

**MINUTES OF THE
WASATCH COUNTY COUNCIL
SEPTEMBER 7, 2022**

The Wasatch County Council met in a regular session live and by Zoom at 4:00 p.m. and the following business was transacted.

PRESENT: Chair Mark Nelson
Jeff Wade
Steve Farrell
Kendall Crittenden
Spencer Park
Danny Goode

EXCUSED: Councilwoman Marilyn Crittenden

STAFF: Dustin Grabau, Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Natalie Foster, Secretary for the Wasatch County Manager
Mike Davis, the MIDA Coordinator
Joey D. Granger, the Wasatch County Clerk/Auditor
Wendy McKnight, from the Clerk's Office
Doug Smith, the Wasatch County Planner via zoom and in person
Austin Corry, the Assistant Wasatch County Planner
Shelby Thurgood, Assistant Wasatch County Attorney
Rick Tatton, Court Reporter via Zoom

PRAYER: Councilman Jeff Wade

PLEDGE OF ALLEGIANCE: Led by Councilman Spencer Park and repeated by everyone.

Chair Mark Nelson called the meeting to order at 4:00 p.m. on Wednesday September 7, 2022 and welcomed those present and indicated that all of the Wasatch County Council are present except Councilwoman Marilyn Crittenden who is excused. The record should further reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers 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 file.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Mark Nelson asked if there is any legislative issues for future meetings. Councilman Danny Goode asked if we could have a meeting regarding security in the buildings and elsewhere possibly at the next scheduled work session.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Mark Nelson then asked if there were any public comment on matters not on the agenda.

John Barrick, Utah County resident, addressed the Wasatch County Council and indicated that he has owned real property in Wasatch County since 2004 in Lime Canyon in Midway. This matter is about a road and the County standard is a 10 percent grade and we asked for a variance for a 12 percent grade. The road was constructed by one of my neighbors and found out later that he constructed the road illegally. The Wasatch County Engineering Department indicated that there was never a grading permit issued for that road. The percent of the grade range from 15 percent to 22 and a half percent more than ten percent higher than the amount that you approved. Also there was supposed to be 1128 feet of guardrail because of the extensive grades and safety is an issue. I received a notice on June 29, 2022 of a violation that this road is not in compliance with Wasatch County Code 14-02-04. A part of that road is on my property and concerned about the safety of that road that there might be a legal concern of me being liable. As a result I blocked that off and the Wasatch County Sheriff opened that road last week. This is not an easement issue but a public safety issue. I also wrote a letter to the opposing side stating my concerns. The opposing side wrote back and indicated that the road in its current state is sufficient to serve our purposes providing access to our respective client's properties and if you are concerned about liability you can obtain insurance. I am asking that the Wasatch County Sheriff allow the road to be blocked and signs posted until the unsafe portion of the road which is two thirds of it. All three neighbors can have access but asking the County to protect both myself and the public from liability. I would thank Dustin Grabau for the time he has given me. Dustin Grabau indicated that the direction to the Sheriff's Staff to keep the peace but not take a position on the legality of access. John Barrick replied that we are just asking for some help to protect the public from danger.

APPROVAL OF THE AUGUST 17, MINUTES

Councilman Steve Farrell made a motion to approve the August 17, minutes as written. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

NAY: None.

APPROVAL OF THE AUGUST 25, 2022 MINUTES

Councilman Steve Farrell made a motion to approve the minutes for August 15, 2022 meeting. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

NAY: None.

COUNCIL

REVIEW AND APPROVAL BY THE COUNTY COUNCIL OF THE UPDATED ZONING MAP OF WASATCH COUNTY AS REQUIRED IN 16.02.04(A) OF THE WASATCH COUNTY CODE. IF APPROVED BY THE COUNCIL 16.02.04(A) REQUIRES A SIGNATURE OF APPROVAL BY THE CHAIRPERSON.

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that House bill 16 requires us to periodically update the zoning map and have the chairman sign that. There are a few updates that have been made as a result of rezones that have happened. The changes are that we have made changes to the MIDA designated area. We have added legends for the JSPA area. We also have added a legend for the master planned area out at the Strawberry Islands. Then we have updated the annexation

declaration boundaries for the various cities in Wasatch County. Doug Smith then went through the various changes by showing it on maps. Also we removed the business and research park from the right hand table because there is no zoning in Wasatch County for business and Research Park. We would ask that the Council approve this document and then we can get the new zoning map done.

Councilman Kendall Crittenden made a motion that we approve the updated zoning map of Wasatch County as required by 16.02.04(A) as has been shown. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Jeff Wade

AYE: Kendall Crittenden

AYE; Steve Farrell

AYE: Danny Goode

AYE: Spencer Park

NAY: None.

DISCUSSION/CONSIDERATION FOR APPROVAL FIRST SET OF BOARD OF EQUALIZATION.

