

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JUNE 15, 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
Danny Goode
Marilyn Crittenden

EXCUSED: Councilman Steve Farrell
Councilman Kendall Crittenden
Councilman Jeff Wade

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

PRAYER: Councilwoman Marilyn Crittenden

PLEDGE OF ALLEGIANCE: Led by Chair Mark Nelson and repeated by everyone.

Chair Mark Nelson called the meeting to order at 3:00 p.m. on Wednesday, June 15, 2022 and indicated that all the Wasatch County Council are present except Councilman Steve Farrell, Councilman Jeff Wade and Councilman Kendall Crittenden who are excused. 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 Chair Mark Nelson 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. Chair Mark Nelson indicated that he has one item that he would like to put on the agenda for July 13, 2022 meeting and that is a presentation and discussion on TRT and the roles and responsibility of the Tax Advisory Board.

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 were any public comments on matters not on the agenda and there was none.

BOUNDARY COMMISSION MEETING BRIEFING

Chair Mark Nelson indicated that there was a Boundary Commission meeting held and the meeting is held when there is annexation boundary dispute. That is what this Boundary Commission meeting was held to discuss. The Boundary Commission was made up of two members of the Wasatch County Council which was Councilman Jeff Wade and myself Chair Mark Nelson. There were two other members which was Heber City Mayor Heidi Franco and Steve Daughtery who is on the Midway City Council and then three other at large members which were selected by those four elected members and those were Rudy Kohler, Brad Baird and Dave McMaster.

The subject before the Boundary Commission was an annexation dispute with several property owners the main one being the Wasatch County School District who was annexing property or trying to annex property into Heber City. One property owner in particular and maybe a couple of other property owners protested the annexation. That was the subject of the Boundary Commission that was held. There was lots of discussion and at the end the Boundary Commission passed a motion to suggest that Heber City accept the annexation application and to deny the protest. Now Heber City they have the option to reject that decision or abide by that decision. Shelby Thurgood, the Assistant Wasatch County Attorney, did a presentation about all of the issues in the code and

she did a really great job in understanding and presenting the code.

APPROVAL OF THE MINUTES FOR JUNE 1, 2022

Councilman Danny Goode made a motion to accept the minutes for June 1, 2022 as written. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Danny Goode

AYE: Spencer Park

NAY: None.

COUNCIL

DISCUSSION/CONSIDERATION ANNUAL REQUEST FOR SPONSORSHIP COWBOY POETRY.

Chair Mark Nelson indicated that matter needs to be pulled off from the agenda because the Wasatch County Council had discussed and this was unnecessary because this was something that was decided previously to put in our budget and that had already been budgeted for and there was no reason for them to come and do this. We did ask them to come back after the event is over and give a report on how the funds were used and how successful it was and so on.

SECOND READING OF AN ORDINANCE 22-18 ESTABLISHING THE PROCEDURE FOR DISPOSITION OF SURPLUS REAL PROPERTY.

Shelby Thurgood, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that at the first reading the two main issues that we discussed were to decide the value of the property to be a significant parcel and also making sure that there was an avenue for disposition to other governmental entities. On B-2 of the ordinance I have amended it from the original version to replace the \$100,000 value with \$25,000 value. Also changed the language in C from anyone to person.

Councilman Danny Goode made a motion that we approve Ordinance 22-16 with the updates as presented by Shelby Thurgood. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Danny Goode
AYE: Marilyn Crittenden
AYE: Spencer Park

NAY: None.

UDOT HEBER VALLEY CORRIDOR EIS PROJECT UPDATE

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that UDOT has completed the selection process for a smaller scope of options to be considered for the Draft EIS document. Out of 23 options, 5 were selected for further consideration in addition to a no-build option. The project team intends to update the County Council on the progress of the study thus far and answer questions about the current public comment period and the project.

Craig Hancock, from UDOT, presented a power point presentation and then addressed the Wasatch County Council and indicated that the project purpose of the Heber Valley Corridor Project is to improve regional and local mobility on US-40 from SR-32 to US-189 and provide opportunity for non-motorized transportation while allowing Heber City to meet their vision for the historical town center. Craig Hancock also went through the alternative concepts themes. East bypass has never been planned. East bypass impacts neighborhoods and is not safe for kids walking to school. West side is much less developed fewer homes and schools. Something needs to be done about congestion. Congestion on Main Street is better than impacting neighborhoods. North Fields are treasured, don't impact them. Concern for impacts to natural resources: wetlands, creeks, aquifer, wildlife and view shed. Development will continue to the north and the bypass should tie in at SR-32. Also went through a screening process and criteria such as define study area, develop conceptual alternatives, preliminary evaluation of concept alternatives, level 1 screening, purpose and need, preliminary engineering, level 2 screening, environmental and regulatory impacts and then refine engineering. The detailed alternatives evaluation are in the Draft EIS.

