

**MINUTES OF THE
WASATCH COUNTY COUNCIL
SEPTEMBER 21, 2022**

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

PRESENT: Vice Chair Spencer Park
Danny Goode
Steve Farrell
Kendall Crittenden
Jeff Wade via Zoom

EXCUSED: Chair Mark Nelson
Councilwoman Marilyn Crittenden

STAFF: Jon Woodard, Assistant Wasatch County Attorney
Natalie Foster, Wasatch County Manager's Secretary
Wendy McKnight, From the Clerk's Office
Mike Davis, the MIDA Coordinator
Karl McMillan, Future Wasatch County Councilman
Rick Tatton, Court Reporter via Zoom

EXCUSED: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager

PRAYER: Councilman Steve Farrell

PLEDGE OF ALLEGIANCE: Led by Councilman Kendall Crittenden and repeated by everyone.

Vice Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday September 21, 2022 and welcomed those present and indicated that all of the Wasatch County Council are present except Councilman Marilyn Crittenden and Chair Mark Nelson who are excused. Also Councilman Jeff Wade is present via Zoom. The record should further 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. Vice 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.

Vice Chair Spencer Park asked if there are any administrative issues for future meetings and there was none.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Vice Chair Spencer Park asked if there are any legislative issues for future meetings. Councilman Kendall Crittenden indicated that at the next Council Meeting a discussion regarding the Senior Citizen's Advisory Board will occur.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Vice Chair Spencer Park asked if there is any public comment on matters not on the agenda.

Juan Morales, the Wasatch County Librarian addressed the Wasatch County Council and indicated that he put a flyer in their boxes regarding what he was going to discuss. Juan Morales indicated that one of the priorities is to make sure that our facilities are welcoming and functional. Two of the library staff members are enrolled in the Certified Public Manager Program and are taking a look at the computer lab in the library and the question is are we using that space the best way that we can.

They are asking the community if there are needs, also some opportunities to re-configure space to make sure that we are meeting those needs. The public has access to the survey from the library website which is wasatchlibrary.org and that question is being asked for the public to respond and see if there is a need that the public feels that the library can help the public with. There are things like the internet that people use for many, many reasons. One example is if a person needs to create a resume they need help right now.

Councilman Steve Farrell asked if that is the library's responsibility. Councilman Danny Goode replied that in other libraries there are social workers inside their libraries to help with that. People are trained in various aspects to be able to help the public with things such as that. Juan Morales indicated that is the role of the library is to help people whether it is to find a book, a movie, help with homework connected to an internet resource or to teach a class. We need to have people that can help others when they have questions like that. We need to look at that space and see what things can happen there. We just want to explore those questions.

Councilman Danny Goode indicated that the libraries are changing in what they can provide the public and is an information center. The mission statement is not to just give people books but to help people improve the quality of their lives with the resources that they have at the library.

Councilman Steve Farrell indicated that is good as long as we have the people that are qualified to do those things.

Linda Middleton, Wasatch County resident, addressed the Wasatch County Council and indicated that she is so impressed with the events that have been hosted at the Wasatch Event Center. Linda also was concerned about the roads in the County with the heavy trucks using them and if the roads can take the weight and not ruin our roads. Linda indicated that she is very happy to have the Event Center and the schools right in her neighborhood. Linda also indicated that she is happy that some of the roads aren't paved because roads such as that can take the water drainage better than being paved. There needs to be a way when the roads are constructed to handle a large amount of water. Also let's not cut up our roads every year like some roads in Wasatch County. Also we need to use the library and senior center as has been indicated. Also we are not coordinating Wasatch County attributes or assets and school assets. I am grateful that we have such assets. Councilman Steve Farrell indicated that Linda served on the Senior Citizen Advisory Board for many years and did a great job there and the Council appreciates what you do.

APPROVAL OF THE MINUTES FOR SEPTEMBER 7, 2022

Councilman Kendall Crittenden made a motion we approve the minutes for September 7, 2022 as printed. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Steve Farrell

AYE: Jeff Wade via Zoom

AYE: Kendall Crittenden

AYE: Danny Goode

NAY: None.

