

**MINUTES OF THE
WASATCH COUNTY COUNCIL
AUGUST 10, 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
Marilyn Crittenden
Jeff Wade via Zoom
Danny Goode via Zoom
Steve Farrell
Kendall Crittenden

EXCUSED:

Councilman Spencer Park

STAFF:

Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Natalie Foster, the County Manager Secretary
Jon Woodard, the Deputy Wasatch County Attorney
Austin Corry, Assistant Wasatch County Planner via Zoom
Wendy McKnight, from the Wasatch County Clerk's Office
Joey D. Granger, the Wasatch County Clerk/Auditor
Mike Davis, the MIDA Coordinator
Rick Tatton, Court Reporter via Zoom
Todd Griffin, the Wasatch County Assessor

PRAYER:

Councilman Steve Farrell

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

Chair Mark Nelson called the meeting to order at 3:00 p.m. on Wednesday August 10, 2022 and welcomed those present and indicated that all of the Wasatch County Council are present with Councilman Spencer Park being excused and Councilman Jeff Wade and Councilman Danny Goode present via Zoom. Also Councilman Kendall Crittenden will be a few minutes late. 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. Councilman Steve Farrell indicated that we should ask the County Clerk/Auditor and the County Assessor to update everyone concerning the appeal process of their taxes and what we can do alleviate some of the pressure and concerns that we are hearing from the taxpayers. That could be done at the next Council meeting or the first Council meeting in September.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Mark Nelson asked if there are 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 comment on matters not on the agenda.

Randon Wilson, Midway City resident, addressed the Wasatch County Council and indicated that he is here on a tax assessment issue. Randon indicated that he owns five properties in Wasatch County and my taxes for the year 2021 were in an aggregate of \$21,500.00. The aggregate for this year is \$37,600.00. The jump is significant. Just concerned that some have been jumped so much and others haven't even been appraised yet and we are going to bear our burden for some period of time. Just wondering if there is a way to phase in those increases. Chair Mark Nelson indicated that this has been a seriously concerned topic and much discussion has been going on already and this isn't really new this year. We are working on that. For a taxpayer to voice their concern there is a way to protest and appeal the market value of property by setting up an appointment with the Equalization Board to hear their concerns and that has to be turned in by September 15, 2022. Councilman Steve Farrell indicated that the tax rate has already been determined and so it is going to be more or less on individual properties as we approach this and try to get them in line. To go in and do a blanket adjustment is probably impossible at this point.

APPROVAL OF THE AUGUST 3, 2022 MINUTES

Councilman Steve Farrell made a motion to approve the minutes for August 3, 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: Jeff Wade via Zoom
AYE: Steve Farrell
NAY: None.
ABSTAIN: Councilman Danny Goode (absent)

COUNCIL

DISCUSSION AND CONSIDERATION OF ELECTION EQUIPMENT TRANSFER AGREEMENT.

Joey D. Granger, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that Shelby Thurgood from the Wasatch County Attorney's Office has reviewed the agreement to bring before the Council. Basically Davis County was upgrading some of their election equipment and I just happened to be fortunate enough to be privy on a conversation that they would have this piece of equipment to be available. This equipment will be a huge help to our office with regard to processing envelopes and verifying the signatures. It scans ballots. This will make one piece of our process to be automated. We can take that over from Davis County free of charge and would just be taking on the licensing and maintenance fees. Also this equipment will be quite useful for quite a few years for us. The annual fees for this the license and hardware maintenance is \$7500.00 a year which includes 15,000 scans. This can actually reduce voter fraud because it can be more accurate than an actual election judge doing it. Also right now it would help me distribute the help more in the election process.

Councilman Steve Farrell made a motion that we authorize the Wasatch County Clerk/Auditor to go ahead with this equipment and enter into this transfer agreement with Davis County as has been 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 via Zoom
AYE: Danny Goode via Zoom
AYE: Steve Farrell

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that we had our regular meeting last Friday and the Extell Housing Plan for the proposed agreement was delivered to us. The group meeting is being planned for all the Wasatch County department heads on the August 16, 2022. There is a DRC meeting for the MIDA area on August 16, 2022 and will have an Extell presentation concerning things that Wasatch County needs to be aware of. The frontage road on the Westside, UDOT is reviewing that and it is in the UDOT right-of-way and expecting a reply by August 26, 2022 and then our engineer is doing the review with UDOT. The fire district is scheduled to go to Vail Colorado on August 18, 2022 to look at what that city is doing with a similar resort situation with regard to wildland fire issues. Also on September 6, 2022 the legislature is coming up and having a golf tournament at Midway and MIDA along with High Valley Transit is putting together a little tour to try and get some of the legislators an opportunity to see what Wasatch County is trying to do for transit up in that area and bring some of it into our area. Also scheduled for the second meeting in September is to have MIDA come and do a presentation to the Council and go over some financial information and how the taxes are flowing and so forth.

