

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JANUARY 5, 2022**

The Wasatch County Council met in regular session live and by Zoom at 3:00 p.m. and the following business was transacted.

PRESENT: Chair Mark Nelson
Spencer Park via Zoom
Jeff Wade via Zoom
Marilyn Crittenden
Danny Goode via Zoom
Kendall Crittenden
Steve Farrell

STAFF: Dustin Grabau, the Wasatch County Manager
Natalie Foster, the Wasatch County Manager's Secretary
Wendy McKnight, from the Clerk's Office
Scott Sweat, the Wasatch County Attorney
Jon Woodard, the Assistant Wasatch County Attorney
Jonelle Fitzgerald, the Wasatch County Health Director
Rick Tatton, Court Reporter via Zoom
Mike Davis, the MIDA Coordinator
Don Wood, the Wasatch County IT Director

PRAYER: Councilman Kendall Crittenden

PLEDGE OF ALLEGIANCE: Led by Councilwoman Marilyn Crittenden and repeated everyone.

Chair Mark Nelson called the meeting to order at 3:00 p.m. and indicated that all the Wasatch Council are present with Councilman Danny Goode, Councilman Spencer Park and Councilman Jeff Wade being present via Zoom. The record should further reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032 and then called the first agenda item.

THE OPEN AND PUBLIC MEETING AFFIDAVIT

The Open and Public meeting affidavit was made a part of the record.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Mark Nelson then asked if there were any legislative issues for future meetings and there was none.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Mark Nelson then asked if there were any administrative issues for future meetings and there was none.

PUBLIC COMMENT ON ISSUES NOT ON THE AGENDA

Chair Mark Nelson then asked if there is any public comment on issues not on the agenda and there was none.

APPROVAL OF THE MINUTES FOR DECEMBER 14 AND DECEMBER 15, 2021.

Councilman Steve Farrell made a motion to approve the minutes of December 14, 2021 and December 15, 2021 as written. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

WASATCH COUNTY HEALTH DEPARTMENT UPDATE

Jonelle Fitzgerald, the Wasatch County Health Director, addressed the Wasatch County Council and indicated that in Wasatch County we have had a surge in COVID cases. We have had a lot more cases in the last few days than our highest case count last winter. This is concerning and something definitely to pay attention to. Also it is hard to tell what variant the COVID case is. Also in the United States 95 percent of the new cases are the Omicron variant. Also we are seeing

more vaccinated people getting corona virus and seeing more people re-affected as well. The hospitalization rate from Wasatch County remains below five percent. Also Wasatch County hasn't seen a death since the omicron variant has been around. Wasatch County's highest rate for a day last winter was seventy something and we have seen an 80, 83 and 85 day. Vaccines are still making a difference and we are still continuing to vaccinate people and seeing less hospitalizations in Wasatch County which is a good thing. What does Wasatch County do with regard to this surge and it is for everyone to continue doing what has been done before which is to continue to offer vaccine. The quarantine and isolation time is with the high numbers of people out of the work force it is only necessary to isolate for five days rather than ten days and that is to get people back to work. Just remember if you are sick to stay home and get vaccinated and wash your hands and wear a mask if you are in groups of public settings. Also natural immunity still exists but it is just that the omicron is so contagious and it is breaking through that natural immunity as well as vaccine status but you are still going to have some protection. Also Wasatch County has talked about extending testing because we do want people to get tested. We are in a different place than we were last winter because there is treatment available because hospitals are handling this better. Also there are home tests available at the Health Department but that is only with high risk. They are accurate if they are done correctly. Also there are anti-virals to treat the variant once you have got it but also a prevention pill that can be taken but I don't know much about that yet. But the anti-virals medications has been successful.

