

**MINUTES OF THE
WASATCH COUNTY COUNCIL
FEBRUARY 7, 2024**

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

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

STAFF: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Jon Woodard, the Assistant Wasatch County Attorney
Wendy McKnight from the Clerk's Office
Scott Sweat, the Wasatch County Attorney
Todd Griffin, the Wasatch County Assessor
Rick Tatton, doing minutes

PRAYER: Councilman Luke Searle. Luke Searle also gave some remarks about the Constitution. Want to really be thankful for the rights that we have in the First Amendment which talks about the freedom of speech and freedom of religion is really important. The freedom for petition is really important. I am glad that we have these rights and grateful for them. Councilman Luke Searle then said the prayer.

PLEDGE OF ALLEGIANCE: Led by Councilman Mark Nelson and repeated by everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday February 7, 2024. And indicated that all the Council are present. The record should show that the Council is meeting in the Wasatch County Council room in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032.

THE OPEN AND PUBLIC MEETING AFFIDAVIT

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

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park then asked if there are any Administration agendas that need to bring before the Council.

Dustin Grabau, the Wasatch County Manager, replied that we have been in the process of issuing bonds for our Court House expansion project and one is at a future meeting we will need to consider the sale of those bonds. I would like to propose that we do that through direct purchase and do a competitive bid for a direct purchase and that option is short term higher interest rate with the ability when and if interest rates come down. That would be rather than locking in high fixed rates through a public offering even though it would have short term savings but would have a long term cost. We will bring you a future agenda item that has direct sale approval on it. I have talked about this with our financial advisors who is Zion's Bank and they would put out a request for bids and would receive bids from Utah Banks and those banks would give us their interest rate that they would be willing to provide and then once we get those interest rates we will come back for the final authorization. We are looking in the range of \$22 million to borrow. The State Court will be covering their half of it and working on the attorney's office with the agreement with them and want that locked up before we issue these bonds but the State has identified the funding and offered into this type of agreement. We don't have to update our credit rating on a direct purchase.

Chair Spencer Park then asked if there are any legislative items that need to put on the agenda at a future meeting.

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

Councilman Steve Farrell indicated that he has an item that he would like to put on for the third meeting in February. We need to go into SSA#1 and modify our contract with the Bureau of Reclamation and to include the Warren Act in it a portion of it so that we can store water in the Jordanelle Reservoir. That will be for consideration and approval.

Councilman Luke Searle indicated that he has an item that was brought to my attention with a company that is here in Heber called Ark Homes. They do a version what is called Tidy Homes or ADU's and would like the Council to take a look at our code and would like to work with the Planning Department to see what our current code is and review and see what potential changes could or could not be made and possibly that could be done by next meeting but if not at the March work meeting. Dustin Grabau indicated that he will work with the Planning Department and see if

we can put it on at next week's agenda.

PUBLIC COMMENT ON ISSUES NOT ON THE AGENDA

Sheriff Jared Rigby who is also our GOP Chairman indicated that this weekend we have the County Lincoln Day Event. The bottom line is that all of the candidates who are running for different offices will be here on Saturday at 8:00 A. M. The Heber Valley Railroad is helping us put that on event. This is the first time that we have held the Lincoln Day Event at the railroad and usually we do it at Shoulder Hollow and have a full breakfast there. This year we will have a keynote speaker from the porch of the Presidential Train Car at 8:30 A.M. and then we will all load onto the train in the various cars and go on a ninety minute ride and during that time the various candidates will circulate through the cars and visit with people. We will have breakfast and just going to be more condensed than it has been but will still serve that. This will be held on February 10, 2024 at the Heber Valley Railroad Complex.

APPROVAL OF THE MINUTES FOR JANUARY 17, 2024

Councilman Mark Nelson indicated that there is a change in one of the paragraphs in the minutes. It is on page 7 in the paragraph that starts Dustin Grabau the County Manager just needs a little edit. Dustin Grabau replied that sentence reads that to my knowledge that we have any other loans and that we do not have any other loans is how it should read.

Councilman Steve Farrell made a motion to approve the minutes for January 17, 2024 with the correction as indicated. 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: Luke Searle
AYE: Kendall Crittenden
AYE: Karl McMillan**

NAY: None.