Joey D. Granger, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that we have had one round of our hearing officer being here to meet with taxpayers to go over their appeals and also go over the ones that chose not to be here or the primary exemptions that we do a pre-approval process through the Assessor's office and they just kind of get pushed through the process a little bit faster. Right now we have 776 appeals and that includes what we have heard, any dismissals, denials that is everything so far. This year we have a lot of people calling and asking questions before they are appealing. We have got 32 appeals that have gone through the process that he has recommendations on. There is 126 primary exemptions that have already been pre-approved and possibly you could approve them so that we can get a decision letters on those and get them sent out.

Councilman Steve Farrell made a motion that we go ahead and approve the primary exemptions that has been presented. Councilman Danny Goode 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: Jeff Wade

NAY: None.

Councilman Steve Farrell asked if most of the appeals that you have heard are they valuation or equity. Joey D. Granger indicated more towards equalization.

BRIEFING ON THE WASATCH COUNTY FY 2022 6 MONTH FINANCIAL REPORT

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that each year the County Council adopts an annual budget of anticipated revenue and expenditures for the operation of the County. The Department of the County Manager and the Clerk's Office regularly works with Department Directors to review budgets and to ensure that the County ends the year within budget. To be more transparent to the residents of Wasatch County and to improve the County's financial accounting practices, the Department of the County Manager in collaboration with the Clerk's Office will provide to the County Council a more thorough financial report each quarter that compares the County's adopted budget to a more up-to-date estimate of where the County expects to be financially at the end of the year. The document titled Wasatch County FY 2022 6 Month Financial Report is the first of these quarterly financial reports with descriptive variance explanations for those expenditures and/or revenues that are coming in higher or lower than originally budget. In summary we are under budget and receiving more revenue than has been budgeted. In the General Fund we have a net positive change for about \$5.8 million and \$2.6 of that is from additional sales tax that we are estimating additional \$1.5 million for various building and engineering fees. Also received about a million dollars for reimbursement for prior year expenses that was not budgeted as well on some of our public works projects and the scope of services changed to where it is coming in under budget. In the transient room tax we are receiving an increase in revenue more than was budgeted and about the same amount that we are receiving for sales tax. The restaurant tax is coming in higher than was budgeted. Changes in the American Rescue Plan Fund the construction is coming in less expensive than what was budgeted for in large part because we are doing a lot of that work in house.

Chair Mark Nelson asked if there has been any surprises. Heber Lefgren indicated that there has not been any large surprises. Dustin Grabau, the Wasatch County Manager, indicated that this speaks well of the County's overall financial position.

Councilman Steve Farrell asked if an extra sheet regarding the MIDA area has been provided so that we can have a better way to pinpoint what we are bringing in and what it is costing us to let us know where the County sits. Dustin Grabau replied that document has been prepared and we have transferred some money in there because the MIDA operating budget comes out of there. Some of the revenues we get from MIDA go into there. Mike Davis, the MIDA Coordinator, indicated that we are scheduled to have a MIDA report next week and they will come and show their projections to feed into the County's projections.

DISCUSSION AND POTENTIAL CONSIDERATION FOR THE ADOPTION OF POLICY 115-001 RECRUITMENT AND HIRING.

Heber Lefgren, the Assistant Wasatch County Manager, indicated that this item has been pulled from the agenda.

DISCUSSION OF MAG RESOURCES

Jess Beddingfield, from MAG, addressed the Wasatch County Council and mentioned some budget helps that are helpful for people to apply for such as utility assistance as well as home weather home improvements such as insulation and windows and come in and do a survey of the house to see what can be helped to improve that. The best way to get this information out is through the Senior Citizens Center. There is a resource fair that is being held at the Wasatch County Senior Center to help people and to make people aware of these services that are available. That resource fair will be held September 17, 2022 from 9:00 A.M. to 2:00 P.M. There is also a grant available for planning. There are also classes held to help people know what is taking place for them to apply for. Classes for care givers will be given to help people who are care givers such as support groups. There is also water and sewer revolving loan funds that will be started up in October to help with small projects. There are many resources available with MAG and if you have any questions please contact me and I will be happy to help you.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that next week there will be a report from MIDA giving an update that shows building permits values and projected revenues from different things and taxes that are collected and see how that money funnels through.

COUNCIL/BOARD REPORTS

Chair Mark Nelson indicated that yesterday Dustin Grabau and I were at a meeting with Hi Valley Transit and we were able to go on a tour of what Hi Valley Transit is doing and was very impressed what we saw. We toured the old facilities and then toured their new facility and then went to the MIDA project area and Extell gave a little update on the hotel and ski resort and all of that stuff. This was really helpful to me and as far as Wasatch County becoming a part of the Hi Valley Transit District and doing a transit test and study in Wasatch County is a really good thing and very excited about it. It will be successful. Also the Summit County Council really want to work with Wasatch County to lend their experience to us and they want to have a joint meeting with us.

