

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
MARCH 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  
Spencer Park  
Mike Petersen  
Steve Farrell  
Kendall Crittenden  
Danny Goode  
Mark Nelson

OTHERS PRESENT: On list attached to a supplemental file.

PRAYER: Councilman Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilman Mike Petersen and repeated by everyone.

Chair Greg McPhie called the meeting to order at 4:00 p.m. and 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 for future meetings. Councilman Danny Goode indicated that on our next work meeting that we discuss having a Wasatch County Council Liaison back to Heber City for issues that may need to come back to the Wasatch County Council from Heber City.

**ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS**

Chair Greg McPhie asked if there was any administrative issues for future meetings and there was none.

## LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Greg McPhie asked if there was any legislative issues for future meetings and there was none.

### COUNCIL

#### **PRESENTATION BY SCOTT LOOMIS, CONSULTANT TO THE WASATCH COUNTY COUNCIL ON MODERATE INCOME HOUSING WITH DISCUSSION REGARDING AMENDMENTS/UPDATES TO THE AFFORDABLE HOUSING CODE CONTAINED IN 16.30 OF THE LAND USE CODE.**

Councilman Mark Nelson indicated that present in our meeting today are three Heber City Council Members, Councilwoman Heidi Franco, Councilman Ron Crittenden and Councilman Wayne Hardman which is great.

Scott Loomis, consultant to the Wasatch County Council on Moderate Income Housing presented a power point presentation and indicated that this presentation also went before the Wasatch County Planning Commission last month. Scott also indicated that a needs assessment plan was put together and a Nexus Study was done.

Scott indicated that some of the issues that need to be discussed by the various jurisdictions are:

1. Each jurisdiction such as Wasatch County, Heber City, Midway and all other jurisdictions has to come up with a five year plan regarding Moderate Affordable Income Housing such as doing a needs assessment as to what are the needs, etc. A needs assessment was prepared in the summer of 2017 which showed an increase in population.
2. Also updating Wasatch County's General Plan regarding affordable housing.
3. The State of Utah requires a biannual report to say what each jurisdiction is doing with regard to affordable housing and that they shall have an affordable housing plan such as zoning.
4. Possibly inclusionary zoning which means that possibly 10 percent of the development has to be affordable or some other percent figure.
5. Wasatch County is becoming the second or third most expensive place to live in the State of Utah.
6. 58 percent of the employees commute into Wasatch County and keeps going up as the price of homes increase which affect police, school teachers, government employees recruiting for essential workers is becoming more difficult.
7. Impact of the new development and need for affordable housing.
8. The Nexus study is really the necessary connection between new development and the need for affordable housing which this study needs to do.
- (9) Always take into account the new development and make sure that new development is accountable for its impacts on the system and that there is affordable housing available.

(10) Mike Davis, the Wasatch County Manager, indicated that 50 percent of the homes that are built and sold in Wasatch County are second homes and that should be taken into consideration also.

11. The Nexus Study supports 16.7 percent instead of the current 10 percent for affordable housing.

12. When commercial is considered they need to provide affordable housing for employees because they are creating a need for affordable housing.

Scott Loomis then presented some questions to the Wasatch County Council to see how the Wasatch County Council feels about these questions.

1. How does the Wasatch County Council feel about the 16.7 % or just stay with the 10 % or even make it lower but not go higher than 16.7%.

2. Should the Jordanelle Area be treated different than the rest of Wasatch County which there may be two different standards with these two. Possibly build on site or pay the fee in lieu.

3. Help households by creating some restrictions with the income.

4. Some subdivisions in rural areas within Wasatch County that are one acre lots and does Wasatch County want to consider reducing lot sizes for the affordable housing requirement.

5. Is Wasatch County creating a taking if you don't allow affordable housing to be done on site.

6. Does Wasatch County want to require on site maybe create receiving zones sort of transfer development areas that can be built on instead and maybe incentivize on site or off site or different things.

7. Do you want to have the fee-in-lieu payment which according to the study is \$85,030.00 and current Wasatch County has a fee-in-lieu of \$28,000.00. The Wasatch County Council felt like the fee-in-lieu should be in the affordable housing plan.

