

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
OCTOBER 16, 2024**

The Wasatch County Council met in regular session live and by Zoom at 4:30 p.m. and the following business was transacted.

**PRESENT:**

Chair Spencer Park via Zoom  
Vice Chair Karl McMillan  
Luke Searle via Zoom  
Kendall Crittenden  
Steve Farrell  
Erik Rowland  
Mark Nelson

**STAFF:**

Heber Lefgren, Assistant County Manager  
Wendy McKnight from the Clerk's office  
Rick Tatton, Court Reporter via Zoom  
Tiarra Cooper, from the County Manager's Office  
Richard Breitenbeker, from the County Manager's Office  
Joan Gould, from the Wasatch County Manager's Office.  
Jon Woodard, the Assistant Wasatch County Attorney  
Scott Sweat, the Wasatch County Attorney

**EXCUSED:**

Dustin Grabau, the Wasatch County Manager

**PRAYER:**

Councilman Erik Rowland

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

Vice Chair Karl McMillan called the meeting to order at 4:00 p.m. on Wednesday, October 16, 2024 and indicated that all the Wasatch County Council Members are present with Chair Spencer Park and Councilman Luke Searle being present via zoom. The record should also show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative Building at 25 North Main, Heber City, Utah 84 032. Vice Chair Karl McMillan then called the first agenda item.

**OPEN AND PUBLIC MEETING AFFIDAVIT**

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

### **ADMINISTRATIVE ITEMS**

Vice Chair Karl McMillan then asked if there were any administrative items for future meetings and there was none.

### **LEGISLATIVE ITEMS**

Vice Chair Karl McMillan then asked if there were any legislative items for future meetings and there was none.

### **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

Vice Chair Karl McMillan then asked if there was any public comment on matters not on the agenda and there was none.

### **APPROVAL OF THE MINUTES FOR OCTOBER 2, 2024**

**Councilman Steve Farrell made a motion to approve the minutes for October 2, 2024 as written. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:**

**AYE: Chair Spencer Park via Zoom.**

**AYE: Vice Chair Karl McMillan**

**AYE: Mark Nelson**

**AYE: Erik Rowland**

**AYE: Luke Searle via Zoom**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**NAY: None.**

### **DISCUSSION AND CONSIDERATION OF A CORRIDOR PRESERVATION FUND AUTHORIZATION OF THE ENDORSED LIST OF PROJECTS.**

Richard Breitenbeker, from the County Managers Office, addressed the Wasatch County Council and indicated that Utah Code 41-1a-1222 established the Local Option Highway Construction and Transportation Corridor Preservation Fund. Wasatch County enacted that fee March 15, 2006. Resolution 06-04, passed August 9, 2006, affirms the intent of Wasatch County has since to

preserve the predicted route of the Bypass Road Corridor. Wasatch County has since purchased parcels 07-9819, 08-0023, 20-9116, 06-0114, 08-4298, and 09-0592 for that purpose.

Utah Code 72-2-117.5 governs the use of these funds. A Council of Governments consisting of the County Council and each municipality's mayor is to endorse a list of projects for County Council's consideration. The presented list was endorsed at the interlocal meeting on June 10, 2024. The County Council is now asked to authorize the use of corridor preservation funds according to the endorsed list.

Councilman Steve Farrell indicated that there is thirty acres in the North Fields that was purchased with this money and only a portion of that can be used for the corridor. In order to get reimbursement for the rest of the money we will have to sell it as surplus property.

Richard Breitenbecker indicated that the money doesn't have to go back to the corridor preservation but will come to the County. Councilman Steve Farrell indicated that the County is only getting reimbursed for one purchase. Richard Breitenbecker replied that prior to 2015 the total that the County has received is just over \$5 million. We will hold about \$1.185 million as of July 10 when this presentation was made. When the Council instituted this fee, two months later they passed Resolution 06-04 stating that the intent of this fee was specific to purchase properties for a potential bypass. Until that bypass comes in we have not meant to deviate from that intent. When the bypass does go in the County is welcome to deviate from that intent and then follow the same prescribed process of going through the interlocal to endorse the use. Also there are three other parcels of land that was purchased with the money from this fund that were not connected with the bypass road.

Councilman Erik Rowland asked what would be the consequence if the final bypass results in a situation where very little if any quarter preservation funds are needed because it did not impact those properties? Does that mean we reimburse the money? Richard Breitenbecker replied that money stays in the corridor preservation account and can be used for any purpose and have not suggested any purpose. If there comes a time that the Council feels like that resolution no longer applies and you want to use it for other things you can consider that and there are some listed uses that are listed in the code. They are some semi-restricted funds.

Councilman Steve Farrell asked should we continue the corridor preservation fund in charging everybody ten dollars every time they register their vehicle and we don't know what is going to happen from here on out? Richard Breitenbecker indicated that there are some other uses that money could be used just as for transit. Councilman Steve Farrell indicated that we could possibly eliminate it when the bypass is done. Chair Spencer Park indicated that we should not eliminate it because we can use it to purchase property whenever we can.

