

**MINUTES OF THE
WASATCH COUNTY COUNCIL
FEBRUARY 7, 2018**

The Wasatch County Council met in regular session at 4:00 p.m. at the Wasatch County Administration Building, Heber City, Utah and the following business was transacted.

PRESENT: Chair Greg McPhie
Danny Goode
Mark Nelson
Kendall Crittenden
Spencer Park
Mike Petersen
Steve Farrell

OTHERS PRESENT: On list attached to a supplemental file.

PRAYER: Chair Greg McPhie

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

Chair Greg McPhie called the meeting to order at 4:00 p.m. and indicated that Councilman Kendall Crittenden and Councilman Danny Goode will be just a few minutes late this afternoon. Also Mike Davis, the Wasatch County Manager, is out of town on unexpected family business so he won't be with us this afternoon. Chair McPhie then welcomed those present and called the first agenda item.

OPEN AND PUBLIC MEETING AFFIDAVIT

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

PUBLIC ISSUES FOR FUTURE MEETINGS

Chair Greg McPhie asked if there was any public issues that needed to be discussed at a future meeting and there was none.

ADMINISTRATION ITEMS FOR FUTURE AGENDAS

Chair Greg McPhie asked if there was any Administrative Issues for future agendas and indicated that there needs to be a TRT Administration discussion so we will put that on a future agenda.

LEGISLATIVE ITEMS FOR FUTURE AGENDAS FOR FUTURE AGENDAS

Chair Greg McPhie asked if there was any Legislative Items for future agendas and there was none.

Councilman Steve Farrell made a motion to leave our regular session and go into the Wasatch County SSA #1. Councilman Mike Petersen seconded the motion and the motion carries with the following vote:

**AYE: Mark Nelson
AYE: Spencer Park
AYE: Mike Petersen
AYE: Steve Farrell
AYE: Greg McPhie**

NAY: None.

WASATCH COUNTY SSA #1

APPROVAL OF THE WARRANTS

Board Chair Steve Farrell indicated that we have warrants in the amount of \$437,728.92. Board Member Greg McPhie made a motion that we approve the warrants for Wasatch County SSA #1 in the amount of \$437,728.92 as proposed. Board Member Spencer Park seconded the motion and the motion carries with the following vote:

**AYE: Board Member Mark Nelson
AYE: Board Member Spencer Park
AYE: Board Member Mike Petersen
AYE: Board Chair Steve Farrell
AYE: Board Member Greg McPhie**

NAY: None.

Board Chair Steve Farrell indicated that there is an audit fee for Larson's Public Accountants and their proposed fee is for 2017 is \$6,750.00, for 2018 is \$6,875, for 2019 is \$7,000. For 2020 is \$7125. The reason for a fee with this small district is with those big payments the budget is over the \$750,000.00. **Board Member Mike Petersen made a motion that we go ahead with this matter as has been presented and the Board Chair Steve Farrell is authorized to sign for this. Board Member Mark Nelson seconded the motion and the motion carries with the following vote:**

**AYE: Board Member Mark Nelson
AYE: Board Member Spencer Park
AYE: Board Member Mike Petersen
AYE: Board Chair Steve Farrell
AYE: Board Member Greg McPhie**

NAY: None.

Board Member Spencer Park made a motion to leave the Wasatch County SSA #1 and go back into the regular Wasatch County Council Agenda. Board Member Mike Petersen seconded the motion and the motion carries with the following vote:

**AYE: Board Member Mark Nelson
AYE: Board Member Spencer Park
AYE: Board Member Mike Petersen
AYE: Board Chair Steve Farrell
AYE: Board Member Greg McPhie**

NAY: None.

COUNCIL

UPDATE ON HEBER VALLEY SPECIAL SERVICE DISTRICT

Chair Greg McPhie indicated the Wasatch County Council has determined that there needs to be a periodic update from the Heber Valley Special Service District and Manager Dennis Gunn is here and we will let him give us an update. Also the majority of the board felt like it was appropriate to leave Charleston a part of the Heber Valley Special Service District.

Councilman Mike Petersen indicated that possibly a member from the east side could be added to the board. Councilman Steve Farrell indicated that he doesn't see a need for that because I should be representing the people in that area.

