

**MINUTES OF THE
WASATCH COUNTY COUNCIL
MARCH 15, 2023**

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
Council Member Mark Nelson
Council Member Erik Rowland
Council Member Steve Farrell
Council Member Kendall Crittenden
Council Member Luke Searle
Council Member Karl McMillan

STAFF: Dustin Grabau, Wasatch County Attorney
Heber Lefgren, Assistant Wasatch County Manager
Wendy McKnight from the Clerk's Office
Doug Smith, the Wasatch County Planner
Rick Tatton, Court Reporter
Jon Woodard, Assistant Wasatch County Attorney
Scott Sweat, the Wasatch County Attorney
Natalie Foster, The Wasatch County Managers' secretary

PRAAYER: Councilman Steve Farrell

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

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday, March 15, 2023 and indicated that all the Wasatch County Council are present. The record should also show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032 and 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.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

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

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Jeremy Hales, Emergency Manager from the Sheriff's Department, gave an update on how the sand bagging. 48.1% of the bags are going to Heber City, 24% of them have gone to Midway, and 12% have gone to Wallsburg, 2% Charleston, 2.3% to Daniels and .8% to Independence, zero percent to Hideout. We have had \$5,097.53 in sand delivered and that is 466 tons of sand that was brought in to the facility. \$10,000 in sand hauling and half of that is labor cost and half of it is sand cost. There have been 42 trucking hours. There has been a request to take some sand to Wallsburg. The total cost of sand bags were just a little over \$12,000 as of noon today, \$4100 for bags. There are sand bag projects taking place. Things right now are going good with regard to the sand bags. Jeremy Hales thanked Wasatch County for their support. There has been good support from Heber City and Midway.

Councilman Erik Rowland asked if we are on track with regard to this. Jeremy replied that so far it is going along fine. Right now we are paying attention to the temperature and also paying attention to weather forecasts and when warmer air is being pulled up from the south that will make a big difference in what we see here and how fast the snow melt takes place. Also the different entities have purchased sand bagging machines.

Councilman Steve Farrell asked Jeremy if he has reached out to the irrigation companies in having them keep their culverts clean of debris so they don't plug up on road crossings. Jeremy replied that he has reached out to Central Utah Water but not reached out to Midway but have talked to the Golf Course.

APPROVAL OF THE MINUTES FOR MARCH 1, 2023 AND MARCH 8, 2023.

Councilman Steve Farrell made a motion that we approve the minutes for March 1, 2023 and March 8, 2023 as has been presented. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

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

NAY: None.

COUNCIL

PRESENTATION OF THE WASATCH COUNTY SENIOR CENTER DEPARTMENT

Mike Winward, from the Senior Citizens Center, addressed the Wasatch County Council and presented a short power point presentation. Mike Winward indicated that we need to have more senior citizens come to the Senior Citizen's Center because we have great food, great parties, great informational talks and great association with each other. The focus we have is to change the perception of what we do. There is something going on all the time. We have gone on 107 activities and trips last year. We have a great leadership team.

Sandy Hansen from the senior citizens center, indicated that we now have a corporate board and an advisory. The advisory board has been put together and I was elected as the chair. Right now we are working on the different goals that we need to take. Sandy Hansen indicated that we need more men at the Senior Center and incentives to draw them out. We need to get more volunteers involved in our Senior Center which are a little big younger. One thing that I wanted to mention is that the Senior Center Building has no generators which we need for emergency situations. Mike Winward indicated that we are doing emergency classes to help in emergency situations as well as other classes.

HEBER VALLEY RAILROAD ANNUAL UPDATE

Councilman Steve Farrell indicated that he asked Councilman Mark Nelson, who is the Executive Director of the Heber Valley Railroad, to give an update. There are some existing things happening with the Heber Valley Railroad on the road to success. Councilman Mark Nelson then presented a power point presentation. Councilman Mark Nelson indicated that the Railroad has received several bonds from Wasatch County. The Railroad was established in 1992 by the Utah State Legislature and prior to that from 1970 until 1989 it was a privately owned and known legally as Wasatch Mountain Railway. They went bankrupt in 1989 despite several efforts by the State of Utah to purchase it and keep it going but that didn't happen. The legislature then formed this independent agency in 1992. The State of Utah is not responsible for our debts and they can't be sued because of us so we operate like a private company.

I report to a board which is appointed by the Governor that includes someone from the Wasatch County Council, the mayors of Heber and Midway, representative from UDOT, Utah County, Wasatch County Tourism and Economic Development, Wasatch State Park. UDOT and Utah State Parks jointly own the right-of-way which is leased back to the railroad.

