

**MINUTES OF THE
WASATCH COUNTY COUNCIL
AUGUST 21, 2024**

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

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

STAFF: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Wendy McKnight from the Clerk's Office
Rick Tatton, Court Reporter via Zoom
Doug Smith, the Wasatch County Planner
Austin Corry, the Assistant Wasatch County Planner via Zoom
Jon Woodard, the Assistant Wasatch County Attorney
Tierra Cooper, from the County Manager's Office

PRAYER: Councilman Steve Farrell

PLEDGE OF ALLEGIANCE: Let by Chair Spencer Park and repeated by everyone

Chair Spencer Park called the meeting to order at 4:00 p.m. On Wednesday August 21, 2024, and indicated that all the Wasatch County Council 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 at 25 North Main, Heber City, Utah 84032. Chair Spencer Park then called the first agenda item.

THE OPEN AND PUBLIC MEETING 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 are any Administrative Items to be heard at future meetings.

Dustin Grabau, the County Manager, indicated that he has one item. There is a request from Skyridge to do a site visit. They are requesting potentially September 4, as a date to visit the site. The Council indicated that would be fine. Dustin Grabau indicated that at the end of the month we are anticipating having public hearings considering the development agreement for the Golf Academy Lodge.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there are any legislative items to be heard at future meetings.

Councilman Luke Searle indicated that when we went to Summit County last week that they have the same of government that we do. I visited with the Chair of Summit County about how they handle and review their executives and it might be helpful for us to take a look at that and maybe we can use some of the ways they do that. I will send some documents to chair Spencer Park indicating those things.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park asked if there are any public comment on matters not on the agenda and there was none.

APPROVAL OF THE MINUTES FOR AUGUST 7, 2024

Councilman Karl McMillan made a motion to approve the minutes for August 7, 2024, as written. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

ABSTAIN: Councilman Mark Nelson

COUNCIL

TAX SALE CERTIFICATION

Jerry Jones, from the Clerk's Office, addressed the Wasatch County Council and indicated that there were the final three properties that was up for tax sale and they have closed but they were adjusted as far as they came in lower than we expected and that doesn't affect the taxes but just affects the market price they paid for it because that is different from what you originally approved and we just need a motion to approve the adjusted figures.

Councilman Steve Farrell made a motion that we approve the tax sale certification to the Wendy Bolton property and the Victory Ranch property that was sold at tax sale this year. 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: Kendall Crittenden

AYE: Luke Searle

AYE: Steve Farrell

AYE: Karl McMillan

NAY: None.

BOE ADJUSTMENTS AND RECOMMENDATIONS FOR APPROVAL

Jerry Jones, from the Clerk's Office, addressed the Wasatch County Council and indicated that there is a list of one hundred and three adjustments from the secondary property to primary status. These are adjustments that are occurring this year. We will need your approval to change those secondary properties to primary residents because we need to change their status.

Councilman Steve Farrell made a motion that we go ahead and approve the recommended changes to the secondary and primary as noted. Councilman Luke Searle seconded the motion, and the motion carries with the following vote:

AYE: Karl McMillan

AYE: Chair Spencer Park

AYE: Steve Farrell

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Luke Searle

AYE: Kendall Crittenden

NAY: None.

Dustin Grabau indicated that two weeks ago we talked about the roll backs or a portion of the taxes. The portions of the property that could not be verified have leases on them. What is being proposed to be roll back in addition to the golf course that is presently under construction. That includes the steeper portions on the west side of the property as well as the golf course on the flatter portions. There is not enough animals for the acreage to be considered Green Belt. Councilman Steve Farrell indicated that we need to wait for the hearing officer's new decision and see what he has to say.

CONSIDERATION OF ADOPTING ORDINANCE 24-10 TO ADOPT NFPA 2022 OH2 FIRE INTO WCC 15.01.01.

Clint Neerings, from the Fire Department, addressed the Wasatch County Council and indicated that this is the second reading for adopting the definition of the ordinary hazard two for parking garages and non-retroactive enforcement but just increases the amount of water that is distributed through the sprinkler piping in underground parking. This was another amendment to 24-06 through clarification just to make sure that it is very clear on what the standard is and we brought through the 24-10 where it is a standalone code and this is the second and final reading.

Councilman Erik Rowland made a motion that we approve Ordinance #24-10 to adopt the NFPA 2022 OH2 fire into our Wasatch County Code 15.01.01. Councilman Karl McMillan 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: Kendall Crittenden
AYE: Karl McMillan
AYE: Luke Searle**

NAY: None.

CONSIDERATION TO APPOINT JOEY GRANGER AS COUNTY REPRESENTATIVE TO MCAT.

Councilman Kendall Crittenden indicated that as I mentioned to the Council before we just need to make it official that we appoint Joey Granger as the County Representative to MCAT.

Councilman Kendall Crittenden made a motion that we approve Joey Granger as our representative to MCAT. Councilman Karl McMillan 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: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

CONSIDERATION OF ADOPTING ORDINANCE 24-09 PROVIDING THE IMPOSITION OF MODIFIED IMPACT FEES FOR TRANSPORTATION FACILITIES.