Manager Dennis Gunn addressed the Wasatch County Council and indicated that the new board is in order now and getting their new assignments. There also is another expansion design phase that is starting. As a result of that backup power is being installed and also putting in a transfer pump and a lab and operations building is being installed to take care of process controls. Looking at upgrading the components of the plant which are about forty years old. Also Dennis Gunn indicated that Twin Creeks is responsible for 6 percent of the flow into the plant. Councilman Spencer Park indicated that where Charleston possibly could have a financial responsibility and also possibly having sewer put into their community in the next few years they

should be a part of the Heber Valley Special Service District. Also another Wasatch County Councilman being a part of that board is not necessary. Councilman Steve Farrell indicated that as long as they are on the creation documents and included in the boundaries they have a liability. Councilman Mark Nelson felt like that Charleston should be a part of the board as well. Chair Greg McPhie felt the same way. Manager Dennis Gunn indicated that he feels good about this update taking place so that the Wasatch County Council knows what is taking place with this Special Service District.

Heber City Councilman Ron Crittenden then gave a brief background of how the Heber Valley Special Service District was put together and Charleston was part of the original formation of the District

MEGAN PROBST IS REQUESTING A REZONE OF 20.50 ACRES FROM A-20 AGRICULTURAL 20-ACRE LOTS TO RA-5 RESIDENTIAL AGRICULTURAL 5-ACRE LOTS. THE PARCEL (PARCEL #00-000804686) IS LOCATED AT APPROXIMATELY 1555 WEST 650 SOUTH IN SECTION 1, TOWNSHIP 4 SOUTH, RANGE 4 EAST IN THE SOUTH FIELDS AREA. CONTINUED FROM THE JANUARY 17, 2018 MEETING. DUE TO A REFERENDUM APPLICATION THAT HAS BEEN RECEIVED STAFF RECOMMENDS THAT THE ITEM BE CONTINUED INDEFINITELY UNTIL THE OUTCOME OF THE REFERENDUM IS DETERMINED.

Chair Greg McPhie indicated that because of the referendum application that has been mentioned the Wasatch County Attorney's Office has indicated that the Wasatch County Council should continue this matter until at such time as we know how to proceed. **Councilman Steve Farrell made a motion to continue this matter indefinitely until we have a determination made. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:**

**AYE: Mark Nelson
AYE: Spencer Park
AYE: Mike Petersen
AYE: Steve Farrell
AYE: Greg McPhie**

NAY: None.

DISCUSSION AND POSSIBLE MOTION ON ORDINANCE 18-01. THE ORDINANCE AMENDS CHAPTER 4 OF THE WASATCH COUNTY GENERAL PLAN ENTITLED LAND USE. THE AMENDMENTS ARE MORE SPECIFICALLY FOR THE CENTRAL PLANNING AREA BY ADDING LANGUAGE ON PAGE 168 AND THE SOUTHERN PLANNING AREA ADDING LANGUAGE TO PAGE 192. THE ADDITIONS PROVIDE

THE LANGUAGE TO ESTABLISH A BOUNDARY BETWEEN THE CENTRAL PLANNING AREA AND THE SOUTHERN PLANNING AREA. DUE TO A REFERENDUM APPLICATION THAT HAS BEEN RECEIVED STAFF RECOMMENDS THAT THE ITEM BE CONTINUED INDEFINITELY UNTIL THE OUTCOME OF THE REFERENDUM IS DETERMINED.

Chair Greg McPhie indicated that the Wasatch County Attorney's Office has recommended that because of the referendum application that his matter be continued indefinitely. **Councilman Mike Petersen made a motion that we continue this matter indefinitely until the referendum matter is figured out. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

**AYE: Mark Nelson
AYE: Mike Petersen
AYE: Spencer Park
AYE: Steve Farrell
AYE: Kendall Crittenden**

NAY: None.

