MINUTES OF THE
WASATCH COUNTY COUNCIL
DECEMBER 6, 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 Erik Rowland Steve Farrell Kendall Crittenden Mark Nelson Luke Searle Karl McMillan
STAFF:	Dustin Grabau, Wasatch County Manager Heber Lefgren, Assistant Wasatch County Planner Wendy McKnight, from the Clerk's Office Rick Tatton, Court Reporter via Zoom Mike Davis, MIDA Coordinator Jon Woodard, Assistant Wasatch County Attorney Shelby Thurgood, Assistant Wasatch County Attorney Scott Sweat, the Wasatch County Attorney Kate Becker, from the Clerk's Office
PRAYER:	Councilman Mark Nelson

PLEDGE OF ALLEGIANCE: Led by Councilman Erik Rowland and repeated by everyone.

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.

Councilman Kendall Crittenden indicated that the Interlocal meeting is scheduled for January 10, 2024. One of the matters to be talked about possibly inviting State Legislators to that. Councilman Luke Searle replied that on January 4, 2024 that the Wasatch County Republic Party is setting up a pre-session with some of these legislators. Maybe we should not do both of them so close together. Councilman Steve Farrell replied that it is good to have them come and tell us what is going on at the legislature.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park asked if there were any public comment on something that is not on the agenda. Gordon Mortensen, Wasatch County resident, addressed the Wasatch County Council and encourage to change the way that we pay for the transfer station and would suggest that be paid for by a direct tax instead of increasing the minimum dumping fee. Right now you are encouraging people to dump stuff on the street instead of in the land fill. When things get so expensive to dump at the land fill residents will dump it along the side of the road or on the street. I am not asking for an increase in taxes but this is the way that we pay for that service. Councilman Steve Farrell replied that the solid waste is a special service district and was set up County wide and it doesn't have taxing authority because it is an enterprise fund that has to pay for all of its operation. That is why the fee was raised to cover the cost of operation. Gordon Mortensen replied that he is not arguing with the increase in general but we should pay for it with a distribution from the whole County with a flat tax. Councilman Steve Farrell replied that we don't tax and it is paid by the enterprise fund by fees. Gordon Mortensen replied that I would propose that it be managed in a different way.

Mayor Rod Bird, the Mayor of Roosevelt, is running for U.S. Senate and addressed the Wasatch County Council and indicated that he wanted to come to the Council meeting and introduce himself and why he is running for U.S. Senate and give a little bit of history regarding myself. Councilman Luke Searle asked about term limits. Mayor Rod Bird indicated that for Roosevelt it is eight years and I worked hard to get that changed in Roosevelt so that there are term limits. We need to have that in Washington and that can be handled through the Convention of States, Article 5 of the Constitution and if elected I would push for that to take place. Also push for a balanced budget amendment to the Constitution and that would solve a lot of our issues at a federal level.

COUNCIL AGENDA

PRESENTATION ON PROPOSED ACCESS FROM 189 TO THE ISLAND RESORT

Councilman Steve Farrell indicated that we had this presentation in the Public Lands meeting this morning and though it would be beneficial for the County to see it. What it is is a proposal that was put together by Brad Wagstaff one of the Principals on the Island Resort on what they perceive would be the best realignment for Highway 189 to help with the safety issue and improve the use of that facility. Also Brad Wagstaff would like us to look at it and see if we can support the plan as he makes his way to try to get some modifications made.

Brad Wagstaff, one of the principals of the Island Resort, presented a power point presentation and then addressed the Council and indicated that they have been working on this for a couple of years regarding the expansion to make Provo Canyon road in this area to a two road alignment in each direction. The remaining section is the section between Rainbow Bay on Deer Creek Reservoir and the Charleston turn off. UDOT will be starting that in 2025. We have been working with the various entities involved in this matter to find the best solution for this area to provide safety for ingress and egress and acceleration and deceleration lanes. Also to provide additional access on the east side of the Highway that would could provide additional services. Also would have this Council to assist in looking at this and indicate what is important to Wasatch County where this road would be located a couple of hundred feet to the east. We also need more parking. Also we only have one chance to do this road right.

Chair Spencer Park indicated that if expanded to the east where the deer habitat will be a problem. Councilman Steve Farrell replied that we ought to reach out to UDOT and see where they are with this matter. Dustin Grabau replied that he would talk to UDOT concerning the matter. Councilman Steve Farrell replied that the Bureau of Reclamation should be contacted also to see what their management plan is for this area and may have to petition them to change the management plan to enlarge the recreational use because where Deer Creek is a drinking water source they are very limited in what they would allow there. Brad Wagstaff replied that they would like to be involved with this.

PRESENTATION OF THE ANNUAL UPDATE FOR THE WASATCH COUNTY VICTIM ASSISTANCE PROGRAM.

Kristin Guthere, from Wasatch County Victim Assistance Program, addressed the Wasatch County Council and indicated that we had our annual audit and everything went great and no findings were found. They found no issues with our program. Councilman Luke Searle replied that he saw in the court extension that we have an office for another victim advocate and are you supportive of that? Kristin Guthere replied that to have another victim advocate in Wasatch County would be great and would be supportive of that.

DISCUSSION/APPROVAL OF APPEALS FOR BOE

Councilman Steve Farrell indicated that there is one appeal that we have been authorized to hear by the State Tax Commission.

I need a motion to go into the Board of Equalization to hear this appeal. Councilman Karl McMillan made the motion to leave our regular agenda and go into the Board of Equalization. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

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

NAY: None.

BOARD OF EQUALIZATION

Councilman Steve Farrell indicated that the record should show that the Wasatch County Council is now in the Board of Equalization to consider some parcels owned by Big Pole Estates and the only parcels that we are going to consider this afternoon is Parcel 20-6360, 20-6361, 20-6362 and 20-6363. Bill Quapp, who is a member of the homeowner's situation is going to present the homeowner's case and the presumption of proof is on your side.

Bill Quapp, from the Big Pole Homeowner's Association, indicated that he has spent five months working on this issue. This is in regard to changing the status of our tax issue. We have thirty-seven residential lots and 547 acres of common area. The common area has been taxed. Sheep are grazed on the area by a local rancher qualifying for the Green Belt exemption and taxation therefore has been quite modest for most years up until 2022 when a major issue occurred where we had twenty acres was denied Green Belt status and importantly the assessed value of all the remaining properties increased one hundred and seven times. The 2021 assessor's market value which for the four parcels totally about $270,000 but when we looked at 2022 and then subsequently 2023 we saw huge increases in the assessed value. This would present about a quarter of a million dollar annual tax without the Green Belt exemption. That really got our attention. Three of the parcels were increased 120 times and one of the parcels was increased 4.6 times and have no explanation why that occurred. The plat clearly identifies this as common area and the plat was recorded back in July 29, 1996 along with various other legal documents at the formation of the subdivision. There is an open space agreement that the developer went into with the County that says that you guys have all this acreage but you can't do anything with it and can't put anything on it and shall remain rural or mountain sagebrush and scrub oak as is. The liability that was assessed was enormous. The plat documents clearly identify the area as common. Also we didn't know the difference between open space and common area. The question has been raised that has never been raised before is what is the value of land that has no development rights and land that you can only look at and walk on. We have spent about $40,000 of our private money developing our private land to make a public trail in the eastern part of this County that is very well appreciated and used. Other parcels in the County namely in Timber lakes have common areas that are not being taxed and we should be treated the same for our common areas. We have asked the County to take the land surrounding the lots to treat as common area in the legal sense of the word today. The open space agreement is in place and don't have a problem with it and in many respects it is excellent and keeps somebody from coming along and making us a deal that we couldn't refuse. If anybody is willing to write a check for ninety percent of that $28.9 million appraised value I am authorized to accept it today. While I think you have the authority under vested laws and Jon Woodard has pointed out to tax even though it is common area and asking you to change that because we are providing a public service on land that has no value except for viewing and for walking on. Thank you very much.

