

**MINUTES OF THE
WASATCH COUNTY COUNCIL
AUGUST 2, 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
Karl McMillan
Luke Searle
Kendall Crittenden
Steve Farrell
Erik Rowland

EXCUSED: Councilman Mark Nelson

STAFF: Dustin Grabau, Wasatch County Manager
Rick Tatton, Court Reporter via Zoom
Doug Smith, the Wasatch County Planner
Scott Sweat, Wasatch County Attorney
Wendy McKnight, from the Clerk's Office
Shelby Thurgood, Assistant Wasatch County Attorney
Mike Davis, MIDA Coordinator

PRAYER: Chair Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilman Kendall Crittenden and repeated by everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday August 2, 2023 and indicated that all the Wasatch County Council are present except Councilman Mark Nelson who is excused and Councilman Eric Rowland will be a few minutes late. Also the record should reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative Building at 25 North Main, Heber City, Utah 84032. 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.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there were any administrative issues for future meeting. Dustin Grabau indicated that he has some. Swiss Mountain has requested some information about their roads and indicated that it would be best if I met with them about their options and talk about some of the complexities. A public meeting is not the best way to handle this matter regarding what they would like to have. As a result they have agreed to meet with me regarding this matter.

Also we have received a number of requests for information about Brown's Canyon Road and whether we could put engine brakes on that road and that matter will be put on the next week's agenda if you are comfortable with that.

Also yesterday I received a petition literally from individuals requesting that we restrict access or parking on 1200 North. Again there are a number complexities with that and given that is an easement and not a right-of-way. They would like to be on an agenda and again we may need to work through some details prior to bringing it to you but if you want to we can put it on as soon as next week's agenda. Chair Spencer Park indicated that it would be best for you to meet with them and it is the public works because it will involve them so it would be best for them to attend those meetings because most of the implications will involve them.

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

Chair Spencer Park asked if there were any legislative items for future meetings and there was none.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park then asked if there were any public comment on matters not on the agenda and there was none.

APPROVAL OF THE MINUTES FOR JULY 19, 2023

Councilman Kendall Crittenden indicated that he has got a couple of corrections and a couple of questions on them. One is on page 6 and 7 where it talks about Resolution 23-13 and it refers to B391, it is House Bill 391 and needs an (H) added to the B so it is clear to what we were talking about. Then I misspoke which is on Page 12 on the landfill closure. I said that it would be closed from July 14 to August 5 and it should have been July 24th and I probably said the 14th but it is July 24. Then a question on that election committee and the guy that wanted to be on it. Joey Granger asked me about it the other day and was she going to set up the meetings with Councilman Eric Rowland and I and Joey. Dustin Grabau indicated that we would be happy to facilitate that. We could set up those meetings. The other question is that we talked about the maybe having that

Academy Group School come to our meeting and I sent an e-mail to that e-mail address that was included in that packet that they sent and it didn't go through so we will just wait until they contact us.

Councilman Karl McMillan made a motion to approve the minutes for July 19, 2023 with the corrections and questions noted. Councilman Kendall Crittenden seconded that motion and the motion carries with the following vote:

**AYE: Karl McMillan
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Erik Rowland**

ABSTAIN: Chair Spencer Park (absent)

COUNCIL

ALLISON AAFEDT, REPRESENTING PEGASUS DEVELOPMENT COMPANY, REQUESTS APPROVAL FOR RETAINING WALLS IN SKYRIDGE PEGASUS PHASE 8A. AS PER CODE SECTION 16.27.29(F) RETAINING WALLS THAT EXCEED A CUMULATIVE HEIGHT OF 30 FEET OR 200 FEET IN LENGTH REQUIRE APPROVAL FROM THE COUNTY COUNCIL. THE PROPOSED IS PART OF THE OVERALL SKYRIDGE MASTER DEVELOPMENT LOCATED IN SECTIONS 7 AND 12, TOWNSHIP 2 SOUTH, RANGES 4 AND 5 EAST IN THE JORDANELLE SPECIALLY PLANNED AREA JSPA DEV-7066.

Doug Smith, the Wasatch County Planner addressed the Wasatch County Council and presented a power point presentation and indicated that anything that is more than thirty feet in accumulative height and/or 200 feet in length requires Council approval. These are all private roads that will be built by the developer and maintained by the HOA. There are several retaining walls that is over thirty feet. They will be using rock from the site. Because they are private roads the County would never be involved in maintaining any of the retaining walls or failing retaining walls. This was also approved and recommended for approval by the Planning Commission and forwarded to the Council with the requirement that they get approval from the Wasatch County Council on any walls higher than that would have to be engineered and that would be part of the construction plan sign off by the engineering department. Also the Wasatch County Engineering Department Okayed this and that is indicated in the DRC comments.