**Councilman Kendall Crittenden made a motion that we consider the preservation fund authorization of the endorsement of this project to be pulled out of the corridor preservation money into the County fund. Vice Chair Karl McMillan seconded the motion and the motion**

**carries with the following vote:**

**AYE: Chair Spencer Park via Zoom**

**AYE: Vice Chair Karl McMillan**

**AYE: Luke Searle via Zoom.**

**AYE: Kendall Crittenden**

**AYE: Steve Farrell**

**AYE: Erik Rowland**

**AYE: Mark Nelson**

**NAY: None.**

**DISCUSSION AND CONSIDERATION OF ADDING A SIGNAL AT COYOTE CANYON AND PROVIDING FEEDBACK ON SAFETY IMPROVEMENTS ON NORTH HIGHWAY 40 AND A SIGNAL AT COYOTE CANYON.**

Eric Rasband, from UDOT, presented a power point presentation and then addressed the Wasatch County Council and indicated that UDOT has been working toward making sections of Highway 40 safer for all travelers. A pending improvement is installing center dividers in the section of Highway 40 between the Highway 32/River Road intersection and Heritage Farms Parkway. These dividers have breaks at the following intersections. 1. University Avenue, 2. College Way? UVU entrance. 3. Commons Boulevard/Potters Lane, 4 Coyote Canyon. The divider end near 1200 North by the Back 40 Grill, included as proposed improvements. Wasatch County Engineering and Public Works directors have reviewed the proposal and agree with the need and benefit of the improvements as proposed. UDOT is seeking input from Wasatch County on these improvements and the signal at Coyote Canyon.

Eric Rasband then went through some history with this project for a raised concrete barrier down North US 40. This was a safety improvement project that is openly funded by the Federal Government for safety enhancement improvements. In this particular area between 2019 and 2022 there were seven serious or fatal crashes. The crashes are such that a raised barrier would eliminate. The intent is to put in a raised barrier in that area of Potter Lane where the road goes up to the college. The intent is to carry the barrier through that intersection and only have breaks where we have proposed traffic signals that are identified in the corridor agreement. At Moulton Lane is a three-quarter access to the North. If the corridor agreement is amended Heber City, Wasatch County and UDOT would have to agree to that amendment. UDOT is not opposed to changing that corridor agreement. Also that road is changing all the time. The corridor agreement addresses future traffic signal locations. It does not address future entrances. The project is funded and the funding is now available and are to a point where we can hire consultant to do the design work and once the design is completed then we would start with the installation and chances are that would be late next year or possibly into 2026 for construction of this. The barrier would be open at those three potential signal light locations.

Councilman Erik Rowland indicated that we need to get the three parties to this corridor agreement



together to take a look at it again. Eric Rasband replied that we need to have support for this proposal and UDOT does not want to come in and force something to be done. Councilman Steve Farrell indicated that the whole corridor agreement needs to be looked at again.

Eric Rasband indicated that if we reduce the speed limit to forty-five miles an hour and put in the signalized intersections as identified in the corridor agreement and we did not put in a raised median and over a twenty year life cycle this crash model is predicting about 960 crashes not severe but all crashes. If we were to go with the proposal where we would put raised median through this corridor as we have identified we would see a twenty-one percent reduction in those severe and fatal crashes. The area of this project that is of the most concern is the curve on the highway at Fitzgerald. What would happen if we just focused on that curve section and that would result in about a four percent reduction from that base, no barrier versus something. This project is about a four million dollar project and we believe it will save lives and save the quality of life for people. We need to go and visit with Heber City Council and we have visited with Heber City's staff and we need to ask them for their opinion.

Heber Lefgren the Assistant Wasatch County Manager, indicated that last time the Wasatch County Council's recommendation was let's see what happens as it changes. We need to move to the next recommendation. Eric Rasband replied that we are going to separate the two projects and keep the barrier project separate from the signal intersection.

Councilman Mark Nelson replied that all of this just indicates to me that the bypass decision is directly connected to this and what we do here should be dependent in your planning in what we do here now. Eric Rasband indicated that UDOT will go and visit with Heber City regarding the matter.

Eric Rasband then went through the various suggestions for the intersection at Coyote Lane and we looked at several options. One of the options was where we force everybody to turn right at Coyote Lane and then send them up the road a little bit and put in a signal away from the main intersection and allow a U turn. These options show the raised barrier because it is consistent in what UDOT was planning for. We don't need to put in the raised barrier with this option. This intersection is very similar to what has been at Smiths. Eric Rasband then went through what is called a High T Intersection and this one does require the raised barrier to function. It is similar what we have at the mouth of Provo Canyon in Orem at 800 North. This one is a concern because we have people merging from the left into the higher speed lane. Again the raised barrier is an option and the current funding is for that. We are planning to move forward with the barrier solution. Councilman Kendall Crittenden replied that this is the better solution. Eric Rasband replied that we will have bike and pedestrian trails when it is finally completed. Also we will have street lights on the signal itself but along the corridor no.