Councilman Steve Farrell indicated that the declaration of the common area or the 600 acres was a condition of development in order to get the thirty-seven lots in that zone in 1995 you had to dedicate the common area in public use. At this point we are not considering the valuation issue and it is on Green Belt now and we had no control of the Green Belt values and we do hold the market value. This is on Green Belt so the question before this Board of Equalization is whether it should be taxed or not taxed.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Board of Equalization and indicated that he agrees with a lot of what Bill Quapp's presentation shows and this project was approved in 1994 under the plat it is clear that the area that wasn't included in lots was common area. The same day the plat was recorded there was an open space agreement recorded that gave the County an open space easement? The other thing that was done on the same day is the open space lots were dedicated to the homeowner's association. So the common area with an open space easement owned by the homeowner's association and that was all legal at the time. There was no distinction under the code at that time between common area and open space to the extent that they were part of the same phrase. The open space agreement is not at all strong and it could be changed at any time at a whim of a majority of the Council.

I don't see any Council that would have approved development on open space property unless there was some absolute urgent unusual need for something there. There will be councils that would approve development on the open space. This open space agreement is not strong and that is part of the challenge that Todd, the assessor, in determining what is the highest and best use of this property because under the current Council it is not developable and the future council yes with this current agreement. To help mitigates the impacts of the development it was determined that the open space would be taxed. The other thing that is important to consider about that it has been allowed to remain on Green Belt for all of these years. If someone were to come in today and say that we want to develop this property and it was turned into untaxed common area it wouldn't stay in Green Belt they would have paid the roll back at that time at today's value so that roll back has never been paid on these properties.

What we are asking for and what I am asking for this project would not have been approved in 1994 if the open space wasn't taxable and there wouldn't be the homes there that are there and there could be a subsequent development approval that was different but when this was approved it was approved with this in place. I would ask that you uphold the assessment showing that the property is separately taxable. I ask you to keep in mind that the Green Belt roll back was never paid on this property because it remained taxable and remained in Green Belt for the most part since it was approved. If the property status was changed to untaxed or un separately taxed common area the roll back should be due immediately and one option that I have been trying to make happen to modify the open space agreement to make it clear that the highest and best use of this property would be undevelopable open space and view shed. This would avoid the roll back tax issue and help preserve a low value on these properties. It would also if it was set up properly it would ensure that a future Council couldn't just on a whim turn around and decide to develop this which I think would be in the County's interest. We have tried exploring that option with Bill Quapp and haven't been able to come up with an agreement that was mutually acceptable.

Councilman Kendall Crittenden replied that we have got a property, a stronger space agreement it would take care of the whole issue. Jon Woodard replied that it would still be taxed but we wouldn't see the assessor struggling with what is the real value of this and it would be clear that this is not developable property and we could ensure that the highest and best use on it remained the value of agricultural ground or undevelopable view shed area.

Councilman Steve Farrell replied that what I would do is eliminate the possibility of a future council changing this agreement and saying we would allow development on this parcel. Jon Woodard replied that the way that I tried to capture that was by utilizing the form that the IRS uses for giving tax protections for Green Belt area or for open space areas. I didn't go all the way with that because there are a lot of costs associated with having a third party to have that easement right and if we were to assume that easement right we would have reporting requirements every year and was nervous about the County taking on that burden and it would be an annual cost that we would have to bear and I worried that because we are not used to doing that we would make mistakes and could have implications for the County. I think that would give Todd the comfort that he needs to know a future council is not going to change this on a whim. Jon Woodard replied that this project would have never been approved if the tax implications for the open space weren't set the way they are at the time. Just to be clear with have some disparity with 1994 and 1996 and was approved in 1994 and the plat was recorded in 1996.

Bill Quapp replied that the discussions and the details which weren't apparently not documented at the time for the most part and there can be many ways that any of us can remember what was done twenty-nine years ago. We are willing to strengthen the open space agreement and that is not the issue here. The big issue that we have been concerned around for some years not just when the 2022 assessment occurred is what if people quit raising sheep then all of a sudden the qualification for the Green Belt assessment disappears and our taxes go through the roof. That is the issue that I am trying to address. Let's get something that is reasonable. The homeowner's association do not have any intention of developing any of that property and put our money in to making it usable as a trail system but on the other hand if the agreement needs to be somehow solidified to say no development which it says right now and in a different language we are good for that. Jon Woodard offered me the thirteen page document that would be basically conservation easement that would take all rights of control over our trail system away from us. We want to sell something that keeps that land just as it is and that was intended way back when and if this agreement permanent Green Belt taxation status we are happy and we will write our check every year as we have done for the last twenty-seven years. When the assessment process is $29.8 million on the property and if the sheep all die off and you come back for a $250,000 tax you are going to own a lot of land with common area and quit making the trail. If we can establish the status quo more less as it was prior to the 2022 tax year the County has benefitted by a privately financed and privately maintained piece of land for seven miles of trail that the County has enjoyed and we will keep it that way.

Councilman Steve Farrell replied that for clarification this property has been on the tax roll on Green Belt values since 1996 the day that it was recorded. I understand that was changed on request. Bill Quapp replied not by us. The question that is before this Board of Equalization should this property be taxed as open space and treated as it has been for the last twenty-six years or should it be treated as common area and taken off the tax roll. Jon Woodard replied that he worked in earnest to shorten the IRS form. Trying to preserve the essence of what makes a long term legally enforceable open space easement or conservation easement is what I have tried to do and there are things that we could negotiate and work on but the idea that we could shorten to two pages is just not doable and couldn't create sufficient protections in place and address the issues that we have here.

Councilman Steve Farrell replied that the point that we are trying to get at is the County as well as the County Assessor has protection that they treat this as a marginal type tax that we have got justification to defend the value. Jon Woodard agreed to that.

Bill Quapp replied that what I am looking for is protecting the association from a large tax liability if all the sheep in Utah move up. We are happy to go back to what we have been doing and need to stay there and then if things happen there will be a tax burden that we can't support. If we can achieve that position and has to be thirteen pages that is fine but the end result has to be what I have just tried to summarize.

Councilman Steve Farrell replied that the Board of Equalization has made the determination in following the guidelines that the common area should not be taxable. It is our option to reverse that termination and go back to what we have and try and work out an agreement with the homeowner's association that is agreeable to all. It is not coming off Green Belt this year so there is no roll back issues or anything like that. We can go ahead and overturn the Board of Equalization decision and give them a year to work out the agreement and move forward.