Calendar year 2022 was our best year ever. We carried 130,000 passengers on 549 trains. We had ticket sales in 2022 of \$3.8 million and net income of \$1.4 million. Replaced 5,000 ties and related track maintenance to that. By May 1 we will have 10.5 miles that is to Deer Creek Dam of our 15.5 miles to an acceptable maintenance level and the past couple of years we spent about \$2.5 million dollars on the track repairs. Our capacity has increased. In 2022 we received \$1.5 million dollars from one time funding from the State of Utah and as this session ended we will receive \$1 million. There is a Provo River Parkway Project which has been funded and has been started. The old railroad tracks are being removed right now from Vivian Park up to Horseshoe Bend. The Heber Valley Railroad will not go past Deer Creek Dam this year or next year while that trail is constructed and tracks are replaced. Councilman Mark Nelson then went through various loans that the railroad has which are slowly being paid off.

Two of our steam locomotives are being repaired at the present time which has cost us a lot of money to put them in a running condition that will meet the standards that are required. Also we have plans to do a dinner train in the future and we have the cars for that already to do that but we need some other infrastructure things to be present. We have right now a \$1.9 million loan from Wasatch County. We have a loan from Zion's Bank to build a storage building and it was a little over \$1 million and we have a balance of \$820,000.00 on that. We have a car painting contract and we owe another \$150,000 that we still owe the track repair company that is going to be finished in the spring and will be about a \$.5 million to restore the dome car and we can we can fund all of those things from our cash flow this year. Councilman Erik Rowland indicated that what is being planned for the Railroad is just great.

Councilman Steve Farrell indicated that we need to give Councilman Mark Nelson a great big thank you because when I first went on the board of the railroad we was having to borrow money from individuals to make payroll and also got to the point we were selling scrap metal to get enough money to pay the payroll. Councilman Mark Nelson came to the railroad with a new business plan that had a museum type attitude but also a recreational point of view. As a result he has turned this around to the point where we are in the black and back from two weeks of closing and filing for bankruptcy. That is when Wasatch County stepped in and helped to get their feet on the ground and under Councilman Mark Nelson's leadership turned it around. We have made some good purchases, upgraded the equipment and we are moving forward so thank you Councilman Mark Nelson for that.

Councilman Luke Searle indicated that the restaurant car is a great thing to move forward with. Councilman Steve Farrell indicated that Councilman Mark Nelson has taken an operation that was in very bad repair and turned it into a very profitable operation so thank you.

DISCUSSION/CONSIDERATION NOMINEE FOR THE NATIONAL DAY OF THE AMERICAN COWBOY

Councilman Kendall Crittenden wanted to know if everybody has been thinking about who would be a good nominee for this. This needs to be done by March 31, 2023. Councilman Steve Farrell indicated that he has got two names which are Tom Bonner and the other one is Doug Smith (not the Wasatch County Planner), who just retired from the Parks and Recreation. Doug Smith was there when we started the Event's Center and started the outdoor arena and worked very hard.

Councilman Mark Nelson indicated that Doug Smith sounds like a good idea and would make a motion that we nominate Doug Smith for this National Day of the American Cowboy. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION/CONSIDERATION ON ORDINANCE 21.03 CREATING THE CRIMINAL JUSTICE COORDINATING COUNCIL FOR WASATCH COUNTY AS DIRECTED BY UTAH STATE CODE 17-55-2001, FIRST READING.

Councilman Kendall Crittenden indicated that we held our first Wasatch County Criminal Justice Coordinating Council meeting a couple of weeks ago. There are excellent people on the board. This was created by SB 179 last year which gave the direction to each county to have one of these. In our first meeting it was suggested that we would do an ordinance in the County to officially designate this Coordinating Council. We have by November to turn in a plan and we would meet quarterly or twice a year whatever is needed and have an overview of the plan. This is an ongoing Council to keep. We just decided to do our own instead of joining with other counties. Scott Sweat, the Wasatch County Attorney indicated that he didn't think joining with other counties should be in there but if it turns to go that route and still authorized by the State Code that we can do that.

Councilman Erik Rowland asked if this would act like a planning commission where they made recommendations to whatever group. Councilman Kendall Crittenden replied that no they work together and if on page three under Item C duties of the Council develop and implement a strategic plan for the criminal justice system in mapping of all systems, resources, assets and services within the County. There needs to be a plan for data sharing across the County or Counties Criminal

Justice System. The next meeting will be focusing the mapping of all systems and each entity will bring in what services they provide and make a handbook that is available through this process so anybody could pick that handbook up and find out what do I do here and what is available. We need to coordinate together with the different entities to show what resources that we have in the County and how best we can achieve the goals of having people helped rather than rotating criminal court again, again, and again.

