MINUTES OF THE
WASATCH COUNTY COUNCIL
MARCH 6, 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 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 Joey Granger, the Wasatch County Clerk/Auditor Shelby Thurgood, the Assistant Wasatch County Attorney Wendy McKnight, From the Clerk's Office Tierra Cooper, from the Wasatch County Manager's Office Rick Tatton, Court Reporter via Zoom.

Prayer: Steve Farrell
Pledge of Allegiance: Chair Spencer Park

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday March 6, 2024 and indicated that all the Wasatch County Council are present. 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 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 issues for future meetings and there was none.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT FOR ISSUES NOT ON THE AGENDA

Chair Spencer Park asked if there is any public comment for issues not on the agenda and there was none.

APPROVAL OF THE MINUTES FOR FEBRUARY 21, 2024

Councilman Karl McMillan made a motion to approve the minutes for February 21, 2024 as written. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

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

NAY: None.

COUNCIL

RECONVENED BOE AND ROLL BACK APPEAL RECOMMENDATIONS

Joey D. Granger, addressed the Wasatch County Council and indicated that at the end of 2023 we did have some orders to reconvene. What that means is these people qualified based on whatever extenuating circumstance there was that they weren't able to appeal during the regular time frame. The State decides whether they qualify or not then order us to open it and hear the appeals. We did have one day that we had a hearing officer back to go over these with us and give us some recommendations. On the list you will also see in the middle there we have some roll back appeals. Green Belt can be changed any time during the year. Our Green Belt specialist does an audit and

determines that the property is not in use they have the ability to go ahead and withdraw that and then the property owner has forty-five days from that date to appeal that decision and provide evidence and be heard in front of the hearing officer just like the regular appeal. At the bottom I have assessor errors. These ones were and two were missed primaries and those were actually stamped and approved within the regular time frame they just didn't get presented.

Councilman Kendall Crittenden asked on the roll back they determine that they don't qualify any longer for roll back for Green Belt and they are notified and they have a day to appeal. If they lose the appeal or don't appeal how are they billed on the roll back taxes for the Green Belt? Joey Granger indicated that there is a five year time.

Councilman Steve Farrell replied that it goes back five years and they get sent a bill for each individual year. The roll back is based on the market value and then the production value and the difference between the two is roll back. To pay the bill they have sixty days and then it goes into the regular interest and penalty period. Joey D. Granger replied that everything that was reconvened did have a value change and if they had made during the regular time frame and then there was some equity issues and we had a flood issue on one home and a couple of things so there were value changes for all of the reconvenes and then most of the roll backs were actually upheld. They were not able to provide evidence that there property was in use. We do have one. There was four parcels in Midway and the hearing officer did give them a time frame to go ahead and take the roll back off until July so they can verify that they have replanted and will be in use and they were able to provide evidence of their property as so.

Councilman Steve Farrell made a motion to approve the roll back and the re-convening for the parcels for 2023. Councilman Karl McMillan seconded that 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.

CONSIDERATION OF ORDINANCE No. 24-01 GRANTING A FRANCHISE AGREEMENT TO QUEST CORPORATION THE THIRD READING.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that on the second reading we raised the concern on whether we have adequate

notification and we were able to negotiate with Quest to have a thirty day response time notice to vacate and we both have agreed to it and this Franchise Agreement reflects that change.

Councilman Steve Farrell made a motion to approve Ordinance No. 24-01 dealing with the franchise agreement for Quest Corporation. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION AND PRESENTATION FROM HEBER CITY ON THE COMMUNITY REINVESTMENT AREA (CRA)

Aaron Cheatwood, representing the Heber City Council and Matt Brower, the Heber City Manager, both presented an extensive power point presentation and then addressed the Wasatch County Council and indicated that this pertains to the downtown corridor right down the middle of Main Street and surrounding blocks and then going down to the recreation district. Matt Brower indicated that this is really important for Heber City and there are significant changes happening in this County that affects Heber's downtown. This has to do with tax increment financing. This is an investment with Heber City, Wasatch County and the School District and is an investment in the future. This is an economic booster not just a property tax return. The CRA as a conservative amount of $22,200,000 over twenty years and this is what the CRA will get. This is what the entities will receive back being Wasatch County, Heber City, and the School District and the water efficiency project. This is just for the downtown district.

Dustin Grabau replied that the City does have a lower property tax rate than Wasatch County does.

Matt Brower replied that Wasatch County right now gets $679,000.00 per year off this zone. Also we would like to buy the Wasatch County Fire Station, also in negotiation to buy the Heber Light and Power Building and then the Wasatch County Administration Building. This area is our center square and important for us to upgrade and keep. Parking areas are important along with pedestrian improvements and enhance parking downtown so that we don't have to require onsite parking in addition. Downtown is one time parking and walk destination downtown. Also a CRA must have a ten percent mandate put towards affordable housing. We need to provide housing for City employees, county employees, school district employees and we need to provide housing for them

and where this will be will be decided together. Planning is also an important for a CRA. Also getting Main Street back from UDOT in ten years or so and should be a gathering place for everybody in this valley. Also what helps Heber City helps Wasatch County because we are in this together. There would be four million dollars to the Arts and Recreation District. What this CRA does is only public improvements, public infrastructure improvements that will bring better businesses.

The Key Interlocal Agreement Terms are the following:

1. 75/25 Increment Split.
2. 20 year term (2044) or Cap on Increment ($3.2M to $4M)-whichever reached first.
3. Base values to exclude Wasatch County's commercial reappraisals.
4. Return of unused tax increment.
5. Formation of two advisory committees to review, prioritize, and make investment recommendations.

   Downtown Heber CRA Advisory Board

   Membership: County, School District, CUWCD, CAMS, CITY (5 total)

   Art and Recreation District. CRA Advisory Board (focused on District investments-$4.1M budgeted)

   Membership: County, County Rec, District, Railroad, City (4 total)
6. Affordable Housing - 10 percent prioritized for County, City and District work force.

Matt Brower also indicated the financial benefits that Wasatch County will receive are

1. Base revenue will increase by nearly 41 percent during CRA term from $679 k/yr to $957k/yr.
2. Annual increment in "project area" estimated to grow faster with CRA should exceed County's annual property tax growth in "project area".
3. Expect greater increases with CRA in transient room tax TRT, Restaurant Tax, and Sales Tax.
4. Earmark $4M of CRA tax increment to Art and Recreation District to support County's long-term plan (this amount exceeds value of County's portion of increment)
5. Earmark of $100k of CRA tax increment to support County's visioning process in Arts and Recreation District.
6. Partner with City and business community to realize community's vision for downtown and Art and Recreation District (destination for visitors, locals and private investment)
7. Leverage.
8. Affordable housing - 10 percent set-a-side.

   Heber City has also prioritized County work force in N. Village MDA's

Councilman Steve Farrell asked how are we going to generate $3.2 million in increment with so much of that is tax exempt because fifty percent of your Arts and Recreation District investment is already owned and is a public facility. Aaron Cheatwood replied that the $3.2 is actually just the increment of the Wasatch County part of the CRA Zone and that is the 75% of the increment as the tax base continues to increase over the next twenty years 75% of that incremental increase is that $3.2 and the 25% comes back on the CRA. Councilman Steve Farrell indicated that the $3.2 is coming from everything in the CRA. Also all the public facilities that is identified here are non-

tax payer. Are you planning to convert that to private property? Aaron Cheatwood replied that we didn't have any changes of the public or private insomuch it was the private stuff that would be redeveloped in a different way. What we are talking about this evening is the reinvestment of the incremental increase on that 3.9 percent of the taxable base not attempt to touch or change anything with the 96.1 percent that is remaining. It is just that one downtown section.

Councilman Steve Farrell replied that we will get the tax revenue, the base constantly as we do now and get twenty-five percent increase every year until the end. Aaron Cheatwood replied that is twenty-five percent of whatever the tax base increment.

Matt Bower indicated that we are looking out ten years and that is basically all we could look at is ten years and then it goes flat for the next ten years. We will split that 75/25 Increment Split. Seventy-five goes into reinvestment into the downtown and twenty-five goes to the entities. This CRA is for the Main Street corridor the downtown and the economic engine of this County the last hundred plus years so this is a win for everybody. We need Wasatch County because we can't so this without Wasatch County. We need the water district and the school district and Wasatch County and if you aren't part of it just won't work. We will be able to get the Main Street as it used to be.

Councilman Steve Farrell asked are you going to be able to enforce a business to be a part of this if they don't want to change. Matt Bower replied that a CRA doesn't force anybody to change, it changes nothing for them.

Councilman Steve Farrell asked are you planning to bond on this a tax revenue bond. Matt Brower indicated that is how it works and don't wait twenty years and then do it and then we bond and we must be conservative.

DISCUSSION AND PRESENTATION FROM HEBER CITY ON THE HEBER VALLEY CORRIDOR.

Matt Brower, the Heber City Manager, addressed the Wasatch County Council and indicated that last night the Heber City Council during their regular meeting invited Greg Hancock and Matt Parker over to discuss more about the ongoing work to identify the preferred alignment as well as the conservation easements that are being proposed. We had a good conversation and hoping to maybe continue that conversation this afternoon. Then a power point presentation was made.

Matt Brower indicated that how will a conservation easement potentially impact the by-pass and how will it impact UDOT's decision to fund this project. Last night Greg Hancock indicated it could have an impact upon UDOT's decision to fund the project in a reasonable time line. That is a big conflict that we are concerned about and got a new high school going in there and you have a lot of redevelopment and your new County Building could be going in there and so that by-pass alignment through Midway Lane is very important and the question has got to be asked so what

would a conservation easement do potentially that area right there.

Councilman Steve Farrell replied that originally the by-pass road was on the east side of Mill Road and that is why it was designed so wide and that was doing right over and behind Valley Hills and coming back down Coyote Lane and that was the plan until the Conrad farm sold and Timp Meadows was developed. You can't tell a property owner that don't do this.

