

**MINUTES OF THE
WASATCH COUNTY COUNCIL
DECEMBER 5, 2018**

The Wasatch county Council met in regular session at 3.00 p.m. at the Wasatch County Administration Building, Heber City, Utah and the following business was transacted.

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

OTHERS PRESENT: On list attached to a supplemental file

PRAYER: Councilman Steve Farrell

PLEDGE OF ALLEGIANCE: Led by Chair Greg McPhie and repeated by everyone.

Chair Greg McPhie called the meeting to order at 3:00 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 and there was none.

ADMINISTRATIVE ITEMS FOR FUTURE AGENDAS

Chair Greg McPhie asked if there was any administrative items for future agendas and there was one.

LEGISLATIVE ITEMS FOR FUTURE AGENDAS

Chair Greg McPhie asked if there was any legislative items for future agendas and there was none.

COUNCIL

DISCUSSION/CONSIDERATION DAK REID, REPRESENTATIVE FOR NRCS ZONE 3, REQUESTS APPROVAL TO ADD MIDWAY FISH HATCHERY OLD HATCHERY AND RACEWAYS REMOVAL PLAN TO THE PREVIOUSLY APPROVED EA REVISION REGARDING THE TRI-VALLEY WATERSHED 1997 EA. LOCATED IN SECTION 2 OF TOWNSHIP 4 JUST SE HIGHWAY 113 AND 850 SOUTH MIDWAY, UTAH.

AND

DISCUSSION/CONSIDERATION DAX REID REPRESENTATIVE FOR NRCS ZONE 3, IN PARTNERSHIP WITH CUWCD, REQUESTS APPROVAL TO ADD ADDITIONAL PLANNING AND IMPLEMENTATION OF TIMPANOGOS AND WASATCH CANALS REGARDING LINING, PIPING, BREACH PREVENTION AND AGRICULTURAL WATER MANAGEMENT TO THE PREVIOUSLY APPROVED EA REVISION REGARDING THE TRI-VALLEY WATERSHED 1997 EA. PROJECTS WILL OCCUR AT UP TO 21 STRATEGIC LOCATIONS ON THE EAST SIDE OF HIGHWAY 40 FROM JORDANELLE DAM SOUTH TO 700 NORTH.

Dax Reid, representative for NRCS Zone 3, addressed the Wasatch County Council and indicated that with regard to the Midway Fish Hatchery is to remove the old building and the old raceways which would improve the parking. The NRCS funding would cover a part of that request. Dax indicated that he has been given \$455,000.00 for those revisions and anything can come in now would be funded under that \$455,000.00 and if it doesn't fit then another request will be done subsequently. Councilman Steve Farrell asked if tearing down the old fish hatchery would fit in the priorities of what is funded because some of these other projects are more important than the fish hatchery project. Dax indicated that if the Wasatch County Council would like to make a list of the projects that the Wasatch County Council would like to see done then Dax indicated that he would give them to the NRCS and they would prioritize those. Dax also indicated that the \$455,000.00 is for the EA and the planning revisions on the Lake Creek Flood Channel and Daniels Irrigation Pipe. Also there is enough money there for more projects that would fit within that cap. Also the implementation phase will come second. Also would like to add Center Creek Channel.

Councilman Steve Farrell made the motion that we approve the additions that has been

proposed by the NRCS for the EA to be done on them to include the old fish hatchery and the Timpanogos and Wasatch Canal lining, the canal breach prevention area the lining of the earthen dike at south end of Timpanogos Canal and the Agricultural Water Management Pond Improvements. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION/CONSIDERATION 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 #00-0008-4686 IS LOCATED AT APPROXIMATELY 1555 WEST 650 SOUTH IN SECTION 1, TOWNSHIP 4 SOUTH, RANGE 4 EAST IN THE SOUTH FIELDS AREA.

Chair Greg McPhie indicated that a closed session is needed to discuss this matter.

Councilman Spencer Park made a motion that we leave our regular session and go into closed session regarding litigation. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Spencer Park made a motion to leave our closed session and go back into regular session. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

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

NAY: None.

COUNCIL

MEGAN PROBST REZONE

Councilman Kendall Crittenden made a motion that we have been looking at this issue for a long time. There has been a lot of disagreement/controversy, confusion and some confusion on our part as the Wasatch County Council as we have made different motions and carried out different actions. A lot of confusion on the public's part as they have done certain procedures and actions but based on where we are at today and what is in the best interests of the citizen's of Wasatch County I would make a motion that we deny this zone change at this time. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

**AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Danny Goode
AYE: Mark Nelson
AYE: Spencer Park**

**NAY: Chair Greg McPhie
NAY: Mike Petersen**

DISCUSSION/CONSIDERATION OF KIRK SULSER 2018 AND PRIOR YEARS TAX ADJUSTMENT

Councilman Steve Farrell indicated that Mr. Sulser brought to the Wasatch County Assessor's attention an error that has been made on his property tax. His home has been treated as a primary home and the lot that it sits on has been treated as a secondary lot and it has just been a factual error that was carried out through the computer and it makes about between four and six hundred dollars a year difference. Applicant Kirk Sulser indicated that he agreed with that. **Councilman Steve Farrell then made a request that the Wasatch County Council approve an adjustment on Kirk Sulser's taxes and correct the error and adjust the taxes from 2018 to 2011 as far as it extends and that would amount to approximately \$3711.18 over that period of time. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

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

NAY: None.

