

**MINUTES OF THE
WASATCH COUNTY COUNCIL
AUGUST 3, 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
Steve Farrell
Marilyn Crittenden
Kendall Crittenden
Jeff Wade
Danny Goode via Zoom

STAFF: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Natalie Foster, the Wasatch County Manager's Secretary via Zoom
Wendy McKnight, from the Clerk's Office
Shelby Thurgood, Deputy Wasatch County Attorney
Joey D. Granger, the Wasatch County Clerk/Auditor
Mike Davis, the MIDA Coordinator

Rick Tatton, Court Reporter via Zoom
Doug Smith, the Wasatch County Planner
Austin Corry, the Assistant Wasatch County Planner via Zoom

PRAYER: Chair Mark Nelson

PLEDGE OF ALLEGIANCE: Let by Councilman Kendall Crittenden and repeated by everyone.

Chair Mark Nelson called the meeting to order at 3:00 p.m. on Wednesday August 3, 2022 and welcomed those present and indicated that all of the Wasatch County Council are present with Councilman Danny Goode being present via Zoom. The record should further reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative 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. Councilwoman Marilyn Crittenden indicated that the work meeting on August 10, 2022 should be changed to a regular meeting.

Councilman Kendall Crittenden made a motion to change the next work meeting to be a regular meeting. Councilman Steve Farrell 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 via Zoom
AYE: Spencer Park**

NAY: 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 were any administrative issues for future meetings.

Mr. Lynn David from Brighton Estates concerning a rock excavation business taking place in Brighton Estates. Chair Mark Nelson indicated that this matter came before the last Wasatch County Council Meeting and indicated to Lynn David that his matter is being looked into so there won't be any need for you to comment any further today. Mr. Lynn David replied that he would like to take 8 minutes and present what he had prepared. Chair Mark Nelson indicated that cannot take place. Mr. Lynn David didn't listen to what Chair Mark Nelson was saying and proceeded to present his prepared comments. Chair Mark Nelson then left the bench and Vice Chair Spencer

Park took over. Mr. Lynn David then presented his comments regarding the rock excavation business that is taking place in Brighton Estates without proper permits for such a business to be taking place there. Vice Chair Spencer Park indicated to Mr. Lynn David that there won't be a decision rendered tonight so that he will understand that and indicated that the matter is being looked into by the Wasatch County Staff.

APPROVAL OF THE JULY 20, 2022 MINUTES

Councilman Steve Farrell made a motion to approve the minutes for July 20, 2022 as written. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Danny Goode via Zoom

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Marilyn Crittenden

AYE: Jeff Wade

NAY: None.

The record should reflect that Chair Mark Nelson has returned to the Wasatch County Council..

DISCUSSION/CONSIDERATION JOINING RPO (REGIONAL PLANNING ORGANIZATION) AND SUMMIT COUNTY.

Councilman Kendall Crittenden indicated that we have been talking about this for the last couple of months in our regional planning meeting that we have with the various jurisdictions. This has not been reviewed by Jon Woodard, the Deputy County Attorney, which needs to be done. This does not require that the County use any of the funding that we have.

The intent of the RPO is to prepare Wasatch County Regional Transportation Plan which is updated fairly regular. The idea of the RPO is that the two counties work together to talk about regional transportation issues between the two counties. This would formalize what we have been doing for years. One of the questions is do we want Summit County and Park City voting on transportation questions in Wasatch County and vice versa.

Councilman Steve Farrell indicated that there is benefit to it and if we do it as it related to transportation. Also would be hesitant to combine this regional planning meeting and wouldn't want to combine it because I think our regional planning meeting should be made up the entities in Wasatch County which has more benefit to us than an RPO.

Councilwoman Marilyn Crittenden indicated that she sees the benefit in opening up the dialogue between the regional areas which has a benefit to it and don't have any problem with the RPO. We want to leave our money to our regional planning meeting. We want to keep our communications open and also didn't know this was a voting organization. We need to look at this carefully and closely.

Doug Smith, the Wasatch County Planner, indicated that by having a united voice and went to UDOT as a Wasatch Back we would be more likely to receive funding for such a program. Also with this combining there would be a problem with the alignment of the by-pass road because the other entities don't know the politics and issues that Wasatch County is dealing with.