Chair Spencer Park replied that if we reversed it we would in essence be doing item no. 5 here and go back and try and modify the open space agreement and give them a year to do that.

Councilman Steve Farrell replied that we have to make the determination that we agree with the applicant that it should not be taxed or agree with the County that it should be taxed and would not change the value and just give us some time to work out the agreement. Chair Spencer Park replied that he would like us see to modify the open space agreement and keep him on Green Belt and give them a year to work out that agreement. Councilman Steve Farrell indicated that you want to do item no. 5 and all the Council agreement with doing item no. 5.

Councilman Steve Farrell made a motion that we deny, as a Board of Equalization, we deny the request to exempt the four parcels as outlined and allow them to stay on Green Belt for this year with the assumption that they will come up with some form of agreement so they are writing the open space requirement. Councilman Kendall Crittenden 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: Erik Rowland
AYE: Mark Nelson

NAY: None.

Councilman Karl McMillan made a motion to come out of Board of Equalization and go back into our regular agenda. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

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

NAY: None.

The record should indicate that we are back in regular session.

Kate Becker, from the clerk's office, indicated that we have heard all the appeals and my folder says zero. I can't get you the total numbers until next week's work session because we do have some issues with Green Belt calculations to get the taxable value that you requested but this is what we did in the last week was 209 appeals.

Councilman Steve Farrell made a motion that we go ahead and approve the adjustments made on the 209 properties as determined by the hearing officer and move them to proceed. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Luke Searle indicated this means that we just affirm what has been indicated.

SECOND READING OF AN ORDINANCE #23-18 ENACTING CHANGES TO THE WASATCH COUNTY CODE 9.02.03 SNOW REMOVAL.

Shelby Thurgood, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that we made a couple of changes from what you saw last week in the first reading. First of all this ordinance does not create a prohibition against filing. That prohibition already exists and already in place and already in our code. The current standard under our current code is nobody can plow a County road unless they have a permit. The purpose of this ordinance is, is to expand the word who is eligible to apply for that permit. Under the current code only roads that are paved seasonal roads can even apply for a permit. The change is to all other subdivision that don't have paved roads an opportunity to apply for a permit. The other change that is in Section C it previously said that any pre-existing agreement would be terminated here and now have added a grandfathering provision. That is found in eleven that says any agreement that currently exists to allow plowing that is currently in place will stay in place under the terms of that agreement and if that agreement expires it can't be renewed without following the requirements of this new code. The liability and bonding from the old ordinance has not changed in this new one. The other main change and this came from the Planning Department and previously the qualifications for applying had been that it had been plowed regularly in the last five years or the community had sixty-one percent support for plowing or emergency. The change is here in two the fifty-one percent after consulting with the Planning Department it was added that unless a development agreement or CC&R's expressly prohibit plowing. If you have got a community that the development agreement or their HOA or their CC&R's whatever is attached to the community and it says expressly they can't plow then they wouldn't be eligible. If it is silent obvious a case by case but probably not because it needed to be expressly prohibited but that was to address any other requirements are vested development agreements.

Trying to provide different options if they chose to do those. Dustin Grabau replied that this allowance doesn't preclude us from exploring other alternatives to address unique circumstances. This ordinance also can be amended

Chair Spencer Park asked if there are any citizens that would like us have speak quickly to this.

Kristen Parks, resident in Swiss Alpine, addressed the Wasatch County Council and indicated that unless the roads are vacated. Councilman Steve Farrell indicated that the County would have to vacate the roads. Kristen indicated that we have no plowing but we pay our taxes with no services for the taxes that we pay. Councilman Steve Farrell replied that the fact is that your roads don't meet County standards. If they would have been built to County standards in the first place when that subdivision was built back in 1962 to 1963 they would have been plowed by the County but they wasn't. Kristen indicated that nobody will take the snow plowing on because the liability is so stringent. We have families that are living up there year round.

Dustin Grabau replied that I would not advise the Council to authorize a planning permit system and take the liability from the drivers that aren't the County's and equipment that is not the County's. This ordinance was adopted to identify those areas that were not seasonal and intended to be plowed using County funds that were seasonal that are cost prohibitive to plow on an annual basis.

Councilman Erik Rowland replied that what would it take to plow them is that because the roads need to be built and improved to County road standards. Kristen Parks replied that I don't mind paying the taxes but would like to get something from the taxes.

Kim Townsend, property owner in Swiss Alpine, addressed the County and indicated that he understands the County concerns regarding snow plowing the roads. It seems unreasonable for Wasatch County to receive our taxes and not snow plow and then ask the communities that do plow to completely indemnify the County and accept all responsibility for the roads that we don't own. We are faced with either denying snow plowing so they can have access to people's homes in the winter time and being able to sell their homes.

Councilman Mark Nelson indicated that the fundamental difference in the perspectives from the citizens who live up there and the County's position and you mentioned that we are paying our taxes to get the roads plowed but technically that is not true and the taxes are paid to plow County roads and these aren't County roads. There are a lot of safety issues along with other issues and that is why it hasn't been included because the roads doesn't meet the standards to qualify for that.

Michael Frazier, property owner in Swiss Alpine addressed the County and indicated that he would like to bring up a little bit of precedent. We aren't able to do anything about it because the snow plowing companies won't plow the roads and that is because of liability. When I built my home I did everything that the County asked me to do which was a lot. We need to figure out how to work with each other. Also can we do something with regard to penalties?

Shelby Thurgood, the Assistant Wasatch County Attorney, replied that liability is for damages caused by actions taken under the permit and not just liability for the roads is not all that goes to but liability for their actions.

Councilman Steve Farrell relied that hopefully get some input from the homeowner's situation and you don't even have a homeowner's association but you have a water company and we need to get some input from someone there to sit down with Shelby Thurgood and see what we can work out. I would like to pass this as a second reading and set a third reading for the next regular meeting of the Council and get the water company involved and let's see where the snowplowing companies with regard to liability and I don't think it is a big issue and the water company can get with their attorney. We can't pass the liability off and we can't accept the liability for someone else. We can't deviate from our ordinance we have, then got problems.

Dustin Grabau replied so this second ready would enact the whole ordinance but you want to hear it again for some additions.

Councilman Steve Farrell made a motion that we take this as the second reading and pass this onto a third reading for December 20, 2023 meeting and ask the water company and their attorney to get with our attorney and see what we can resolve. Shelby if you want some of the Council to be with you we could find some Councilmen that would join you. The water company is the one who needs to give us direction of why they don't think it would work for them and then we could make the determination but just to pass the liability off to the County is not going to work.

Councilman Erik Rowland indicated that the ordinance as now written provides a route to plow your area right now. If we don't pass this you don't have a route to plow legally but this gives you a method to do that. Would it be possible to pass this so that route can be extended and then look for an amendment if there is one that can be made based on further discussions to the resolution? You don't have a legal route to do it now but this gives you a route to do it right now. If we continue to extend this then the window is gone and the snow is here. That is my concern one of safety.