COUNCIL

CONSIDERATION OF AN INTERLOCAL AGREEMENT FOR SEWER SERVICES

Jon Woodard, the Assistant Wasatch County Attorney, presented a power point presentation and then addressed the Wasatch County Council and indicated that what this is regarding is the Back Forty has had septic problems for years now. What we have done is worked out an Inter local agreement with Heber City wherein we would authorize Heber City to provide sewer service to this one property. We crafted it in such a way that Heber City has no obligation to do this so the Back Forty is the one moving forward. We are pressuring Heber City to do it but are pressuring Back Forty to get the sewer system issues resolved. We crafted this so it would not be a starting

place for expanding sewer services into the North Fields. We also made it clear this couldn't be used for a basis annexing parts of the North Field. It doesn't prevent that from happening but it makes it clear this isn't the precedent for that. This is documented in this Inter local agreement. It makes them subject being the Back Forty if they connect to sewer it makes them subject to the same rules that anybody else connecting to Heber City sewer and would have to work with UDOT to run the line under U.S. Forty.

Councilman Kendall Crittenden asked that this wouldn't accommodate additional hook-ups down the line? Jon Woodard replied that is correct and that will be both physical constraint and a constraint that is put in through the Inter local agreement.

Councilman Steve Farrell indicated that the sewer system is just one of many issues that they have there. Their driving in this is to get sewer service for a bigger business. Jon Woodard replied that this is not intended to facilitate it. Councilman Steve Farrell indicated that there is parking issues and a number of issues. If they get the sewer I don't want them to come back and that automatically gives me the right to expand because I have jumped through the hoops. Jon Woodard replied that is exactly right. They are a non-conforming use under the land use code and that puts a lot of restrictions on what they can do with that structure. I know that the planning department has looked at that and is aware of these issues and not aware of the latest on those issues. We are aware of that and glad that you put that on the record.

Councilman Steve Farrell indicated that we probably ought to do some kind of an addendum to that affect indicating that those other issues need to be corrected. They are grandfathered with what they have got. The whole purpose behind this is for expansion. Jon Woodard replied that is not his understanding. My understanding that they cannot expand the structure under the grandfathered use that they currently have. I haven't looked into that recently but could be missing some things but that is my recollection from when we looked at that several years ago.

Councilman Steve Farrell indicated that by taking care of the sewer issues that does not give them the impression that those other issues go away. Jon Woodard indicated that this inter local agreement has been approved by Heber City and if we want to address that I am not sure but I am not sure that we want to address that through this actual agreement but if you want to do an addendum to it that would only be between us and the Back Forty. Also I am comfortable with this language. Also if the Back Forty is demolished they have to disconnect but they could reconnect also if it is renovated but nothing in it makes it so that shall happen but if there is nothing in it makes it so that it shall happen but if there is something that makes it so they couldn't rebuild under county code or something like that obviously this wouldn't guarantee that they couldn't rebuild the structure at that point but we would just look at it at the time. I am comfortable with the language when Heber City passed it. I am comfortable in moving it forward.

Councilman Steve Farrell asked Jon Woodard to explain the difference between an MOU and Inter local Agreement and why this would work better than an MOU. Jon Woodard indicated that the way this was structured that I had last reviewed before this was an MOU that met the legal requirements for being an Inter local so in that case it functions both as an MOU and an Inter local

Agreement which is totally fine. It makes it a legally binding Memorandum of Understanding. A Memorandum of Understanding without the Inter local Language that makes it binding under Utah Law for municipalities and counties creates a question as to whether or not whether it would be legally enforceable. I think it is an open question and I don't think it is clear it wouldn't be enforceable but when you have that Inter local language in there it makes it very clear it is enforceable. It doesn't make a difference what it says on the top of the paper if it meets the requirements.

Councilman Steve Farrell made a motion that we go ahead and approve the Inter local agreement to provide sewer service by Heber City as outlined by our County Attorney. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Jeff Wade

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that the only thing he has to report on is that MIDA did appear before the independent entity committee for interim of the legislature yesterday and there was a presentation which was very good and I sent the Council each a copy of that presentation. At the end they asked for a bill to be supported from the independent entity group or committee that would give immunity to Wasatch County and MIDA for the tailings ponds. The independent committee said that they would support the bill. The bill is written that the state would accept the responsibility but it is not accepted the State would have to introduce it as legislative bill to do that but the question was raised is this done elsewhere and it was represented that it is done with lots of entities within the state and then the state then takes the liability. I don't know what those are. I don't know exactly how it works but if a bill is drafted I think they have the ability through the interim to introduce the bill and get it approved prior to the session.