DISCUSSION AND POSSIBLE MOTION ON AN AMENDMENT IN CODE SECTION 16.21.46 REGARDING ACCESSORY RESIDENTIAL DWELLING UNITS ADU'S INCLUDING WHAT IS TYPICALLY REFERRED TO AS MOTHER-IN-LAW UNITS ALSO INCLUDING CARETAKER AND GUEST ADU'S. THE PLANNING COMMISSION IN THEIR JULY 13TH MEETING DIRECTED THE PLANNING STAFF TO LOOK AT POSSIBLE AMENDMENTS TO THE CODE TO LIMIT THESE USES.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that the problems that happened was that the caretaker dwellings became a second home on a piece of property and there was really no need for a caretaker. Also a problem in enforcing dwellings just as a guest unit and same with caretaker units. Also didn't want too substantial homes on one piece of property. The Wasatch County Planning Commission indicated that they wanted to get rid of the guest ADU's entirely and amend the caretaker dwellings to be on lots of ten acres or larger and limit the caretaker dwelling to fifteen hundred square feet and three bedrooms which is down from three thousand square feet in the current code. Also wanted to regulate the ADU's essentially mother-in-law apartments to single family detached homes. Also ADU's are required to get a conditional permit. So caretaker units will be coming back to the Wasatch County Planning Commission for a conditional use. The ARU's, the mother-in-law apartments would be staff approved and would still consider them conditional use and put that out to the neighborhood and if there was no complaints that would be handled administratively. Doug then indicated that the matter came back to the Wasatch County Council. The Council talked about allowing transient lodges which is a lodge on a ten plus acres where they can have family

reunions or people coming there and renting the lodge. Also talked about having a caretaker dwelling up to three thousand square feet including the basement for those uses or significant agriculture. Also discussed was that the caretaker dwelling would be fifteen hundred square feet maximum.

Doug then indicated that he doesn't have an ordinance written up because he wanted to get some direction from the Wasatch County Council. Doug indicated that if an applicant came in and wanted a Transient Lodge there would be some type of deed restriction saying they can't further subdivide.

Paul Berg, from Berg Engineering, indicated that what is being said is that there are two conditional permits which is one for the Transient Lodge and one for the Caretaker. Paul Berg also indicated that from an overall perspective the beauty of the Transient Lodge Ordinance is that somebody can get a pretty good use of their property yet keep most of it open and not have to subdivide the property into ten homes and still have an economic benefit but still leave a lot of it open or in agriculture and this is somewhat of a clever way to preserve open space.

Chair Greg McPhie indicated that they would be looked at on a case by case basis. Councilman Spencer Park indicated that possibly this could be worded that if you were allowed to have a caretaker dwelling as long as the size of the property would allow you to have an extra ERU if you subdivided.

Doug Smith asked the Wasatch County Council if they want to say if the applicant gets the conditional use for a caretaker then the property is deed restricted or is that not essential. Councilman Spencer Park indicated that in his opinion it is okay to deed restrict it and then let them put a three thousand square feet dwelling on it. Also needs to be at least ten acres or meet current zoning because somebody in the A-20 to have 10.5 acre lots to build a caretaker on there also or P-160 or any of these others. Councilman Mike Petersen indicated that he doesn't believe that a square footage requirement is required. Councilman Spencer Park indicated that on a mother-in-law apartment it is okay to have a square footage requirement on that dwelling in his opinion. Also the Wasatch County Council indicated that they are okay with the mother-in-law apartments. Doug Smith indicated that he will bring back a red-line ordinance and let the Wasatch County Council take a look at that.

The record should reflect that Councilman Danny Goode just joined the Council.

COUNCIL/BOARD REPORTS

The record should reflect that Councilman Kendall Crittenden just joined the Council.

Councilman Mike Petersen indicated that with regard to the Children's Justice Center some of the members attended the San Diego International Conference and as a result of that brought back a

lot of information pertaining to the children's justice centers. Also the Children's Justice Center is looking for a Spanish representative that can sit on the board so if anybody knows of somebody that would fit that slot to let him know. Also the Children's Justice Center is struggling with their sound system when interviews are taking place and that needs to be checked into to make sure that the interviews are being recorded appropriately. Then with regard to the carpeting need to finish replacing the carpet in the basement that got wet.

Councilman Steve Farrell indicated that a regional water meeting was held which SSA #1 sponsored the water meeting to see if there was any interest in providing a dual regional plan and thirty-five people showed up and was well received. A decision was made to put a steering committee together and get a proposal sent out to an engineering company so that a cost could be obtained to indicate how much that would cost.