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that this is a summary of this item. In 2021 the Council adopted the current impact fees for public safety, park and rec as well as transportation. The Council gave instruction to staff to looking at updating the transportation fees to include new projects and to consider the rising of construction costs. We have been doing this over the last few months in updating the Transportation Impact Fee Facility Plan and Impact Fee Analysis reports. A public hearing was held concerning this matter and we also held our first reading of Ordinance 24-09 which amends the Wasatch County Transportation impact fees to reflect the maximum fees outlined in the impact fee analysis report. The purpose of today's reading is to present to you Ordinance 29-09 for a second reading and see the Council's approval for the following: To adopt the updated Transportation Impact Fee Facility Plan, adopt the updated Transportation Impact Fee Analysis report as well as the adoption of Ordinance 24-09. Just as a reminder Ordinance 24-09 we did have some conversation surrounding the fees but ultimately led to just keeping as is so what is presented to you today is the same reading and same language as presented two weeks ago.

Councilman Steve Farrell made a motion that we adopt Ordinance 24-09 updating the Transportation Impact Fee Facility Plan as prepared by Jones and DeMille Engineering, the updated Transportation Impact Fee Analysis as prepared by Zions Public Finance, and to review approve/amend the first of two reading of Ordinance 24-09 which would amend Wasatch County Transportation Impact Fees as found in Wasatch County Code 4.08. Councilman Kendall Crittenden seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Luke Searle there is a library board meeting on Friday, and I am going to.

Councilman Kendall Crittenden said he received an e-mail from Rob Bishop Consulting Group which is a federal lobbyist group, and the Council indicated that they did not need another federal lobbyist.

Councilman Kendall Crittenden said that from September 16 to September 20 the Senior Citizens are going to celebrate their fiftieth year of their existence.

Councilman Erik Rowland said that the school board gave a presentation at the Wasatch County Latino Group meeting and thought it would be good to have them give that presentation to the Council. Dustin Grabau indicated that he would reach out to them and see if we can arrange a time.

Councilman Mark Nelson indicated that Clair Provost suffered an accident on a horse incident and broke every one of his ribs on one side and other things too. He is home now and doing fine.

Councilman Mark Nelson indicated that on the 27 and 28 of September is the Heber Valley Railroads one hundred and twenty-five anniversary celebration. More information will be coming concerning that and will keep you posted on that. One thing I wanted to mention is that on Saturday night the 28 there will be fireworks and that will be open to the public and with Mike Kohler our House Representative we have invited all the legislators to be there.

MANAGER'S REPORT

CONSIDERATION OF REAPPOINTING A MEMBER OF THE AFFORDABLE HOUSING BOARD.

Dustin Grabau, the Wasatch County Manager, indicated that we need to reappoint a member to the Affordable Housing Board and the person is Kent Shelton. Councilman Kendall Crittenden indicated that Kent has done a good job serving on that Board and would recommend that he be reappointed.

Councilman Kendall Crittenden made a motion to reappoint Kent Shelton to the Wasatch County Affordable Housing Board. Councilman Karl McMillan 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: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

MEETING WITH SUMMIT COUNTY REGARDING THE KAMAS ROAD

Dustin Grabau indicated that last week we met with Summit County and talked about forming a subcommittee. Which of you would want to be on that subcommittee regarding the road in question. We hope that we can find some information regarding the road before we meet. We need to convene a subcommittee and just discuss the various things concerning the matter before we met with Summit County to talk about them. Also, we have gathered a fair amount of information that would be helpful. Councilman Karl McMillan indicated that he would be on the subcommittee. Councilman Steve Farrell indicated that he would like to be on the subcommittee.

MIDWAYS' PROPOSED LETTER RELATING TO THE BYPASS

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there are differences from the original version of the letter which was proposed. Heber City has also expressed a desire to reach some conclusion on this. If you want to discuss it further let me know how you want to proceed. The Council indicated that this letter is a total waste of time.

Councilman Steve Farrell indicated that we shouldn't do anything regarding this. If they want to send a letter let them send a letter because it will just add more confusion. Dustin Grabau indicated that he will let Heber City know that we are comfortable with our previous statement and resolution on the bypass. Dustin Grabau indicated that he has received nothing from NCRA and Councilman Steve Farrell indicated that he hasn't either. Councilman Mark Nelson indicated that none of the letters accomplish the mission that the subcommittee and said that we should do this joint thing and none of the letters accomplish that objective, so the letters are a waste of time in my opinion and UDOT already knows all of this stuff.

COURT HOUSE EXPANSION PROJECT

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that you probably have noticed that there is some construction going on the property. There are some short terms and long-term impacts to the usefulness of that site. We used that part of the property for the search and rescue items to be put there. We discussed with the sheriff today to potentially allocating some of the new transit public safety funds to do a master plan for the remainder of the sheriff's site in next year's budget. We will bring that to you but just wanted to make you aware of what is going on. We could review with the Council kind of the site plan if you wanted a future meeting concerning this.

Dustin Grabau indicated that there is a need for a Closed Session to discuss property acquisition.

