

**MINUTES OF THE
WASATCH COUNTY COUNCIL
MARCH 12, 2025**

The Wasatch County Council met in the regular session live and by zoom at 4:00 p.m. and the following business was transacted.

PRESENT: Chair Karl McMillan
Mark Nelson
Erik Rowland
Colleen Bonner
Spencer Park
Kendall Crittenden
Luke Searle

STAFF: Dustin Grabau, the County Manager
Heber Lefgren, Assistant County Manager
Austin Corry, Assistant Wasatch County Planner
Jed Muhlestein, Wasatch County Engineer
Quinn Davis, the Wasatch County Building Director
Terry Ekker, Wasatch County Public Works Department Director
Wendy McKnight, from the Clerk's Office
Tiarra Cooper, from the County Manager's Office
Doug Smith, the Wasatch County Planner
Jon Woodard, the Assistant Wasatch County Attorney
Rick Tatton, Court Reporter via Zoom

PRAYER/REMARKS: Councilman Luke Searle

PLEDGE OF ALLEGIANCE: Led by Councilman Spencer Park and repeated by everyone.

Chair Karl McMillan called the meeting to order at 4:00 p.m. on Wednesday, March 12, 2025, and indicated that all the Wasatch County Council Members are present. The record should also show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative Building located at 25 North Main, Heber City, Utah 84032. Chair Karl McMillan then called the first agenda item.

OPEN AND PUBLIC MEETING AFFIDAVIT

The Open and Public Meeting Affidavit was made part of the record.

Councilman Kendall Crittenden indicated that today was designated as a work meeting because of a change and a need for a regular meeting on Item No. 5.

I would like to make a motion to designate this meeting as a regular meeting today. Councilman Mark Nelson seconded the motion, and the motion carries with the following vote:

AYE: Chair Karl McMillan

AYE: Erik Rowland

AYE: Colleen Bonner

AYE: Spencer Park

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Mark Nelson

NAY: None.

ADMINISTRATIVE ITEMS FOR FUTURE MEETINGS

Chair Karl McMillan asked if there were any Administrative Items for Future Meetings and there were none.

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

Chair Karl McMillan asked if there were any Legislative Items for future meetings and there was none.

PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA

Chair Karl McMillan asked if there were any Public Comment on matters not on the agenda and there was none.

APPROVAL OF THE MINUTES

Chair Karl McMillan asked if there were any minutes to pass and there were none at this time.

COUNCIL REGULAR SESSION

WASATCH COUNTY PLANNING DEPARTMENT 2025 PRESENTATION

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and presented a power point presentation of what the Planning Department does in Wasatch County. Core responsibilities are to review and process development related applications and/or permits; issue building permits; prepare and analyze projects to be presented to various decision makers; assist residents and developers who have land-use related questions/concerns. Manage and enforce local land-use related codes.

WASATCH COUNTY ENGINEERING DEPARTMENT 2025 PRESENTATION

Jed Muhlestein, the Engineering Department Director then presented a power point presentation indicated what the Engineering Department does in Wasatch County. Core responsibilities are to establish uniform design and construction standards with Wasatch County that create a basis for inspecting local construction projects. Provide a review of all construction plans to ensure those plans meet the acceptable County standards.

WASATCH COUNTY BUILDING DEPARTMENT 2025 PRESENTATION

Quinn Davis, the Wasatch County Building Department Director, presented a power point presentation regarding what the Building Department does in Wasatch County. Core responsibilities are to review and approve building plans; issues permit for residential and commercial construction; perform building, plumbing, mechanical and electrical inspections.

WASATCH COUNTY PUBLIC WORKS

Terry Ekker, the Wasatch County Public Works Director, then presented a power point presentation regarding what the Public Works Department does in Wasatch County. Core responsibilities are to maintain the County's roadways and signage system; provide maintenance and repair services to County-owned building; provide snow removal services during winter months and noxious weed control services during spring/summer months; provide flood control services when needed.

