Yeah, I think this is where we want to be." Even in Provo, where I moved from, we only had the pride flags up for the days of the parades and festivals. Having the flags up for the entire month is wonderful to me, especially since I grew up without much support and recognition. It would mean a lot if we kept flying the flags during Pride Month (June). Thank you so much for your time, have a wonderful day!

-Sebastian Kuhlmann

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**From:** Anjie Kennard

**Sent:** Tuesday, July 7, 2020 2:34 PM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL) Thank you and PRIDE flags.

Hello Ms. Mayor and Heber City Council,

I just want to reach out and first say thank you for all the hard work you are doing and have done in these unprecedented times. I recently attended a city council meeting and was blown away at the amount of work that goes into each issue facing our valley. The lack of citizens in attendance was astounding to me, since so many of the same people never miss an opportunity to complain about every decision on the local social media boards.

Second, I am a proud mother of an LGBT+ youth in our valley. Being raised in Heber, I understand and know what it's like to work so very hard to find a place where you fit in. Even without the stigma of my "sexuality" being considered "different." Small towns are mostly great, but sometimes, they can be brutal. Especially to kids who are just trying to figure themselves out. I think its important that we show our youth and that we love and accept them. I think the PRIDE month flags are a beautiful way of doing just that. The flags are simple and put the spotlight on the Wasatch Back. They bring us together with love and compassion. It's a very simple way to show others they are not alone.

At that last meeting I went to, there was a letter read in opposition to the flags, stating that since so many more people were not a part of the LGBT+ community, that they were the majority, and they didn't want to allow them to fly any longer. I am writing this to state that while I am not a part of the LGBT+ community, I love the flags, I support the flags being flown in the month of June, and do not wish to be lumped in as a majority just because I myself am not LGBT+. I also would like to point out that just because there are more of us who are heterosexual does not automatically mean we're against the flags. We are not.

The rodeo has always had flags fly. Shop Local has had flags fly...I am neither a rodeo star (or fan even) or a shop owner and I can say with great certainty, that I hope those who are, feel an immense pride and sense of a loving community when they see flags offering a little wave of reminder and inclusiveness to our community. We're all in this together. It's only love. It's the least we can do.

Again thank you for your due diligence and hard work.

Sincerely,

~Anjie Kennard

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-----Original Message-----

**From:** Julie

**Sent:** Tuesday, July 7, 2020 4:51 PM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL) Flags on Main Street

Dear Heber City Council Members,

I have lived in the beautiful Heber Valley for over thirty years. I have a deep love for this valley. I love the people. I think it's the most beautiful place on earth with kind and caring people.

Thank you for your service and taking time to listen to the Residents of Heber City. I would ask that we do not continue to politicizing different groups on our main street flags. I enjoy seeing the County Fair flags, the Veterans Day flags and Winter flags, however I do not think we should have flags that only represent one group or one organization. We are a community of different backgrounds and different beliefs. I believe we are One and can continue to be one by not displaying flags politicizing specific groups.

Yes we can be respectful of one another and each other's beliefs. We love this beautiful Valley. Let us be unified, let's not politicize on specific groups. Let's enjoy this beautiful community and be one in respecting each other.

Thank you for listening and please let us change our present flag policy.

Julie Lundskog

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**From:** suzzanespence

**Sent:** Tuesday, July 7, 2020 11:14 AM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL) Pride Flags

Dear Council members:

We have been trying to locate to your fine City for the last several years. We have visited Heber many times and fell in love with the city. We are retired school teachers from Tennessee. We have a contract on a house and will soon be paying taxes soon. The Pride flags are a welcome sight for many residents, and travelers passing through Heber.

We support the hanging of the flags as it represents such diversity which is needed. If you are considering no longer hanging the flag will you make the same decision when it comes to posting banner or flags?

We will be at the meeting in person on July 21.