Mike Davis indicated that there are other meetings that are happening right now and our legislature lobbyist is covering those meetings so I will get more information on potential bills and there was one this morning and that is the county auditors have requested a bill to change their duties. The bill has been drafted but I will get more information on that.

COUNCIL/BOARD REPORTS

Councilman Danny Goode indicated that during the County Fair and working in the Library I met a member of the Wasatch County Latino Coalition and I asked her to come today and tell the Council a little bit about that coalition and what the Council can do to help with that.

Urry Jensen, Chair of the Wasatch County Latino Coalition, addressed the Wasatch County Council and indicated that our mission is to integrate into the community. We have over fifteen members who participate in our monthly meetings. We try and help families with the resources that they need. Also make sure that the Latino families understand that expectations of the schools. I also work with the school district which gives me an opportunity to get to know more families and to support them in getting to know what the school district expects of them. The entities that meet with us each month are the Heber City Police Department, Wasatch Behavioral Health, Latino Behavioral Health Services, Wasatch County School District, Wasatch County Health Department and various others. What we would like is to have a member of the Wasatch County Council meet with us. Councilman Steve Farrell indicated that is a very good idea that a member of the Council support the coalition. Also what are some of the problems that you are having? Urry Jensen indicated that there are problems with transportation, understanding the school system, finding housing, need to understand the law such as immigration and the various law enforcement officers. The Council indicated that Councilman Kendall Crittenden would do a good job there and Councilman Danny Goode also and they will coordinate that between them. Councilman Steve Farrell indicated that could be a board assignment at the first of the year. Urry Jensen indicated that the meetings are held the third Tuesday of the month at noon at the library.

Councilman Kendall Crittenden indicated that he attended a USAC Board meeting by Zoom last night and it was indicated in that meeting that there will be no dues increase for UAC for this coming year. Councilman Steve Farrell asked if there is no dues increase for all UAC or just for USAC. Councilman Kendall Crittenden indicated that he will find that out.

Councilman Kendall Crittenden indicated that a couple of weeks ago I talked about the Criminal Justice Coordinating Council that the legislature has required that we have in place by next July. This Council can be under the rules can be a coordination with More Than One County. I talked to the three Utah County Commissioners of Utah and they indicated that they are already in the process of putting that together. The Commissioners indicated that they could work together with Wasatch County. Councilman Steve Farrell indicated that another option we ought to look at if Utah County doesn't want to work with us, then let's look at Duchesne and Uintah County because of the tribe involvement issue. Jon Woodard indicated that the County Attorney Office is aware of it but I am not aware of how we are addressing it and not up to speed on the particulars of it but I do know that we are aware of. And I will find out more information regarding that.

Councilman Steve Farrell indicated that he had an opportunity to sit in on a Board of Equalization hearing and the people were treated very nice by the staff that was there. I was very impressed with that.

Councilman Kendall Crittenden indicated that at the Parks and Recreational Board Meeting last week Tom Bonner had a copy of the Senior Advisory Board county code updates that we are going to consider next week and the Council needs to look that over and if you have any questions let me know. Also I will have Jon Woodard look at it also. Jon Woodard indicated that he would be happy to look at it.

Councilman Kendall Crittenden indicated that the MAG Senior Advisory Committee indicated that the University of Utah Division of Family Medicine has partnered with Utah State Division of Aging Adult Services in a nutrition research and it is a five year grant they received they and have selected some senior citizen places around the state and Wasatch Senior Citizens was the one that was selected to be part of their study. They then will do various studies and that will be done at no cost. This is a great benefit for our senior citizens to be a part of this research.

Councilman Kendall Crittenden indicated that he has a short closed session regarding personnel.

MANAGER'S REPORT

Natalie Foster, the Wasatch County Manager's Secretary indicated that they have nothing to present this evening.

Councilman Kendall Crittenden made a motion to go into Closed Session for Personnel. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Kendall Crittenden

AYE: Jeff Wade via Zoom

AYE: Steve Farrell

AYE: Danny Goode

NAY: None.

Councilman Jeff Wade made a motion to leave Closed Session and go into a recess until 6:00 p.m. when we will hear our one Public Hearing. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

AYE: Jeff Wade via Zoom

NAY: None.

