

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
JANUARY 17, 2024**

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

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

**STAFF:** Dustin Grabau, County Manager  
Wendy McKnight, from the Clerk's Office  
Scott Sweat, the Wasatch County Attorney  
Rick Tatton, Court Reporter via Zoom  
Austin Corry, the Assistant Wasatch County Planner  
Joey Granger, the Wasatch County Clerk/Auditor

**PRAYER:** Chair Spencer Park

**PLEDGE OF ALLEGIANCE:** Led by Councilman Karl McMillan and repeated by everyone

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday, January 17 and indicated that all the Wasatch County Council are present with Councilman Luke Searle via Zoom. The record should show also 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. Chair Spencer then called the first agenda item.

**THE OPEN AND PUBLIC MEETING AFFIDAVIT**

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

**ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS**

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

## **LEGISLATIVE ISSUES FOR FUTURE MEETINGS**

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

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

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

## **COUNCIL**

### **APPROVAL OF THE JANUARY 3, 2024 MINUTES**

**Councilman Steve Farrell made a motion to approve the minutes of January 3, 2024 as they are written. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Chair Spencer Park**

**AYE: Erik Rowland**

**AYE: Mark Nelson**

**AYE: Kendall Crittenden**

**AYE: Karl McMillan**

**AYE: Steve Farrell**

**NAY: None.**

The record should show that Councilman Luke Searle is not present at this time on Zoom.

### **DWR JASON VERNON PRESENTATION**

Jason Vernon, Regional Supervisor for the Central Region of the Division of Wildlife Resources, addressed the Wasatch County Council and indicated that today is the day that the Wasatch County receives in lieu of taxes a check for Division properties that are found within Wasatch County and they are properties that the County doesn't realize tax revenue on and we have a contract with Wasatch County to provide payment in lieu of those taxes. This year the payment amount is \$6,274.10. Jason also presented a letter from the Director and some information on Utah Water Shed Restoration initiative. This is really the tool that we use along with our partners to do restoration projects throughout the state for wild life. Many of those projects while they effect wild

life they obviously affect water shed as well and so we are improving water sheds along the way.

Jason Vernon indicated that there are a couple of other things that he wanted to mention such as we have a really good relationship with Wasatch County. They are the only County that I work in that have their monthly public lands meeting. Those meetings are really important. More recently we have been getting quite a few nuisance calls about mountain lions scattered through the County coming down in people's yards. As the deer move down out of the mountains the mountain lions will follow them down into the valleys. Jason indicated that we do respond to those and try to move those animals out of the valley in other areas when possible. We have captured some deer and have put GPS collars on those deer and can track those deer probably for three to five years with those collars. The primary purpose of those collars is twofold, one is mortality. By doing this we can understand what is affecting our deer population and another one is their migration pattern. Next week we are going to be collaring moose so we can see migration patterns along with other things. Moose do better in winter conditions because it kills the ticks that are on the moose.

Jason Vernon indicated another interesting thing is we were contacted by a fisherman at Strawberry Reservoir about catching a walleye fish that he caught. Several years ago we redid the Strawberry Management Plan for fisheries and walleye was the species that they didn't want in the reservoir. We hope there is just one walleye in the reservoir and if they were to take off it would drastically change the fishery as far as what species are taking over. These fish are real eaters and would eat everything in there and really change that reservoir. This spring we are going to be doing some real targeting netting throughout some of the areas and walleye spawn in the spring so we think we know where there are a couple of places where they might want to go to spawn and try and net some of those out of there and see if we can catch any more.

Councilman Steve Farrell asked with regard to deer in their traveling how far do they travel in a year's time. Jason replied those animals don't do the same migration routes so it is hard to know but here it is mostly going to be an elevation migration. Also we move mountain lions a long ways away and we have collared some mountain lions and they tend to move back to where they were previously. Councilman Steve Farrell replied that it is an open season on killing mountain lions. Jason replied that they are still a protected species but no season on them and you need have a fishing license or a small game license which is called a combination license and if you had one in your place you could actually shoot it.

## **BOE STATE APPEALS AND ASSESSOR ADJUSTMENTS**

Joey Granger, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that as far as the state appeals I don't have anything to present and I just wanted to update you. We do have five that have been ordered to reconvene so we will have some appeals coming up that will go through the regular process. I would say five out of thirty to forty. The only things that I have seen that they have ordered to reconvene is death or a terminal illness or things like that prevented the people, whoever is appealing to be able to appeal on the regular dead line so it is few and far between on those.

Councilman Steve Farrell asked if it wasn't procedural issues on Wasatch County's fault. Joey replied not on reconvening. A lot of times people will put in their factual errors when it is not truly a factual errors. We have a hard time a classification of what people are actually appealing. If they were truly factual errors and they can prove it, then they will open up based on that but we haven't seen any of those.

Joey Granger then shows the Council a list and have put in three different sections. The first section are at this time of year I think a couple of you are familiar with and this time of the year we are starting to be into tax sale issues. We are checking the rolls a little bit more, fine tuning where we are at and checking for issues that come up so that we can get the tax roll cleaned up. That would be this first section the recording incorrectly and we need to update and delete these parcels.

