

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JANUARY 6, 2021**

The Wasatch County Council met electronically in regular session at 3:00 p.m and the following business was transacted.

PRESENT: Vice Chair Mark Nelson
Spencer Park
Jeff Wade
Steve Farrell
Kendall Crittenden
Marilyn Crittenden

EXCUSED: Chair Danny Goode

OTHERS PRESENT: No one else present in the Council Chambers except Wendy McKnight from the Clerk's Office running the electronic equipment.

Others present through Zoom were:
Mike Davis, the Wasatch County Manager
Randall Probst, Wasatch County Health Director
Dustin Grabau, Assistant Wasatch County Manager
Scott Sweat, The Wasatch County Attorney
Jon Woodard, Assistant Wasatch County Attorney
Austin Corry, Assistant Wasatch County Planner
Doug Smith, Wasatch County Manager
Rick Tatton, Court Reporter
Max Covey, JSSD Manager

PRAYER: Councilman Steve Farrell

PLEDGE OF ALLEGIANCE: Led by Councilwoman Marilyn Crittenden and repeated by everyone.

OPEN AND PUBLIC MEETING AFFIDAVIT

The Open and Public Meeting Affidavit was made a part of the record.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Councilwoman Marilyn Crittenden asked that a discussion be held regarding some SSD issues.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Mike Davis, the Wasatch County Manager, indicated that there is none.

PUBLIC COMMENT

Vice Chair Mark Nelson asked if there are any comments relating to a previous agenda item and there was none. Vice Chair Mark Nelson indicated that there is a Larry Ellertson that would like to speak.

Larry Ellertson indicated he appreciates the fact that you guys will serve and wish you the best for the coming year. If there is anything that I can be doing for you please let me know.

APPROVAL OF THE MINUTES FOR DECEMBER 2, 2020 AND DECEMBER 16, 2020 COUNCIL MEETING.

Councilman Steve Farrell made a motion that we approve both of the minutes for December 2, 2020 and December 16, 2020 as presented. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell**

NAY: None.

Councilman Kendall Crittenden made a motion that we leave our regular Council agenda and go into the North Village Special Service District. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Mark Nelson

AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell

NAY: None.

NORTH VILLAGE SPECIAL SERVICE DISTRICT

SETTING A DATE AND TIME FOR THE ADMINISTRATIVE CONTROL BOARD MONTHLY MEETINGS.

Vice Chair Mark Nelson indicated that this year the North Village Administrative Control Board will start having monthly meetings and there needs to be a date and time to hold those meetings. The Administrative Control Board will consist of two Heber City Council Members as was passed by a resolution. The reason for the Heber City Council members being a member of the North Village Administrative Control Board is most of the North Village area is in the process of being annexed into Heber City. The Heber City Council members are Councilwoman Rachel Kahler and Councilman Ryan Stack. Councilman Steve Farrell indicated that his understanding was that the Board was going to be made up of three members of the Wasatch County Council and two members of the Heber City Council which would consist of five members instead of seven. There would be two County Council Members that are at large and the one County Council member over that area.

Max Covey, Manager of the Special Service Districts, addressed the Wasatch County Council and indicated that on the Administrative Control Board there were two members of the Heber City Council which were Councilwoman Rachel Kahler and Councilman Ryan Stack. The date that was discussed was the second Tuesday of every month at 4:30 p.m. The three Wasatch County Council Members will be the two at large and the Council Member that represents that area. Max Covey indicated that the members of the North Village Administrative Control Board are Board Member Steve Farrell, Board Member Marilyn Crittenden, Board Member Danny Goode, Board Member Kendall Crittenden, Board Member Jeff Wade from the Wasatch County Council and Board Member Rachel Kahler and Board Member Ryan Stack, from the Heber City Council.

Councilman Kendall Crittenden made a motion that we set the Administrative Control Board monthly meeting for the second Tuesday of every month at 4:30 p.m and will discuss at the first meeting whether that will be at the first of the meeting or at the last of the meeting. Councilman Jeff Wade seconded the motion and the motion carries with the following electronic vote:

AYE: Board Chair Mark Nelson
AYE: Board Member Marilyn Crittenden
AYE: Board Member Kendall Crittenden
AYE: Board Member Spencer Park
AYE: Board Member Jeff Wade
AYE: Board Member Steve Farrell

NAY: None.

Board Member Marilyn Crittenden made a motion to leave the North Village Special Service District and go back into the regular Wasatch Council agenda. Board Member Kendall Crittenden seconded the motion and the motion carries with the following electronic vote:

AYE: Board Chair Mark Nelson
AYE: Board Member Marilyn Crittenden
AYE: Board Member Kendall Crittenden
AYE: Board Member Spencer Park
AYE: Board Member Jeff Wade
AYE: Board Member Steve Farrell

NAY: None.