Councilman Steve Farrell indicated that the Wasatch Open Land's Board had a meeting and would like to move forward on this as fast as possible. In the March work meeting the board would like to sit down and work with the Wasatch County Council to obtain the Council's feed-back on what their proposals would be. Then on the next regular Council meeting on March 28, 2018 have it scheduled as an agenda item and have a vote on whether the Council wants to go ahead and have a vote on whether to put it on the ballot or not for bond. The Wasatch County Council were in agreement to have the regularly scheduled Wasatch County meeting on March 28, 2018 instead of March 21, 2018.

Councilman Steve Farrell then indicated that the Public Lands meeting was held this morning and the big concern is the snowmobilers trying to snowmobile and they can't access the snow and people are tearing gates out and get them up the road and they can't be turned around and can't park them and the safest thing is just leave the gates up.

Councilman Kendall Crittenden indicated that next Tuesday the Interlocal meeting will be held at 7:00 p.m. at the Heber City Council Chambers.

Councilman Kendall Crittenden then explained what is being done with regard to the power pole issue and Heber Light and Power. Councilman Kendall Crittenden then showed some maps concerning the matter. The Power Pole Study will be divided up into nine segments and the cost of each of those segments will be determined and problems that will be encountered in burying the line in each segment. An RFP is being put out to three engineering companies. Also Rocky Mountain Power is an above ground facility and will pay for the above ground facility and the other asking for the underground burying will pay for that.

Marilyn Crittenden, Heber City resident, asked if they are looking to have enough power to provide what is needed in the future. Also this is a beautiful valley and people just don't want it scarred with such things as big power poles. Councilman Kendall Crittenden indicated that Rocky Mountain Power needs to have the line through which serves Heber Light and Power as well.

Chair Greg McPhie indicated that the power companies have taken into consideration what power will be needed in the future. Heber City Councilman Ron Crittenden indicated that the cost is the important factor on what it will cost to bury the lines and the cost analysis is very important to be done. The bottom line is how bad Wasatch County wants this burying the line done.

Tracy Taylor, Heber City resident, indicated that other counties should be involved in this power problem because they are going to benefit from this line and those other counties should be paying for the cost of this as well. Isn't it right that the underground lines will have a lot less maintenance in the future Chair Greg McPhie indicated that also comes with a lot more big electrical problems in burying the line. There are lots of things that come into play other than esthetics.

Dave Kennamer, Wasatch County resident, indicated that why don't we just live with the power we have got and not put the power lines in and can't afford to bury it and when there is not enough power put a moratorium on growth because somebody has to pay for it and that is just another way of paying for it just not do it. Then let Rocky Mountain Power figure out how to deal with the other entities such as Park City, Coalville, and Evanston on their own. Chair Greg McPhie indicated that obviously it has benefits to Wasatch County as well. Councilman Kendall Crittenden indicated that won't work because Rocky Mountain Power and Heber Light and Power has a legal fiduciary duty to serve their customers. Also Rocky Mountain Power will pay their share of what it would cost to put the power above ground.

Scott Sweat, the Wasatch County Attorney, indicated that a local government puts a condition on a utility there is a state statute that says that the utility looks at the standard costs and the excess costs caused by that condition or that requirement then the local government that put that on has to pay that excess cost. Then there is a process called a Facility Review Board and they determine who pays what and then from there it goes into the court system. That is what the state law says. So if an entity puts a condition on that which increases the cost then that entity bears that cost.

Heber City Councilman Ron Crittenden indicated that where it is being looked at in nine segments then possibly some will want to put it under ground and another will not want to do that so possibly each segment would pay for burying the line in that segment in which that element needs to be looked at and studied.

Councilman Danny Goode indicated that with respect to Cowboy Poetry they are looking for more stable funding. The problem is that Cowboy Poetry is starting to lose the target clientele base which are getting older and having a hard time getting acts that would come in. The people that have been putting Cowboy Poetry on is looking at getting done with that responsibility so there is going to be a transition. As a result is Cowboy Poetry continued or should it be called something else or have a plan to end Cowboy Poetry. The board is going to come to Wasatch County and ask for about a \$30,000 donation so that there can be some stable funding because other entities aren't funding Cowboy Poetry any longer through sponsorships.