Craig Hancock then went through Level 1 screening criteria, purpose and need. The criteria is to improve regional and local mobility on U.S. 40 through the year 2050; provide opportunities for non-motorized transportation; allow Heber City to meet their vision for the historic town center. The purpose and need of Level 1 screening is to improve arterial and intersection level of service (LOS) on US-40. Substantially decrease thru-traffic travel time. Substantially decrease queue length along US-40. Minimize conflicts to north-south mobility for thru-traffic. Provide opportunities for non-motorized transportation consistent with local and regional planning documents. Avoid, minimize impacts to valued places and historic buildings on Main Street. Avoid improvements that would preclude Heber City from implementing strategies to achieve their vision for Main Street wide sidewalks, bike lanes, landscaping, and reduced speed limit.

Craig Hancock then went through the Level 2 screening criteria such as acres and types of wetlands

and other waters of the U.S. affected. Linear feet of ditches and creeks affected. Number of Section 4(f) historic properties affected. The number of Section 4(f) recreation resources affected. Number of full property acquisitions and relocations commercial and residential. Number of partial property acquisitions. Alternatives cost compared to other alternatives. The alternatives would not be eliminated based on cost unless they are an order of magnitude greater.

Craig Hancock then went through the five alternatives carried forward to Draft EIS which are referred to as WA1, WB1, WB2, WB3 and WB4 and explained the routes each alternative has which has pictures showing those routes which are made a part of the record. WA1 is the freeway option with one frontage road to connect a couple of roads to provide circulation. WB1, WB2, WB3 and WB4 are not freeway alternatives but we call them highway alternatives and the difference is speed, and eliminate the grade separation and there are light signals. The WB1 and the WB2 we go at grade and tie in at 800 north. WB1 has a frontage road system that goes with it but a frontage road like was used on WA1. With regard to WB2 is very similar to WB1 and the main difference is the way we tie in at the south end. Also the transportation is not geared to the airport. WB3 and WB4 these are alternatives that extend up through the North Fields and are highway alternatives so are similar to WB1 and WB2 in the sense that they are higher speed fifty-five miles per hour, limited access so you would have very little access onto these alternatives as well. Councilman Danny Goode indicated that he doesn't like those two.

Craig Hancock then went through an alternative impact summary which also is made a part of the record which include looking at level of service of heavy intersections on 40. Looked at level of service for each of the road segments on Main Street. Also looked just mainly one intersection to look at queuing. Looked at local traffic time that is traveling from SR-32 down to the Hub Intersection. Also looked at regional travel time, traveling along each of these alternatives. The WB2 alternative and the WB3 Alternative were able to reduce all the levels of service on Main Street in 2050 and does reduce our travel time which is one of the best travel times for regional. The WB4 has the best local mobility and regional mobility and that is the one that goes through the North Fields. Also the most expensive alternative is the freeway option and least expensive is the WB1.

Craig Hancock indicated that we received many comments from people with concerns of the alternatives going on the east side as well as the west side. Also concerns were received about the importance of the North Fields. Also received comments indicated that the congestion on US-40 should be considered. Also comments indicated to extend the by-pass up and adjacent to Us-40 and tie in at SR-32. Also comments were received to make improvements to the North 40 area which is the section from where the by-pass ties in at about 800 North up to SR-32 which is called the North 40 area. Also comments that we consider a one way couplet on 100 East in addition to the 100 West alternative that was being considered at that time. Also comments to add some alternatives to the West by-pass and so added some additional alternatives there as well one that extends the by-pass through Daniels. Also added some alternatives that extended the by-pass north up to SR-32. Also suggestions to extend the 13th South extension over to the WD alternative. Eleven of these alternatives were taken into the screening process.

