

**MINUTES OF THE
WASATCH COUNTY COUNCIL
MAY 18, 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
Steve Farrell
Jeff Wade
Marilyn Crittenden
Danny Goode
Kendall Crittenden
Spencer Park

STAFF: Dustin Grabau, the Wasatch County Planner
John Heber Lefgren, the Assistant Wasatch County Planner
Natalie Foster, the Wasatch County Manager's Secretary
Wendy McKnight, from the Clerk's Office
Scott Sweat, the Wasatch County Attorney
Doug Smith, the Wasatch County Planner via Zoom
Austin Corry, the Wasatch County Planner via Zoom
Rick Tatton, Court Reporter via Zoom
Mike Davis, the MIDA Coordinator

PRAYER: Councilman Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilman Danny Goode and repeated by everyone.

Chair Mark Nelson called the meeting to order at 3:00 p.m. on Wednesday May 18, 2022 and indicated that all the Wasatch County Council is present. The record should also reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032. Chair Mark Nelson 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 asked if there were any legislative issues for future meetings and there was none.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Mark Nelson asked if there are any public comment on matters not on the agenda and there was none.

Councilman Danny Goode made a motion to leave our regular agenda and go into the Solid Waste Special Service District. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Jeff Wade

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

AYE: Spencer Park

NAY: None.

SOLID WASTE SPECIAL SERVICE DISTRICT

CONSIDERATION OF A RESOLUTION ADOPTING FEES OF THE SOLID WASTE SPECIAL SERVICE DISTRICT.

Board Chair Kendall Crittenden indicated that a study was done by Lewis and Young to perform a rate study on the Solid Waste's fees to examine cost of service and fiscal sustainability in order to maintain operations and complete necessary improvements. A rate increase is recommended across all Solid Waste fees. The ordinance would also clarify that Solid Waste's existing fee will be recorded in County Code. The old code doesn't reflect the current fees that were adopted by resolution of the Special Service District but the new code will. Because this section of fees had

been included in Public Work's fees, Wasatch County also desires to revise several of the Public Works fees to reflect the increased cost of service as will be presented.

Dustin Grabau, the Wasatch County Manager, indicated that there is Fred Philpot from Lewis and Young which are the ones that did the analysis for us and there are some complexities to this study and what we have presented to the Council today are across the board rate increase. Also to adopt these rate increase we will need to have a public hearing and today is just introducing the fee study to you and recommendation for those fees and answer any questions that you might have.

Fred Philpot, from Lewis and Young, addressed the Wasatch County Council and presented a power point presentation and then indicated that there are three scenarios including a base line which is a fourth scenario which is a do nothing approach. With regard to some of the assumptions we have in the model. We assume growth in revenues as well as expense and growth in demands as to what is flowing through. We are looking at having sufficient revenues at the end of each fiscal year or that we are working towards a cash reserve policy which preliminary have said that was 180 days of cash on hand in the bank that you carry over as unrestricted funds which would allow you to effectively operate for 180 days in the event that you had no additional revenues. We are looking at a new service building in 2024 and a transfer station upgrade in 2024 which is \$700,000 in capital cost. There is also a drain field upgrade that needs to happen in 2025 which is about \$500,000. There is a debt service that needs to be repaid starting in fiscal year 2023 through 2027 in the amount of \$600,000 per year. The fund as a result of this is causing some stress in the fund which is necessitating some sort of action.

We are looking at four scenarios where we have evaluated potential options for that.

1. No fee increase and what happens to that.
2. Annual increase and equalized annual increase which needs to be set at 4 percent per year.
3. Have a uniform annual increase with the same percentage increase every year for the next five years. Then a larger up front increase with inflationary increases thereafter.
4. One that looks at strategic increase across customer class system match the demand from those customer classes.

Where we have maybe higher impact in each category we have tried to create a scenario where the revenue generated from each customer class matches the demand on the system. We are looking at all of the different rates within your customer classes and strategically raising rates to try to reflect an assumption to demand.

We need to look at different customer types within the system and make some assumptions with regards to the amount of solid waste that is produced within each one of those customers on a per unit basis. All customers should contribute to at least the paying for supporting the need within the enterprise fund so proposed a rate increase up front for all customers but for those dumpster customers there was a larger increase proposed to start mitigating that difference in demand versus revenue.

Residential users would also experience inflationary increases in subsequent years but the impact to those dumpsters would be larger so a larger percentage increase in those subsequent years for those customer classes. Commercial and bigger are called dumpsters.