Matt Brower indicated that I don't think the issue is telling what a property owner can and can't do. The bigger issue do you spend taxpayer's money in purchasing an easement that we know is going to potentially be an alignment. Councilman Steve Farrell replied that we spent tax payer's money and said that we wanted to preserve open space.

Matt Brower replied that no one on the Heber City Council or my staff does not support preserving those North Fields. In fact the Heber City Council put in place what is called the preservation fee of $2500 per unit in the North Village with the intent of leveraging that to purchase more space within the North Fields area. Matt Brower indicated that Heber City wholly believes that conservation in the North Fields is a priority and needs to be. We have to ask us yourself does it make sense to put conservation dollars in an area that we know that the by-pass is likely to go.

Councilman Luke Searle indicated what is delaying UDOT from making a decision on the preferred route and it sounded like north of forty is the conversation that is delaying them and ultimately there will be one of the five chosen but that would not change any of the options south of that. Basically, the entire belt route is where they will be going is one of those parts. This intersection to Midway Lane we know a by-pass is going through somewhere and that is based on what UDOT has said.

Mike Johnston, Heber City Councilman, addressed the Wasatch County Council and indicated that the only place for the by-pass is west of town. For Heber City to annex between Highway 40 and by-pass corridor and that is false. We need to buy the property or buying the easements and we desire to do that with the money from people that are moving here. We don't want to have any commercial on this Midway Lane Interchange. We don't want to have a commercial district there. To protect commercial you have to actually purchase the easements. I applaud Laren Gertsch offering this and this is what we want to continue to see but not at the expense of losing the by-pass. Greg Hansen was very clear at Heber City's meeting that you are sending a message to UDOT that you want to be adversarial to where their by-pass is going and if they change it in anyway and will have to start over again. We have to work with them. Councilman Steve Farrell replied that UDOT has got to find a way to redo the traffic. I can see delaying the by-pass will be with the new traffic counts and it is a significant change. Mike Johnston indicated we, as a City, absolutely want to work with you as a Wasatch County Council because this affects everyone and it affects our future and we need to come to UDOT as united as possible to get the best that we can get. They do see this as throwing up road blocks in their way and why are you doing this if you want us to help work with you. Councilman Steve Farrell we were united in 2006 when we passed the resolution outlining that.

Heidi Franco, the Mayor of Heber City, addressed the Wasatch County Council and indicated that money could be wasted perhaps on a conservation easement which you have already spent a lot of tax payer money to acquire corridor property that would obviously not go to waste and would be able to be back or sold if it is not used in the upcoming by-pass road so those monies are not wasted. Also if any open space bond money is used your own code says that it would have to be paid back if the immanent domain was used so again taxpayer money is not wasted. The corridor funds were used correctly and the open space money would be replaced also. A one lane road can't be built because of the increase in density. We have been spoiled here in the Wasatch Back because we have liked our minimal traffic and liked being able to get to where we want to go as we can. We haven't had the Wasatch Front congestion that we see all the time there especially in certain times of the day because we are used to minimal traffic. Traffic is coming because density has been granted. We can't force UDOT and decide anything for them and all we can do is just go forward with what we have seen that the public wants.

Aaron Cheatwood, Heber City Council, indicated that what has got out to the public is that the Heber City Council wants to stop the preservation of the North Fields and we have discussed it. UDOT would take that the community is not united in wanting a by-pass. Laren Gertsch's conservation easement has brought this up with regard to the by-pass potential routes. UDOT when asked about the conservation of these other properties that would limit the by-pass and UDOT said no. I am very impressed with the land from the Gertsch family coming forward at this time and saying that we want to keep this as nice as we can. We want to keep open space where we can. I am recommending and I ran on a campaign and talked about the North Fields in my campaign that I don't want to see a by-pass road that goes up through the North Fields. I do want the by-pass to get the heavy trucks off from Heber's Main Street. There are some conservation easements that could go forward and not impact anything at all and we need to take the time to reach out to UDOT and make the comment saying that we need a decision and we need you to be more transparent and need to be clearer. Also I don't think that Mr. Gertsch's plan is to block the by-pass. His intent is to try and preserve what is beautiful with the North Fields. UDOT said that there is some wetlands considerations that we just don't see on the plan. Aaron Cheatwood said that I do want to conserve as much space as possible.

Sid Osterguard, Heber City Councilman, addressed the Wasatch County Council and indicated that Heber City wants to preserve the North Fields. We need to get Main Street back to us and the only way we can do that is through the by-pass. There is a process that UDOT goes through and it is a long process and will take time if we delay that and going to be even more time so we can't delay that.

Yvonne Barney, Heber City Council Woman, addressed the Wasatch County Council and indicated that I appreciate the efforts of my fellow Council Members and Matt Bower's remarks but unfortunately it is not for all of us and am the only one on the Heber City's Council that might see a different view. I have lived here for forty years and remember when there were these fields and my kids use to play and people used to walk and there is wildlife and open and it is beautiful

and reminds us of everything that Heber City used to be. Also we can't live in the past. We had a chance years ago to put in an unhindered uncontentious by-pass that has long passed. Twenty years ago if we would have made a decision then we would not be here. Laren Gertsch has been planning on doing this for a long time. We have a land owner who comes to the Wasatch County Council for this to happen. There is more traffic is coming in and more density coming in and that now do we tell a landowner who has been trying to work and doing something to preserve a legacy for our community. I am not going to tell you what to do and I know what we need to do. I know what needs to be done and that is not the choice and that is not what is being discussed today. What is being discussed is whether or not this particular individual needs to stand down and we're told that they lose part of their funding because the Council is asking that we wait. We are not trying to say no. If the County comes back with whatever their decision is and do not consider that to be we don't want the by-pass. The options are still on the table, then where is the problem here. We still have other options that can be used. That is the plain and simple truth of it. People have said that we want to protect our North Fields. There is still two components here and we can still accomplish both of them. I don't know why UDOT said that if you don't do it this way then you are telling us that the community is going to give us push back. I am hoping that you that are on this Council who have the ability to communicate with this land owner and is willing to swap off that land to take into consideration that we need this route for everyone's benefit and hopefully can see the benefit that we can at least clear that area down there. We need to have the bypass to get the large trucks off the Main Street and provide our community to travel through and make sure we do everything that we can to ensure that both sides can have some type of what they have asked for. Listen to your citizens and recognize there needs to be some negotiations with the land owner then this matter can be worked out for everybody.

Councilman Kendall Crittenden indicated that he has worked on this for a long time and many years when this was started we were looking at this and what not and communicated that you work on the north end of the by-pass and Heber take care of the south end. I don't know you are going to get a by-pass through the south end of what he was allowed in there and part of the controversy now when Heber City did their annexation boundary and it included all the North Village and it was said that we won't increase the density from the County would allow those. There is now more density for developing in Heber City than if they would have had if they had developed in the County. It is that increased density that Heber City has allowed that is creating the traffic problem that UDOT is struggling with. Without all that increased density the density that would have been allowed up in that area if it had stayed in the County option one and two would probably be fine. That is an issue that we have got to deal with and hopefully look in the future because there is more coming and that is a frustration to many on the Council as we look at that.

Councilman Luke Searle indicated that we do have a public hearing on this matter tonight if just kept the comments to this matter. I want to just thank the Heber City Council for coming and voicing their opinions. I know that this particular item in the future will be between us and the landowner but has long term impacts especially with Heber City and there are things besides just congestion and safety issues that go on there and appreciate all of your opinions as you have shared with us. It follows our General Plan that we are working with Heber City on the western by-pass.

Tom Stone, a business owner in Heber City, addressed the Wasatch County Council and indicated that he is here representing other business owners and I am in agreement with everything that has been said. The number one concern for us is safety. Also how do we make our Heber City or Wasatch County or Midway better we can all agree with that. My comment is thank you guys for your time and thank Heber City for their time. I love that we are getting along and getting along was not happening ten plus years ago. Do I want a by-pass, yes, and do I want a conservation easement, yes. Do we want Laren Gertsch's property to be taken care of and private property? Yes. That is why you are in those seats.

Matt Brower asked if we could put together with regard to the CRA that we would put together a draft agreement and bring it back to you or sent it to you to debate and discuss. Chair Spencer Park indicated that would be fine and we will go through it and we do need to have some conversations more as a Council as the parcel down by the train tracks and what we want to see there. We can put that on a work meeting in the future. Matt Brower indicated we will be coming to the Wasatch County School District next. They have been waiting for the legislature to finalize their agreement and change with the MIDA and the tax that is coming to the school district and we should get back to the district soon probably within a month. Chair Spencer Park indicated that after you have had the discussion with the School District then bring it back to us.

DISCUSSION AND DIRECTION ON AN RFP FOR A WASATCH COUNTY ADMINISTRATION BUILDING.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that what we are discussing is the potential facility needs that the County has for staffing and for public service. In August of 2021 we purchased a building to handle some staffing changes for $1.1 million and we initiated a needs assessment for a courthouse project. In 2021 in September we purchased the Diamond K Transfer Station. This was in order to accommodate additional growth at our solid waste facilities. In April of 2022 we started a County wide facility needs assessment. In August of that year we finally were able to relocate some people based on that purchase from the prior year where we moved around some of our departments and that later that year we also moved our public works and attorney office spaces and built a building department. Then in May of 2023 we had a discussion about the findings on the needs assessment that we started in 2022 and I have told you this just to give you a sense of we are increasingly trying to be creative as we try and solve some our physical space needs of the County's staff and how we serve the public and those are all considerations for us.

