

**MINUTES OF THE
WASATCH COUNTY COUNCIL
FEBRUARY 15, 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 via Zoom
Kendall Crittenden
Luke Searle

EXCUSED: Karl McMillan

STAFF: Dustin Grabau, Wasatch County Attorney
Heber Lefgren, Assistant Wasatch County Manager
Natalie Foster, secretary to the County Managers
Wendy McKnight from the Clerk's Office
Mike Davis, MIDA Coordinator
Jon Woodard, Assistant Wasatch County Attorney
Doug Smith, the Wasatch County Planner
Rick Tatton, Court Reporter

PRAYER: Chair Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilman Luke Searle and repeated by everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday February 15, 2023 and indicated that all the Wasatch County Council are present except Councilman Karl McMillan. Councilman Steve Farrell is present via Zoom. 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 are any legislative issues for future meetings and there was none.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there are any administrative issues for future meetings.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the FFA contacted me and they qualified for national and have asked that we sponsor them to go to this national competition. We will do that in the first meeting in March. I had a meeting with our emergency manager Jeremy Hales on addressing potential flooding in the future as this year progresses. I would like to talk with other entities and what we might be able to do so that we can be adequately prepared for this if it happens. We will do that in the work meeting in March. Now normally through development process you grant conditional approvals, final approvals and the Planning Commission is the final approving bodies. One of the approvals for the JOVID Hotel, the Black Rock Hotel and they are doing future phases. They have requested a provision in the development agreement related to setting parking restrictions around the hotel. That is an issue that we would like to bring to the Wasatch County Council. If you want to discuss that in future meetings fine but if now we can just tell them that we are not interested in restricting parking on those streets. Enforcement could be a problem and they have indicated that they would take care of the enforcement issue. Do you want this to be a future agenda item and is it worth considering or would you just rather not. Councilman Erik Rowland indicated that considering that this is a private business and they are trying to restrict access on a public right-of-way and would feel if there are exceptional circumstances I would be uncomfortable making that exception. Councilman Kendall Crittenden indicated that we need to be careful in looking at it. Chair Spencer Park indicated that lets not put this on the agenda unless it becomes a problem then we can bring it back. Dustin Grabau indicated then that wouldn't become a part of the Development Agreement.

PUBLIC COMMENT ON MATERS NOT ON THE AGENDA

Chair Spencer Park then asked if there is any members of the public on line or present that would like to make a brief public comment on an item that is not on the agenda.

Lynn David, 2524 West Mark Way, Brighton Estates, Wasatch County, Utah. Lynn David then gave an update of what he has done. He indicated that he provided the Utah State Auditor's Office with information concerning the methods used by Wasatch County Assessor's Office to reclassify residents as non-primary residents thereby potentially increasing these individual real estate taxes by forty-five percent. I also provided information to the POST Council concerning Sheriff Jared Rigby with regard to illegal activities of the first of several Wasatch County and Heber City Police Officers, Midway City and Wasatch County officials and employees. Also presented twenty-five pages of documentation to different entities and agencies. The first amendment protects an individual's speech from government censorship and it applies to federal, state and local

government actors. This brings me back to July 20, 2022 and that shows that Chair Mark Nelson violated my first amendment rights to freedom of speech when you prevented me from making all of my prepared comments during the public comment period of the meeting concerning the illegal boulder extraction operation across the street from my property and home in Brighton Estates. On August 3, 2022, you Dustin Grabau and Heber Lefgren inspired on a telephone conversation at approximately 2:00 p.m. in Heber's office to again violate my first amendment rights during the upcoming 3:00 p.m. meeting with the Wasatch County Council by attempting to prevent me from speaking during the public comment period. Your violation of my first amendment rights is a federal felony. This makes all three of you personally liable for your actions. Today I am calling for the resignation of Chair Mark Nelson from the Wasatch County Council, the resignations of Dustin Grabau and Heber Lefgren from the Wasatch County Government and based upon their actions I do not believe these individuals should be representing the citizens of Wasatch County and thank you for your attention.

My name is Paul Beckman and I spoke with Heber Lefgren in the County Council's office today to find out if there will be a discussion on the item regarding short-term rental regulations. Chair Spencer Park indicated to Mr. Beckman to save his comments until we discuss this matter on today's agenda.

