

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JUNE 1, 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: Vice Chair Spencer Park
Danny Goode live and by Zoom for public hearings.
Jeff Wade by Zoom for public hearings only.
Marilyn Crittenden
Steve Farrell
Kendall Crittenden

EXCUSED: Chair Mark Nelson

STAFF: Dustin Grabau, the Wasatch County Manager
John Heber Lefgren, the Assistant Wasatch County Manager
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 Assistant Wasatch County Planner via Zoom
Mike Davis, the MIDA Coordinator
Kelly Christensen, Solid Waste Director
Shelby Thurgood, Assistant Wasatch County Attorney

PRAYER: Councilman Danny Goode

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

Vice Chair Spencer Park called the meeting to order at 3:00 p.m. on Wednesday June 1, 2022 and indicated that all the Wasatch County Council are present except Chair Mark Nelson who is excused and Councilman Jeff Wade who will be here for the public hearings only. The record should also show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032 and then Vice Chair Spencer Park 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

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

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Vice Chair Spencer Park asked if there were any public comments on matters not on the agenda.

Councilman Danny Goode indicated that there was a person that e-mailed in and I told him I would read his comment. Have we considered getting battery operated bikes like some communities have done in Utah? Should we review this in some way? Councilwoman Marilyn Crittenden indicated that we maybe should leave that to the cities to entertain that and that needs to fit with the public transportation right that kind of an idea.

APPROVAL OF THE MINUTES FOR MAY 18, 2022.

Councilman Steve Farrell made a motion to approve the May 18, 2022 minutes as presented. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Marilyn Crittenden

AYE: Steve Farrell

AYE: Danny Goode

AYE: Kendall Crittenden

NAY: None.

COUNCIL

FIRST READING OF AN ORDINANCE ESTABLISHING THE PROCEDURE ON DISPOSITION OF SURPLUS REAL PROPERTY.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that through the County's normal course of business, Wasatch County gains ownership of parcels through various methods. A primary source of these parcels is through a tax sale. Several of these parcels have interested buyers and/or near ongoing costs to the County in the form of annual dues. This ordinance would outline the procedure or the disposal of such properties and the guidelines for staff to follow depending on the valuation of the property. One focus of this ordinance separates parcels into two parts, significant and non-significant as defined by its value being over or under \$100,000 respectively. Significant surplus property has additional oversight of the County Council. Certain restrictions for the method of disposing of non-significant property are outlined in the ordinance. I have asked Shelby Thurgood from the Wasatch County Attorney's Office to draft an ordinance clarifying this issue.

Shelby Thurgood, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that she drafted this ordinance that the Wasatch County Manager asked me to do. The reason was that right now Wasatch County has no set rules on how to sell the property that is in the County ownership. This ordinance is an effort to standardize the County's process and the County under Utah Code to set the rules for this.

Shelby Thurgood then went through the various sections contained in this ordinance. The main discussion is in Number 2 is that a significant parcel of real property and the County owns real property that is larger than one acre in size or has a fair market value in excess of a \$100,000. The significance of this is a parcel is determined to be a significant parcel there are different rules when they are going to sell it.

Some counties have made it so that every parcel is significant basically that any real property that is over like ten dollars so that any time they are selling real property shows it as a significant parcel.

Other counties have made two real categories that smaller pieces of property which are smaller than an acres could be non-significant. This is a policy decision of what limits that Wasatch County wants to place there. Under State Code it requires that a more extensive hearing and process needs to take place for selling real property for significant parcels. Property that is surplus can be determined by the County Council as a significant parcel and the Wasatch County Manager can be determine a non-significant surplus property. The main issue to consider is the definition of a significant parcel of real property, the size and the dollar amount of what we want to consider significant versus non-significant.

Councilman Steve Farrell indicated that we ought to go on dollar amounts and over fifty thousand dollars as determined on the tax rolls. Shelby Thurgood indicated that right now the Assessor does not assess County property. We could put that surplus parcel means that the County owns a parcel

that has market value or an assessed fair market value in the excess of and then the amount. Councilman Steve Farrell indicated that we need to establish value either through a formal appraisal or not but the County Council has the discretion to dispose of the parcel if it is in the best interests of the general public and taxpayers. Dustin Grabau, the Wasatch County Manager, indicated what is being said is as long as you as the Council consider the surplus property being sold is in the best interest of the County.

Councilwoman Marilyn Crittenden indicated that the concerns that Councilman Steve Farrell has on these properties is the way to go and we have covered that. Shelby Thurgood indicated that there are ways to get right of those concerns. I need to have a dollar amount on significant and the size amount has been taken out. Councilman Steve Farrell indicated that the amount could be taken down to \$25,000.00 and if that is too cumbersome we can change the dollar amount.

Councilman Kendall Crittenden made a motion that we consider this the first reading of Ordinance 22-16 establishing a procedure for the disposition of real surplus property and set the second reading for June 15, 2022. And we would like to see a copy of this after the changes have been made. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

NAY: None.