DISCUSSION/CONSIDERATION OF WASATCH COUNTY REDISTRICTING

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we have to use the current population numbers. That being said what we have tried to do is come up with options that put the acceptable variance in the areas where we expect growth. There are some options that will handle that better than others. Also it is the same boundary as the school district and have talked to the Wasatch County Superintendent Paul Sweat and he is aware that we are discussing this issue today. Some of the options that we have had will require us to adopt code that handles circumstances where a council member would no longer be located in their own district and right now there is no remedy in our code for it but probably would need to go through a process to adopt it. The preferred alternative and recommended option that we are proposing I think that won't be an issue but some of the other options it would be. Also in the school district there is state code outlines how that happens so if it does affect a school board member.

Don Wood, the Wasatch County IT Director, went through a power point presentation and then addressed the Wasatch County Council and indicated that the Wasatch County Council has to adopt these boundaries by the end of January and that not only includes the redistricting of the council seats and the school board seats but also the re-precincting that goes along with those districts. Don Wood then proceeded to go through the various proposals. Don Wood indicated that the first proposal is the preferred proposal which is seat G takes in Independence, takes in a little bit of the county over here as well as the south fields and takes in Walmart and development

associated with the Walmart area there. Takes in all of Daniels, all of Charleston and all of Round Valley and Wallsburg are in seat G. Over on the Midway side is what is seat E and E looks pretty much the same from here minus Charleston and the one difference is the North Fields have been added to seat E whereas the North Fields in the previous one were not. With this preferred proposal it keeps everything as much as we can we what we have today. Precinct level changes are also recommended to align with the proposed boundaries. Dustin Grabau indicated that if the Council feels like they need more time to consider this we have till the end of this month to adopt a map but the Council could adopt it today. We have to decide the districts before we can set up precincts this doesn't need to go to a public hearing. Don Wood also indicated that the County has to precinct based upon whatever the Council selects so we have to have a pretty good idea in what the Council would like. Councilman Kendall Crittenden indicated that he would be ready today to vote on the districts and then that would give you two weeks to do the precincts. Councilman Steve Farrell indicated that he would be in favor of that too.

Jennifer Lee, Chair of the Wasatch County Democratic Party, addressed the Wasatch County Council and indicated that there are a lot of people that care about this process and would like to comment and surprised that no public hearing is required. We need a little bit of time to process these different proposals and to have some public input on this process. Also who was on the committee in putting these proposals together? Dustin Grabau replied that it was myself, three members of IT Don Wood, director, the Clerk/Auditor Joey D. Granger, and also the Deputy Clerk. Jennifer Lee indicated that this matter is important to us because it is how we recruit for potential candidates and to look how people are represented. Also just ask you to get as much community input as you can.

Councilman Danny Goode indicated that he needs a little bit more time to consider what has been presented today and have some proposals come back. Dustin Grabau indicated that he could set up meetings with the various Council Members to look at the various proposals more. We could then look at it next Wednesday which is our work meeting and the Council could make the work meeting a regular meeting. Chair Mark Nelson indicated that it would be better to error on the side of pressing the schedule a little bit but give the public and Council more time to ask questions. Councilman Jeff Wade indicated that he is in favor of the recommended proposal but won't be able to be here for the next meeting and won't be able to be on Zoom either.

Councilman Spencer Park indicated that the recommended proposal makes more sense to me but would make a motion that we go ahead and continue this item until next week and make next week's meeting a regular meeting to ask for more public input from the public and more input from the school district if they have any. Councilman Danny Goode seconded that motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Spencer Park via Zoom
AYE: Danny Goode via Zoom
AYE: Jeff Wade via Zoom**

AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Marilyn Crittenden

NAY: None.

Dustin Grabau indicated that we can't have a public hearing next week but could still take public comment.