These are the recommendations of that County wide facility needs assessment and the study covered analysis of our five existing facilities and identified the status of those and deficiencies of those facilities and we identified the space needs and department deficiencies of all of the departments that we were considering and actually it is two facilities and how much space we think we will need over the next ten years and who should be located next to whom. We have looked at

five different sites as potential for an administration building and none of them were ideal and provided us individual space diagrams concepts for standardized spaces of offices, meeting rooms, other public meeting spaces and they provided a budget recommendation for a $29.3 million for an administration building and $20.8 million for community services. They also provided in there a time line of what it would take to construct the administration building. What I did is I took this and kind of combined with other potential projects to come up with this symbol chart. Right now we are in the process of constructing an addition to the County Courthouse facility and we are sharing that facility so I have reflected here $12 million and that is half of the cost of that because we share it with the State and you can see the time line of the design and then the projected construction is for later this year and how long it will go and that is about twenty-one month to build. If we were to start today and talking about today is a potential RFP to contract for architectural services and we would start in the next few months on designing of the building with the potential of next year beginning the construction process of an administration building. As we have discussed the courthouse building we have additional needs for the County's sheriff's office between the jail, the administrative space, potential animal care facilities and other things and we anticipate that would be a longer project because it would be a multi-phased approach to a master plan for the remainder of the site outside of the courthouse project. We then might be starting to talk about what it looks like if we were to build our community services building especially for our health department, USU extension services and behavioral health and we are already up to 2031 and this is an aggressive time line.

What I want to talk to you about today is that I have in your packet a draft RFP that reflects a request for architectural services to do this light green work here. Some of the concerns are is the amount of money that it takes to do things. What Wasatch County has done under a previous County manager and with previous County Councils and some of you who are still on here we saved a significant sum of cash reserves to construct the new administration building. I have put in here an estimate of $35 million and maybe more or less than that depending on it. We expect to pay for half of that with cash and could be more and potentially borrow the remainder of it. When it comes to the 2025 budget we will have the capacity to pay for our courthouse debt service and the administration building debt service.

Dustin Grabau indicated one of the considerations in that RFP is proposed site being the South Field property that the County owns across South Field Road from Southfield Park so this is on the intersection of Midway Lane and South Field road on that Southwest corner. The County owns twenty acres there and part of that for the last year and a half since we did that meeting with you in March of last year about the needs assessment, I have been working with several different property owners to try and identify some other alternatives for a County administration site and some of the challenges that it would potentially add up to $8 million in additional cost to construct a facility if you have to purchase the four to five acres necessary to build this. I have had some preliminary discussions just high level constructions with Heber City about the potential of annexing these parcels and putting an administration building there and it would be in close proximity to existing County facilities and would preserve enough space to do some other programing on those same sites and potential provide a buffer between a future proposed by-pass

and South Field Park.

What I am hoping to get from the Council is direction and if you are comfortable in this light green process knowing that sets us on a course at least do this dark green portion and rather or not we do these other things those will be subject to our budget constraints and other future needs but I feel there is enough dominos in this chain that we have started to knock down the first one and we need to start talking about if the time is right to knock down the next one.

Councilman Steve Farrell asked what the projected cost is. Dustin Grabau replied that the architectural design services and largely come as a percentage of the cost of the facility so ultimately we may have some out of pocket expenses. We budgeted this year for architectural services for about $50,000 and the bulk of the cost will come when we get closer to the construction phase and ultimately it will be much more than that but will be a part of that factor that $35 million number. Typically architectural design services are five percent of the cost of the design of the structure.

Councilman Mark Nelson asked what the time line of knowing where the property is going to be in this process and we started out knowing where it is going to land. Can we start the planning process for the County administration building not knowing the exact footprint of the land where the building is going to be built on?

Dustin Grabau indicated that is part of why we should consider and why the RFP is written to include the South Field property because it has sufficient space that we will easily be able to fit an administration building on it and could include in the RFP additional design of the unused space of those parcels but there is more than adequate space on those parcels if we chose to locate them there.

Councilman Mark Nelson replied that this plan assumes that space and the RFP is written with the assumption that is the place that we are asking to be built on. You could ask the architects to consider multiple sites. The RFP is not written for a site consideration analysis.

Councilman Steve Farrell replied that you need to design the building and then find the area we need. Dustin Grabau replied that is part of what we did with the facility needs assessment we know about how much space we need. We know about how many square feet it needs to be and how many acres it is and could be small as two and a half acres and something closer to four is ideal because the County doesn't want to have one of the tallest buildings in Heber City and by having a larger site we are able to have a lower building that matches the character of the County.

Councilman Steve Farrell asked about the property out by the Judge's Center. Dustin Grabau replied that was one of the sites included in the original needs assessment. The concern there we could immediately find ourselves in a situation where all of the uses that are concentrated in that one site have no additional capacity. The sheriff has asked for some changes and if the administration building was built there it would preclude some of the changes that the sheriff has

asked for. The other site that was considered is the current spot of the community services building. We would have to approach Heber City about zoning that to a public facility zone and there is technically enough space to fit the new community services building and an administration building but it would be a slightly taller building in another wise residential area and could be an awkward place. The other sites that we looked at are the current site we are sitting on now and the space in front of the Heber City public safety building both of those sites and there are some disadvantages because they are about one and a half acres and the building would need to be quite tall and the parking required would be structured which add significantly to the cost.

Dustin Grabau indicated that the property at the community services building would be like six acres which is big enough to do both facilities and you need to feel like that is a good location and we have not really discussed with Heber City if they would be okay with that type of relatively high use and whether or not other comparable uses are adjacent to it. Part of the challenge there we may need to phase the project in a way that perhaps we build the new community services building to tear down the existing one and then build an administration building so we would be looking at a single $50 - 60 million project instead of a $35 - 25 million. The advantage of the South Field site is it is big enough and could design it to fit some kind of triangular shape on the north side of whatever those properties knowing that maybe it shifts. If there are more dramatic changes in the alignment of the by-pass that might affect the viability of this site and something we would have to consider.

Councilman Mark Nelson asked if the potential or the near future master planning that we have been talking about for parks and rec impacting that land because that might be in their plan. Dustin Grabau replied that I don't know what the Parks and Rec have planned on those sites. I think there is a commitment to name something on the south parcel after a relative of a prior owner. I think any decision we make is going have impacts one way or the other. I think ultimately the needs of parks and recreation might include that and additional sites and so I think probably talking if we are putting say a five acre administration building here and not using this five acres for a park I think we need much more than five acres of additional park facilities and in my mind it kind of just comes out in the wash because we need to either buy that or an administration building or we need to buy it for additional park so I don't think it is a net detriment to the County to utilize them for this purpose.

Councilman Kendall Crittenden replied that we visited with the Park and Rec and we could work together on that piece. Dustin Grabau replied that nothing is straight forward or simple and there are some advantages in that and it would potentially provide over flow parking in comparable ways in that the County if there were some high intense use like during a public meeting there is over flow parking on the park side and likely wouldn't be as highly occupied during events and other things that parks and rec maybe that helps provide some additional capacity for that.

Tom Bonner, the Parks and Recreation Director, replied that our plan has always been for open space and future pickle ball courts and those types of things over there I think this makes all the sense in the world in my mind where the County comes in and build their administration building

on that south side you put an infrastructure for parking and everything and then we just share it because most of our stuff happens at 5:00 p.m. or later at night whether it is soccer or whatever we do on those fields and makes sense to do something shared down there and carve out five acres of the fifteen for an administration building only benefits us. Councilman Steve Farrell replied that we go ahead with the study and design.

Councilman Karl McMillan made a motion that we authorize what is presented in an RFD for the Wasatch County Administration 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
AYE: Kendall Crittenden

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that with regard to pie day at the Senior Citizens we need to tell them how many will come and four to five indicated that they will come. If you plan on having a meal please call them in plenty of time.

Councilman Kendall Crittenden tonight is Issues Conference and also one on self-reliant emergency fair that is Saturday March 23rd at the high school.

MANAGER'S REPORT

MOVEMENT OF THE GATE ON CASCADE ROAD WITH REGARD TO HOV's

Dustin Grabau indicated that we had a public lands meeting this morning and there was a discussion on whether we needed to change some authorization of HOV use on a section of Cascade Springs Road. If you are all comfortable with that we will work with the attorney office to draft a potential curb change that authorizes HOV's on that segment of Cascade Springs Road from where the outfitter is up to where the gate is. It is bringing it down so they can be on the road and not on the trails so that prevents noise and dust for the adjacent residences. The State Park asked us to basically to work with them on doing that. Councilman Steve Farrell indicated it eliminates the traffic coming out of that subdivision crossing the HOV trail. Dustin Grabau replied

that it would authorize unlicensed HOV's on that segment of Cascade Springs Road where they currently are prohibited. We will work with the attorney's office on that.

COMMUNICATION DIRECTOR

Dustin Grabau indicated that we had an offer accepted by our applicant for the Communication Director. Joan Gould is going to be joining our team and she joins from Harrison County, Texas and has great experience and she is not going to start until April 15, 2024. She worked for a County Commissioner down there and currently for the District Attorney's office and was managing their communications, public outreach. There will be a need for a closed session after the public hearings for reasonably imminent litigation.

WHEREUPON, A BRIEF BREAK WAS TAKEN

Chair Spencer Park that the record should show that the Wasatch County Council is again in session to hear the two public hearing scheduled for this evening. The record should also show that all the Wasatch County is present.

PUBLIC HEARING
MARCH 6, 2024

THE WASATCH COUNTY COUNCIL CONSIDERING THE USE OF OPEN SPACE BOND FUNDS AFTER A CONDITIONAL RECOMMENDATION FROM THE WASATCH OPEN LANDS BOARD FOR THE PRESERVATION OF THE PROPERTY LOCATED NEAR 1050 NORTH RIVER ROAD, MIDWAY CITY, UTAH 84049 IN THE AMOUNT OF UP TO $750,000 DOLLARS FOR THE CHRISTIAN MICHEL L.L.C.