**Councilman Kendall Crittenden made a motion that we support UDOT in moving forward with having a signal at Coyote Lane using option one as has been presented and also to continue to provide feedback and where possible meet with Heber City and UDOT to continue to discuss in that other safety improvements that has been presented today with the**

**intent to possibly amend the corridor agreement. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:**

**AYE: Chair Spencer Park via zoom.**

**AYE: Vice Chair Karl McMillan**

**AYE: Steve Farrell**

**AYE: Erik Rowland**

**AYE: Luke Searle via zoom.**

**AYE: Kendall Crittenden**

**AYE: Erik Rowland**

**NAY: None.**

## **HEBER VALLEY SPECIAL SERVICE DISTRICT OPERATION PRESENTATION**

Jim Goodley, General Manager for the Heber Valley Special Service District, presented a power point presentation and then indicated that the facility has two parallel treatment systems. There is the mechanical plant and lagoons and both work parallel and the waste is split between the two. The average current daily flow to the facility totals about 2.5 million gallons a day. The lagoons came first in about 1980. In 2012 the mechanical plant was installed. The capacity of the facility is about 4.4 million gallons per day currently. There has been some odor challenges at the facility. It was implemented in the lagoons a chemical addition in two of the lagoon cells to mitigate odors there. That was installed this winter and that was continued until mid-summer when the risk of odors had minimized. We plan on firing that back up this coming spring. We have partnered through the Wasatch County Health Department with the Utah Division of Health and Human Services to do odor monitoring at the lagoons and this is to address some of the concerns from the citizens. Also some dredging work in the lagoons to remove solids and upgrades to the aeration system to keep the process aerobic to reduce odors. There is a head works upgrade project which includes odor control is in place. The solids will be transported to a landfill. We have done some sampling and found that some of the odors are being generated in the collection system and from pump stations partnering with Midway Sanitation District to identify those problems and logging odors. Some of the odor problems are being generated in the collection system and mitigating measures to address those odors.

Jim Goodley then presented some plans that the district has in mind. There is a CIB project and sought funding through the Community Impact Board. One of the projects was a lift station upgrade which is nearly complete. Also revised the CIB project which was in place when I was hired. Also do a head works upgrade which includes the odor control. Some screens need to be replaced which has failed since. The big ticket item there is the mechanical plant expansion and want to increase the capacity of our mechanical facility and improve the treatment there and add certain things to minimize the amount of solids that are loaded in the lagoons and part of the project is expanding those RIB's (Rapid Infiltration Basins). Right now we have four cells, four one acre cells and planning to add two more and would have a total of six. We are looking to increase the

dredging of the lagoons and to improve the aeration upgrades to improve them. This includes upgrades to the disinfection system and upgrades to the irrigation system on the farm such as new pivots. All these upgrades cost money so the bottom line there is we are looking at a rate increase. Upgrades that have been mentioned are the near term projects and then we are looking into the future at long term projects which is yet to be determined. The flows to the plant we are planning to double the flow to the plant in the next twenty-five years by 2050 we are projecting will be a little over a 5 MGD inflow. The treatment method performance is going to be improved and be better as the plant grows. We cannot push 4.4 MGD through that plant today and meet the permitted limits. The DWQ indicated that we want to hold you to your current 4.4GMD loading that would be at a minimum and are very protective of the Provo River and Deer Creek Reservoir because they are their drinking water sources. They want to maintain water quality there. As a result we need to provide excellent treatment processes in our sewage plants to keep the discharge as good as possible. We need to hire a consultant to look into this matter of keeping the discharge water as clean as possible. Also one of the challenges that we have and that is what the facility plan is about is how do we dispose of affluent moving forward, is it more RIBs, land application and what are the other options and we are sorting that out.

Councilman Steve Farrell indicated that there are three entities involved here, Heber, Midway and Charleston which use the plant. Charleston right now is not using the plant. Each of the entities should have a proportionate share of their use in how much their entity would be paying as their share. Jim Goodley replied that would be in the facility plan you could do a projection and if Charleston came in and you could create a range of potential flows coming from each entity.

Celeste Johnson, the Midway City Major, addressed the Wasatch County Council and thanked Councilman Steve Farrell for his service on the board. Public comment has been why do we only have one representative on this board. We do have three members on the board that are from Midway and when Councilman Steve Farrell retires from the Council that there should be a member of the Wasatch County Council to serve on this board. There is a lot of pressure about moving the plant and am not convinced that it needs to be moved but pretty convinced that it should never get very big and we need to look at some other alternatives.

Councilman Steve Farrell indicated that this lagoon system and plant is a backup for Jordanelle too. If something happens to the mechanical plant up there, they have a deal with Jim Goodley and the board that this plant is a backup for Jordanelle too.

Councilman Luke Searle via Zoom asked if we could setup a time that some of the Council could go and tour the facility. Jim Goodley replied that just let us know and we can arrange a tour.