Dustin Grabau indicated that the intent of this is a cost of service approach where the areas that are generating the costs and paying for this and under this type of analysis it is those commercial yard dumpsters that need to be increased and also the residential needs to keep up with the rates because of the cost of service.

Fred Philpot indicated if the Council wanted to go this way is maybe explore additional ways to evaluate the demand generated by customer class to ensure that those assumptions that we have made are either accurate or tweaks need to be made and we can do that.

Board Member Steve Farrell indicated we could do a combination of them and do an up-front increase for the residential and non-primary residential and then raise the commercial fees based on scenario four. Fred Philpot indicated that his recommendation if you were to adopt something like this, is to re-evaluate and say okay what is our revenue generation and then we re-evaluate these percentages to determine if we are on track or if some further modification would be needed and give you some time to consider if there were ways to evaluate the actual tonnage by customer class and use that data to further refine this analysis moving forward.

Board Member Steve Farrell asked if we were to raise the residential fifteen percent now. Fred Philpot indicated that the cost would go to \$55 a quarter. Board Member Steve Farrell replied then that we wouldn't have to have the small increases quite as soon. Fred Philpot replied that is correct.

Board Member Steve Farrell indicated that he doesn't see any difference between a residential user and a residential non-primary user because the non-primary users are on the valley floor mainly. Fred Philpot indicated that if it was fifteen percent then it would potentially eliminate the need for all of these future increases because you would capture all of that up front.

Board Member Marilyn Crittenden indicated that in the growth you didn't only take into account the growth of the demands upon the services but also the growth of population spreads the cost of that out right. Fred Philpot replied that is correct.

Board Member Steve Farrell asked how did your account for our dumping fees out in the Blue Bench Landfill because we are looking at a major increase out there and did your account for that. Fred Philpot replied yes we have that programed in this and if necessary we could re-evaluate that.

Board Member Mark Nelson asked which of the options is the least impactful to residential single can users. Fred Philpot replied that if we did the fifteen percent up-front by 2027 the rate goes up to about \$55 for a residential one can customer and the ten percent that we have talked about scenario four with one point five increase it is about a dollar more so it gets up to \$56 that is the benefit of an up-front rate increase. The lease impact is doing that up-front increase maximizing that up-front increase which allows the enterprise fund to benefit from that each year. In answer to

your question is really scenario four if we were to stick it up in an all front rate increase at fifteen percent.

Board Member Mark Nelson asked what if we decided not to do the fund balance and decided to skip that part. Dustin Grabau replied that what that does is just decreases the amount of funds that you need and some of these improvements could be pushed out which would just lower the amount of this rate increase.

Kelly Christensen, the Solid Waste Director, indicated that the old transfer station the scales have got to be improved. Also the building is a working building and we could defer those costs when it comes to the new building. If the new building is done then we do the drain field.

Board Member Steve Farrell indicated that we can defer a lot of these things except the debt payment. Also we can still justify that fifteen percent increase without these capital improvements can we not. Fred Philpot replied that you eliminate the capital improvements altogether you are going to build up the fund balance a little bit sooner so you would exceed your dollar amount but essentially you are just delaying this and the justification is there because those capital improvements would come on line down the road potentially.

Board Chair Kendall Crittenden indicated that we need to work towards future capital projects and take a serious look at those. Board Member Steve Farrell indicated that he would rather see the reduce the capital improvements because a lot of these are just a wish list.

Dustin Grabau indicated that this Special Service District is funded with no property taxes and is entirely fee based. The revenues that we are talking about today are the sole source of revenues for that district. The Solid Waste has had a negative fund balance for basically the entirety of the existence of this Special Service District as it was taken over from the County Public Works. Board Member Mark Nelson indicated that this Special Service District pays its own way with fees.

Board Chair Kendall Crittenden asked do you want Fred Philpot to do another analysis. Also Scenario 3 puts a ten percent across everything and gradually increases over the four years which would build some fund balance. Fred Philpot if we did three percent every year through year 2027 then you would be about 230 days on cash reserve which would be beneficial for some unknowns.

Dustin Grabau asked would the board prefer to have infrequent large increases or more frequent small ones. Board Member Marilyn Crittenden asked Fred if he has looked at other solid waste facilities to see what their costs are. Fred Philpot replied that he hasn't pulled comps but that is something we can look at. Kelly Christensen indicated that we are ten to twenty percent under what most garbage bills are.