Councilman Steve Farrell asked what are those parcels because typically you see them come from state assessed to locally assessed and not going back to locally assessed to state assessed. I am not sure but would be a question for Marci and I just know that she found these. They Deer Valley parcels. Councilman Steve Farrell indicated that they are mining claims and those are state assessed. Joey Granger replied that the only thing that I got from Marci on incorrect information so twenty three for most of them and twenty-two for some of them as well. The locally assessed parcel was not deleted out and we have to abate them yes. Yes it did affect the tax roll as far as the tax rates are concerned because they were on there but they are erroneous and we collected the correct amount of taxes but we just knew it was State assessed. Councilman Steve Farrell replied that the biggest issue would be the valuation because the State assessed if it is a mineral mining claim that is set by statute by the legislature like fifty dollars an acres or something like that. Joey replied that the county's values were substantially higher. We are trying to get up to where we are catching these sooner. I think the last two years we have done a good job in cleaning them up.

Joey Granger indicated that the second section is the assessor adjustment so these are errors as far as we had the information and they were approved and it was in the appraiser's documentation but for whatever reason it didn't get fixed on the tax roll. Councilman Steve Farrell replied that he had a hard time figuring the second one out. 21-4197 is a condo that was listed as a primary and then again as a non-primary and how come the same tax number had two classifications? Joey replied it is on the same tax card and the same parcel. They are primary. This was to remove the non-primary classification but it was listed there like there were two different condos for the same value. Councilman Steve Farrell replied that there was a value for primary and a value for non-primary on the same parcel and don't know how that could be done. Joey indicated that she did miss adding 20-2023 on the bottom one in that section 2-5648 that correction actually is for 22 and 23 not just 20-22 and can add that and get that added to the supplemental.

Councilman Steve Farrell on the last one when you addressed the last one on the page the green belt that went from \$1,266,000 and it said roll back was up held. Joey replied that is yes. All of these roll backs were heard and throughout the year we are going to have lots of roll backs. These were the last ones that we heard with the hearing officer so the notes on this one was because of BOE changes that happened. There was an adjustment that needed to be made. Councilman Steve

Farrell replied so that there was an adjustment per the market value and then the roll back was correct originally. Joey replied exactly. The market value changed but nothing on the taxable value change so there was no actual tax change on that specific but we are doing adjustments so that we will know. That could affect them in the upcoming five years possibly. Councilman Steve Farrell indicated that after July of this year the roll back a percentage of it comes to the County. Joey replied that is twenty percent and already has been in effect. Councilman Steve Farrell replied that twenty percent of the roll back is coming to the County to be used for open space preservation. Joey indicated that is correct.

**Councilman Steve Farrell made a motion that we approve the changes that have been presented on the Board of Equalization and adjustment as outlined. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:**

**AYE: Chair Spencer Park**

**AYE: Mark Nelson**

**AYE: Erik Rowland**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Karl McMillan**

**AYE: Luke Searle**

**NAY: None.**

The record should show that Councilman Luke Searle has joined the Council via Zoom.

**PRESENTATION BY THE HEBER VALLEY RAILROAD OUTLINING FUTURE PLANS AND ASKING THE COUNTY TO CONSIDER DEBT FORGIVENESS.**

The record should show that Councilman Mark Nelson left his seat as a member of the Wasatch County Council and addressed the Wasatch County Council from the podium as the Executive Director of the Heber Valley Railroad and possibly forgiveness of the County loan.

Mark Nelson indicated that I will change from my Councilman Mark Nelson hat to Mark Nelson, the Executive Director of the Heber Valley Railroad hat and presented the debts that the Heber Valley Railroad has. For many years Wasatch County kept the Heber Valley Railroad alive and Wasatch County was the bank. There were many several times when the financial situation of the railroad had very few options to repair tracks and do other things that were required. Wasatch County has been extremely generous to the railroad for many years. The railroad is what is called an independent agency of the State of Utah and in essence we operate like a private company. We don't receive funding from the State of Utah on any kind of budget or anything like that. We function like a private company but are owned by the State of Utah so at the end of the year our audited financials are rolled up into the state's financials with other independent entities. There are fifteen of them I think.

Director Mark Nelson then gave a brief history of how the Heber Valley Railroad has transpired over the years.

Executive Mark Nelson indicated that the 2023 was a very successful year for the Heber Valley Railroad and we carry 133 passengers on 545 trains. Our operating revenues were \$5.0 million with a net income of \$2 million and during the 2023 we received a \$1 million grant from the State Legislature from the State of Utah. If you take that grant out our ticket sales revenue was \$4 million with a net income of \$1 million.