COUNCIL

THE ANNUAL REPORT TAB GRANT RECOMMENDATIONS

Dallin Koecher, the Economic Development and Tourism Director, along with the Chamber of Commerce presented an extensive power point presentation and then addressed the Wasatch County Council and indicated that he has Jessica Broadhead also with him to make a few comments. Dallin Koecher there is a staff of six of us and we also have a board. Our mission is to unite and connect with businesses in the valley. We were just a little over \$2.5 million with regard to our revenue. We try to keep our operations to about thirty percent of our budget or less and mostly goes to activities that we do. This our 2024 budget allocations and about thirty-three percent goes to operations and seven percent goes to chamber and six percent to economic development and fifty-five to marketing and then that marketing is broken down more. The Chamber revenue is from membership dues. We do provide the man power for the Chamber. We rely on transient and restaurant taxes to help with our revenue. The board receives the applications and then make their recommendations.

Jessica Broadhead, one of the staff members, addressed the Wasatch County Council and indicated that the application for money opens up October 1st and is open from October 1st to January 1st and the purpose of this grant is to help events and market their events outside of Wasatch County. Also by helping these events we hope will come back full circle to our office by helping these events be successful. We have \$50,000 to allocate and this year we had a little bit more. We hold interviews and we review all of the applications with the board that we have and those happen in January. That board then gives a recommendation for each one of those and there are different criteria that has to be met like the marketing strategy that they are proposing and the time of year that they are holding their event and the contribution to the community and some other criteria that needs to be met. This year we had fourteen applicants with a total ask of \$86,500.00 and were able to award \$70,000 this year. There was one event that was not awarded and it was the Utah Valley Marathon. Jessica then indicated how their marketing works and what they use for the marketing process. We are estimating that with regard to the restaurant tax we have collected \$1,193,122 which is a twelve percent increase. Jessica then went through the room tax collection again estimated for 2023 and that is just shy of four million. The winter market is the best here in Wasatch County. We need people to spend their money here in Wasatch County through tourism.

Dallin Koecher then indicated that a big thing is the economic benefit of tourism and it gives us a chance to show our heritage and share our heritage through Swiss Days, etc.

Dallin Koecher then indicated that some of the things that we partner with to make Wasatch County be successful are the CRA, Heber Valley Expo, Downtown Plaza area, working with different businesses to be successful, helped businesses pay for places to work, we have a program that we work with students who will work up to 600 hours in a two year period to help them with further training and occupations by keeping their grade point average up and then they can apply for up for a \$2,000 scholarship. Last summer were able to award \$60,000 worth of scholarships.

Councilman Steve Farrell asked that on the \$6 million we are bringing in through transient room tax and with restaurant tax do you have any idea how much is coming from the valley and how much is coming from the Jordanelle Basin. Is there a break down on the percentage? Dallin

Koecher replied there is the St. Regis, Air B &B's, and others. Councilman Steve Farrell asked about the percent of our sales tax that comes into the valley and how much is tourism related. Dallin Koecher replied that 30.5% of local sales tax revenue comes from tourism.

Councilman Mark Nelson replied that he has heard that over half of the sales tax comes from non-residents of Wasatch County and don't know if that is true. Dustin Grabau replied that this number is reflective of percentages of the transient room tax and restaurant tax.

Councilman Steve Farrell asked that with respect to economic development what you are still doing to help with business retention and growth. Do we have a program such as that still going in Wasatch County or a loan program? Dallin Koecher replied that we don't have any loan programs going and haven't seen any programs like that from our office.

Councilman Mark Nelson replied that MAG still has that loan program going. Also that surveys, especially on line surveys, are not a measure of facts but a measurement of people's opinions and that can also serve as a guide in how to communicate and what the public thinking is and there is some messaging there that needs to happen to be more accurate.

Councilman Luke Searle replied that tourism has impacts and some of them are negative but there are a lot of positives that go along with those. Dallin Koecher replied that we need to create a place where people want to shop and spend more of their dollars.

Councilman Steve Farrell made a motion that the Council ratify the recommendations of the tax advisory board (TAB). Councilman Mark Nelson 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.

PRESENTATION AND DISCUSSION OF THE MIDA PROJECT AREA STATUS

Dustin Grabau, the Wasatch County Manager, indicated that we have Heather Kruse here from the MIDA staff to give us a presentation on the project area and give you a general over view and some members of the MIDA staff joining us on line as well.

Heather Kruse, member of the MIDA staff, presented a power point presentation and then indicated that she will do an update, some highlights from last year and then where we are going this year with the MIDA project area. Just a few quick highlights and some of it is old news for you but I think it is worth mentioning since the last time we were here in October.