Board Chair Kendall Crittenden indicated that he likes scenario three or scenario four. Board Member Danny Goode indicated he likes that ten percent and then can say that we will do the one point five and fine with going with scenario three as presented. Also to move forward with this as

soon as possible is better for the board and next year we could evaluate the percentage. Board Member Spencer Park indicated that what if we made a motion that we go for the June 1, 2022 meeting to have the public hearing and if not June 7, 2022.

Kimo Paulsen, local resident, addressed the Governing Board of the Solid Waste Special Service District and asked by starting this year is a pretty drastic drop and is your graph reflective of that? Fred Philpot replied that he should take this line out of the graph. Kimo Paulsen wondered if his number was front loaded and if we pay cash for those capital expenditures or is it spread out over a period of time and whether the expenditures should be amortized into this assumption. Fred Philpot replied that you are talking about amortizing the capital cost? Kimo Paulsen, replied yes. Kimo Paulsen then thanked the Solid Waste Special Service District for a job well done because his garbage is picked up regularly on the day that it is scheduled and the people at the transfer station are very friendly and helpful. Also talked about the free dumps that are in June and instead of being the one load in June or one load per quarter. Board Chair Kendall Crittenden indicated that we have talked about this scenario as a Board and would be better discussed in the Solid Waste Special Service District Meeting in June. Board Member Steve Farrell indicated the ten percent is fine to start with but still pondering if we would be better off going with a onetime increase and not adjust it every year.

Board Chair Kendall Crittenden indicated that the Council likes scenario 3 and as a result the Resolution would need to be redone to reflect scenario 3.

Board Member Spencer Park made a motion that we go ahead and set our second reading and the public hearing for June 1 for the public hearing if we cannot make that we will set it for June 8 we cannot legally accept the noticing guidelines and direct the staff to prepare the Resolution with Scenario 3. Board Member Danny Goode seconded the motion and the motion carries with the following vote.

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

NAY: None.

Board Member Marilyn Crittenden made a motion to leave our Governing Board of the Solid Waste Special Service District and go back into our regular session. Board Member Danny Goode seconded the motion and the motion carries with the following vote:

**AYE: Board Chair Kendall Crittenden
AYE: Board Member Jeff Wade
AYE: Board Member Marilyn Crittenden
AYE: Board Member Mark Nelson
AYE: Board Member Spencer Park
AYE: Board Member Danny Goode**

NAY: None.

Councilman Steve Farrell made a motion to leave our regular session and go into the Governing Board of the SSA #1. Board Member Danny Goode seconded the motion and he motion carries with the following vote:

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

NAY: None.

SSA#1 SPECIAL SERVICE DISTRICT

APPROVAL OF THE WARRANTS

Board Chair Steve Farrell indicated the Governing Board needs to approve the warrants in the amount of \$95,388.74. Board Member Danny Goode made a motion that we approve the warrants in the amount of \$95,388.74. Board Member Mark Nelson seconded the motion and the motion carries with the following vote:

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

NAY: None.

Board Member Danny Goode made a motion to leave the Governing Board of SSA #1 and go back into regular session. Board Member Jeff Wade seconded the motion and the motion carries with the following vote:

**AYE: Board Chair Steve Farrell
AYE: Board Member Spencer Park
AYE; Board Member Danny Goode
AYE: Board Member Jeff Wade
AYE; Board Member Marilyn Crittenden
AYE: Board Member Kendall Crittenden
AYE: Board Member Mark Nelson**

NAY: None.

The record should reflect that the Wasatch County Council is back in their regular agenda.

FFA UPDATE

The Land FFA Team gave an update of how they did in the National FFA Land Teams and thanked the Wasatch County Council for sponsoring them to go out to the National Land Judging Competition in Oklahoma. We participated in two categories of this competition the first was the home site. There was 178 teams participating and we placed third in the nation and one individual placed second individually in the nation. The participants were given soils and we have to figure out what kind of soil it is and other things relating to soils such as phosphorus and nitrogen content. The first time Utah has placed in the top ten in the last twenty years. Councilman Steve Farrell indicated you need to do it next year.