Suzanne Spence

*Sent from my T-Mobile 4G LTE device*

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**From:** Toni King <  
**Sent:** Tuesday, July 7, 2020 9:01 AM  
**To:** CC Public Comments <ccpublic@heberut.gov>  
**Subject:** (EXTERNAL) Public Comment

Recently, I traveled to Heber City from Indiana to be with my new granddaughter. The colorful pride flags caught the attention of this mother's heart. I wished my son could see them....

The call came in the middle of the night from my son who was a returned missionary attending BYU. "Mom, I have something I need to tell you. This is the hardest thing I've ever had to tell you" (very long pause...) "I'm gay."

I can remember very little of the conversation that followed as my mind tried to process the implications. But what I do remember was him telling me, "Mom, I am the same person I was yesterday."

In the months that followed, I received a phone call from one of his professors concerned that he was very depressed and suicidal. I was on a plane early the next morning terrified of what I would find. He was struggling to understand his situation and find a path forward. He had reached out to an LDS support group. He continued to reach out for help working with doctors and therapists. He was put on high doses of medications by a doctor who he himself later committed suicide.

What followed for me was months and months of soul-racking sobs in agony for what he has endured and experienced – the loneliness, the pain, the fears, the mockery, the harassment, the judgments. My son quietly fought through these extremely difficult challenges completing a bachelor's degree. Five years ago, he completed an MBA from the University of Florida. However, not long after receiving his MBA, he suffered a severe mental health crisis - fracturing with reality. And although the cause is undetermined, there's a very high likelihood that it was triggered by the years of trauma he has endured trying to reconcile who he is with his principles and how he is treated and perceived. He has been unable to work. He lives daily with excruciating physical and mental pain.

"LGB-identified individuals have a 2 to 6 times higher lifetime risk of suicide and/or depression than the general population. This increased risk for various mental health conditions in this population is mostly a result of discrimination, marginalization, and homophobia." (Psychiatric Times, Dec 2019)

Research has shown that the most effective method of helping can be found in showing acceptance, establishing a caring connection, and providing a sense of safety. The pride flags displayed by Heber City touched my heart as they signaled for ALL to see, a small town growing in understanding and reaching out in acceptance and caring for those in desperate need of both.



My son is my hero. He has endured and continues to endure pain that most of us cannot even imagine. As he told me on the phone in the middle of the night, the person he is today is the same person he was growing up in a small midwestern town. He didn't choose to be gay.

I wish my son could have seen your beautiful flags.

Sincerely,

Toni King, Fishers, Indiana

Mom, Board Member for NAMI Indiana (National Alliance for Mental Illness), and CPA

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**From:** Stacy Hall

**Sent:** Tuesday, July 7, 2020 7:20 AM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL) Public Comment on Main Street Banners

Dear City Council Members,

I understand that the council is considering changes to policy concerning the banners displayed on Main Street.

First, I would like to express my support for the Pride in the Wasatch Back banners that have been flown for the last two years. I admit that I was more than a little bit surprised when I first saw them, but I have come to see them as a symbol of inclusivity in our community. To me, the banners say that all people will be treated with love and respect in the Heber Valley.

Secondly, I hope that the banners will remain as an arena for free speech in our city. I understand that it will be difficult to craft policy governing access to this space, but I believe it is worth the effort to ensure that diverse points of view can be expressed here.

Thank you for your consideration.

Sincerely,

Stacy Hall

Heber City Resident

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-----Original Message-----

**From:** Nelda McAllister

**Sent:** Monday, July 6, 2020 8:14 PM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL) Regarding the Heber City Main Street Pride Banners

> Dear Mayor and City Council Members,

>

> Thank you for leading. Living in this valley often feels like we are living in a postcard. We know that a place is what you make it.