Deer Valley has been announced as the mountain operator they are going to be leasing the ski lands from Extell and will be operating the ski operations there. They are under way with doing some of their mountain improvements with lifts and also snow making and getting that under way so we can get that open. The hotel that we have all talked about as the NWR Hotel also now has an operator the Deer Valley Grand Hyatt and they are on target right now to be opening in 2024 of this year. So we are very excited to have that. Another item that happened last year was Extell entered into a conservation easement with Utah Open Lands conservation easement which retired 668 ERU's and is protecting recreation in perpetuity on about 3100 acres there. As was eluded by both Dallin and Jessica the new village name for what we have always called the Mayflower Resort is now going to be known as Deer Valley East Village. So that was just announced here a few weeks ago as well. One other thing that I would like to point out as a year-end number for 2023 moving into 2024 we now have 698 certificates of occupancy within the project area which is a great number and a great achievement and want you to know that those are residential certificates of occupancy.

Heather Kruse asked where we are going. I am just going to do a quick over view of some of the different projects that we have going on and the map that refers to some of the different public infrastructure districts as noted on there. The conservation easement as noted on there. The frontage road which everybody can see as they are driving on Highway 40 right now is well underway. We just had a meeting today and are happy to say that the first phase which takes us under that north underpass and down on the west side through the interchange and down to the south portal entrance and does not take us under the south portal as yet. That should be delivered to us by the end of this year. We will begin the work underneath that south portal and the 319 connector that takes over to the road that accesses down to the state parks. We are going to begin work on that. We are in design mode with that right now. The next thing that we have been working on as a big project for us the MIDA Mountain Village PID (Public Infrastructure District) and MIDA will be operating that and that does cover and you can see that on the map and it is mostly the ski village area and also covered the Pioche Village but we will be taking care of roads, storm, sewer, sidewalks, those type of things kind of municipal services. We are identifying right now what that inventory is of infrastructure and then we will be determining from there how that should be handled from a maintenance and operation standpoint. But we expect that to be operational the end of 2025. The Jamar Recreation Project which is of interest to you guys so that is partly recreation and partly where the affordable housing will be going over there on the east side of that south underpass. As far as the recreation goes that is identified to be on the tailing ponds there. We have done some geotechnical testing so we are getting underway with now identifying what we could do for recreation and getting a work plan put together that we can put in front of DWQ for their input and approvals. That is probably going to be a multi-year phase project but we are well under way with that. The affordable housing piece that is kind of on that south side of where the

319 collector road will be over there. We are joining up or teaming up with Extell and putting a study together right now to figure out what is the right type of project and the right number of products for workforce housing and for affordable housing in that area. As I said that 319 collector runs through there and so we are working that and that is going to be a busy part of this year or that will be used for a lay down area, staging area as well for some of the construction that is going to be starting to take place within the skier complex which I will come back to.

We currently have seventeen units that are affordable housing and they are available in the Pioche Village. Just to keep on track with the affordable housing being there we are looking to work with Extell to purchase Building D which would give us an additional 25 affordable units within that building and that is something that we are currently working on hoping to maybe get finished this year.

There also is a equestrian center PID and that is going up in the Sky ridge area that is something that we have issued bonds for because that helps round out that four season recreation that we have all identified within the JSPA area and with our project area as something that is important. The riding arena is well under way and expect that to be finished here by the end of the year. The barn unfortunately had a setback we know with the fire that happened there and they have not released the building back to Morton so they can go and clean it up and go and investigate the footings and foundation to see what kind of shape those are in and Morton getting ready to put back into production the components for the barn to be delivered and get that construction underway this year as well.

The golf course itself is graded out if you drive out there and you can see how it is all laid out and going to be seeding that out this summer and the opening target date is Memorial Weekend of 2025 along with the opening of the club house itself.

The lodge that is part of that PID they are ready to be going to ask for their final site approval in March. Sky Ridge is currently working with the JSPA Planning Commission and JSSD to get some final things figured up and they will go for that final approval there.

We also continue to work on our trails initiatives within the project area. One of the things that we would like to point out in partnership with Wasatch County, with State Parks, and with some private developers we were able to finish the trail head this last year and so it is now a paved trail head that gives you access into the perimeter trails there at the Jordanelle Reservoir state park there. We continue to look to identify more of those trail initiatives that we can work on partnering with them.

Heather Kruse wanted to bring you some updates also specifically in the Deer Valley East Village just some highlights that they have shared with us that I wanted to share with you and pass along. The Rocky Mountain Substation that they have installed out there is live and fired up and is operating. Dominion Energy is continues to lay down their gas lines. The Pioche Village residences have been condo minized and have closed 32 units already so that is Buildings A, B, and C as I said earlier. Building D we are looking to reserve for affordable housing. The Grand

Hyatt is scheduled to be opened later this year. They are currently interviewing for GM's so we hope to have that staff in place also. The Y Hotel is another one that is going to be coming on line so down there located down there by the gondola building, the existing gondola building just off the west side of the north underpass there. They are coming to the DRC for their site plan approvals next week and then once they have site plan approvals they will be going for their building permit as well and getting that under construction. Then back to the skier services down in the center and the heart of the village itself. Lot 27 which is on the west side of the skier services they are in design right now with ODA working on a foundation package to be reviewed and then also Lot 5A which is the five star which is if you go past our Deer Valley Hyatt right now it is on the cul-de-sac and they are also in design with KPF as the company.