Staff:

Heidi Franco, the Wasatch Open Lands Board Chair, addressed the Wasatch County Council and also recognized that other Open Lands Board members are here. We are here for the Christian Michel L.L.C. notice of interest also called the Michel/Kissell property and the proposed conservation easement. The Wasatch Open Lands Board follows your code and supports willing landowners who want to preserve their property. The Wasatch Open Lands Board sincerely thanks the Christian Michel L.L.C. family and the Kissell family and Utah Open Lands for this incredible easement proposal. The landowner's commitment to a legacy that will be protected here is really a wonderful thing. She then showed them the recommendation form and you have had in your packet now for several days. You can see it is the Christian Michel L.L.C. with those two parcel numbers located at 1100 North River Road, Midway. The Wasatch Open Lands Board held a

public hearing on February 12, 2024 and received favorable public comment in favor of this conservation easement and we are recommending to the County Council up to $750,000.00 of open space bond money in this conservation easement. Right now the conservation value is $6 million to $6.5 million which would be certified in the conditions.

WOLB is only recommending conditions that are based on your code so you can see the conditions that are there.
1. Prior to seeking funding, the property owners shall provide WOLB and the County Council for review and approval a certified appraisal for the property to be conserved establishing a conservation value of $6 million-$6.5 million as represented in the application.
2. The certified appraisal shall include a specific description of the total irrigated and non-irrigated acres included in the conservation easement along with the historic water rights and water shares associated with the irrigated and non-irrigated property.
3, The title report, and draft Conservation Easement will be reviewed by you or the County Attorney per County Council directions.

The reasonably imminent loss of this open space resource that we know that directly to the north across River Road from these parcels it is already within Midway City and already developed that same development pressure could be for this property. We don't have the ownership complexity that we have seen in previous proposals to you.

- This is a fifth generation family farm. It also is in Green Belt status. They are including the water rights. It has been almost two years now that we received their initial application and it has taken this long to be able to get the matching funding.
- The owners are also giving the 25% contribution towards the value of this easement. That is significant and that is something that we have always tried to bring to you to make sure that this open space bond money is leveraged as much as possible and that is an incredible sacrifice in contribution from them.
- It will preserve the farm land that is next to the Kohler Dairy Farm.
- The Wasatch Open Lands Board sincerely wants to thank Midway City and their open space committee because they are contributing matching funds of the $250,000 given the importance to Midway City for the view shed corridor, etc.
- We are proposing to leverage the open space bond money 4 times in the conservation easement value.
- The Christian Michel L.L.C. parcels are historically important and sensitive land areas also adjacent to Provo River Corridor on the east side. Parcels contains wetlands and the Berkenshaw Creek. The Utah Geological Survey notes that there is a high stress level for wetlands on this property, see Utah Wetlands. Provides buffer for maintaining water quality, wetlands, and riparian areas in Provo Rover.
- It protects Historic Farming area from potential development because parcels are within the Midway City Annexation Boundary line, and Midway City already has residential developments on the north side directly across from the Christian Michel L.L.C. parcels.
- The map shows the Michel's two parcels adjacent to Kohler Dairy Farm Conservation Easement designated as the River Road and the Provo River Corridor on the east side of

the parcels.

If we combine the already approved Kohler Dairy Farm of 102 acres that is south and east plus the thirty-seven acres that is in this Christian Mitchell Farm proposed easement property plus the 69 acres in the Provo River Corridor that is a total of over 208 acres of continuous easement, continuous view shed, continuous open space, wildlife protection, wetlands protection, protection against urban runoff, close to the Provo River or Berkenshaw Creek and it is a corridor buffer and going to be a public view shed enjoyment for Heber Valley as well as Midway City for generations to come.

Finally, the sum of this proposed easement is much more than all of the separate parts and WOLB is recommending to the County Council to approve the use of the open space bond money up to the amount with the proposed code conditions. I will turn the time to Wendy Fisher of Utah Open Lands.

Wendy Fisher, from Utah Open lands, addressed the Wasatch County Council and indicated that this is adjacent to the Kohler property. This substantially protect the view shed along River Road which is really a value that is retaining the small town rural character but also protect that view shed which is adjacent to the Kohler property. We have no problem with the conditions that have been brought forward. NRCS is one of the main funding partners. We have received federal inflation reduction from the Natural Resource Conservation Service and that has been awarded to this project in the amount of $2.5 million. We have to go through appraisals to get that approved. That amount matches up with the value what we did with respect to the Kohler Dairy property. Midway City gave some of their funding of $250,000.00 with respect to the bonds that they had passed. Then we have that contribution. The pending request that we have before Wasatch County is requesting the funds of $750,000 which will leave some money left for the Utah Open Lands.

Councilman Mark Nelson asked that funding that still needs to be done what is the clock on this and how fast does that have to happen. Wendy Fisher replied that as with the landowners they want to have the funding as soon as we can potentially get it. At this point we have at least three years in which to use that NCRS funding and maybe five years but definitely similar what we did with the Kohler property. We have that time to raise those funds. We have $200,000 that was raised from private sources. We feel that we are well on our way but we do have some time to your question.
Councilman Luke Searle replied what is the difference between the one million and the two million from the landowner contribution just depending how much they can fund raise. Wendy Fisher replied no that is depending on how much the appraisal comes in.

APPLICANT:

Chair Spencer Park asked if the applicant is present and no one appeared to speak for the applicant.

PUBLIC COMMENT:

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

Aaron Cheatwood, from the Heber City Council, replied that he would want the Wasatch County Council to conserve this property and would encourage you to pass this conservation easement.

Geri Burgenson replied that she in favor whole heartedly in support of our public lands and advocate for open space. As we grow we can work with non-profit agencies, private donors and government agencies to conserve our open spaces. Midway is very unique so I would encourage you to pass this conservation easement. We don't want to be a concrete jungle here.

Lisa Mysnor replied that she is in support of going forward with the conservation easement as well. With all of the development the open land is at risk. We don't want the by-pass going through the North Fields. I whole heartedly support the conservation easement.

Steve Stevens replied that he is from Midway and been here for about twenty-five years now and this is probably on one of the most beautiful stretch of River Road as you go back and forth through that area. It is contiguous to the Kohler Dairy. I would highly recommend that you vote to fund this.

Chair Spencer Park then closed the public comment period.

Motion:

Councilman Steve Farrell made a motion that we go ahead and go with the Wasatch Open Lands Board's recommendation and supply $750,000 in matching funds and make sure that it is subject to the conditions that were placed on it. 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.

Jon Woodard, the Assistant Wasatch County Attorney, asked that I want to make sure that it is subject to approval by the Wasatch County Manager and me Jon Woodard for the review of the documents and title report and survey and things to make sure that everything is correct.

PUBLIC HEARING
MARCH 6, 2024

THE WASATCH COUNTY COUNCIL WILL HOLD A PUBLIC HEARING CONSIDERING THE USE OF OPEN SPACE BOND FUNDS, AFTER A CONDITIONAL RECOMMENDATION FROM THE WASATCH OPEN LANDS BOARD FOR THE PRESERVATION OF THE LAREN GERTSCH PROPERTY LOCATED ALONG HIGHWAY 113 NEAR HEBER CITY UTAH, IN THE AMOUNT OF UP TO $2,250,000.

Heidi Franco, Chair of the Wasatch Open Lands Board, addressed the Wasatch County Council and indicated that this is something that the Open Lands Board has been waiting for years to bring to you on. WOLB purpose is bring this to you to follow your code and support voluntary landowners. I believe that with conservation easements that Wasatch County can have the best of both worlds. You can have the best of preserving the heart of our valley such as in the North Fields and we can also have hopefully the best of responsible, quality growth This proposed conservation easement is from what I have heard and believe is the largest property owner in the North Fields. When we received this notice of interest the Wasatch Open Lands Board was amazed. This was after waiting for years after the bond being passed in 2018 that three years later we could get this application from the largest landowner in the North Fields. They are willing to preserve a priceless legacy.

Now one more thing to really consider here and how many of us would be willing to give up literally over three million dollars in actual property value to preserve land. This is so significant and this is the highest most significant contribution that WOLB has ever seen from any of the applications to the Open Lands Board. That sacrifice of over three million dollars and how many of us would be willing to sacrifice literally millions of dollars in property value in order to preserve their land and it is incredible and it is significant and could go pale in comparison if they decided to do something else with the property other than preserve it.

I really thank Laren Gertsch for doing this. This literally is a once in a life time opportunity to be able to preserve this property. When this proposal came in three years ago this application when it came in it was a slam dunk. There wasn't any concern. There wasn't any frustration and wasn't any debate and everybody was so happy to think that the largest landowner would be willing to do this. Just consider all of the debate surrounding this perhaps proposed conservation easement. By code the Open Lands Board does support voluntary landowners that want to come in and then spend years to go through the process and jump through all the hoops and get all of the matching funding and we are here to support them. This conservation easement proposal received favorable public comments at the WOLB Public Hearing held on February 12, 2024 and again the same contradiction of values that are in your County code they are used by the matching funding sources. WOLB is only making recommendations on two issues for any proposed conservation easements that is based on your code, your criteria. Now let's go to the recommendation form and you can see that the Laren Gertsch notice of interest is for fifteen parcels right around 165 maybe up to 167

acres and it starts at 300 West approximately 100 South and then goes northward to the 2100 North 600 West. We are making positive recommendation for up to $2.25 million of the Wasatch Open Space Bond Money for this conservation easement.

We are making a positive recommendation subject to the following conditions.