COUNCIL/BOARD REPORTS

Councilman Danny Goode via Zoom indicated that at the fair the library had a booth and a lot of people came to look at our booth which was helpful to make the public aware of what is being done by the Wasatch County Library. It was very successful.

Councilman Steve Farrell indicated that possibly we could look at changing our Council Meeting schedule from 3:00 p.m. to 4:00 p.m. The Council indicated that they could look into that and discuss it more. Dustin Grabau, the Wasatch County Manager, indicated that he will discuss this action with the various department heads and will bring that back to the Council for more discussion at a future meeting.

Chair Mark Nelson indicated that he has a need for a Closed Session for potential litigation.

MANAGER'S REPORT

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that we had a meeting with Hi Valley Transit committee and since we passed the transit sales tax we will be developing a plan regarding this. We need to talk to the Council about and solicit your input for how you would like to handle the initial discussions about this. We would like to have sub groups of the Wasatch County Council meet with our staff and the Hi Valley staff and talk about some of the details of that plan. We are looking toward a start of this winter for transit services and we want to make sure that everybody is on the same page regarding that and what Wasatch County is willing to commit to in the short term and also long term. Dustin Grabau

indicated that he will schedule appointments with the Council and our staff to look into this matter and schedule some small group meeting of three or fewer of the council members. Also I do have a need for a Closed Session concerning reasonably imminent litigation

Councilman Steve Farrell made a motion to leave our regular meeting and go into Closed Session to discuss reasonably imminent litigation. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Jeff Wade via Zoom made a motion to leave the Closed Session and go back into regular session to handle the one Public Hearing. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

Chair Mark Nelson indicated that the record should show that the Wasatch County Council is now again in session to hear the Public Hearing scheduled for this evening.

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

EXCUSED: Councilman Spencer Park

**PUBLIC HEARING
AUGUST 10, 2022**

CONSIDERATION OF THE USE OF OPEN SPACE BOND FUNDS FOR THE PRESERVATION OF THE LUNDIN FARMS PROPERTY IN THE AMOUNT OF UP TO TWO MILLION DOLLARS.

Heidi Franco, Mayor of Heber City and Chair of the Open Lands Board, addressed the Wasatch County Council and indicated that this request was presented to us in January 2021 so had quite a bit of time to go over it and get it to this point. The Open Lands Board is recommending a one year positive recommendation for up to two million dollars of the Open Space Bond Money for the development rights. The application is for 119 acres and the Lundin Property is located in Midway.

There are two conditions that the Open Lands Board would like to bring to the Wasatch County Council for approval of up to the two million dollars. The first recommendation right there in the second paragraph is that prior to granting the actual money that this application of the Lundin Farms shall provide to the Open Lands Board and you the Wasatch County Council a certified appraisal for the conservation easement value that right now is being estimated at \$6.5 million and then \$2 million of that would come from the Open Space Bond Monies.

The second condition would be that this appraisal will include the description of the irrigated and non-irrigated acreage as well as the attachment or the verification of the historic water rights and water shares that go along with the irrigated and the non-irrigated property. We are asking for a one year approval. At the end of that year another year extension can be granted and we just ask that the Utah Open Lands come back to the Open Lands Board with an update and asking for the extension and then will vet it at the Open Lands Board and bring it back to you for approval and that can be done every year because they are also needing to arrange other financing from NRCS or state monies or private donations along with the \$2 million from this Open Space Bond Money. The other funding sources haven't been finalized yet and waiting to get those other monies approved which may take some time so we want to go ahead with the \$2 million approval for one year but it is based on getting the IRS appraisal that that conservation easement value is there and the water is there for the land.

Wendy Fisher, Executive Director of the Utah Open Lands, addressed the Wasatch County Council and indicated that we have been working on this for quite a while. The conservation easement value is more than what we are proposing as a purchase price. The family is looking to create some bridge loan financing so the one member of the family that is not interested in participating in this can work towards a buy-out and that would allow us to progress with NRCS funding. We see this as the family going the extra mile to really look at whether or not this would be protected. We are completely satisfied and agree with the conditions that have been brought forward by the Wasatch Open Lands Board.