Heather Kruse indicated those are the major of highlights. There are a lot that is coming and what is important to you is we will now start to see some of commercial coming on line and getting some certificates of occupancy. Hopeful with the Grand Hyatt this year and then moving into next year with our other hotels. I think that is everything. If you guys have questions I am happy to take them. Paul Morris is also on line and Paula Eldridge on line if you have any questions.

Councilman Steve Farrell asked with that property you bought from Mayflower there was some affordable housing contract and commitments who is going to honor them? Is MIDA going to own them or is that an Extell project. Heather replied that is Extell but we are partnering with them to make sure that gets done. Right now what we are working on is as I mentioned earlier that study that we are put together because I believe it is July of this year that we need to put forth a site plan for what that is going to look like and we are tracking for that.

Councilman Steve Farrell asked does that still work within the time frame that we set. Dustin Grabau replied that I think the intent is for them to actually exceed the original requirements for affordable housing, workforce housing and we are pretty optimistic with that. Councilman Steve Farrell replied that he knew that Lee Burbidge is coming up on a dead line. Heather indicated that actually has been replaced by this agreement, the Mayflower Stitching property was bought by Extell and they absorbed Lee Burbidge Sky Ridge. Dustin Grabau replied that there was a release of those so they no longer have that but has been accepted by this project. That has all been outlined in the Interlocal agreement we adopted last year.

Councilman Steve Farrell replied that in that same transaction there was another piece of property up by the Fire Station that we called the Lon Property, has there been any determination and I guess MIDA owns it or Extell. Heather replied that Extell owns it. It was purchased by Extell and we have not seen what their plan is yet. It will be mixed use it sounds like. It was purchased by the developer who also purchased the estate lots six through ten which were part of the skier services there.

Councilman Steve Farrell asked that just south of the Pioche apartments along the highway there is a big framed building going up and what is that? Heather indicated that those are the town homes. That would be the Magelby development company.

Councilman Luke Searle indicated that as he went up there as new Council Members and there was negotiations of those years that by the end of this year like a soft opening does that sound pretty crazy in your mind? Heather replied that is quite wonderful and it is finally coming to fruition and going to be moving out of the planning stages into the execution and the operation and that is what we have been striving for and so we are very excited about that.

Councilman Luke Searle indicated that with that soft opening and be able to learn different things such as transit and would like to see what the plans with that and what stages that is in and how people are getting in and out that first year. Heather replied that those things are definitely in the works and there is already within the day skier parking an area that has been ear marked and is going to be built for a transit stop to accommodate buses, etc., so that will be under construction and whether that is by the end of the year and I don't know.

Councilman Luke Searle asked what the future plans are for MIDA in housing your staff. Heather replied that frankly from the set up MIDA has been set up that we all work remotely and we do have a central office in Kaysville and our home base and really where we have the record keeping and those types of things but MIDA was designed that we can work remotely so that housing issue for our staff and in particular is much easier to resolve. We have got folks literally all over the state.

Councilman Mark Nelson asked that down on the more south end Extell a couple of years ago purchased a lot more land that is around here on the south and west sides. Are there any plans for that or any trail system? Heather replied that they actually have about fifty miles of trails that they will be cutting in which will be a hiking and biking trails and they are currently working right now and we just had a meeting on trying to figure out how to connect the paved trail that comes off from the state parks by Midway there, Pine Canyon Road and they are working on that connection to then tie into the trails that they will be building as well. Eventually you will be able to go over the top of the mountain and down into ski village area and quite frankly you could jump on the paved trail and go clear into Park City.

Councilman Steve Farrell replied isn't that part of the thirty-three hundred acres that they put into those open space conservation easement. The 690 ERU's were retired. Was that part of the original fifteen hundred and ninety that they were given? Heather replied that was part of their original density. Councilman Steve Farrell so we are back to less than nine hundred ERU's in the whole project. Heather replied that is correct. Councilman Steve Farrell replied that kind of eliminates development coming over the Empire Pass going into Wasatch County.

Councilman Mark Nelson asked are there any applications for work going on for communities or properties trying to be included in the project area. Heather replied no but we have had some interest but nothing has come of it.