APPROVAL OF THE MINUTES FOR MAY 4, 2022

Councilman Kendall Crittenden made a motion that we approve the minutes for May 4, 2022 as written. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

FIRST READING OF ORDINANCE 22-08 AMENDING FEES OF THE SOLID WASTE SSD AND PUBLIC WORKS DEPARTMENT.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that this is the first reading of an ordinance amending fees of the Solid Waste SSD and Public Works Department. Wasatch County has contracted with Lewis and Young to perform a rate study on the Solid Waste's fees to examine cost-of-service and local sustainability. In order to maintain operations and complete necessary improvements a rate increase is recommend across all Solid Waste fees. This ordinance would also clarify that Solid Waste's existing fees will be recorded in County Code. The old code doesn't reflect the current fees that were adopted by resolution of the SSD but the new code will. Because this section of fees had been included in Public Work's fees. Wasatch County also desires to revise several of the Public Works' fees to reflect the increased out of service as presented.

Dustin Grabau indicated that we have fees in our code that reduce the charge as part of the Public Works Department that we don't currently charge. The proposal in this ordinance is a change that reflect the new adopted rates of the Solid Waste District and to give that to the public. It is not necessary to have a code but just a matter of your part how you want to share what those rates are that is on the SSD's website itself and where we have in code just want to give you the option of either amending our existing code or you just chose to remove those fees entirely. We can put the information on the County's website and put it on their website. That isn't a problem.

Councilman Steve Farrell indicted that maybe we should take it out of the county code and create its own ordinance for the Solid Waste District. Dustin Grabau as the first reading you could just direct us to have this reflect these fees and rewrite the ordinance. There are also some old Public Works fees and tend to be a little more volatile. We will bring these fee changes back to you.

Councilwoman Marilyn Crittenden indicated that our SSD's fees are separate but as a citizen it sure would be a lot easier to just have a County code and be able to find all that they desire. Dustin Grabau indicated that we certainly can work on that. To be uniform that would be a possibility.

Councilwoman Marilyn Crittenden made a motion to set the public hearing for the second reading of this ordinance and any potential changes and move the solid waste fees and maintaining these Public Works fees and set the public hearing for June 1, 2022 Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Jeff Wade

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

AYE: Spencer Park

NAY: None.

ASSESSOR'S OFFICE UPDATE

Todd Griffin, the Wasatch County Assessor, addressed the Wasatch County Council and indicated that he tried to make this format a little simpler. The total parcels in the county is 27,753 and the total taxable is 25,047 parcels. The total commercial is 589 parcels and number of residential subdivisions is 573. I ran an analysis from last year when we closed the roll until today. We have reviewed 17,912 parcels and taken a look at them. Some of the review is done with satellite and some is done on the ground.

Councilman Steve Farrell asked if that the 17,912 parcels has been run through your cost system and no factoring involved. Todd Griffin indicated there is factoring as well. Some those would have been in the past five years. Some are even from recent years. We need to make this as uniform as possible to get the equity in line to spread this burden where it belongs. There were about 3,000 parcels that we absolutely needed to look. We have done everything except for 284 residences that is still remaining to be done. This should be done by tomorrow or Monday or Tuesday. We are trying to get rid of some of these so they are all up-to-date. The commercial ones we are trying to get those done we are out just a couple of weeks and not sure we are able to get through all of the commercial this year. To do commercial it takes a Certified General Master Commercial appraiser to do the commercial appraisal and I don't do the commercial appraisal because I have any ability present standards and national codes to even come up with a value for the commercial property. The State of Utah is helping us with this.

Chair Mark Nelson asked that the number 17,912 represents seventy-one percent of the 25,047. That represents almost three times as many parcels as would be required in a normal year and the equity situation. The number next year would be some number less than 17, 912.

Todd Griffin indicated if there is a market change we have to make the necessary changes for that. We can't put factoring on bad data because it only makes the bad date even worse. We have lost one of our appraisers and that is going to hurt. Working with our appraisal software we have developed a way that we were able to accomplish this using spread sheets rather than going property to property. With this system we can download the entire spread sheet in our formulas to see things that are not equitable. If everything works the way it should be can go through an entire subdivision less in than an hour. Every time a new house is built you have to re-assess it. We need a person who can analyze data and provide that data to the office staff. They would help us determine the number and then we would double that number to make sure it is accurate.

Councilman Steve Farrell asked Todd if you factored your appraisal file or the assessment file on the parcels. Todd Griffin replied on the assessment file. Councilman Steve Farrell indicated that is not going to match your appraisal file and you will have to update your appraisal file at some point. Todd Griffin replied yes and no because we are not going to put a factor on something that can support that. We have been reviewing it to make sure it is good and then factoring it as needed.

