

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JANUARY 11, 2023**

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

PRESENT: Chair Spencer Park
Mark Nelson
Erik Rowland
Steve Farrell
Kendall Crittenden
Luke Searle
Karl McMillan

STAFF: Dustin Grabau, Wasatch County Manager
Heber Lefgren, Assistant Wasatch County Manager
Natalie Foster, secretary to the County Managers
Wendy McKnight, from the Clerk's Office
Mike Davis, MIDA Coordinator
Shelby Thurgood, Assistant Wasatch County Attorney
Scott Sweat, the Wasatch County Attorney
Joey Granger, the Wasatch County Clerk Auditor
Jon Woodward, the Assistant Wasatch County Attorney
Doug Smith, the Wasatch County Planner via Zoom
Austin Corry, the Assistant Wasatch County Planner via Zoom
Don Wood, the Wasatch County IT Manager

PRAYER: Councilman Luke Searle and Councilman Luke Searle related a story of his ancestors as his remarks.

PLEDGE OF ALLEGIANCE: Led by Councilman Karl McMillan and repeated by everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday January 11, 2023 and indicated that all the Wasatch County Council are present. 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 Spencer Park 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 Spencer Park asked if there were any legislative issues for future meetings: Councilman Steve Farrell indicated that he would like to put on for March 8, 2023 the update on the Weed Board.

Councilman Luke Searle indicated that a conversation we could have in the future meeting department heads come and talk to the new Council Members about what they do and schedule site visits or stuff like that. That way we get to know all the different departments. Councilman Steve Farrell indicated that it would be more productive to have them come and make a formal presentation about their office and the Councilman that wants to explore further could go and meet with them additionally. Dustin Grabau, the Wasatch County Manager, then indicated that we will start that in February at our work meeting having a department ready to present to you.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there are any administrative issues for future meetings and there was none.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park asked if there is any public comment on issues for future meetings and there was none.

APPROVAL OF THE MINUTES FOR JANUARY 4, 2023

Councilman Steve Farrell made a motion to approve the minutes for January 4, 2023 as written. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Luke Searle**

AYE: Karl McMillan

NAY: None.

COUNCIL

DISCUSSION AND CONSIDERATION OF IMPLEMENTING ADJUSTMENTS TO COUNCIL AGENDA PROCESSES.

Chair Spencer Park indicated that he was made aware that there is a possible program that has been written for doing agendas that we haven't implemented in the past and we could keep doing them as has been done in the past and/or try and integrate this process. Don Wood, the IT Director, then presented a brief scenario of what that process could do. Don Wood indicated that this process would make it possible to take one issue and follow it to the end so that the issue doesn't get lost over time. Also part of that system involves building agendas and there is an electronic process by which agenda items can be placed to agendas. Right now that is done manually but this electronic process by which agenda items can be placed on to agendas. This would make it possible for Council or department heads to submit them electronically instead of manually. This would track a proposed ordinance all the way from inception through getting on the agenda, first reading, second reading or any requirements that would have so that there would be a documented process and make sure it has been properly recorded and codified. The work load can be anything you want it to be and customize it to do anything you want it do and all this can be done with an electronic agenda process. We can make it work just as it now works with no changes to your format.

Wendy McKnight from the clerk's office indicated that if you have a lot of people adding things in or a lot of things taking out it can get to be a headache. Don Wood indicated that the good thing about the electronic process if things are added or taken away you know who added them and you know who took them away and when they were taken away as opposed to now somebody calls up and says who put that on the agenda six months ago and we don't remember.

Councilman Kendall Crittenden indicated that he likes the idea of tracking it through the process and make sure that we finalize whatever it is to make sure that it is finished. Dustin Grabau indicated that would help with complacency.

Councilman Steve Farrell indicated that why don't Chair Spencer Park and another Councilman work with Don Wood and come up with a draft proposal and present it to the Council to see that it would make it be workable. Councilman Karl McMillan will work with Chair Spencer Park concerning the matter.