Councilman Luke Searle made a motion that we leave our regular Council Agenda and fo into SSA#1. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

SSA #1

Ben Probst, Financial Officer for SSA#1 addressed the Governing Board Members of SSA#1 and indicated that he has some warrants that need to be approved by the Governing Board which a couple were approved in the last meeting back in December. The ones asking for approval are:

\$1,210,049.00	Central Utah Water Conservancy District a water payment
\$457.90	Jordanelle Special Service District for administration fees
\$32.36	Wasatch Wave for public notice
\$1,050.00	Wasatch County for overhead management

Board Member Steve Farrell via Zoom made a motion that we approve the warrants as presented. Board Member Erik Rowland seconded the motion and the motion carries with the following vote:

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

NAY: None.

ADJOURNMENT

Board Member Steve Farrell made a motion to adjourn from SSA#1 and go back into the regular Wasatch County Council Agenda. Board Member Mark Nelson seconded the motion and the motion carries with the following vote:

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

NAY: None.

COUNCIL

APPROVAL OF THE MINUTES OF FEBRUARY 1, 2023

Councilman Mark Nelson made a motion to approve the minutes of February 1, 2023 as written Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Erik Rowland
AYE; Steve Farrell via Zoom.
AYE: Kendall Crittenden
AYE: Luke Searle**

AYE: Mark Nelson

NAY: None.

DWR JASON BURMAN PRESENTATION

Jason Vernon, Regional Supervisor for the Division of Wildlife Resources Central Region addressed the County Council. My office is located in Springfield and the central region covers six counties from Sanpete all the way up to Salt Lake and from here all the way out to the Nevada Border. Jason read a letter from the DWR Director and also indicated that he had a check for the year 2022 contractual in lieu tax payment on land the Division of Wildlife Resources has in Wasatch County. The money used to pay the lieu taxes provided largely by hunters and anglers in Wasatch County and across the State. Jason indicated that we have always had a good relationship with the County in working on wildlife. Also want to thank Wasatch County for helping out with the Chicken Creek Boat Ramp up at Strawberry Reservoir which a lot of effort and time was spent on that. The check today is for \$6,274.10.

Jason indicated that he has two other items that he would like to talk to you about. Recently the Division closed shed Antler Gathering and Hunting until April 31, 2023. Also we have looked at different locations in Wasatch County regarding the shape that the deer population is in and whether to feed the deer or not and we have decided that we won't do that yet but doesn't mean that we won't do that in the future. Also we had a good relationship out at the shooting range out at Big Hollow and for a while we were having fires started because of the dry ground by people up above the shooting range firing at targets, etc. We have closed the shooting in that area for two weeks at a time which has made a difference. We thank you for your support and guidance on any of those issues with those fires.

DISCUSSION/CONSIDERATION OF A DONATION OF ONE PERCENT FROM OUR LATCF (ARPA) ALLOCATION TO NACO TO HELP FUND THE COST OF CREATING AND MAINTAINING THE NATIONAL CENTER FOR PUBLIC LANDS COUNTIES (THE CENTER)

Councilman Kendall Crittenden indicated that we have talked about this for a few months. What is being asked for is that NACO and the group were able to get this ARPA money which is LATCF which stands for Local Assistant Tribal Consistency Fund. The total cost of the center will be \$738,906.48. They want to put together this center to work with public lands issues. They are asking for one percent donation to help fund this center in perpetuity. The one percent share of that total would be \$7,389.06. I support this effort. In payment of it we can do one of two things and there is an invoice from UAC for two years of 2022 money which we have got that and then there is the 2023. This could be paid in two payments over two years. We can pay it first and see how it goes and guess if we didn't think it was worth it we could rescind the second year or just pay it in one payment and be done with it. Dustin Grabau indicated that we have enough ARPA funds to

cover it. UAC will be holding these funds that in the event it reaches sufficient level to be able to do those centers and if they don't they will return the funds to us. The discretionary funds will not be used.

Councilman Kendall Crittenden made a motion that we support this that we donate our one percent and would do it in one check for both years and make the check for the amount of \$7,389.06 to UAC. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION/CONSIDERATION OF POTENTIAL CHANGES TO EXISTING SHORT-TERM RENTAL REGULATIONS.