COUNCIL

WASATCH COUNTY HEALTH DEPARTMENT UPDATE

Randall Probst, the Wasatch County Health Department Director, addressed the Wasatch County Council and indicated that the positivity rate for the State of Utah is up above 30% which is not a good indicator as far as limiting community spread and by that figure there is a lot of community spread. Right now for a couple of weeks we are doing daily testing and rapid testing is being done which is available out at the Event Center on a daily basis. A time to do that can be scheduled on the Test Utah Site which makes it so there won't be extra-long waits.

Randall Probst indicated that with regard to receiving the vaccine Wasatch County agreed with the guidelines that are established both by the state and federal governments which outlines the priority which the vaccine is administered. Some vaccine was received the day before Christmas. The vaccine went to the team that will be doing the vaccinations over the next months. Next week some additional vaccine was received and also this week some more. The next group that received the vaccination went to healthcare workers. The hospital received enough vaccine to vaccinate their hospital employees. Wasatch County is receiving the Modern vaccine and the first does is given

and then 28 days later the second dose is given. This week the first responders are being vaccinated. Then the educators are next and district staff. The vaccine is received is based on Wasatch County's population and what comes into the State of Utah. Wasatch County gets about 1% of that which means about 200 doses a week. Also Spring Gardens will receive their vaccine and all of the nursing homes will be vaccinated by January 22.

Also when Phase 2 starts the vaccine will go to everyone that is seventy-five years old and older which will be the first tier of Phase 2. After that the vaccination will just work on down in age groups from there. Randall Probst also indicated that there is nobody that has gotten real sick by taking the vaccine and haven't seen any significant side effects or illness from the Modern vaccine that is being used. We try and be careful if anyone possibly could have an allergic reaction to any kind of medication or injection in the past.

Randall Probst indicated that people can get registered by using a program called VAMP which is a Vaccine Administration Management Program which helps manage the priority according to the guidelines and in each priority there is appointed an coordinator that will manage their particular priority to receive the vaccine on a given date and time. Randall Probst also indicated that we don't have a number in Wasatch County that has already gotten an antibody. Also the recommendation is if you have already had COVID you should still receive the vaccine which can act as a second booster and build up longer term immunity and should see more immunity in the next couple of months.

Randall Probst indicated that with regard to deciding that the vaccine is safe, he has received the vaccination and going to recommend it for my wife and children to receive the vaccination. The bottom line is that a person has to weigh that matter of whether you receive the vaccine or don't. That is an individual risk decision that has to be made and life is all about risks and the balance of those risks that are faced every day. Just remember safe distance, wash your hands, stay home if you are sick and wear the face masks.

GREG GAGON REQUESTS CONSIDERATION AND ADOPTION OF A LOCAL STREET PLAN UNDER THE PROVISIONS OF WASATCH COUNTY CODE 16.02.12 IN ORDER TO REFINE THE LOCATION FOR THE SLEEPING INDIAN CONNECTOR IDENTIFIED IN THE WASATCH COUNTY REGIONAL TRANSPORTATION PLAN GENERAL PLAN MAP 21. DUE TO PENDING DEVELOPMENT PROPOSALS THE ROLLING OAK ESTATES, SLEEPING INDIAN/BLEU SAGE RANCH AND LAKE CREEK FARMS. THE IMPACT AND LOCATION OF THE ROAD BECOMES NECESSARY TO ENSURE THAT PROPERTY WITHIN THE AREA CAN BE ADEQUATELY DEVELOPED AND SERVICED AND THE TRANSPORTATION PLAN IS COMPLIED WITH.

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and presented a quick review of the matter and then presented a power point presentation on the new

proposal and then indicated that this matter was continued to today from the last Wasatch County Council meeting. The applicant has updated a proposal which includes a preliminary engineering study of how a potential alignment could be made that will reduce the impact to cuts along the hillside. The proposed alignment would be in line with the goals, policies and existing maps that are part of the General Plan and thus, would not require an amendment to the General Plan. With the preliminary study, Staff believes the proposed alignment is a feasible solution for the Council to consider. Also review of the proposal, the connection at the west property line of the proposed Blue Sage development could potentially be moved even further south if the Council were willing to grant an exception to the road grade restrictions of 8%, after consultation with the Fire Department and County Engineer. Also the Council really has the option of what you want to do at this state and whether the Council feels comfortable moving forward with adopting a local road plan or whether it should be referred back to the Planning Commission.

The proposal that is now in front of the Council is now to actually follow the General Plan but refine an alignment so that it is clear that the neighboring property owners will need to work together as to where those connections and alignment could occur. Also the group that is proposing this has actually provided some preliminary engineering which is a pretty significant step. The proposal is that the applicant would bring the collector road through their property as far south to where it would then start heading to the west and this area is where the topography starts to go up. The road would then continue along the toe of the slope there. The alignment could miss that home and then continue down into Lake Creek Farms.

There are various options available for the Council to consider but one is to send the matter back to the Planning Commission with the expectation of still moving things along. Also if the Council chooses to approve this matter tonight there are some recommending findings for you.