DISCUSSION AND CONSIDERATION OF THE COUNTY COUNCIL AUTHORIZING THE COUNTY MANAGER TO PERFORM AN INVESTIGATION AND TO RATIFY THE ENGAGEMENT OF AN EXTERNAL INVESTIGATOR.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the County Manager, in coordination with the Council has begun the process of engaging an external investigator to examine claims against the County and/or its officers. It is proposed that the Council provide additional, formal support for this investigation and authorization to expend funds necessary for its performance. It is proposed that the Council authorize the Manager and his designees to investigate claims and complaints related to Item 2 from the March 5, 2025, Council Agenda including authorization to examine, audit, require the attendance of witnesses, issue subpoenas, administer watch to witnesses, and take evidence in the investigation.

Dustin Grabau, the Wasatch County Manager, indicated that following the complaints that we have received we began the process and engaged an external investigator, and we are seeking your added support. In your memo you will see what we are hoping to do is that you can take this official act to authorize me as the manager and my designees to be able to investigate these claims related to the items from last week's agenda. This would include authorization to examine, audit, require attendance of witnesses, issue subpoenas, administer watch to witnesses and take evidence in the investigation. Because we don't yet know necessarily how long this will go and the fiscal impact as to be determined. I do want to emphasize that there is likely going to be a fair amount of money devoted towards this program. I think it is worth the money. What we have done is reach out to a retired Federal Judge Richard McKelvie, who is a former Federal Judge, former attorney general's office, prosecutor and has a great deal of experience in these matters and, I feel that he has a high degree of independence and no connections to Wasatch County. They could provide an unbiased opportunity to examine the complaints and provide unbiased recommendations to you and to the community on the best courses of action.

So, while fiscal impact is to be determined what we will do is do our best to manage those costs and come back to you if they reach a certain point and we may end up needing to amend the budget because this is an unplanned expenditure. That is the question before you.

Councilman Spencer Park asked how did you find this retired Judge? Dustin Grabau replied that we ultimately take a recommendation for people who are of a sufficient quality based on some knowledge that we had. We were looking for law firms. We were looking at other potential retired prosecutors, retired law enforcement officers and this particular reference came from a distant connection between a county attorney employee who once took a class from this Judge and so we found him, and we reached out to him and thought that his qualifications, I think, met our need well.

Councilman Spencer Park asked that even though he is retired he still has the ability to do this kind of work. Dustin Grabau replied that you actually as the Council have the ability to issue these subpoenas and the state code authorizes me and our County code is very explicit that you have pretty broad powers when it comes to matters of public interest related to County business and to ensure that all of our processes are being followed appropriately. You have that power and what we are asking right now is for you to explicitly delegate that power to me and to our investigator to do all of these very things.

Councilman Mark Nelson asked do you know yet what would be the feedback cycle and information flow? Dustin Grabau replied that largely because we have wanted to maintain a level of independence, Judge McKelvie will largely coordinate with me the request for information and scheduling and support. He will conduct an independent investigation and ultimately as part of the agreement he will provide a delivery and there would be a written summary of his findings. It is possible that through the course of this investigation there might be interim updates and largely we will defer to Judge McKelvie's judgment on what information is most to public share at what point and those will kind of depend on the scope of what he finds and the urgency that those findings dictate.

Chair Karl McMillan asked to be given a show and tell on the subpoenas and so forth we can issue subpoenas and what process will that go through. Will it have to be the entire Council. Dustin Grabau indicated that it is a question for Jon Woodard, the Assistant County Attorney. I don't know necessarily the details of how exactly that would work. Jon Woodard indicated that what we would be doing here is you would be authorizing Dustin Grabau and Dustin Grabau therefore authorizing the Judge to do it under your authority. There is also some independence authority that the Manager has and the course of these investigations but these powers are straight out of State Code and so we would exercise those powers that are granted by straight codes instead of you doing directly you would be doing it through a proxy.