Executive Director Mark Nelson then presented the railroad's debt situation and asked if possible the County could forgive the debt. The Heber Valley Railroad currently has three outstanding ones from Wasatch County one was obtained in 2015. The balance of that is \$202,000. In 2018 a twenty-five year loan which the loan amount was \$1.5million and the balance \$1.1million. In 2021 a ten year loan with a balloon in it for track repairs and that balance is \$667,000 and the amount when it was loaned was \$750,000. The total debt to Wasatch County is \$2 million. The monthly payments to the County to pay back those three loans total a little over \$20,000 a month or about \$240,000.00 a year,. The only other debt that the railroad has is a loan from Zions Bank that we borrowed in 2018 to build the coach storage building and the loan was for a \$1 million and the balance is \$776,000.00. Two other significant current liabilities that we have are a car painting contract that has been ongoing that we will spend about \$200,000 more this year in quarter one and two. We also have a dome car that is being restored off site in the same time period that we will spend about a \$.5 million. That is kind of our debt situation. Executive Director Mark Nelson then talked about some of the projects that are happening or coming in the future. Also there is like \$10 million of potential capital purchases that over the next several years the railroad hopes to go after one way or another.

Executive Director Mark Nelson put on the agenda I believe all of that \$2 million of funding was borrowed from the County's TRT reserves. We have three kinds of products that we sell. We have our daytime scenic trains. One ticket to go on the scenic train is about \$30. The other class of trains are special event trains. These trains represent over half of our revenue and those are almost always sold out. The third category is the North Pole Express and this generates about \$2 million of revenue. There is a staff of sixty people on each train and many of those are young people. We hire about 125 high school kids every year. When the Polar Express Train ticket goes up for sale and by October all those trains are sold out. The future is very bright for the Heber Valley Railroad if we could figure out how to get there.

Councilman Steve Farrell indicated that it is safe to say that if the County hadn't stepped up in 2015 the train wouldn't be operating today. What the loan is out of the TRT and reserved restricted account that has to be spend for recreational or tourism. The repayment of the loan is based on the interest rate that we get from the PTIF account. The County is not losing money on it. The County has been very flexible with the train to and if they needed more money that the railroad was able to get it and if they were short on the cash flow and the payment would be deferred until later and just the interest only. It has been a good working relationship. The legislature has extended the Heber Valley Railroad for another five years to remain as an independent agency.

Councilman Kendall Crittenden replied that if we were to forgive this loan under the condition that you would put the two forty more or less into a capital fund for future projects that are laid out. You wouldn't be making that payment but putting it into a capital fund and helping yourself down the road and it might be safe to owe the money to the County and that could only happen if the legislature did that and we have go another five years before we have to look at that again. Executive Mark Nelson replied that the legislature gave the railroad a million dollars two years ago and a million dollars last year and then we got a \$600,000 grant after the fact for the railroad track repair. The state legislature has given the railroad \$2.6 million in the last three years and essentially all of that has been spent on the tracks.

Dustin Grabau, the County Manager, indicated that to his knowledge that we have any other loans that we have used our TRT funds but has used TRT funds for other projects but most of those have been County owned projects. Councilman Karl McMillan replied why would we want to stop this money coming in on the payment that we have so that we have financial abilities to fund others things for parks and recreation of whatever that are outside of the trail. I think that we need that money coming in or to have that reserve to find for other projects. That is where I think the money ought to be coming in for. Dustin Grabau replied that approximately in the reserve fund right now between the restaurant tax fund and the transient room tax fund is probably in excess of \$5 million in reserve and that has got restrictions on what that money can be used for. Councilman Steve Farrell indicated that those funds are extremely volatile depending on what the economy does.

Mayor Celeste Johnson of Midway, addressed the Wasatch County Council and indicated that she is for forgiving the loan to the train. It sounds to me like a fair way of approaching this given that the money will be used to continue to increase the revenue of the train because of the things we will continue to do. It is a very interesting question. Either way the train is great and we love it and it will continue to be great and as the Mayor of Midway I would support your decision to forgive that debt and I believe that the train could use that money in better ways to even improve more.

Councilman Erik Rowland replied that any kind of forgiveness if we could just see at least the cost of that forgiveness. Even though the interest is small what would be the cost to the County, what are if any plans for this revenue and kind of some into this with a little more transparency so that way when we do make that decision we do have all those facts in front of us. Councilman Steve Farrell if we could restructure the loan and make it a longer term at a lower payment so that right now the County has a lien on everything down at the train facility except the depot and the shop building. Councilman Erik Rowland replied that can even the consolidated loan be possibly forgiven because now we have a single number to work with and just being responsible and what is the impact. Dustin Grabau replied that we can produce those schedules if you would like.

Chair Spencer Park indicated that would there be a possibility to achieve both things. Achieve that account coming up and could there be like a yearly forgiveness for the next seven years we forgive \$250,000.00 a year for seven years and the last year it is paid off.

Councilman Steve Farrell replied that one thing we could look at is deferring the payment for six months or a couple of years and let that payment go off to pay the Zion's Bank loan which has a much higher interest rate. Dustin Grabau replied that there is possibly a balloon payment due this year on the 2021 loan because we had a three year balloon payment and this year is the third year we may want to talk a little bit more in length if the railroad even has the capacity to repay that and maybe we should talking restructuring at least that portion of the repayment and hopefully another revenue source might help address that debt.

Councilman Erik Rowland indicated that there are a lot creative solutions that you can come with from outright debt forgiveness to some kind combination of loan consolidation to something but start with some analysis to see what those options are and come up with a solution that benefits everyone.