1. Prior to seeking funding, the property owner shall provide WOLB and the County Council for review and approval a certified appraisal for the property, the total number of acres parcels to be conserved establishing a conservation value of $13 million as represented in the application.
2. The certified appraisal shall include a specific description of the total irrigated and non-irrigated acres per parcel included in the conservation easement along with the historic water rights and water shares associated with the irrigated and non-irrigated property.
3. The title report and draft conservation easement will be reviewed by County Attorney per County Council directions.
4. A geological report for subsurface activity will be reviewed by WOLB and County staff.
5. Current lots of record will be verified with County as to current development rights within the A-20 zone.
6. In the case of extinguishment of the conservation easement by eminent domain on any parcel(s) in this NOL, then the Open Space bond money used for the parcel(s) will be repaid to Wasatch County per Wasatch County Code 3.06.04. Whoever uses eminent domain will pay back the money.

Heidi Franco then went through the criteria which is used for this.

1. Historic water rights associated with the property have been recently sold, or are not offered as part of the application.
2. A member of WOLB or the Wasatch County legislative body owns a substantial interest in the subject property. Substantial interest means the ownership, either legally or equitably, by an individual, the individual's spouse, the individual's parents, the individual's siblings, and the individual's children, of at least ten percent of the subject property, the outstanding shares of a corporation that owns the subject property or ten percent interest in any other business entity that owns the subject property; this criteria will not exempt the property if the member of the WOLB or the Wasatch County legislative body gives the property interest to the County for less than $10.01 consideration and all requirements of Utah Code 17-16a as amended are met.
3. The subject property is part of an active development application, and all or part of the open space applied for would be required to be protected or dedicated pursuant to the Wasatch County Land Use and Development Code or the functionally equivalent code of a municipality.
4. Any member of the WOLB or the Wasatch County Legislative Body have been offered any gift or payment to represent the property owner or their interests through the selection process.
5. The application for a conservation easement does not meet the requirements of Utah Code Title 57, Chapter 18, the Land Conservation Easement Act as amended; or
6. The subject property changes ownership between the time of the application, and the full execution of the applicant.

Heidi Franco then went through important factors we want you to consider.

1. The Gertsch family bought the historical farm parcels in 1962 but they were in use many decades before their purchase. The proposed conservation easement will continue the agricultural uses of the property, including growing hay and grazing ranching with required water rights for existing and historical uses as well as protect many other conservation values. Parcels run through the center of the North Fields from 100 South to 2100 North. The proposed conservation easement is from the largest property owner in the North Fields.
2. WOLB received the Laren Gertsch NOI on April 27, 2021, well before any preliminary draft Parkway routes were announced October 2021. Because of the NRCS lengthy funding process, the Laren Gertsch NOI only recently obtained NRCS (Natural Resources Conservation Service) funding for fifty percent of the Conservation Easement value as well as McAllister Funding of another $500,000.
3. Owners are asking for $2.25 million of Open Space bond money, which is less than the usual twenty percent county bond funding match given in previously funded conservation easements usually the County's twenty percent match could be up to $2.6 million of the Open Space bond money.
4. Owners are also giving a twenty-five percent contribution to the conservation easement value contributing $3,250,000 Million out of the $13 Million total easement value. This is an incredibly significant contribution, more than WOLB has seen with any NOI applications: especially given the continuing Heber City annexation and density pressures along Midway Lane.
5. Conservation easement leverages the Wasatch County Open Space Bond Money 6 times over with the matching NRCS funding. McAllister funding, and owner contribution, etc.
6. Consecration easement will preserve significant acreage of historical farmland within the North Fields, which many call the crown jewel of Heber Valley. It provides a much needed buffer between Heber City and Midway City and preserves the A-20 Zone in Wasatch County. It protects historic farming area and uses from potential development because of parcels that front on Midway Lane.
7. The easement property is also next to property that tried to annex into Heber City and appealed to the Boundary Commission. This annexation proposed hundreds of density units.
8. Most of the proposed easement property is also under the Agricultural Protection Area protection previously given by the County Council.
9. The North Fields view shed is important and irreplaceable to Wasatch County citizens and visitors. Easement parcels are viewed through the North Fields when traveling north/south on Highway 40 traveling on Highway 189 and on Midway Lane SR 113, etc.
10. The Laren Gertsch NOI parcels contain wetlands, Spring Creek, and Middle Ditch. The Utah Geological Survey notes that there is a high stress level for parcels with frontage on Midway Lane.
11. Proposed easement language must support the purposes of the easement from the County Code requirements-to protect all conservation values including historical agricultural uses.
12. Proposed conservation easement supports the majority of Wasatch County citizens' vote to approve Open Space Bond money in 2018 and majority opinion in the recent 2023 Wasatch County survey where. Fifty five percent of survey participants saying County should control growth,

congestion and an additional sixteen percent saying to preserve, protect open space, nature. Best things about the County: include the outdoors, peace, safety, open space with less development, people love the undeveloped spaces of Wasatch County.
13. Proposed conservation easement supports County Resolution 2022-09 and 2006-04 where the County Council supported the original bypass route. This proposed easement also supports the other previous citizen referendum majority vote to protect agricultural zoning in the South Fields.

Heidi Franco indicated that we encourage the Wasatch County Council to approve the funding of this proposed easement and help preserve what the majority of the citizens want in our County. Also we didn't come this far too only come this far because the matching funds are available now. No one in this valley controls the federal government or the budget or the timing of the matching funding sources and it took three years to get to this point. Other easements have taken that much time too. The federal and state matching funds won't be available long and like I say this is an incredible and amazing opportunity for the County Council. The County Council is going to send a very clear message to other private property owners in the North Fields tonight or even elsewhere that might want to apply for the open space bond money. The message that you send will these other private property landowners to be encouraged to take the years of effort and to go through all of the hoops that they need to jump through in order to come back and apply to you in what you might do tonight. Heidi Franco indicated we don't want to waste future opportunities to continue our open space preservation. You are also going to send a very clear message to the professional land trust that we work extensively with and they have literally spent decades talking to wranglers and helping our valley stay and preserve what we love here. We need their expertise and want to send a clear message of support to our professional land trust. We are also sending a very clear message to these funding sources, these matching funding sources because they use local funding as part of their criteria to match these open space bond funds so please consider the message that you are going to be sending tonight to other landowners to our land trust that work so extensively with us and to the funding sources. I hope you will listen carefully to other amazing funding opportunities that Wendy Fisher is likely to explain that are tied to this easement proposal. We didn't come this far too only come this far. We can go farther with your approval of this easement. Your actions tonight can continue the legacy of the North Fields for generations to come and please remember most people thought that preserving the North Fields was an impossible dream and to many landowners, too many different parcels, never going to happen. Guess what, it is not impossible. We can go farther and if we are careful and continue to collaborate we can have the best of both worlds in this County through conservation easements as well as being responsible on growth. This is a marvelous opportunity. I have been smiling all day thinking that I could come and say this to you tonight. WOLB encourages you and I encourage to please give a priceless legacy to every citizen, every visitor and especially the future generations with your support.

Wendy Fisher, from Utah Open Lands, addressed the Wasatch County Council and indicated that she met Mr. Gertsch about twenty years ago and had a conservation about conservation easements. At the time there wasn't much funding available even on a state level. This property is an amazing piece of property. I have been doing open space conservation for thirty-three years and have been involved in numerous bonds. What you have done with your conversations should be applauded.

Wendy Fisher then went through the success with the Kohler Family Conservation Easement. Right now there is a lot more federal funding that is available now. The federal funding that has been approved for this is $6,250,000. We are asking in our request to Wasatch County the $2.25 million dollars to leverage these funds. The total of this conservation easement is over $32 million dollars and the County contribution has been $5,760,000 which is really quite significant. The Gertsch property meets a lot of the criteria. There are the scenic values to it. There is wetland and water resource values to it. It is a tremendous property from an agricultural perspective and also from a scenic perspective. We feel that it is a property that really is part of the heart of the North Fields and also helps create a cornerstone value in protecting other landscapes in the North Fields. There is wildlife habitat that we enjoy within the North Fields on other property including the Gertsch property. From our perspective we think that right now this is an opportunity and a unique moment with some of the funding sources that are available to be able to protect some of these amazing properties within the North Fields. We believe the huge scenic value and the community value that really separates Wasatch County, Heber City and Midway from any town in the USA because it is unique and has amazing values that truly become a long term economic value for the entire valley. Open space is a net revenue to communities. The North Fields are a significant grass lands that should be protected.

Applicant:

Laren Gertsch, the applicant and I live in Midway, addressed the Wasatch County Council and indicated that there have been lots of questions that have come to me from different people in the community. I think there have been a lot of questions to the Council and so I will attempt to clarify some of those things and answer some of those things. In earlier appearances before this Council I made a commitment to put in a conservation easement and that is why we are here following through on that commitment and if you recall we made that commitment. We have been ranchers and farmers for all of our lives and generations. Our great grandfathers emigrated from Switzerland in the 1860's and came to Midway and eventually we moved to the North Fields. We are interested in honoring their legacy and probably our own legacy of our future generations and we have many good friends in this community and we think this is something that would be a benefit for them. I am going to skip through some things because some of the different things have already been discussed.

There are really four pieces in the funding project, the federal, the state, the local and then the personal from the landowner. We have been talking about this for over twenty years and the question might come up well Wasatch County passed an open space bond and why didn't you apply for the conservation easement at that time. The answer is simple is that we didn't think we could get federal funding or state funding. We knew that we probably could get the local funding but we couldn't get the matches. That is why we are here now because we have felt, I mean we even worked with Ron Winterton our State Senator to get funding from the McAllister fund and that is why we were able to draw money out of that. Wendy Fisher came to us last fall and said would you submit an application to the McAllister Fund so we did and we were surprised. About three weeks later three cars showed up full of people and they walked the property and took pictures and we went through the whole property. Shortly thereafter they told us that we were a

high priority project for them and later in the year almost at the end of the year they told us that they would fund the project. Also at that same time Wendy asked me if we would make an application to the NRCS (Natural Resources Conservation Service) which is the federal side of the funding program. So we did. We didn't hear anything for a couple of months and then all of a sudden here comes two car loads of people. About twenty people came up and they walked the property and did their environmental assessment and everything else. About a month ago we received word back that the NRCS would fund the project so that has been fairly recent. That is when we made a more formal application with Wasatch County Open Space to move forward on this conservation easement. Hopefully that answers the question of why now. We have been accused all sorts of objectives and ideas of why we would be doing the conservation easement now versus another time but that is why we did it now.