>

> The recent banners on Main Street are an endorsement by the City of a political view, and are a misrepresentation to our visitors, newcomers, and precious kids of the positive and caring values and priorities of the valley's residents. The city-placed flags on Main Street endorse a political view, but should be used only for limited messaging appropriate for the City, such as widely attended non-politically-charged events. We appreciate all our good neighbors hoping to build a kinder and safer place where we can live the dream of the West of a space for yourself, of living your own values, and of your own industry.

>

> We hope you will disallow politically charged signs from public signage citywide.

>

> Sincerely,

>

> Paul and Nelda McAllister

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**From:** Gail Witkamp

**Sent:** Monday, July 6, 2020 12:24 PM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL) Main Street flags

I love the flags on Main Street but I have been concerned about one particular flag being displayed which projects 'lgbtq pride.' I accept all people and believe we are all special. I see in our country today 'special interest' groups that are divisive, and are not helping but hurting efforts to bring us all together in unity and love. I would like to see our community become ALL inclusive – as in One Heber. That can be done in many ways. The flags on Main Street should not be used to single out one group over another or to be a stage for any political agenda.

Sincerely,

Gail Witkamp

Heber City

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-----Original Message-----

**From:** Susan Kyle

**Sent:** Tuesday, July 7, 2020 3:18 PM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL)

Mayor Potter,

This is a request to please continue to display the pride flags in Heber. So much turmoil and struggle in our world today and this is a beautiful way to show our compassion and inclusion. The few that protest clearly don't have friends or family that need our love and support. I applaud and am proud of Heber when they are displayed.

Thank you

Susan Carlton Oquendo  
Skyle959@msn.com

Susan Carlton Oquendo

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**From:** Miranda Blaser  
**Sent:** Sunday, July 5, 2020 12:29 PM  
**To:** CC Public Comments <ccpublic@heberut.gov>  
**Subject:** (EXTERNAL) Politicizing Main Street

To whom it may concern,

I do not believe that Main Street in Heber City, Utah should be used as a platform to make political statements. The United States of America is a unique and exceptional land where we are all free to live our lives in a way that fits our own beliefs. I would like to defend that with the full force of my conviction. Is Heber City a town apart from the foundation of the USA where our own voices are taken and political statements are made on our behalf without the proper course of actions? I did not believe that to be true, and I hope that it will not be true in the future, no matter what politically charged message it may be.

Sent with my support that our leaders will make the right choice.

Respectfully,

Miranda Blaser

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**From:** Kristin Taylor  
**Sent:** Sunday, June 28, 2020 5:41 PM  
**To:** CC Public Comments <ccpublic@heberut.gov>  
**Subject:** (EXTERNAL) Flags flown on Main Street

To Whom it May Concern,

I am writing in regards to the City Council Meeting that will be held on July 7th. Specifically, I am addressing flags flown on Main Street.

Thank you.

Sincerely,

Kristin Brown

#### Statement on Rainbow Flags

I am writing to address the Pride Flags that are flown on Main Street in Heber during the month of June. I have been told that anyone with \$5,000 and the Mayor's signature can have their flags flown on Main Street. Does that mean that the Mayor would endorse other politically driven flags like pro 1<sup>st</sup> or 2<sup>nd</sup> amendment flags? The

freedom of speech, religion, and the right to bear arms have all recently been under attack. Public spaces should be reserved for non-political agendas.

Kristin Brown

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**From:** Mary Pitts  
**Sent:** Tuesday, June 23, 2020 1:09 PM  
**To:** CC Public Comments <ccpublic@heberut.gov>  
**Subject:** (EXTERNAL) Flag issue in public arena

To the Council:

I would briefly like to express my opinion on the issue regarding the ornamental flags on Heber public streets.

As a community we are striving to be a united body of people who want to work together to make this community kind, caring and hard working. Having anything political on our public flagpoles will discourage our mission as a community and will only bring about disharmony and a total lack of the unity in our community that we desire to have. Please pass an ordinance that forbids any display that is political in nature.

Thank you. And we will be watching.