Council Comments:

Councilwoman Marilyn Crittenden had a concern about Historic Town Center. Craig Hancock indicated that Heber City presented a document showing a vision of what they consider as the Historic Town Center and what Heber City wanted Main Street to look like and the Historic Center extended several blocks north and south of Center Street and went a couple of blocks to the east and to the west. Councilwoman Marilyn Crittenden also was concerned about the North Fields being impacted which is very historical and important. Also concerned about the businesses being preserved and not impacted. Also was concerned about the one-way couplets that would impact the Heber City Historical Plan.

Chair Mark Nelson had comments about the non-motorized transportation and also bike path or trails which means that the road had to be wider. Councilwoman Marilyn Crittenden voiced a concern to understand the process and why these decisions were made this way regarding mobility and why some were eliminated that had good mobility. Craig Hancock indicated that one alternative was removed because it has impacts to what is called the Waters of the US which includes the wetlands and streams and canals. Councilwoman Marilyn Crittenden indicated that she has a concern about frontage roads and commercial being put along frontage roads. Also concerned that we have a voice in this process and make sure that we don't have unintentional consequences in the future. Craig Hancock indicated that UDOT is concerned about how we move people and the impact on the local residents.

Chair Mark Nelson indicated that the alternative regarding the North Fields we hope that we don't get to that one because that would be a disaster to Wasatch County. Councilman Marilyn Crittenden had concerns about lights and connections on the road.

Councilman Danny Goode indicated that he really likes WB1.

Councilman Marilyn Crittenden indicated that any time you move that tourism traffic away the businesses is a concern and am against WB3 and WB4 also wonder why these two alternatives WB3 and WB4 were not taken off because they involve the North Fields because of the concern voiced by the public regarding the North Fields being impacted.

Councilman Danny Goode indicated that we need to stay off the North Fields.

Councilwoman Marilyn Crittenden indicated that she would like to hear more about the non-localized transportation. Craig Hancock that will be flushed out more in the Draft EIS and will be addressed in the next public hearing that we have.

Mike Davis, the MIDA Coordinator, indicated that there is a Federal Water Decree of 1922 that uses the North Fields as a reservoir storage and then holds ground water to facilitate the water rights. It would be my opinion that deep excavation could severely limit the Decree and the ability of the water to flow back into the Provo River. Craig Hancock indicated that he didn't know about that and that will be something that we can look into and will have somebody get in touch with you so we can get a understanding of that Decree and what that means as we move into the detailed part and also we can reach out to Central Utah as well.

Craig Hancock then indicated that we are in the middle of our public comment period and it ends on July 22, 2022 and there are lots of ways for people to comment which is through our website, our e-mail, phone number and they are HeberValleyEIS.udot.utah.gov, Heber Valley Corridor EIS c/o HDR 2825 East Cottonwood Parkway, Suite 200 Cottonwood Heights, Utah 84121, HeberValleyEIS@utah.gov and telephone number is 801-210-0498. UDOT is looking for comments primarily on the process that we went through to evaluate each of these alternatives. We are asking comments and would like people to go through the report and tell us if our reasoning is faulty and is the reasoning good and why. This is more of a technical report and is trying to show how we got to the five alternatives that we are moving forward in the Draft EIS and we want to hear that public feedback and are encouraging everybody to go through that report and look at it and comment back to us on your thoughts and impressions regarding the report. The process will never be a voting process up or down, yes, no or up and down, yes or no, I like that or I don't like that. That is why we are asking the public to review the materials and why you chose that route and why you do like that and give us the WHY you do or don't like the route.

Craig Hancock also indicated that we will give this report to the Heber City Council on June 21, at 6:00 p.m. and to the Midway City Council on July 19 at 6:00 p.m.

Craig Hancock also indicated that the phase that we are at right now is the alternative screening and prepare Draft EIS. We are presently meeting with your staff as well as Heber City staff to go into more detail on the different alignments and reaching out to them and scheduling those meetings as well and will be pulling out the actual design file and walking through in detail where those alignments go and how to connect the local roads and that is the main focus of those meetings. Dustin Grabau indicated that they are meeting with me, Brandon Cluff with public works, and Ryan Taylor from engineering to talk specifically about some road construction aspects of the project. Craig Hancock indicated that our intent now is to move forward with those five alternatives into the Draft EIS.

Councilwoman Marilyn Crittenden asked is there any thought or hope that we could put one alternative back on for you to analyze closer and that would be the one regarding the Main Street. Craig Hancock replied that it would be good when you comment on that you identify why and why that should be there and some technical reasons why that would give us a reason to reconsider. Hopefully by next spring our goal is to be able to release the Draft EIS and the one that we select as our preferred but it doesn't necessarily rule out the other ones. We won't rule everything out

until at the very end.