1. After recommendation for the Planning Commission, the Council shall adopt and maintain a local street plan which will provide for long range planning for local neighborhood streets. WCC 16.02.12.
2. On December 10, 2020 Mr. Gagon's initial application for a local street plan was heard by the Planning Commission, who recommended denial of the plan proposed but encouraged further work be done to assess an appropriate local street plan for the Sleeping Indian connector area.
3. Mr. Gagon has modified the proposed local street plan based on input from various stakeholders.
4. The submitted preliminary study aligns with the existing General Plan goals, policies and maps.
5. The submitted preliminary study indicates the preliminary alignment is feasible in conformance with applicable codes.
6. It is anticipated the adjacent property owners will work together on final alignments through the development review process, and by providing conceptual connectivity plans that conform with the adopted local street plan. WCC 16.02.12.

Council Comments:

Councilman Steve Farrell asked if the Council were to remand this back to the Planning

Commission would this require a public hearing for the plan that would be before the Planning Commission and another public hearing before the Council to give the general public an opportunity to hear and make comments on this new proposal. Austin Corry indicated that his recommendation would be that because this would be a new alignment so another actual hearing process would need to be heard and gone through again.

Councilman Kendall Crittenden asked about amending the code. Austin Corry indicated that it would be an amendment to the General Plan if the Council decides that way. The applicant has indicated that was never their intent because that would be a yearlong process. What the applicant is proposing now wouldn't not actually require any type of a General Plan amendment because their alignment further refines what is existing in the General Plan now.

Applicant:

Greg Gagon, from Sleeping Indian/ Blue Sage Development, addressed the Wasatch County Council and indicated that our goal is to get some type of approval so that we can move forward. We have spent many hours trying to find the best option for this road and there aren't many options to follow. Again the slopes are the big issue and would be better for the roads to go further south. We could make that right-of-way which is the western entrance to our parcel fifteen feet wider which right-of-way would go through our parcel. Let's just say that this would be the collector road and if it was used great and if it never is used that way we are out nothing and neither is Wasatch County. The connection to the Katherine piece we are flexible about where that can be and don't want to put that burden on our neighbors. We just don't want to be delayed because of this issue because there are really are no alternatives. We just want to satisfy the Master Plan where it now sits and say this is acceptable to us so that we can move forward to our preliminary plat and go through DFC which is our goal.

Public Comment:

Vice Chair Mark Nelson then asked if there is any comment regarding this matter.

Dale Houghton, property owner, addressed the Wasatch County Council and indicated that he has not received notice regarding this matter but has been out of town quite a bit and would like to be put on the list to be notified of issues like this. Also does this affect the Mills Lane Road at all? Austin Corry indicated that the current proposal would pass to the south side of Mills Lane and wouldn't touch Mills Lane. Dale Houghton asked if other property owners are okay with what is being proposed. Also the collector road concerns him. Austin Corry also asked Dale Houghton to get in touch with him after the meeting and he will show him how to get on a list so that notification can be sent to him.

Braden Cooper, from Rolling Oaks Development, addressed the Wasatch County Council and indicated that what factors went into the General Plan back in 2004 or whenever is not the same factors that meet those needs now for that collector road. Also we and Blue Sage are eliminating

a bunch of density. Also the L.D.S. Church plays a big role in this and also the Town of Independence plays a big role in this collector road. Also Rolling Oaks opposes the location of this collector and just a collector road in general because we don't feel like there is a need for a collector road. We feel that the proposal by the Blue Sage group is not feasible. Also concerned about the thirteen foot cut into the hill. Also doesn't meet the eight percent which is in the code. Also will put a burden on the Jensen parcel and also on Thiede's and Hilton's piece. This will be a great detriment to the community and the neighbors in that area. Lake Creek has a problem with possible Indian burial grounds and to their understanding that there was never a major collector there.

Two proposals were put through DRC twice and at no time in those DRC comments was there a feedback about a collector being through their development. Our recommendation is that the Council don't approve this option going through. Also makes sense to go back through to the Planning Commission. Also would approve that the Council approve the Blue Sage section of it and just eliminate the ability for the collector which would give us the ability to move forward and then in November update the General Plan. We just feel that the alignment is not feasible and applicable to the codes and doesn't meet the eight percent and the grades and cuts will be detrimental to the area.

Jay Sorensen, property owner on Mills Lane, addressed the Wasatch County Council and indicated that he is opposed to this collector road because of the additional traffic that will cause to go through out area. We like the privacy and rural feeling that we now have. We prefer that the traffic be re-routed to 1200 south or through the existing Lake Creek Farms which would be the 200 East Road and a connection made to the Center Creek Road. Also would be in favor of an amendment to the General Plan to not require this collector road. Also in favor of the reduced density of the Rolling Oaks property and the Blue Sage there would be no need for that collector road. Also Blue Sage should re-route their traffic through 1200 South. Also don't want the pristine nature of the mountains disturbed. Also for more information refer to the e-mail that was sent to you.