Dustin Grabau replied that if you adopt it and not willing to accept the liability as proposed and damage occurs then they would have to accept that liability. This ordinance isn't just for Swiss Mountain Estates it is County wide. This one that we have talked about is for County wide.

Councilman Steve Farrell replied that let me change my motion to go ahead and approve this ordinance as written and give the water company the ability to come back and ask for an amendment to this ordinance to fit their situation and the County will have to be able to accept it and use it County wide Councilman Kendall Crittenden seconded the new motion and the motion carries with the following vote:

AYE; Chair Spencer Park
AYE; Mark Nelson

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

NAY; None.

SECOND READING OF AN ORDINANCE CONSOLIDATING THE SURVEYOR'S OFFICE INTO THE RECORDER'S OFFICE.

Dustin Grabau indicated how the state code is written and the timing of what we have that if you were to approve the ordinance as proposed tonight it would not apply to the election in 2024 but would apply to the next election following that whenever that is. We have missed the deadline to apply that to the 2024 election.

Councilman Kendall Crittenden replied that maybe we need to redo the ordinance if we are going to adopt it so that would take affect whenever that office is vacated. Dustin Grabau replied that if you want to make a motion approving it you could direct us to amend the ordinance to reflect that it would apply to the election following that in taking place in 2024 or when the office becomes vacant.

Councilman Steve Farrell replied and a future council could change that ordinance at any point and time to go back to their elected position. Shelby Thurgood indicated that the reason for doing it now we have got people who will file for office in January to run for 2024 and I think it helps provide the clarity that there will only be one term available and then the office will convert at the time that people are filing to run in 2024. The expectation going forward is clear of what happens after into 2029. That is the value I see of doing it now because it sets that clear expectation that it is one term and then the offices converge.

Councilman Luke Searle replied that I would like to hear more from public and I think that if we make a motion and make that action we will have that conversation and if we still feel in 2027 that can we do that or reverse that option.

Councilman Kendall Crittenden made a motion that we approve Ordinance No. 23-17 with direction from the staff to reflect that the 2024 would still be held for the surveyor and four years after that or when the office is vacated prior to that and in accordance with state code. Councilman Steve Farrell seconded that motion and the motion carries with the following vote:

AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell

AYE: Chair Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan

NAY: None.

CONSIDERATION OF RESOLUTION 23-17 ENACTING THE IMPOSITION OF A SALES AND USE TAX FOR PURPOSES OF FUNDING EMERGENCY MEDICAL SERVICES WITHIN WASATCH COUNTY.

Chair Spencer Park replied that the way that I understand this is just ratifying what the voters just barely approved. Dustin Grabau replied that we did a similar resolution last year with the RAP Tax and this would apply to the EMS sales tax.

Councilman Steve Farrell make a motion that we pass Resolution No. 23-17 enacting the imposition of a sales and use tax for purposes of funding emergency medical services within Wasatch County. 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: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan

NAY: None.

Chair Spencer Park then took a recess for five minutes and then we will come back and handle the public hearings that are scheduled for this evening.

WHEREUPON, A FIVE MINUTE RECESS WAS TAKEN.

Chair Spencer Park replied that the Wasatch County Council is again in session to handle the public hearings that have been scheduled for this evening.

PUBLIC HEARING
DECEMBER 6, 2023

DISCUSSION/CONSIDERATION OF RESOLUTION #23-18 REGARDING THE ADOPTION OF THE WASATCH COUNTY 2024 BUDGET.

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and then went through some of the summary. On November 1, 2023 Wasatch County Council received the 2024 tentative budget document was made available and on November 8, 2023 the tentative budget was discussed in greater detail during the scheduled council meeting. In accordance with state law, the 2024 tentative budget document was also made available online for public viewing and comments as well as made basically available for viewing within the County Clerk's Office.

Since the initial discussion of the 2024 tentative budget minor adjustments were made. The adopted budget is going to make some changes based upon the changes that were identified with the nine month re-estimate. In addition we are recommending a couple of changes to the tentative budget based on various comments and direction that we have received from either Council members, residents or staff. The document that I provided to you kind of outlined what those changes are from the tentative budget. Heber then went through those changes that changes from the tentative budget to our recommended adopted budget.

We are recommending to increase the revenue and expenditure budget for the capital improvement budget for about $2 million and the County bond budget by $400,000 for a potential contingency budget associated with the court house expansion project. We are recommending $600,000 in expenses to the capital improvement fund to budget the annual payment associated with the Diamond K property which will be offset by similar amount of revenue from the solid waste special service district. We are recommending adding $58,000 in expenditures to the class B and C road fund to pay for road base material that was offered as a discounted price. We are recommending to increase the anticipated revenue with the fleet replacement fund to account for anticipated increase in revenue associated with the sale of vehicle in 2024. Within the General Fund we are recommending moving money and it is a net zero change for just moving money to increase the financial support in the amount of $58,000 for the USU extension program and partially pay for one additional position within the USU extension program for local community service. To increase financial support in the amount of $47,000 to the Wasatch Behavioral Health Special Service District as outlined within the Interlocal cooperative agreement established in 2022. Increase funding for the T.V. Radio Station maintenance in the amount of $10,000. Provide $50,000 in funding for road signage and crossing project associated with the 1200 South at Cobblestone Road. Provide $20,000 in funding to partially support a MAG transportation study associated with Wasatch County. Then again just some minor adjustments within department budgets to improve the future management and the accounting of the funds.

Page 2 we are reducing the contribution provided by the fire district in the amount of $668,000 and redirecting those funds to unplanned projects identified and authorized by the Council in 2024.

Reducing the anticipated transfer from the federal grant fund to the transportation fund by $115,000 to account for the nine month re-estimate recording and to reduce the level of services within the transportation fund by the same amount. Then delay the previously planned Rock Cliff River Road improvement project funding in the class B and C fund to 2025 due to no longer receiving the associated state matching until their 2025 budget. This will result in a reduction of expenditures in $625,000 and a reduction in the revenue in the amount of $312,000.

Just a reminder if the tentative 2024 budget or tentative budget were to be adopted with these recommended amendments or adjustments the 2024 would appropriate $76.7 million and authorize 301 positions among 24 County funds. The General Fund which is the largest of these funds would increase the budget of $37.9 million with 212 authorized positions. In the packet I provided for you is a summary of the 2024 budget which includes the adjustments outlined as well as the Wasatch County authorized position count to be authorized and approved by Council with approval of this item. So you are aware once approved the 2024 tentative budget document would become updated to reflect all authorized changes and once updated the document title would be changed from a tentative to an adopted and printed and posted for easy access for the Council and general public. Just as a reminder and a side note, the Wasatch County previously submitted for the 2023 adopted budget to the Government Finance Officers Association for review and was awarded their distinguished budget presentation. In order to receive that recognition we are required to publish a budget document that meets high program standards and were the first County in the State of Utah to be recognized as meeting those standards and it is my expectation that the 2024 adopted budget will be submitted to the GFOA as well and expected and will be recognize for a second year in a row. With that we are proposing and recommending that Wasatch County authorize the adoption of the 2024 budget which includes the appropriation of $77.3 million as outlined in attachment A and authorize the position count of 301 positions as outlined in attachment B.