Heber Lefgren, the Assistant Wasatch County Manager, presented a power point presentation and addressed the Wasatch County Council and then indicated that there are some pros and cons associated with short term rentals. The benefit is there is an increase in tax revenue associated with it. Increased income for the short term rental operators. It expands the area of lodging options. Increases revenue for local businesses. It does provide flexible space for the owners and improves the upkeep of homes and yard maintenance often times. However, that being said short term rentals tend to increase noise, parking and trash complaints. They reduce the availability of permanent housing, increases non-compliant issues. Causes a loss of revenue from non-compliance. There is reduction in commercial lodging and revenue. It alters the quality of life and the community character. It creates an uneven regulation between traditional lodging and short term rental. Also they become a little more difficult to track compliance.

Utah Law generally delegates the majority of the regulation of short term rentals to the local government. However the state law does prevent local cities and counties from prohibiting an individual from listing a short term rental on a web site as well it prohibits the county from being able to find people's rentals on a web site. In Wasatch County the requirement is that in order to be able to obtain a short term rental you have to obtain a business license after it has been reviewed by the building office, clerk's office, fire department, health, county managers, planning, zoning and sheriff's office. Whenever a license is sought after it goes through that approval process. It is only allowed in certain areas and has to be in an approved zone with an HOA or developmental agreement that allows the short term development, or the owners have obtained a short term rental agreement with an agreed upon stipulations by the County or if the property is in the RA-1 Zone

and meets specific requirements. In order to get the license they have to identify that person or that entity that meets these qualifications, accessible within twenty-four hours or accessible 24/7 is able to respond or reside within thirty minutes and respond to an issue within one hour. Wasatch County is home to a large number of short term rental units. In many cases these are authorized by county code and issues business license. The County Council desires to review existing short-term rental regulations and consider what other communities have done to address compliance.

When it comes to violations of our laws we do consider the violation a Class C Misdemeanor and each day in violation is a separate offense. The property owner is the one responsible for illegal behavior and is the individual who would generally be fined for a violation. Once the property has reached three violations then the County does have the ability to revoke the license at that point. Also we have taken a look at a couple of other counties and cities within Utah.

What seems to be the similar across the board is that is tied to a business license where there is a tax license number needs to be included and provided. The license is tied to each rental unit. The inspections do vary across the board and Wasatch County has more eyes on that than other entities. There usually is a required designation contact person who can address the issues on site when those issues are brought up. The owner of the property is ultimately responsible across the board and there is the application procedure and data collections are generally outlined. It is a requirement of the owner to carry insurance which is a state requirement. Violations are based upon per night occurrences. These things are similar across the board when short-term rental laws are looked at. Also a short term-rental is only allowed if there is somebody who is residing there permanently and in those situations they do allow primary residential occupancy. There is also regular inspections based on violations that they are seeing. Some place the limit on the nightly occupancy the number of people that can be at one of the locations. The number of vehicles is looked at and the size of the parking areas so you can't park on the street. In some cases it is only allowed for lodging and sleeping purposes.

Work Force Services perform a service in recommendations in creating or establishing or updating your short term rental laws. They recommend to take the time to engage the community and provide opportunities for the community to participate in the decision process. They help find ways to be compliance. Also give owners a financial reward with zero nuisance related complaints. To help with enforcement procedures that are used.

Also Wasatch County has budgeted for a code enforcement officer. One question is to what extent does the Council want to enforce that enforcement and specifically use somebody to spend all their time on short term rentals or should other code issues that we need to address as well. Also do we seek to establish an Interlocal agreements with neighboring communities to provide the services and what requirements do we want to place on those who want to participate in the services that we provide.

Finally, what are some of the changes to laws that we desire to be made. So what are the priority issues that we want to address or change. What roles should the community play as we go through the process to create the ordinance? What will you be as the Council on developing those processes?

Chair Spencer Park then opened the matter up for public comment.

Paul Beckham, resident in the very northwest corner of the County. Paul indicated that this is an important code and the licensing process for our neighborhood. 75 percent of the homes in our neighborhood are nightly rental. You need to control this and is the only way to keep the noise, parking, and behavioral issues we are having need to be kept in check so we can live and have a good quality of life. Paul indicated that he has had a lot of experience in this when he lived in California. Paul indicated that Wasatch County has a really good code. Two things that he would recommend is to have two people per bedroom. Also the other one is for domestic dispute issues and the owner can't be there when they are doing it and make sure that it is hundred percent of a nightly tenant. Paul said that he will write those up and give them to Heber Lefgren. Also available if you would like further information. The main problem is noise and parking.

