

**MINUTES OF THE
WASATCH COUNTY COUNCIL
APRIL 17, 2024**

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

PRESENT: Chair Spencer Park
Mark Nelson
Erik Rowland
Steve Farrell
Luke Searle
Karl McMillan

EXCUSED: Councilman Kendall Crittenden

STAFF: Dustin Grabau, the Wasatch County Manager was excused.
Heber Lefgren, the Assistant Wasatch County Manager
Rick Tatton, Court Reporter via Zoom
Wendy McKnight, from the clerk's office
Tiarra Cooper, from the Wasatch County Manager's Office.

PRAYER: Councilman Erik Rowland

PLEDGE OF ALLEGIANCE: Let by Councilman Steve Farrell and repeated by everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday April 17, 2024 and indicated that all the Wasatch County Council are present, except Kendall Crittenden who is excused. The record should reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers in the Wasatch County Administration Building located at 25 North Main, Heber City 84032. Chair Spencer Park then called the first agenda item.

THE OPEN AND PUBLIC METING AFFIDAVIT

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

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there was any Administrative Issues for Future Meetings and there

was none.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there was any Legislative Issues for future meetings.

Councilman Erik Rowland indicated that we should have an update on the High Valley Transit System and see how things are going and how it is being utilized and discuss some of the concerns that are being raised by the community and find a solution to those concerns before we start adding money to it. Also that would be a good discussion in our work meeting.

PUBLIC COMMENT FOR ISSUES NOT ON THE AGENDA

Chair Spencer Park asked if there was any public comment regarding issues not on the agenda.

Gordon Grange, Wasatch County resident, addressed the Wasatch County Council and indicated the road at issue is 1765 East 1050 North in Wasatch View Acres goes up into the Red Ledges. I would like to see if the Wasatch County Council would entertain closing that off because we are having problems with that road regarding a lot of traffic, etc. I know that it is a fire lane and all of the emergencies up there they have never used that road. There is a gate there and people push through the gate. I have put signs up everywhere.

Councilman Steve Farrell indicated that we need to have the fire marshal and Terry to look at it and see if there have been any changes to the original plan and that may not warrant being a fire road any longer. Also have the Wasatch County Attorney's look into the matter and do some research. Possibly something can be worked out so that gate is not necessary any longer. That road was never considered an access for Red Ledges. It was an emergency fire access and that was all.

Gordon Grange indicated that he has put signs everywhere and that has not worked at all. There is a fire hydrant on my property that needs to be put back on the Red Ledges property. We would like to see that road abandoned.

Heber Lefgren, Assistant Wasatch County Manager, indicated that possibly check with our GIS team because there may be some connections that we can have with Google to try and be able to make sure that portion is not considered a road so that when people do go and Google they are being routed a correct way showing that is not a usable road.

APPROVAL OF THE MINUTES FOR APRIL 3, 2024

Councilman Steve Farrell made a motion to approve the minutes for April 3, 2024 as

presented.

Councilman Karl McMillan seconded that motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE; Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

COUNCIL

DISCUSSION MAG JURISDICTION CASH ASSESSMENT

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated the MAG assessment is a small increase but for us it is not as huge as some of the other entities. It goes from the proposed \$31,000.00 to the \$32,000.00. The RPO from \$7,700.00 to \$27,000.00 and that is with the cost of the planners. The difference from just the RPO portion is going from the \$2600.00 to the \$7700.00 which is about a five hundred dollar increase there. The portion of the trail we are going from the \$18,000.00 to \$20,000.00. Heber Lefgren also indicated that for budgetary purposes we will be fine. The Wasatch County Council indicated that they are fine with what has been presented and just go ahead with it.

CONSIDERATION OF AUTHORIZING THE AWARD OF A CONTRACT WITH MVTC TO UPGRADE THE HVAC SYSTEM WITHIN THE LIBRARY AND SENIOR CENTER BUILDING.