## **VICTIM ADVOCATE BI-ANNUAL PRESENTATION**

Kristin Guthrie, from Victim Advocate Staff, presented a power point presentation and addressed the Wasatch County Council and indicated that the state funds for July 2024-June 2025 awarded

are \$40,000. Supplemental state funds awarded in September \$1,562.44 to purchase new cell phone, cell phone case and screen protector, and battery for laptop, emergency victim assistance funds. State Fund Grant will transition to a two-year cycle in 2025. Victim Advocate provides direct services to an average of 100 clients per month such as crisis intervention and safety planning, assistance with protective orders and stalking injunctions, certified advocate through Timpanogos Legal Centers CAPP Program, crime victims' reparations applications and restitution requests, coordinates and accompany victims to meet with prosecutors, court advocacy and accompaniment, law enforcement advocacy/accompaniment. We just want to thank you for helping to support this program financially and providing a safe space to meet with clients and also for providing the use of a County Vehicle.

Councilman Luke Searle via zoom, thanked Kristin for what she does with this program and she has a wealth of knowledge of this issue.

#### **DISCUSSION AND CONSIDERATION OF ADOPTING RESOLUTION 24-15 ACKNOWLEDGING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH.**

Joan Gould presented a PowerPoint presentation and then indicated that we are bringing a resolution to the Council to acknowledge October as Domestic Violence Awareness Month in Wasatch County. Domestic violence is a serious crime that affects people at all races, ages, genders, religious backgrounds and income levels. The impact of domestic violence is felt not only by individuals and families, but by entire communities. October has been nationally designated as Domestic Violence Awareness Month since 1989, providing an opportunity to raise awareness about the issue and support survivors.

Councilman Erik Rowland asked if there would be any consideration of taking more advantage of the month and just making October Domestic Awareness Month instead of just 2024 and make October every year as Domestic Awareness Month. We could strike 2024 from the resolution and would the Council be supportive of that? The Council indicated that they would be fine in doing that.

Councilman Mark Nelson asked if there would be a way to make the citizens more aware of October being Domestic Violence Awareness Month would be great. Joan Gould indicated that she will see what can be done to make the citizens of Wasatch County more aware of October being Domestic Violence Awareness Month. Councilman Erik Rowland replied that putting something on the poles down main street and things like that because people need to be made more aware of October being the Domestic Violence Awareness Month.

**Councilman Erik Rowland made a motion to pass Resolution No. 24-15 acknowledging October as Domestic Violence Awareness Month in Wasatch County with the proposed change in the line, now thereafter be it resolved by the Wasatch County Legislative Body, Utah that it does hereby proclaim October and strike 2024 and retain the rest as is. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**



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

**NAY: None.**

Councilman Luke Searle indicated that could we just see it and re-proclaim every year and every year it comes to us and we re-proclaim it at the end of September and the beginning of October. Just remind the Council every month by re-proclaiming it if that is okay. The Council indicated that would be fine.

## **POLICY DISCUSSION ON OPEN SPACE AND MODERATE INCOME HOUSING TOOLS.**

Austin Corry, the Assistant Wasatch County Planning, presented a power point presentation and then addressed the Wasatch County Council and indicated that there are two purposes today. The first is a short-term question and a policy question and the second is a long term kind of question. There are two objectives and the reason I am coming here to you in a Council meeting is to follow the values set by Wasatch County and one of those being transparency and good governess. I believe that having a discussion in a public meeting is valuable. The second objective I have is for the sake of efficiency.

Couple of months ago there was a project that was in front of you that involved the donation of a County park and a site they are committing and intending it be for an elementary school. There was a significant amount of debate in whether it followed the General Plan or not and what are the established policies there. The main policy questions that I was hoping to get from this group. After that meeting I went into the codes to address the immediate request that the Council made and that was we need to be addressing open space more clearly. In the variably lot size development section of our code, it speaks to variable lot sizes being used as a means of protecting open space and sensitive areas. However, the RA-1 zone which is the only zone where variable lot sizes are implementable there are no actual provisions that require open space to be part of that. The variable lot size exists but the open space requirement does not.

There is a two stage approach that we can take to this. The first is what I am calling the band-aid approach and that is addressing the immediate concerns that were expressed in that meeting. These are the questions and rather me writing something off assumptions what I believe I heard in that meeting I would rather have some policy direction from you as a Council that we can take and try

to implement.

The second approach is going to be the longer-term solution. With that I will raise these questions because there is no open space requirement in a variable lot size development. The initial question is that the right approach and is that what you would like to do is to immediately get an open space into that. If the answer to that is yes and then what is the right percentage. How much open space would you like to see and also there is a use requirement and that was one of the discussions would we limit the uses of that Open Space could be and can it only be parks and can it only be agricultural, what is the purpose and intent creating this clustering in this open space requirement. The last to that would an ownership. Should this be allowed to be private to the development or is this something that becomes a public amenity.

Councilman Steve Farrell asked a question what is the purpose of the variable lot size? The variable lot has to be the conservation type lot approach. We can allow that 1.03 acres on every one of those lots up there and not have any open space but yet we went ahead and allowed them to go to variable lot down to half acre. That makes instead of 1.03 lots and that leaves half of the parcel open. Austin Corry replied that their lot number would have been the same regardless.