DISCUSSION/CONSIDERATION 2019 TAX RATE INCREASE AND POSSIBLE APPROVAL

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that it was proposed to do a tax increase to generate \$826,000.00 additional revenues to cover the costs for the six school resource officers, the adjustments to the jail wages, adjustment to the supervisory component of the Sheriff's Office that will handle the SRO Officers, the addition of the assistant Wasatch County Manager's position and a raise for the Wasatch County Manager and a raise for the Wasatch County Council. Those were put into the budget. The tax rate is currently .001445 and go to .001592191 on a resident's value of \$440,000.00 the property tax currently would be \$349.69 and that would go to \$385. 31 which on a primary home would be \$35.62 more and that is what has been proposed.

DISCUSSION/CONSIDERATION OF POSSIBLE COST OF LIVING SALARY ADJUSTMENT FOR THE ELECTED OFFICIALS INCLUDING, COUNCIL, ATTORNEY, RECORDER, SURVEYOR, CLERK/AUDITOR, TREASURER, ASSESSOR, SHERIFF AND APPOINTED COUNTY MANAGER.

Chair Greg McPhie indicated that the two increases that are in addition to the cost of living and as you recall we had our HR Department do a study of like counties and types of government and came back to the Wasatch County Council with a presentation on what managers and councils made similar to us so we then budgeted for an increase on the Council and currently it is \$16,860.00 per Council Member. We budgeted for that to go up to as much as \$25,000.00 that is annually per Council Member. Councilman Mike Petersen then voiced his opinion on this matter and have been doing my own research on this matter as well with council's with similar population and salaries and things and it does fall right in line with about a \$25,000.00 am in support of that and won't be here tonight for the public hearings but would be in support of raising that amount to \$25,000.00. Chair Greg McPhie also indicated that both Councilman Mike Petersen and myself won't be on the council next year and that is one of the reasons that I wanted this issue to be looked at and both of us have no skin in the game. Also with regard to the Wasatch County Manager's pay it was going from about \$135,000.00 currently up to about \$151,400.00 which is an increase for a manager but actually a reclassification and not just an increase and still not in the upper end of other manager positions but in the bottom third. These amounts are budgeted for currently at those amounts

Councilwoman elect Marilyn Crittenden had a question about the line item called Community projects and the funds there has a \$30,000 in it and if you look to see if that was spent last year it almost looks like it is a negative and not sure why there is \$30,000 in this fund and if there is a need for that and the same question with the Council's discretionary fund.

Barry Hallows, financial officer, indicated that the item referred to with a negative is actually a credit because when the Council serves on various boards that receive money for serving on them that money comes back to the County and it shows it as a credit and this is actually being changed this year so it is easier for that to be followed. Also with regard to community projects they are like when various groups come in and request money and that is in regard to the Council's discretionary fund the money in that fund can be used for such things.

DISCUSSION/CONSIDERATION REGARDING THE 2019 WASATCH COUNTY BUDGET AND AMENDMENTS TO 2018 WASATCH COUNTY BUDGET

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the amendments to the 2018 Wasatch County budget will be continued tonight. Mike Davis indicated that the 2019 budget is \$23,770,746 and that is where it is presently. The revenues balance with that. Mike Davis then went through the other funds that Wasatch County has.

DISCUSSION/CONSIDERATION FOR WASATCH COUNTY RECOMMENDATIONS FOR THE STATE OF UTAH'S PETITION TO ESTABLISH NEW MANAGEMENT PROVISIONS FOR UTAH'S INVENTORIED ROADLESS AREAS.

Councilman Steve Farrell indicated that there has been a request through the Forest Service and then came through Kathleen Clark for Wasatch County to go through and evaluate its roadless areas. This is an effort to try to improve the healthy forests and work with some of the fires that happened and wanted to know how Wasatch County felt about amending the roadless areas. There were three classifications.

- (1) not do anything with roadless areas.
- (2) is to allow flexibility for the Forest Service to go in and amend the roadless area for a brief period of time while they do some logging and help clean up some of the dead timber and then re-vegetate it and put it back the way it was.
- (3) go in and eliminate part of the roadless area and if they went in and made new roads in harvesting timber and leave the roads in place.

