

**MINUTES OF THE
WASATCH COUNTY COUNCIL
NOVEMBER 9, 2022**

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

PRESENT: Vice Chair Spencer Park
Chair Mark Nelson
Marilyn Crittenden will join us later via Zoom
Kendall Crittenden
Steve Farrell
Danny Goode

EXCUSED: Councilman Jeff Wade

STAFF: Dustin Grabau, Wasatch County Manager
Heber Lefgren, Assistant Wasatch County Manager
Wendy McKnight, from the Clerk's Office
Karl McMillan , upcoming new Wasatch County Council Member
Jon Woodard, the Assistant Wasatch County Attorney
Austin Corry, the Assistant Wasatch County Planner via Zoom
Doug Smith, the Wasatch County Planner
Joey D. Granger, the Wasatch County Clerk/Auditor
Rick Tatton, Court Reporter via Zoom
Scott Sweat, the Wasatch County Attorney

PRAYER: Chair Mark Nelson.

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

Chair Mark Nelson called the meeting to order at 4:00 p.m. on Wednesday November 9, 2022 and welcomed those present and indicated that all of the Wasatch County Council are present with Councilman Jeff Wade via Zoom. The record should further reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers in the Wasatch County Administration 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.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Mark Nelson asked if there are any administrative issues for future meeting and there was none.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Mark Nelson asked if there are any administrative issues for future meetings. There is one issue regarding the next week's agenda and most of the Council will be gone for meetings in St. George. There will be three of us here in the Chambers and at least one will join us via Zoom from St. George. There was a discussion concerning the matter and it was decided to make the work meeting next week into a regular meeting. Dustin Grabau asked if the fire board meeting was going to be held as part of that meeting. The Council indicated that will be held.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Mark Nelson asked if there is any public comment on matters not on the agenda and there was none. Chair Mark Nelson indicated that he had read in an article that in the US senate race Utah spent \$31 million on ads. The ads were terrible and negative and it was just awful. Other senate races in other states and there was well over \$200 million per state in those kinds of ads. That is so terrible in my opinion and don't know if that can be fixed in any way.

COUNCIL

APPROVAL OF BOARD OF EQUALIZATION RECOMMENDATIONS

Joey D. Granger, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and presented a summary to the Council. There are 96 total appeals including 16 of those are denials and there is a breakdown of what those are. The bulk of these were heard by Jim Ivy and a small portion were Randy Kelly. I tried to break them down by value or equity issues and very few Green Belt and only had two primaries on this one. If there was something just like an error and found that one today said that the acreage changed and believe that was an adjustment because of an error. We have about 130 in the que for hearings right now and we have a hearing officer coming tomorrow and after those that will leave us at about 400 left and 380 I think is what it was today. There is a different hearing officer scheduled for the last two weeks of November and are pushing to get the rest of them heard and doubt they will be approved by then. We would like to get some grace period on people who have appealed the process.

Councilman Steve Farrell indicated that he would be all right with abating late fees for anyone who is still in the process and has a successful appeal. Also we have \$22 million in adjustments. Do we have to make an adjustment to the tax rate if we have more appeals than the lead way gives

us? Joey indicated that we have to be within three percent for the Board of Equalization but this is all market value still and we are not within that area yet. I will bring that number to you next time if you would like. I will bring that number to you once we approve these today I will add it to what we have already done and get you an update on that.

Councilman Steve Farrell made a motion that we go ahead and approve the adjustments the equalization adjustments that have been presented today and there is 96 and if we can just use that as a status record. 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**

NAY: None.

Joey Granger then indicated that she had a couple of errors for assessor adjustments square footage on one with a road that needs to be abated and the County owns the road. This should have been deleted and shouldn't have a legal description at all. We would need to abate it and then delete it going forward. Also I can bring this one back.

Councilman Kendall Crittenden made a motion that we abate the tax on Parcel No. 20-5265 for the 2022 taxes and that we get this cleared off the tax rolls and determine if it needs to be deleted or deeded to the County. Councilman Spencer Park 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: Marilyn Crittenden
AYE: Kendall Crittenden**

NAY: None.

Joey indicated that this is that has an error in square footage and it changes the tax by \$513.00.

Councilman Steve Farrell made a motion that we approve the adjustment recommended adjustment for Parcel OMI 0434-0-035-034 owned by James Sullivan amend the property by that statement. Councilman Kendall Crittenden seconded the motion and the motion

carries with the following vote:

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

NAY: None.

Joey D. Granger indicated that she will send out a notice on this and they will get another 45 days to appeal.