Juan Lee, the Wasatch County Library Director, addressed the Wasatch County Council and indicated that a study was done to fix the HVAC system and they gave us a bid to actually fix it and upgrade it within a reasonable price of what we had budgeted. What this item is proposing is that instead of doing a study to review and identify the longevity and the next step is to just to go ahead and make those changes and make those adjustments and the cost came up to \$121,000 for the total price. We have a budget of about \$100,000.00 split between the General Fund and the library maintenance fund so what we are proposing is that we will find the remaining \$21,000 through either year end fund savings or we will utilize our fund balance to cover that \$21,000.00. Some of the scope of the work is going to update all of the sensors and install some rotary fans in the library to help increase the circulation of air and allow us to be able to catch things quicker and

monitor it better so that we don't have during the spring and fall those huge variances of temperatures. As we talked to the experts and they have indicated that this should address a lot of the issues that we have been having historically in the library. Also this will include pulling new communication and stat wire, change out 41 VAV controllers, change out 41 VAV actuators, change out 41 10K duct sensors, change out 41 micro set temp and humid stats, 2 complete AHU control take overs, new computer with software, wire, commissioning and programming and labor. It also includes installing multiple circulation fans throughout the library in order to ensure adequate and regular air flow throughout the summer and winter months.

Councilman Erik Rowland indicated that long term there has been talks about the windows failing on the back wall. zJuan Lee indicated that possibly is something that we can take a look at and that is not part of this scope and not part of the 2024 budget. Some of the windows are not functioning as they should.

Juan Lee also indicated that the staff recommends utilizing Mountain Valley Temperature Control MVTC, which provided the low-bid pricing. In addition to providing the lowest price, MVTC has historically provided assistance with the regular maintenance of the Library and Senior Center's HVAC system and is therefore already familiar with its needs.

Juan Lee indicated that in summary the total bid price provided by MVTC for these services is \$121,742, which is approximately \$25,000 less than the second bid received. \$100,000 was budgeted within the 2024 budget for these services (\$50,000 from the General Fund and \$50,000 from the Library Maintenance Fund). Fund Balance reserve or potential 2024 budget savings in the amount of \$21,742 would need to be utilized to fully fund this project.

Councilman Karl McMillan made a motion we accept the bid MVTC for the upgrade of the library and senior center building. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that they had our regional planning meeting and talked about some of the developments that were going on and how it was going to affect other entities. Midway

showed a plan at the meeting. The map showed all the land that has been conserved either through the conservation easement or through zoning requirements with regard to common open space and show what we are gaining when they approve the development and what they got in return. Wasatch County has a similar type deal and so does Heber City and we are going to put together a map that shows all the land that has been dedicated to public use through some of these developments and show where the citizens have spent money in buying a conservation easement and different things to show what has been done in the last while in the direction that we want to go. Councilman Mark Nelson indicated that in the Midway meeting last night they are starting to do some analysis on doing another bond. Councilman Steve Farrell indicated it would be beneficial if we had an entity wide map showing what we can accomplish with the conservation movement.

Councilman Steve Farrell indicated that we are still having a problem with the sewer district and had a lot of concern and we are thinking about applying to put a manufacturing or industrial protection zone in place on the sewer plant and also on the farm. That will be coming through the Planning Commission to the Wasatch County Council here shortly. We are trying hard to solve the problem with the odor and have made great head way by treating it now and would be surprised if we had any odor this spring when the ponds turn over. Also updating the aeration so that would help with that. We also just put in some sensors and they will be monitored and we will get a report. We don't think we have created a safety hazard. Councilman Mark Nelson indicated that there is a lot of emotion and a lot of misunderstanding. Both HVSSD and Wasatch County both need to help and Midway City need to help inform the public that lots of good things are happening to mitigate the smell and there is a tremendous effort and a lot of money being spent but this has been a problem that was many years in the making and a solution that is in many years in the fixing.

MANAGER'S REPORT

Heber Lefgren, the Assistant Wasatch County Manager indicated that there is nothing to report this evening.

CLOSED SESSION

Heber Lefgren, the Assistant Wasatch County Manager and the Wasatch County Council indicated that there is no need for a Closed Session this evening. .

Councilman Mark Nelson made a motion to continue this agenda until 6:00 p.m. when we will have our one scheduled Public Hearing. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Luke Searle
AYE: Karl McMillan

NAY: None.