Councilman Steve Farrell asked have there been any consideration to take in the east part subdivision as part of the MIDA area to try and help us alleviate that problem. Heather replied that nobody has approached us about wanting to do that. Councilman Steve Farrell indicated that this has been a long time coming over twenty years.

Councilman Mark Nelson replied that the thoroughness and professionalism of this project has been great.

DISCUSSION AND CONSIDERATION OF A CSPACE BOND REQUEST

Dustin Grabau, indicated that the applicant has requested or withdrawn their application of a CSPACE Bond.

CONSIDERATION OF AN INTERLOCAL AGREEMENT FOR ROAD MAINTENANCE OF DEER MOUNTAIN BOULEVARD.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that Terry Ekker has been going through and figuring out the status of a lot of roads and making sure that we are plowing things that we have B Road funds on and agreements are in place and things like that. In the course of auditing that he figured out that there is a part of the road in Hideout up by Todd Hollow and there is a portion of a road there that has been a Class C Road that is in Hideout's jurisdiction since Hideout was incorporated but the County has been maintaining it for all that time and Hideout has been getting the C Road funds on it. There is another little piece towards the Jordanelle that has been getting B Road funds for it and it is technically in Hideout and there has never been an agreement saying why it is still a B Road and what this does is clean it up. We are going to continue to maintain that road and start collecting the funds for it and provisions of state code that allows for the entities to agree to treat it as a Class B Road and some provisions in there and if there is anything that would impact the County in regard to maintaining that road it has to go through the County and protects us in that sense. The agreement goes on for fifty years so it is intended to be indefinite but either party can pull out with one year notice and if anybody is not happy with the arrangement they are not stuck with it. It has got a bunch of legal stuff that people are protected in that sense. If you would like to approve this I would ask for an acceptance of this as a first reading since it is an ordinance and put it on another agenda. Excuse me it is an Interlocal agreement so we could just adopt it tonight and the ordinance is the next one on the agenda.

Councilman Kendall Crittenden made a motion that we accept the Interlocal agreement for road maintenance of the Deer Mountain Boulevard between Wasatch County and Hideout. Councilman Steve Farrell seconded that 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.

CONSIDERATION OF AN ORDINANCE GRANTING A FRANCHISE AGREEMENT TO QUEST CORPORATION.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that there are a few minor provisions that have been changed from what you have seen before and this is regarding Century Link and Quest giving them a franchise to all County roads. Specifically they were concerned about that there is a policy that we have and there is an open trench and there is somebody else needs to run utilities Quest needs to allow them to use that trench too and they didn't like that and we came up with an arrangement that allows that to move forward on terms that Quest was happy with. This is Century Link so this would be fiber. This would be a thirty year term but automatically renews for a twenty-one year term so it expires at the end of that.

Dustin Grabau asked if anyone that is on line that would like to add to this comment and there was none.

Councilman Steve Farrell replied that we don't know if this is a modification to an existing ordinance or it is a new ordinance. Jon Woodard replied that this is a stand-alone franchise agreement and does not make reference to terminating any existing franchise agreements.

Councilman Steve Farrell asked that we haven't issued another franchise agreement to a different company? Jon Woodard replied that I am not sure about the answers to that. Councilman Steve Farrell replied that it is unusual to have this done to the roads without having some agreements. Jon Woodard replied that this does allow for any subsidiaries of Quest/Century Line to use this franchise agreement but I am not sure if there is any existing stuff. Dustin Grabau replied that we can do the research between now and the second reading. Councilman Steve Farrell replied that he would like to know that.

Councilman Steve Farrell made a motion that we go ahead and approve the first reading of Ordinance 024-01 and set for a second reading on the third meeting of February 21, 2024 for the franchise agreement with Quest. 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.

Whereupon, the Wasatch County went into acting as the Board of Equalization.

**WASATCH COUNTY COUNCIL ACTING AS THE
BOARD OF EQUALIZATION
FEBRUARY 7, 2024**

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

Board Chair Spencer Park indicated that we are now in the Board of Equalization to discuss one matter.

**DISCUSSION AND CONSIDERATION OF AUTHORIZING GREENBELT
VALUATION CORRECTIONS**

Dustin Grabau, the Wasatch County Manager, indicated that in December 2023, the County Council authorized corrections to be made to miss valued greenbelt properties to be identified by the Assessor. These properties had incorrect values in 2022 which affects their rollback amounts in successive years. The Board of Equalization is required to act to abate these taxes. The following parcels have been identified as those subject to this error and in need of correction. They are 20-4878, 20-9607, and 16-2599. We previously gave kind of a general direction that the County Assessor could identify parcels that needed corrected valuations for previous years and this case a

parcel received an evaluation in 2022 that was erroneous but it was paid then in 2023 it was corrected but the roll back taxes because they go back retrospectively we would need to retroactively amend the amount of those taxes that corrects the roll back amounts to be accurate. There are three parcels included and owned by one person Mark Spencer.