Councilman Kendall Crittenden indicated UDOT has been working for a corridor preservation property agreement on U.S. 40 from 1200 North to 1200 South which is basically through Heber City. We already have an agreement from State Road 32 River Road to the Heber City north city

limits. At the time this was originally done in 2008 the Heber City limits came right up to the bowling alley is somewhere along in there. All the jurisdictions work together on these type of things. Wasatch County is a signatory to the agreement. The only new agreement that they are adding is a proposed potential intersection at 900/950 north. If there is any input or information on any parts of it from the County we need to let the necessary parties be aware of that and then the agreement can be concluded with Heber City and then Wasatch County is a signatory to it as well.

Councilman Kendall Crittenden indicated that next Monday is the Community Caring Coalition party in the park which will be held at the Southfield Park from 5:30 p.m. to 7:00 p.m.

Councilman Kendall Crittenden indicated that Heber City had on their agenda last night a proposed MOU with regard to a land item but it is titled as an inter-local agreement. Pam Patrick, County resident, indicated that both the Wasatch County Attorney and the Heber City Attorney have signed off on it as an MOU. Dustin Grabau indicated that item will be brought to the Wasatch County Council at a future meeting but it is written as an oral agreement and if they approved it, it will be approved as an inter-local agreement unless it has been amended not to read an inter local agreement. I think an amendment was made to it and that Wasatch County was comfortable with during the meeting.

Councilman Jeff Wade indicated he was contacted from property owners that conservation easements are being put on and they are being taxed. The one that was brought to my attention was Blue Sage property that a conservation easement was put on eighty acres and the property tax on it is thirty thousand dollars. They can't even make it a Green Belt property because conservation easement doesn't allow that. If there is some way we can help with that. Councilman Steve Farrell replied that we ought to look at a County Ordinance indicating how we deal with these conservation easements because there are quite a few of them. Dustin Grabau indicated that we need to make the assessor's office aware of the boundary areas of those conservation easements. We could work with staff to come up with a draft ordinance pertaining to this. Mike Davis, MIDA Coordinator, indicated that some of these easements are parts of developments and are using it as a tool to enhance the value of part of the subdivision in some cases and as a result they are putting a conservation easement on it and then it should be taxed as open space and not as green belt because it is adding value that Wasatch County can't collect on those other properties.

MANAGER'S REPORT

UAC RESERVATIONS

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the UAC meeting that is being held in St. George on November 15 through the 17. If any of the Council is interested in going, Natalie Foster, the secretary, will help with the registration so please contact her regarding that. Councilman Danny Goode indicated that with regard to the new members of the Wasatch County Council they should go because you get a lot of training that will help you in being a member of the Council.

DISCUSSION AND CONSIDERATION OF ARPA FUND ALLOCATIONS

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and went through the ARPA Fund allocations which are for 2022. We also have all of these funds in hand and will be used as you direct.

Touchless Entry Project \$30,000
Property Purch/Impr. \$500,000
Revenue Replacement \$12,000
Mental Health Funding \$125,000
Solid Waste Bathroom, None.
Radio Upgrades \$100,000
Public Safety \$383,330
Transit Funding \$302,000

The Fire Department has some comment on items that they would like to purchase with this money and Wasatch County Fire Chief Eric Hales went through what those were that would be in the public safety column things such as additional communication things and primarily for Wildland Fire Fighting issues such as radios. Also six Wildland engines that is a pickup truck size which carry about 250 to 400 gallons of water and has a fifty gallon pump. Also some AEO communication items for the Sheriff's Department that are used in the Sheriff vehicles which are now out-of-date. Also some personal protective equipment such as coveralls.

Councilman Danny Goode made a motion to approve the ARPA funds as has been allocated for 2022. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

WAGE STUDY

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Wasatch County is currently working with a consultant to develop a wage study. This process involves all departments and three special service districts. Preliminary meetings with

departments have been completed and work has begun on identifying other agencies and entities to benchmark, wages against. These entities are not automatically included in the final analysis, rather this list is intended to identify those agencies that the County wishes to gather data from to consider for inclusion in the final analysis. The entities are:

1. Counties: Duchesne, Salt Lake, Summit, Uintah, Tooele, Utah, Davis, Washington and Cache counties.
2. Cities: Park City, Spanish Fork City, St. George City, Logan City, City of Orem, City of Lehi, City of Provo, City of Heber City, and City of Salt Lake.
3. Other governmental entities State of Utah-IT Utah Department of Health, Highway Patrol, State Park System, Heber Power, South Utah Valley Solid Waste District, Park City Fire District and Snyderville Basin Special Recreation District.
4. Private entities: Republic garbage, Ace Garbage, Church of Jesus Christ of Latter Day Saints-IT General IT/admin support, fast food, school district bus drivers.

Dustin Grabau, indicated that if the Council can think of any other they would like to include please let me know and if no comment is given we will then pass this list onto the consultants and get them rolling.

Dustin Grabau indicated that he would like to have a Closed Session for property acquisition and potential litigation.

Councilman Spencer Park made a motion to leave our regular session and go into Closed Session for Property Acquisition and potential litigation. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

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

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

NAY: None.

ADJOURNMENT

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

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

NAY: None.

Meeting adjourned at 7:30 p.m.


MARK NELSON/CHAIRMAN


JOEY D. GRANGER, CLERK/AUDITOR

