

MINUTES OF THE
WASATCH COUNTY COUNCIL
JANUARY 9, 2019

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: Spencer Park
Jeff Wade
Steve Farrell
Chair Danny Goode
Kendall Crittenden
Marilyn Crittenden
Mark Nelson

OTHERS PRESENT: On list attached to a supplemental file.

PRAYER: Councilman Mark Nelson

PLEDGE OF ALLEGIANCE: Led by Councilman Spencer Park and repeated by everyone.

Vice Councilman Kendal Crittenden 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

Vice Chairman Kendall Crittenden asked if there were any public issues for future meetings and there were none.

ADMINISTRATIVE ITEMS FOR FUTURE AGENDAS

Vice Chairman Kendall Crittenden asked if there were any Administrative Items for Future Agendas and there were none.

LEGISLATIVE ITEMS FOR FUTURE AGENDAS

Vice Chairman Kendall Crittenden asked if there were any Legislative Items for Future Agendas and there were none.

COUNCIL

DISCUSSION/CONSIDERATION KEN BROWN WESTERN COUNTY ALLIANCE PUBLIC LAND ISSUE UPDATE.

No motion, No vote, asked to send invoice for next regular meeting.

INFORMATION/DISCUSSION ON THE WASATCH COUNTY AFFORDABLE HOUSING BOARD DOWN PAYMENT ASSISTANCE LOAN PROGRAM.

Councilman Kendall Crittenden wanted to update the Council on what's taking place with affordable housing program, and asked for any input. Right now they have 1.3 million out in loans- currently 89 are outstanding loans and 60% is in Auto Payment.

No motion, No vote.

DISCUSSION REGARDING LEGALLY NON-CONFORMING LOTS OF RECORD ALSO REFERRED TO AS "GRANDFATHERED LOTS". NON-CONFORMING LOTS OF RECORD ARE LOTS THAT, WHEN CREATED, WERE LEGAL BUT NOW DO NOT COMPLY WITH ZONING DUE TO CHANGES IN ZONING CODES OR MAPS.

Doug Smith and Austin Cory are going to research this agenda item and bring it back to March 13th 2019 work meeting.

No motion, No Vote.

DISCUSSION AND POSSIBLE APPROVAL REGARDING RESOLUTION 19-02 SECTION 2.02.02 (G) (4) OF THE WASATCH COUNTY CODE WHICH ALLOWS THE BOARD OF ADJUSTMENT TO ADOPT BYLAWS. THE BOARD OF ADJUSTMENT HAS HAD BYLAWS FOR A NUMBER OF YEARS THAT HAVE BECOME OUTDATED FOR THE NEEDS AND SCHEDULES OF THE BOARD OF ADJUSTMENT. AS THE WASATCH COUNTY CODE ESTABLISHES SUFFICIENT RULES FOR THE BOARD OF ADJUSTMENT, IT IS RECOMMENDATION OF THE STAFF THAT PORTIONS OF THE BYLAWS BE REPEALED.

Councilman Steve Farrell made a motion we ratify resolution 19-02 amending the bylaws for the Board of Adjustments. Council Spencer Park seconded the motion and the motion carries with the following vote:

AYE: Kendall Crittenden
AYE: Marilyn Crittenden
AYE: Mark Nelson
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell

NAY: None.

Councilman Chair Danny Goode had stepped out of the room.

DISCUSSION/CONSIDERATION OF STATE ROAD 248 CORRIDOR ACCESS AGREEMENT BETWEEN WASATCH COUTNY, TOWN OF HIDEOUT AND THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT).

State Rd. 248 will be out on work meeting and an update from Wasatch County Manager Mike Davis.

Councilman Farrell made a motion to go ahead and approve Mike to sign the border agreement with the town of Hideout, Department of Transportation, and Wasatch County after finding out what Hideout annexation request is. If they are going to annex them we will terminate and not do the agreement. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Jeff Wade
AYE: Steve Farrell
AYE: Danny Goode
AYE: Kendall Crittenden
AYE: Spencer Park

NAY: Marilyn Crittenden
NAY: Mark Nelson

DISCUSSION/CONSIDERATION ON COUNTY COUNCIL CHAIRMAN AND VICE CHAIRMAN APPOINTMENTS FOR 2019-2020.

Chair should be Sr. Councilman that hasn't had an opportunity to be Chair.

Councilman Steve Farrell made a motion to appoint Danny Goode as Chairman for 2019-2020, Councilman Kendal Crittenden seconded the motion.

AYE: Jeff Wade
AYE: Steve Farrell
AYE: Danny Goode
AYE: Kendall Crittenden
AYE: Marilyn Crittenden
AYE: Mark Nelson
AYE: Spencer Park

NAY: None.