Councilman Steve Farrell asked that on the reduction of the fire district in the amount of $668,000 and direct these funds and they are restricted funds are they not from the transit and only certain programs that they can be used in. Heber Lefgren answered that is correct. Dustin Grabau replied that it is possible that the parks and recreation is an eligible use of those funds and could ear mark those funds to subsidize or potentially remove the need for a property tax increase in parks and recreation. If we do that, that will eliminate a need for a property tax increase. Fire Chief Hales has also worked with his finance staff and feels like they don't need the contribution from the County because they can cover it with their own needs. Reaffirming to support that EMS sales tax has a direct benefit on their property taxes paid by the citizens. Dustin Grabau also indicated that with parks and recreation and what is included in the final budget that you have tonight is a potential property tax passed in the library fund so you may want to continue this item until you consider two and what you decide in item 2 would directly affect what is in the budget that truth in taxation hearing which we were required to have a public hearing so the public can provide their input has an impact on this budget document. We did go through truth in taxation and indicated that we were going to raise the tax rate on the County General Fund by approximately $350,000.00 but since then we found another way of funding our shortage and don't have to raise the tax rate.

Chair Spencer Park then opened the matter up for public hearing for Item No. 1 which is adopting the 2024 Budget Resolution 23-18. Any members that are in person or online that would like to come up and speak and please state your name. It should be noted that we will have another logistically another public hearing so there will be another opportunity to speak to you specifically the property tax increase the truth in taxation on the County Library.

Don Hansen, from Charleston, addressed the Council and indicated that County funds are used to help plow the roads, maintain roads things of that nature. Don had a problem with how the road funds are used in the County. The Council then explained to Don how the road funds are derived from and how they are used. The Council indicated to Don that he is being treated equitably. Don indicated that our tax increases have been so dramatic for the last three years and really confused about so many things and that we vote no on a bond to build a school and they turn around and increase our tax forty-seven percent on our education tax this year alone. When is enough going to be enough? How does the school get to just slide this in? The taxes are just out of control. Why do we have to keep increasing, increasing I just don't understand it.

Scott Soland indicated that his taxes just keep going up and it is getting so that people can't pay what is being asked of them.

Tim Green indicated that the increase of our taxes is way out of hand. Concerns with how the school comes up with money when the taxpayers voted it down. Our property taxes have gone up three hundred percent we are living on Social Security and savings right now which is being depleted. I am prepared to launch a initiative in the State of Utah to try and get our property tax brought under control to where it is reasonable.

Gordon Mortensen indicated that the tentative budgets have jumped dramatically above the 2023 estimated value. The different department budgets have jumped significantly. You need to do a review of that by individual departments. It is gapped in my opinion.

Jean Hoover indicated that she just can't believe the raise in taxes. The people that have lived here for many generations in the same home that their grandparents built and they can't pay these taxes. I think there should be a cap on people who have lived here a long time and have also have a limited income and cannot live in their homes and pay the property taxes that they are being asked to pay. There has got to be a way for those people to be exempted from paying those taxes.

Jane Marsh indicated that we are very hard on our spending in these times because of all the things that are going on. We are trying to hold down our spending so that we can pay our property taxes. The parks and recreation let one man go and then hire three men to take his place. The spending is out of control and tired of the elected officials spending. It is not only the taxes but every other fee keeps going up to pay for the services that we have got.

Franz indicated that he agrees with what everybody has said here tonight. One property that I have went up three hundred percent and the other one was over five hundred percent. My children could not afford to take over my house now. The property taxes have gone ballistic. I don't care about assessed value. I don't want to sell my property but I don't know that I can afford to live here.

Chair Spencer Park then closed the public comment for Item No. 1 and hold off on a motion until Item No. 2 has been discussed. Councilman Luke Searle

PUBLIC HEARING
DECEMBER 6, 2023

DISCUSSION/CONSIDERATION OF RESOLUTION #23-19 REGARDING AN INCREASE IN PROPERTY TAXES THROUGH TRUTH-IN-TAXATION IN 2024 FOR THE LIBRARY FUND IN 2024.

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that on September 13, 2023 the County Council met as part of a work session to discuss the 2024 budget priorities and the potential need for truth-in-taxation in 2024. In this meeting staff indicted that there may be a need for truth-in-taxation as part of the 2024 budget process. The Council provided general direction to staff to proceed with the budget process to do all it can to minimize the need for truth-in-taxation. On October 18, 2023 the County Council met again during a regular public meeting to discuss in greater detail the need for truth-in-taxation in 2024. During this meeting staff's proposed the recommended a need to seek through truth-in-taxation an increase in property funding in the amount of $350,000 for the General Fund and $400,000 for the library fund. Council directed staff to proceed with the requirement to mail out parcel specific notices informing owners of the potential amounts, but to continue to find ways to reduce the need to increase property tax revenue. Applicable notices were mailed out to property owners in October.

On November 1, 2023, and then November 8, 2023, the 2024 tentative budget was presented and discussed with the County Council. The 2024 tentative budget provided a recommended funding strategy that would eliminate the need to increase property taxes through, truth-in-taxation for the General Fund portion $350,000 but continued to recommend that the Library Fund portion $400,000 would still be necessary. In accordance with State Law, notices of a public hearing for truth-in-taxation were posted in accordance with state law. This includes providing two weeks' notice in the Wave and on line.

If approved, the proposed increase of $400,000 in property taxes through truth-in-taxation will be utilized within the Library fund only and would be used to support the 2024 improvements outlined within the library department's 2024 tentative and adopted budget. The approval of this item would result in the addition of $400,000 in revenue for the library fund and would be required to maintain a balanced budget in 2024 as outlined within the 2024 tentative and adopted budget.

The approval of Resolution $23-19 which would authorize an increase in property taxes for the Library Fund only through truth-in -taxation in 2024 in the amount of $400,000.

Dustin Grabau, the County Manager, gave a power point presentation and indicated that this year we are budgeting for some property tax increases and most of those property tax increases come from what is called new growth. That is when a new home comes in calculate the rate based on how the value changes. For Wasatch County the taxes that just got paid, the County's rate tax dropped by twenty percent and did not collect any additional property taxes from existing taxpayers. What we are talking about tonight is a potential tax increase in the library fund. Dustin showed a pie chart of where the taxes go in Wasatch County so you can see the percentages that take place and the top one is education or the school district and it compromises seventy percent of the taxes paid goes to the school district. Wasatch County represents just over thirteen percent of the total property taxes. The Council would be very supportive if there were ways to change the state code that would allow for more predicable property taxes year over year but that is not something that is at the discretion of this County Council, that is something that the State of Utah would have to be involved in and how we administer our taxes is really not up to us. We did notice up a property tax increase in the parks and recreation and that will be decided next Tuesday. The second property increase was in the General Fund but as it was noticed but there are significant changes in the budget. Those significant changes in the General Fund are covered without having to go back to property taxpayers to pay the additional property tax funds. We are collecting from other sources.