Councilman Steve Farrell replied that leave a half a parcel open and what is the purpose of the variable lot size if it isn't to conserve open space? Austin Corry replied there in is the reason when I say that is a good question. That is the exact reason I am standing in front of you today because the General Plan does not clearly define it. Councilman Steve Farrell replied that maybe you ought to adjust the General Plan now Austin Corry replied that is the long term of this and that is the second part of this. We really need to address General Plan elements and it is not a short-term solution so this was meant to be of what is something immediate that would help out. The Council indicated that we really need to address this and address it fast.

Councilman Steve Farrell replied that I viewed that subdivision we approved as an end run by donating it to the school and getting another use out of it of open space that should have been set aside of the lot owners in that development because instead of an acre they all ended up with a half-acre. Austin Corry replied that is the type of policy discussion that the General Plan I think should answer and then the code should be reflective of what the policy decision is. If you read the General Plan now there are sections that talk about how density should decrease as you get away from the city and there are sections that say lot size should increase, and it may sound similar that is not the same thing. Things such as that make a policy question debatable whether the code which is the implementation of the policy whether that is actually getting you there. I really think that a comprehensible look at the General Plan is something that should occur and say are we really on the right path. That is still a significant amount of work. Long term wise I think that is the right solution and I guess what I am hearing is that you as a Council is you want to head down that route.

Councilman Steve Farrell replied that the other thing to do is classify this variable lot size as a conservation easement, conservation subdivision to preserve open space. Austin Corry replied

that if we do an open space requirement then our open space portion of the code does have easement requirements over that open space that is protected that way. I am just going to throw out a number and let's say that there was a twenty percent open space requirement in the variable lot size development which means that they could come in and they could do one acre lots or five acre lots or whatever something that is not going to utilize that variable lot size and just do that and not provide open space but if they want to use third acre in a certain area and half an acre in a certain area and they want to utilize that is going to come with an open space requirement and by titling it open space now it will be subject to all of our open space criteria. As of right now the open space that the developer offered to you in that development was not a requirement from the code. It was an offer from them.

Vice Chair Karl McMillan replied that I think Steve is right. I agree they treat it down and they go to variable sizes they have got to provide some open space but what constitutes open space because some of you wanted to count was the school and that is not open space. I can write it anyway to be legally defensible.

Councilman Erik Rowland replied that the changes made last year in the legislature is that we don't have the authority, and it has to be clearly defined in the code. We need to go through the General Plan and make sure that the code is tightened up that we have to do that in order to have better control over what we want.

Councilman Mark Nelson replied that in the case that Councilman Steve Farrell talked about where that was used for a school or potential for a school isn't that flexibility that we would want also in the future. Councilman Steve Farrell replied that Cobblestone was done that way and it is variable lot size and we got a school and a park out of it.

Doug Smith, the Wasatch County Planner, replied that in the General Plan there are sections that talk about seeking civic facilities. We need to secure sites like that. Variable lot sizes are saying it is a tool that saying that it is implementing the policies from the General Plan. What I am saying is it is not exactly doing what I think everybody thinks the policies of the General Plan are saying. It is almost there but if the policy really is that these should be an option for the sake of preserving agricultural ground or open space or school sites or whatever and if that is the policy then we need to fix the tool to get to the right policy and what I am hearing is what is the real intent of the policy either is.

Councilman Steve Farrell replied that the variable lot sizes and the clustering ordinance says we used to have it and should be considered conservation subdivisions. What we are doing is taking one hundred acres and if we went with the actual zoning it would be one hundred lots or ninety-nine lots. The variable lot size you are getting the same number of lots but on half of the acreage. The rest of the acre should be left as open space and the same thing on clustering.

Councilman Erik Rowland replied that it is also a fine line that we are walking. On the one hand it seems more important than ever to make it extremely clear that we are first and foremost

interested in preserving as much open space as we can when certain conditions like this are treated and then that line that I feel like we have to balance is not trying to scare developers to immediately want to annex into entities who are going to be more friendly to their development request. It is a very challenging line to find. I am just wanting to make it clear that we are establishing and intending to protect as much open space as we can and by doing so clearly defining that intent in our code. Councilman Steve Farrell replied and to preserve that rural part of your life.

Councilman Mark Nelson indicated that our policies should save water when it can and reduce the use of water and encourage that. Councilman Luke Searle replied that he likes the suggestion of moving forward and look at our General Plan and preserve agriculture as one of our bigger priorities for open space. Vice Chair Karl McMillan indicated that he agrees with Councilman Steve Farrell when he said if you want to cluster it the rest of it stays open.

Austin Corry replied that I am hearing you want to create some sort of an open space requirement and be open space as defined open space and we should also consider potentially civic facilities. I also could write it in a way at least for this short-term solution if this utilizes it in a method that is declared to be a bonus density, it does give us the ability of bringing that to the Council and having some discretion on what use would go into that open space. I think I could write something that way if that is what you would like?

Councilman Steve Farrell replied that I would like that better than what we had where the developer came in and said this is what I am going to do with the open space and give it to the school and make a park out of it. The Council should have that option. The Council indicated that they agree with that.