Chair Spencer Park indicated that the record should show that Councilman Erik Rowland has just joined the Council.

Allison Aafedt, representing the applicant, addressed the Wasatch County Council and indicated

that we have eight retaining walls in Pegasus Phase 8A. Allison then presented a power point presentation with a few pictures that she showed the Council indicating what the walls will look like. On Phase 8B on the downhill side there is one wall.

Councilman Steve Farrell made a motion that we approve the variance on the length and height of the retaining walls as requested. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE; Erik Rowland

NAY: None.

DISCUSSION AND POTENTIAL CONSIDERATION OF RESOLUTION #23-14 REGARDING POLICY 160-003 COUNTY RECORD RETENTION SCHEDULE AND POLICY 160-004 SHERIFF'S OFFICE RECORD RETENTION SCHEDULES.

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that it is recommended that Wasatch County authorize by resolution the adoption of Policy 160-003 County Record Retention Schedules and Policy 160-004 Sheriff's Office Record Retention Schedules so they may be filed with the State Archivist and so County administration can proceed with the retention and disposition of these records. Also that Wasatch County Council authorize as policy housekeeping the renaming of previously approved Policy 145-001 and Policy 110-001. Also as a matter of housekeeping, this item also asks the Council's approval to rename previously approved policy 145-001, Cash Handling to 135-003. Cash Handling and to rename approved Policy 110-001. Employee Conduct and General Expectations to 110-005. Employee Conduct and General Expectations to bring them up to date with other approved policies. This would provide a schedule on which the County would remove certain documents. Right now we are retaining everything that we have in these categories and causing significant storage issues. At this time we don't have a policy that permits us to remove some of those things. One of the ones is e-mail correspondence which is at our discretion. What this means is that any e-mails that are five years or older for any of you who has been on the Council that amount of time you will need to archive those or pull them out otherwise they will be removed from our system and noted as such. The public will be aware of this retention policy and not trying to hide anything.

Text messaging the policy is to retain for fourteen days and still working through some operational ways of implementing that.

With record to sheriff's office recordings so dispatch audio recordings would be retained for one year and also correctional facilities would be retained for six months and this is video surveillance

from the correction facility and true of the mobile audio and visual devices recordings in vehicles or on officers and anything involved in incidences.

We are also considering additional changes for this and additional retention policies in other areas but this is what we have for the Council at the present time.

Shelby Thurgood, the Assistant Wasatch County, addressed the Wasatch County Council and indicated the way the code is written that a government entities can make their own retention schedules as they chose. If they do not do that then they have to follow the state archives retention schedules. We are permitted to make our own and then follow our own. These changes have been reviewed by the state archives and once they are adopted they are back to state archives for final approval and then they get put up on the state archives website as our retention schedules.

Councilman Erik Rowland asked about text messages the fourteen days where did that number come from. Shelby Thurgood replied that there is no guidance on text messages in the state archives. Councilman Erik Rowland replied that he would like to see that because I don't like fourteen days. I refer to text messages far more frequently to refer back as far as conversations, reference points, something that was mentioned way outside of fourteen days and sometimes six months back.

Councilman Kendall Crittenden replied that you want to add to that time frame. Councilman Erik Rowland indicated that he would like to see more time. Councilman Karl McMillan replied that he agrees with Councilman Erik Rowland with regard to the time because that is awful short and would rather see six months or a year. Councilman Erik Rowland indicated there is a big difference between voluntary deletions versus one that is automatically purged with the server.

Dustin Grabau replied that he doesn't like excessive text messages in my phone either. Councilman Luke Searle replied that he likes text messages to be retained longer. Dustin Grabau replied that we shouldn't be putting things in text that we are not comfortable sharing with the public.

Mike Davis, MIDA Coordinator, replied that phone records are not required to be kept or files or anything else but a text is essentially a step down from that. Dustin Grabau replied that suggestion is to change this to either thirty days or one year based on the automated removal time line. Councilman Erik Rowland replied that the automated feature is the way to go. Also if I delete e-mails there is still a record maintained of that. Dustin Grabau replied that is retained by our IT system. The difference is that we have an independent record system for e-mails and other recordings but we don't currently for text messages if we did implement something in the future we would follow this guideline so right now we don't have any independent text messaging record keeping system and we may at some time in the future.

Shelby Thurgood indicated that the sheriff's retention rule was okay with the Sheriff's Office.