What we are considering tonight is a potential tax increase for the Library Fund which is $400,000 and the majority of those funds go towards increased overhead costs related to payroll and IT charges. There is one new additional position in the library fund. This is done to make sure that the library is transparent to the public in that the cost of providing services for the library is fully borne by that portion of the property taxes so that you know what it costs to have a library operate at the service level that we do and I will speak with a great deal of confidence that I really believe in things that Juan Lee, the librarian, and that we provide a great value to the public and do it very cost effectively and have a great facility and they do a lot with the resources that they have. These additional funds I feel are necessary to make sure that we maintain the service level that we have adequately prepared for the future.

Chair Spencer Park then opened the public hearing for public comment.

Shawn Fudge indicated that I hear what you are saying but it doesn't make sense to me in that you are saying that property taxes go up and you don't get more. I am paying triple what I paid last year. Dustin Grabau replied that if your house's market rate is accurate, the taxes are based on that. If you have concerns about valuation the Board of Equalization process is the process to go through if your value isn't accurate. That is what those appeals are intended to address. Shawn asked if there is any plan in the works that would help people that need help to pay for their taxes which pertains to widows, and retirees. Dustin Grabau replied that our representatives in the State of Utah are working with this proposal. Councilman Steve Farrell indicated that right now there are two programs that are in place and one is the circuit breaker and based on a person's income and they can get an adjustment on the amount of tax based on the income and value. Another one is an abatement that the County has and it is a state program. Councilman Erik Rowland replied that he wholly agree what Mr. Fudge has stated that there needs to be a way to help people out.

Jane Marsh indicated that where does the developers share for these things come and how does it affect our tax rate. Aren't our tax rates somehow padded because of the growth and develop coming in to help pay those costs. Councilman Steve Farrell replied that all the developers that are coming in are required to pay all of the costs associated with anything within his development. Then he pays an impact fee to help pay for the equipment and that outside of his development that may be used there. They are collecting sales of all the property because we are a non-disclosure state so nobody is forced to give that sales price they are using the multiple listing service any other way they can and we are being audited by the State Tax Commission every year and they come in and compare the sales to our assessed value and if we are not in line with the state standards they order us to raise those values. We are trying to keep up with the market value as best we can but that is an impossible task.

Don Sand indicated that is there anybody that could partner with me to go to the State of Utah regarding these issues. Dustin Grabau replied that we coordinate with State Legislators and UAC, the Utah Association of Counties has lobbyists and we also employ lobbyists to try and represent us. We end up being a small voice but we try to do our part at the state level. Don Sand indicated that we would like somebody to work with us regarding these issues. We believe there is a flaw in the system the way the valuations are calculated to begin with. That is the point I am trying to draw.

Gordon Mortensen indicated that on the face value a twenty-seven percent increase in any line item which seems like totally ridiculous. Nobody gets a twenty-seven percent raise in a year. Some people have had and maybe you guys did but I didn't. That is where these numbers have people up in arms because the numbers are so huge between twenty-seven percent in the library fund and that is not as interesting a forty percent increase in the General Fund or whatever the numbers are right. In California they did the prop thirteen that changed the taxation basis to be not market value based but on the purchase price. Our taxes are out of control. Thanked the council for the due diligence that was given with the L.D.S. Temple problem.

Tracy Taylor, Wasatch County resident, indicated that she wants to get more detail with regard to the truth-in-taxation with regard to the library budget. After getting more information than I would like to comment on that. Tracy Taylor thanked for the information given by Juan Lee for the truth-in-taxation for the library. Also I am the chair of the Wasatch Taxpayers Association. Who pays a fee-in-lieu? If the fixed expenses have almost doubled and those are different from your operating expenses. The categories need to be broken down so the public can understand what you are talking about where some of these costs have gone up and for what? What are fixed expenses? The capital outlay hasn't really changed all that much. Also I wish that the public had some of this information in more detail when you are asking for a truth-in-taxation increase. We need to see where that money is going and how much of it is being transferred from the General Fund so that the library is self-sufficient, things like need to be given to the public. Dustin Grabau replied that there is a balance that needs to be made. We try to make information that is understandable available to the public and transparent enough. Councilman Erik Rowland replied that we need to be fully transparent in details with the budget and everything pertaining to the budget.

Franz, the information regarding the library truth-in-taxation is there because I found it. The increase in the library is 32.89 percent based on the documents that I got and parks and recreation is 22.15 percent. If things are so tough being an employee for the Government then ask them to go back to the private sector.

Chair Spencer Park closed the public hearing and asked Juan Lee, the librarian director to come up and explain the truth-in-tax for the library.

Juan Lee, Library Director, indicated that the library has not gone through the truth-in-taxation process before. This is the first time. Over 95 percent of the library's revenue come from strictly property taxes and do not have any other revenue streams like the General Fund. The library survives with property taxes. Four priorities for the truth-in-taxation. The first one is to realize that the building that is twenty years old and systems are old also and we need some funds to plan replacement of the things that are wearing out along with the building that amounts to $100,000. Another one is a request for one full time equivalent to increase and the library of services across the County. We do go out to places with the library programs. A person needs to be hired for specifically those purposes. Also to focus on delivering services to young adults. The third one is to fully implement in 2024 the cost of living increases and the merit increases based on the wage study County wide. The fourth one is the library has had a subsidy in years past for things like IT services, etc. We have been asked by the Council that the library should be self-sustaining through the property taxes and to eliminate the transfer of funds from the General Fund. Those are things that the truth-in-taxation will be used for in the library. Dustin Grabau replied that many of the changes are due to the wage study that was done. Juan Lee indicated that we help people out with some the technologies in how to use them. Councilman Erik, Rowland indicated that from the County service respective there is only two facilities in the County that really do provide services to families of this nature. That is the rec center and the library. The library is a valuable resource. Juan Lee replied that the need for maintaining that facility, the whole facility the campus of the library and the senior center, is critical and they both work together to help people that need to have a place such as what these two entities have to offer.

Councilman Luke Searle indicated that he enjoyed being a member of the library board to see some of the services they provide for younger children and others. Also they haven't gone through the truth-in-taxation process in many years.

Councilman Luke Searle made a motion that we approve Resolution #23-19 regarding an increase in property taxes through truth-in-taxation in 2024 to the library fund in 2024. 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: Steve Farrell

AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan

NAY: None.

DISCUSSION ON THE TOURISM BUILDING

Councilman Mark Nelson indicated that Dallin Koecher and the Tourism and Economic Office have been going through a study and a consideration of refurbishing and expanding the thirty year old visitor center here in Heber City. They have a proposal to refurbish the building and to expand it to add some more office space, to add some more meeting space to meet the needs of tourism and economic development as the County has grown significantly. The total of that is about $1.2 million. We have had a discussion with Dustin Grabau about the possibility of including this in the 2024 budget which I would recommend.

Dallin Koecher, the Director of the Tourism and Economic Office, addressed the Wasatch County Council and indicated that our staff has been growing and we are running out of space for new employees and stuff. We have a staff of six people right now. We want to expand the footprint of the building and also to make it a little more accessible. Dallin then showed a plan of what he would propose to use the $1.2 million. Dallin indicated that the rooms would be for people to have different meetings and don't charge for as long as we are there. We got a high bid of $1.2 million to do all this work and also includes the exterior work and redoing the parking lot among other things.