Wasatch County Sheriff Rigby indicated that six or seven years ago the State Legislature changed the criminal justice system in Utah which is not incarceration based and more treatment based. They have this thing that is called the Justice Reinvestment Initiative. They took a lot of the seriousness of crimes where some of them were felonies they made them misdemeanors. As a result we have less people incarcerated in the county jails and prison because of that. So instead of people convicted of crimes are receiving more treatment instead of just being in jail or prison. Counties and Cities were frustrated over all when the State Legislature did that because they didn't provide resources for us to make it treatment based so they didn't provide the money so people got the treatment that they needed. This is the State Legislature's way of turning it back to the counties and getting them to take the lead on treatment based justice system. We need to be aware that there might be costs where they weren't before that the State was helping us with and now they are saying counties take the lead on this thing. We might need to address some of those things in the next budget cycle or somewhere down the road that this council that the statute says that we have got to put together and now is somehow recommending to the Council that we kind of really do need this in order to make some change in Wasatch County. This Council is good in getting local leaders on the same page on how to move forward and again where does the money comes from and the county is the mechanism that the State is really thinking of. In order to provide this treatment based justice system there needs to be money provided. This is a really good idea and it is going to help in several ways but the bottom line if there are any funding issues how is that going to happen. That point is not really addressed through this.

Councilman Steve Farrell asked if this is mandatory: Councilman Kendall Crittenden replied that yes it is. If we don't have this started by June. We have to submit our plan by November and then an update every year I would assume by November. If this is not done the State would hit the road funds.

Sheriff Jared Rigby indicated that putting this program to work is going to take some money unless other entities in this Council have that money available. If not we will be coming to the Wasatch County Council. He indicated that we are not sure how to proceed with this but we might need to be partners in making some more treatment based changes available. This might be the counseling they need while they are in jail, fulfill some certain programs, certain classes, and that takes therapists and professional people to do that and they will need to be paid to do that. This is just a great big question mark and not addressed.

Councilman Erik Rowland indicated that there needs to be established support document for this Council and to create by laws which would include funding.

Scott Sweat, the Wasatch County Attorney, indicated that my concern is that next year the legislature could get together and tweak this and suddenly it is their plan. Right now if we could come up with a plan and I hope that in using existing resources maybe we can get part of the job done at least and have we got the money to do everything of course we don't. We have got everything but the money to do the programming.

Councilman Steve Farrell indicated that he can see the justice system using this as a crutch to take care of some of the criminals. Councilman Erik Rowland indicated that if the County would be involved in funding I would certainly want the County to be in some sort of accountability level. Councilman Mark Nelson indicated that if we use the word treatment but it feels like the incarceration should be the responsibility of the Sheriff's office and treatment should not. It should be taken care of in the behavioral health or somewhere else and my thought that is really what we want the sheriff doing. Councilman Karl McMillan indicated that he agrees with Councilman Mark Nelson I don't think it is the sheriff's responsibility for all the mental health treatment and you shouldn't be doing that.

Councilman Steve Farrell made a motion and I am not really convinced this is the way to go but I will make the motion that we go ahead and approve the first reading for Ordinance 23-03 and set it for the second reading. I would like to set it maybe for a month or so down the road for the second reading and if we don't have to have this done until November so that we can get more input and maybe have this group meet again and get a better feel the direction that we are going and the next two or so months I want it to come back. I want another meeting to take place to see if we can get more clarification on this and what it means to the county on the financial side of it. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

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

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator is not present so there will be no MIDA Update.

COUNCIL/BOARD REPORTS

Councilman Mark Nelson indicated that we used to talk about the affordable housing and our affordable housing plan almost every Council meeting and I don't think it has been mentioned for two years. I just wonder and educate me a little bit so I don't think I understand what is going on but I think the whole fee-in-lieu thing is kind of out the window and did anything happen in the legislature this year that is impacting us in terms of what things we need to do in affordable housing like we were going to go hire someone to manage the affordable housing and had all these things going forward. Both lobbyists from the State Legislature will be coming to our work meeting in April to give us an update of what happened in the State Legislature. Councilman Kendall Crittenden then gave some updates regarding what is being done in affordable housing and indicated that things are moving along and in the right direction.

Councilman Erik Rowland indicated that the Wasatch Latino met and was not able to attend in person but attended via Zoom and could barely hear what they were saying but what I did get from the meeting was they are planning for their April activity. They did manage to secure a location so they are good there. Lot of other stuff and was hard to hear but at least those points that I was concerned about that they are ready to go.