The State people has asked for a letter in support which the State will go to the Forest Service and ask for their cooperation on this. Wasatch County put our voice in No. 2 and want to go in and manage the forest and open the areas up and get the timber out and come back and re-vegetate it and restore it back to the way it was. We have a letter here that we would like the Chairman Greg McPhie to sign and that will be sent to Kathleen Clark the State Coordinator and she will present this letter along with the other twenty-nine counties to the Forest Service for them to take some kind action to improve the public forest amendment. The letter doesn't include a map but it includes a list of identified areas.

Councilman Kendall Crittenden indicated that he is very in favor of this because just look at what happened in California this year. This is something that needs to be done and Wasatch County has their own issues to take care of regarding this matter.

Councilman Steve Farrell made a motion that we authorize Chairman Greg McPhie to sign this letter of support for the Healthy Forest Initiative and how it deals with the roadless areas. Councilman Mike Petersen seconded the motion and the motion carries with the following vote:

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

NAY: None.

MANAGER'S REPORT

PUBLIC DEFENDER BID APPROVALS

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we annually bid our Public Defender work and received bids for the 2019 Public Defender positions. There will be three contracts to be looked at and will be done individually. The first will be for the Public Defender bid which is the primary public defender and there was two bids. There was the Facemyer Law Firm at \$115,000.00. The other one was Bautista, Booth and Parkinson at \$98,500.00 and my recommendation is that we approve Bautista, Booth and Parkinson as the Public Defender for 2019 for Wasatch County. Councilman Kendall Crittenden indicated that having some contact with both Bautista, Booth and Parkinson and Facemyer in the past would indicate that Bautista, Booth and Parkinson over the last year that Wasatch County had gotten better service out of them than Facemyer in the past. **Councilman Spencer Park made a motion that we approve the Wasatch County Manager's recommendation to go to Bautista, Booth and Parkinson. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

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

NAY: None.

Mike Davis then indicated that next is our conflicts public defender. As an example if there was some sort of activity that there were arrests made and there was multiple arrests on a single incident you cannot have one public defender represent all of those individuals so there is a need for conflict defenders. There are two position here and have received three bids one from the Facemyer Law Firm \$35,000.00, one from the Wrona Dubois at \$28,800.00 and my recommendation those two as conflict defenders. **Councilman Mike Petersen made a motion that we take the manager's recommendation as presented. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

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

NAY: None.

PURCHASE OF TABBIE MOUNTAIN

Mike Davis, the Wasatch County Manager, indicated that the State of Utah has purchased Tabby Mountain from the State School Trust Funds and the 28,000 acre parcel is sixty percent in Wasatch County and forty percent approximately in Duchesne County and all of that will be added to our open space inventory and continue to be open for hunting and outdoor use and access which is a great thing to keep that preserved.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that the public lands meeting was held this morning. Wasatch State Park indicated that they made their first grooming trip up Pine Canyon last week and there is three and a half of snow at the top and make their first past through Snake Creek on Friday and there is five and a half feet up at the pass. Also make their first pass out through Strawberry on Friday. The park out at Rock Port is the one that does Lake Creek and they don't know when that will be done. Chair Greg McPhie indicated that there is about three to four feet of snow up on Lake Creek. The other thing on the public lands the time has been adjusted which is the first Wednesday of every month and set at 9:00 a.m. to accommodate two of the members who had to get their kids to school before they came. Those individuals are not on the board any longer so the time has been moved back to 8:00 a.m.

Councilman Kendall Crittenden indicated that with regard to the Physical Facilities committee has met twice in the last month and all the pertinent information has been taken into consideration. The Physical Facilities committee which consists of myself, Heber City Councilman Hardman and Mayor Johnson from Midway and have talked about what we can do to mitigate pole heights, etc., and ready to present our findings on that to the full Power Board on December 17, 2018 and then will go forward at that point and possibly come back to the Wasatch County Planning Commission in January and see where that takes us in moving forward. The time line is getting very critical to get that line completed if the power needs to stay on in Wasatch County.

Councilman Mark Nelson indicated tomorrow night is the Chamber gala which is being held at Soldier Hollow which is a great party. Also the winter train is moving forward with great success. Councilman Steve Farrell indicated that he rode on the train last night and Councilman Mark Nelson has done an excellent job along with his staff. The kids that were working on that train kept it going all night and was quite enjoyable.

The record should reflect that Councilman Mike Petersen and Councilman Mark Nelson were not present with the public hearings.

**PUBLIC HEARING
DECEMBER 5, 2018**

**DISCUSSION/CONSIDERATION OF 2019 GENERAL FUND TAX RATE INCREASE
AND POSSIBLE APPROVAL.**

Brent Titcomb, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that this year we went through the process of increasing the 2019 General Tax Rate. The amount of the increase is \$826,000.00 making it a 7.9% tax rate increase. Our current rate is .001445 and with the tax rate increase it goes to .001592. Some of the money goes to school resource officers. Some increases in wages and monies going to the control room at the jail which the money is kind of spread out. The average value of a home in Wasatch County is \$440,000.00 and for that average home the tax rate increase would be \$35.62 a year. On business it would be \$64.76 per year increase on for that.