Councilman Luke Searle via Zoom indicated he agrees with what Councilman Erik Rowland is saying that we should be supportive of the railroad but make it work for us so that we don't dive into our reserves and would like to see that.

Councilman Karl McMillan indicated that he would like to see some restructure of these loans if that is the way that we have to go but that total forgiveness I am not there. I think that money needs to be repaid to Wasatch County.

Heidi Franco, Mayor of Heber City, via Zoom, addressed the Wasatch County Council and indicated that for the forgiveness of that loan we would like to use that money to make it better and better and perhaps something to consider and if the County was willing to forgive or delay or restructure the loan and maybe if it was ever privatized to the State Legislature then there could be a condition for the loan to be paid back at that time and just something to be considered. Thank you for this discussion and appreciate your support of the railroad and want to make it better and better for Heber City and the whole County for all of the great things that Executive Director Mark Nelson and his staff have done.

Dallin Koecher, Tourism Director, indicated that to consider that they apply for a grant but we actually give them no money and may support some forgiveness of this loan to a certain degree.

Chair Spencer Park replied that this fund could potentially bring in enough money to forgive the debt which decision is not hard to make.

Dustin Grabau replied that to clarify then you would like to see at a future meeting more detailed information about the outstanding debt and is that something you would like to talk about at a work meeting like in our February work meeting. Chair Spencer Park replied that would be great and also would like to see some options that if a certain amount of revenue comes in that we could offer in some future years some pay back and forgiveness. Dustin Grabau replied that something to consider too is while we expect the TRT to grow a lot maybe a restructuring of the loans to get to where we can realize those growths might be a useful trigger point where we see significant relevant realistic revenue.

Councilman Steve Farrell asked that the total amount balance right now is \$2.027 million is the total loan right now is the balance without interest. Dustin Grabau replied that we would calculate that on the individual loans. Executive Director Mark Nelson indicated that the total loan amount of those three loans is about three million so paid back a million. Chair Spencer Park indicated that we will talk about this more in the work meeting in February.

## **DISCUSSION AND CONSIDERATION OF APPOINTING REPRESENTATIVES TO AN INTERLOCAL PLANNING COMMITTEE**

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that Bob Allen from Mountain land Association of Governments presented at the January 10, 2024 Interlocal meeting information about a Rural Planning Organization effort to incorporate diverse inputs into a planning model that spans all of Wasatch County. At the Interlocal meeting entities agreed to recommend two members from each body to participate in the discussions on these items. This discussion will be to consider who from Wasatch County Council and/or staff would participate in the meetings. A planning meeting of the committee that would coordinate on large scale regional issues and finding alignment between the municipalities and the County on issues like transportation, transit, and potential land use a number of items. Part of the intent of this committee is to set the scope of work and potentially identify funding to help with that so it is really up to the Council which of you or staff members would you like to appoint to this committee. I believe we heard that Charleston has already appointed two of their members to participate in this committee.

Councilman Kendall Crittenden asked how it is going to be different from the RPO that we now have in place and mainly transportation and is that where the difference would be. Dustin Grabau indicated that what this would be is an ad hoc group on this specific project and doing more work than what the RPO is normally involved in. This would be more like potentially look something like heavy citizen engagement across some entities in Wasatch County on a variety of issues. That is not normally something we would do at the RPO but an ad hoc committee to set the scope of what this duty is and then it would be a steering committee is what I would expect over that process so selecting a contractor to maybe help navigate the process and then actually facilitating the input process distributing, collecting, digesting and then distributing the findings of that committee.

Councilman Erik Rowland replied that this is like an informal committee composed of whoever would like to be on it. Dustin Grabau replied that it would consist of two council members from each entity to get together and don't know if there is any proposed schedule. The committee could look at how the County's General Plan intersects with the cities and towns general plans. Councilman Erik Rowland replied that he wouldn't want this to be a committee for a committee to decide what the next committee should be doing.

Councilman Steve Farrell replied that we have this already as a regional planning meeting but the reason that was set up is so that the entities could sit down and go over projects as they affect one another and talk about them but in the past it got so none of the entities wanted to talk about their projects because they didn't want to be criticized or had somebody recommend something else to them.

Dustin Grabau replied that we do have a little bit of an instance that there is overlap between this and other efforts. The regional planning committee is a good example there is an overlap there with the RPO. What I would suggest for this committee is to be a steering committee for a specific RFP of a proposal to actually do a specific project and that maybe you don't convene until you have a draft RFP to discuss and a potential funding sources identified for that RFP and could be something like you direct me or my staff to develop and RFP or we bring that to an Interlocal meeting but not this committee but the general Interlocal meeting of distributing a potential RFP of what is the scope of this potential RFP then we would know how much we need to find and then we could find the money and once we had the money and had the RFP that is when the rubber meets the road and I think this is when this committee would provide value to this. Also the bypass is a factor of it and MAG's interest is more far reaching than just that and Bob Allen from MAG brought it up to develop a more comprehensive plan to help them form many of the transportation and other things that MAG is doing. MAG is the one that actually issues the RFP we are just providing input, similar how we did a few years ago a transit plan through MAG and all of the local governments were involved and MAG ran it and many of the local governments contributed to it and they were all involved in the input process for that.