Councilwoman Marilyn Crittenden indicted that everybody should see some adjustment is what you are saying? Todd Griffin replied yes that is correct. Also with regard to open space because it can be recorded as a sliver of ground in a community. They don't generally increase in value because they don't really have any real value anyway. The HOA's are pretty much stuck with them. Some will change and some won't change depending on how big.

Councilwoman Marilyn Crittenden indicated that out of the 17,921 there has been factoring done in there but have not done any of those that are between that 17,921 and 25,047. Todd Griffin replied that is correct and those have been updated and are still in their detailed review guideline but my goal was to get all of this stuff. Councilwoman Marilyn Crittenden indicated that in the future to be able to use factoring with it once we get that done.

Councilman Steve Farrell asked if he has got the information for this year sales ratio study and do we need to comply with the sales ratio study for this year. Gerald Osmond from the State Tax Commission could answer that.

Gerald Osmond, from the State Tax Commission, has been working with Todd Griffin and his staff on this journey. As far as the sales ratio study we just recently got an update into our statistical software and there are still some things that need to be adjusted factor wise in some of the areas and will be working on that. We will work with Todd Griffin and will look at some of these parcels that are outside the 17,000 that we talked about and see if there are some factoring needs that need to take place there. We feel very good at where things are at in the County and will be in compliance by the time you close the tax roll with the sales ratio and you will be in good graces with the Tax Commission. Todd Griffin is right now trying to build a system that he can react to this kind of stuff better.

Councilwoman Marilyn Crittenden asked what is the State Tax Commission doing to be able to help make sure that within the counties these things don't get behind like they are now. Gerald Osmond we have several things that we are doing so right now we are doing a five year review of every county of value and how they change over the years. Then we are going to do a complete tax roll review year to year seeing how things have been changing. Instead of just a little sampling we are going to be looking at the whole thing. We have already completed some of these five year audits in our counties and showed the results from the assessors. It has benefitted everyone to look at things differently.

Councilman Steve Farrell indicated that you are asking for the appraisal file and not the assessment files? Gerald Osmond replied that is true in some cases and I guess that is right because we are asking more data than what the assessment roll would give us, yes. You are working towards being the best County in the State.

Councilman Steve Farrell told Gerald Osmond that the county has appreciated what you have done and have been a big help to Todd. Councilman Steve Farrell indicated to Todd Griffin that he is going to have to increase the number of Board of Equalizations. Todd Griffin indicated that he has

told the entities budgets determine the taxation and my job is to try and equalize it for equity throughout the County. The entities need to have good budgets and the equity is important because it is the foundation of the whole system and not a perfect system but in theory it is problematic. With regard to equity there is instances where a person received a primary exemption that shouldn't that saving that they are getting, gets transferred onto the backs of the rest of the taxpayers. This makes a need for us to go through our records to see if that is happening because there could be a transfer issue there. There is a software that would help this problem out tremendously and it costs \$25,000. I could give the Council more information about it.

Dustin Grabau indicated that is something that we could fit in the budget given our payroll savings. Also this could help people out great as well that need to have savings and not getting it as well as an equity situation.

Councilman Steve Farrell indicated that if we have the money in the budget let's get it out and move it to your budget to purchase this software. Also this would help with the green belt properties because that has the same affect because some people who are on the green belt should not be.

The Council then thanked Todd for the work that he is doing to get our County one of the best.

RECOMMENDATION OF APPOINTMENT OF INTERIM FIRE CHIEF ERIC HALES TO THE MIDA. DRC.

Councilman Steve Farrell indicated that with retirement of Chief Giles and the continuing position on the DRC for MIDA I would like to make the recommendation that this Council appoint Fire Chief Eric Hales to the position on the MIDA DRC that is a motion. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

UPDATE BYPASS RESOLUTION

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that this Resolution reflects the changes that you requested last week during our work meeting and this is before you for potential additional revisions or adoption. It is not listed as a decision but it should state that.

Chair Mark Nelson indicated that completely for the Wasatch County Council as opposed to bypass route alternative west D. I am completely for that but as I have said to you at least twice I think we should wait before this is done. We need to wait until the options are released and that is what UDOT and EIS folks have suggested to us at least twice in public meetings and I also understand the other side of this decision that it is potentially a serious threat to North Fields property owners being scared off from conservation easements and this is a real difficult thing. That is how I feel about it.

Councilwoman Marilyn Crittenden indicated that she would counter that a little bit because I actually heard them say that you can tell us and talk to us at any time but if you want it to be an official document statement you should wait until we open the time to do that. I don't think this is any threat to any relationship to UDOT or any threat to them. If this option remains it is a real threat to our open space.