**PUBLIC HEARING
SEPTEMBER 21, 2022**

Vice Chair Spencer Park indicated that the record should show that the Wasatch County Council is again in session to hear the one Public Hearing scheduled for this evening. The record should 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. The record should also show that Chair Mark Nelson via Zoom has joined the Wasatch County Council for the public hearing. Also Councilman Jeff Wade and Danny Goode are present via Zoom. Excused is Councilwoman Marilyn Crittenden. All the rest of the Council are present.

LANE MILNE IS REQUESTING A CODE AMENDMENT TO 16.21.08 TO AMEND THE LOCATION OF AN ACCESSORY BUILDINGS ON LOTS. ORDINANCE NO. 22-19.

Staff:

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that this is a proposal to amend our code regarding placement of accessory structures which would be county wide. The section of the code talks about acreages for lots and where garages and sheds and accessory structures can be located and broken down by acreage. The 1 to 1.99 acres and used to specify that garages and sheds are in the rear yard only. The same thing for the 1 point 4.99 acres. We are proposing to amend that to allow them to be in the side yard behind the front facade as long as they are at least fifty feet back from the street. Also we are proposing to amend the code in the 5 to 9.99 acres so it is the same as the more than ten acre section of the code that would allow accessory structures to be actually in the front yard but on the side of the home. Doug Smith then showed some graphics that would show what is being proposed.

Doug Smith indicated that this request is by Mr. Lane Milne and it is up in Timber Lakes. The cabin is existing and the proposed accessory structure is there and it is something like 164 back from the street. Our previous code forced that garage to be back behind the rear facade of the house. As this request came in and we told them that it didn't comply with the code we sat down and discussed it as a staff and thought is there a compelling reason that we are forcing this to be in the rear yard and our answer was no we are probably over regulating or fighting a fight that there is no reason to fight. What this code will allow is that if the home at thirty feet the shed or garage would still have to be a fifty foot setback. If it is one hundred feet it still has got to be the facade or even with the facade of the home and that is what we are proposing with this code amendment on these lots that are 1 to 4.99 acres. The other part of the code that we are proposing to amend is on lots that are between five and over ten acres. We have amended the code so it is similar to the more than ten acre one that already exists so what we are saying that it may also be located in the front yard in the area between the side property line and a line projecting from the side facade of the home. So between the side of the home and the side yard it can be in the front yard. That is the language that we are proposing.

Councilman Steve Farrell asked why we had the other way originally in the rear yard. Doug Smith replied that the idea was on a smaller lot that the garage should be behind the house unless it is attached. You can never cover every issue that is going to come up. This is a fairly new code and think it was adopted in 2020. Councilman Steve Farrell asked since Timber Lakes has an HOA and probably a review committee have they approved this. Doug Smith indicated that it is passed.

Doug Smith then went through the proposed findings:

1. The proposed code amendments allow for some flexibility in the location of accessory structures.
2. The proposal will apply to the entire County.
3. Staff felt that the existing code limited flexibility for property owners but did not serve a compelling interest for the County.
4. The proposed amendment is in the interest of the public and is consistent with the goals and policies of the Wasatch County General Plan.
5. Positive impact of the proposed changes would be reduced staff time spent on applications that are typically non-controversial matters.
6. The Wasatch County Council, as the legislative body has broad discretion for amendments to the Wasatch County Code.

Doug Smith indicated that the Planning Commission forwarded this to you to approve it. There was one Nay vote and that was because they felt like on the five to ten acre lots that those should be further set back.

Applicant:

The representatives for the applicant indicated that they had nothing to add.

Public Comment:

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

Motion:

Councilman Kendall Crittenden made a motion that we approve the code amendment to 16.21.08 to amend the location of accessory buildings on lots. This is Ordinance No. 22-19 with the findings. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Danny Goode via Zoom
AYE; Chair Mark Nelson via Zoom
AYE: Jeff Wade via Zoom**

NAY: None.

Councilman Jeff Wade made a motion to adjourn. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Danny Goode via Zoom
AYE: Chair Mark Nelson via Zoom
AYE: Jeff Wade via Zoom**

NAY: None.

Meeting adjourned at 7:00 p.m.


SPENCER PARK/VICE CHAIR


JOEY D. GRANGER/CLERK/AUDITOR