Councilman Mark Nelson replied that this is really just a correction. The Treasurer has asked that the Council acting as the Board of Equalization officially abate the taxes for the year 2022 on these three parcels. Dustin Grabau indicated that there are more parcels that are subject to the same error but aren't subject to the current roll back and so we may come back in the future and I think there are some that are in the process.

Councilman Steve Farrell replied that this is kind of confusing because we are not abating the taxes. The taxes have never been levied. The only reason the tax be levied because they changed the use of it at this point and time but the tax for the year was based on Greenbelt value. Dustin Grabau replied that the basic situation is that the parcels were assessed a value in 2022 and then that value was corrected in 2023 but because it was in a green belt where their taxes are calculated on the green belt use and the economic viability of those green belt uses and why they have not noticed that it was assessed for a much higher value in 2022. The roll back value was based on the previous five years of previous market values. When you take it out of green belt you don't get the benefit of not paying the taxes for the previous five years and you have to pay those taxes. In this case the 2022 taxes were in correct. What you are being asked to do is to I guess confirm the abatement of what would have been those taxes.

Board Member Steve Farrell replied that what we are doing is correcting an erroneous assessment for tax year 2022 and making the correction but not necessarily abating the tax, there is no tax. Dustin Grabau replied that they are subject to roll back but would like to pay the roll back on the fair market value. This party had an accurate assessment in the 2023 taxes it was just those previous years.

Todd Griffin, the Wasatch County Assessor, indicated that the 2022 year was too high and the technical term for that is would be an erroneous assessment which you guys have the authority to fix. You are basically allowing a modification of the taxes owed for 2022 due to an erroneous assessment. Board Member Steve Farrell replied that would be a modification to a tax year to issue the roll back for 2023. Just a change in value of one of the five years. Todd Griffin replied that this could happen for another two years until the five year cycle kicks them off. That is the way it works.

Board Member Steve Farrell made a motion that we go ahead and authorize the changes and I don't like to use the word abate the tax because we are really abating the taxes but we are allowing a change into the numbers that go in to create the roll back the valuation correction. Board Member Karl McMillan seconded that motion and the motion carries with the following vote:

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

NAY: None.

Board Chair Spencer Park indicated that the Wasatch County Council is back in regular session for the Council matters.

COUNCIL

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that in the senior advisory board they asked if it was possible to have a voting box at the senior citizen center like is out here by the administration building. That is already in the process.

Councilman Kendall Crittenden indicated that the preparedness self-reliance fair is March 23, 2024 at 9:00 a.m. to 1:00 p.m. at the high school and issue conference is March 6, 2024 this year.

Councilman Kendall Crittenden indicated that it is time again for meals to seniors is in March called the Meals on Wheels Delivery. That is the week of March 18 to March 22. If you would like to go let me know so we can get the assignments taken care of and suggesting March 21st. Councilman Mark Nelson, Councilman Erik Rowland, Councilman Kendall Crittenden, Councilman Karl McMillan, Councilman Luke Searle, indicated that they wanted to go.

Councilman Kendall Crittenden indicated that Heber Light and Power every year they write off street light expenses for the jurisdictions in Wasatch County and this past year they wrote of for County charges \$23,128.05. Heber Power asked that we should pursue their street lamps to LED and Heber is on for next year. Dustin Grabau replied that we are looking for a standard for our street lights and would need to budget for replacing all of them with regard to Wasatch County.

Councilman Kendall Crittenden indicated that the MAG CBDG program for the 2024 to 2025 year and we have about \$600,000.00 that we get per Wasatch and Summit County. This year there was only one applicant and this has helped a lot of residents in the two counties.

Councilman Kendall Crittenden indicated that UDOT had their public meeting last Monday on the improvements around Deer Creek. Most people are okay with what is going around the lake and little less than two mile stretch that comes off from Highway 40 down 113.

Councilman Kendall Crittenden indicated that there was a meeting with UDOT last week regarding the bypass route and are looking at the new travel demand study and they are opening that up and so the new date is being set and we won't see the EIS until the end of 2024. We asked them for a phased approach.

Councilman Kendall Crittenden indicated that with regard to the RPO meeting that was held Monday and talked about the Wasatch Visioning Process. What was decided in the Monday evening was that we were going to take it back to the planning their technical committee and have them look at it. We need to have two individuals from each entity and that will be looked into to sit on the committee.

