

**MINUTES OF THE WASATCH COUNTY COUNCIL
ACTING AS
THE GOVERNING BOARD OF THE BRIGHTON ESTATES
SPECIAL SERVICE DISTRICT
OCTOBER 6, 2016**

PRESENT: Board Member Kendall Crittenden
Board Member Greg McPhie
Board Member Kipp Bangerter
Board Member Mike Kohler
Board Member Danny Goode
Board Member Mike Petersen
Board Chair Steve Farrell

OTHERS PRESENT: On list attached to a supplemental file.

STAFF: Rick Tatton-doing minutes
Kierstan Smith-Financial Officer
Eliza McGala-Treasurer
Theresa Baronek-Secretary
Dana Kohler-Accounting Clerk
Ron Phillips-General Manager

Board Chair Steve Farrell called the meeting to order at 5:00 p.m. and welcomed those present and called the first agenda item.

REGULAR SESSION

APPROVAL OF THE MINUTES OF SEPTEMBER 1, 2016

Board Member Mike Kohler made a motion to approve the minutes of September 1, 2016 as written. Board Member Kipp Bangerter seconded the motion and the motion carries with the following vote:

**AYE: Board Chair Steve Farrell
AYE: Board Member Kendall Crittenden**

AYE: Board Member Kipp Bangerter
AYE: Board Member Mike Kohler
ABSTAIN; Board Member Mike Petersen
ABSTAIN; Board Member Danny Goode
ABSTAIN: Board Member Greg McPhie

NAY: None.

ACTION ON THE BRIGHTEN ESTATES MASTER PLAN

Board Member Danny Goode indicated that the Governing Board of the Brighton Estates Special Service District may want to postpone this matter until our legal counsel has had an opportunity to review the claims about the creation of the district. Board Chair Steve Farrell indicated that has been taken care of has it not Ron Phillips. Ron Phillips, the General Manager, indicated that whatever happens regarding that the Master Plan can be discussed and approved.

Board Member Danny Goode made a motion that we postpone of the Brighton Estates Master Plan until legal counsel has had an opportunity to give us an opinion about the legalities of the creation of the district.

Chair Board Steve Farrell indicated that in reviewing the complaint that claim if there is an issue it ought to be with the Lieutenant Governor not necessarily with Wasatch County because it was approved even though there are allegations that we were incorrect on the timing of it. Also there is a time period for an appeal and that was not met.

Board Chair Steve Farrell indicated that a motion was made and there was no second so it failed for the lack of a second. So Ron Phillips, the General Manager, will you walk us through the information.

Ron Phillips, the General Manager, addressed the Governing Board of the Brighton Estates Special Service District and indicated that the Master Plan deals with the cost of three different functions that are necessary for Wasatch County to be able to legally issue building permits in the area. The first one that was examined was the cost of improving the roads to Wasatch County standards and for fire protection. That cost is about \$4.5 million. Storm Drainage was also examined and that cost was about \$416,000. Then the Culinary Water System, the estimated construction cost for the system itself is a little over \$6 million so those three together are around \$11 million total. What is not contained within the Culinary Water matter is the potential of having to acquire water rights and if that was to be done that would be another \$8 - 20 per acre foot in acquiring water rights. Ron also indicated that if you include 444 lots in the development which not all of them are in the district but if you include all of those which would be around \$25,000 a lot without the water rights being included. If you include just those lots that are in the Brighton Estates Special Service District boundaries it would be around \$36,000 a lot. Ron also indicated that is quick summary of what a Master Play says.

Ron Phillips also indicated that with regard to financing these costs there are at least two options and maybe only one. The first option would be to issue bonds for an assessment that would go over a period of time, ten years possibly and that would have interest added to it and bond issuance costs. If the assessed value of the areas to be included doesn't meet the state standard then that would not be an option and that has not been examined as yet.

Board Member Mike Petersen asked if the majority of the property owners are the ones that is pushing this or is there enough support to move ahead with this with a cost of \$25,000 per lot. Just where does everybody stand on this matter. The majority of those that were present indicated that they were opposed to this Special Service District.

Board Chair Steve Farrell indicated that as of right now there is only 307 lots in the Special Service District and the others opted not to be included so they can't be included in the cost. So the cost that would be looked at per lot for those inside the Special Service District of \$36,133 per lot. If lot owners owned their own water rights there would be no additional cost but if lot owners don't have the water rights now it is going to range between \$8 - 20 per acre foot. Board Chair Steve Farrell also indicated that he asked the Wasatch County Assessor to calculate the value in the 307 lots that was in Brighton Estates and looking at a market value of around \$13 million total. In order to make this work there would have to be a value in excess of \$34 million dollars which is a three to one ratio. Also a Special Service District does not have taxing authority. Also there is an indebtedness of \$36,000 to do the study. The legality needs to be looked at to see what can be done here.

Board Chair Steve Farrell indicated that the board will take just a few short comments.

Rick Johnson, property owner in Brighton Estates, addressed the Governing Board of the Brighton Estates Special Service District and indicated that they have signed petitions that you all are aware of that are focused especially with the blue and white lots. Right now if the yellow ones are included Brighton Estates is well over fifty percent that do not want this Special Service District established. Also there is a big discrepancy on how this was created. Rick also indicated that Attorney Kevin Bond would like to do a presentation on how the Special Service District was created.