Councilman Steve Farrell indicated that we are going to present to the Wasatch County Council to approve an option purchase on a conservation easement on 57 acres. We went through the criteria what we wanted done and what the conditions are on it and Jon Woodard has some concerns with it so why don't we address those. The way it is set up now is that we go ahead and purchase an easement on this 57 acres for a conservation easement on the full 57 acres. It would give Utah Open Lands and the property owner up to 36 months to acquire additional funding to complete the easement. If they don't get additional funding in the 36 months the landowner has the option to pay the Open Space Board back with interest based on the PDIF Account the same that we have and they could refinance it or sell the property and pay us off or they can go ahead and default and keep the easement for \$758,000.00. The \$758,000.00 is based on twenty percent of the total value of the easement. That is what we typically put into an agricultural easement is twenty percent. By going this route it shows a commitment on the County side that we are serious and we want an easement. It also shows a seriousness on the property owner that I want to do this and complete it. The third party, Utah Open Lands, are working hard. It just takes time to get it through the NRCS and that is where the funding majority will come from. I think that we have covered all the bases but Jon Woodard has some concerns that we ought to maybe address.

Jon Woodard, the Assistant Wasatch County Attorney, presented a power point presentation to the Wasatch County Council and then addressed the Council and indicated that the property is in the North Fields. Jon then went through a quick history of what is being done. The terms of the agreement is that we would have a survey, appraisal, initial payment of about \$758,000.00. Terms of that changed a little bit so it would be twenty percent of the appraised value of the conservation rights. This would buy the Utah Open Lands in the County a three year term to try to get an NRCS Funding. Councilman Steve Farrell replied it would be Utah Open Lands and the property owner. The County would have nothing to do with going after the NRCS money. Jon Woodard replied that is right. The Utah Open Lands would do that, like when we did it with the Kohler farm but we

were listed a co-holder of the easement.

Councilman Steve Farrell replied that we will be on this case once it is completed. Jon Woodard replied that at the end of the term what happens if the conservation easement hasn't gone through and that is what I am really concerned about here. Under the original terms we were going to get fee simple title to 21 acres which would be one of the four parcels. The thought was that has got plenty of value so that what the County put into it would be covered. New terms were discussed recently and the idea was that there would be a temporary conservation easement that would be put in place. During that time the Giles could pay back the money and then the conservation easement would go away and the property would be unencumbered. Jon Woodard then put the terms and conditions in so it would be on the record.

Jon Woodard indicated he is concerned about the conservation purpose. The temporary easement option functionally gives a little interest loan to Giles and allows them to pay that back if this NRCS funding doesn't go through. I am concerned that this doesn't meet the purposes of the code. One of the purposes of the code is a permanent acquisition of conservation easements and use of other conservation tools and can see that long term protection and I am concerned that doesn't meet that purpose of long term. The Giles could not cooperate with the NRCS process and that never goes through then they buy back the conservation easement by paying this owner \$58,000.00 and then functionally they have gotten a very low interest loan with kind of an incentive to interfere with the process and allow this to happen.

Councilman Steve Farrell indicated that before we relinquish the conservation easement and allow them to buy it back if we required them to show a letter of denial from the NRCS that they could not qualify. In our agreement it says that the owner of the property will work with Utah Open Lands to meet the conditions that the NRCS for funding. If it came back and they said that they won't submit information then we would have some kind of recourse saying that we are not going to relinquish.

Jon Woodard replied that we could do something along those lines and becomes more of a legal grey area. The way the purchase agreement was drafted now it made it so there could be no legal enforcement beyond simply giving the money back. The way the purchase agreement was drafted now that would not right.

Councilman Steve Farrell replied that I think that we intended to lay this as a concept and work on a purchase agreement to go with the Giles and the County and if they don't accept it we don't give them the money. It shows our intent of giving them the money if we get the process worked out. This is just doing it up front and advancing them the money which gives the property owner more incentive to complete it.

Jon Woodard replied that if they weren't cooperating in the process they couldn't get the money back. It is going to cause a fight on those issues, did they cooperate or not. Councilman Steve Farrell replied if for some reason they can't refinance it we end up with the same thing we would anyway is a conservation easement on 57 acres of ground at the same dollar amount that we put

into it if we did it the conventional way. There is a deadline on Friday and then the next opportunity to do this is in October. It will take eighteen to twenty-four months to do it even if everything went smoothly. I think it is important to show that the County is serious in trying to get these conservation easement and we can actually come up with some creative thinking to make it work.

Jon Woodard then went through some concerns that he has. The purchase contract is not 95 percent today. Due diligence is not clearly complete. March 17 deadline-unclear what is exactly needed. Also how far apart are we right now? Councilman Steve Farrell indicated that I don't think we are that far apart. Jon Woodard replied that this is a long way off from what we should have. Councilman Steve Farrell replied that this is a templet and if we approve it tonight we have got until Friday to come up with the language you like and I think it can be done.