Mary Pitts

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**From:** Echo Neal  
**Sent:** Monday, June 22, 2020 10:40 AM  
**To:** CC Public Comments <ccpublic@heberut.gov>  
**Subject:** (EXTERNAL) Proposal for new Ordinance on flags

Dear Mayor and city council :

I previously have written a letter , but realized I have in my possession something that may be influential in your decision .

On June 9, 1963 President Moyle gave the following at the dedication of the Midway 1 Ward of The Church of Jesus Christ of Latter Day Saints . I'm going to attach a copy of this . Please note : he said " this valley chosen above other valleys in the world is going to be a show place of the world" - he said : "the world will come here and they are going to look upon us " . That's not all he said as you will read . We are under a sacred obligation to be a place that is

" different and special and unique "

We don't have to follow other cities . We are a special city with a fore- ordained purpose , to stand out - he said we need to "be fit to qualify ourselves to accomplish the great mission that lies ahead " . I understand you are not all of my faith . But I witness that these things are true . The world in fact DID come here during the Olympics , I believe , in fulfillment of this blessing . If we do not want to fall under condemnation to a greater

power, I would ask you to search your souls and hearts deeply , as you make decisions that impact the entire valley .

I pray you will be wise and follow promptings . Please vote yes to the new Ordinance . Let's maintain this blessed spot of the world . We are obligated to do so .

Thank you ,

Echo Neal

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**From:** Sadie Hosale

**Sent:** Sunday, June 28, 2020 4:44 PM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL) Public Comment on Heber City Main Street Flags Policy

I have lived in Heber City Utah since 2006 and enjoyed our city, but the political flags on Main Street are not appropriate. Main Street Flags should be restricted to city, county, and special events.

Regards,

Sadie Hosale

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-----Original Message-----

**From:** Brandi Spears

**Sent:** Thursday, June 18, 2020 5:05 PM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL) Pride flags

Hello, I'm writing this email in regard to the LGBT pride flags that have been hung on our beautiful Main Street. My family and I personally don't like them. We feel it is against ours and many religious beliefs and is a big political statement. I feel the flags are a personal political thing and should not represent our town and county. I think the flags flown should represent holidays or fun events not a political event which is more a personal belief and doesn't represent all of Heber or the County. In fact I think if we voted on them they would be turned down. Please consider my request on removing them and not take a one sided stand for them.

Thank you

Brandi Spears

Sent from my iPhone

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**From:** tosha arnout

**Sent:** Thursday, June 18, 2020 2:02 PM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL) Flags on Main Street

Dear Heber City Council,

I would like to support changes in the laws about the flags hanging on Main Street. I do not think that the flags should be political in any way. Everyone in the community should be able to drive or walk down Main Street and feel comfortable with the flags displayed. I am happy to support flags promoting Swiss Days, the Wasatch County Fair and other county activities that are beneficial for all who live in the county. I would be happy to see flags celebrating Memorial Day, Veteran's Day and Christmas.

Thank you,

Tosha Arnout

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**From:** Echo Neal

**Sent:** Wednesday, June 17, 2020 5:21 PM

**To:** CC Public Comments <ccpublic@heberut.gov>

**Subject:** (EXTERNAL) Pride Flags

Dear Mayor Potter and Heber City Council . I am writing this e-mail to you in hopes that you will respect a difference of opinion and consider my feelings as a resident of this wonderful valley . I have not been in favor of the pride flags . I spoke to you last year and expressed my feelings then . The original Ordinance associated with the poles , when they were put up under Mayor Lynn Adams, clearly stated that they were for the purpose of promoting events associated with Heber City and Wasatch County . I have no animosity toward anyone in the LGBTQ community . However , I also believe Marriage is between a man and a woman . Those are MY beliefs . As I said last year , the flags don't represent my beliefs , nor the beliefs of the majority of the citizens I know . They are sending a message that I support that lifestyle . While people are free to practice their lifestyle of choice , I don't think any one group should be allowed to express it in such a way that is offensive to others - or gives the wrong impression . Our City is named after a man I revere and respect : Heber C.Kimball . I don't believe the pride flags honor his name or respect the values this valley was founded upon .