Councilman Mark Nelson indicated that Cowboy Poetry is a huge asset to Wasatch County and Cowboy Poetry needs to be kept a part of the Heber Valley and need it to make money. Also

there is every opportunity for Wasatch County to really brand and re-position and change this product and make it a much bigger and better thing because there is plenty of talent in this valley to do that.

Councilman Danny Goode also indicated that the question is does Heber Valley want to build on what is present now and then transition a little bit so that some of those elements that are present can be kept.

Heber City Councilman Ron Crittenden indicated that whatever happens and is decided that there needs to be coordination on all entities. Also this is an important issue that needs to be talked about more fully.

Councilman Steve Farrell indicated that Cowboy Poetry is a project that should be kept going but Wasatch County should not fund it directly alone. Also the economic development gives Cowboy Poetry about \$25,000 from the economic development fund.

Tracy Taylor, Heber City resident, indicated that the motels and hotels here in the valley benefit mostly from Cowboy Poetry so they could be looked at for some funding. Chair Steve Farrell indicated that the problem is that there is not enough rooms available to accommodate the people that come here for Cowboy Poetry so people are staying in Summit County, Utah County and driving up to be a part of Cowboy Poetry.

Sheriff Todd Bonner indicated that when the present board members leave most of the volunteering is going to leave as well and this generation that is coming up is not going to be stepping in and volunteering for anything.

Councilman Danny Goode indicated that there needs to be a transition plan of training the younger generation on how to keep things like Cowboy Poetry going. Councilman Steve Farrell also indicated that there needs to be a home for Cowboy Poetry because the Wasatch High School is being used right now and that is not going to go on forever.

Chair Greg McPhie indicated that on the fire board meeting on Tuesday Chief Ernie Giles would like to take pictures so wear something nice for your picture to be taken.

MANAGER'S REPORT

AFFORDABLE HOUSING DISCUSSION

Chair Greg McPhie indicated that Manager Mike Davis asked to be excused because of a family matter. Councilman Mike Petersen indicated that he talked to the Wasatch County Attorney about it as well as Doug Smith, the Wasatch County Planner, about the matter and Wasatch County is trying hard to put together a Affordable Housing Plan but Heber City, Midway and other entities aren't doing anything with regard to

Affordable Housing. Also this matter needs to be looked at on a County and City wise level as well and then everybody is working together to make affordable housing happen. Councilman Steve Farrell indicated that possibly the Affordable Housing Board could come and make a presentation and give us an idea of what other municipalities are doing. Also this matter would be a good subject to put on an Interlocal meeting.

Heber City Councilman Ron Crittenden addressed the Wasatch County Council and indicated that lets discuss the annexation policy and affordable housing with the different entities on February 13, 2018 after the Interlocal Meeting and he will present that to the Heber City Council. Councilman Steve Farrell indicated that the entities and Wasatch County are required by law to have an affordable housing plan.

Councilman Danny Goode made a motion to leave our regular Wasatch County Council Agenda and go into Closed Session. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

**AYE: Mark Nelson
AYE: Spencer Park
AYE: Mike Petersen
AYE: Steve Farrell
AYE: Chair Greg McPhie
AYE: Kendall Crittenden
AYE: Danny Goode**

NAY: None.

Councilman Danny Goode made a motion to come out of Closed Session and go back into the Regular Wasatch County Council Agenda. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

**AYE: Chair Greg McPhie
AYE: Kendall Crittenden
AYE: Danny Goode
AYE: Mark Nelson
AYE: Spencer Park
AYE: Mike Petersen
AYE: Steve Farrell**

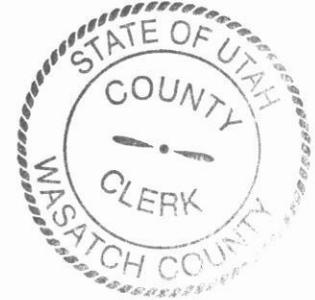
NAY: None.

REGULAR COUNCIL SESSION

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

**AYE: Chair Greg McPhie
AYE: Kendall Crittenden
AYE: Danny Goode
AYE: Mark Nelson
AYE: Spencer Park
AYE: Mike Petersen
AYE: Steve Farrell**

NAY: None.



Meeting adjourned at 6:00 p.m.


GREG MCPHIE/CHAIRMAN


BRENT TITCOMB/CLERK/AUDITOR