When we went before the open lands board it was interesting because as you saw in the application we received unanimous approval and recommendation to this Council to approve the project. They verified all the different things that needs to go into the application and we met all the criteria for the application. Let me answer a couple of questions that might have come up and then some of you even thought about and talked to me about. The question comes up would you be willing to carve out some acreage for the road and that is on some of your minds. Okay, first all there are two problems with that. Number one when someone seeks eminent domain we are going to have to work out those properties are taken out front and how we access the other hundred acres and how are we going to do the water, what are we going to do with the buildings and that is the first problem. That is a practical problem. The second problems are a little more problematic. So in consultation with our legal advisors we have been told if we accept contribution easement funds that contain some type of bifurcation different from the conditions that are in the open lands board recommended then we would jeopardize these in our personal property rights. We would violate our due process of right and it more specifically under the taking clause we would lose the right to fair compensation. If we conditioned it saying well we need to carve out this technically they could come back and say we don't need to pay you the fair value because a condition of the conservation easement and the funding that you have got is conditioned on that you have already received. So therefore our attorneys have said that would be unacceptable to us. There are laws that exist in the land today and processes of eminent domain that are pretty clear and we have been in eminent domain proceedings twice in the last year. We are very familiar with them.

Some have asked a question and here is another one for you. Will this hamper UDOT's ability to exercise eminent domain, absolutely not? They can move forward with eminent domain any time they want. The conservation easement does not prohibit that. Does this slow down UDOT's process in any way and again absolutely not because one is they may have slowed themselves down but a conservation easement does not slow them down. Further, it is interesting that UDOT might say that it would slow them down. UDOT came to an open lands meeting over two years ago. We were presented a map of over thirty property owners in the North Fields that were interested in doing conservation easements. This is not a new surprise for them. We have been talking to them about a conservation easement for years. If somebody thinks well this is a brand new item it really isn't.

Another point that has come up was this notice what if we fund the conservation easement and then the land is taken by eminent domain what happens then. It has been clarified that money would be returned to the open space bond.

I hope that I have been able to answer some of your questions and I don't want to lose sight of the purpose we are here and having this public hearing and that is the request for funding. It is not about the bypass road and not about anything else. This a request for funding. We think that we have met that criteria. I guess we want to continue to be ranchers and farmers and we can do that in this way. We get offers almost weekly to sell our properties and basically if we want to sell them we can maximize our return a lot higher than what we are getting here but we think this is good for us and good for our community in what our long terms goals are and we would appreciate your support so thank you very much.

Justin Keyes, member of the Wasatch County Open Lands Board, addressed the Wasatch County Council and indicated that I was present when we put together an open space committee and a bond and putting this to the public and it has worked out great. Tonight it has all came together. We are getting real conservation here. To get the Laren Gerstch property is great and happy with this. I can tell you that the bypass issue to me is a red herring. I told that to the Wasatch Open Lands Board when we reviewed this in the first place. We are looking at almost 160 acres.
The majority of that is not impacted in anyway by any of the proposed bypass routes. UDOT has known that this ground was subject to an NOI for the past three years. I have talked with UDOT about that with them personally on multiple occasions in UDOT meetings. They know that this is a concern. The reality of this it doesn't prevent them from picking any of the routes that they would like to take. UDOT can pull an eminent domain on it. If this matter was a problem you wouldn't have the McAllister fund, you wouldn't have NCRS and they wouldn't be putting over eight million dollars into this.

Chair Spencer Park asked is it possible to get an agreement from NCRS that they are okay with that in the future if eminent domain went forward for a highway. Wendy Fisher replied that every conservation easement includes the clause in it that is called an extinguishment. The property loses its conservation value and then you have to go to court and you have to prove that it has lost its conservation values. The funding and the percentage that the conservation easement value represents to the value of the fee title and a whole property value is remains constant and funding sources get reimbursed not only with what that money was but in the percentage and as it remains constant even if it happens years down the road. There is also a clause about eminent domain. That is in the federal easement. Essentially it is already in the conservation easement that yes there is a provision about potential if the property were to be condemned.

Chair Spencer Park replied that he has heard that the NRCS doesn't have to agree to let eminent domain happen and that is not true. Wendy Fisher replied that I have not heard of that. We are still going to be going through the process of the conservation easement and of the appraisal and all of the elements. I can provide you with the minimum deed terms.

Councilman Kendall Crittenden asked would the appraisal be affected with the realization that three of those are going to have a bypass sitting on them on any one of the five routes go across those three lots does that affect the appraisal value of the those pieces. Wendy Fisher replied that she can't speak to that. I would think that any valuation there that might be an issue is going to have been taken into account. I think potentially part of the problem is that there isn't a solidified actual route which makes it hard from an appraisal perspective. Justin Keys replied that how the appraisal would work with eminent domain they would have to pay market value on that whatever it is.

Councilman Erik Rowland indicated that the approval of this resolution what exactly does that trigger. I think there is some misunderstanding as far as what that action will do. Does it guarantee anything or does it set another level of actions in motion? What would happen? Justin Keys indicated that it is a tentative approval. We have approved this but you need to meet the conditions that have been outlined below and one of the conditions it has to appraise for thirteen million dollars and if it doesn't then the approval is off the table. The conservation easement is an agreement because it is recorded against the property. If any section of this property is lost the money comes back to us right and that has to be a clause of the conservation easement if that occurs.

Councilman Luke Searle replied that we want to make sure that we have fair market value. Laren Gertsch replied that saying that we are going to carve out a piece of the property and the procedure is to go through eminent domain. The eminent domain party has rights and we as property owners have rights. I need to have my due process right. UDOT has eminent domain.

Josh Gertsch, one of the landowners, what we are saying is that we as landowners have made an application and you are coming back and saying you need to scope out three acres and we want it and we are saying no. It is our right as a landowner in our application to scope what we are submitting as part of like our conservation. The only thing we are arguing about is are you willing to find this based on what conditions.

Chair Spencer Park asked could we as a Council determine the triangle piece that is the awful contentious piece and we are not going to use NRCS funding on that and that would be funded by the County even if we had to go up to the 2.6 million and we are going to get a lot of that back if there is every an eminent domain process and that piece is not encumbering that parcel with NRCS money that could become a bigger headache long term down the road.

Justin Keys indicated that the NRCS process is so difficult and it is approved as is. It would have to be amended as to what has been proposed.

Councilman Steve Farrell replied that we are making it a lot more complicated than that and what we are being asked of the Council is would the County approve the funds that WOLB recommended and any negotiation on the right-of-way ought to be between UDOT and Mr.

Gertsch.

Chair Spencer Park also indicated that we are also making a decision that may destroy our possibility to have that bypass. Justin Keys replied that I have never seen NRCS have an issue with this eminent domain issue. I would like to do the research on this issue. We could condition the approval tonight in such a way that we litigate that harm right and that we can put your mind at ease that we are going to get the language right in this conservation easement so we can litigate that concern and now as we put money into this we are going to on the table with the discussion on this property as it relates to the conservation and rights that would be there.

Laren Gertsch replied that I am representing my attorney and he is saying that this doesn't hurt because that isn't the request. There are rules already established in the code and everything else we don't need to add new conditions and I am not part of this side bar that we are all agreeing to something that isn't state law.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that the advice I am giving is under Utah law and that is clear that the conservation easement doesn't make any difference. The Agriculture Protection Area does have an effect. During the Agriculture Protection Area discussion we went to UDOT and asked them is there any property that you want to have protected so that we don't include it in the Agriculture Protection Area. During that meeting they would not give us the latest information where the route was going to be because it wasn't final. The Agriculture Protection Area does require an additional process that UDOT will need to go through. They will need to go through the advisory board of the relevant protection area which for us is the soil conservation board and have to go to the Commissioner of Agriculture. Where we really gave teeth to this was when we approved the Agricultural Protection Area. I looked at it from the perspective of federal rules and looked at what the USDA rules are. One of the rules says the NRCS will avoid land in the Agriculture Conservation Protection where the intended purpose of the enrollment is to interfere with the proposed infrastructure project. So understanding that the NRCS knows that this in consideration is important also difficult to know what does mean where UDOT has such a long process and have always been cooperative in telling us where the bypass is going to be. I don't know how that applies within their framework but I know within their rules that this is something that they should consider. Another part of their rule says that NRCS easement lands are not subject to condemnation through eminent domain proceedings and there is a process that you go through to get approval from NRCS and it is not just NRCS allowing an eminent domain process and the reason here is because it is a state agency using its power of eminent domain and trying to use it against a federal conservation interest. This straight out of their rules. Another thing to consider is that the right grant a right-of-way for proposed an infrastructure project and cross land encumbered by the easement is primarily with the NRCS and they do have the ability to allow for a right-of-way to cross the NRCS property and I don't think that would be through an eminent domain action by UDOT or at least not by UDOT. You do have Laren's property interests in it and you will have Utah Open Lands property interest in the conservation easement so there will be a lot of different players in this. Part of our form does address using eminent domain, but basically it says things are allocated out and you go through

the process and things are allocated out but it does have this additional provision in one of the easements that says any proposed extinguishment, termination or condemnation action that may affect the United States interest in the protected property must be reviewed and approved by the United States. Things are split between the different interest holders and probably should tighten that up if we think it is very likely that the property would go through an eminent domain proceeding. Under this one the interest was twenty percent. The way that I interpreted this is Utah Open Lands would get that twenty percent and have to use it consistent with the purposes of the Wasatch County funding but that could be frankly interpreted in different ways.