DISCUSSION/POSSIBLE ACTION REGARDING SHERIFF RESIGNATION AND NOTICE TO PARTY LIAISON.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he received a letter from Sheriff Rigby on Friday where he rescinded his resignation letter so I believe at this time there is no action necessary on this item.

DISCUSSION ON THE MIDWAY PUBLIC SAFETY INTERLOCAL AGREEMENT

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and gave a little background on this item. It is concerning withdrawing the traffic control part of the agreement that the Wasatch County Sheriff's Office is doing in Midway. Midway City has indicated that there is a problem with people speeding on River Road, Main Street, and Pine Canyon. There is indication that the fees regarding traffic control and law enforcement for Midway City will go to the Sheriff's Department. We have had discussion with Midway City regarding this matter. Midway City has indicated that they want to go another route of addressing the traffic issues within Midway City. Midway City would like to cancel the contract regarding traffic control.

In the contract there is an eleven month off ramp where we would provide notice and eleven months from now we would cancel the contract and in the meantime collect the normal amount plus the two and a half percent for this year for the law enforcement contract.

Midway City has offered the possibility of cancelling it immediately and we would have to agree with an addendum to that contract or separate agreement to cancel it. We possibly could agree to a future cancellation dates something like the end of their fiscal year that would be June 30, 2023. We are leaning towards a shorter term cancellation of this one. This causes some inequities with the other entities that we are charging the higher rate to.

Councilman Mark Nelson indicated in his opinion we should end it right now. Councilman Steve Farrell indicated that he would like to go to the end of the fiscal year because we have budgeted to June 30, 2023. Dustin Grabau indicated that according to the Mayor of Midway their goal is to try and slow down the residents on those streets.

Chair Spencer Park indicated that for the budgetary thing would be maybe not to hire those additional officers at this time. Midway City has been doing a study and that will be done in May. Dustin Grabau indicated that there would be a financial impact on our fine collection.

Councilman Mark Nelson indicated that Midway City has become frustrated because this route hasn't fixed the problem.

Dustin Grabau asked does the Council want us to pursue a mid-year cancellation or a shorter term cancellation. Councilman Steve Farrell indicated that a suggestion would be in going to the end of the fiscal year that gives us time to work on the budget changes throughout the transition and gives

Midway City time to look at other options and they may come back and say that we don't have the other options.

Dustin Grabau indicated that how we respond to the budget impacts is a matter of policy. Possibly our revenue projections are conservative enough that we could absorb that difference and just delay the hiring of those additional deputies. Councilman Steve Farrell indicated that he would rather see us do that until we get a source of revenue to cover the expense of hiring two new deputies. Dustin Grabau indicated we could bring the Sheriff in on those discussions when we get to that point.

Chair Spencer Park indicated that the direction to Midway City that we are willing to work with them. Councilman Steve Farrell indicated that we need to have a sub-committee work with them and bring that back to us and members of that sub-committee would be Councilman Kendall Crittenden, Councilman Mark Nelson and Councilman Steve Farrell. Dustin Grabau indicated that we will go in that direction.

MIDA UPDATE

Mike Davis, the MIDA Coordinator addressed the Wasatch County Council and indicated to the new Council Members what his role entails such as I work directly for the Chair of the Council, any information is related back through and work with Dustin Grabau. As a result I attend meetings, get information and forward it back to the Council. Decision based on this information is up to the Council. Mike Davis indicated that we met Friday and discussed for February 8, 2023 Paul Morris, the financial MIDA officer, to be here to discuss some of the MIDA issues.

The issues are concerning the Marina area. Modifications to the contract which include a formal inclusion of impact fees which doesn't exist right now. I forwarded the financials for MIDA to you which consist of several bonds that MIDA has facilitated for the MIDA project area. Revenues are coming in now based on fees they charge. They don't start tax increments until there is an increase of the value based on the occupancy permit of a building or whatever. There is an agreement with the property owners that two percent is collected. Also energy taxes on homes and things like that are being collected. Wasatch County receives some of those monies back. With regard to impacts we did collect the money for the Pioche Departments and the impact fees are about \$93,000 or \$94,000.