Austin Corry replied that he can write something that gets us close to that just be willing to when this comes forward it is going to be me taking the best stab at what I think that you are wanting. Don't be afraid to say that no that is not hitting the mark we want. I have got enough for at least that variable lot size. I want to bring up the RA-1 Zone because we are in that same area and it is a quasi-bonus density and if you provide public sewer and public water then you can go down to as low as an acre. It does give a bonus density by doing that. I would write these open space things or things like that into the eligibility criteria in order to achieve the bonus density.

Austin Corry indicated one of the things that I want Council to give me some thoughts on are in terms of Moderate Income Housing. That is a broad subject and would take more time than we have here. My intent in bringing it up is I could if the RA-1 in the eligibility criteria for going below five acres and add the Moderate Income Housing back in we could start reapplying the same thing. I don't know if the Council is interested in that and don't know if that is even the right decision and not coming to you with a recommendation but just asking if you would like us to pursue that question.

Councilman Steve Farrell replied that we need to verify the RA-1 and the RA-5 because anything that has access to a sewer automatically goes to RA-1. Austin Corry replied that is correct the way

it is written right now yes. Councilman Steve Farrell replied that instead of having the underlying zone be an RA-5 if they qualify for the connection to the sewer just have it automatically RA-1. Austin Corry replied that it is not an overlay zone condition and it is that the RA-1 Zone does require you to be five acres unless you are connected to sewer and water then you are 1.3 acres for large scale and one acre for small scale subdivision. What I am asking is we can write to where that is no longer just out right but it is declared to be a bonus density and the Council has to accept it. Which give you the ability legally and not saying this is the right thing to do but legally we could start implementing the moderate housing things again. The reason I raise that is although we have an Moderate Income Housing code and we cannot enforce it right now because it currently violates state code because they are not technically being given a bonus density for what we are asking for.

Councilman Steve Farrell replied that so in this case we are talking use an example on 2400 East and 2400 South is the one we just talked about and we could impose a moderate housing bonus there because that is an RA-5 which is next to RA-1 which is connected to the sewer and we could enforce an affordable housing there. Austin Corry replied if that was written into the eligibility criteria yes. I think it can be written better and I think I would like to bring a proposal to you how that would get fixed but getting the answers to these questions will help me write something that is in line in what you are hoping to achieve. The RA-1, the way I would describe it is the County has written that intentionally to create transitional areas from urban cities to rural counties. So what do you want your transitional areas to look like.

Heber Lefgren indicated that what you are saying is right now in the RA-1 if it is attached to a sewer then it could be a smaller density and if you have to have acreage and it is not attached it has to be five acres and what you are suggesting is that we change that so that the transition from a five acre or to a smaller acre requires the approval of Council and it is not automatic. Austin Corry replied I am saying that is something that we could do if the Council would like to. We can write additional criteria in if the Council like to consider it that way. What I am hearing is that there needs to be some requirement about what is in that variable lot size and still have the pending question about whether you want me to try to address Moderate Income Housing or not.

Councilman Steve Farrell replied that we haven't had good success with regard to that moderate housing and maybe be better of not requiring it and to find another way of achieving it. Could go out and buy property and create it that way. The legislature has taken it away is that you can't require that if the development coming just meets the right restrictions in your code and what I am saying is that if you really want to do it the RA-1 is not a one-acre zone. It is a five-acre zone but if you give us affordable housing we will talk about one-acre zoning. Then they are getting something in exchange for the moderate housing. There are options that can be pursued now you are heading down the route that we really need to address the Moderate Income Housing as a whole. The fee-in-lieu isn't really moving the needle or doing anything and so if you are really interested in Moderate Income Housing you should be requiring it to be built and probably is the only way that you are going to actually achieve something there until there is a deep study that identifies an appropriate fee in lieu and that there is an entity that can take and program and manage



that and utilize it to do things like find ground and building and owning and operating housing facilities on their own which to my understanding the County does not have any entity that can do that. If you want to head down the Moderate Income Housing route my recommendation would be that whatever the requirement is it should be something that we really think will move the needle on it not just lip service but this is going to be a way that we are going to get more obtainable housing.

Vice Chair Karl McMillan asked what is your thoughts on some of these developments that they don't want any affordable housing in the development itself and would rather pay the fee because they do not want that as part of their large scale. Austin Corry replied that in terms of my research and my experience with it in which I am not a housing expert, and it is interesting and it would be a good thing to approach because I can't posture myself as a housing expert. Where I have seen the most success is when you have a deed restricted unit that was built in a community and looks nothing different like the rest of the community and nobody knows it except the person that signed the deed restriction and the housing authority administering the deed restriction. There are a lot of different factors there that needs to be looked at.

Heber Lefgren replied that we could go back based upon the information you have given us today and we can do our initial recommendation knowing that we expect it to be questioned, and we expect it to be changed and adjusted but we can bring something back for a future conservation.

Austin Corry indicated that I am not going to address the Moderate Income Housing because it sounds like we are in a complicated question and not going to address that in this short term approach but it is something to keep the discussions going for the long term approach. Also we need to bring water issues before the Council while Councilman Steve Farrell is still on the Council and priorities are shifting and my goal is to have that done before the end of the year. Water resources and conservation is a requirement by State Law that we have to update our plan. Councilman Kendall Crittenden replied that possibly we could use Councilman Steve Farrell to help us with the water situation.