Paul Berg, Berg Engineering for Lake Creek Farms, addressed the Wasatch County Council and indicated that he wonders about a collector here and 4200 east is a better alternative. Also the Lake Creek Farms project is not opposed to a local road but opposed to a collector road. We hope that this entire alignment not be accepted because it does create some problems for Lake Creeks Farm if this becomes the new Wasatch County Master Plan. This alignment seems to really work for Sleeping Indian/Blue Sage and not for the other three property owners. There has been talk among the owners of the remaining phases of Lake Creek Farms have indicated that they would consider possibly discussing annexation with Independence if this rule is a hard requirement by Wasatch County that the collector road has to go through. Also Lake Creek Farms could accept a local road anywhere on its eastern part of any of the other three properties and have that local road run through their property and end up at 4200 East.

Denton Thiede, property owner, addressed the Wasatch County Council and indicated that we were always told that 4200 East would be a collector through and over to Center Creek. Also totally against having a collector road put above us along the property above us.

Dustin Grabau, the Assistant County Manager, addressed the Wasatch County Council and indicated that there were two e-mails received which will be part of the public record. There was one e-mail from a lady that called and wanted to make sure that it would be read into the record. This e-mail is from Nancy Hilton who lives at 1737 Mills Lane and it reads that "please be notified that this e-mail is for notification that I deny a road construction behind my residence. I just heard about this issue today at 11:00 a.m. Construction of this request would be a detriment to all homes on Mills Lane. I am totally against the construction of this request."

Greg Gagon, from Blue Sage/Sleeping Indian, again addressed the Wasatch County Council and presented a picture slide that he made to the Wasatch County Council. Also the collector road should have been 4800 east. We just want to move forward as Blue Sage and if there are others that want to find the collector road then wish them luck and would ask that you approve what we are presenting because we have to build that collector road no matter what and if we have to give an extra fifteen feet at this point to move forward that will be done.

Dave Nelson, from Lake Creek Farms and the Mill Stream group, addressed the Wasatch County Council and indicated that Paul Berg did a really good job of representing us. What Blue Sage is representing it makes sense for them in order to get their approval and move on. No one is going to use that collector road. Also because of the topography it makes no sense to put a collector road there. Also don't want high density in Wasatch County. Let's not build a road to go nowhere because of the expense that would not be used.

Council Comments:

Councilwoman Marilyn Crittenden indicated that the Council needs to be very careful in deciding this issue and proceeding forward and do something that is going to be precedent setting. Also it looks like we don't need this connection but there are plenty of roads that have been not put in that we would have liked to make traffic flow around Heber better. Also if the road has to be built then the easement is there.

Councilman Kendall Crittenden indicated that would give us a year to look at the traffic and consider the General Plan in November. Also do not want to hold Blue Sage up for a year if something can be worked out.

Councilman Steve Farrell indicated that Rolling Oaks is in the planning stage and they would have to show some kind of connectivity to the west and be willing to at least deed the right-of-way for a collector road until the Council would have a chance to change it if the Council did change it. Also Rolling Oaks has already got a form of entitlement.

Vice Chair Mark Nelson indicated that his concern is the General Plan and trying to do something that circumvents or doesn't include the Planning Commission and isn't in harmony with the General Plan because we need to be really careful.

Councilman Spencer Park indicated that maybe we could approve this and maybe put together a committee with the planning department, engineering department and a member or two of the Council to make sure that the road is in the right position to give us the best opportunity to get the road through even if we decide the road to be a local and the right-of-way is there. I would like to see a local road there or a smaller road go through there.

Councilman Jeff Wade asked why Rolling Oaks would get through DRC without anybody mentioning this collector. Austin Corry indicated that there was some verbal communication with one of the staff planners here and Rolling Oak's engineer about the connection requirement. This has been discussed multiple times so would challenge that statement that it has never been brought up but there has not been a specific condition on the DRC report.

Staff:

Austin Corry, the Assistant Wasatch County Planner, indicated that the main concern about this from compliance from the General Plan that there is a road connection and comfortable in suggesting that the right-of-way might be there if there were future expansion and the traffic counts justified needing to increase the width of that road but the construction of it as a local road based on the anticipated traffic count. The main critical point was there was a connection there and the right-of-way there so that we were all complaint with all of the anticipated land use policies and everything like that that is in the General Plan. Also Rolling Oaks does not have preliminary but have submitted for preliminary request but on hold right now waiting for this decision. Right now Rolling Oaks does not have any road connection through the area right now. Also through Blue Sage, Rolling Oaks show a connection and they are not showing a connection to the west.

Doug Smith, the Wasatch County Planner, indicated that Code requires local roads every four to thirteen hundred feet, north, south, east, west so a stub would be somewhere that range to property lines. If this had nothing to do with a collector road even local roads would be required to be stubbed everything four to thirteen hundred feet into a north, south, east, west property line.