FIRST READING OF AN ORDINANCE IMPLEMENTING THE COUNTY OPTION TRANSIT SALE TAX.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the Wasatch County Council has expressed an interest in adopting the County Option Transit Tax as described in Utah Code 58-12-2217. This transit tax is eligible to increase transportation capacity including roads or transit facilities. The County Option Transit is no longer eligible to be implemented after June 30, 2022. In order for the Council to preserve their option to implement this tax, the first reading will take place today and the second reading on June 15 where a decision to implement or not will be made. This transit tax would be a 0.25 percent or one penny for every four dollars spent on goods and taxable services except for gas and groceries, it is estimated that the transit tax will generate \$2.5 million over the course of 2023. So I would ask that you make a motion to approve the first reading of the ordinance implanting the County Option Transit Sales Tax. Also we are having an open house next Tuesday at 6:30 p.m. at the Wasatch County Senior Center with the intent TO share more information about this and soliciting feedback from the public so we are still in the process of public engagement on this issue.

Councilman Danny Goode made a motion that we approve Ordinance 22-14 as the first reading and set our second reading for the June 15, 2022 Council meeting. Councilman Steve Farrell seconded that motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that he has a slide presentation that was presented in the MIDA Board meeting and I think that you will like this because it shows you what is taking place in the MIDA Project Area. Mike Davis then proceeded to show that presentation to the Wasatch County Council and indicated that the presentation was put together by Extell.

Mike Davis indicated that the first report on building permits both in the MIDA Control Area and the Wasatch County Control area has been made available for the Council to see what is happening. In the MIDA Control Area I think there were seventy permits which includes the apartments of Peoche and the NWR Hotel. The other one has a hundred and twelve permits.

Mike Davis also indicated that with the recent wildland fire that happened there is some need to make sure who pays for putting the Wild Land Fire out, I also have had no discussion about this with MIDA. I will check into that more fully and then report what I find back to the Wasatch County Council before another fire happens.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that next Monday at 1:00 p.m. the UDOT EIS bypass update will be given and information released on the June 7, 2022 next Tuesday.

Councilman Kendall Crittenden indicated that he got a text from Heber City's Mayor Heidi Franco and she has been commissioned by the Utah Olympic Foundation to put together a committee to obtain community feedback on the potential for another Olympic bid to take place. Bob Mathis, who has passed away, had the responsibility or taking care of that in the 2002 Olympics here in Wasatch County.

Councilman Steve Farrell indicated that there was a public lands meeting this morning and the

things that came out in that meeting that the Utah Office of Public Lands wants to join the group that is in the public lands meeting and participate in that meeting. Also with regard to the mitigation commission, Director Mark Holding retired yesterday and another director has been appointed.

Councilman Steve Farrell indicated that all the state parks are busy and they all got money to build campgrounds but didn't get enough to do any good and as a result they are all cutting back on the size of the campgrounds and where they are going to do their improvements.

MANAGER'S REPORT

CONSIDERATION OF APPOINTING MEMBERS TO THE LIBRARY BOARD

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the Library Staff has solicited for and received applications to fill two vacancies on the Library Board. They received two applications and voted unanimously to forward both to the Wasatch County Council to reappoint. The two names are Mitzi Nelson and Christina Spicer to serve on the Library Board. Councilman Danny Goode indicated that these are two great Library Board Members and would highly recommend their reappointment.

Christina Spicer addressed the Wasatch County Council and indicated that she has enjoyed serving on the Library Board and is currently the President. Also she indicated that she helped with the strategic development plan. Also indicated that she hopes that the Wasatch County Council reappoints Mitzi Nelson and myself to the Library Board.

Councilman Kendall Crittenden made a motion that we approve the board appointments as has been presented which are Mitzi Nelson and Christina Spicer to the reappointment to the Library Board. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

NAY: None.

DISCUSSION ON DEDICATIONS OF TRANSIENT ROOM TAXES TOWARD EMS SERVICES.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that as the Fire District secures funding for the new proposed fire station, one source they

would like the County to consider is the use of TRT funds. These funds are eligible to be used for the support of EMS services while Wasatch County remains a fourth-class county. As the County is likely to become a third-class county in the coming years, and commitment would need to be short-term. Also the Wasatch County administration recommends deferring specific dedications of future TRT taxes toward any use until the 2023 budgeting process.

Wasatch County Fire Chief Hales addressed the Wasatch County and indicated that we would like to submit an amount of money and then put a percentage on there and if we have decreased revenue then that amount decreases. If you have an increase in revenue that should be followed as well. Also today we put in for the loan from the CIB, (Community Impact Board) and submitted our application which was \$14.2 million for the new fire facility and we could present sometime in July and then the planning meeting would be in October. The TRT funds could be used for other things not just for a building such as to help staff, transport personnel, increase our level of service, increase the number of paramedics, and send more people to school. The amount of money we would ask for from the TRT money would, be \$500,000.

Dustin Grabau indicated that the amount of money that comes in from TRT is volatile. Also we need to have money to build up reserve and the estimates for the use of TRT monies need to be conservative. Also we have been dipping into those reserves pretty heavily.