DISCUSSION/CONSIDERATION ON COUNTY COUNCIL CHAIRMAN AND VICE CHAIRMAN APPOINTMENTS FOR 2019-2020.

Vice Chair time served and seniority.

Councilman Kendall Crittenden made a motion that Mark Nelson be Vice Chairman for 2019-2020, Councilman Steve Farrell second the motion and the motion carries with the following vote:

- AYE: Jeff Wade
- AYE: Steve Farrell
- AYE: Danny Goode
- AYE: Kendall Crittenden
- AYE: Marilyn Crittenden
- AYE: Mark Nelson
- AYE: Spencer Park

NAY: None.

DISCUSSION/CONSIDERATION ON COUNTY COUNCIL BOARD APPOINTMENTS FOR 2019-2020.

See attachment assignments.

Councilman Danny Goode made a motion for Board Appointments for 2019-2020. Councilman Steve Farrell second the motion and the motion carries with the following vote:

- AYE: Jeff Wade
- AYE: Steve Farrell
- AYE: Danny Goode
- AYE: Kendall Crittenden
- AYE: Marilyn Crittenden
- AYE: Mark Nelson
- AYE: Spencer Park

NAY: None.

DISCUSSION/CONSIDERATION ON CHAIRMAN/VICE CHAIRMAN APPOINTMENTS FOR 2019-2020 FOR THE SSD BOARDS.

See attached assignments.

Councilman Spencer Park made a motion to approve SSD Council Serves as Presented. Councilman Danny Goode second the motion and the motion carries with the following vote:

AYE: Jeff Wade
AYE: Steve Farrell
AYE: Danny Goode
AYE: Kendall Crittenden
AYE: Marilyn Crittenden
AYE: Mark Nelson
AYE: Spencer Park

NAY: None.

COUNCIL BOARD

Councilman Spencer Park advised they already had the first meeting for the watershed committee and have the next meeting Friday at 10 a.m. down stairs every two weeks until we are done.

Councilman Steve Farrell would like the Fireboard Advisory Board to be put on the work meeting January 16th. The Fireboard is going to take on the report done by SCI and look at the various elements that will need changed and recommended and go into more detail. The Fireboard wants to make a presentation to the board with all those items, once a month for the next eight months and help us make a decision. They want to do it on a work meeting because they don't feel that during a regular fireboard the way they have it structured we don't have adequate time to discuss anything we would like to.

Councilman Steve Farrell next item: We would like to have the Open Lands Board on the work agenda January 16th, we have been working on outlining the criteria, the procedures on the application and the ordinance required to move forward. We want to bring to you what we have done so far, we would like the input from the council. We would like to have something for the middle of March as an ordinance.

Councilman Steve Farrell next item: I've been working with the Assessor's office who have been working on acquiring a program called STR Helper and Eagle View /Pictometry and would like to have a short demo on January 16th work meeting. Councilman Danny Goode asked if it's computer software. Councilman Kendall Crittenden: Says she's talking about the fly over. Councilman Farrell said she's talking about both. I think it would be good to see. It would be beneficial, one of the programs cost \$15,000 and the other is \$250,000. Councilman Danny Goode: Asked if we need Don at that meeting? Councilman Steve Farrell says I think we probably should look at the ramification of what good we could do with this program, buying set of files that has aerial flights over us once a year or twice a year they can zoom in and look into a project that could be changed or see what improvements are in a general area, make sure they have them on a tax roll. Councilman Danny Goode asked if he wanted it on a work meeting. Yes, Councilman Danny Goode would like Don @ the work meeting.

Council Farrell next item: We meet as a weed board today at 1:00 p.m. downstairs. We have \$98,000 in grants this year, this will be used to buy the chemicals used that we give out to the property owners, as they request help with noxious weeds. Councilman Danny Goode asked do we as a county ever go out and spray weeds. Councilman Steve Farrell Oh yes. Councilman Danny Goode: We do. County Manager Mike Davis said yes we spray every day, Councilman Steve Farrell said he thinks they have a budget of \$450,000. We will contact a person, tell them they have a problem and they usually get on top of it, another thing we've done Councilman Danny Goode all they have to do is go down and fill out a form to get the stuff themselves? Councilman Steve Farrell no we give it out depends on the acres, we give up to a gallon but most get a gallon because it's illegal to split it.

Councilman Danny Goode: Library will be opening soon, expansion will be opening. Everyone will be invited to something, not sure what it is yet. I want to extend an invitation to Greg McPhie and Mike Peterson because they were here when it was approved and saw it through.