Councilman Kendall Crittenden indicated with regard to the senior citizens Thursday March 14, 2024 is pie day. They are going to an activity as a fund raiser on meals on wheels which will give the senior citizens a chance to throw pies at the Council. Councilman Steve Farrell indicated that there should just be one Councilman to participate in that.

Councilman Kendall Crittenden indicated that Councilman Mark Nelson, Chair Spencer Park and myself got an e-mail from Mike Johnston and would like to hold a meeting this next meeting with the three of us looking to develop the 700 acre SITLA property at Little Pole and the 4,000 acre Christensen Mountain property to the north. Councilman Karl McMillan will take Councilman Mark Nelson's place. Councilman Karl McMillan indicated that he doesn't see the value of doing that meeting. Dustin Grabau replied that if they are talking about development and would encourage him to go through the necessary process for this.

Councilman Kendall Crittenden indicated with regard to the Harvest Village Development there were wonderful things discussed in that development which is part of the Crossing Annexation and a little piece that we have all looked at across from the Hiner property. Councilman Steve Farrell replied that this is in North Village. Councilman Kendall Crittenden replied that it was in a work meeting with Heber City and it has to be annexed into Heber City is the question.

Councilman Luke Searle indicated that with regard to the library they are going to be working on a capital facility plan with those extra funds that are available. Next Monday I am going on a field trip to the Youth Sports Alliance that came to us in the summer and there are activities going on in the winter and will have a bus full of kids that they send from Wasatch and go every month to

see their program and talk to them and planning on doing that on Monday afternoon and if any of you guys are available let me know. I went down to the State Capitol and one bill HB292 snow plow amendments and one issue came up with regards to having overhead lighting on snow plow trucks. We need to be supportive of that HB292 Bill.

Councilman Mark Nelson indicated that these are two things that I would like the Council to think about at our next work meeting on Wednesday and one is with regard to Memorial Hill and people would like to add more names to the names on the Memorial Hill and no space to do that and would like to have a discussion about that during a work meeting. Dustin Grabau replied that we created a subcommittee to deal with Memorial Hill and you probably could meet with that group first. And we will set up a meeting regarding that. The second thing is that the Cowboy Poetry Festival seized and did not happen last fall and we discussed having some kind of an event and would like to talk about that in a work meeting and throw out where my thoughts are concerning that. Also next Tuesday is the Chamber Lunch where once a year some of the elected leaders give a little five minute presentation and Councilman Erik Rowland has agreed to do that this year at that lunch and the Heber and Midway mayors will be there as well as Councilman Erik Rowland

Councilman Erik Rowland indicated that with regard to Item No. 3 that was continued that Kate who is here has some comments to make and we possibly could have that discussion on a future work meeting.

MANAGER'S REPORT

DISCUSSION AND DIRECTION OF A PRE-APPLICATION PID PROJECT

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that this is for application for phases three through six of Ben Loch Ranch and you received a packet for the information that they provided as part of this. Part of why this is a pre-application is that part of the application process requires them to submit a retainer so that we can employ our financial advisor and bond attorney to review documents as well as creating a governing document for it. Rather than encouraging them to go to that effort I thought it would be worthwhile since we have not adopted a PID (project initiation documentation) to review this briefly with you and to get your indication if you were interested in seeing the governing documents for this PID and if you felt like we were on the right track for aligning with the priority that you identified in your policy. I raise this because I think we had largely tried to communicate to the development community that projects that we did in the policy that we mentioned exclusively that residential projects would not be allowed and this has some commercial component to it and we wanted to talk to you if you wanted me to encourage them to go one route or another or if you want to actually see the governing documents that might be proposed. This proposed development has outlined as the space through six of this and they plan to include commercial components of a club house, a restaurant, food and beverage area, health spa, daycare facility, public ski lift with access to tubing, mountain biking trails, hiking trails, a county fire

station and there are in addition 751 single family lots planned within a significant amount of open space at approximately at 2:1 ratio.

In this case we could do something like forming a subcommittee of you as Council Members and put this on a future work meeting agenda to dive into greater detail if you had specific feedback. We do have time to do that next week. Councilman Steve Farrell replied that he would rather do that and discuss some of the items before the applicant came. If we start opening this up for single family we are going to have every applicant, every subdivision in the County come and say that I want to do that. Dustin Grabau replied that we have tried to communicate that to most of the applicants that our intent is not for every project to do it and these are things that go above and beyond the policy is outline that way they have to meet exceptional criteria to qualify for it. We have a lot of latitude under our policy.

Councilman Steve Farrell indicated that if we could break commercial components the club house, the restaurant, and the health spa into one phase and say that we will fund that phase. Dustin Grabau replied that the challenge that they are going to have is that this particular project has a long road that services the residents and that is what they are attempting to fund.

