

**MINUTES OF THE
WASATCH COUNTY COUNCIL
MARCH 6, 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: Chair Danny Goode
Kendall Crittenden
Marilyn Crittenden
Mark Nelson
Spencer Park
Steve Farrell

EXCUSED: Councilman Jeff Wade

OTHERS PRESENT: On list attached to a supplemental file

PRAYER: Councilwoman Marilyn Crittenden

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

OPEN AND PUBLIC MEETING AFFIDAVIT

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

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CALL FOR AGENDA ITEMS

PUBLIC ISSUES FOR FUTURE MEETINGS

Chair Danny Goode asked if there was any public issues for future meetings.

Randy Crist, Wasatch County resident, addressed the Wasatch County Council and indicated that he had distributed some letters regarding a property tax matter some time ago and have not heard a word from anyone. Councilman Steve Farrell indicated that a resolution regarding his problem is being worked on regarding the fence line agreement and the change in the acreage and though that something was worked out between the surveyor and recorder and that has since changed. Right now Wasatch County is working on the problem and trying to get it resolved. Also if you

have the six acres you will qualify and everything will be fine and if it can be determined where the six acres are in that six acres in that description and whose property the line is on which side of the fence it's on Wasatch can rebate the money that you have paid. Also hopefully Wasatch County will have some closure on it by the last meeting in March. Randy Crist also indicated that he is being charged an extra \$600 a month by my mortgage servicing company from whenever it started.

COUNCIL

POSSIBLE FINAL APPROVAL FOR OPEN LAND BOARD ORDINANCE - STEVE FARRELL.

Councilman Steve Farrell indicated that the Wasatch County Council discussed this last time which is the ordinance that we talked about in changing Title 2 and Title 3 creating an Open Lands Ordinance as well as the Interlocal agreement to which a small modification was made. Also the first reading has been held and this matter is set for the second reading tonight and a public hearing. Probably the voting should be deferred until the third meeting in March which is March 20, 2019 so that the public could have more time to review the matter.

Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County Council and indicated that there are some recommendations being made in this and would encourage the Wasatch County Council to read them. Also this ordinance worked in hand with the Interlocal Agreement that the Wasatch County Council has already passed and the Wasatch County Council has made some changes to that Interlocal Agreement and those have been presented those two weeks ago. As a result of these things if the Interlocal Agreement is not in place the ordinance will not work but the ordinance needs to be passed first so some of the other jurisdictions will know where this is going and be willing to enter into the Interlocal Agreement. Also if the ordinance is passed before the Interlocal Agreement is passed then the Interlocal Agreement will have to be amended so that it will work as a stand-alone which can be done.

Councilman Steve Farrell also indicated that as soon as a map is created that would appear that certain property appears to be targeted and to be able to qualify for some of the money property can't be targeted so the map was taken out of the Interlocal Agreement. Scott Sweat, the Wasatch County Attorney, also indicated that there has been some language put in the ordinance indicating until the Interlocal Agreement comes into place the ordinance can't function.

Councilwoman Marilyn Crittenden asked if there has been by laws presented. Councilman Steve Farrell indicated that most of the items that were in place originally in the document have just been modified and we haven't divided that up yet.

Councilman Steve Farrell made a motion that this matter be passed on for a third reading for March 20, 2019. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Steve Farrell indicated that this matter will be put on for the March 20, 2019 meeting as well as a separate item for the approval of the Interlocal Agreement and one public hearing will cover the matter which will be held today and then we will take written comment on March 20, 2019.

DISCUSSION ON MIDA DRC BOARD MEMBERSHIP - CHAIR DANNY GOODE

Chair Danny Goode indicated that the MIDA DRC Board is short one member and there needs to be a process for that to take place and am not aware of that process. Also it is not defined. Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that with regard to the wording of the Interlocal Agreement is says that within thirty days of the written request by MIDA Wasatch County and MIDA shall recommend persons to serve on the DRC Board and the only thing that says is that one member of that board is a Wasatch County representative. The board is short an architect and no architect who has been approached has even replied to be appointed to the board. Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated do we even need an architect on the MIDA DRC Board. The need for an architect was put in the Wasatch County Code and just has been transferred over and possibly some other type of person could be appointed to the board. Mike Davis also indicated that in his understanding the Wasatch County Council would make that recommendation of a person to serve on that board.

Chair Danny Goode indicated that he has a recommendation tonight for a person to serve on that board and that is Ryan Starks who is the Wasatch County Economic Development and Tourism Director and part of a component to MIDA is that they will work closely with the Chamber and Tourism and Economic Development. Doug Smith, the Wasatch County Planner, indicated that the MIDA DRC Board according to Code is a recommending body to the MIDA Board and some things in the MIDA Code that indicates that the MIDA DRC Board in some things are the land use authority which probably pertains to conditional uses but for the most part is a recommending board just like a planning commission to the MIDA Board. Chair Danny Goode indicated that this

matter can be put on for a vote to be taken at our next Wasatch County Council meeting and if there are some other names that the Council would like to present then that will be considered. Councilman Spencer Park indicated that he knows an architect that possibly would be interested and will contact him.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that for the work meeting on March 13, 2019 the Fire District would like to present another training session on a modification to the General Plan and this would be on the merger with EMS. A couple of options have been identified and the fire district would like to present that on March 13, 2019.