Chair Spencer Park indicated that this is going to evolve and think for right now we need to pick our two members of the Council to be on it and move forward. The Council decided on Councilman Erik Rowland and Councilman Kendall Crittenden. Dustin Grabau indicated that MAG will do the work but you have to get some kind of consensus about the scope of what the work is. That is going to be the hard part. Bob Allen highlighted eight potential areas of focus for this study and I think the first task of this Interlocal planning committee would be to decide which of those eight would be included in the potential scope of work for this envisioned transportation plan. Transportation was only one of the eight of those features.

Tracy Taylor, from the Wasatch County Tax Payer's Association, addressed the Wasatch County Council and indicated that my concern is that we already had some regional planning committee and UDOT has a meeting in the middle of the day once a quarter or whatever those are not public meetings. Municipalities are not showing up at the Interlocal meetings and we could utilize that public meeting much better than we are right now. We need to have more transparency and lets use the Interlocal meeting that we already meet quarterly and use that as the basis because the public really feels vested in some of these decisions that will be coming out of this steering committee or whatever you call it. Why come out with all that work and effort and then find out that is not what the community wants and wasting your time. You need to keep it as transparent as possible which is a good thing and we need to figure out how to get more public officials to the Interlocal meetings. The Council felt like they didn't need a motion for this matter but the Council felt well about this matter going forward.

**DISCUSSION AND CONSIDERATION OF RECOMMENDATIONS FOR MEMBERSHIP OF THE MIDA DRC.**

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that Mike Davis' retirement has left a vacancy on the MIDA Development Review Committee. This representative is one of several recommendations that Wasatch County makes to the MIDA Governing Board to review development applications in the MIDA control area of the project. After discussion with the County Council it is recommended that Dustin Grabau be recommended to the MIDA Board to serve as a member of the DRC filling Mike Davis's vacancy.

**Councilman Kendall Crittenden made a motion that we appoint Dustin Grabau to serve on the MIDA Board due to the retirement of Mike Davis who retired. 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 via Zoom  
AYE: Karl McMillan**

**NAY: None.**

**MIDA UPDATE**

Chair Spencer Park indicated that maybe a MIDA update ought to be moved to our monthly work meetings, unless there is something that needs to be updated. Councilman Mark Nelson indicated that in lieu in what we just said for example and it will be part of the Manager's Report if there is anything that the Council needs to be made aware it. Dustin Grabau indicated that the MIDA Update will be stricken from the agenda and I would just bring it up under the Manager's Report when appropriate.

Councilman Erik Rowland indicated that he would prefer if there is going to be something said about MIDA that it specifically said in the agenda so those that are in the public are wanting to hear they can plan ahead if there is a MIDA subject that needs to be heard by the public. Dustin Grabau indicated that is fine.

Councilman Mark Nelson indicated that I would like to hear monthly or more often just some kind of the summary of the MIDA Board Meeting. Councilman Steve Farrell indicated that he would be glad to do that but now we are not going to meet again until after the legislative session so it

would be March or April before that can be done. Dustin Grabau indicated that we could provide information after they meet and they only meet four or five times a year and sometimes more if there is like a particular decision that needs to be made.

Dustin Grabau indicated that we talked with the MIDA staff and there was nothing to report. We will treat it like a regular agenda item with one of the manager's report. I did meet with MIDA Staff last week and talked with them about the frontage road project is actually proceeding under budget right now. Wasatch County is contributing to that project so there may be some savings there whether that budget holds or not is to be determined but they are very pleased with that and it is going quickly. Had some pre-application meetings with our building department staff on some of the projects that are anticipated to be submitted this year and they represent some real significant capital investments on projects adjacent to the MWR Hotel and are hoping to be able to see those permits come through probably closer to spring time and once we do have actual progress we will report that to you

### **COUNCIL/BOARD REPORTS**

Councilman Mark Nelson indicated that with regard to this Saturday's meeting with the railroad issue which involves the potential redevelopment and an economic analysis of the re-development of the train depot area. Tom Bonner, Recreation Director wants an option that didn't impact the ball fields. Tom Bonner, the Recreation Director, is concerned about the proposed realignment of the ball field is on the place they heavily use for lacrosse and is concerned about the impacts to that sport. With the proposal the train tracks are right in front of that new depot. This subject will be discussed on Saturday. Councilman Mark Nelson indicated that he didn't design this and this wasn't my idea and this is paid for and generated by Heber City as far as I know and they asked me if they could come and talk about this. I have said to Matt Brower directly and to those representatives from Heber City that Wasatch County as a whole feels like you are making grand plans without including the land owners. This attempt is them trying to do that. There is a grant to do a feasibility study which is a fifty to sixty thousand grant to do a feasibility study about the whole and not just this street but the railroad right-of-way and the feasibility study of the whistle stop at Highway 113 and this is about a million dollar project that the railroad might consider going for a federal raise grant and the maximum you can ask for is eight million dollars. The Saturday meeting is a discussion with Wasatch County Council and Heber Valley Railroad Board.