Councilman Luke Searle made a motion to adopt Resolution #23-14 regarding Policy 160-003 County Record Retention Scheduling Policy and Policy 160-004 Sheriff's Office Record Retention Schedules with the change of thirty days regarding text messages and retaining them for at least thirty days and if we can put that in the new Council Member or any orientation packets that would be a good piece of information that don't delete your text before thirty days. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

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

NAY: None.

CONSIDERATION OF SELECTING A SALE METHOD FOR PARCEL 02-2702 IN SWISS MOUNTAIN ESTATES.

Dustin Grabau, the County Manager, presented a power point presentation and then addressed the Wasatch County Council and indicated that in 2022, the County listed two parcels as surplus property eligible for public sale. Since then, on one of those parcels was sold via a negotiated price. Recently, there have been inquiries into the other surplus parcel located in Swiss Mountain Estates, it is Lot 161 of Swiss Mountain Estates No.3 and is parcel number 02-2702. The parcel was acquired through a tax sale and currently has not water or sewer service. The sale will include a notice that the County makes no representations on the buildability of the lot.

Under County Code, the Council is required to authorize a method of sale and set a public hearing for the disposal of property with at least two-weeks of notice. Wasatch County Administration proposes the following sale methodology.

1. Advertise a competitive sealed bid on Parcel 02-2702 on the County website and newspaper for four weeks. Bids will be accepted at the County Manager's office starting August 1st and extending to August 22nd.
2. Bids must include the attached and completed form.
3. The bids will be opened at a public hearing on September 6th. The highest bidder will be selected to close on the property.

Dustin Grabau also indicated that there are three steps to selling a piece of property and the first to list a property as surplus which makes it eligible to be sold. We have already declared this property in question as surplus. The next step is to decide a method of sale which is this is how we are going to sell it. The third step is to award the sale that depending on the value of the property

may require a public hearing. For this parcel in question and this is Parcel 02-2702 and it was listed as surplus in Ordinance #22-11 at our August 11th meeting in 2022. Step two is what is being done tonight and we are selecting the method of sale and what I am purposing is to do an advertised competitive sealed bid for this parcel and post it on the County website and newspaper for four weeks which bids would be accepted at the County Manager's office. Then they would submit a form that includes the name and acknowledgment that we are not making a representation about the buildability of that lot and the price for which they are bidding we would need to set a public hearing because the expectation value of this property is sufficient to require a public hearing to authorize the transaction of that sales so that public hearing is required to do it and that is step number three.

The lot is about point seven acres. It is a lot with water which is a wet lot and the road that accesses is not built to a county standard and the adjacent lot 160 has an assessed taxable value of \$75,000. If the Council is comfortable in setting that method of sale then we can proceed to accept bids pending those date changes which the newspaper goes out on Wednesday is to do August 9th through September 6th and then hold the public hearing on the 20th.

Councilman Steve Farrell asked if the homeowners have been approached and see if they wanted this lot as open space. Dustin Grabau replied that could be proposed to them and we will let the water company know that this lot is up for sale. We may want to consider just working with the water company because whoever buys this is going to have a lot of difficult times getting any value out of it. Chair Spencer Park relied that we need to reach out to the water company and see if this would be the way to go before we move on in selling it. Dustin Grabau replied that the code that we adopted allows me to sell property under a certain thresh hold. If the taxable value of the adjacent property is accurate I cannot do that and then we will have to go through this public process. The question that I have is if we are considering something significantly below that threshold I can just take care of it. You could also add criteria to the bid process for those types of considerations like doing a competitive bid but favoring offers from adjacent property owners or the water company in not having to go with the high bid. Chair Spencer Park replied that it would be helpful for us in the next two weeks to reach out to the Swiss Mountain Alpine Water Company and see what their interest is and we can bring this back on our third meeting. Dustin Grabau replied that he will work on the matter further. The Wasatch County Council just continued the matter.

MIDA UPDATE

Mike Davis, the Wasatch County MIDA Coordinator, addressed the Wasatch County Council and indicated that we were told on Friday that the Jamara properties had closed and so that deal was done which would start the process of them getting a master plan done and that will include the affordable housing and so we will have that to look forward to. This will take a few months and will start seeing action with this. Dustin Grabau is working with them on business licenses and development agreements and then they are working on some things with our taxing notices on their 1.2% that they get from taxes.

Councilman Steve Farrell asked if he is comfortable with our tax system being able to capture the value like they want. Mike Davis replied that he thinks so. On the notice that just went out we don't put the 1.2% on because it is not a tax but a fee that is assigned for us to collect and they are trying to come up with ways of notification and so forth to work through this. This is a little bit awkward for them and not for us. This is just the preoccupancy fee that they have attached. Once the home is occupied it is all in the tax system and works and it appears to be working correctly.