(Chair Spencer Park indicated that the meeting is continued until 6:00 p.m.)

Chair Spencer Park indicated that the time is now 6:00 p.m. and we will now hear the one scheduled Public Hearing. The record should also show that Councilman Kendall Crittenden and Councilman Luke Searle are excused and the rest of the Wasatch County Council are present. Also we are meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032.

PUBLIC HEARING
APRIL 17, 2024

RECOMMENDATION ON ORDINANCE 24-03 REGARDING DELETING THE CODE LANGUAGE IN 16.21.40 THAT CURRENTLY ALLOWS HELIPADS IN THE COUNTY.

Staff:

Doug Smith, the Wasatch County Planning Director, addressed the Wasatch County Council and indicated the recommendation of the analysis, findings in this staff report, discussion with the Planning Commission and County Council. The Planning staff is of the opinion that the regulating language portion of the code entitled helipads for private use should be deleted so that helipads would not be allowed in any area of the County except as expressly stated in the proposed code language. The Planning staff believes that deletion of the ordinance is in the best interest of the general welfare of the County. Therefore it is recommended that the Planning Commission forward a positive recommendation of the proposed code text amendment to delete the language in code section 16.21.40 based on the findings included in the staff report.

Doug Smith then went through the dates of discussions and motions regarding the Helipad ordinance.

1. 2008 the initial helipad ordinance was adopted.
2. February 24, 2023 application to allow helipads in the P-160 Zone on non-conforming lots.
3. April 13, 2023 the Planning Commission made a recommendation to the County Council to

consider allowing helipads only on conforming P-160 lots.

4. August 16, 2023 the County Council denies the ordinance request that would have allowed helipads on non-conforming P-160 lots and remands the helipad discussion back to the Planning Commission to determine if there should be helipads allowed at all in the County.

5. February 8, 2024 discussion item with the Planning Commission and a consensus that helipads should not be allowed in any zone.

Doug Smith then went through key issues to consider:

1. Is there consideration for the allowance of helipads the P-160 zone?

2. Allowing helipads in a P-160 zone creates the noise of the helicopter flight path. The impacts are not only the immediate surrounding neighbors but everyone along the typical flight path. Should this noise be taken into consideration?

3. Would helipads be appropriate in areas outside of the valley floor in the P-160 zone on either platted 160 acre lots or acreage conforming lots of record, i.e. Strawberry area, Wolf Creek Ranch, etc.

4. The majority of the County is zoned P-160. Much of the lands outside of the valley floor is P-160.

5. If the P-160 zone is considered for helipads there could be conforming P-160 lots adjacent to a nonconforming subdivision of smaller lots. Should there be required distances from existing platted lots or other ways of considering the impacts on the smaller lots?

6. The current code allows for a helipad on a lot of 10-acres or more.

Doug Smith then went through the proposed findings:

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan as follows:

a. LAND USE GOAL 1: Preserve the rural character of Wasatch County.

b. Protect and conserve the Wasatch County property values and minimize conflicts among uses of the land and structures.

c. Protect and enhance the quality of life in general for Wasatch County residents.

2. The proposed amendment is consistent with the purpose and objectives outlined in Section 16.01.01 PURPOSE OF LAND USE REGULATIONS.

a. Guide the future growth and development of Wasatch County, in accordance with the Wasatch County general plan.

b. Protect and conserve the character and stability of Wasatch County and to encourage the orderly development of the land.

c. Protect and conserve the Wasatch County property values and minimize conflicts among uses of land and structures.

d. Fully exercise all of the powers granted to the county by the provisions of Utah Code Annotated section 17-27a-101 et seq., the county land use, development and management act, and all other powers granted by statute or by common law for the regulation of land

uses and improvements.

e. Protect and enhance the quality of life in general for Wasatch County residents.

3. The Wasatch County Council as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Doug then went through two items for the purpose of land use regulations.