Councilman Steve Farrell sees no reason to wait on this and we need to do it to let the citizens know where the Wasatch County Council stands on this. Councilman Kendall Crittenden indicated that he is in favor of doing it now along with our Representative Mike Kohler also because it makes a statement now that might be helpful.

Chair Mark Nelson also indicated that a Resolution would not influence in anyway what they are going to do and how they are going to release because they are looking at data that was collected long ago and whatever we do will not have an impact on what they are going to present as a limited set of options.

Councilman Danny Goode indicated that what this says is a political statement of Wasatch County.
Councilman

Danny Goode made a motion that we pass Resolution 22-07 as presented. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Jeff Wade

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Spencer Park

AYE: Danny Goode

NAY: None.

Rachel Kahler, Heber City Councilwoman, addressed the Wasatch County Council and indicated that she had an opportunity to talk with UDOT and they indicated that this resolution will have no impact on the presentation that they are making at the end of June. This will be treated just like a public comment that was placed on a website. UDOT suggested that is to wait and make this Resolution and vote after the presentation because right now you are making an assumption and UDOT's comment was that we haven't released options that will be presented.

Councilman Steve Farrell indicated that this Resolution is just stating that we are opposed to this option. Also UDOT is using a data driven process. This is certainly a public statement that you are making and UDOT indicated that they are not going to be swayed by political statements. They will use data driven information to present. The decision that you have just made today will have no impact what is presented in June. Councilman Steve Farrell what we will do we will reaffirm what we have just done in another resolution.

Councilwoman Marilyn Crittenden indicated that UDOT has also said very timely that they would take into consideration the people's voice. UDOT has also said that they will listen to the stakeholders and they care about what the community cares about.

Rachel Kahler indicated that yesterday she attended the economic summit meeting and saw several of you there. The Park City's Mayor indicated what she could change for Park City if she could do it again and she indicated on the entry ways which are 224 and 248 and the short sided of those roads that now have become congested and clogged and dangerous for their citizens. As a result of that I would just encourage the Wasatch County Council that we do have to look beyond a five year plan and we need to look at a fifty year solution for our community and as elected officials have very difficult positions and decisions to make.

Councilwoman Marilyn Crittenden indicated that we should not put a road through an area such as North Fields that we are trying to save as open space.

MIDA UPDATE.

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that in order to double the population in Wasatch County you would need more water that we just don't have.

There was a meeting last Friday and setting up our next group meeting with the department heads here in the building for June 17 and they are really productive meetings.

There is the PIT meeting coming up on June 6 and then the Buff Meyer Board Meeting on the 24th.

They were able to get the civil drawings for the west side frontage road submitted to UDOT so those are under review by UDOT now.

The Bureau of Reclamation finalized all transfers of property on that west side. The property as kind of intermixed through the UDOT property and were able to clean that up and get those properties transferred so that is complete now.

I brought up to them that we still have an issue with the Hideout Services and Dustin Grabau and I are working on that. When MIDA brought some of Hideout properties into the project area they committed to give Hideout all of the municipal taxes. In our system the way it works we give them the property tax and they give us the municipal taxes and that helps pay for those services. In this case we still are providing the services for the County but they are getting the money and they don't provide the services and there will be disconnect there. That will be looked at if they pay us an outright fee or come up with a method to do that but have brought that up six or seven times over the last three years.

Also it has been indicated that they are getting their first distribution of the taxes from the Tax Commission and were talking it might be this week. Dustin Grabau indicated that the taxes were growing very significantly. Mike Davis indicated that they didn't give us any numbers but they said that they were surprised that it was more than what they had anticipated. This is the first distribution and once it starts to happen I think it will give Dustin Grabau a whole lot more information to really know and budget for what will come and talked about that happening quarterly.

Dustin Grabau indicated that we are asking them to cover as much as they can for Mike Davis' budget and a specific number hasn't been disclosed. Mike Davis indicated that part of the challenge that Wasatch County is going to face is what MIDA is collecting in tax increment and coming up with a scenario regarding that.

We are having the transit open house on June 7, 2022 at the Senior Center and invited all of them to participate.

Mike Davis indicated that he has a need for a closed session regarding potential litigation and property acquisition.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that Doug Smith, and I met with Heber City's engineers including their past engineer. UDOT was there. MAG was there and three people from Horrock's Engineering looking at the North Village Transportation plan and some of those issues were discussed and were trying to resolve them also. It was to help remedy congestion. There was some progression that was made regarding that matter and was a good meeting.