Council Kendall Crittenden made a motion that we are correcting an error on Parcel No. 10-1696 owned by Ken and Ralph Holding L.L.C. and make that adjustment for the 2022 tax in addition of \$108.84 cents. Councilman Steve Farrell 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**

NAY: None.

Councilman Kendall Crittenden thanked Joey Granger and thanks to your election staff for a job well done with regard to the election in how it was handled.

DISCUSSION REGARDING AN ORDINANCE CREATING AN AGRICULTURAL PROTECTION AREA ADVISORY BOARD AND RELATED CODES AS ALLOWED IN 17.41.402 OF THE UTAH STATE CODE.

Jon Woodard, the Assistant Wasatch County Council, presented a power point presentation and then indicated that this matter is on the Wasatch County Planning Commission agenda and indicated that if you have any concerns with this after going through it please let me know so that we can add those concerns. This is the ordinance that would create the Agriculture Protection Area Advisory Code and code associated with that. Membership in the Agriculture Protection Area Advisory Board shall consist of five members comprised of the following. Five members who are also serving on a County Soil Conservation Board. Board members shall serve on a volunteer basis, without salary, and shall advise the County legislative body and perform the functions

required by law. Board Members shall serve a term of two years. Members shall be appointed by the county manager, with the advice and consent of the county legislative body. The voting members of the Board shall constitute the official Governing Board of the Agriculture Protection Area Advisory Board and shall have all the rights, powers, duties and responsibilities delegated to the board as set forth herein. Action may be taken by a simple majority of all the Board Members.

The Wasatch County Planning Department is the administrator of the Agriculture Protection Area Advisory Board. At least three of the Board Members must be present to take any official action. Board Member's votes are not weighted in any manner.

Power and Duties consist of the Agriculture Protection Area Advisory Board shall have all power, authority and responsibility necessary to direct and conduct the business of the Wasatch Agriculture Protection Area Advisory Board as allowed by law. The Board may prepare policies, procedures, by-laws and resolutions necessary to carry out the work of the Board in a proper and businesslike manner.

The Board will hold meetings as necessary. The board shall comply with the Open Public Meetings Act.

The fees consist of \$1,000.00 plus \$2 per acre, plus costs. These fees cover the administrative costs for the planning department, the Wasatch County Agriculture Protection Area Advisory Board and the County legislative body.

Jon Woodard, then hit some of the highlights in this proposal. I adopted the Utah County Code because I felt that it met the needs of Wasatch County better. This proposal is based on the Utah State Code.

Councilman Steve Farrell indicated that he feels like the fees are high and asked Jon Woodard to look further into that. Jon Woodard indicated that he will look into those fees. This proposal could have significant impacts to Wasatch County as we grow such as put in roads, need to put in transmission lines, if we need a property for JSSD or whatever it is this would make it much more difficult to do that. We need to be careful not to create a big problem in the future. Certain areas have been exempted in the A-20 Zone to keep from running into this issue. Also under five acres would not qualify for this unless it was adjacent to another property that was also being included in the agriculture protection area.

This proposal gives the Planning Department the discretion to say to the person complaining about the livestock you have to demonstrate to us why they don't have a protection under the their agriculture protection area code which puts the burden on the person complaining. Dustin Grabau, the County Manager indicated that the intent for this to automatically approve things that aren't an issue and protect things that would clearly be an issue. Jon Woodard indicated that this proposal would protect us from nuisance lawsuits.

Councilman Steve Farrell indicated that we want to create as much protection for the agriculture business in the valley and the heritage in the valley, that we are not letting the general public drive them out. Jon Woodard indicated that he is trying to make it easy for the farmer.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that he looked up the fees for Utah County and Cache Valley and Utah County is \$500 for the ag preservation fee and Cache Valley is \$500. We won't cover our costs even at a \$1,000. It is a very intensive process for advertising and staff reports, meetings, and updates to the zoning map. The way I envision this process going is what the code says that the applicant comes in and makes application within 45 days we hold a meeting with the Planning Commission and the Agricultural Advisory Board. I would hope that what would happen is that we would advertise for the Planning Commission meeting and pre-advertise for the Agricultural Advisory Board. The Planning Commission would meet on one of their regular meetings on a Thursday. The Ag Advisory Board can meet the following Tuesday and you guys we pre-advertise it for the Wednesday. That is something that we could get done faster. Once the Planning Commission and Ag Advisory Board meet there is a written report that is sent by them to the Council and that can be our report of action that we do at that time. Then the County Council would hold the public hearing so there are public meetings in both of those bodies. It comes to the Council and prior to the Council we send out the notice to everyone within 1,000 feet which is stricter than re-zones that there is an Ag protection zone going into next to them and that is a public hearing with the Council. Within ten days the Planning Department records a legal description of the Ag protection area and then we also designate on the zoning map that it is an Ag protection area. We also have to send written notice to the Commissioner of Agriculture and have no idea who that is or where we would send it. Then the matter is done.