Councilman Erik Rowland indicated that he feels that these types of ordinances are a slippery slope and really struggle with these. When it comes to private property rights ultimately there needs to be respect to the private property owner. I would not be a proponent to adding any additional ordinances or points to what we currently have and prefer to explore ways to make this simpler. The more complicated that it becomes, it becomes virtually impossible to administer, to enforce. Creates very challenging discussions with the topic of private ownership. It is a place that I do not want to go. You need to be very careful and would take any suggestions to change this with the highest degree of scrutiny. We need to look at parking. We should not restrict the number of tenants. What are we trying to achieve here. To give more government control is a concern to me. There needs to be a common sense approach to protect the safety of others.

Councilman Kendall Crittenden indicated that we need to make it easy to understand and simple. You need to look at all of the property rights of the neighbors. Need to look at parking.

Linda Middleton, Wasatch County resident, addressed the Wasatch County Council and indicated that she lives in a zone where nightly rentals can happen according to the new state law. Linda indicated that she does have a concern for good enforcement and the way it is handled. Linda voiced a concern for who gets the money for violations. Is it Heber City or Wasatch County because she lives right on the border of these two entities?

Todd Griffin, the Wasatch County Assessor, addressed the Wasatch County Council and indicated that there are verified right now 850 short term rentals and ninety percent are in the Jordanelle Basin. Seventy-five percent are not licensed. When MIDA is up and operational that will increase significantly. This does need to be regulated. People deserve to have a safe place to stay which comes from good enforcement.

Dustin Grabau asked the Council how do you want to proceed with this. Do you want the staff to come back to all of you with recommendations? Do you want to form a subcommittee to look at this? Do you want to use our code as it is now but then dedicate additional resources to enforcing that as it is? There also are other bills being considered in the legislative session that will have a

direct impact on this.

Councilman Erik Rowland indicated that people would like more restrictions and I don't agree with that. We need to hear from both sides of this issue which will really help. Councilman Kendall Crittenden asked if we have reached out to the various entities with regard to the funding of the code enforcement officer. Dustin Grabau indicated that was talked about in an Interlocal meeting and both Midway and Heber City expressed in coordinating and we budgeted for that code officer for only half of the year.

Councilman Mark Nelson indicated that Midway City has a somewhat stricter ordinance and Midway City indicated that in the last five years they have had zero complaints from neighbors regarding nightly rentals. One of the things that is stricter is that you have to have a third party property manager and they have to have an office within one block of Main Street in Midway City. They are trying to keep it very controlled and there is a very limited area where they allow nightly rentals. Midway City feels that it is under control there.

Chair Spencer Park indicated that he doesn't like putting all these restrictions on this but in tight confined areas we have to. Other things can control this other than parking and beds.

Mike Davis, ex-County Manager, addressed the Wasatch County Council and indicated it is not just the concentrated areas that you see this. People are frustrated with these nightly rentals. I also hate regulations but I also hate it when my rights are violated in my space. Somehow we need to keep it concise but try and get people to be good neighbors so we wouldn't have the complaints.

Councilman Erik Rowland indicated that he hears what Mike Davis is saying but I feel like we are confusing two issues. Are we really concerned about the owner making a profit on the situation or is it the noise and danger and stuff that is happening. How do we control people who don't have a vested interest in the community? We need to not rent the property out that would fix it. We are trying to solve one problem by using another mechanism to solve that problem. There needs to be ordinances that control the noise and parking and control the access. I just don't see how that needs to be connected to short term rentals.

Chair Spencer Park asked how does the Council want to go about addressing this. Councilman Mark Nelson suggested that the Staff come back to the Council with recommendations but others might have more expertise with this subject than I do because it is a very complicated issue. Councilman Kendall Crittenden indicated that staff would involve the planning department also. Dustin Grabau indicated that we could involve the health department, public safety, sheriff, fire etc. Chair Spencer Park indicated that if we had a pie chart prepared showing what is taking place. Scott Sweat, the Wasatch County Attorney, indicated that there is the code and is the code working and there is code enforcement and we have been lacking in the enforcement aspect of it. Dustin Grabau asked does the Council want us to enforce the current codes and do you intend to change the code and that would change the enforcement and we need a general direction from you and do you want us to look at it what it looks like to us to ramp up code enforcement or do you want us to look at more comprehensible changes that would stream line the process and eventually reduce

the need for enforcement or increases enforcement needs.