Councilman Kendall Crittenden then asked would those subpoenas then come from the attorney's office after they are authorized or how do they get that subpoena? Jon Woodard indicated that we haven't worked through the nuts and bolts of exactly what that would look like. Judge McKelvie probably would know better how that works too. Chair Karl McMillan indicated that I am sure he knows how, but I was just asking what our course as a Council would be issuing all of this. Jon Woodard replied that I don't envision that we would be coming back to you for a specific subpoena. Dustin Grabau replied that it would either be through my office or through Judge McKelvie himself is my assumption. This is you authorizing that expense. It basically combines our powers. Chair Karl McMillan indicated that he just wanted to make sure, who, what and where.

Councilman Luke Searle asked about timeline. With this I think this makes sense for this timer but claims of complaint could go on. Dustin Grabau replied that it is hard to answer right now because we don't necessarily know all the details. We have a first in person meeting and that is scheduled, and I can try and provide you updates as is appropriate as we go along but that is part of why the fiscal impact is to be determined and it will go as I think we need it to go to make

sure that we are thorough. That we examine every matter appropriately and that we handle it with the proper process. It is hard to say right now exactly how long that will take.

Councilwoman Colleen Bonner asked just to remind us how you are informing those who have a complaint and how to submit that claim to you? Are we going to have a certain amount of time or are we just going to start with what we have got and then just see if other stuff evolves and please explain what that looks like. Dustin Grabau replied that I think right now what we are hoping to do at my first in person with Judge McKelvie tomorrow and we will kind of outline the procedures. We have already provided them with any information that we have already received and so he is examining that. He may have some follow-up questions but to the extent that other people have complaints. We have already put out the word requesting people send to my office any complaints. I think that we can potentially make another avenue directly to Judge McKelvie available. He is going to have to work with our staff. If somebody wanted to speak with him and didn't want to share directly the information but wanted to facilitate a meeting and encourage them to reach out to my office. We can facilitate that type of meeting and really, we just want to make sure that we are as thorough as possible in investigating any matters and addressing their impact.

Chair Karl McMillan asked, "are you ready for a motion?"

Councilman Spencer Park made a motion that the County Council would authorize the County Manager to perform an investigation, to ratify the engagement of an external investigator as mentioned and authorize the expenditures of the fund to be determined. Councilman Luke Searle seconded the motion, and the motion carries with the following vote:

AYE: Chair Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Spencer Park

AYE: Colleen Bonner

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Mark Nelson indicated that the Tourism and Economic Develop provides for us in the board meeting a list of indicators what restaurant taxes charge and what the average room rate was and what the occupancy is and a series of statistics that take a look at tourism in Wasatch County. Talked about the frequency and how that ought to be, perhaps how that is communicated back to the Council. We talked about that and suggested it made sense to do that

quarterly but would let the Council decide that and asked them to prepare for April's meeting or for an upcoming meeting to put that on the agenda to have them come and present those tourism statistics and to answer any questions that the Council might have and then talk about the desired frequency to have them come back and do that.

Councilman Erik Rowland indicated that we met with the architects for the new administration building. We will get some additional renderings and some proposals for the building. Things are going well and we took our feedback from last time and applied it with the number of different areas. It is moving along. It is far enough along that staff has been authorized to go ahead and start designating what the inside of the building should look like and working with the different departments. If the Council has any questions you could meet with Dustin Grabau and have a separate meeting with you. Richard Breitenbeker from the County Managers Office, indicated that we regard to the annexation into Heber City the last time we talked with Heber City that we need to have a finished agreement by April and don't if it is going to be the first meeting of Heber City that should be finished shortly. The timeline is three to six more months of design work. Dustin Grabau indicated that when the building is finished it will be an icon or hub and want it to be able to reflect the values of our organization on community and we are getting lost to what I hope that we can stand by and present to the public.

Councilman Erik Rowland indicated that we met as the open lands board and discussed several things. Councilman Mark Nelson indicated that putting an open land tax on the next election is a bad idea and that should not be done to petition the public for another bond. We discussed the roll back taxes and how that could help in this regard. We need to educate the public as to what has been done with these conservation easements and how we need to engage the public more. Use the Fair Days to help celebrate the County and really try and promote this idea of open space preservation. There will be more discussion about this topic. We are going to meet again in April and some decisions will be made then.