Motion:

Councilman Steve Farrell made a motion that we go ahead and approve the Blue Sage's preliminary road plan as outlined so that we do get the right-of-way for the collector road. Then as this will be put on review for next year's review of the General Plan to review the need for a collector road at this location and take into consideration the changes that have taken place since the last 2004 plan and make recommendations as where to move from there. I would want everybody that was involved in the 2004 General Plan because in essence we are not changing the General Plan right now but allowing Blue Sage to move forward on the assumption that it may be changed in the future. This is the path forward right now and if anybody is unhappy with it that they can waive the time period to work through potentially changing the General Plan. Also it is the seventy-five foot right-of-way for a collector road but the width of a local road. Also include all the six findings that was outlined by staff.

Councilman Kendall Crittenden seconded the motion. The motion carries with the following electronic vote:

AYE: Vice Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

NAY: None.

Vice Chair Mark Nelson asked if that is consistent with the findings in your presentation.

Austin Corry said yes that motion could be consistent with those findings yes. I need to ask a question of clarification on that. The direction for looking at the General Plan is that for staff to do that or who is going to look at the various different studies. The 2004 General Plan was based on six different entities, if I remember right, that were all involved in studies and it involved not just traffic studies but land use policy studies and things like that too. I just want to make sure that it is clear what is being asked. So this is the path forward right now but if anybody is unhappy with it they can waive the time period to work through potentially changing the General Plan.

Councilman Spencer Park asked if there is an option that could be added like a short committee review of this to make sure that it is coming up with this alignment that misses the Mill Road properties as much as possible. Austin Corry indicated that is something that could be handled but my anticipation when I drafted that potential finding for you that was assuming that would be something done as the developers came through with the preliminary plans. Councilman Spencer Park indicated that he's okay with what was just said.

STORIED DEER VALLEY L.L.C., REQUESTS PHASED PRELIMINARY TO ALLOW THE ADDITIONAL PROPERTY ADDED TO THE PROJECT MASTER PLAN TO APPLY FOR SEPARATE PRELIMINARY PLANS UNDER THE PROVISIONS OF WASATCH COUNTY CODE 16.27.

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then indicated that the Wasatch County Code requires preliminary approval plans to include all property within a master planned area with one exception. Section 16.27.10(B) also developments larger than 500 acres or over 1,000 ERU's to request the ability to phase the preliminary plans upon approval of the Council. With the newly added area, the development group is requesting that two of the areas be allowed to apply for separately phased preliminary plans since neither of the new areas share any infrastructure with one another.

Austin Corry also indicated that the Staff recommends for the Council to approve the phased preliminary request and allow the applicant to submit for Dancing Sun and Painted Bluff in two separate preliminary applications reviewed independently. Those proposals will be reviewed by the DRC and Planning Commission for recommendations prior to their request for action from the Council. Also the planning staff is recommending approval for the Wasatch County Council.

Jon Woodard, the Assistant Wasatch County Attorney, indicated that with a clarification on the Code is that if the preliminary is approved the applicant has the obligation to bring phases to new preliminary applications four phases every five years. If they go more than five years between preliminary applications it expires.

Austin Corry then went through some proposed findings:

1. The original Tuhaye Master Plan development was approved for 900 ERU's on 1,250 acres as recorded in a development agreement on May 15, 2003.
2. The overall Master Plan development was amended in 2018 to add 475 acres to the project and keep the 900 ERU density for the project.
3. Wasatch County Code requires the newly added areas to apply for preliminary plan under one application unless otherwise approved by the County legislative body.
4. The two requested phased preliminary plans comply with the requirements of WCC Section 16.27.10(B) for a phased preliminary plan.
5. The DRC has reviewed the project and submitted a report to the Council.

Austin Corry went through the one proposed condition:

1. Changes noted on the DRC report shall be addressed by the applicant to the satisfaction of the review department as part of the respective preliminary plan application.

Austin Corry then went through the DRC comments:

ENGINEERING comments: Fire Department concerns must be approved. Their comments regarding access, egress, and turnarounds are also applicable to our code. A more thorough review will be completed upon official preliminary application and current County Code must be followed.

PLANNER's comments: Development Agreement will get worked on after a decision is received by the Council.

FIRE SSD comments: Connection into Hideout town will need to be paved to fire code minimum. Phase 1 Driveways must be a minimum of 20 feet wide with slope of less than 12 percent. Phase 2, Greater separation of access points needed to avoid a single emergency rendering both access points, inaccessible. Or provide additional access with separation approved by Wasatch Fire. Any dead end in excess of 1300 feet must provide secondary access. Phase 2, driveways must be a minimum of 20 feet with slope of less than 12 percent.

Councilwoman Marilyn Crittenden made a motion that we approve the Storied Deer Valley L.L.C. to go ahead with the preliminaries, to allow the additional property added to the

project master plan, to apply for separate preliminary plans under the provision of the Code 16.27.10(B) with all the conditions and findings. Councilman Steve Farrell seconded that motion and the motion carries electronically with the following vote:

**AYE: Vice Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell**

NAY: None.