Chair Mark Nelson indicated that yesterday was the Wasatch and Summit County Economic Development conference and that was real good. The issue that I took away from that conference as the Jordanelle Basin develops and as Wasatch County continues its explosive growth that we as a Wasatch Back need to continue to work together more and more on these critical issues of housing, transit, transportation, traffic and all of these kinds of things and this was a very important message that we need to work even more closely with those Summit County folks. The Summit County folks are very happy to share the lessons they have learned and mistakes they have made so that Wasatch County doesn't make the same mistakes and that should be taken advantage of.

Councilman Steve Farrell indicated that with regard to that same conference that Doug Smith, Mike Davis and Dustin Grabau did an outstanding job representing Wasatch County and Mike Davis as well.

Chair Mark Nelson indicated that the Midway City Council asked me about the RAP Tax and they want to do their own and do it this year. Councilman Steve Farrell indicated that with the various tax increases that are coming up do you think the voters are going to approve any type of tax increase such as the RAP Tax. Councilman Danny Goode indicated that if Midway City wants to do a RAP Tax I have no problem with that. Mike Davis indicated that the real hit for this is going to be in Midway because the people in Midway don't just shop at Midway and if the County passes a RAP tax the people in Midway would be contributing to the RAP Tax in Wasatch County.

Chair Mark Nelson indicated that Larry Ellertson, representing Congressman John Curtis would like to say a few things. Larry Ellertson indicated that the Congressman has issued some joint sponsored legislation to do with making the generic drug available at a lower cost to people. Also joint legislation relative if you have a declared disaster such as fire and you lose all your documents and at this time you have to pay a fee to get those documents remade. This legislation would say that they would be replaced free of charge such as passports, etc. Also doing something to try and stop the telephone robot calls from impacting our lives in a negative way. Has got legislation that has to do when a community is impacted by a disaster and fees associated with that you would be reimbursed for those costs. Also he is committed to try and do the right things for people and attempting to bring some sanity to the governmental process in getting people to work together rather than just argue about things. Also working to try and get people to work together with regard to climate control. Also if there are issues that John Curtis should be working on and should be aware of, please reach out and let us know.

Councilman Danny Goode talked about CRA and that there needs to be a plan and tools associated with that which have not been presented because Heber City keeps coming back to do a CRA. The question is should we entertain the CRA or should we ask for them to look at a different tool and that should be presented as possibly inter local agreement. Dustin Grabau indicated that Heber City has presented an interest in pursuing it with us independent of the Wasatch County School District and much of the property tax increment will come from the Wasatch County School District but whether we choose to participate and we may not want to even if they do and that is a decision that the Council has to make if it makes sense for us to participate in a CRA. Heber City has asked to come to one of our Council meetings and discuss it and that could be in the Council's

June 1, 2022 meeting. Councilman Kendall Crittenden said it is important to know how the CRA will benefit the rest of Wasatch County citizens that will be contributing to the CRA. Mike Davis indicated that the biggest hold back is that Heber City has no plan to what they are doing with the money and what is happening you are giving them a blank check book without a plan. Councilman Spencer Park commented that he would like to see the CRA application or study should be like our impact fee study that says we are going to collect this amount of dollars and what it is going to be used for.

MANAGER'S REPORT

CONSIDERATION OF INCREASED FUNDING FOR PUBLIC SAFETY TIER II SYSTEM

John Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that all public employees or public safety employees that were hired after 2011 they fall under the retirement plan Tier 11 system. That basically means is that the County participates by contributing 26.99 percent towards their retirement. The remaining 2.29 or 7 percent falls on the responsibility of the employee. However, in 2020 the County chose to pick up those costs as part of the plan. That affects 25 employees. The State of Utah recently notified that 2.27 percent is increasing to a 2.59 percent. That means if we do nothing we will continue to pick up the 2.27 percent but the public safety employees will be required to cover through a withdrawal monthly of the remaining which equates to about to seven to eleven dollars per paycheck. What this does is simply allows that this resolution going to do is give authorization for the County to pick up the entire amount so that it doesn't affect public employee's paycheck. The total cost of that for the County will be estimated at about \$2600 for the rest of the year so it is a minimal amount for the rest of the year and that will be included into next year's calculation as part of the process.