Councilman Steve Farrell replied that I am taken back because why are we being blind sided with this at the last minute about this expansion and spending $1.2 million on a building remodeling? Dallin indicated that we have been working with our architect for a little while to make sure that we get the right numbers and taken them longer in getting these numbers than expected. I would propose in using some of the transient tax that the County has not spent in previous years. Dustin Grabau replied that why it is short notice is they only just got the estimates.

Councilman Steve Farrell replied if this is a County building we ought to run it through the same process as we did the court's building. Dustin Grabau replied that they did solicit for architectural work and the anticipation is that we would follow kind of the same process. This obviously is in a different scale. The rationale was rather than come back to you mid-year and just consider it part of the annual budget and would be better to inform you now that we know rather than come two months from now and eventually amend the budget.

Councilman Luke Searle asked are there other funding mechanisms grants and other ways that the economic development tourism brings in money, sponsorships, etc. Dallin Koecher replied that we could use the transient funds for this because this does serve the visitors who come to Wasatch County.

Councilman Mark Nelson replied that a lot of people are coming to Wasatch County and Dallin's group is doing a fantastic job and doing as well as anyone in the state, in my opinion, in terms of our digital presence and promoting the County the way that we want to promote it and helping a lot of businesses. The staff is highly qualified and doing a great job and providing a very valuable service.

Dustin Grabau replied that we would need competitively bid it. This is just if you want to appropriate the funds necessary to construct it using like our transient funds. Councilman Steve Farrell replied that we could go ahead and do that and then amend the budget later. I would rather do that than to change the budget right now. Dallin Koecher replied that we have six employees. Dustin Grabau replied that the funds would be money that has been built up over time and this would come from the transient fund tax fund and wouldn't have a net effect on the General Fund. We could cash finance it because the reserves are sufficient to handle the funding in the transient room fund and the restaurant tax fund.

Councilman Steve Farrell replied that this needs to go through the County building process like any other County building and if we need to do an amendment to the budget and go ahead with it. I don't want to include it in this year's budget. Dustin Grabau replied that half of those funds can be used for operation maintenance and construction of recreation and tourism facilities. We are well in access of that. You are considering right now is if those $600,000 of fire funds are going to be ear marked to be specifically for parks and rec. You would appropriate the total amount in given funds or department depending on where they are at and by appropriating the amount in the TRT fund we do have some flexibility ultimately where that ends up but that is at your discretion.

Councilman Erik Rowland made a motion that we approve Resolution 23-18 for the adoption of the Wasatch County 2014 budget with the intent to allocate the TRT funds that were allocated for the EMS to free those funds up if we chose to do it this way and it would even go back to the reserves. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

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

NAY: None.

PUBLIC HEARING
DECEMBER 6, 2023

DISCUSSION/CONSIDERATION OF RESOLUTION #23-20 REGARDING SALARY ADJUSTMENT FOR THE ELECTED OFFICIALS INCLUDING, COUNCIL, ATTORNEY, RECORDER, SURVEYOR, CLERK/AUDITOR/ TREASURER, ASSESSOR, SHERIFF, MIDA COORDINATOR (APPOINTED) AND COUNTY MANAGER (APPOINTED_ HEBER LEFGREN).

Mark Lefgren, the Assistant Wasatch County Manager, indicated that in accordance to our ordinance there are a couple of positions required in order for us to adjust the salaries in connection with the budget require a public hearing. As a reminder that last year we went through a third party process to look at the wages and have identified a pay structure. What this proposal does is adjust the salaries for the elected officials as well as the appointed officials in accordance with the pay structure that was established in 2023. That translates into for all elected officials which include the attorney's office, recorders, the surveyors, clerk/auditor, treasurer, the assessor, the sheriff's as well as your two appointed positions which is the MIDA coordinator and the County Manager that they would see the 2.5% COLA increase effective January and the same amount that we are providing everybody and also in accordance to the pay structure and will allow the appointed positions to move up one step in accordance with our pay structure on the date of their hire anniversary in accordance with again our organization pay plan. Councilman Mark Nelson replied that all County staff will be getting a 2.5% cost of living effective January 1, 2024. Dustin Grabau replied that those merit increases are contingent of successful performance evaluations. For the two appointed individuals there is a second 2.5% increase which is based on a successful performance evaluation. Heber Lefgren replied that this is in correspondence with the same structure applied across the board.

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

Franz Amonson replied that do you guys even pay attention to your budget and just went through the personnel costs between your actual in 2022 and your tentative in 2024 and tried to do some research and determine how much the County has grown since 2022 and my estimate it has grown about 4.2%. Franz then went through the various departments. You need to watch your personnel expenses.

Jean Hoover asked with all the new development and people moving in and we noticed a large amount of development with people moving in and building continues to grow and paying taxes why doesn't that cover some of the taxes so that we don't have our taxes go up.

Chair Spencer Park then closed the public comment.

Councilman Karl McMillan made a motion that we accept #23-20 regarding salary adjustments. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

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

NAY: None.

As mentioned before a wage study was done and that is why we saw some of those increases so that we can make sure that we are competitive with other counties and the private sector. A comment was made that they wish that some of the public employees would switch to the private sector and that is not possible like fire and starting wage for a fire fighter and you can go to McDonalds and make more than a starting wage in fire is that like okay. I am really grateful that the County passed the sale tax so that we can have visitors pay so we can have livable wages for those to have. Are we going to outsource those things in order to have those things and can they live in our community and appreciate those public servants that do that?

PUBLIC HEARING
DECEMBER 6, 2023

DISCUSSION/CONSIDERATION OF RESOLUTION #23-21 ON AMENDING THE 2023 BUDGET.

Heber Lefgren, the Assistant County Manager replied that in accordance with the State Code we are required to hold a public hearing to be able to amend the budget. Throughout the year there has been various directions that you have provided us and due to the request and due to the priority needs this is the time that we go through everything and go through the process to amend the budget. Heber Lefgren then asked if there were any questions relating to the amended budget?

Councilman Steve Farrell asked why we are showing like the one in County funds for the purchase of conservation easement when it is already a fund in itself. Dustin Grabau replied that the minority of these are General Fund expenses and these are a cross of all of the funds but we still need your authorization to increase the budget authority in the open space bond and not coming out of the General Fund. You need to authorize the original purchase and we just need to go through the process what we are doing tonight is officially appropriating those funds to make sure that you authorized us kind of retroactively. You authorized us previous to doing it and we did do the process that formally amend the budget which is what we are doing tonight.

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

Councilman Mark Nelson made a motion that we approved Resolution 23-21 on amending the 2023 budget as presented. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

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

NAY: None.

Chair Spencer Park then indicated that the Council will take a ten minute recess and then the Council will come back and handle the remaining items on the regular agenda.

WHEREUPON, A TEN MINUTE BREAK WAS TAKEN BY THE COUNCIL

Chair Spencer Park indicated that the record should show that the Wasatch County Council is again in session to handle the remaining items left on the regular agenda.