DISCUSSION/CONSIDERATION ON COUNTY COUNCIL CHAIRMAN AND VICE CHAIRMAN APPOINTMENTS.

Vice Chair Mark Nelson indicated that for the past two years Chair Danny Goode has been the Council's chair and he has been serving as the Vice Chair for two years. As the New Year begins the Council needs to choose a new Chairman and Vice Chairman. **Councilman Kendall Crittenden made a motion that we elect or nominate Vice Chair Mark Nelson as our County Council Chair and Councilman Spencer Park as the Vice Chair for the next term. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell**

NAY: None.

DISCUSSION/CONSIDERATION ON COUNTY COUNCIL BOARD APPOINTMENTS FOR 2021-2022.

The board appointments remain the same as for 2021 as was for 2020 with the following changes. Council of Aging (MAG) Councilman Kendall Crittenden will take the place of Councilman Steve Farrell. Economic Develop/Tourism Councilman Danny Goode will take the place of Councilwoman Marilyn Crittenden. With regard to the MIDA Board Councilman Steve Farrell

will take the place of Councilman Danny Goode. With regard to UAC, Councilman Kendall Crittenden will take the place of Councilman Danny Goode. With regard to Senior Citizens Councilman Kendall Crittenden will take the place of Councilman Steve Farrell.

Councilman Kendall Crittenden made a motion that we approve the board assignments with the changes as discussed. Councilman Spencer Park seconded the motion and the motion carries with the following electronic vote:

**AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Marilyn Crittenden
AYE: Chair Mark Nelson**

NAY: None.

DISCUSSION/CONSIDERATION ON CHAIR/VICE CHAIRMAN APPOINTMENTS FOR 2021-2022 FOR THE SSD BOARDS.

With regard to the JSSD board appointments which remain the same as was in 2020 for 2021 and the only change will be for Park and Rec/Event Center SSD Councilman Marilyn Crittenden will take the place of Councilman Danny Goode all the rest remain the same. The Chair and Vice Chair with regard to the North Village Special Service District at the first meeting of the Administration Control Board will chose the Chair and Vice Chair for the North Village Special Service District.

Councilman Spencer Park made a motion that we accept this list for the Special Service Districts with the changes noted. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

**AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Marilyn Crittenden
AYE: Chair Mark Nelson**

NAY: None.

DISCUSSION/RATIFICATION OF WASATCH COUNTY SHERIFF/MIDWAY CITY INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT SERVICES.

Wasatch County Sheriff Jared Rigby addressed the Wasatch County Council and presented the Agreement for Law Enforcement Services for Midway City. Sheriff Rigby also indicated that he supports the contract and would recommend that the Wasatch County Council ratify the contract. Sheriff Rigby indicated that a base level of service is provided throughout Wasatch County which includes within the City and the County. If additional services are requested then there is a charge for that and that will be for just covering our costs. It is not for profit. We give Midway 60 hours a week of law enforcement services. Right now the costs are being covered. Midway City also do not get the money from the fines. Jon Woodard, the Assistant Wasatch County Attorney, indicated that fines, etc., were specifically addressed as part of this agreement beyond saying that we are continuing the status quo and allowing either side to re-negotiate with a ninety-day notice with the idea because if we determined that it needed to be revisited that could be done without disrupting the whole agreement. Also the overall contract is a five year term and it locks in 226 hours as the anticipated number of hours going forward. It also locks in an understanding that they will start paying for dispatch services and we are trying to get that down to a level equivalent that is reasonable and what other municipalities and entities are paying and actually working into that by as of the first year having them pay \$15,000 and that will gradually increase over the next three years to \$45,000 which is understood that is the amount going forward unless it needs to be adjusted due to population changes over time. Also the 226 hours could be readdressed by either side from year to year. A balance was made so that either side had an ultimate say on that. They can demand a change but we in turn can refuse to accept the changes and terminate the contract if they demanded a change that we didn't think was feasible for us to be able to provide. The two sides will work together and come up with something that works if the 226 doesn't continue to work well for both sides from year to year.

Councilman Steve Farrell made a motion that we go ahead and ratify this contract with Midway City as has been approved by Sheriff Jared Rigby and Mike Davis, the Wasatch County Manager. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following electronic vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Jeff Wade

AYE: Spencer Park

NAY: None.

DISCUSSION ON COUNTY CODE 12.03.01 USE OF DYNAMIC BRAKE DEVICE PROHIBITED AND POSSIBLE INCLUSION OF OTHER AREAS WITHIN THE COUNTY IN THE ORDINANCE.