Councilman Kendall Crittenden indicated that we have got that introduction from the new USU extension agent and suggested that he come and introduce himself to the County. I will put him on the work meeting on April 12, 2023.

MANAGER'S REPORT

DISCUSSION AND POTENTIAL CONSIDERATION FOR THE ADOPTION OF POLICY 110-001 EMPLOYMENT CONDUCT AND GENERAL EXPECTATIONS.

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that this is the consideration of a new policy for the employee conduct and general expectation policy so this policy just provides and outlines some of the general expectations we have and want all of our employees to adhere to. The intent of it is to be able to ensure that we can create a positive environment for our employees and some of the basics are showing up to work on time, dressing appropriately, providing good customer service, avoiding from harassment and unwanted inappropriate conversations and topics. Just basically is a new policy but it will replace section 12A of the Wasatch County personal policy that was dated and approved in December 2001?

Councilman Kendall Crittenden made a motion that we accept employee conduct and general expectations policy as outlined in Policy 110-001 and the County Attorney prepare a written resolution and authorize the County to sign it later. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

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

NAY: None.

The record should show that Councilman Steve Farrell stepped out for a second and did not vote on this matter. The record should show that Councilman Steve Farrell has rejoined the council now.

CONSIDERATION OF RATIFICATION OF COUNTY ROAD PROJECT BIDS

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Wasatch County has solicited for and received bids for a variety of road projects. All project bids are proposed to be awarded to the low bidder in each of the following areas. The Countywide Painting Project. The engineer's estimate for this project was \$164,250.00. We had three contractors bid on the project. The bids are as follows: Premier Striping, \$143,600.00; Road Safe Traffic, \$155,755.00; Straight Stripe \$160,050.00. All bids have been reviewed and it is my recommendation that this project be awarded to Premier Striping in the amount of \$143,600.00

Sidewalk Replacement Project: the engineer's estimate for this project was \$78,000.00. We had four contractors bid on the project and the bids are as follows: RC Enterprises \$35,500.00; Pronghorn Construction \$53,800.00; MC Contractors \$143,900.00; CRC Operations, \$145,458.10. All bids have been reviewed and it is my recommendation that this project be awarded to RC Enterprises in the amount of \$35,500.00.

2023 Asphalt Maintenance Project. The engineer's estimate for this project was \$985,848.25. We had four contractors bid on this project. The bids are as follows: Advanced Paving and Construction, \$987,699.95; Staker Parson DBA Hales Sand and Gravel, \$1,105,095.00; Geneva Rock Products, \$1,110,782.95; CKC Operations \$1,813,571.64. All bids have been reviewed and it is my recommendation that this project be awarded to Advanced Paving and Construction in the amount of \$987,699.95.

Wasatch State Park Access Road-Soldier Hollow and Cascade Springs Road Project. The engineer's estimate for this project was \$670,286.50. We had five contractors bid on this project. The bids are as follows: Advanced Paving and Construction, \$626,618.00; Geneva Rock Products \$860,991.15; Staker Parson Companies \$821,657.75; MC Contractors \$844,562.50; CKC Operations \$1,124,276.05. All bids have been reviewed and it is my recommendation that this project be awarded to Advanced Paving and Construction in the amount of \$626,618.00. The fiscal impact is \$1,793,417.95.

Dustin Grabau also indicated that we are receiving grants from the Joint Highway Committee that will cover significant portions and are included in the budget for 2023 and this is just awarding the contracts and everyone was the low bid.

Councilman Karl McMillan made a motion that we accept the Wasatch County bids as presented by staff. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

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

NAY: None.

BRIEFING ON THE WASATCH COUNTY FY 2022 UNAUDITED YEAR-END FINANCIAL REPORT.

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and gave a brief presentation on the FY 2022 un-audited year-end financial report. Also indicated that because of the time shortage we will discuss this more fully later on. The headings are General Fund Revenues, General Fund Expenditures, Special Revenue Funds, Internal Service Funds, and Debt Service Funds. Look at this summary report and if there are any questions get with me and we will discuss those at a later time.

PID POLICY DISCUSSION

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he has a request from a developer to work with you on developing a PID policy (Public Improvement Districts) and curious if you would be interested in forming a subcommittee to explore that and have them come to a work meeting and present information associated with it or how the Council would like to handle it. Again this is something that we have talked about and PID's are something that the State Legislature is very interested in and may force that upon us anyways. This is a subject matter that we probably need to address specifically at some point. Do you want me to bring it back at a future agenda meeting?