Dustin Grabau, the Wasatch County Manager, indicated that with this we aren't losing any abilities to make any statements that we already possess in that we can still make statements about the by-pass and other things such as that. The question would be that this new entity could unanimously give an additional voice to items but I don't think it takes away any of our abilities. We might not gain as much as we would hope on issues that we don't agree on. This is a way of how the various entities would communicate our needs to the State of Utah of the things that we would need regarding this and that would strengthen our voice at the State level with regard to transportation.

Mike Davis, the MIDA Coordinator, indicated that Summit County is not in our UDOT Region and UDOT is extremely regionalized. Also would doubt that Summit County would add any weight in what we would be doing in Region Four or vice versa.

Councilman Steve Farrell indicated that we have been involved in this for eighteen years now with the RPO one way or the other and nothing has come out of it other than a map that has been prepared which is local input from the local municipalities and the County.

Councilman Jeff Wade indicated this would be more helpful in dealing with transit issues and there might be a time that both entities need to be together on an issue. Councilman Steve Farrell indicated that the only value to this RPO is what we ask UDOT to do for us. Wasatch County has survived the last five years without an RPO Plan and probably did well. Somebody ought to sit down together and outline the benefits of what would be accomplished by having this plan. This is something that we could talk about in the regional planning without the MAG being there and indicate that this is what we want to accomplish by the RPO. That meeting would be the third Tuesday of August.

Councilwoman Marilyn Crittenden indicated that she wants to see how this would benefit Wasatch County. Also understand that you can't apply for certain grants without certain documents which may pertain to this.

Councilman Kendall Crittenden indicated that he will work with Dustin Grabau and we will figure out a time to discuss this further.

DISCUSSION/CONSIDERATION OF 2022 TAX SALE

Shelby Thurgood, the Deputy Wasatch County Attorney, addressed the Wasatch County Council and indicated she was asked to look into a property that did not sell at the tax sale has to be struck to the County. Both the County's ordinance, the State Code and the tax commission rules are standards of practice all has to be mandatory. If a property goes to tax sale and doesn't sell then it must be struck off to the County. Also any property the County gets through tax sale that is struck off to the County and should be sold for any price is the phrase in the State Code.

Councilman Steve Farrell indicated that the question is if we go ahead and declare the tax sale finished or closed are we accepting the liability of that parcel's interest if there is any interest. Shelby Thurgood replied that the County would own whatever there is to own of that interest. Councilman Steve Farrell indicated that the tax sale hasn't been certified and so I don't think we have a tax sale until it is certified and not finalized and so this one piece could be removed from the tax sale and the question is can we remove this one from the tax sale and continue it for another year to try and resolve the ownership interest. The County can pull the property off from the tax sale at any point.

Councilman Steve Farrell made the motion that we go ahead and certify the tax sale with the exception of Parcel No. 9000000 840 and we will remove that from the tax sale and certify the rest. 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: Kendall Crittenden

AYE: Spencer Park

NAY: None.

The record should reflect that Councilman Danny Goode via Zoom was absent when the matter was heard and the vote was taken.

AMENDING POLICY #145-001, EVACUATION OF FACILITY DURING UNSAFE SITUATIONS TO 150-001.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the only change to this was just the policy number and other than that it is identical to what was presented to you at your last Council meeting. Councilman Kendall Crittenden indicated that Policy Number 145-001 is changing to 150-001 and other than it is exactly the same.

Councilman Kendall Crittenden made a motion that we ratify Policy No. 150-001 Employee Safety Policy concerning evacuation of facility during unsafe situations and amending the number to 150-001.

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: Spencer Park

AYE: Kendall Crittenden

NAY: None.

The record should reflect that Councilman Danny Goode via Zoom was absent when the matter was held and the vote was taken.

MIDA COORDINATOR

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that an item that I am working on now is MIDA has a desire to create a fire plan for wildland fire in that area. I have put Troy Morgan in touch with MIDA to start to work on that. The issue needs to be figured out with the fire contracts with the State of Utah and how they are paid for. Possibly in the new agreement with MIDA something pertaining to the wildland fire issue can be added to that agreement with regard to how a fire in that area can be paid for. Extell is now starting their new ski lifts which has brought up the question from MIDA from County's ability and process of evaluating for tax purposes the value of these ski lifts which should be evaluated correctly for everyone's benefit.