Wendy Fisher replied that I wanted to point out that one of the sections he quoted was for a wetland reverse easement which is wholly owned by the NRCS and you can't be the cooperating entity like Utah demands and can't be a business. Also I would agree any tightening that we would want to do with it is that the proportionate share that Utah Open Lands has in the money that we bring to the table and donated value because that actually has a value that the landowner gets credit for and that isn't represented by dollars contributed by other funding entity. That money comes back to those entities. If you wanted to tighten that up and also one of the elements that it also represents a proportionate share as values increase and anything comes forward. You need to obtain what your dollar did back then in the future and that proportionate share should rise and remain constant with whatever happens into the future also.

Dustin Grabau indicated that when UDOT came out with their alternative screening there was some concerns that those alternatives overlapped with many of these parcels and potentially jeopardized their NRCS funding and has that changed at all and doesn't seem to be an issue in this case.
Wendy Fisher replied we are still in the process. The conservation easement has to continue to go through the process. What we are being asked for now, right now is a request for a pledge of funding before any of those funds get expended we have to go through all of the processes. All of these things are to be continued to be looked at and what we have talked in various different conversations is the value of protecting the North Fields seems that to be a value that people continue to remain an important value and that value is something that should be recognized by any of the regulatory authorities. This is something that is still out there. If the funding is awarded it still has to go through the process.

Councilman Erik Rowland replied that it seems from just a quick summary what was presented by Jon would be conditions that the NRCS would likely be the decision process that they would try and go through in order to determine if this was even a viable candidate for their funding correct? Wendy Fisher replied to a certain extent. Councilman Erik Rowland replied it seems to me that conditions that dictate the qualifications of NRCS funding and eminent domain and etc. is it appropriate for us to try and to understand those conditions when this is really just a matter we should be funding this? Wendy Fisher replied that is a question that you would be better to answer than myself but it speak to what I was talking about before in terms of there is still a process and protocol that we are going through and your decision is the request for funding.

Councilman Erik Rowland replied that it seems to be that we are over complicating this decision more than it needs to be by trying to guess what other agencies and groups may or may not find important. Today we should really be focused what is important for the County. Wendy Fisher replied that the conservation is going to come back to you guys before the funds are actually expended.

Jon Woodard indicated that he is not aware of any issue that would make it so you couldn't bring it back to the Counsel again before finalizing it but I want to make sure that I am not tripping up on an NCRS requirement that we have to sign off or something like that. Jon Woodard indicated that he will come back to the Council for that final approval. Also the difference between the Agriculture Protection Area and the conservation easement but you probably know this already. The Agriculture Protection Area acts as a shield the property owner to be protected claims by neighbors who don't want to be used as agricultural ground any more. It protects them against changing in zoning rules and gives higher standards to be met to use eminent proceedings. The property owner can drop that at any time and so they are not giving up any property values through and just protecting themselves from various actions. The conservation easement gives away a lot of the property owner's right and is the strongest protection that we can get against the property being developed in the future. Under Utah Law it doesn't protect against eminent domain but it looks like the federal NCRS rules and want to protect the North Fields through development, future annexations and future whatsoever and this is as good as it gets.

Councilman Mark Nelson indicated that we introduce the topic and have a public hearing and then we discuss it and we have been discussing it quite a bit and I think we should have the public hearing now.

Josh Gertsch indicated that he wants to make one thing clear. I think what we have agreed to the landowners is the conditions that we have laid out here and they were the six if we are adding on additional conditions then we would have a right to say yes or no to that.

Councilman Steve Farrell indicated that if we weren't involved with the County funds Laren could put an easement any time he wanted without the Council's approval. Wendy Fisher replied that the landowner has that right. Councilman Steve Farrell replied that the only reason that we are here is the $2.2 million and if you could come up with $2.2 some place else we would have no say. Wendy Fisher replied that yes that is correct. Councilman Steve Farrell indicated that the second question is and is there a way that we could allocate $2.2 million say to the area that we feel has the biggest potential in being in the bypass and say this is what the County's money went for. Wendy Fisher replied just to clarify and what you basically are saying that you would basically be funding the entire parcel and just be requesting that your money be ear marked towards the portion of the property that is in question. Chair Spencer Park replied that everyone should be part of the conversation.

Public Comment

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

Leslie Miller and am a Midway resident and have appreciated comments and questions and concerns that I have listened to tonight. I am supporting this bond allocation to protect this property in the North Fields. I would urge you to accept this proposal as is.

George Hansen, from Midway, you are making this way too complicated and the problem here tonight is there are objections. The parties to this are you guys and UDOT.

Marilyn Crittenden from Midway, indicated that she is here to celebrate because I think this is a great day. We have been waiting for something like this. All the people here tonight are for this. The community is speaking and want this property protected.

Russ Funk, County resident and Heber City Engineer, and the comments are that I do support conservation of the North Fields. I fully understand that the bypass is needed and if you approve county funding tonight that it needs to be conditioned upon verification that it will not stop the bypass and probably more research is needed.

Dennis Van Leeuwen, from Heber, the thing that came to my mind tonight is the word legacy. This family has built an incredible legacy in this valley and have taken care of it. We all should be very appreciative of this is a gift and I support this.

Lisa Bahash from Heber, I would applaud Mr. Gertsch and his family and has a right to protect his land and legacy and preserving one of the County's most beautiful areas. I am very grateful for that and in full support of this.

Jamie Hewlett from Heber, I serve on Heber City's Planning Commission and I fully support this matter in taking place. But UDOT will take whatever they want.

Megan Gilmore from Park City, but am in support of this conservation taking place. This is a beautiful piece of property to preserve.

Dallin Koercher from Heber and work with Utah Valley Tourism and Economic Development, indicated that he serves on the Open Lands Board and indicated that he is in full support of this conservation taking place. We are not anti-bypass if this passes tonight.

Kristy Judd from Heber, indicated that she is full support of this and this is a beautiful piece of property and it needs to be preserved. I would like to read a comment from Dan Simmons which he did. He indicated that he is in full support of the conservation taking place and we still need the by-pass road to go through.

Brad Colton from Midway, HOA President of Whitaker Farms, indicated that our properties overlook this property and just want to encourage this to preserve a beautiful piece of property.

Nick Lopez from Heber, and I just want to go on record of supporting this issue and this is preserving a beautiful piece of ground for generations to come.

Aaron Cheatwood from Heber, and am here in support of this conservation taking place. What Laren Gertsch has said that he is coming forward now because the funding has taken place and not doing this to block the by-pass road?

Torie Boughten from Heber, indicated that he is anti-commercial development of the North Fields and hate to see any development happen there and I am in full support of this conservation taking place but wait until you get very clear specific answers to the questions you had tonight before making your decision.

Bob Simons from Midway, indicated that we should take every opportunity to preserve this great legacy and would encourage you to approve this.

Tracy Taylor from Heber, indicated that this is great to have a landowner doing this conservation for his ground in the North Fields. We need to preserve our North Fields. UDOT has options for this by-pass and we are not stopping the by-pass because it will happen.

Debra Trask from Heber, indicated that she voted for open lands and I fully support this conservation easement and the money that is being asked for this to take place.

Athena Kumeral, indicated that she would like to read something that was for people who were unable to come tonight. This comment is from Ann George and she is in full support of this conservation and regard to my thoughts I feel the same way.

Dian Simmons resident of Midway, indicated that I am in full support of this conservation and would ask that you do more research regarding the affect this would have on the by-pass going through.

Brad Winegar resident of Midway, indicated that and also a member of Preserve Midway Board which is a non-profit and the goal is to preserve open space. I would fully support this to preserve the land in the North Fields.

Robert McDonald from Heber, indicated that he is grateful for the Gertsch family for the generous donation and I am in full support in preserving the North Fields.

Laurie Stone resident of Midway, I am in full support of this conservation proposal to go through. Also a member of the board of preserve Midway. We need to take care of the North Fields. We need to get answers to the questions that was brought up concerning the by-pass.

Holly Bodily from Midway, also a member of the board to preserve Midway, indicated that she is

in full support of the conservation going forward. We need to preserve the North Fields and we don't need commercial in the North Fields if the by-pass route goes that direction.

Lindy Rail resident of Heber, indicated that she is in full support of this conservation taking place. We need to preserve the North Fields and we don't need a by-pass through the North Fields.

Virginia Joyce resident of Midway, indicated that she is in full support of this conservation taking place and especially in the North Fields which is an amazing gift and thank the Gertsch family for their generosity.

Lujean Haliman, resident of Midway, indicated that she is in full support of the conservation going forward and to preserve the North Fields is great.

Ryan Fugi, County resident, indicated that he is in full support of this conservation taking place but I am also for the by-pass road to go through to take care of the congestion on Main Street.

Chair Spencer Park then closed the public comment.

Council Comments:

Councilman Mark Nelson indicated that preserving space in the North Fields is not only nearly unanimous but it is also has been pointed out several times non-negotiable and have to do it to the best of our ability. Traffic management and growth management is also a very high priority and critical but it is negotiable. My feeling is that we should just pass this and deal with the rest later.