DISCUSSION AND POTENTIAL CONSIDERATION FOR NEW POLICIES TO BE ADOPTED COUNTY WIDE.

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that for the past month, Wasatch County's executive team which include all department and office directors within Wasatch County, Solid Waste, Park and Recreation, and the Health Department have been meeting to review and provide recommended changes to various County wide policies. This committee is also creating new policy recommendations intended to improve operations, employee morale, and the public perspective towards Wasatch County government and has thus far identified a new policy format design to help standardize and categorize future County policies. We have listed approximately 70 policy topics to be discussed in the future with the intent to convert into new-revised policy recommendations. Also used the new policy format to create a new policy outlining the acceptable code of conduct for all patrons conducting business with the County. Also converted 4 recently adopted policies into the new format.

The group of executives will continue to meet every two weeks to review, update, and/or create policy recommendations for the County Council to consider. Upon finalization of any policy recommendation by the group, the Department of the County Manager will bring those recommendations to the County Council for consideration and adoption during a regularly scheduled Council meeting.

We would recommend that you would adopt the following:

1. Conflict of Interest.
2. Ethics and Conduct
3. Employee Recognition
4. Wasatch County Fund Balance.
5. Acceptable Code of Conduct for patron which includes what rights are available to our staff when they are faced with a customer that is unwilling to be respectful.

Heber Lefgren indicated that we are here today to receive approval for these five policies and in addition to give us direction on how the Council would like us to proceed with the adoption of these policies to the SSD's and the other organizations. Is there a preference on how the Council would like us to proceed? Heber Lefgren indicated that there are two options that he can think of and one is that those SSD's that want to participate they can create within their organization a single policy that is brought to their board at which point they can say that they are adopting county wide policies so that means that going forward we just need to bring it to you which then automatically gets adopted. The other option in their meetings that they present and that we first bring it to you for the County adoption and then they bring each individual policies to you at their meetings for their adoption.

Chair Mark Nelson indicated that it seems to me that the County needs to protect itself by making sure because ultimately aren't we liable for something that happens in the Fire District or Solid Waste. Heber Lefgren asked if those entities wish to adopt county policies how do they proceed to do that way. Chair Mark Nelson replied that it seems that the County Council as the elected official body over all of these SSD's.

Councilman Danny Goode replied that I think you need to discuss what is done today with the chairs of those various SSD's. We need to have the Wasatch County Attorney approve a way that these policies can be adopted in the right way regarding the SSD's and other departments. Heber Lefgren indicated that right now we need to determine whether or not the five policies that are outlined here that you approve them as they are currently written.

Councilman Danny Goode made a motion that we approve the five policies that have been named here today as presented for County wide adoption. Councilwoman Marilyn Crittenden seconds that and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Spencer Park

AYE: Danny Goode

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that the Mayflower is continuing on their testing and evaluation in the Marina Area and that is still being worked on. We have a group meeting with all of the department heads this Friday with MIDA where we get all the IT and taxing entities all together. These meetings have been very productive. We are going through a process to see that everything works. Also we need to have a closed session pertaining acquisition of property.

Mike Davis also indicated that he is viewing on Zoom interim meetings at the legislature and couldn't find anything that would pertain to Wasatch County and will continue to view those interim meetings.

COUNCIL/BOARD REPORTS

Chair Mark Nelson indicated that Dustin Grabau, Dallin Koercher and I met recently to talk about

and look once again at how the code describes how TRT and Restaurant Tax and other taxes are supposed to be allocated and also what the role of the Tax Advisory Board is supposed to be and had some discussions about. We need to explore that and try to understand that better to see if there are additional responsibilities that we would like the TAB Board to consider because they are an advisory board to the Wasatch County Council.

Councilman Danny Goode indicated that calendars are being distributed that describes the activities that are going on in the library. The library is become more popular all the time. You will also see this strategic road map that has been prepared that we haven't had in the past, this quality of a strategic plan. The assistant director of the library won librarian of the year in the State of Utah and then our library director just won a special award from the Utah State Librarian Association. The library have really good staff and planning for the future.

Councilman Danny Goode also indicated that Dave should help in the search of the new fire chief. Dustin Grabau replied that he will do that.