COUNCIL

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that he doesn't have much to bring to you this evening because we haven't met and won't meet until December 15, because of holidays and other things going on. The hotel is on track and what we are hearing is they are on track to issue more permits after the first part of next year and some a little later in the year and that is still on track.

Councilman Luke Searle asked if they are doing snow testing or snow making. Mike Davis indicated that he doesn't think that the facilities are complete enough to do that because you have to have water storage before and the infrastructure for the pump system complete and I don't think that any of that is done yet. Councilman Steve Farrell replied that they are planning on having skiing in 2024.

Councilman Mark Nelson asked what, is MIDA working on or considering the legislation fees that will impact Wasatch County. MIDA always runs a bill. Dustin Grabau replied that MIDA gave me a high level overview on how many official documents and they were going to send me the bill file when they had the number for it. Some of the changes include a beneficial change to the school district basically allowing future increases to their tax rate to go back to the school district and not be included in the increment. There are some changes that shouldn't directly affect Wasatch County, change that affect a project area and Salt Lake County and Utah County and I think that is the majority of the changes that I am aware of but we will keep a close eye on it. Jamara is the Jordanelle Marine Recreation and is a public infrastructure district that MIDA created and I am the Wasatch County representative on that board and was appointed several months ago and we only had two meetings. The idea is that entity collects some of the tax increment specifically for the administration of reclamation of the tailings piles and recreation potentially on those tailing piles. The MIDA board did in their last meeting they held and officially ratified and Jamara convened appointed the chairs and that is where I ended up being appointed as the vice chair on that board. MIDA did hire a staff member to administer Jamara. Mike Davis replied that you will see those plans as they come forth in what they are going to do.

COUNCIL/BOARD REPORT

Councilman Mark Nelson indicated that he was in a meeting last week with an engineering firm that has been commissioned by Heber City to look among other things at 600 West but specifically in this meeting and wanting to talk about the railroad development, future development plans and how they might impact if Heber City decided to abandon or change 600 West and change that road into not being a public road and bring that up because I believe that is part of a process that Heber City wants to do in January to push the CRA forward and supporting material for that.

Councilman Kendall Crittenden indicated that Councilman Karl McMillan and I attended the RPO meeting our first official one. One of the reports they had was this Mountain land streets project and the State has done them. They have done a survey and looked at the traffic data, everything from 2018 to 2022 and they are focusing on road safety. We could be involved in this and I will send the Council how to get on the web site. They took a survey that talked about roads and we will be more involved in this over the coming little while. They have conducted these open houses. They will be using this information to help with future transportation issues and road design and all kinds of things.

Councilman Luke Searle indicated that the animal control board met last week and we went over Heber's proposed changes to a cooperative agreement and we went over and he is going to make a few changes and present it to us again in January and then we are going to present it to you. The agreement needed to be updated and there was unanimous intent to start preparing for capital facilities, all those different things and this agreement should be updated. We will give it to the entities involved and go over it.

Councilman Karl McMillan indicated he just wants some feedback from the Council. I am getting a lot of requests for various youth groups that want to gather up Christmas trees and all this trash and kind of wanted that for free or get a flat charge and I don't know how we feel on funding these boy clubs, baseball teams, etc. Councilman Erik Rowland indicated that they want to charge it and collect from people but when then they dump it on us. Councilman McMillan asked should it be a flat fee for each group or we charge them like we always have done. Councilman Steve Farrell replied that if they don't pick them up then our staff will have to pick them up. Let's go ahead and do it another year and see if it is a real burden then look at it is my recommendation. The Council felt good about that recommendation. Also get a cost of how much it costs the County. Let's let them do it and then come up with something that will work.

MANAGER'S REPORT

CONSIDERATION OF AWARDING AN RFP FOR CONSTRUCTION MANAGEMENT GENERAL CONTRACTOR ON THE WASATCH COUNTY COURTHOUSE EXPANSION PROJECT.

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that Wasatch County solicited bids through a request for proposals of a construction management/general contractor CE/GC to partner with our architects from EDA to build an addition to the Wasatch County Courthouse that includes two new additional district court rooms, a remodeled court room for Justice Court and office space for the Attorney's Office. Wasatch County received eight bids from qualified firms and interviewed four. The bid's prices are combination of fixed changes, per unit fees, and overhead percentages. The order of the interviewed firms goes from most costly to least costly.

1. Big O Construction.
2. Oakland Construction
3. Jacobsen Construction
4. Hogan Construction

The selection committee consisted of representatives from the County Manager's Office, Public Works, Attorney's Office, Sheriff Office and contacted architects. It is the unanimous opinion of the selection committee that Oakland Construction represents the best compromise of quality and cost and warrants awarding of the RFP. The cost is about eight million dollars across the entire 21 month project. Councilman Steve Farrell indicated that can be shared with the State of Utah.

Councilman Steve Farrell made the motion that we go ahead with the hiring of a construction manager and general contractor on the Wasatch County Courthouse expansion project as recommended by the County Manager. Councilman Karl McMillan seconded that motion and the motion carries with the following vote:

AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Karl McMillan

AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Chair Spencer Park

NAY: None.

BRIEFING ON THE WASATCH COUNTY FY 2023 9 MONTH FINANCIAL REPORT.

Heber Lefgren, the Assistant County Manager, indicated that this matter should be continued and why don't we do it on December 13, 2023. The document was passed out to the Wasatch County Council for them to look at.

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

Dustin Grabau, the County Manager, replied that in the first part of 2023, Wasatch County made code adjustments to create the Trials, Arts, and Parks Tax Advisory Board, which consists of seven members. Code intends three members to be employees of botanical, cultural, recreational, or zoological organizations or facilities located in the County and four at large. The county has appointed six members of that board to date. Following that code adoption the County has been accepting applications for membership to this Board and the County Manager recommends the following appointment. Kathleen Hopkins, as a citizen at large. She is an employee of Hideout Town and would represent the Jordanelle Basin and complete the seven member board.

Councilman Karl McMillan made a motion that we accept Kathleen Hopkins to the Trails, Arts, Parks Tax Advisory Board. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Chair Spencer Park indicated that there is a need for a closed session to consider personnel.

Councilman Karl McMillan made a motion to leave our regular session and go into closed session to discuss personnel. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

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

NAY: None.

MINUTES OF THE
WASATCH COUNTY COUNCIL
CLOSED SESSION
DECEMBER 6, 2023

Chair Spencer Park indicated that the Wasatch County Council is in Closed Session in the Wasatch County Council Chambers located at the Wasatch County administration Building located at 25 North Main, Heber City, Utah 84032. The closed session is to discuss personnel.

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

OTHERS PRESENT: Dustin Grabau, County Manager
Heber Lefgren, the Assistant County Manager
Scott Sweat, the Wasatch County Attorney

PERSONNEL

Dustin Grabau addressed the Wasatch County Council in closed session and no minutes were taken because the matter was to consider personnel.

Councilman Kendall Crittenden made a motion to go out of the Closed Session and return to the regular Council agenda. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

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

NAY: None.

ADJOURNMENT

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

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

NAY: NAY

Meeting adjourned at 10:00 p.m.

SPENCER PARK/CHAIRMAN

JOEY D. GRANGER/CLERK/AUDITOR