COUNCIL/BOARD REPORTS

Councilman Erik Rowland indicated that we have met a few times regarding the CRA subcommittee. We met yesterday a long with Kate Becker where she gave us a very thorough and comprehensive break down as far as the current state of the CRA application and the process. Through that meeting with the subcommittee we have come to the conclusion that now is probably not the best time to engage in an Interlocal agreement with Heber City and perhaps to look at in about a year and see where things are at that point. Councilman Steve Farrell replied how did you come to that conclusion. Councilman Erik Rowland replied that part of it had to do with the application process itself. There seems to be some check boxes that haven't been checked yet at least organizationally so they are in a difficult position right now with just being able to collect taxes from the state so there is going to have to be some refileing from their part on how to do that. The projects themselves from what we have been explained and told there is generally an organized process for all those entities who would be normally part of the CRA well before any Interlocal agreement would ever be presented. That would better define the projects, the parameters for the projects, who can apply for the projects and none of that has obviously been done. Based on those findings we just felt more comfortable for us as a County to allow some of that to happen and have some better organization in place and then we could perhaps if we are still interested then could talk about this maybe in a year. Our recommendation was more just the application, how it was presented and how it has been organized and how it has been put together and how it wasn't filed with the State that was more of the influencing factors than whether or not the school board may or may not participate. This being the first CRA that we would potentially engage with would establish precedent. We need to have a very strongly foundation to work from and we want to do this right. Councilman Steve Farrell replied that those items that the sub- committee has outlined should be done.

Councilman Luke Searle indicated that these things that have been mentioned should be done before anything happens regarding a CRA. The County could be involved in the process way earlier. The County needs to have a short summarized document in here is what we found and be able to provide some things for Heber to know why the County feels this way about the CRA at the present time.

Councilman Erik Rowland replied that would be fair especially if they are going to come back to us again so at least it is not repeating the mistakes of the past and if we were to do this again here is what we would like to see. The County should be asking itself what value we see in a CRA in general because there are opportunities where the County can create our own and opportunities

obviously to participate with others. It is really an open book right now.

Councilman Kendall Crittenden replied that the County needs to rely on other help to better understand. Councilman Erik Rowland replied that one message that I took away about CRA's is the most successful ones are the ones that collaborate the most and collaborate early and work as partners and establish very clear goals and once that is done the Interlocal agreements are created and then move forward. Councilman Luke Searle replied that opinion should be shared with Heber City through an e-mail or some other communication to say be collaborative in your efforts.

Councilman Steve Farrell indicated that we had a public lands meeting this morning and the Forest Service indicated that they are going to start with some private burns in the middle of next month and then do one in the West Fork of Duchesne so we need to be prepared to do this. The State Park is busy and are starting to come to an end. The Wasatch Mountain State Park is still working with property owners in the Midway area on the location of that rental outlet as well as doing some work in Provo Canyon. Also the Pleasant Grove Ranger District said that they had a slide in the Narrows in American Fork Canyon and will limit the people coming up that side so the Snake Creek Gate closed which is creating problems. They are working on relocating the gate which will make it so they have got more access through the public lands.

Councilman Kendall Crittenden indicate for those who are over fifty-five the Wasatch County Senior citizens are doing their first senior expo and there is a pretty good list of vendors that are coming and it will be Wednesday August 23 at 11:00 a.m. to 2:00 p.m. at the Senior Center.

Councilman Luke Searle indicated that animal's services didn't meet until after our Interlocal meetings as we have a discussion with all of the entities discussing animal services. There have been some discussion on options that are available and what we are looking like. For the Library Board we discussed a couple of things but the main part is we are reappointing Amber Koecher to the Library Board. Also I have put out an invite and we haven't selected a firm date on what I am calling a listening session, a town hall meeting in the Jordanelle area for residents that live there and would like to know more about what it is like being a resident in the Jordanelle area that talks about the issues in Brown's Canyon and issues that they have in the winter and summer. That is the end of August the 29th.

Councilman Karl McMillan indicated that they have formed up all of the cement for the new scales at the transfer station and will pour the cement tomorrow and they should have the scales in and be able to open them back up on Monday. The power line for the transfer station on the south end is done. The other line will be done also but not in the two week period like is being indicated.