Mike Davis, MIDA Coordinator, indicated that this should say that the Ag members serving on a Soil Conservation Board and on the Advisory Board needs to say they serve on the Soil Conservation Board in Wasatch County and not from some other county.

Laren Gertsch, local farmer, addressed the Wasatch County Council and indicated that he is curious about this whole road thing because the County doesn't own the roads in the North Fields and still pay taxes to the center of the road today. Right now you are saying you are going 100 feet from the center line. Councilman Steve Farrell indicated that is not pertaining to all the roads but just the ones that are specified. Doug Smith indicated that we are not talking about taking the North Fields roads.

Councilman Steve Farrell indicated that we need to go ahead and pass this onto the Planning Commission. All the Council members agreed with that.

DISCUSSION REGARDING THE TENTATIVE 2023 BUDGET

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and presented a power point presentation and indicated that this document represents an attempt

to address as priorities discussed with the County Council in conjunction with recommendations from County Offices and Departments. A tentative budget, is intended to be a working document that does not contain all features anticipated in the adopted version. Those features include narrative and other functional adjustments intended to adhere to industry leading practices in budget development. A major initiative presented in this budget is increased compensation for staff. The County has many positions that we have struggled to fill over the last year which are essential for us to maintain services to the community. Due to exceptionally high wage growth and an ongoing wage study, Wasatch County Administration recommends implementing a seven percent cost of living adjustment. In addition, this budget retains funding for an additional five percent reserve to implement the wage study after the start of the calendar year. Collectively, these items are the single largest change to expenditures and are allocated \$2.6 million in this budget.

Also included in this year's budget are eleven new positions composed of the following along with other important issues such as fund balances.

1. An administrative assistant in the Assessor's Office.
2. A chief financial officer in the Clerk/Auditor's Office
3. Two dispatchers and two patrol deputies in the Sheriff's Office.
4. An assistant director in the Public Works Department.
4. Two additional building inspectors in the Building Department.
6. An engineering technician in the Engineering Department.
7. A code enforcement officer funded mid-year.
8. Also proposing this year we end the year with the creation of a new library maintenance fund with a \$100,000 balance.
9. Creation of a transportation fund.
10. Adjusting our policy to maintain a sixty to sixty-five percent reserve in the General Fund.
11. Just remind the Council about the five priorities that were previously discussed.
12. Proposing a total budget of \$54.6 million dollars. \$34 million of that is the General Fund. \$13.1 million goes into the eleven special revenue funds. \$3.1 million distributed among the five internal service funds and then the \$2.8 million distributed among the five capital and debt service funds.
13. We are anticipating revenue being \$34.6 million dollars in the year 2023.
14. We are anticipating that our revenue projections remain conservative when it is compared to the prior year actuals.
15. Record digitalization, lobbying, providing additional software and study in the building service contracts.
16. Small changes in the other funds that are itemized in the tentative budget.
17. The budget document is posted on our website. Then also in the upcoming weeks send out to the community copies of the budget in providing the public an opportunity to make comment in preparation for our prior discussion.
18. Prepare to return to the Council with a long term capital budget that says here is how we plan on spending the funding that we do have on capital projects. Some of our fund balance in the general fund can be used for those capital projects.

There will be changes to the tentative budget as we work with you over the coming weeks to refine the funding priorities and improve this document. This document is for you to go through and if there are changes to be made please let me know.

Councilman Steve Farrell indicated that this tentative budget is put together very thoroughly. Dustin Grabau, the County Manager, indicated that we are planning on bringing this budget back to you on the first meeting in December. Also the TRT revenues are trending above the \$3.5 million that we have been discussing. Heber Lefgren indicated that there is no need to approve a tentative budget we just post it because this is the starting point of where we begin the conversations.

CONSIDERATION OF HEBER CITY ANNEXATION MOU

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated the two proposed annexations into Heber City included circumstances that require County Authorization. The first is the proposed school site on the east side of Heber City and creates an unincorporated island. This situation was authorized by the Boundary Commission contingent on Heber City and Wasatch County Agreement.

The second is the Fitzgerald Annexation that creates a peninsula of unincorporated property. State Code requires County approval for this type of annexation.