Councilman Kendall Crittenden indicated that on December 14, 2020 an e-mail was received from a resident in Black Rock Ridge and it was indicated that they just moved in January and the road that comes down through the middle of it which is steep they continue to get a lot of continuous noise from the dynamic braking devices that are being used on the big trucks coming down the road to slow them down because of the steepness of the road. She just wondered if the road could be added as part of the Ordinance. Councilman Kendall Crittenden also showed a map where those devices are prohibited. Sheriff Jared Rigby indicated that the dynamic braking devices are used as a matter of safety because of the steepness of the road. Also don't have the staff to put an officer up there to enforce that. Councilman Kendall Crittenden indicated that possibly by placing a sign would indicate that this is prohibited in this area and some have indicated that there is a sign already in place at the top of the hill. After looking into that the sign is on the Summit County side and not a sign on the Wasatch County side. Also a possibility of a waiver being obtained by the trucks coming down that road indicating that they have a large load and there is a need for those dynamic devices for safety reasons.

Mike Davis, the Wasatch County Manager, indicated that safety, welfare and health issues are the big concern here. We are working with UDOT in putting a lighted intersection there and the planning process has already been started and sometime in the spring that will happen. The Council needs to exercise caution in doing what the resident has asked for. UDOT has left it up to the entities to actually implement the restriction. Mike Davis also indicated that he will look into making a better map and look into the various roads that use this and then further discussion could be held regarding the issue.

Councilman Kendall Crittenden indicated that this could be added but it probably wouldn't do any good because under option one they would apply for a waiver and they would still be able to use the dynamic braking devices which they probably would need to.

Councilman Jeff Wade indicated that these dynamic devices are very essential for trucks to use which is a big safety device for keeping trucks under ten miles an hour heading down a hill. It is noisy and obnoxious but safety wise they are very helpful.

Councilman Kendall Crittenden made a proposal that we continue this to whatever time in whatever we need to do to get a decent map so that can be looked at and then get an idea where dynamic braking devices are prohibited in the County although they are in jurisdictions and not the County itself and then we can take a look at that and see if we want to do anything beyond what has been talked about tonight and Councilman Steve Farrell seconded that proposal. Chair Mark Nelson indicated that the map, etc., will be left up to the County Manager.

Councilman Kendall Crittenden made a motion to continue this item until we have further information. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Jeff Wade
AYE: Spencer Park

NAY: None.

Rick Henderson then made a public comment regarding the matter which was a professional truck driver needs to give their view on the matter and in monitoring the trucks, the trucks do come by on pretty regulated times in the morning but that would be pretty easy to see numerous trucks passing by about 6:00 to 7:00 a.m.

COUNCIL/BOARD REPORTS

All the Wasatch County Council indicated that they had no board reports this evening.

MANAGER'S REPORT

PRESENTATION ON MUNICIPAL SERVICES FUND CODE

Mike Davis, the Wasatch County Manager, then presented a power point presentation explaining the Municipal Services Fund Code and then indicated that when Wasatch County goes from a Class 4 County which population is under 31,000 permanent residences and that will expire the first of July. This matter will be looked at and possibly the County's classification will be changed. With regard to the new consensus that has took place last year that Wasatch County will become a Class 3 County. A change to a Class 3 County will require that Wasatch County will need to create a Municipal Services Fund.

The different departments that will be affected by this will be engineering, planning, building inspection and animal control. Potentially this could affect roads, overhead, sales tax and other revenues. Areas that will be ineligible will be property tax, building permit fees, state mental health, federal PILT.

Mike Davis indicated that studies will have to be done of other counties in regard on how they do and manage those funds that will be affected. These funds will need to be set up accurately, funded correctly and entities that are involved are funded correctly. Also the Municipal Services Fund is found under Utah State Code 34-17-41.

Also any money that is collected as a County through property tax cannot be used for those departments that I mentioned above which are included in the Municipal Services Fund and fees will have to be charged in those particular departments. This Municipal Services Fund will likely affect the 2022 budget for Wasatch County. Also Wasatch County could create a Municipal Services District and that district would then tax the unincorporated area for those services which is a potential. We will have to study that but right now we believe that Wasatch County will be alright just the way we are. That means that the taxpayer really wouldn't notice any difference. On the tax notice there would not be an increase in taxes but rather this fund would be created and then divert all the fees that are generated by this such as building permits all the fees that would be collected would go into the Municipal Services Fund instead of going into the General Fund. Mike Davis then indicated that the potential next steps would be to analyze services as required by state code, adjust fees of municipal services and create if necessary a municipal services district to levy separate property taxes or municipal services. This will be studied in the next six months and whether Wasatch County will become a Class 3 County has to be studied by the Lieutenant Governor but we will probably know what happens after July, 2021.

Sheriff Jared Rigby indicated that the animal control issue within Wasatch County needs to be looked into and studied.

DISCUSSION ON MEETING AND POTENTIAL AGREEMENT WITH SUMMIT COUNTY ON TRANSIT.