Councilman Steve Farrell indicated that we should explore it and at least have the criteria and conditions that we consider of PID. I think the legislature is going to force us to have it. Dustin Grabau indicated that last year he asked Zion's to provide us a draft of a PID policy that other entities have provided. We also could bring our bond attorneys to talk through some of the issues with it and if you want to have a future work meeting item like in April.

Councilman Steve Farrell indicated that MIDA has a number of these that they created so maybe

have them come. Dustin Grabau indicated that developer was arguing that large scale developments are managed better when they can secure this type of funding because it is difficult to get these large capital accounts so if you do smaller pieces you end up with less consistency with who you are working with and projects themselves. If we adopt a PID policy that is viewed by the development community is very restrictive that probably would be more harmful than not having one at all.

Councilman Steve Farrell replied if I understand it right there are no public funds involved, all we are saying that we are going to allow the developer to assess the property within the PID to pay for the infrastructure and assess it back to the owners of the property. Chair Spencer Park replied that PIDs are a good thing but the place that I have seen them so far is that the developer wanted to use them and pay for their infrastructure and sell the lots and the lot owners have to pay for the infrastructure over the next twenty years on their taxes and that is why they like them.

SECOND ROUND INTERVIEWS FOR THE NEW COUNCIL MANAGER

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that these interviews for the new council manager which is Natalie Foster counterpart on Friday. Councilman Karl McMillan has indicated that he would like to participate in that and will keep you apprised on how that goes.

INTERVIEWS AT THE CJC

Dustin Grabau indicated that there is an opportunity for us to make some revisions to how we are handling the interviews at the CJC. Asking some of these law enforcement officers to perform those interviews. We will look into this further and bring it back to the Wasatch County Council for them to see how that would work.

Chair Spencer Park indicated that the Wasatch County Council will take a five minute recess and then come back and handle the two public hearings that are scheduled for this evening.

(WHEREUPON, A BRIEF BREAK WAS TAKEN)

Chair Spencer Park indicated that the record should show that all the Wasatch County Council are present and we will now go into our public hearings that are scheduled for this evening.

PUBLIC HEARING
MARCH 15, 2023

TROY AND REBECCA BLACK, REPRESENTED BY LAREN GERTSCH, REQUEST THE CREATION OF AN AGRICULTURAL PROTECTION AREA OF 25.14 ACRES ENCOMPASSING PARCEL (07-4406) LOCATED AT THE NORTHWEST CORNER OF 1750 WEST AND 1300 NORTH (NORTH FIELDS) IN THE AGRICULTURE 20 (A-20) ZONE. (AGPRO-7540)

Staff:

Nathan Rosvail, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that the applicant's Representative Laren Gertsch, is requesting an Agriculture Protection Area for property located in the agriculture A-20 Zone on the North West corner of the intersection of 1750 West and 1200 North Street. The property contains 25.14 acres. The proposed Agriculture Protection Area includes two agricultural sheds for storage of farm equipment. The property is a legal nonconforming lot of record. The agricultural use on the property includes but is not limited to harvesting grass for hay and raising livestock such as cows, horses, and goats. The owners anticipate maintaining the existing agricultural operation and structures. The adjacent property owners currently use their properties primarily for residential and agricultural purposes. Wasatch County Code Section 16.29.04 requires the following noticing methods sending notice to all property owners within 1,000 feet of the requested agricultural protection area, posting notices on the Utah Public Notice Website and posting notice at five places within or near the proposed agriculture protection area. The process for obtaining the designation of an agricultural protection area is review and recommendations to the County Council by the agricultural advisory board and the planning commission. At the time of this report, no objections have been received in response to the notices sent.

Proposed modifications:

Nathan Rosvall indicated that there is one modification which is as a modification of the proposal and recommendation to the County Council staff recommends that the applicant be required to maintain historic irrigation channels and that the irrigation company would have the right to maintain and clear the canal to ensure downstream flows.

Nathan Rosvall then read the proposed findings:

1. The request is to create an agriculture protection area to maintain the agricultural use and the rural environment.
2. The subject property is located in the Agricultural A-20 Zone near the intersection of North 1750 West and West 1200 North Street.
3. The parcel is 25.14 acres.
4. The property is a legal nonconforming parcel.
5. The current use of the property proposed for protection status is raising livestock including but

not limited to horses, cows, and goats and cultivating grass to produce hay.

6. The proposed area include two existing agricultural storage sheds to the southeast of the parcel.
7. The property owner plan on building an agricultural exempt horse barn near the two existing storage sheds.
8. The existing use is compliant with the purpose and intent of the A-20 Code and the goals of the General Plan for the area.
9. Wasatch County Code Section 16.29.08 outlines the evaluation criteria for granting the Agriculture Protection Area and the proposal is consistent with the evaluation criteria of the code and the current agricultural uses on the property satisfy the evaluation criteria for the preservation status.
10. Surrounding properties are zoned A-20 and are used for similar agricultural pursuits.
11. No objections have been received in response to the notices sent or signs posted on the property.
12. If the agricultural protection area is approved the approval will be in effect until its 20th calendar review year.