Board Chair Steve Farrell indicated that the letter was received and the Wasatch County Attorney is looking at that and so we don't need to go through that tonight. Kevin Bond then indicated some points that made the Special Service District not formed legally. Kevin Bond also indicated that the members of the Governing Board individually could be held liable with the violation of our due process rights. Kevin Bond also indicated that no one wants to sue anybody. Kevin indicated the problems are that 1) proper notice was not given; 2) it was conditionally created it and you never complied with your own things and that you were going to take another vote. Board Member Danny Goode indicated that the way he understands this matter is that we are under a legal challenge and the lawyers need to go through the matter. Board Member Greg McPhie indicated the same thing.

Board Chair Greg McPhie made a motion to continue or table this item until we have a

chance to confer with our legal counsel. Board Member Danny Goode seconded the motion and the motion carries with the following vote:

**AYE: Board Member Mike Kohler
AYE: Board Member Kipp Bangerter
AYE: Board Member Greg McPhie
AYE: Board Member Kendall Crittenden
AYE: Board Chair Steve Farrell
AYE: Board Member Danny Goode
AYE: Board Member Mike Petersen**

NAY: None.

Board Chair Steve Farrell indicated that a few comments will be taken but the Governing Board will not comment.

Mark Fisher, volunteer president of the Brighton Estates Property Owner's Association, addressed the Governing Board of the Brighton Estates Special Service District and indicated that he wanted to thank the board for their time and also respect everybody's opinions on both sides of this matter. Mark indicated that \$36,000 was spent to get this study done with the thought that this is a democracy and there would be a vote. Also please resolve this matter properly with an official vote and let both sides campaign and do whatever they want. As you know only people that oppose things come to public meetings so the vast silent majority is in favor of this and they don't come to these meetings. Also before the matter is killed please allow due process since all this money was spent because otherwise we spent \$36,000 for nothing which doesn't seem real fair.

Steven Potkins, property owner in Brighton Estates, addressed the Governing Board of the Brighton Estates Special Service District and indicated that we are all in favor of the beauty of Brighton Estates and the question is how permits are granted and the Special Service District is not the way for that to be accomplished. Also a majority of the people in Brighton Estates own more than one lot and most of them don't want to build on every lot because the property owners want privacy. I don't think that the Brighton Estates is representative of the group. Also the majority of the Brighton Estates property owners are against this Special Service District. Steven also indicated that there are other options to get building permits and there are other counties that have been successful in that. Also the feasibility study is off by an order of magnitude and this being representative of the will of the people is not correct.

Richard Woodford, property owner in Brighton Estates, addressed the Governing Board of the Brighton Estates Special Service District and indicated that there are thirteen more people who will sign that petition. If the Special Service District is formed that will have a significant affect on people like myself who are on a fixed income.

Jay P. Larkin, property owner in Brighton Estates, addressed the Governing Board of the Brighton

Estates Special Service District and indicated that he would like to build on the one lot that my family has. If you could build on the property in Brighton Estates and being on the backside of Deer Valley the land value will be real high if building permits can be obtained. Jay indicated that he is open to any avenue in order to get a building permit.

Board Chair Steve Farrell indicated that we will now move onto the next agenda item.

APPROVAL OF DEVELOPMENT AGREEMENTS

Ron Phillips, the General Manager, addressed the Governing Board of the Brighton Estates Special Service District and indicated that since the Board meetings happen once a month, trying to get the development agreements done in a timely fashion so that the development projects can go before the Wasatch County Planning Commission as scheduled is proving to be difficult. So I believe the General Manager is authorized under this current policy to approve and sign the development agreements as needed. I would ask that the General Manager be approved to sign the development agreements in the future unless the Governing Board directs otherwise. Ron also indicated that under the powers and duties of the General Manager in the JSSD Administrative Policy and Procedures Manual Section 3.6.W gives the General Manager authority to do this.

Board Member Danny Goode indicated that he would say no for now. Board Member Greg McPhie would like to get an legal opinion on the creation of the policy to make sure that is appropriate and particularly concerned with this one the Brighton Estates Special Service District only. And Board Member Danny Goode agrees with Board Member Greg McPhie.

OTHER BUSINESS

Ron Phillips, the General Manager, indicated that he has no other business regarding this Special Service District. Board Member Danny Goode indicated that if we were going to disband the Special Service District would that be done in this meeting or done in a Wasatch County Council meeting. Board Chair Steve Farrell indicated that probably would be done in both meetings. Board Member Mike Kohler indicated that we should hear back from our legal counsel and this matter should be done in two weeks if the matter is ready and not just wait a month.

Board Member Mike Kohler made a motion to adjourn the Governing Board of the Brighton Estates Special Service District. Board Member Kipp Bangerter seconded the motion and the motion carries with the following vote:

**AYE: Board Chair Steve Farrell
AYE: Board Member Kendall Crittenden
AYE: Board Member Greg McPhie
AYE: Board Member Kipp Bangerter
AYE: Board Member Mike Kohler**

AYE: Board Member Mike Petersen
AYE: Board Member Danny Goode

NAY: None.

Meeting adjourned

Chair Steve Farrell