Councilman Steve Farrell asked if the County pick up all the employee's cost on just a regular retirement. Heber Lefgren replied that the County does.

Councilman Steve Farrell made a motion that we go ahead and approve Resolution 22-08 dealing with the Title 11 Retirement Funds. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

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

NAY: None.

Chair Mark Nelson indicated that the record should show that we will hold our Public Hearings now and then after we get through with them we will go into the Closed Session that Mike Davis, the MIDA Coordinator has asked for.

**PUBLIC HEARING
MAY 18, 2022**

CONSIDERATION OF ORDINANCE 22-11, A PROPOSED AMENDMENT TO WASATCH COUNTY CODE 16.27.12 TO ADJUST THE SIGNATURES REQUIRED BY CODE UNDER THE FINAL PLAT REQUIREMENTS.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and then indicated that this amendment would remove any signature required by State Law or any signatures necessary due to conveyance or infrastructure servicing. Planning staff has contacted each of the departments that are not required by State Code to sign final subdivision plat and propose striking those departments that did not see a reason for them to be signing the plat. Departments that saw value in signing the plat have remained on the proposed ordinance.

Austin Corry then went through the proposed findings;

1. 16.27.12 of the Wasatch County Code outlines the requirements for Final Subdivision Plats submitted to the County.
2. Wasatch County has a Development Review Committee DRC.
3. The DRC reviews projects prior to authorizing a final mylar plat be circulated for signatures.
4. The current regulations require the same reviewing departments to sign the final mylar plat.
5. Requiring the signature of all departments currently required is redundant when considering the DRC review process.
6. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Public Comment:

Chair Mark Nelson then opened the public hearing for public comment and there was none so the public comment period was closed.

Motion:

Councilman Steve Farrell made a motion that we go ahead and approve Ordinance 22-11 amending the Wasatch County Code and removing the departments that are not required to sign a final plat and in light of the findings as listed by the Wasatch County Planning Staff. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Spencer Park

AYE: Danny Goode

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Marilyn Crittenden

AYE: Jeff Wade

NAY: None.

PUBLIC HEARING

MAY 18, 2022

CONSIDERATION OF ORDINANCE 22-10 PROPOSED AMENDMENT TO WASATCH COUNTY CODE TO REMOVE THE REGULATIONS LISTED IN CHAPTER 16.12 WHICH IS THE OFFICE AND BUSINESS PARK ZONE WHICH ZONE NO LONGER EXISTS ON THE WASATCH COUNTY ZONING MAP.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that the Office and Business Park zone first appeared on the October 28, 2002 zoning map in an area adjacent to 1200 South and about a quarter-mile west of Mill Road. The zoning disappeared on the December 2008 zoning map due to the area having been annexed into Heber City boundaries and is currently part of the Sawmill development in Heber. Since this time, the OBP zone has not been used in the County and there has not been any discussion or interest from other stakeholders suggesting a need for the zone. As such, it is recommended to strike the language in Chapter 16.12 to remove the OBP from the code, consistent with the official zoning map. Mike Davis indicated that when it was annexed into Heber City there was a commitment from Heber City to keep in the same office as the Business Office Commercial Zone.

Austin Corry then went through the proposed findings:

1. Chapter 16.12 of the Wasatch County Code outlines regulations for the Office and Business Park Zone.

2. There are no properties in Wasatch County zoned as Office and Business Park at this time.
3. The regulations outlined in Chapter 16.12 are no longer needed.
4. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Public Comment:

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

Motion:

Councilman Kendall Crittenden made a motion that we pass Ordinance 22-10 amendment to remove the regulations listed in Chapter 16.12 which is the Office and Business Park Zone and in light of the findings as outlined by the Wasatch County Planning Staff. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

The record should reflect that we now need a motion to come out of our regular agenda and go into closed session to discuss Potential Litigation and Property Acquisition.

Councilman Steve Farrell made a motion to go into Closed Session to discuss Potential Litigation and Property Acquisition. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

Councilman Jeff Wade made a motion to leave the Closed Session and go back into the regular agenda. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

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

NAY: None.

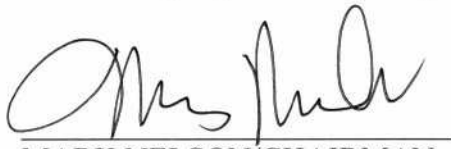
ADJOURNMENT

Councilman Spencer Park made a motion to adjourn. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

NAY: None.

The meeting adjourned at 7:30 p.m.


MARK NELSON/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