Chair Greg McPhie then opened the matter for public comment and there was none so the public comment period was closed.

Councilman Steve Farrell made a motion that we approve the 2019 tax rate as has been presented. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Steve Farrell
AYE: Chair Greg McPhie
AYE: Kendall Crittenden
AYE: Danny Goode
AYE: Spencer Park**

NAY: None.

**PUBLIC HEARING
DECEMBER 5, 2018**

**DISCUSSION/CONSIDERATION REGARDING THE 2019 WASATCH COUNTY
BUDGET AND AMENDMENTS TO 2018 WASATCH COUNTY BUDGET**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and went through the 2019 proposed budget and other funds included and indicated that the 2018 amendments will be discussed on the December 19, 2018 meeting. The total budget for the year 2019 is \$23,770,746 which is a 11.18% increase over last year's budget. There is also \$321,500.33 dollars that will go to the reserve fund which is that much more revenue than expenditures.

Chair Greg McPhie then opened the matter up for public comment and there was no public comment.

Councilman Kendall Crittenden made a motion that we continue this item to the December 19, 2018 meeting which would give us time to look at and consider and possibly receive additional comment from the public and the amendments will be dealt with at that time. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE; Steve Farrell
AYE: Chair Greg McPhie
AYE: Kendall Crittenden
AYE: Danny Goode
AYE; Spencer Park**

NAY: None.

**PUBLIC HEARING
DECEMBER 5, 2018**

**CONSIDERATION OF POSSIBLE COST OF LIVING AND SALARY ADJUSTMENT
FOR THE ELECTED OFFICIALS INCLUDING, COUNCIL, ATTORNEY, RECORDER,
SURVEYOR, CLERK/AUDITOR, TREASURER, ASSESSOR, SHERIFF, AND
APPOINTED COUNTY MANAGER.**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that in the budget there is a proposed three percent cost of living increase for all County employees. Increases for elected officials and the County Manager requires a public hearing and a separate matter. It is proposed by this that those elected officials, the Wasatch County Council and Wasatch County Manager, also participate in a cost of living three percent increase.

Chair Greg McPhie in addition to a three percent cost of living increase in this budget includes and the discretion to adjust this but we included this that based on a wage comparison study that was done it is proposed that we increase the Wasatch County Council and am in favor of this but will be going out of office come January 1, 2018 and this increase will not affect me or Councilman Mike Petersen. The increase from \$16, 860.00 per year per Council Member to \$25,000.00 annual per Council Member is what is included in the proposed budget. In addition to that when the comparison was done and the study was done on the County Manager position we found we were at the very bottom and propose in this budget that we increase from \$134,000.00 to \$151,000.00 for the Wasatch County Manager which brings that still in the lower third of similar counties with similar population and representation. This portion of the public hearing is for those increases plus the three percent cost of living for all county employees and elected officials.

Chair Greg McPhie then opened the matter up for public hearing.

Sheriff Todd Bonner addressed the Wasatch County Council and asked if this increase for the Wasatch County Council includes health insurance and that should be a part of that increase. Dave Rowley, the Wasatch County Personnel Manager, indicated that has to be changed by the Wasatch County Council by code because the Wasatch County Council is considered just part time and change that to a benefitted part time council. Sheriff Todd Bonner also indicated that with the growth of this County is under at this time and the amount of time that the Council Members are having to be put in can that be re-looked at. That is one of the items that you need to talk about in the near future.

Chair Greg McPhie then closed the public comment period. Also I am very much in favor of this increase for the Wasatch County Council Members because they spend a lot of time in managing Wasatch County and also the Wasatch County Manager who spends a lot of time managing Wasatch County.

Councilman Spencer Park made a motion that we continue this item also until December 19, 2018 to see if there is more public comment and also have the other two council members present. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

**AYE: Steve Farrell
AYE: Chair Greg McPhie
AYE: Kendall Crittenden
AYE: Danny Goode
AYE: Spencer Park**

NAY: None.

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

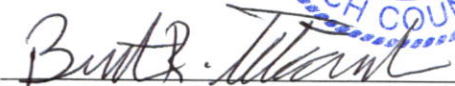
**AYE: Steve Farrell
AYE: Chair Greg McPhie
AYE: Kendall Crittenden
AYE: Danny Goode
AYE: Spencer Park**

NAY: None.



Meeting adjourned at 7:30 p.m.


GREG MCPHIE/CHAIRMAN


BRENT TITCOMB/CLERK/AUDITOR