Councilman Mark Nelson: Reported Ryan Starks is already on the agenda for the January 23rd, meeting to make a presentation on Tourism and Economics and annual report and plans for the next year.

Councilman Kendall Crittenden: You should all have received a notice from Brent's office regarding annex request from Heber City, we meet on this weekly. It came to Greg as Council Chair and was put in my box. We have the official letter from Heber City and if we wanted to protest this then it needs to be by February 2nd, the first one is called the Beehive Storage Councilwoman Marilyn Crittenden asked where this is at? Councilman Kendall Crittenden advised 189 and Industrial Parkway Heber City actually wraps around this. We talked to this guy a couple of years ago, they want to annex this. Councilman Kendall Crittenden said he and Mike talked about it earlier in a meeting and don't know if we have a real problem annexing this, we just pointed out they need to reserve, they got the flood channel identify, they also need to talk to the landowner reserve the corridor through there. Heber recognized that, Mike suggested probably could get that property donated as a condition as of annexation if they will do it. Councilman Spencer Park: The flood channel is an assessment existing, Councilman Kendall Crittenden: Flood channel nothing that can be done about it, we need the 120 or whatever at that point designated. He's currently in the county and wants to do additional storage units I don't know whether he's come to the county and we won't let him do more or he just wants to annex into the city. I don't know. Councilman Spencer Park: I know he has water services in the city already.

Councilman Kendall Crittenden: Advised the other item is a little more critical (see attached map). Midway Lane about 600 South Dental Clinic and all the stuff came out in the meeting, I don't think they were ready for this to come out yet. Wasatch County School District looking at this 50 to 60 acres. Councilman Mark Nelson: Tell me Midway Lane and Southfield Rd. Oh Okay. Councilwoman Marilyn Crittenden: So this is west of Southfield Rd. North and East before you hit behind the park where the Southfield Park? Down here by the trees. Councilman Mark

Nelson: What is 6? Councilman Steve Farrell: 6 will be the bypass rd. Councilman Kendall Crittenden 6 is depending there will be a public hearing on the bypass and Heber main street this section will not be presented, we just don't know yet the preferred bypass. We have looked at for years would be, and come off of 40 UDOT has it wrong it should fall down property line, hit Southfield Rd. and then take to the west. UDOT curved it to far here. If you recall we purchased this piece and the county purchased this piece because we knew it would cut across the property cut it in half. Councilman Mark Nelson: Route C and route B proposedly could cut across. Councilman Kendall Crittenden: As we meet in this meeting route A is the one we talked about for years. Route A is where the power line will come, route A is what we looked at. This map doesn't show as good. Bio west has a woman working and has come up and said the Army Corp of engineers will never recommend route A because of the wet lands, we are disputing whether those wet lands are still there or not. They proposed another route B. Councilwoman Marilyn Crittenden: Who proposed UDOT and Heber City? Councilman Kendall Crittenden: They got a grant for \$270,000 Heber put \$20,000, UDOT put \$50,000 and the State \$200,000. There's three groups working on it. Public hearing in the middle of February to present downtown corridor, and this too but this piece is not going to be on it, but anyway B swinging's this way and should hit there. Then C they created it in packs the wet lands that they are looking at. Now this map does show that's why they created A, B & C. My perspective would be preferred A now the reason I bring this up on the other map now B comes along right down through a subdivision. County Manager Mike Davis: Well not quite- put the other drawing up that subdivision ends there. Councilman Kendall Crittenden: No it ends at Southfield Rd. County Manager Mike Davis: No it ends there Councilman Kendall Crittenden: Isn't that Southfield Rd.? County Manager Mike Davis: No Councilman Kendall Crittenden: B comes County Manage Mike Davis: Your right down through here C comes through here, there was some issue with the high school there buying 50 acres here and talking about another 10 acres that will cut off the corner. Councilwoman Marilyn Crittenden: One of those bypass would run through the school? Councilman Kendall Crittenden: It would come down through this corner and down through either of these routes can't annex until A, B or C is determined.

Councilman Kendall Crittenden: The other side of the next item I'll talk about in the last meeting the county putting in \$20,000 to MAG to help pay for a lobbyist to help get money from UDOT, we need an environmental study on this. We need to determine a right now. This woman from Bio west is saying wetlands are the core of engineers would never approve route A and probably not route B we need to know this. Councilman Steve Farrell: We needed to know that 10 years ago Councilman Kendall Crittenden: Problem is the environmental study has a shelf life of five years. UDOT has been hesitant to spend \$2 million that might need to be done again in another five years.