Also conservation easement appraisals are expensive and that appraisal needs to be done. There are several historic structures on this property and the family will work with us to get this on the National Register of Historic Places certification which helps our ranking from a NRCS perspective and also ensures the preservation of the historic structures that is on this property. We feel that this property has actual multiple values and the family is also willing to consider some potential community benefits such as trail connections and the reason that the family is doing this is not because of the dollars but are doing it because they care about their community and that is why we are asking you funding for this conservation.

Steve Stevens, member of the Midway Open Space Advisory Committee which is to the Midway City Council. We have considered the application and went through the same process that you have seen here and have followed the Wasatch Open Lands Board decision which was a unanimous decision to go forward with up to \$1 million in support for this conservation easement and being able to preserve the property. The advisory committee recommendation will go to the Midway City Council at the next meeting.

Public Comment:

Chair Mark Nelson then opened the Public Hearing for public comment.

Rich Wagner, via Zoom, addressed the Wasatch County Council and indicated that we live in Midway and we are one hundred percent in favor of this conservation easement being granted.

Woody Woodruff via Zoom and I live in Midway and would urge the Wasatch County Council to approve this recommendation. This is a generous offer they are making for the community.

Marie Dalglish, a decedent of the Lundin Family, gave a brief history and indicated that she thanks the Lundin Family for going this route with their ground.

Heather Schultz, resident of Midway, addressed the Wasatch County Council and indicated that she is a neighbor to this piece of property that we want to preserve and in total support of this conservation easement.

Leslie Jones, Midway resident living in Swiss Oaks, addressed the Wasatch County Council and indicated that she is in total support of this conservation easement for the Lundin Farms. She loves to see the wildlife that is present on the Lundin Farm.

Sue Won, newcomer to Midway, addressed the Wasatch County Council and indicated that this is a beautiful piece of ground and would support the conservation easement that is being proposed. There is something magical about this valley.

Enoch Cameral, resident of Midway, addressed the Wasatch County Council and indicated that she loves this ground and would agree one hundred percent with this conservation easement taking place.

Diane Glenn, resident of Midway, addressed the Wasatch County Council and indicated that she loves to see property such as this being preserved and would agree one hundred percent with this conservation easement taking place.

Maggie Fuggett, resident of Midway, addressed the Wasatch County Council and indicated that she has never lived in a community like the Heber Valley and am one hundred percent in favor of this conservation easement taking place.

Sidney Kofax, addressed the Wasatch County Council and indicated that he is in favor of approving this conservation easement for the Lundin Farms because it tells a history and is a beautiful piece of property.

Craig Hansen, resident of Heber, addressed the Wasatch County Council and indicated that he is in support for this conservation taking place. The Lundin Family is a great family and this conservation is a great deal for the people of Heber Valley.

Chair Mark Nelson then asked is there anyone that is opposed of this conservation easement taking place to please come forward. There was none who was present that was opposed to this easement taking place and then closed the public comment period.

Councilwoman Marilyn Crittenden indicated that this is a good thing that is taking place and would commend the Lundin Family for doing this. Also thank everybody who is here for voicing their support to this conservation taking place.

Councilwoman Marilyn Crittenden then made a motion that we accept the Open Space Funds for the preservation of the Lundin Farms Property in the amount of up to two million dollars with the two conditions that was given by Heidi Franco. Also add the condition that Jon Woodard, the Deputy Wasatch County Attorney has indicated that they would like a chance to review the document. Also include the one year approval with an option if the Open Lands Board comes back to extend that for another year and so forth. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Jeff Wade via Zoom

AYE: Danny Goode via Zoom

AYE; Steve Farrell

AYE; Kendall Crittenden

NAY: None.

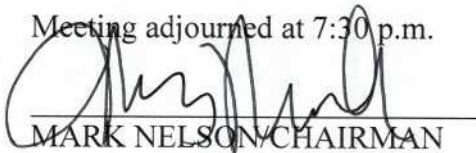
ADJOURNMENT

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

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

NAY: None.

Meeting adjourned at 7:30 p.m.


MARK NELSON, CHAIRMAN


JOEY D. GRANGER, CLERK/AUDITOR