Councilman Erik Rowland indicated that it is three areas. There is business licensing should be as simple as possible to encourage people to get licensing as quickly as possible. Noise control and parking those are the three areas that there is a problem. Chair Spencer Park is there a help to have a council committee with the staff. Councilman Kendall Crittenden indicated that he likes the idea with a committee with areas like health, fire, sheriff, public safety, etc. Also look at pieces in other areas that might help Wasatch County.

Dustin Grabau indicated that it sounds like, if anything, minor changes to the Wasatch County Code and we can provide staff recommendations to what enforcement looks like under some potential scenarios of minor changes to our code. Chair Spencer Park indicated you could look at the number of people per bedroom or something. Also look at parking spaces.

Councilman Mark Nelson indicated that we need to realize where we are living and what is becoming of this valley and how fast it is going to grow and half of our homes are secondary homes and that number is not going to go down but will go up. We are in a rich nightly rental environment.

Councilman Erik Rowland indicated that the enforcement issue would have to be first and foremost. If there is not adequate enforcement behind it why are we doing it? Dustin Grabau indicated that he understands what you want us to look at and we will bring it back to you at some future date.

DISCUSSION ON COORDINATION BETWEEN THE ASSESSORS'S OFFICE AND THE STATE TAX COMMISSION.

Dustin Grabau, the Wasatch County Manager, indicated that we made an invitation to Joshua Neilson who is the Director of the Property Tax Division and State Tax Commission to answer your questions that you had. There has been a letter from the State Auditor's office regarding property tax appraisals and where Wasatch County is with our tax appraisal process and how we intend to make strides forward in that assessment. Address the Tax Commission's response from the State Auditor's letter and what you see is the tax commission's role in assisting Todd Griffin, the Wasatch County Assessor.

Josh Neilson, Director of the Property Tax Commission, addressed the Wasatch County Council and indicated that we are aware of some of the issues in Wasatch County. We had some weaknesses also in our procedures and policies. We certainly agree with the letter from the State Auditor's Office. The Tax Commission has hired and brought on an employee and the job is to help analyze and assist the county assessor's office in analyzing data on finding areas which they can improve in mass appraisal. We are looking at purchasing some kind of data base of some sort in commercial sales. A bill in the legislature right now if it passes will help in getting a data base. Also the assessor is to provide to the State Tax Commission at least three times a year parcel level data so that we

can do more analyzing and help and assist them and understand mass appraisal a little bit better. I also have studied various statutes and codes so that I have learned how better to do my job. We are focusing on a five year reappraisal cycle. We also are required to reappraise all properties every year and do mass appraisals. Also employees need to take education classes that the State Tax Commission would put together. We are also a non-disclosure state and we don't always have the sales we need. We need to work with the assessor's office to understand the market when we don't have sales and make mass adjustments when we don't have those. The statute says that all properties must be updated every year. When you hear that we need to reappraise twenty percent of the county every year that is a false term. The assessor's office is required to reappraise all properties every year. The twenty percent comes because they are supposed to review those parcels at least once every five years which is a detailed review of the characteristics of the property and it doesn't mean that they are re-appraising the property but to some extent they don't even necessary to look at the value of the property. We are working very hard to get these things up to date and accurate. If we are just applying factors or percentages to wrong data we are enlarging the problem. We are not fixing the problem. We are trying to make sure that we have proper characteristics and the system is properly handling those. Wasatch County wants to make sure that is done once every five years. If you could increase that would be even better. In that year as well you would apply that percentage of market to that. If you were to update your building costs in your appraisal software and update your land every year based on the market and every market to some extent is going to change in value every year if you just did those things.

Councilman Luke Searle asked if that includes number of bedrooms, bathrooms to that level. Todd Griffin indicated that he can now pretty much tell you how many bedrooms and bathrooms are in that home just by looking at it. John Nielson indicated that you need to look at the quality.

Councilman Luke Searle asked what will happen this year if we don't fully assess all of our properties. John Nielson indicated that we would highly recommend especially that we can competently at the end of the year say that we looked all one hundred percent of our parcels. If that hasn't been done then based on this audit will be forced to issue corrective action. That will be based upon what one percent looks like. That doesn't show a value change but the assessor's office tell us that we have looked at those parcels and this is why there is no value change.

Councilman Luke Searle indicated that you would give us some kind of corrective actions to take place. John Neilson replied that is correct. We can issue a back order. We can write a letter to the State Auditor or we can have the court's mandate that you do whatever we are asking you to do.