Chair Greg McPhie indicated that this matter should be put on the work meeting agenda on March 14, 2018 and go over these various questions and then come up with a possible solution or and what your opinion is so some of these questions can be answered. Councilman Mike Petersen indicated that Heber City and Midway need to be on board with this affordable housing as well as the other jurisdictions so Councilman Mike Petersen's recommendation is that he would like to see everybody on board and have the same agreement if that is possible. Chair Greg McPhie also indicated that this Affordable Housing matter needs to be discussed possibly in the interlocal meeting which is being held next Tuesday, March 13, 2018 and have Scott Loomis and Steve Laurent present to discuss affordable housing. Heber City Councilman Ron Crittenden indicated that the three Heber City Council that are here tonight are in favor of implementing an Affordable Housing plan in Heber City. Also the Affordable Housing Board will evaluate what recommendation that Scott Loomis gives to a developer and then the Wasatch County Affordable Housing Board will make a recommendation to the Wasatch County Council and the ultimate decision will be made by the Wasatch County Council. Chair Greg McPhie indicated that the Wasatch County Council should be prepared to have some solutions in the next meeting based on what has been presented here and what we have learned.

**ORDINANCE NO. 18-03-AMENDING THE WASATCH COUNTY CODE SECTION 16.21.27(b) REGARDING ROOF PITCHES FOR SINGLE FAMILY RESIDENCES FROM 2.5:12" TO 1.5:12" AND TO ALLOW FLAT ROOFS ON A LIMITED BASIS.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this matter is before the Council for a second reading and the public hearing has been held. Nothing in the ordinance that was presented previously has changed. Councilman Spencer Park indicated that some things have changed and also Mike Davis, the Wasatch County Manager, indicated that some things have changed which are that there is more interest in modular type homes. A mobile home or something like that is called a manufactured home which has regulations that are regulated under HUD through the Federal Government so they have a certain standard that they build to but modular homes do not which could fall under local codes. The problem is that this specific code could potentially open the door for modular homes that don't meet code standards.

Councilman Spencer Park indicated that he would like to see this matter tabled for at least two weeks to give the Wasatch County Planning Department time to look into this issue and make a study as it reflects to modular homes and modular housing or table the matter indefinitely. Doug Smith, the Wasatch County Planner, indicated that at the present time the planning department is working with the Wasatch County Attorney's Office and building department regarding the matter.

**Councilman Spencer Park made a motion to table this matter indefinitely and for the Wasatch County Planning Staff to look into a possible modular housing ordinance that we could have at some point. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**ORDINANCE NO. 18.04 AMENDING THE WASATCH COUNTY CODE SECTION 16.27.10 REGARDING MASTER PLAN APPLICATION REQUIREMENTS IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this is the second reading and the ordinance number has been assigned. All this means is that we are adopting the requirements when they submit their master plan in the JB0Z. The public hearing has been held. **Councilman Steve Farrell made a motion that we waive the third reading of this ordinance and pass Ordinance No. 1804 as presented. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie**

**AYE: Mike Petersen**

**AYE: Spencer Park**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Danny Goode**

**AYE: Mark Nelson**

**NAY: None.**

**DISCUSSION/CONSIDERATION ON ADDITIONAL LAW ENFORCEMENT FOR WASATCH COUNTY SCHOOLS.**

Councilman Spencer Park indicated that the school district in the last meeting they went ahead and authorized extra payments to make sure that there is an officer at every school and an extra officer at the high school. The Heber City Police Department and the Wasatch County Sheriff's Department is helping fill that. As a result does Wasatch County need to do anything to make sure that will be successful.

Todd Bonner, the Wasatch County Sheriff, then indicated that the issues are that the Wasatch County School District has hired the Wasatch County Sheriff's Office to fill these positions. There is one officer in the high school who has been there and asked us to cover the new middle school which is for seven hours a day/five days a week. Also asked us to cover three elementary school. Also Heber City Police have been asked for one extra guy to go in and assist the sheriff's guy at the high school as well as two others and one guy already assigned to the Rocky Mountain Middle School and have at least two officers in the elementary school and this will be done until March 8, 2018. A meeting was held and asked that be extended to March 16, 2018.

The problem is that there is not enough man power and the policemen are being over worked. In order to do this more finances will need to be obtained for next year for four extra officers. These

officers will have to go through some specialized training for this type of assignment. Sheriff Bonner indicated that his intention would be to hire new people to take care of the schools and it will take more money to make this work and work right.