Mike Davis, the Wasatch County Manager, indicated that there has been discussions in the last few months on the potential of working with Summit County on a transit agreement. What is potentially being talked about with Summit County is a connectivity issue. If a transit system is in our County we want to be able to connect with other areas which is the purpose of a transit system and want that to be done regionally. A transit plan needs to be grown into because it is not something that can be done all at once. Also transit hubs are fully supported and fully compatible with what Wasatch County is trying to do here. We need to enter into an agreement with Summit County so that planning can be looked into and how it would be funded, etc. A proposal by Summit County has been made to hold a meeting with the Wasatch County Council and proposed on second Wednesday of February. Wasatch County could have a Zoom meeting and have more discussions about this potential transit opportunity. The Wasatch County Council indicated that they are okay with scheduling a meeting on the second Wednesday of February. Councilman Kendall Crittenden indicated that meeting could be made as part of our work meeting or work meeting even for that day.

CONSIDERATION/RECOMMENDATION FOR A RE-APPOINTING BOARD OF ADJUSTMENT.

Mike Davis, the Wasatch County Manager, indicated that he has a reappointment to the Wasatch County Board of Adjustment. Merry Duggin is currently on that Board of Adjustment and her term has just expired and she would like to renew her term which is a five year term and it is his recommendation that we approve to the Board of Adjustment.

Councilman Kendall Crittenden made a motion that we accept Mike Davis's recommendation to reappoint Merry Duggin to the Wasatch County Board of Adjustment for a five year term. Councilman Jeff Wade seconded the motion and the motion carries with the following electronic vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Jeff Wade
AYE: Spencer Park**

NAY: None.

CONSIDERATION/RECOMMENDATION FOR RE-APPOINTING JSPA MEMBER

Mike Davis, the Wasatch County Manager, indicated that there is a need to reappoint Steve Issowits to the JSPA Planning Commission because his term is up. Steve is an employee of Deer Valley and fills the spot on the JSAP Planning Commission for a person from Deer Valley. My recommendation would be to re-appoint Steve Issowits to the JSPA Planning Commission.

Councilman Steve Farrell made a motion that we go along with the Manager's recommendation and re-appoint Steve Issowits to the JSPA Planning Commission. Councilman Marilyn Crittenden seconded the motion and the motion carries with the following electronic vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Jeff Wade
AYE: Spencer Park**

NAY: None.

CONSIDERATION/RECOMMENDATION FOR MOVING FROM PART-TIME TO FULL-TIME POSITION ON THE PLANNING COMMISSION

Mike Davis, the Wasatch County Manager, indicated that there is a need to move a part-time board member to a full time member because Commissioner Joshua Jewkes has left the Planning Commission. It would be my recommendation that we move Wendell Rigby who is a part time Commissioner and move him to a full time Commissioner on the Wasatch County Planning Commission.

Councilman Spencer Park made a motion that we accept the Manager's recommendation and appoint Wendell Rigby to a full time position on the Wasatch County Planning Commission. Councilman Steve Farrell seconded the motion and the motion carries with the following electronic vote:

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Marilyn Crittenden

AYE: Chair Mark Nelson

NAY:

**MINUTES OF THE
WASATCH COUNTY COUNCIL
CLOSED SESSION
JANUARY 6, 2021**

Chair Mark Nelson indicated that Councilman Marilyn Crittenden has indicated that she would like to have a Closed Session to discuss personnel. The record should show that the Closed Session is being done by Zoom. The date is January 6, 2021 and all the Wasatch County Council is present with the exception of Councilman Danny Goode.

PRESENT: Chair Mark Nelson
 Councilwoman Marilyn Crittenden
 Councilman Kendall Crittenden
 Councilman Steve Farrell
 Councilman Jeff Wade
 Councilman Spencer Park

ALSO PRESENT: Mike Davis, the Wasatch County Manager
 Dustin Grabau, the Assistant Wasatch County Manager.
 Jon Woodard, the Assistant Wasatch County Attorney
 Ernie Giles, the Wasatch County Fire Chief
 Scott Sweat, the Wasatch County Attorney

The record should show that because this was a personnel matter no minutes were kept.

Councilman Spencer Park made a motion to leave the closed session and go back into the regular Wasatch County Agenda. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell**

NAY: None

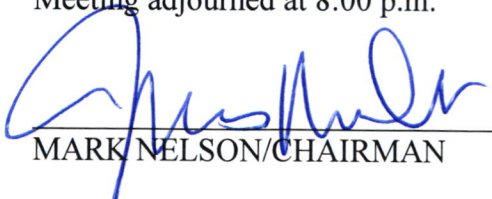
ADJOURNMENT

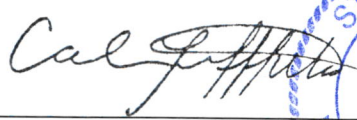
Councilman Jeff Wade made a motion to adjourn. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Jeff Wade
AYE; Spencer Park**

NAY: None.

Meeting adjourned at 8:00 p.m.


MARK NELSON/CHAIRMAN


CALVIN GRIFFITHS/CLERK/AUDITOR