Councilman Steve Farrell via Zoom indicated that you could take jurisdiction and do it. John Neilson replied that we could take regular jurisdiction but we also don't have the resources to do that. Also we have the jurisdiction to come in and tell you that you have to hire someone to come in and do the work. That would be one of those things where maybe we send a court mandate order that you are required to hire someone to finish the work. That is one of the suggested remedies. There was a time when there was more corrective action ordered and more back orders done and it was a very combative time for the counties. There was a lot of lawsuits suing the Tax Commission. The Assessor's Office didn't necessarily like the Tax Commission. We feel like the

current model is way better than it was with us working with the county in general and the assessor's office and other elected officials in education and cooperation that we have a better assessment process. We also recognize the things that they pointed out in that audit that there probably are times when we need to issue corrective action orders but we hope that we can do that in working with you guys and not creating an environment where you are afraid to ask for help from the Tax Commission. If you are looking at spread sheets it can be very difficult and sometimes it is nice to see a map which can help you better understand. Many of the things we are doing with spread sheets already and developing our own mapping tools that we can use to assist assessors and Todd Griffin has already kind of done some of this already to where we can look at all the data and say okay I have a whole neighborhood here that I can increase five percent and all the parcels are green but here is a red parcel because this property increased more or less than the average of all the other homes. I need to take a look at that and verify is that a proper amount or not. We always need to make sure that all the data that we are presenting is accurate.

Councilman Kendall Crittenden indicated that Todd Griffin has come a long ways in fixing our County and appreciate Todd's efforts given his limitation of staff and what not. He has come a long ways and things are moving in the right direction. We need to get it out to the public that we are doing the best we can to get it fixed. John Neilson indicated that we think that Wasatch County can get it fixed in maybe three years. The more technology and more transparency you have the more you start to notice these things. It is very fair to say that currently this maybe the best it has ever been in Wasatch County. We are confident that we can get to the point this year where we can make mass adjustments to every parcel this year. We are happy with the path we are going down. You as a Council have provided him with additional resources whether it be additional employees or increase in salary. Commercial is going to be an issue in moving forwards. We are definitely going to focus on commercial. We are looking at increasing all the commercial properties.

Councilman Steve Farrell indicated isn't it the Tax Commission responsibility to present the market data to the County for their analysis. Could you walk through the sale ratio and what it is? John Neilson replied that we do send out and because we are not a disclosure state there are sale surveys that are sent out and we get those from the Recorder's office and then we send out a survey to people and ask them to fill that out and our return rate is less than 25% and out of those 25% you have to recognize things like changed name. Out of that 25% you are getting 10-15% of good, accurate sales of the ones that are actually happening. We then put that in our sales ratio program. If that comes back and says based on all the sales the assessor office is 90% in these type of properties that may require a 5% increase and not just the sales but the home of the sales that we have in that area and we are going to increase those all 5% in order to be compliant with the statute. We are trying to help the assessors understand and we are working as well to understand this as well in how we gather market data when it is not available. Taxpayers don't want their homes increased in value just because and you want to have some solid market data behind that to justify doing that and so we want to do a service to the taxpayer.

Councilman Steve Farrell asked do we still have a contract with the Board of Realtors to get all that. John Nielson replied that we have a contract with them yes and we find that very helpful.

Councilman Steve Farrell asked that at one time we used to go out and do appraisals and use them in lieu of sales and say this is based on the market this is what these homes should be selling for. Have you given that any thought and hire appraisals to go out and do that. John Neilson replied who is paying for that the State or the County. Councilman Steve Farrell replied that the state did. John Neilson replied that we don't have the resources to pay to have that done. We are educating our staff to have the ability to do better data analysis.

DISCUSSION/CONSIDERATION OF UDOT ADDENDUM #3 TO THE COOPERATIVE CORRIDOR ACCESS AGREEMENT #098.400 FOR US-40 FROM SR-32 TO 750 NORTH, HEBER CITY.