Mike Davis, the Wasatch County Manager, indicated that his inclination is that the community's desire is to consolidate these types of services more than we create more and the two police departments become more consolidated. Also to have a long term commitment from the Wasatch County School District that this is the direction that this matter is taking so the matter can be covered properly. Chair Greg McPhie indicated that I am sure that the citizens would be willing to have their tax dollars spent to protect children. Mike Davis, the Wasatch County Manager, also indicated who is going to raise taxes to pay for this, Wasatch County or the Wasatch County School District because the extra money is not just floating out there to cover these types of things. Chair Greg McPhie indicated that he will try and get something set up with the Wasatch County School District so we can get on the same page with this matter and then will get back to the Wasatch County Council concerning this matter.

### **DISCUSSION ON ANIMAL CONTROL SERVICES**

Councilman Kendall Crittenden indicated that he is on the Wasatch County Animal Control Board and this is another item that has been talked about previously. At some time there needs to be a decision made once Wasatch County becomes a Class 3 County which probably not until after the census. At the present time Wasatch County pays which is a 2014 number but are very similar pays 34.9 percent of the expense and cost of animal control. Midway City pays 16 percent and Heber pays 49.09 percent. Once Wasatch County becomes a Class 3 County the animal services has to come out of another fund which is called the Municipal Service Bond. Also perhaps a SSD would be formed and Wasatch County takes over the animal control which would mean that every jurisdiction would pay a cost of that service. Another option is to create a interlocal entity and then just each entity pay into that entity based on population instead of assessed valuation so that equalizes that out a little bit.

Mike Davis, the Wasatch County Manager, indicated that once Wasatch County becomes a Class 3 County, two funds will have to be formed. Also with regard to a municipal services that would make it possible to tax the unincorporated area for those municipal services which would take in animal control services. Also General Taxes cannot be put into this municipal fund. To put it in a simple example that would mean that since we uniformly tax all the properties in Wasatch County we don't uniformly provide some of the services. Todd Bonner, the Wasatch County Sheriff, indicated that right now animal control is basically working with Heber City and Midway but the Wasatch County Sheriff's Department only responds out of those areas to safety issues related to animal control such as animal bites, etc. Todd Bonner, the Wasatch County Sheriff, indicated that his recommendation is that Wasatch County takes care of their own. Chair Greg McPhie indicated that this is another matter that would be talked about in a work meeting so lets put the matter on the next work meeting which will be March 13, 2018 to be discussed further.

## COUNCIL/BOARD REPORTS

Councilman Mike Petersen indicated that the arts council met and they are working on the arts facility. Up to now there has been two organizations working on this with the same goal but now they are going to come together to work on this project. Most of the money will come through donations and at some future time will bring it to the public.

Councilman Steve Farrell indicated that the open space board met last night and will be making a presentation at the next work meeting on March 14, 2018. Also the Mayor of Midway and myself met with people from water quality and they want to start doing some water testing and do a study on what goes into Deer Creek Reservoir and concerned about the nitrates, arsenic, etc. Also invited the Division of Water Quality people to come to the regular Wasatch County Council meeting on March 28, 2018 to give an update what they are studying for and what they expect to find. Also mentioned to the Wasatch County Health Department that is being done so that they can be a part of that.

Chair Greg McPhie indicated that with regards to Public Lands, we are talking specifically about Lake Creek. As the snow is receding back because of melting and people are wanting to access Lake Creek further up to get to the snow. Where it is access to public lands national forest and not a fee area. There was a gate put in where there was an understanding with a private land owner. In my opinion we should open that gate now that the snow is past his place and treat that road like every other county road that goes onto public lands and is gated. Also we need to look at what the agreement is with the private owner regarding the road when the snow melts back. There was some problems and the code on the opening of the gate has been changed. Also a problem like this impacts the sheriff's department also because somebody goes up there and gets stuck then the sheriff's department is called. Mike Davis, the Wasatch County Manager, indicated that he doesn't think the agreement is still in force so that will have to be looked into. Wasatch County Sheriff Todd Bonner indicated that if something isn't done with the gate the gate will be pulled over.

Chair Greg McPhie indicated that there will be a regular Wasatch County Council meeting on April 4, 2018.

Councilman Kendall Crittenden indicated that with regard to the interlocal work meeting agenda between Heber and Wasatch County. Possibly we could set a separate meeting up with Heber and Wasatch County to discuss certain topics and not call it an interlocal meeting. Midway and Charleston would be invited to come and listen if they so desired.