Councilman Karl McMillan made a motion to go into Closed Session to discuss property acquisition. 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: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

**MINUTES OF THE
WASATCH COUNTY COUNCIL
CLOSED SESSION
AUGUST 21, 2024**

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

STAFF: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Jon Woodard, the Assistant Wasatch County Attorney
Wendy McKnight, from the Clerk's Office.

Chair Spencer Park indicated that the record should reflect that the Wasatch County Council is now in Closed Session to discuss property acquisition. The record should also reflect that the Council is meeting in Closed Session to discuss property acquisition. Also, that the Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council in Closed Session to discuss Property Acquisition and indicated:

Councilman Karl McMillan made a motion to come out of Closed Session. Councilman Luke Searle 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: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

Chair Spencer Park indicated that the time is now 6:00 p.m. And we will now hear the one public hearing scheduled for this evening. The record should reflect that all the Wasatch County Council is present, and we are meeting in the Wasatch County Council Chambers in the Wasatch County Administrative Building located at 25 North Main, Heber City, Utah 84032.

SHAUN CONWAY, REPRESENTING ANTONY FIORE REQUESTS A CONDITIONAL USE PERMIT FOR A 10 FOOT RETAINING WALL CONSTRUCTED USING A BOARD FORM CONCRETE FINISH LOCATED AT 7415 EAST MOON DANCE CIRCLE IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and discussed the matter and indicated that under Wasatch County Code there are provisions and certain trigger points for retaining walls where they become a conditional use permit if they don't meet certain criteria. Some are materials and in this case the height and the length are within the limits to where staff could have approved it but the materials that they are requesting are not listed as an approvable material, so that request is in front of you as the Council to decide if you are okay with the material. What they are asking for is to utilize board form concrete and under our code board form concrete walls must be faced with stone and obviously this isn't faced with stone if they are using a form pattern to mimic wood. There are other areas in Victory Ranch that utilize the same material. The DRC has forwarded this onto you for your decision on the materials. Also I have not received any opposition to the adjoining properties.

Councilman Steve Farrell asked if there have been similar retaining walls in the area with the same material. Austin Corry indicated in Victory Ranch there are some others that use board form.

Austin Corry indicated that one of our recommendations is you chose to approve is that you adopt a condition that requires the HOA to approve it for board form and will accept a building permit on it.

Austin Corry then indicated that the key issues to consider are:

1. Neighborhood compatibility and impact.
2. Compliance with zoning requirements including conditional use standards

Austin Corry then went through the DRC comments:

ENGINEERING comments: Condition of Approval Structural design should be submitted and reviewed by the building department prior to issuance of permit.

JORDANELLE comments: Water lateral will need to be sleeved from meter to exterior wall of home, not to penetrate wall. For sewer lateral, follow direction of JSSD inspector for installation.

PLANNING comments: Since the application is not one of the listed materials under staff approval, the application will be forwarded to the Council for review and consideration of the aesthetic.

JSSD comments: Emergency vehicle access must meet minimum design specs.

Austin Corry then went through the proposed findings:

1. The staff analysis indicates the proposal complies with section 16.77.20 of the current Wasatch County Code related to retaining walls subject to the discretionary approval of the Council regarding materials.
2. The staff analysis indicates the proposal complies with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
3. Notice has been sent to neighboring property owners within 500 feet of the property.
4. There are no known zoning violations on the property currently.

Austin Corry then went through the proposed conditions:

1. The applicant shall comply with all technical requirements listed in the DRC report.
2. The building permit application shall include a letter of approval from the HOA for the use of the material.

Applicant:

Shaun Conway, representing Antony Fiore, addressed the Wasatch County Council and indicated that a very small percentage of the wall face is going to be viewable from off property. Most of the wall face is going to be viewable on property like if you are standing in the driveway. This is a structural type than a visible appeal.

Public Comment:

Chair Spencer Park then opened the public hearing up for public comment and there was none so the public comment was closed.

Austin Corry indicated that the determination issue is whether the application meets the standards required by Wasatch County Code 16.23 for a conditional use permit to be granted to allow a 10-foot tall, poured concrete retaining wall using a board form texture rather than the stone facing permitted under WCC16.27.20. This conditional use permit is an administrative decision made by the County Council after a recommendation by the Planning Commission under the requirements of 16.27.20(A)(3)

Based on the analysis in this staff report, Planning Staff recommends approval for this matter.

Motion:

Councilman Steve Farrell made a motion that we approve the request to issue a conditional use permit for a retaining wall using a board form concrete finish considering the findings and subject to the conditions of the Planning Commission and Planning Staff. Councilman Erik Rowland seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

NAY: None.

ADJOURNMENT

Councilman Steve Farrell made a motion to adjourn. Councilman Karl McMillan seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Steve Farrell

AYE: Mark Nelson

AYE: Luke Searle

AYE: Karl McMillan

AYE: Erik Rowland

AYE: Kendall Crittenden

NAY: None.

Meeting adjourned at 7:00 p.m.


SPENCER PARK/CHAIRMAN


JOEY GRANGER/CLERK/AUDITOR