Austin Corry replied that I think I have got enough information to draft something, and he thanked the Council for the time this agenda item has taken.

#### **DISCUSSION AND CONSIDERATION FOR APPOINTING A WASATCH COUNTY COUNCIL MEMBER TO THE MIDA BOARD.**

Heber Lefgren, the Assistant Wasatch County Manager, indicated that in normal circumstances in January when the change of Council takes place we go through a process to rearrange board assignments, however in relationship to the departure of Councilman Steve Farrell in the MIDA Board we need to appoint someone to take Councilman Steve Farrell's position on the board. The Council then put all the names of Councilman Karl McMillan, Councilman Mark Nelson and Councilman Kendall Crittenden and Councilman Erik Rowland of the Council in a hat and then

drew to see who receives the most votes. After doing that Councilman Karl McMillan was chosen to serve on the MIDA Board. Heber Lefgren then indicated that Councilman Steve Farrell sat on many boards and we will discuss later about having Councilman Steve Farrell help with the transition of new members on the boards that he served on and possibly be a consultant but that will be decided later. Councilman Karl McMillan's name will then be given to the Governor and the legislature to appoint Councilman Karl McMillan's to serve on the MIDA Board representing Wasatch County.

## **COUNCIL/BOARD REPORTS**

Councilman Mark Nelson indicated that he had a meeting with the Committee on the Memorial Hill and people are wanting more names to be added to those who are already on the Memorial Hill. There needs to be a method of adding new names there and Terry Eckert would come back with a recommendation for how we would physically do it. I had the action item to work with whoever on the committee and especially the veterans about the criteria for getting a name on the Memorial Hill. We talked in our goal was the last meeting was to have the solution complete before Memorial Day next year so that we can add some names by then. That was the goal in the last meeting. I have also been working with Danny Hofhiens and have a rough draft of what the criteria would be to get a name added and as soon as we have Terry Eckert's recommendation that we will reconvene that committee meeting and go through that and then bring that back to the Council and hopefully get that progressing. Heber Lefgren indicated that what we will do will cost money and will include that in the 2025 budget process so that we can implement the recommendation. The criteria of a person to be added on Memorial Hill is that they are a resident of Wasatch County when they either enlisted or left to be involved in the conflict there and left from here or that they have lived in Wasatch County for ex-number of years and they were involved in one of the conflicts. Councilman Mark Nelson indicated that my thoughts are that we should have a form that is filled out and turned into the County Manager's Office that there is a committee defined that meets once a year in January let's say and approves or denies those requests and then there is a process to get those names done in April or the first of May before Memorial Hill that following year and that would happen once a year.

Councilman Steve Farrell indicated that he received in the mail the contract of Robert Wagoner who serves as a lobbyist in Washington D.C. For the public lands and have used him for twenty years now and the contract is for \$12, 500 and what it has been in the past. I would recommend that we go ahead and approve this. If there needs to be a motion made regarding this I will bring it back for that.

Councilman Kendall Crittenden indicated that for information. I attended a Cyber Table Top exercise the day before UAC Conference on election security, etc. Don Wood, the IT Director, attended with me and we were there together. They went over some scenarios and talked about things that might happen during an election to cause problems. Joey Granger thought that it was good idea to bring those items up with people involved in things such as this. The meeting is



scheduled for next Monday at 2:00 p.m. here in the Administration Building. We invited Councilman Luke Searle and Councilman Erik Rowland and they need to respond if they are coming or not and if they can't be there the other Council members can come but let me know if you are interested in attending.

Councilman Kendall Crittenden indicated that those who attended Interlocal last week, Midway City did a great presentation on some of the things they are looking at for E-Bikes and motorized vehicle ordinance. It was presented very well. Also is this something that we should look into creating an ordinance regarding this matter? It was a very informative presentation. Councilman Steve Farrell replied that this is something that comes out of the Parks and Rec. because they are over the trails. Councilman Mark Nelson indicated that the Utah Trails Networks is involved in that somehow and don't know exactly how that is but the County is responsible for maintaining all those trails so I absolutely think we need to be involved in this. Councilman Luke Searle replied that we need to work with the other entities to keep it as enforceable as possible.

Councilman Kendall Crittenden indicated as a reminder that tomorrow morning at 10:30 a.m. who is planning on attending the hospital. Also there is a debate tomorrow afternoon at the UVU Campus at 1:30 with Councilman Kendall Crittenden and his opponents and then me and my opponent and then Mike Kohler and his opponents.

Councilman Luke Searle asked about setting up a joint meeting with Heber City to discuss transit, bypass and all of that stuff. In our regional planning meeting Tuesday morning Heber City indicated an interest to be involved in that too and a discussion on two developments and on the Christensen and SITLA and that would be great we should have a meeting on that. We can get the managers and the planning office to see if we can coordinate that maybe one of the weeks in November if possible or maybe the first week in December to have a joint City and Council meeting. Councilman Kendall Crittenden indicated that perhaps our manager's office could set that up and indicate that we are interesting in talking about those things before you move forward with that.