Councilwoman Colleen Bonner indicated that she met with the weed board today which was very interesting. A letter was made to be sent to the Forest Service's representative that works with us, and we need to elaborate on noxious weed control and how we can work with the Forest Service together to manage some of the noxious weeds. I talked about the time to spray for noxious weeds. It would be May 17th through June 5. The times need to be posted so people would know when to spray weeds. The weed board has been to a conference and got some good information.

Councilman Kendall Crittenden indicated that our next interlocal meeting is April 9th and we need to get any topics that we would like to be put on that interlocal meeting and get it to the Wasatch County Manager's Office. Dustin Grabau indicated that he needs to get on the agenda HB 356 which is the bill that would require us to redistrict the County Council.

Councilman Luke Searle indicated that he was able to get in on a meeting yesterday the TAP Interlocal Meeting so at least once a year with our interlocal agreement with all the other entities

for the TAP Tax to get together once a year and see what they are asking for. After the grants are made to have a discussion about who has applied for one. Also discussed the allocation of those funds how it is done and who has attached to what. We need to discuss what the Council's priorities are. We could discuss that on our retreat that we will hold.

Councilman Spencer Park indicated that I have had three committee meetings, and one was Mineral Lease, and we bought a new semi Kenworth truck, got a new snow blower, renewed a lease on a grader. I also attended the building committee meeting.

MANAGER'S REPORT MIDA REPORT AS AN ORGANIZATION

Richard Breitenbeker, from the County Manager's Office gave an update regarding MIDA and presented a power point presentation regarding MIDA as an Organization. MIDA is an independent State of Utah Entity. MIDA is an independent nonprofit separate body corporation and politic with perpetual succession and statewide jurisdiction, whose purpose is to facilitate the development of land within a project area or on military land associated with a project area. MIDA accordingly adopts project area plans (63H-1-401) with project area budgets and is authorized to collect tax allocation and issue bonds. The Governing Board is established by the Military Installation Development Authority Act (63H-1-301). Richard Breitenbeker then went through the MIDA Project Areas. Also went through the MRF's Military Recreation Facility. Also went through the MRF Project Area PIDS.

CLOSED SESSION

Chair Karl McMillan indicated that there is a need for a Closed Session regarding Personnel.

Councilwoman Colleen Bonner made a motion to go into a Closed Session regarding Personnel. Councilman Spencer Park seconded the motion, and the motion carries with the following vote:

**AYE: Chair Karl McMillan
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Colleen Bonner
AYE: Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle**

NAY: None.

**MINUTES OF THE
WASATCH COUNTY COUNCIL
MARCH 12, 2025**

Chair Karl McMillan indicated that we are now in Closed Session to discuss Personnel. The record should reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers in the Wasatch County Administrative Building located at 25 North Main, Heber City, Utah 84032.

PRESENT: Chair Karl McMillan
Erik Rowland
Mark Nelson
Colleen Bonner
Spencer Park
Kendall Crittenden
Luke Searle

OTHERS PRESENT: Dustin Grabau, the County Manager

PERSONNEL

There were no minutes taken of this Closed Session because it was pertaining personnel

Councilman Colleen Bonner made a motion to leave our Closed Session and go back into the agenda. Chair Karl McMillan seconded the motion, and the motion carries with the following vote:

**AYE: Chair Karl McMillan
AYE: Erik Rowland
AYE: Colleen Bonner
AYE: Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Mark Nelson**

NAY: None.

ADJOURNMENT

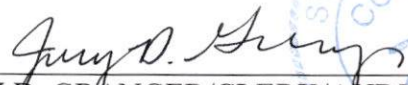
Councilwoman Erik Rowland made a motion to adjourn. Chairman Mark Nelson seconded the motion, and the motion carries with the following vote:

**AYE: Chair Karl McMillan
AYE: Erik Rowland
AYE: Mark Nelson
AYE: Colleen Bonner
AYE: Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle**

NAY: None.

Meeting adjourned at 6:30 p.m.


KARL MCMILLAN/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