Councilman Steve Farrell indicated that the real issue there is what kind of value to put on the base land and what costs to install a tower. So many towers make a run and the cost of those. The difficulty is to determine the value of the site. We can look at Park City and see what they are doing with some of their runs and other ski resorts in what they are doing.

Mike Davis indicated that MIDA would like to come and report to the Council and suggested the work meeting in September which would be the second meeting in September and that can be put on the agenda for MIDA to present to you and go over financial information, tax information, building permit and occupancy information all those type of things that the Council will have an interest in. Councilman Steve Farrell indicated that Governor Cox will be here to visit with Extell also.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that a public lands meeting was held this morning and the representation from Mile Mills on the Mitigation Commission for Wasatch County to Paul Bates which has twenty years of experience with State Government and Public Lands. Also tomorrow morning we are meeting with the CIB Board in making a presentation on the new fire station and request of a loan for \$14.2 million for thirty years at one percent interest if possible.

Chair Mark Nelson indicated that there has been a safety concern in throwing candy to children during the parade. Councilman Danny Goode via Zoom indicated that has always been a concern and don't know of any injuries that have occurred with throwing candy from the various floats.

Chair Mark Nelson indicated that perhaps we should set in place and consider some policies regarding the public comment portion to try and make sure that we can control that. A good example of what can happen is what was demonstrated here today by Lynn David from Brighton Estates. Dustin Grabau indicated that we will be happy to prepare a recommendation and will bring that back to the Council. Councilman Danny Goode via Zoom indicated that the Council has always been transparent in letting people speak and have had no issues regarding that. Also would be very cautious in restricting people's ability to petition the government through public comment. Chair Mark Nelson indicated that he agrees with what Councilman Danny Goode has said but we need to have in place a framework that we can rely on in a situation if it gets out of control.

Councilman Kendall Crittenden indicated that if you want to have some real entertainment the Community Caring Coalition tomorrow will have a skate board, scooter competition at the skate park from three to five for scooters and bikes and five to eight for skates.

Councilman Jeff Wade reminded the Council in riding in the parade this evening. Councilman Steve Farrell indicated that interferes with other activities taking place such as the stock auction which isn't over with by the time the parade starts. Boards and a couple of professionals will be there to demonstrate.

MANAGER'S REPORT

COST OF BRIDGE CROSSING THE LOST CANYON

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there is a final cost for the bridge crossing the Lost Canyon. They were unable to secure additional parties to fund that bridge so the total cost is about \$170,000.00. They are asking that Wasatch County to fund about half of that and there is \$60,000 in a grant from DWR and can't be used for anything else and as a result of that there would be an additional \$25,000. Also recently we have received our ARCO funds and planning on preparing a presentation to you about some of the use of those funds. If the County wants to fund that additional \$25,000 that would be a good source for those funds to be used for.

Councilman Steve Farrell made a motion that we go ahead and provide the \$25,000 additional cost on top of the \$60,000 grant to help cover the cost of the bridge. Councilman Kendall Crittenden 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: Kendall Crittenden
AYE: Danny Goode via Zoom
AYE: Spencer Park**

NAY: None.

Councilman Steve Farrell indicated that there was a flash flood that occurred the other night in that area but none of the main facilities were damaged.

Dustin Grabau, the Wasatch County Manager, indicated that he has a need for a Closed Session for Pending Litigation and Property Acquisition.

Councilman Kendall Crittenden made a motion to leave our regular agenda and go into Closed Session for Pending Litigation and Property Acquisition. 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 via Zoom
AYE: Spencer Park**

NAY: None.

Councilman Spencer Park made a motion to come out of Closed Session and go back into the regular Council Agenda. 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 via Zoom
AYE: Spencer Park**

NAY: None.

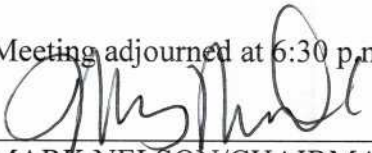
ADJOURNMENT

Councilwoman Marilyn Crittenden made a motion to adjourn. Councilman Steve Farrell 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 via Zoom
AYE: Spencer Park**

NAY: None.

Meeting adjourned at 6:30 p.m.


MARK NELSON/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR


SPENCER PARK/VICE CHAIR