Councilman Luke Searle indicated that at the beginning of the meeting I like to see if we can get the Wasatch Trails Foundation to report to us. They have funded a Wasatch Back Trails crew this past summer and they worked on a lot of back country trails for us and talk a little bit about where E-bikes are and these trails would be non-paved. We would have them present a presentation what they have done this past year and potentially have that on November 6, 2024.

Councilman Luke Searle replied that the library meeting was cancelled this week but regarding domestic violence and I sit on a committee for a new non-profit that is being worked on with Nate Sergeant called Cause and Women's Wasatch Shelter that would work almost like a Peace House for Wasatch County and there are different committee leaders are on that to start that non-profit and so I have agreed to do that. They are setting up a public awareness campaign. We need to be supportive of this and they are working on that so I will just keep you apprised on how that is going. The focus of this is here in Wasatch County. I am happy to continue to serve on that





committee after January or if there is another Councilman that would like to serve on that instead of me.

Councilman Luke Searle indicated that enhancing our tax abatement is going to meet the beginning of next week and discuss this. Diane Burgener, our County Treasurer, has been able to discuss with Summit County what they did last year and have provided the resolution that they passed and it was a twenty percent increase in the abatement level of income of who qualifies for an abatement under the circuit breaker program. They went with that number because in the legislature they were trying to fund that in 2022 and it almost passed and on the last date of the session it didn't pass in 2022. We need to show support for that and we need to be doing something for tax abatement and I will keep you apprised on that in November on how that goes and what it would look like for our budget and I don't think it is going to have too much of an impact and hopeful can help with tax abatement.

Vice Chair Karl McMillan indicated that Jan from Hideout wants to talk to some of us concerning this TAG Grant for the Jordanelle State Park regarding Ross Creek entry and don't know anything about this. Doug Smith, the Wasatch County Planner, indicated that she was in our interlocal planners meeting and what they are hoping to do is have some money that the State Park could use to update their plan for the reservoir and allow some access over there some cabanas and some improvements that the Park City side could use.

### **MANAGER'S REPORT**

Heber Lefgren, the Assistant Wasatch County Manager, indicated that in 2024 the Wasatch County Council hosted interlocal meetings at the first work meeting of every quarter. The proposed dates below follow the first work meeting of each quarter in 2025. January 15, 2025, April 9, 2025 July 9, 2025 and October 15, 2025. We would like a motion to approve the proposed work meetings to be utilized for hosting an interlocal meeting.

**Councilman Kendall Crittenden made a motion that we approve the proposed schedule for 2025 interlocal meetings. Vice Chair Karl McMillan seconded the motion. The motion carries with the following vote:**

**AYE: Chair Spencer Park via zoom**

**AYE: Vice Chair Karl McMillan**

**AYE: Erik Rowland**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Luke Searle via zoom**

**AYE: Mark Nelson**

**NAY: None.**



## **DISCUSSION AND CONSIDERATION OF ALLOCATING FUNDS TO WREATHS ACROSS AMERICA.**

Heber Lefgren, the Assistant Wasatch County Manager, indicated that every year, on National Wreaths Across America Day, volunteers will place wreaths on the graves of veterans throughout the country. This year National Wreaths Across America Day is Saturday December 14, 2024 and a ceremony, conducted by the Wasatch High School Air Force JROTC, will be held at 10:00 a.m. at the Heber City Cemetery, individuals wanting to help in this effort may volunteer their time on December 14 to help place wreaths on the grave sites. Individuals can also provide tax deductible donations by sponsoring wreaths \$17.00 per wreath. Information associated with this event to include ways to assist is included with this memo that you should have received.

There are approximately 400 veteran gravestones in our valley, however, historically Wreaths Across America has never received more than 40 wreaths for our valley, As of October 11, 2024 only 21 wreaths have been sponsored for this year's event.

During the October 9, 2024 Council Work Meeting, Councilman Crittenden introduced this initiative and the Council subsequently directed staff to bring back a recommendation that could be discussed and approved during the October 16 Council meeting.

This agenda item proposed that the Council authorize the sponsorship of 200 additional wreaths to be placed on the grave sites of local veterans. The cost of this sponsorship would be \$3,400.00. The \$3,400.00 to be funded through the County's Council Discretionary budget. Councilman Eric Rowland proposed that we find out more about some of the details and present this in the next couple of weeks.

## **CLOSED SESSION**

The Wasatch County Council and the Assistant County Manager both indicated that there is no need for a closed session this evening.

## **ADJOURNMENT**

**Councilman Kendall Crittenden made a motion to adjourn. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

**AYE: Chair Spencer Park  
AYE: Vice Chair Karl McMillan  
AYE; Eric Rowland  
AYE: Mark Nelson**



**AYE: Steve Farrell**  
**AYE: Kendall Crittenden**  
**AYE: Luke Searle via zoom.**

**NAY: None.**

Meeting adjourned at 8:30 p.m.

  
KARL MCMILLAN, VICE CHAIR

  
JOEY D. GRANGER, CLERK/AUDITOR