Councilman Kendall Crittenden asked if the Council remembers when Mr. Wagstaff came and talked to us about the new highway plans affecting his Boat Camp Marina and went through different alignments regarding that. Also what UDOT is looking at is a lane separated here and one of the lanes is north bound or east bound lane is being up on the hill a bit and the other one would go around the hill where it does. There will be way for people to get off and on a little bit safer and then the lane separates again. Councilman Kendall Crittenden showed the Council a map with what UDOT is proposing. Dustin Grabau indicated that Mr. Wagstaff wanted a more aggressive approach and UDOT indicated that some of the old alignment being reclaimed for additional parking and for safety concerns.

Councilman Luke Searle encouraged the Council to sign up for these legislative policy committees that meet on Tuesdays but some of the other elected officials in Wasatch County are signed up for those that give recommendations to the UAC legislative meeting tomorrow and tomorrow we have a meeting to discuss because our Treasurer Diane Burgener wants to talk more about HB270 which has to do with something of the state taking over something with taxes and is a requirement for counties to implement the State wide appraisal system by 2026. There is going to be a meeting after the meeting tomorrow and anybody is welcome to join that meeting.

**MANAGER’S REPORT**

**CONSIDERATION OF APPOINTING MEMBERS TO THE PLANNING COMMISSION.**

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that we received three applications to fill the vacancy of two positions. We currently have five of seven regular members appointed and two of two alternate members. I would like to recommend that we appoint Doug Ironek to be a full member who was previously an alternate member. David Thacker to be appointed as a new regular member and then Daniel Lyman to be appointed as a new alternate member replacing Doug Ironek as an alternate. This would mean that the Planning Commission has all seven regular members and two alternate members. We received one additional application but it was a person that lived in Midway. We already have two representatives from Midway so that the anticipation is that when one of them resigns we would reconsider the other applicant. Daniel Lyman as an alternate and would be a new member of the board and David Thacker as a new regular member and Doug Ironek moved from alternate member to a regular member. Wendell Rigby who moved down to an alternate member.

**Councilman Mark Nelson made a motion to approve the appointments as recommended. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

## **DEER MOUNTAIN BOULEVARD**

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that historically the County has maintained Deer Mountain Boulevard and is a looped road that connects to 248 in Hideout and the entrance and the exist are actually in Hideout Town but the County has always maintained them. The ownership of that road is unclear and so I am working with Terry in the Wasatch County Attorney's Office to clearly identify that those will be County roads because we don't want to just own the middle and rather maintain the whole thing like it is a regional significant road so we are going through that process just to make the Council aware. We will come to the Council when the time comes. Councilman Steve Farrell indicated that if the County maintains it we need to make sure that we get the B and C Road funds. Dustin Grabau indicated that is how we identified the discrepancy in comparing what our plowing maintenance routes against the B and C Routes and working with GIS and were able to identify this issue. Right now none of us are claiming it right now but we are maintaining it and make sure that it is the County's and claim it so we get those class road funds.

Chair Spencer Park indicated that the time is now 6:00 p.m. and we are ready to hear our Public Hearings that are scheduled this evening. The record should show that all the Council are present with Councilman Luke Searle via Zoom.

### **PUBLIC HEARING JANUARY 17, 2024**

**BRIAN BALLS REPRESENTING CHRISTENSEN FARMS LOTS L.L.C., REQUESTS A PLAT AMENDMENT TO CHRISTENSEN FARM PHASE 1 SUBDIVISION PLAT TO ADD 0.134 ACRES OF ADJACENT PROPERTY TO A RETENTION AREA PARCEL LOCATED AT 1460 SOUTH 2130 EAST IN THE RESIDENTIAL AGRICULTURE ZONE. (DEV-8733)**

#### **Staff:**

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that you saw this matter over a year ago now. When Christensen Farms Phase 2 came in they designed a road in a specific area of the Christensen Farms Phase 1 Plat that we are discussing. Although the names are Christensen Farms Phase 1 and Christensen Farms Phase 2 they were not considered. They were separate preliminary subdivisions and everything. They aren't really the same in terms of process. On the existing plat you can see in the northwest corner there the hatched areas retention area that has an easement over the top of that for storm water. When they designed this new subdivision the road does not exactly follow that alignment along the south border of that property. It leaves a small portion .134 acres so their road alignment is designed differently in a way that it leaves that gap. That gap doesn't comply with our code in terms of lot sizes or open space requirements or anything like that. What they are requesting is to give that gap to that

retention area in Phase 1. The more significant note in this and why it is a plat amendment that has to go to the Wasatch County Council because it affects open space and easements that are there. There is a note made on the bottom right. This was a note that was discussed the last time that this came about. The proposal is the exact same as what you saw a year plus ago but the applicant did not proceed forward with that approval and that approval expired so they are back in asking for the same approval again. As far as the staff report the findings and conditions that are listed in there are the ones that were approved last time.

Councilman Steve Farrell asked who the easement is in favor of. Austin Corry replied that the storm water easement is in favor of Wasatch County but it also protects it from future development because that goes toward the density calculation for the whole subdivision.