Councilman Erik Rowland indicated that he has been thinking about this from a different perspective as one of a business owner and also as someone who has been working with this issue for almost two decades. As a business owner what keeps coming to mind is when opportunities present themselves you need to take advantage of them. Often times in business those types of decision are fleeting and quick. If you don't take advantage of them quick they pass and you are done. The second thing that I learned as a business owner is in decision based on speculation and nothing can kill a business faster than that. What has been particularly frustrating with this issue is that for almost two decades in my experience every opportunity that we have had to work with UDOT we have. We have acquired land to the tune of millions of dollars per their request in hopes that this would help expedite this decision. Whether it has or hasn't is also frustrating to know because of how quiet UDOT is in efforts that we have been making to try to help them make a decision. To me that makes it very difficult and almost impossible and very difficult and almost impossible to make a legislative decision for our County when we don't have that information. So for me it has been said often that there are messages being sent to UDOT and if there is a message that I personally as a citizen of this County would like to send to UDOT is two things. First and foremost and your point has not changed. We have been working with you for decades in trying to get this decision made. That doesn't change tonight. We recognize that a by -pass is needed. The second thing is if there is any message that you should hear tonight is how sacred this

community holds these North Fields. As you make a decision please, please consider that. For me I think this is a simple matter because I can't try and speculate what UDOT is going to do. That is an impossible task. I can't speculate whether or not any organizations putting money into this and their view point stands on if their funding can be qualified or disqualified based on eminent domain issues that is outside of the purview of this decision for me as a Council Member. What I can do is look at the process that was adhered to for a public citizen to go through and approve the process to have their land protected through an easement. They went through that process. It was unanimously decided upon and how could I then not uphold that decision when my alternative choice is to introduce speculation and guessing based on someone else's actions. I would hope that if there is a message that we can send to UDOT is that we want to work with you, help us and we also need to protect the rights of our citizens here in this County so I would be in favor of this motion to move forward for this funding.

Councilman Steve Farrell indicated that he would have to say amen to what Councilman Erik Rowland has said. We have been working on this for a long time. I think all of us campaigned and I know that I have in five times on saying that I protect personal property rights and try to preserve open space and our rural heritage and we are doing that tonight and talking about in doing that. The concern about upsetting UDOT and showing that we are not interested in that. They are a state employee and a state agency and we are paying their salary. I think we need to sit down and work with them but they need to work with us as well. So I am supporting this and to go forward.

Councilman Karl McMillan indicated that he is totally in agreement with Councilman Erik Rowland and Councilman Mark Nelson in what they said and I am in support of funding the conservation easement. I am very much in favor of appropriating the funds.

Chair Spencer Park indicated that I really hope that the 80,000 thousand people by 2060 is a wrong number but at the rate that Heber City is building these cubes is probably not and approving them. I never heard a single person saying they are not in favor of preserving the North Fields. Eighty thousand people though are going to need more roads than even the by-pass and I don't know how we provide transportation for this many people in this valley. I think that I was optimistic when we heard from the attorneys that we can work this out over the next few months and I am in favor of approving it with the condition that it come back and we make sure that how it has been worked out. That is my thoughts.

Councilman Kendall Crittenden indicated that he has agreed what Chair Spencer Park has said and what Councilman Erik Rowland has said. I don't think that anybody on this Council has worked on this any longer that I have. I know Councilman Steve Farrell and I have been here together and we have worked on it for a long time. We have worked on it a lot with UDOT. Several years ago we adopted a corridor preservation fund that every time you registered a vehicle in Wasatch County you would pay an additional ten dollars into that fund. We have been able to obtain a lot of property with the blessing of UDOT. They knew what we were doing. They knew where their out was which no longer they say is not sufficient. Even if it were it still touches the corner of this conservation easement. So it is kind of a dilemma. I was encouraged tonight again like others we

have worked on it and we had a meeting within the last month I had a meeting with the head of UDOT for the State of Utah talking about this. I had a meeting with UDOT people down in their office, the Region Two people. We have worked hard with them to let them understand what our position is and try to understand what their position is. I understand that they have to go through the process. We are told their decision is data driven and that is true until it gets political and then because we almost had an emergency a couple of weeks ago and we are told by a state individual that we might need to change that because I have got a friend that owns property there and anyway. That was getting into the politics of it but I think that we have pushed that away and we saved that one. Anyway no one has worked harder than me over the years and I want to see the North Fields preserved and we need the by-pass. So hopefully we can work it out and we can put something into the resolution to move forward and take a look at it and make it work for everybody. I think that we can. Thank you.

Councilman Luke Searle indicated that this has been really awesome to be on the County Council during this time because it is really an important decision. I think it was mentioned before this meeting that there are no longer easy decisions that are being made any more and the fact as growth pressures happen the things that we hold sacred that we want to preserve as well as being able to deal with the issues that come with that growth. Just at the forefront I agree that we should have conditions here that we can be able to ensure that what we are doing doesn't have greater impact in stopping a by-pass. But again I understand that this is an opportunity of a life time. These aren't just any properties in the North Fields. Honestly the people who say that we are in favor of by-pass this is the kind of conservation easement that we need to ensure that there is not development. That is what I can see that is such a win. If we do these things and have these conditions there is no way that we cannot work with the property owner to be able to see that the fair market value is kept because they deserve that one hundred percent and that should not be taken away. Again I am in favor of that. As we passed Agricultural Preservation Areas UDOT did a formal letter saying that it wasn't going to impact that. Based on what may have happened in the Heber City Council and I wasn't there at that meeting and if it was significant hindrance I would like to know more of what that specifically means because it sounds like we didn't get a clear answer. We need to know what those answers are as we do it so we can come back with final approval on that that would be great. But I don't necessarily want to hinder the process. But again I have appreciated the discussions that I have had especially with Wendy Fisher. The smartest person I know on open lands like one hundred percent that there is no question and I really appreciate the questions that she has been able to answer for me as an individual as we have gone through the process. I know it is not popular to probably be in favor of a road but like generationally just as much I don't know in favoring both of these things but the growth is coming. We can't just base our decisions on hope. Like we know it. It was easier to do things back then and will be only harder to move forward with that and in acknowledging that but again I am in favor of the preservation of open space. That is what I have to share.

Councilman Erik Rowland asked if I can make a request and a motion. Chair Spencer Park replied that is fine.

Councilman Erik Rowland replied that we invite UDOT to a future Council meeting so we can have some of these one on one discussions and hear from them with the appropriate follow-up based on the conversation with Heber City if that would be possible.

Motion:

Councilman Erik Rowland made a motion that we approve the Open Space Funds to the $2.25 million based on the conditions presented in the application. Councilman Steve Farrell seconded that motion and the motion carries with the following vote:

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

NAY: Luke Searle

Councilman Luke Searle is that with no additional conditions? Jon Woodard asked that would depend on what you might want added. Chair Spencer Park replied that can we modify the motion to have them come back to us with the final stuff. Councilman Steve Farrell replied that will have to come back anyway.

Dustin Grabau so my understanding is the condition is that the county attorney approve the conservation easements unless you intend to modify that. Councilman Steve Farrell replied to have the County Attorney's approval as well as Utah Open Lands approval as well as the property owner's approval. Dustin Grabau replied that I think that fits within the standard condition.

Chair Spencer Park replied that we don't have any other conditions as we have talked about it. Dustin Grabau replied that the only thing is there is anything you want Jon and I to consider as a part of that conservation easement but otherwise I think it is clear. Jon Woodard replied that the biggest issue that we have had in approving these once the Council has approved it is making sure the boundaries are accurate. There has occasionally been a title issue and we have always been able to work out any issues with the language. If you want to get into the by-pass route and giving that some special treatment I think we need to be explicit now on what you are looking there for now. If you want to just leave it as we are going to work through the processes of the law of UDOT, the County and NRCS as is then I think the motion as it stands does that.

Councilman Mark Nelson replied that I feel strongly we leave it as it stands. Chair Spencer Park replied that at the same time some of us could call and talk to NRCS and work that issue out. Have our feelings mentioned. Jon Woodard replied that would be great absolutely.

County Council Steve Farrell replied that we have taken a long time on this and the next funding cycle for the NRCS is coming up and if we are going to put in the additional $20 million we have got to do that.

Councilman Mark Nelson and that is the question that I was going to ask earlier is how much money if this is approved. How much money is left in the ten million dollars? Dustin Grabau replied that the County has only issued the first five million of the ten million dollars of authorization and about $1.6 million of that first and five million is still available. If you approve this we will have to issue the second one for five million dollars. There is potential for funding for an additional five million dollars of projects that is between the Lundin Property and you just approved the Kissell property and this one and that would mean of the ten million if those three properties which one of them have already has been authorized. Just so you are clear it is either $1.6 of the total ten million or $3.6 if you are not counting the Lundin. Councilman Mark Nelson replied that with a positive action with this tonight is going to trigger about twenty more applications.

Councilman Luke Searle replied that I guess I was fine with the meeting with UDOT pointless we aren't going to have conditions that are based on their and they say that theirs is a significant hindrance and so that is my opinion.

Councilman Erik Rowland replied that still I would like to hear from them to make sure there is an understanding of our intentions that would be invaluable so that we could find more opportunities to work together and better understand maybe the processes that we perhaps don't know.We haven't had that conversation while I have been on this Council with a UDOT representative here in this chamber and like what they did with Heber.

Chair Spencer Park replied that there is still an opportunity after that meeting for the attorney's to work out stuff. Councilman Luke Searle replied that it doesn't seem like there is if we are not going to put conditions specifically talking about the by-pass. I think it just makes it clearer and in preserving but talking about it being harder for every single route in the by-pass and it is a very clear statement what we are doing tonight.

Councilman Steve Farrell made a motion that we go into a Closed Session for pending litigation. 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.

MINUTES OF THE
WASATCH COUNTY COUNCIL
CLOSED SESSION
MARCH 6, 2024

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

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

PENDING LITIGATION

Dustin Grabau then proceeded to address the Wasatch County Council in a Closed Session to discuss pending litigation.

Councilman Karl McMillan made a motion to leave our closed session and go back into regular session. 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: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan

NAY: None.

ADJOURNMENT

Councilman Luke Searle made a motion to adjourn. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Meeting adjourned at 10:00 p.m.

SPENCER PARK/CHAIRMAN

JOEY D. GRANGER CLERK/AUDITOR