I am deeply concerned by the divisiveness in our Country . It hurts me as an American to see what has occurred . It equally hurts me as a resident of a community I love and hold dear, to see our Main Street politicized and fuel yet more divisiveness. I don't want that for us . Mayor Potter : you and I simply disagree on this one issue , but can you set aside your personal experience in your home , and stand by your role as an elected official to represent ALL of Heber? I am truly and deeply sorry if others have been cruel to your children . I would defend them in a heart beat . But please don't disregard the principles I have committed and Covenanted to live by , simply because I am different than you . Can you not see the irony in this - that in wanting YOUR voice to be respected and heard : you are doing the very thing you don't like, to others , who have a difference of opinion ? I just want the flag poles to be a place that promotes our community and the events that have always brought us TOGETHER . Can we not stand together on that ? Can you not see that you open Pandora's box by allowing one group to fly their flag and not another ? The vast majority of the people I know - and I know a lot of people having lived in both Midway and Heber for 30 + years ... do NOT support the pride flags . I could continue and give you many reasons why they are actually offensive to others . But I am hoping this is sufficient and I have made my point . I believe in God . And I believe God honors and blesses those who honor Him . I'd like those blessings for our community . Please , please, please ... let's not have things that divide us anymore . For the



good of our community as a whole .... take them down , and don't ever use those poles for ANYTHING , that is potentially political or divisive . That's all I ask .

Thank you for listening . I really do appreciate that .

Most Sincerely,

Mrs. Echo Neal

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7. Discussion and Action Regarding the North Village Resort and Consideration to Amend the Annexation Policy Plan (Kahler)

From: Trudy Simmons <trudywsimmons@gmail.com>

Sent: Tuesday, July 7, 2020 5:35 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Concerns About Annexation of Proposed North Village Property

To: Heber City Council

From: Dan and Trudy Simmons, 3333 N Highway 40, Heber City

Re: Flood and other environmental hazards associated with the proposed North Village Resort should preclude annexation of this area by Heber City

Date: July 7, 2020

- Of the proposed properties for annexation, only NV Resort lies in the North Fields and adjacent to the Middle Provo River and its tributary Rock Creek.
- This creates serious environmental issues, particularly for the high density use NV Resort proposes.
- Because of its location, NV Resort has nowhere to dispose of its storm water onsite without directly and immediately impacting the Provo River, Rock Creek and the North Fields.
- The level of Rock Creek fluctuates in concert with the Provo River and is part of the Provo River Mitigation Corridor, which was established to mitigate the effects of Jordanelle and to promote the health of the Provo River.
- Rock Creek flows through our farm, which abuts the proposed NV Resort property. Within the past 8 years Rock Creek has flooded our farm multiple times. Flooding hazards associated with Rock Creek have not been studied either by FEMA or other agencies. The map presented at the last City Council Workshop (6/24/2020) only showed the predicted flood map of the main channel of the Provo River, not its tributaries.

- The FEMA Flood Insurance Rate Map (see FIRMette) designates the Provo River adjacent to the proposed development as a Zone A special flood hazard area. Zone A flood hazard delineations are based on approximate methods. Detailed hydraulic analyses have not been performed and flood elevations have not been defined. Prior to any approval, detailed hydraulic analyses of the Provo River must be completed to confirm the floodplain limits of the Provo River main Channel, define the floodway, and provide base flood elevations. The same analyses need to be done for Rock Creek.
- The supposition that the city (by annexing this property) can simply transfer its waste stormwater “over the fence” into the Provo River Mitigation Corridor of the Middle Provo River and onto the farms of the North Fields will be subject to controversy and litigation.
- Other environmental and traffic hazards have been noted by the county and certain criteria have been required that have not been met by the developer.