MANAGER'S REPORT

CONSIDERATION OF APPOINTING A MEMBER TO THE LIBRARY BOARD

Dustin Grabau, the County Manager, indicated that the Library Board has made a recommendation that is being forwarded to you as well as my recommendation to reappoint Amber Koercher to fill

a seat on the Library Board.

Councilman Luke Searle indicated that Amber filled a position for not a full term and she has actually been the chair of the Library Board and she has done an excellent job. I would make a motion to reappoint Amber Koercher as a member of the Library Board. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Kendall Crittenden

NAY: None.

CONSIDERATION OF APPOINTING MEMBERS TO THE TRAILS, ARTS, AND PARKS TAX ADVISORY BOARD.

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that in the first part of 2023, Wasatch County made code adjustments to create the Trails, Arts, and Parks Tax Advisory Board, which consists of seven members. The Code intends three members to be employees of botanical, cultural, recreational, or zoological organizations or facilities located in the County and four at large. Following that code adoption, the County has been accepting applications for membership to this board and the County Manager recommends the following appointments. Don Taylor, as an employee of MAG overseeing trails. Pat Sweeny, as a member of the Wasatch Arts Council, and Alese Oerly, as a member at large.

Councilman Kendall Crittenden made a motion that we accept Dustin Grabau recommendation on these three members Don Taylor, Pat Sweeny and Alese Oerly on the Trails, Arts, and Parks Tax Advisory Board. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE; Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

NAY: None.

BRANDING DISCUSSION

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that yesterday we had a meeting with several of the Council including Councilman Mark Nelson, Councilman Erik Rowland and Councilman Luke Searle. Information was shared about the focus groups that we had last week with the Council and proposed a tag line that we had discussed with them and do you want this on a future agenda approval of that tag line or do you want us to start running with that tag line and you as the rest of the Council do you want that same presentation and go back to them and develop logos and colors based along the findings of those surveys and discussion that we had yesterday and then we would do that.

Councilman Erik Rowland replied that he thought it was an interesting and a tag line is one of the basic rules I follow is can you remember it after a day and this is one that I could totally remember it. This is Better by Nature and the presentation behind it and the meaning behind it was pretty profound and a real neat way to introduce a lot of very colorful concepts that we are hoping to achieve as a county.

Councilman Luke Searle replied that he really liked the research that went into it and the way that our consultant acted not like saying that here is what your community should be but what is our community currently. The consultant did a great job in showing some different areas including our consultant going to our Derby. Indicating what it is like living in Wasatch County. He described it as a bow tie that all of these things that would configure into this tag line that would be better by nature and then you expand it. A really good job was done like utilizing the survey and it has gone really well with the feedback we have gotten and what makes our County unique. We can expand on these things with logos and colors and some other things that could start to expand the tag line a little bit more than just that line.

Dustin Grabau replied that we have basically gone through a discovery phase of this process in that I have shown our consultant around to different institutions and met many individuals. We had focus groups and did survey work and all of that fed into who we are as community. We are a community of significant quality. Better by Nature illustrates that. It is a declaration and an aspiration that we have amazing natural features in our community. This was the very consistent thing through all of our research that everybody here loves the geography of where we live. We are surrounded by reservoirs and mountains and trails and fishing and rivers but more than that the people that live here and people who are moving here are of the highest quality that is a big aspect of the nature of our community. By having a conscious tag line that feeds into a larger perception of our brand that we can both educate County employees about how we want them to interact with and what we want them to aspire to be which comes out in a community. This is what this does that we are Better By Nature and we aspire to get better and we are appealing to people's better natures and all of those things are what we are trying to do with this tag line and right now we are in the discovery phase and this is kind of the end of the discovery phase and now shifting into production of what does it look like, how do we communicate it and what do we say to communicate those things.

Councilman Steve Farrell replied that he likes the tag line because you can go in so many different directions with it. Dustin Grabau replied that he sees the staff we have. I see the people that I live with and that is part of this community that we are better by Nature and aspire to be better. It does both of those things. The County Council indicated that they are fine with this and in proceeding to the next step prior to the formal adoption. Dustin Grabau replied that he will tell the consultant to go ahead with it to the next phase.

Councilman Luke Searle replied then we can get some feedback and what shouldn't be lost in this tag line and what should we be projecting. We will be able to get some good feedback based on what we see etc. Dustin Grabau replied that Jed will come to a future meeting when we get to the point of actually formerly adopting anything and we will talk about it in more detail.

CLOSED SESSION

The Council indicated that there is no need for a Closed Session this evening.

ADJOURNMENT

Councilman Karl McMillan made a motion to adjourn. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

NAY: None.

Meeting adjourned at 5:30 p.m.


SPENCER PARK/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