Councilman Kendall Crittenden then indicated that it is time again to go with the Meals-on-Wheels people to deliver meals to housebound senior citizens and help which is a great program. Councilman Kendall Crittenden then asked how many Councilmen would be available to go on

May 9, 2018. Six of the Wasatch County Council indicated that they would be able to go.

Councilman Kendall Crittenden indicated that Heber Light and Power's facility committee met and approved the bid for the company that is going to study the cost of over-head versus underground laying of power lines and possibly that could be finished by April before the matter would be looked at. Also with regard to street lights, Heber Light and Power for 2017 the total write off is \$129,465.69 and Wasatch County's share of that was \$42,900.00 that was written off regarding road street lighting and ball field lighting facilities, etc.

Councilman Kendall Crittenden indicated that with regard to the Community Action Board regarding a food bank here in Wasatch County there are a lot of services they provide such as sending food home with children who don't have enough food in their houses as well as other programs they help with which is a great thing for certain Wasatch County citizens to take advantage of. The whole goal of Community Action is to teach people to be self-reliant.

Councilman Danny Goode indicated that there is a need now for a new Library Board member. The Library Board will meet and select an individual and then bring that individual back to the Wasatch County Council on a regular meeting for their vote to okay or not okay the member that is being recommended. Mike Davis, the Wasatch County Manager, has nothing to do with selecting a Library Board member. It was decided to put the matter on for the regular Wasatch County Council on March 28, 2018.

Councilman Mark Nelson indicated that someone representing the Wasatch Community Foundation came and talked to me about Memorial Hill in Midway. They were interested in doing some events and possibly some improvements and wanted to have Wasatch County's approval for that. They were planning on putting on an event on during the Memorial Day Weekend which is a motorcycle race that ends in Midway which is a fund raising event to help with improvements to Memorial Hill but that has to do with the Wasatch Community Foundation. Wasatch County Sheriff Todd Bonner indicated that is a bad day because of all the other events that take place in Wasatch County on that day and the Wasatch County Deputies can't cover all of the events that are taking place on that day.

Councilman Mark Nelson asked if the Oak Haven matter in Midway regarding bonding has that been put on a Council work meeting and it was indicated that it has been put on a work meeting agenda on March 14, 2018

Heber City Councilman Ron Crittenden wanted to thank Scott Sweat, the Wasatch County Attorney, Wasatch County Assessor, Wasatch County Recorder and Allan Luke for meeting with myself and the airport manager to try and resolve some issues so that we can receive the hangar sales and everything into Wasatch County to get taxes and was very productive

## MANAGER'S REPORT

### WASATCH COUNTY SCHOOL DISTRICT INVITATION

Ann Horner, from the Wasatch County School Board, addressed the Wasatch County Council and indicated that Wasatch County School District has some exciting things going on and three projects were finished this year. Also the Wasatch County School District has been invited to several national conventions to present some of the programs that are going on in the Wasatch County School District. As a result of this we are inviting the Wasatch County Council to come and see what is actually going on. Also we will take a tour of the different Wasatch County Schools which will take a whole day starting at 8:00 a.m. on March 13, 2018 to 6:00 p.m. and also lunch will be served.

### LEGISLATURE BILLS THAT AFFECT WASATCH COUNTY

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there are bills that will affect Wasatch County one way or another and one is the homeless housing issue.

**Councilman Danny Goode made a motion to leave our regular scheduled meeting and go into Closed Session to discuss personnel, litigation. Councilman Mike Petersen seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**Councilman Kendall Crittenden made a motion to come out of Closed Session. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**Councilman Danny Goode made a motion to adjourn. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:**

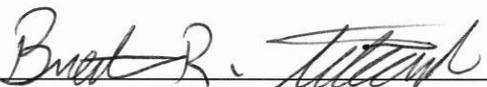
**AYE: Chair Greg McPhie  
AYE: Spencer Park  
AYE: Mike Petersen  
AYE: Steve Farrell  
AYE: Kendall Crittenden  
AYE: Danny Goode  
AYE: Mark Nelson**

**NAY: None.**



Meeting adjourned at 8:45 p.m.

  
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GREG MCPHIE/CHAIRMAN

  
\_\_\_\_\_  
BRENT TITCOMB/CLERK/AUDITOR