Councilman Erik Rowland replied that I think that a lot of that thought process is right. Just a first path as you receive this I would love and if they do not include and specifically call out some of that exceptional criteria like how will this significantly benefit the County. If that is not even presented in a way that is clearly outlined I don't want to try to interpret for them that significant benefit to the County. If that doesn't include that my proposal that it be sent back at least in your application and give us so that we can see that. Dustin Grabau replied that is really helpful feedback and part of what I was hoping to get out this process because we haven't really established what your criteria is. So the policy established the process and the process is that I am evaluating with our financial advisor and bond attorney the completeness of the application and general fit and because we haven't adopted one I want to let you have eyes on it does this adequately demonstrate. What I am hearing from you, at least Councilman Erik Rowland that this doesn't clearly identify how it meets those policy priorities as established in that and would be happy to respond to them in that feedback if they could identify how they met those policy priorities.

Councilman Karl McMillan replied that is a lot of them that we have seen lately and don't ever present a clear policy of how they are going to benefit to the County and if you haven't got something right up front to get my attention to go through so then why am I here and skipped over this to get free money.

Councilman Luke Searle replied it is important for us to identify what that is for us.

Chair Spencer Park replied that I think it is safe to say that the Council is not really encouraging this for residential and come back with more defined benefits and if they still want to do that we can hear them on a work meeting. Dustin Grabau replied that when we adopted our PID policy there was not any formal state programs that mirrored PIDs. I believe the one in the State, outlines

and would have to pull up the details of it and it outlines what infrastructure can be financed and the criteria that they have to do.

Councilman Steve Farrell asked if the State's bill matches anywhere near the draft that we are working on. Dustin Grabau replied that it is much more lax in that many developments are going to qualify for it and that is the state's intention but I think it does better than previous state codes that we have seen is protecting future property owners. If the State PID gets adopted and we might want to revisit our PID policy if there are things that we still want to standby above that existing program or future existing state program. We could say this to this development that option might be our preferred route for them rather under a County PID. I will provide that feed back to the developer.

CONSIDERATION OF REAPPOINTING MEMBERS TO THE BOARD OF HEALTH.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that currently there are two members of the Board of Health who are up for reappointment. The Board of Health met and made the recommendation to reappoint these two members, Dr. Neal Burton and Britt Manning to the Board of Health. These two reappointments make all seats on the Board of Health to be occupied.

Councilman Kendall Crittenden made a motion that we accept the Health Board recommendations for Dr. Neal Burton and Britt Manning to be reappointed. Councilman Mark Nelson 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.

Councilman Spencer Park indicated that we need a closed session to consider personnel, property acquisition and litigation.

Councilman Steve Farrell made a motion that we go into closed session to discuss property acquisition, personnel and litigation. 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.

**MINUTES OF THE
WASATCH COUNTY COUNCIL
CLOSED SESSION
FEBRUARY 7, 2024**

Chair Spencer Park indicated that the Wasatch County Council is now in closed session to discuss property acquisition, personnel and litigation and the record should also reflect that the Council is meeting in Closed Session in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84302.

PROPERTY ACQUISITION

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

STAFF: Dustin Grabau, Wasatch County Manager
Jon Woodard, Assistant Wasatch County Attorney
Scott Sweat, the Wasatch County Attorney
Heber Lefgren, Assistant Wasatch County Manager
Wendy McKnight from the Clerk's Office
Tiarra Cooper, from the Managers Office

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council regarding Property Acquisition and indicated that.

LITIGATION

PRESENT: Chair Spencer Park
Mark Nelson
Karl McMillan
Erik Rowland
Steve Farrell

Kendall Crittenden
Luke Searle

STAFF: Dustin Grabau, County Manager
Heber Lefgren, Assistant Wasatch County Manager
Jon Woodard, the Assistant Wasatch County Attorney
Scott Sweat, the Wasatch County Attorney

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council in closed session to discuss litigation and indicated that

PERSONNEL

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

STAFF: Dustin Grabau, the Wasatch County Manager
Scott Sweat, the Wasatch County Attorney
Jon Woodard, the Assistant Wasatch County Attorney

Dustin Grabau, the Wasatch County Attorney, addressed the Wasatch County Council in a personnel matter and no minutes were kept of the personal matter because of the sensitivity of the matter.

Councilman Karl McMillan made a motion to leave our Closed Session and go back into our regular session. 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

ADJOURNMENT

Councilman Steve Farrell made a motion that we adjourn. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Meeting adjourned 10:00 P.M.


SPENCER PARK/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