RESOLUTION 20-01 RE-AFFIRMING HEBER CITY EXPANSION AREA MOU.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that there have been a lot of changes in that Heber City Council and the Mayor change and had a lot of annexations that have happened and are happening. There are things in the MOU that the Council feels are very important and wanted to make sure as we see all these changes going on that the intent behind the MOU continues to be met. This Resolution highlights some of those things that we think are most important in the MOU and says that the Wasatch County Council re-affirms its commitment to the MOU and attaches that. Also if there is an annexation that covers this MOU expansion area maybe it would be good for the two Councils get together to make sure that the intent of the MOU is being met by the annexation. Also Jon Woodard highlighted some sections of the MOU such that the water board be involved before granting development approvals, include a vested density, one would be joint consideration of school sites, inter local meetings between Wasatch and Heber and that one is currently not part of the MOU but how do we make sure that this MOU is being followed and possibly a joint meeting would help with that. Chair Mark Nelson indicated that basically this is sort of a reminder or caution to Heber City that we want Heber City to stick by this in the future because there will be lots of pressure to not stick to it. Councilman Kendall Crittenden indicated that the new Heber City Mayor has indicated that she is in favor of the two Council's working together as to keep in line with what has been agreed to in the MOU.

Councilman Kendall Crittenden made a motion to approve Resolution 20-01. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

RESOLUTION NO. 22-02 APPOINTMENT DUSTIN GRABAU AS WASATCH COUNTY MANAGER.

Chair Mark Nelson indicated that this matter has been talked about for some time. Dustin Grabau has been acting as the Interim Wasatch County Manager for some time. We have in the past month created an employment agreement which has been signed by Dustin Grabau and myself and has been discussed with the County Council and this is a resolution to formally appoint Dustin Grabau as the Wasatch County Manager.

Councilman Kendall Crittenden made a motion that we pass Resolution No. 22-02 appointing Dustin Grabau as the Wasatch County Manager. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that he hasn't anything to report because things were pretty quiet through the holiday period but will be starting up this week meeting Friday. Next Monday is the MIDA Board Meeting. The legislature session is coming up and will keep you abreast of what is taking place there. UAC asked the Council members to sign up on their tracking software that helps track bills. Mike Davis indicated that he will use that as well. Also the Wasatch County Council's lobbyist will keep us and Dustin Grabau up-to-date.

Councilman Danny Goode asked Mike Davis if he has looked at the impact and the cost that we are incurring as a result of MIDA across our departments. Mike Davis replied that Dustin Grabau and I talked about that and have talked to the MIDA personnel a little bit about that but they wanted to get back to us. We haven't come up with solid information that it has impacted this person and

that person, etc., that much money but have had general discussions that Wasatch County is incurring costs outside of what we normally considered and how are we going to address that. MIDA was very willing to discuss it but it is still on the agenda but no resolution has come about. We also have asked the department heads to consider what these impacts are and get back to us and haven't received that back yet either.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that he has a couple of things that have been worked on over the years and we should put a pencil to it and what we are going to start doing with regard to Affordable Housing. The affordable housing has been discussed for a long period of time. I understand Heber City adopted a new affordable housing plan and put that in place. Councilman Kendall Crittenden replied that the entity that is doing the study has asked from some affordable housing board members for input. Dustin Grabau and they had the first joint meeting of all of that scheduled for January 31, 2022 to start looking at that. Councilman Steve Farrell indicated that has been studied enough and something needs to come out of it now. Also with regard to the MOU but we have got to get a better working relationship with Heber City to have an idea of what is going on and make sure that we are all going in the same direction. Dustin Grabau, the Wasatch County Manager, indicated that most of the issues with Heber City come down to miscommunication and misunderstandings and the more dialog we have at a higher level the better. Councilman Steve Farrell indicated that he thought at the regional planning meeting we both could sit down and discuss some of these annexations and come share some information.

Councilman Steve Farrell indicated that we need to expand is to get more interest in the open space planning. We have got nearly \$8 million that has to be spent in the next five years. We need to set up a meeting or an activity with the Farm Bureau. The Wasatch County Council needs to go over to Grant Kohler's in Midway and look at his new dairy setup and then bring in the Farm Bureau to ask questions or bring up concerns that they have that would help agriculture here in Wasatch County. We need to get a date for this and work in that direction. Dustin Grabau indicated that he will work toward setting that up.