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and asked if the MOU anticipate that the North Village Special Service District would provide the services to the proposed annexation? Dustin Grabau replied that is already included in the existing agreements between North Village and Heber City with the Fitzgerald

Heber City has indicated that they accept the two proposals.

Councilman Spencer Park made a motion to accept the execution MOU Agreement with the insertion of another whereas and state that it is anticipated that the North Village Special Service District provide the sewer and water amenities to the Fitzgerald. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Spencer Park

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

NAY: None.

DISCUSSION/POSSIBLE APPROVAL OF RESOLUTION #22-14 TO RECERTIFY THE WASATCH COUNTY JUSTICE COURT.

Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County Council and indicated that as the Council is aware, the Wasatch County Justice Court has been in operation for several years. I recommend that the Court continue and that the Justice Court Judge be authorized and directed to complete and submit the application for re-certification. If there are any questions or concerns regarding the feasibility of maintaining Wasatch County's Justice Court, I would recommend that the Council seek the advice of the Justice Court Judge and the Court Administrator. In order to meet the time line, the Council will need to do the re-certification today.

Councilman Steve Farrell I will make the motion that we approve Resolution #22-14 as presented as related to the Justice Court System. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Spencer Park

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Danny Goode

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that we have got the first couple of residential permits coming from the west side of the MIDA control area that we will be issuing in the next week or so. They are for town home but single residential starting on the west side of the highway. They are just finishing up all the designs and discussions on the west side frontage road and so that is planned on being permitted within the next thirty days and have a contractor already picked for that. That will be starting as well. We don't have a meeting this week because it falls on Veteran's Day.

COUNCIL/BOARD REPORTS

Chair Mark Nelson indicated that I just wanted to mention to ask Dustin about the lobbyist consideration that we have discussed in the past. Is there anything that we need to do before the end of the year to engage that? Dustin Grabau replied that he has sent an MOU and spoken with the lobbyist and he is already pursuing the funds and he will be billed on a quarterly basis. The first quarter will start in the year 2023. We also will need to put the Fire District matter on the next week's 4:00 p.m. agenda.

Councilman Kendall Crittenden indicated that the RAP Tax passed. Do we need to do anything when the County starts getting the money? Dustin Grabau replied that once we have the canvass of the votes and confirm it we have to pass a resolution confirming the pass of the RAP tax to implement it. Then we would have to submit that resolution to the Tax Commission who then will submit the funds which will be the first quarter of 2023 when the RAP Tax will be imposed. Our proposal is to create another fund to channel those RAP tax funds into. The distribution to Heber City and Midway and that distribution will be included in the final budget. Chair Mark Nelson indicated that we regard to the RAP tax the Council joined with the Wasatch Art's Council and took the responsibility to promote this. Pat Sweeney who is with the Arts Council sent me this letter. It says that Mark thank you so much for your belief and support that the Wasatch County Art's Council could carry the weight on the RAP Tax initiative. Now the real work begins in setting up a distribution process. Please keep me in mind when you are organizing your committees as that I would like to see the project through.

Councilman Kendall Crittenden of the Utah Land Resources met last Thursday. The format provided some good discussion and there was a handout that he showed to the other Council Members. You can go to the website and there is an opportunity that you can get on and actually do a survey and participate in some of the discussion that was held.

The record should show that Councilwoman Marilyn Crittenden just joined via Zoom.

MANAGER'S REPORT

Dustin Grabau, the County Manager, addressed the Council and indicated that our Financial Advisor Mark Anderson wants to extend an invitation to anyone attending UAC to go to dinner Tuesday night at 6:00 p.m. if you are going to be there, there is an open invitation and if any of you are available I will let him know. Also I do have an item for Closed Session on pending litigation.

Councilman Danny Goode made a motion to leave our regular agenda and go into Closed Session for pending litigation. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Spencer Park
AYE: Steve Farrell
AYE: Danny Goode
AYE: Marilyn Crittenden via Zoom
AYE: Kendall Crittenden**

NAY: None

Councilman Spencer Park made a motion to leave the Closed Session and return to the main agenda. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson
AYE: Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE: Kendall Crittenden
AYE: Danny Goode
AYE: Steve Farrell

NAY: None.

ADJOURNMENT

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

AYE: Chair Mark Nelson
AYE: Marilyn Crittenden via Zoom
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Spencer Park
AYE: Danny Goode

Meeting adjourned at 8:00 p.m.


~~MARK NELSON/CHAIRMAN~~
Spencer park
vice chair


~~JOEY D. GRANGER/CLERK/AUDITOR~~