Councilman Kendall Crittenden indicated that UDOT were looking at some things and they realized they needed to make an additional addendum to the original agreement. It is a US-40 agreement that goes State Road 32 to 750 North of Heber. We passed addendum #2 a month ago which designated what we always thought that the light was going to be at and it defined that more definitively so we knew where it was and where we thought it was going to be anyway. Addendum #3 for correcting a category designation that was missed identified in the original corridor agreement. This addendum will ensure the category designation and mapping designation are the same? It is just a simply formality to correct a typographical error so our category designation and mapping designations match. What it is that highways are designated categories and apparently in some places that stretch of road was identified as category four and on mapping it was designated as category 5. It was labeled category 4 in the original agreement but the County, City and UDOT have been using the category 5 designation on everything that was done. The only difference between category 4 and 5 these categories have distances for minimum signal spacing, street spacing, drivers spacing, first right in and right out driveways spacing first intersection the last right in and right out and those are the areas that differ. All this does is bring the categories together and rectifies that. I believe that Heber City has passed this. Scott Sweat, the Wasatch County Attorney has reviewed it and as far as legal issues he is fine with it.

Councilman Kendall Crittenden made a motion that we approve addendum #3 with UDOT and Heber City and get this signed and back to UDOT. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

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

NAY: None.

CONFLICT OF INTEREST DISCLOSURE

Dustin Grabau, the County Manager, addressed the Wasatch County Council and we talked about this last week. Councilman Luke Searle has filled out a conflict of interest disclosure form. Councilman Luke Searle indicated that it is a good idea to always fill out a conflict of interest disclosure form. Dustin Grabau indicated that we passed a policy in 2021 with regard to this conflict of interest disclosure form. The policy states that if someone disclosed that they had a disclosure that they need to convey. The Council indicated that they each would fill one of those forms and submit it to the personnel department and put in their record. The state code states that if you had a conflict to disclose it once a year unless there are other circumstances.

Councilman Luke Searle indicated that this is a recommendation by Johnny Miller, he indicated that this is a proactive approach in doing it and would be happy to adjust the county policies.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that House Bill 263 is still in committee, House Bill 276 isn't moving, and House Bill 286 is in rules. Short term rentals that is in the standing committee and not moving right now. Governmental entity budget transparency that one is held in committee and not moving. This one could potentially be a challenge is House Bill 446 which is the housing and transit reinvestment zone modifications and written specifically against Summit County and has to do with High Valley Transit which we are working with. Apparently there is a dispute on Kimball Junction and would this affect us if we create a transit hub in Jordanelle do they get thirty to fifty units per acre and right now not moving very fast. Senate Bill 174 isn't moving terribly fast but that is a potential challenge for us. Senate Bill 175 has been circled which is the Class B and Class C Fund amendment.

We will talk a little bit about MIDA because of a change in our agreement and we will have that discussion in Closed Session.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that I have talked to Don Wood about this is to update the senior citizens center hall to be able to accommodate bigger groups that we are to have with issues coming up. Don Wood, Director of the IT Department, indicated that he can do whatever we want to accommodate that. We need that fixed to be able to hold those kinds of meetings.

Councilman Erik Rowland indicated that the Latino Group possibly have an upcoming event possibly on April 30, 2022 and depends on if there is snow on the ground. This is for children's day which is a very common holiday throughout the world. They want to start something here for that and are anticipating conservatively about 700 to 800 people which caters largely towards children. They are hoping that they can use the city park but they are receiving some objections to

that. They have asked if there is possibly a county based facility that could accommodate this type of an event like the south fields or something like that. There was an interesting thing shared at the Latino with regard to the library and Juan the Librarian will come and talk to the Council about that.

MANAGER'S REPORT

Dustin Grabau indicated that he has nothing for this meeting.

Chair Spencer Park indicated that there is a need for a closed session this evening so we need a motion to go into Closed Session to discuss litigation and personnel.

Councilman Kendall Crittenden made a motion that we leave our regular session and go into Closed Session for litigation and personnel. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Steve Farrell via Zoom
AYE; Erik Rowland
AYE: Kendall Crittenden
AYE: Luke Searle**

AYE: Mark Nelson

NAY: None.

Councilman Mark Nelson made a motion to leave our Closed Session and go back into regular session and to adjourn. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

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

NAY: None.

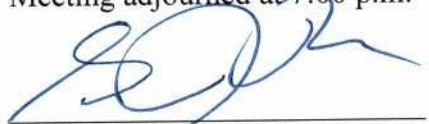
ADJOURNMENT

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: Steve Farrell via Zoom
AYE: Erik Rowland
AYE: Luke Searle
AYE: Mark Nelson**

NAY: None.

Meeting adjourned at 7:00 p.m.


SPENCER PARK/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