Councilman Kendall Crittenden indicated that tomorrow and Friday we are holding a retreat to talk about issues for Heber City and so forth. Through Dustin Grabau they have invited me to talk about infrastructure and transit and wanted to know what Wasatch County is looking for by the way of transit. I would like some direction and input information from the County Council that would give me some direction what to bring to those meetings.

Councilman Kendall Crittenden indicated that he has been asked to attend and speak to the Rotary Club next Wednesday to talk about County things that are going on and so forth and would like to get some information from the Council Members on what to bring up in that meeting.

Councilman Kendall Crittenden indicated that over the holidays we have had several meetings on

the opioid settlement and passed a resolution.

Councilman Kendall Crittenden indicated that all of you have received a letter from a decision on a geographic name for the peak and they have denied the Sky Ridge petition to name that peak Sky Ridge Peak. Summit County in their letter suggested that it was known locally as Quinn's Peak or Mountain and they had more information than we did so we couldn't come up a specific name that has ever been given and they suggested that Summit County could initiate a proposal to make that name for federal use and that perhaps Wasatch County could give a recommendation to Park City. Either Dustin Grabau or myself contact the Summit County Manager with idea if they want to make that proposal and that could be submitted to the County Council that we would support them in that name.

Councilman Kendall Crittenden indicated that we received a letter from Midway City on the inter local meeting schedules for the year. The next one is January 26, 2022 at 6:30 over at the Community Center in Midway. We need to put together any agenda items to them by January 12, 2022 at noon but we need to get those items together so we can present Midway with those agenda items.

Councilman Kendall Crittenden indicated that with regard to the Issue Conference that the Health and Mental Department puts on every year will be a live conference again this year and that is scheduled for March 2, 2022 at 6:00 p.m. and they usually start with an opening session and after that they will break up in two different break out periods where people can go to different classes. The speaker for this session this year is Elizabeth Smart.

Chair Mark Nelson indicated that we received an e-mail from Laurie Wynn from the Wasatch County Wave who invited us or reminded us that they would like us to provide some type of update every other week. Possibly each County Council Member could respond on what is happening in their particular board assignments. Dustin Grabau could also respond on what is taking place in his duties. Possibly a schedule could be put together and then rotate it through the Council and Dustin Grabau that way. Chair Mark Nelson indicated that possibly at the beginning of every month the Council could look at certain board reports to be given. Also Chair Nelson indicated that he would be very happy to take the first one. Councilman Danny Goode indicated that one a month would be enough. We should always remind the public that the various meeting are open to the public either in person or online that there is always this transparency capability available.

Chair Mark Nelson indicated that we need to start on steps in hiring an Assistant Wasatch County Manager. Dustin Grabau, the Wasatch County Manager, indicated that he has contacted Dave Rowley, the Personnel Director for Wasatch County, to start the process necessary to the hiring of an Assistant Wasatch County Manager.

Councilman Danny Goode asked Dustin Grabau to give a presentation on where we are with all impact fees even the fire district so that we know where we are and just kind of determine a schedule and how long ago has it been that our last impact fee study was done across the board.

Dustin Grabau indicated that we had a study from Lewis and Young. This week we are getting the final copy of the report with our intent to publish the public hearing next month for adopting new impact fees. This study covers all three of our public safety, roads, and parks and recreation that this new study discusses. What the Council will see next month is a draft resolution that has the maximum fee allowable and it will be at your discretion on what you adopt up to that maximum.

Pam Patrick, local resident, addressed the Wasatch County Council and indicated that it is really easy to keep abreast of what is going on with regard to the various agendas such as video, etc. that takes place with each meeting.