Councilman Steve Farrell asked with regarding the MIDA impact fees are we under the same constraints with that as we are any other impact fees such as using it for capital improvements other infrastructure improvements. Mike Davis indicated that he doesn't know that but will check into that matter.

Mike Davis indicated that Extell wants that first building to be nightly rentals for a portion of time until the other buildings are complete. To do that it meets a different occupancy requirement for the building department. Mike Davis indicated that MIDA bill that is being run in the legislative is SB20 and have not yet reviewed it. We also will be issuing the west side road permit for the

frontage road. First part of February we want to meet with all the elected offices that are part of the tax system. We meet about quarterly to make sure everything is working right.

Mike Davis indicated that the other thing that I do is work with the legislature during the legislative period and try to attend as many of the meetings in the legislature as possible. UAC meeting are starting today and was the first USACC meeting today. Also our system doesn't mesh well into the UAC system because it deals more with the elected position. The only input that can be presented is done by elected officials. The Council has to do any input in the bills and not just anybody can do that. Tomorrow is the jail meeting with regard to people that are housed at the Wasatch County Jail. With regard to that the State has never appropriated all the money that they said they would with regard to the housing of people in the Wasatch County Jail. Mike Davis indicated that Day on the Hill next week and starts with breakfast at the Little America then everybody migrates to the Capitol which gives our Council Members a chance to meet with the various legislators. Also the weekly meetings during the legislature are on Thursdays. Wasatch County has two lobbyists and because of that we should be able to get quite a bit done if we need to.

Councilman Steve Farrell indicated that MIDA is a very complicated issue and there is nobody that understands the contracts and the working of MIDA better than Mike Davis and that is why we asked Mike Davis to take that position because Wasatch County has got a lot invested up there and need somebody to look out for Wasatch County's interest and Mike Davis is the person for that job. Mike Davis indicated that MIDA is a significant and viable force in the legislature and can change it the way they want.

COUNCIL/BOARD REPORTS

Councilman Mark Nelson indicated that we should talk about nightly rentals and open that up and get some staff moving with that again. Also have information available to us from other counties. Dustin Grabau indicated that there are limits on how we go about enforcing it. Councilman Steve Farrell indicated that the problem with it is the enforcement of it and the penalty involved when somebody is found in error.

Councilman Erik Rowland indicated that he has nothing to report yet.

Councilman Steve Farrell indicated that a weed board meeting has taken place and would like to make the annual presentation of the program. Also we need to have an appointment for one of the members because we are short a member. Also for the Timber Lakes Water Board we need an appointment there. Dustin Grabau indicated that he has those members to be presented at next week's meeting and one with the Planning Commission as well.

Chair Spencer Park indicated that he has nothing to report.

Councilman Kendall Crittenden indicated that UAC had their first meeting today. There will be a

USACC meeting every Tuesday morning from now until the end of the legislative session. UAC has changed their rules and offered a seat on the board to each county. There is a UAC bill tracker process that can be used and is very informative.

Councilman Kendall Crittenden indicated there is a quarterly UDOT update. There is a 189 widening project. There have been some engineering studies concerning this widening regarding which way to go. They are looking at a split alignment. Regarding the bypass their alternative report of the five will be released in a few weeks. Then they will have the draft EIS. What will come out in a couple of weeks will not be open to the public but the EIS later on this spring will open up for public comment. Dustin Grabau indicated there is a resurfacing project down 189 and if money is available there is a merging and turning lane between Southfield Road and 2400 South. Councilman Kendall Crittenden they are looking and studying with a round about where the high school will hit 113 that might help with the traffic safety.