If we can determine, because we don't think the wetlands are there any more like the maps they are looking at. Councilman Steve Farrell: If they are there we can litigate them. Councilman Kendall Crittenden: So that's the thing I don't know if it's at the level we oppose it but maybe we do oppose it to force the boundary committee or just a strong letter to Heber City and I will attend the meeting and Danny you should maybe go to, they didn't seem to be committed today to say well we are not going to allow annexation they don't have to annex in.

Councilman Danny Goode: Mike have you meet with the City Manager have you guys talked about this? Where do you think they are at? County Manager Mike Davis: His reply was you're in control now. Councilman Mark Nelson: Yes but if they annex they are setting themselves-up for a lawsuit. County Manager Mike Davis: They are not wanting to discuss this. Councilman Kendall Crittenden: Your recommendation is to get with Jon and write a letter to Heber City.

Councilman Kendall Crittenden: We got our bill from Mtn. Land. Our general assessment is based on population \$1,926 our RPO \$2, 524, work we get from Shawn Segers and he put \$20,000 price for strategic plan II which is what we talked about. Going towards the lobbyist (Curtis) help get UDOT on the board to fund the study. Council Steve Farrell: I don't think we ought to entertain a lobbyist until we get agreement with Heber City on the route. Councilman Jeff Wade: Yeah it's going to do no absolutely good until we get Heber City on the same page. Council Kendall Crittenden: Yeah why we have to fight so hard to get Heber City on the same page is beyond me.

Three consultant Iven Hooper with Avenue Consultant, Public Involvement peace kind help together the public information is Penna Powers, and Andrea Mosers with Bio west. Councilman Spencer Park Bio west sounds like an environmental firm and they would pick the least environmental problem and not care about any of the property issues. Council Kendall Crittenden: She's just coming in as are presenting Bio west and saying 12 engineers will not approve route A because of wetlands and she's looking at a 50 year old map and I've brought it up multiple times in the meeting that map is not accurate, we need to determine where the wetlands really are now. Councilman Danny Goode: Do you think a possible solution would be either an inter local agreement or MOU with Heber that specifically defines a route that the two of us could go back to UDOT with, do you think that would work? Council Steve Farrell: I think that would work if we could get Heber City to agree with it. County Manager Mike Davis: This will be the third one: we've done it twice before. Councilman Kendall Crittenden: I think we are in agreement with the rest of it. Councilman Spencer Park: But hopefully in this time of the game were close enough to UDOT, that's what I was getting at before we need UDOT to take it and say we love it. (Run). Councilman Steve Farrell: Why weren't we involved with Heber City when they hired Bio west to do their study? Councilman Kendall Crittenden: Probably Mayor Potter got in with how much MAG was involved in, they got in with UDOT, and the downtown corridor and of course the bypass has to be part of fortunately they included us, I've attended all the meetings and County Manage Mike Davis. County Manager Mike Davis: When this started UDOT was very far from this. It was in the mid 90's. I served on the committee and UDOT wasn't going to do anything until you guys get the four corners started acquiring property. Councilman Kendall Crittenden: We got about 70%. County Manager Mike Davis: And now the approach is very different approach with Heber City and UDOT move highway 40 that changed the game. Councilman Kendall Crittenden: Which really always what it should have been. Councilman Danny Goode: But it restarted the talk. County Manager Mike Davis: I don't know it really did change the game from the UDOT standpoint. So getting them to say UDOT is going to promote and build the rd. It's a whole different thing on County and City accruing property saying UDOT is building a bypass rd.

Councilman Danny Goode: Mr. Chairman what I think we need to do for our work meeting is add another item of looking at previous MOU's see if we can identify where they failed and see if we need to start drafting a third. Is the council all right in doing that or do you think that's not the right approach, until we have a meeting with them to get the current council on the same page and understand where we are now and what we need to do next? The previous two MOU's if the MOU is not the right tool then we need to figure out what the correct tool would be.

Manager's Report

I've been contacted by Bryan Bitner and he could get a coyote bounty hunt group together through the state and could commit \$11,500 we would have to match that to the State and the State would reimburse us ½ Sheepherder's ranch basically pay for it but the County has to facilitate and the process is almost there.


Renewing contract with Mike Kohler as our lobbyist on state legislator, we will be paying monthly \$1,000 for the year.

Health Department has gone for hydro geological study for septic tank, ground water study and we asked if we could piggy back ground water source, came back with a bid \$30,600 SSA 1 has enough in its budget so it wouldn't be coming out of general fund. Kick back to SSA 1 to go ahead.

County Manager assistant has been reposted.

Wasatch County Council had training on the Open and Public Meetings Act presented by Wasatch County Deputy Attorney Jon Woodard.

Meeting adjourned at 7:30 p.m.


Kendall Crittenden/ Councilman Vice Chair


Brent Titcomb/Clerk/Auditor