Nathan Rosvall went through the evaluation criteria:

1. Whether or not the land is currently being used for agriculture production.
2. Whether or not the land is zoned for agriculture use.
3. What the General Plan and use recommendation is for the land.
4. Compatibility of uses of neighboring properties for agricultural production.
5. Whether or not the land is viable for agricultural production.
6. The extent and nature of existing or proposed farm improvements.
7. Anticipated trends in agricultural and technological conditions.
8. Any other criteria to be considered under the Chapter or related to the criteria of this Chapter.

Nathan Rosvall indicated that the staff recommends approval with the proposed modification as has been stated.

Applicant:

Chair Spencer Park asked if the applicant is present. Laren Gertsch, land owner and taking care and leasing of the property for Troy and Rebecca Black and is representing the Blacks. The Blacks couldn't be here this evening and asked me to represent them. Laren Gertsch indicated where the irrigation ditch was located and indicated that the Blacks had no issue with the modification as proposed and the right of the irrigation company to clean the ditches and the irrigation company is all in favor of that modification. We would ask the County Council to approve this application.

Public Comment:

Chair Spencer Park then asked if there is any public comment regarding the matter. Heidi Franco, Mayor Heber City, addressed the Wasatch County Council and indicated that she is in favor of the designation outlined for this property. This is a tremendous step forward for Wasatch County. Also

thanked the County Council for doing this. I would look forward to Wasatch County doing more applications such as this in preserving the land in the North Fields.

Chair Spencer Park then closed public comment.

Motion:

Councilman Mark Nelson made a motion that we approve the creation of the Agricultural Protection Area as noted in the presentation with all the findings and conditions that have been listed and include the staff recommended modifications:

AYE: Chair Spencer Park

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

AYE: Mark Nelson

AYE: Erik Rowland

NAY: None.

**PUBLIC HEARING
MARCH 15, 2023**

**PUBLIC HEARING CONSIDERING THE USE OF OPEN SPACE BOND FUNDS FOR
THE PRESERVATION OF THE GILES PROPERTY NOTICE OF INTEREST IN THE
NORTH FIELDS IN THE AMOUNT OF UP TO \$790,000.00.**

Councilman Steve Farrell indicated that the open space committee has been working with the Giles Family for over a year now in trying to get something accomplished. I think that we have finally got an agreement in place that will work for everybody. I asked Steve Stevens, member of the Wasatch Open Lands Board and also a member of the Open Space Advisory Committee, to make the presentation on the Open Space Committee findings and their recommendations.

Steve Stevens then outlined the Open Space Committee findings and recommendations. As a result of those findings we recommend a positive recommendation for approval of the application of the issuance of up to \$790,000.00 of Wasatch Open Space Bond funds to the Wasatch County Council with certain conditions. The landowner must be registered with FSA which as I understand has happened, meet the qualifications outlined by the funding agencies, willing for the Giles family Trust to convey the conservation easement, successful subordination of other encumbrances to be open space in the open space conservation option agreement on all parcels, survey for all parcels performed by the landowner. With these qualifications being met the application meets the general criteria for selection sent out by the Wasatch Code section 3.06.04. Basically it complies with the different entities or agreements except for four which are based on basic safety procedures and

allowing public access in education to occur on the ground which is being used as grazing. Steve Stevens then presented the disclosure agreements that are necessary. Any gift or payment by any legislative body that has been offered to represent the property owner through the selection process. Also reviewing the considerations and the board members found agricultural use of the property including grazing and ranch lands that required water rights for existing and historical uses. The preservation of open space including farm land and forest land includes preservation for the scenic view of the general public. View sheds are excellent, along with the open space in the North Fields, along with water rights for existing and historical uses. It leverages the Wasatch County open space bond money as presented and is historical.

Wendy Fisher, Executive Director of the Utah Open Lands, and May Stevens here who is our Director of Land Protection, then presented a power point presentation. The best way to start off with this is an open space bond has been passed in Wasatch County. One of the places that is important to protect is the North Fields. That is one reason this particular property from our perspective as an organization is valuable to be protected in the North Fields. This property consists of approximately 57 acres. We need to make sure that a survey is done to ensure that is the total acreage of the property. It also is divided into four separate parcels which constitutes four separate lots of record.