MANAGER'S REPORT

RFP WAGE ASSESSMENT

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we have published and closed an RFP for a wage assessment and there were two applicants for that and if any of you want to be involved in the selection of between those two applicants for a wage study. Councilman Danny Goode indicated that he will take part in that selection of the RFP. That is County wide and not including any of the SSD's.

OFFICIAL STATEMENT WITH REGARD TO THE BYPASS

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and asked if they wanted to make an official statement during this comment period or do that individually. The previous statement addressed an alternative that was eliminated and didn't know if you wanted to amend that statement to reflect the current screened alternatives or want to develop a more in depth analysis of those alternatives and there is not much time left to do something like that. Councilman Danny Goode indicated that it was decided that we would do a new resolution. Dustin Grabau asked if the Council wanted us to do that and present a recommendation for the Council to submit. Chair Mark Nelson indicated that I think the Council is probably united in that we value leaving the North Fields alone as a high value you can get. We would like to communicate that in a powerful way and say that is our highest priority.

Dustin Grabau indicated that route WA1 and B-3 and 4 would be opposed by the Wasatch County

Council. Chair Mark Nelson replied that yes that is correct. Mike Davis indicated that you need to list the reasons why the road shouldn't be there and list also water concerns, planning concerns, engineering concerns, also open space bonds, things to facilitate agriculture. Chair Mark Nelson indicated that he a one page summary of what we have just talked about and try to articulate the general reasons why we are opposed to each one and then ask the MIDA Coordinator what he thinks and all the different departments their concerns. Councilwoman Marilyn Crittenden indicated that we need to present facts and the impact it has on the Heber City Main Street businesses because I am really concerned about that.

Dustin Grabau also indicated that there is a need for a closed session regarding property acquisition.

Chair Mark Nelson then gave Ron Crittenden some time regarding his comments on the bypass road. Ron Crittenden, a past Heber City Councilman, addressed the Wasatch County Council and presented some of his views regarding the route of the by-pass road and indicated that the by-pass should be taken out where it needs to be.

Councilman Spencer Park made a motion to go into closed session for litigation and property acquisition. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Danny Goode
AYE: Spencer Park**

NAY: None.

Councilman Danny Goode mad a motion to leave Closed Session and go back into regular session. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Spencer Park
AYE: Marilyn Crittenden
AYE: Danny Goode**

NAY: None.

Chair Mark Nelson indicated that the record should reflect that we are back again in the Council's regular agenda and ready to proceed with our Public Hearings.

- ITEM 1 SECOND READING OF AN ORDINANCE 22-14 IMPLEMENTING THE COUNTY OPTION TRANSIT SALES TAX.**
- ITEM 2 RHETT RIDING, REPRESENTING STORIED DEER VALLEY LLC REQUESTS OVERALL PRELIMINARY APPROVAL FOR PAINTED BLUFF, A PROPOSED RESIDENTIAL PHASE OF THE TUHAYE MASTER DEVELOPMENT. THE PHASE CONSISTS OF 33 LOTS AND 72.78 ACRES OF OPEN SPACE ON A TOTAL OF 112 ARES LOCATED AT THE NORTHWEST CORNER OF THE TUHAYE MASTER DEVELOPMENT IN SECTION 28, TOWNSHIP 5, SOUTH, RANGE 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE.**
- ITEM 3 CONSIDERATION OF ORDINANCE #22-15 AMENDING TITLES 14 AND 16 OF THE WASATCH COUNTY CODE TO UPDATE STANDARDS RELATED TO LAND DISTURBANCE IN COMPLIANCE WITH RECOMMENDATIONS OF A RECENT WATER QUALITY STUDY.**

Chair Mark Nelson indicated that there are only three Members of the Council that are present because one of the Council Members had an emergency at home and had to leave unexpectedly. As a result of that there are only three Members of the Wasatch County Council present and the Council needs four Council Members to do business and make motions. I am sorry about that but these matters will have to be continued to another date.

ADJOURNMENT

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

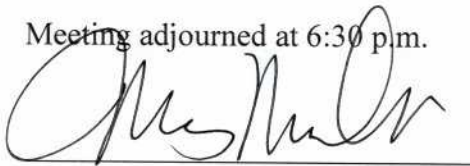
AYE: Chair Mark Nelson

AYE: Danny Goode

AYE: Spencer Park

NAY: None.

Meeting adjourned at 6:30 p.m.


MARK NELSON/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