MANAGER'S REPORT

DISCUSSION ON TRANSIT RESEARCH RFP

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that they met with Summit County on transit and they have suggested that we seek a firm to provide us with public polling on interest on transit in Wasatch County. They have provided us with a copy of their RFP but much of the benefit of this project will be determined by the County's willingness to pursue additional reps in the process, potentially including implementing transit taxes. How the County feel about doing that polling and what does is your desire in acting upon that polling. Also hesitant in spending a lot of money for that to be done if the County doesn't see the usefulness of it.

Councilman Kendall Crittenden indicated that he thought this public polling would be great but at what cost and don't think that we have the money that Summit County spent on such public input.

Dustin Grabau indicated that we could tailor the proposals to our needs but that still would be the order of tens of thousands of dollars to do this type of study. Dustin Grabau also indicated that we could have our own town hall meeting where we would invite people to discuss transit and then have some presentations from High Valley Transit and consultants aren't necessary to organize something like that.

Dustin Grabau also indicated that the question is when and if we implement those transit sales taxes and what would it take for you to be comfortable to implement whether that is the election process or by Council resolution. Is this type of process that we have described sufficient for you to proceed with those adoptions?

Chair Mark Nelson indicated that in his mind does this include the RAP Tax and what we decided to do with that, are we going to try and put that back on the ballot and try to get that passed again. Also the building of a new high school will be put back on the ballot which if passed would mean

another tax increase. Those type of things are related to this matter. I would be unwilling right now to implement one of the quarterly percent taxes.

Councilman Steve Farrell indicated that we need to look at the various options that would work on this issue. Dustin Grabau indicated that right now we are looking at an in house process for public outreach and public information gathering rather than going out for a consultant to do that and if the Council is okay with that we will proceed down that path.

Councilman Danny Goode indicated that we could put such a notice in the Wave regarding this issue and then combine with Heber City's online polling and then go to Wasatch County's website and do the poll.

Dallin Koecher, the Wasatch County Tourism Director, addressed the Wasatch County Council and indicated that in July 2022 we could start applying for Rural County Grants and this would be an excellent opportunity for a Rural County Grant to help us fund this transit issue. Dustin Grabau also indicated if Wasatch County was to integrate with Summit County we would become of a size that we might qualify for additional infrastructure funding that is coming through the Federal Government and this might be a neat opportunity for us to capture some of those benefits to get the infrastructure. Councilman Kendall Crittenden indicated that it makes sense to join with Summit County. Dustin Grabau indicated that we need funds to become a part of that. We will start looking at online polling to generate some public input on that. If you have suggestions of things that you would like to see on a poll on a website in the near future feel free to send them to me or to Don Wood and we will see what we can do to get those set up.

RFP'S FOR SERVICES TO EXPIRE

Dustin Grabau, addressed the Wasatch County Council and indicated that we have our lobbyist at the State Legislature and her contract has expired and we need to do another RFP for it or at least source it for competitive bids and that will be open for the next two weeks. Also the financial advisor contract has also expired which was Lewis and Young and they have expressed a desire to renew the contract and it is also the size that I feel that we need to go out for a competitive process for that and an RFP will be out three weeks on that. Future RFP's we will need to do is the wage study and the building needs assessment fund other than that that is all I have for the Manager's Report.

Chair Mark Nelson indicated that there is a need for a closed session this evening to discuss personnel, property acquisition and pending litigation.

Councilman Kendall Crittenden made a motion to leave our regular session and go into

Closed Session to discuss Personnel, Pending Litigation and Property Acquisition. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilwoman Marilyn Crittenden made a motion to leave our Closed Sessions and go back into regular session. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

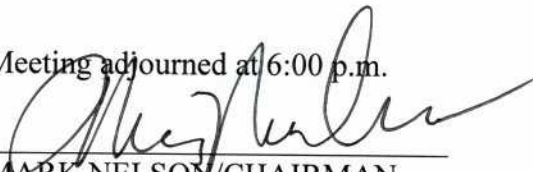
ADJOURNMENT

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

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

NAY: None.

Meeting adjourned at 6:00 p.m.


MARK NELSON/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