Councilman Steve Farrell indicated that the responsibility of maintenance is on the HOA. Austin Corry replied that is correct and that is the note that is there the Phase 1 HOA is currently responsible in the current plat right now and they are responsible with this plat amendment it would make the new subdivision HOA responsible for the maintenance of this retention area. The applicant is the new subdivision. Austin Corry indicated that it matches something that was already approved and as far as any kind of code changes or anything that would have differed between that year plus ago and now I am not aware of anything that have changed the circumstances when it was previously approved.

Austin Corry went through the proposed findings:

1. The affected plat is Christensen Farm Phase 1.
2. The request is to add 0.134 acres into a 4.19 acre storm water retention area in the existing plat.
3. The proposed landscaping is to seed the area with pasture grass and use the retention area as a pasture. Trees will be planted in the park strip per WCC.
4. The proposal includes a request to change the maintenance responsibility of the retention area from the HOA of the Christensen Farm Phase 1 subdivision to instead be maintained by the HOA of an adjacent subdivision.
5. The existing plat is currently at the maximum permissible density of 1.3 acres/unit for the zone.
6. No public or private roads are being vacated as part of this plat amendment.
7. The Development Review Committee has reviewed the project and forwarded the item on for a determination by the Planning Commission and County Council.
8. Utah Code and Wasatch County Code require a finding of good cause in order for any plat to be amended or vacated if good cause is not able to be found, the request should be denied.
9. Good Cause is defined as providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.
10. Good cause for the amendment exists by accommodating the current design of the Christensen Farm Phase 2 subdivision as proposed, which would create a nuisance strip if the parcel were not

combined with the existing retention area, thus precluding the ability of approving the proposed subdivision.

11. Good Cause for the amendment exists by adding the required open space easement missed in the previous recording thus resolving an issue of non-conformity.

12. Based on the current zoning designation and its associated regulations, both the existing affected subdivision and the proposed subdivision would be at the maximum permissible density.

13. The proposal is consistent with Utah Code Section 17-27a-609.

Austin Corry then went through the proposed conditions.

1. The plat amendment approval shall expire if the amended plat is not recorded within one year from the date of receipt of plat amendment approval.

2. The plat notes should be updated to also include an open space easement in favor of Wasatch County per Wasatch County Code Section 16.08.04(D).

**Applicant:**

Chair Spencer Park asked if the applicant was present and the applicant was not present.

**Public Comment:**

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

**Motion:**

**Councilman Steve Farrell made a motion that we approve the plat amendment for Christensen Farms L.L.C. requesting a plat amendment to Christensen Farms Phase 1 Subdivision to add .0134 acres of adjacent property to a retention area to include the original findings and conditions recommended by the Planning Commission and Staff. 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 via Zoom**

**AYE: Karl McMillan**

**NAY: None.**

**Councilman Kendall Crittenden made a motion that we convene the Municipal Building Authority of Wasatch County. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

**AYE: Chair Spencer Park**

**AYE: Mark Nelson**

**AYE: Erik Rowland**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Karl McMillan**

**NAY: None.**

The record should show that Councilman Luke Searle was no longer on the record via Zoom. The record should show that the Council is now in the Municipal Building Authority. Also Chair Spencer Park will be the acting chair of the Building Authority and until that issue is researched more adequately.

**MUNICIPAL BUILDING AUTHORITY  
PUBLIC HEARING  
JANUARY 17, 2024**

**PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE AND SALE OF NOT MORE THAN \$24,000,000 AGGREGATE PRINCIPAL AMOUNT OF LEASE REVENUE BONDS, SERIES 2024 AND ANY POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENTS, FACILITY OR PROPERTY FINANCED IN WHOLE OR IN PART WITH THE PROCEEDS OF THE BONDS MAY HAVE ON THE PRIVATE SECTOR.**

Dustin Grabau, the Wasatch County Manager, addressed the Municipal Building Authority and indicated that this is a public hearing to receive input from the public with respect to the issuance and sale of not more than \$24,000,000 aggregate principal amount of Lease Revenue Bonds, Series 2024 and any potential economic impact that the improvements, facility or property financed in whole or in part with the proceeds of the bonds may have on the private sector.

As the Municipal Building Authority, Wasatch County is considering the issue of debt for the construction and expansion of the Wasatch County Courthouse. The expansion includes the addition of two courtrooms and associated support spaces, offices for the Wasatch County Attorneys, and other site improvements. It is anticipated that the state court system will provide Wasatch County an agreement for a sub-lease of a portion of the facility at roughly half of the final costs. We are required to hold this public hearing to get input on this very subject.

Mark Andersen, from Zions Bank, indicated that there is no action required by the board.

Councilman Mark Nelson asked is there any economic impact to the public on this. Dustin Grabau replied that maybe directly on that we would employ people on actual construction but other than that none. Mark Andersen replied that the sensitivity is that this project is something that the government would potentially be competing with private entities like a rec center or something like that. This is a court facility being something that the private sector could compete with the public on.