Councilman Kendall Crittenden indicated that there is a notice from Hideout indicating that there is a hearing regarding to annexation policy plans relating to the annexing of the Ben Loch Ranch property. Will Wasatch County lodge a protest with regard to the annexation policy and will we need to let them know that we have a valid reason to oppose the annexation. Mike Davis indicated that you do because of the substantial sales tax and planning on a very large commercial hotel. Dustin Grabau indicated that we have a position to challenge it and the question is do we want to. Councilman Steve Farrell indicated that we would also have grounds for a protest and what it would do to our adjacent properties if the quality of construction would deviate from the county standard and what it would do to Victory Ranch and other properties adjacent to it that we held them to a certain standard which could adversely affect the property values. Councilman Kendall Crittenden indicated that what they are doing is amending their annexation boundaries to include the Ben Loch property. If we have a protest it should be at the first meeting that Hideout is discussing this annexation I would assume. The Council indicated that we will continue to look at potential issues but make a statement or comment on the January 19, 2023 that we are considering not supporting the annexation. Councilman Karl McMillan indicated that he will prepare a general comment to be made at their meeting regarding the annexation.

Councilman Kendall Crittenden indicated that there is a Forest Product Industry meeting that will be held tomorrow. Councilman Steve Farrell indicated that this is a private group and is not the forest service.

Councilman Kendall Crittenden then discussed what the Council wants to do with Heber City concerning the Heber City Airport. Councilman Steve Farrell indicated that our view has been made previously and we don't need to do anything further. The ball is now in their court to hear back from Heber City.

Councilman Kendall Crittenden then asked if any of the Council saw this article with Laren Gertsch and Alice Hicken regarding the bypass road in the Tribune Newspaper going through the North Fields.

Councilman Luke Searle indicated that he has nothing to report on.

Councilman Karl McMillan indicated that he has nothing to add.

MANAGER'S REPORT

CONSIDERATION OF SETTING THE INTERLOCAL MEETING SCHEDULE FOR 2023.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he has the dates for the Interlocal meeting schedule. We have been holding them quarterly on the Fourth Wednesday of the month. The dates I am proposing are the fourth Wednesday in February, fourth Wednesday in May, and fourth Wednesday in August and didn't do the fourth Wednesday in November because that would be the Wednesday before Thanksgiving. Councilman Steve Farrell indicated that lets do it for January 24 then. These will be noticed as meetings and invite the other entities to join our meeting. The Council indicated that probably we need to look at a different place to hold these meetings where there is more room than the Council Chambers and possibly just play that by ear if there is a need for a larger room we could possibly hold it in the Senior Citizens Building. Councilman Mark Nelson indicated that lets do them on Wednesday the work meeting after our Council Meeting on the second Wednesday. Councilman Steve Farrell indicated that over time we may run into conflicts.

Councilman Mark Nelson made a motion that we have our Interlocal meetings and there will be a separate meeting and the Interlocal meetings on February, May, August and not set a date for November which will be held after our work meeting is finished at 6:30 p.m. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

**AYE: Karl McMillan.
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Chair Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle**

NAY: None.

Chair Spencer Park indicated that we need to have a Closed Session for personnel, legal and acquisition of property.

Councilman Luke Searle made a motion to go into Closed Session for personnel, legal and acquisition of property. Councilman Steve Farrell seconded the motion and the motion

carries with the following vote:

**AYE: Karl McMillan
AYE: Luke Searle
AYE; Kendall Crittenden
AYE: Chair Spencer Park
AYE: Steve Farrell
AYE: Eric Rowland
AYE: Marl Nelson**

NAY: None.

Councilman Mark Nelson made a motion to go out of Closed Session. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan
AYE: Mark Nelson**

NAY: None.

ADJOURNMENT

Councilman Erik Rowland made a motion to adjourn. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan
AYE: Mark Nelson**

NAY: None.

Meeting adjourned at 8:30 p.m.


SPENCER PARK/CHAIR


JOEY D. GRANGER/CLERK/AUDITOR