May Stevens, Director of Land Protection, addressed the Wasatch County Council and indicated that the high light is that this is a chance to preserve our Utah heritage. This is a beautiful land and if we are successful in our application we are looking at a 5 to 1 leveraging of Wasatch County money. The landowners are making a very significant contribution as well. If you look at the soils on the property 100% of that have extremely high organic matter and bond soil almost 70% that helps with our ranking with the Federal Government. They have met 3.5 out of the 4 general categories for NRCS which makes a very strong application and you only need one but we have found 4. The uses of the property such as hay and grazing are great uses of the property and is a high priority for USDA as well. Protecting the grazing in the agricultural heritage. The property is within four miles of the greater sage goose habitat which makes it a priority for conservation.

Councilman Erik Rowland asked why there is a sliver of land there. Councilman Steve Farrell replied that it is a complicated survey. Dustin Grabau indicated that this is not representative of what is actually on the ground.

Public comment:

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

Dustin Grabau asked what is needed by the Council for Friday. Wendy Fisher replied a positive vote. Dustin Grabau indicated that we will have time to work on the agreement and all of that. Wendy Fisher replied that is correct.

Councilman Steve Farrell indicated that we talked about this and where we are purchasing an

option on this easement for 57 acres for up to 36 months to show our intent that we are interested and want to step up and support this open space in Wasatch County. In order to make this work we have got to work with the NRCS and get some funding through them and it is a slow process. The application is due on Friday and we would like to move forward on this as we could. We need to have an SSA number that is required by NRCS before we even made an application and the applicants went through the paper work and got that taken care of. We have to have a title report done on it. We have to have a survey. The title report is done and the survey is done.

Dustin Grabau indicated what he was looking for is on this Item 3 and this is the portion that we will have to work out the details on the purchase agreement and just have you confirm this is the set of standards you would like the attorney's office and I to work with the applicant along these lines that is all the points under three. Do we need to nail down anything about the building envelope to make sure that they have sufficient size to do what they need to do with their structure or is that something that the Council is comfortable authorizing us to work with them on this.

Wendy Fisher replied I can't ask the Council to require me to do something but if the Council would require me to do something which would be really great depending on how the vote goes and if we are able to have conversation before Friday to make sure that we are dealing with those sorts of due diligent things prior to making that application so it can fall right in line with everything that you and the attorney are looking at. We can talk before then.

Councilman Steve Farrell indicated that the point that Dustin Grabau was making is that the applicants want to have the ability to build one home and to carve out one home site as a farmstead somewhere on the 57 acres. Wendy Fisher replied yes and that ability to carve out a home site obviously affects the appraised value of the property and we actually describe areas where it would make most sense to carve out that one site so you are not creating a lot of infrastructure and impeding the farm property and we can provide you with those maps. Dustin Grabau replied that what this would do is it make it only one of the lots is buildable and the others would be included in the value of the conservation easement that is purchased because they would no longer be buildable.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that earlier we had put some discussion into this. Right now the purchase agreement is drafted in such a way that the only remedy if things don't go forward as anticipated is a return of the money. Do we want to create some enforcement mechanisms in the event that there isn't co-operation as needed by the County or the applicant to get the conservation easement in place and the funding from the NRCS? Do we want to require that?

Councilman Steve Farrell doesn't see that the County is at any risk because we will be collecting the same amount of interest if this ends up for some reason NRCS turns them down and they can't come up with the remaining \$2.6 million to buy it out. I don't see how the County is hurt because we are only collecting PTIF interest off the money that we have got in the fund now. So we are collecting the same thing if we didn't make the deal or not. It is important to make the deal to show that the County is committed to this open space program.

Jon Woodard replied okay. And we were going to make it that all of these conditions to funding will be conditions. So we will have the agreement in place if we got to have that by the end of the week. But funding won't happen until those things are completed and the purchase agreement is in the condition where the manager and I are satisfied. Councilman Steve Farrell said I think that most of the conditions are already met. Jon Woodard replied that is part of what I don't know. I haven't see a survey but heard there is one but I haven't seen the title report and don't know if there is one. We haven't been able to do the normal due diligence.

Motion:

Councilman Steve Farrell made a motion that we go ahead and approve this purchase option on the 57 acres for a conservation easement in the estimated amount of up to \$790,000.00 subject to all the conditions and terms outlined in the agreement and that the option agreement meets the County Attorneys and County Manager approval subject to their final approval. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

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

NAY: None.

Chair Spencer Park indicated that there is no need for a closed session this evening so we will need a motion to adjourn.

ADJOURNMENT

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

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

NAY: None.

Meeting adjourned at 8:30 p.m.



SPENCER PARK/CHAIRMAN



JOEY D. GRANGER/CLERK/AUDITOR



STATE OF UTAH
WASATCH COUNTY
CLERK