Councilman Mark Nelson asked what fund pays back the bonds. Dustin Grabau replied that is part of what we would need to identify. My understanding is we will have an interest only payment this year and that we will have our first principal payment from the issuance. Part of the 2025 budgeting process will identify a specific revenue source and currently we haven't identified a revenue source. There are a couple of different options that we could look at and one of them is if we chose to cash finance the County's portion of the project and then borrow a lower amount that is the state's portion of it and then the County wouldn't carry any additional liability outside of what the state's portion is and that would change the bond issuance process and if you wanted to go that route we would need to know before we go down the road of issuing the debt. Also something else to consider is that I am leaning towards starting the process of a public issuance of these debts. That would be a more rigorous process where we would have to get our credit rating appraised by credited firms and it is a little bit longer process but Mark Andersen shared that it is about a .9 % interest rate better if we do it that way. The disadvantage there is that we are in a relatively high interest rate time period and the public issuance is going to have us lock us in at that rate for a longer period of time and if we went with like a direct purchase we would have a potentially higher rate and would have a higher interest rate but we would be able to build into that higher interest rate callable options that a shorter time frame would be able to refinance this debt if rates were to come down in the next three years or so. I am going to get some information from Mark Andersen and Zions on what the anticipation is and maybe some assumptions about interest rates will do over the next few years and that will help inform which route that we go. It is easier to start down the public issuance debt issuance process and then abandon it and just do it the other way.

Mark Andersen replied that in the lease revenue bonds the County doesn't have to state the source of how they will repay that but they pledge to make all available resources of the County available to make the bond payments. One thing about lease revenue bonds it doesn't impact your ability to borrow with a sales tax pledge or some other revenue stream that you have like a franchise tax when you have the energy taxes come on line from MIDA, etc. which would be other sources. The County doesn't have to identify in the bonding process but obvious you need to be comfortable that you have the resources available to make the payments.

Dustin Grabau replied that the anticipation is that the County's portion of the repayment will be about \$850,000. If the full \$24,000,000 is issued. Councilman Steve Farrell indicated that this is for the Court Building and the primary source of revenue there would be the lease payment from the State of Utah. Dustin Grabau replied that the State would cover half of it and cover \$850,000 and the County would also contribute the \$850,000. We would have an expanded Justice Court

that would occupy a larger portion of the building and the attorney's office with the planned future growth to that facility there. Also we have already done the bonding parameters on this. In December you adopted the primary resolution that set that \$24,000,000 as the maximum and we can still issue less than that.

Councilman Mark Nelson asked is it likely that repayment of this would require a tax increase to the citizens of Wasatch County? Dustin Grabau replied that he doesn't expect that to be the case, no the County has significant enough revenue sources to identify existing revenue streams and potential revenue streams that we don't expect to raise property taxes to finance this debt.

Councilman Steve Farrell replied that if we did this with the property tax and we would have to do a general obligation bond and have a vote. Dustin Grabau replied that we are not ear mark a specific thing oh yes we are doing this for that and that is part of the challenges of having such a large general fund is that we have lots of ins and lots of outs and really this is just one of the outs and this is not exactly the case. Mark Andersen replied that we can talk about the interest either before or after the public hearing.

Councilman Mark Nelson asked when in the process would the decision be made about how we repay that and make that payment. Dustin Grabau replied that we can identify at your discretion prior to issuance the debt or as part of the 2025 budgeting process. I have a meeting tomorrow that we are looking at some value engineering to try and bring some of the costs down of the project. Also I did receive word from the State of Utah that they have preliminary approval to cover their half of the project and the state is more confident now that they will be able to cover that. So prior issuance of this debt is to have a formal agreement in place with the state of what that lease is and that will be one of our next to dos and in parallel we can continue down the path of pursuing entitlement to Heber City and finalizing design of the facility itself. It is within Heber City boundaries so we are going through Heber City's approval process and I believe it is a conditional use permit that we will be seeking. There are some design features that we are negotiating with Heber City that we feel like shouldn't apply to a public institution like this and not building a small building on Main Street. We are building a large courthouse.

**Public Comment:**

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

Dustin Grabau replied that I will work with Randy Larsen, the Attorney, to try to try and identify a resource for our 2025 budget and proceed with the agreement with the State of Utah.

**Motion:**

**Councilman Steve Farrell made a motion to come out of the Municipal Building Authority and go back into the regular Wasatch County Agenda. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**Councilman Kendall Crittenden made a motion to go into Closed Session to discuss Personnel. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
CLOSED SESSION  
JANUARY 17, 2024**

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

ALSO PRESENT: Dustin Grabau, County Manager  
Scott Sweat, the Wasatch County Attorney.

Chair Spencer Park indicated that the record should show that the Wasatch County Council is now in Closed Session to discuss personnel. All the Council is present except Councilman Luke Searle who is no longer present via Zoom. The record should also show that the Wasatch County Council is meeting in closed session at the Wasatch County Administrative Building in the Council Chambers located at 25 North Main, Heber City, Utah 84032.

The record should show that no minutes were taken of this Closed Session because it pertained to a personnel matter.

**Councilman Mark Nelson made a motion to leave the Closed Session and go back into our regular agenda. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

Chair Spencer Park indicated that the record should show that we are back in regular session and we need a motion to adjourn.

#### **ADJOURNMENT**

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

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

**NAY: None.**

Meeting adjourned at 8:00 p.m.

  
SPENCER PARK/CHAIRMAN

  
JOEY D. GRANGER/CLERK AUDITOR