1. Protect and conserve the Wasatch County property values and minimize conflicts among uses of land and structures.

2. Protect and enhance the quality of life in general for Wasatch County residents.

3. Jon Woodard, the assistant Wasatch County Attorney wanted this put into the record.

Helipads are not allowed in any zone, unless specifically allowed as follows: Helipads for hospitals (Land Use Classification 6513 the Wasatch County Fire District (Land Use Classification 6723, Wasatch County Sheriff (Land Use Classification 6721 or the County may be permitted if the applicant is in compliance with all requirements of chapter 16.23 Conditional Use: General Procedures: of this title.

Doug Smith then went through key issues to consider:

1. Is there consideration for the allowance of helipads the P-160 zone?

2. Allowing helipads in a P-160 zone creates the noise of the helicopter flight path. The impacts are not only the immediate surrounding neighbors but everyone along the typical flight path. Should this noise be taken into consideration?

3. Would helipads be appropriate in areas outside of the valley floor in the P-160 zone on either platted 160 acre lots or acreage conforming lots of record, i.e. Strawberry area, Wolf Creek Ranch, etc.

4. The majority of the County is zoned P-160. Much of the lands outside of the valley floor is P-160.

5. If the P-160 zone is considered for helipads there could be conforming P-160 lots adjacent to a nonconforming subdivision of smaller lots. Should there be required distances from existing platted lots or other ways of considering the impacts on the smaller lots?

6. The current code allows for a helipad on a lot of 10-acres or more.

Doug Smith indicated that the purpose of the preservation zone P-160 to establish areas in Wasatch County where development may be limited due to the remoteness of services, topography and other sensitive environmental issues. Furthermore the specific intent in establishing the preservation zone P-160 is for the following purpose.

1. Protect the present and future water supply of the county and surrounding counties.

2. Protect natural features and sensitive environmental areas.

3. Protect the county grazing and forestry land.

4. Avoid excessive costs for public services which result from excessive scattering of residential dwellings in remote areas.

5. Prevent excessive soil erosion and water pollution.
6. Promote the raising and keeping of domestic and wild animals and fowl in keeping with optimum intensity of use consistent with recognized range management practices.
7. Prevent the necessity of having to pay excessive taxes on grazing lands.
8. Preserve and protect recreational opportunities.
9. Allow residential development on a limited basis when services are not readily available but are appropriately addressed by the developer to the satisfaction of the county, and
10. Residents of the proposed development would have essential services provided at a level that would not impact their health, safety, and welfare, and to provide these services would not be fiscally irresponsible for the county.

Council Comments:

Councilman Mark Nelson indicated just to make sure I understand. This is just not for P-160. This is anywhere in the County. Doug Smith replied that is correct.

Public Comment:

Chair Spencer Park then opened the meeting up for public comment.

Carl Dalton, resident of Midway, addressed the Wasatch County Council and indicated that he has been a professional pilot for over fifty years and have flown helicopters. There is no reasonable justification to go beyond P-160 and perhaps lower but to ten acres. There is an airport nearby and Wasatch County is rapidly growing. Sometimes helicopters have to change their landing because of wind, etc. and that change puts them over people houses and making noise. Incidences generally occur on takeoff and landing and that puts the risk there over populated areas and that is why you have an airport to make a good approach. I don't see any justification or see a problem with helipads but just don't see justification to reduce it to such a small amount. P-160 is fine that is a lot of acreage. Councilman Erik Rowland asked does a helicopter have to have a helipad to land on. Carl Dalton indicated that no it does not. Whether or not you have a helipad doesn't restrict you from still landing on the property. Councilman Steve Farrell indicated that it pertains to a noise ordinance. Carl Dalton indicated that you have an airport for the helicopter to land on.

Chair Spencer Park then closed the public comment period.

Motion:

Councilman Mark Nelson made a motion that we follow the Planning Commission's recommendation and approve Ordinance 24-03 which deletes the code language in the language 15.21.40 as presented consistent with all of the findings and subject to the conditions. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Karl McMillan

NAY: None.

ADJOURNMENT

Councilman Karl McMillan made a motion to adjourn. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Karl McMillan

NAY: None.

Meeting adjourned at 7:30 p.m.


SPENCER PARK/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