Councilman Danny Goode likes the idea that this would be based on a percentage as has been indicated. Dustin Grabau indicated that he would be very cautious in committing to an amount because of the strange economic times we are presently in which makes the future uncertain and need to be careful in committing to a specific amount. Also we could put forth a good case that the TRT funds could be used for EMS.

Dustin Grabau then presented a list of where the TRT money is presently going so that the Council could see that. Also we could look at this more closely in the 2023 budgeting process. Also we can look at what the percentages would shake out to be able to maximize what our contribution could be to the Fire District and that sounds like the way that the Council would like us to take.

Councilman Steve Farrell indicated that lets look at this in the 2023 budgeting process and see what we can justify and not make a commitment right now and would like to see the money first before a commitment is made.

CLOSED SESSION

The Council and Dustin Grabau indicated that they have no need for a closed session.

Councilman Danny Goode made a motion to continue our Wasatch County Council Session until 6:00 p.m. when the public hearings will take place. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Danny Goode

NAY: None.

Vice Chair Spencer Park indicated that the time is now 6:00 p.m. and we have two public hearings this evening. The record should also reflect that Councilman Jeff Wade has now joined the meeting via Zoom and Councilman Danny Goode is now present via Zoom.

Councilman Kendall Crittenden made a motion that we go into the Governing Board of the Solid Waste Special Service District. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

Board Chair Kendall Crittenden indicated that the record should indicate that we are now in the Governing Board of the Solid Waste Special Service District.

PUBLIC HEARING

JUNE 1, 2022

PUBLIC HEARING ON RESOLUTION 22-08 AMENDING FEES CHARGED BY THE SOLID WASTE SPECIAL SERVICE DISTRICT.

Board Chair Kendall Crittenden indicated that 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 fiscal sustainability. In order to maintain operations and complete necessary improvements a rate increase is recommend across all Solid Waste Fees. This fee increase includes a 15 percent increase requested by the County Council.

Kelly Christensen, the Wasatch County Solid Waste Director, addressed the Governing Board of

the Solid Waste Special Service District and indicated that after we got out of our previous meeting we determined that the ten percent across the board was not going to generate enough money to do what is needed to be done. As a result we refigured the amount and indicated that fifteen percent would take care of the necessary needs to be done instead of the ten percent. Also the percentage would continue to increase over the years. Jay Baughman, from Lewis and Young who did the study then went through the need for the fifteen percent increase instead of the ten percent increase and the scenario that we are looking at is Scenario 3. That will also have smaller three percent increases over the next four years to help with inflation. The fee will start at \$48.00 this year is what the current rate is for a residential can and that would go in 2023 to \$55.00. Each year after that it is about a two dollar increase which goes to \$57.00 in 2024, \$59.00 in 2025, \$60.00 in 2026, \$62.00 in 2027 which is what Scenario 3 is.

Board Member Steve Farrell indicated that he would change it to Mountain Subdivision Fee and get rid of the residential primary.

Public Comment:

Board Chair Kendall Crittenden then opened the meeting up for public comment and there was none so the public comment period was closed.

Motion:

Board Member Spencer Park made a motion that we go ahead and accept Resolution 22-08 amending the fee charged by the Solid Waste Special Service District rate increase and fee with the fifteen percent with the residential collection fee at fifteen twenty a month removing the non-primary mountain garbage fee and the mountain subdivision fee being \$167.00 per year as the fee described here. Board Member Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

Board Member Marilyn Crittenden made a motion that we go out of the Governing Board of the Solid Waste Special Service District and go back into the Wasatch County Agenda. Board Member Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

Vice Chair Spencer Park indicated that the record should reflect that we are now back in regular session for the Wasatch County Council.

PUBLIC HEARING
JUNE 1, 2022

**PUBLIC HEARING ON AN ORDINANCE AMENDING WASATCH COUNTY CODE
REGARDING THE FEES OF SOLID WASTE AND PUBLIC WORKS.**

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that this ordinance amends the solid waste fee and the public works fees to reflect the true cost of service. We will add (O) as new separate list of solid waste fees in 4.09.02 (O). We originally proposed adding the new solid waste fees to this but instead we are just taking them out entirely and we will still publish the new solid waste fees on the website and this will just reflect that those fees will no longer be in where the adopted fees are and these are the changes to the public works department and this authorizes the public works director to set what those fees are based on actual cost.

Public Comment:

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

Motion:

Councilman Kendall Crittenden made a motion that we approve Ordinance No. 22-13 amending Title 4.09.02 of the Wasatch County Code to amend the portion regarding fees to the Solid Waste Special Service District and the Public Works. Councilwoman Marilyn Crittenden seconded that motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park
AYE: Jeff Wade via Zoom
AYE: Marilyn Crittenden

AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Danny Goode via Zoom

NAY: None.

ADJOURNMENT

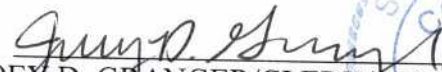
Councilman Steve Farrell made a motion to adjourn. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Meeting adjourned at 7:30 p.m.


SPENCER PARK/VICE CHAIR


JOEY D. GRANGER/CLERK/AUDITOR