Councilman Steve Farrell indicated with regard to Planning there needs to be a discussion concerning a couple of things and they are the plat vacation ordinance, time frame on approval how long the entitlements are good for, also the map which is not ready and there needs to be more discussion and this could be done on the work meeting on March 13, 2019.

Councilman Steve Farrell then indicated that Scott Sweat, the Wasatch County Attorney, was going to have a presentation on the work meeting on March 13, 2019 talking on the different issues dealing with administrative and legislative actions and that training was going to be on March 13, 2019.

Councilman Steve Farrell indicated that the Public Lands meeting was held this morning and Mike Davis, the Wasatch County Manager, will discuss those.

Councilman Steve Farrell indicated that also there needs to be another person appointed to the Wasatch County Weed Board and possibly that could be put on the Wasatch County web site that there is an opening on that particular board.

Councilman Kendall Crittenden indicated that it is the time of the year again for March for Meals for Senior Citizens and to have an elected official go and help deliver the Meals on Wheels to Senior Citizens on a particular day. The day that has been selected for Wasatch County is Wednesday March 27, 2019. Councilwoman Marilyn Crittenden, Councilman Kendall Crittenden, Councilman Steve Farrell, and Councilman Mark Nelson indicated that they would be interested in doing that. Councilman Steve Farrell indicated that this is a good opportunity to see how much these senior citizens enjoy the company when the meals are brought to their home and the interaction that takes place. Councilman Kendall Crittenden indicated that he will take care of the times that would take place and get back with the Council Members that would like to participate in this matter. Councilman Kendall Crittenden also indicated that he will contact Councilman Jeff Wade to see if he would be interested in participating also.

Councilman Kendall Crittenden indicated that on May 9, 2019 in Park City is a Utah Elder Justice Conference which is sponsored by Mountain Lands and the Utah Department of Human Services to learn about the challenges, issues and legal problems that the seniors are facing out there and their own families do to the seniors.

Councilman Kendall Crittenden indicated that the CCC Committee meeting was held today and three issues are being worked on within Wasatch County which are mental health or mental wellness, vaping, and there is one more issue which I can't think of right now and to get information out to parents on how to handle these various issues. Also once a week on the different various social media information will be put on for the parents to avail themselves of help on these various issues. The Wasatch County Council then voiced their approval for this to take place when the Council's turn to sponsor this comes around.

Councilwoman Marilyn Crittenden indicated that she spent the last two days in Salt Lake for some training with the Utah State Tax Commission and met with Joshua Nelson. Joshua mentioned that he would be interested in possibly coming up and giving a presentation on how to do our tax structure for the redevelopment particularly for MIDA which there will be a redevelopment area that will take place so that the Wasatch County's tax structure is correct and he could come on April 3, 2019 if that time is okay with the Wasatch County Council.

Councilwoman Marilyn Crittenden also indicated that there have been e-mails from people that have concerns about the bypass road and in reading these e-mails feel that the Council should address those concerns expressed by the citizens because the public needs a place to express their concerns. This bypass road is a very important decision. Probably get together with Heber City and then come together with us to consider these concerns and allow the citizens to have a voice on the topic.

Chair Danny Goode indicated that he has a concern about the bypass route that was picked. Councilman Steve Farrell indicated that there has been a lot of study that went into that bypass route and there was a study done on the intersection of Midway lane and South Field Road and these concerns should have been expressed when the matter was considered the first time. Councilman Kendall Crittenden indicated that the basic route hasn't change from where it has been for a long time. Also the Heber City Airport expansion has been mentioned recently. Also Councilman Kendall Crittenden indicated that he is not opposed to have people give input with their concerns. Councilwoman Marilyn Crittenden indicated that people could express their concerns through writing instead of in a public hearing forum because people would like to know that their concerns have been heard and considered and looked at. Councilman Spencer Park indicated that he would like to make sure that Wasatch County's concerns have been brought forward and considered and possibly a group would go to UAC and be represented. Councilman Kendall Crittenden also brought up that the sewer farm has expressed some concerns also. Mike Davis, the Wasatch County Manager, indicated that before Wasatch County was making the decisions and now that UDOT is involved they are making the determinations and taking control. Wasatch County isn't asked as much about this matter and UDOT needs to make us aware of what

is taking place so that Wasatch County can inform the Wasatch County citizens in what is taking place more fully. Chair Danny Goode indicated that Heber City and Wasatch County should both be involved in these discussions that are being held instead of just Heber City. Let's have a subcommittee made up of Councilman Spencer Park, Councilwoman Marilyn Crittenden and Councilman Kendall Crittenden from Wasatch County go with Heber City and invite Shawn Seager from Mountain Lands to meet with Region Three UDOT so that we are fully informed in what is taking place. Also Councilman Kendall Crittenden will take the lead on this matter.

Chair Danny Goode indicated that he received a letter from Wallsburg about an annexation. Councilman Spencer Park indicated that it is the Brown Annexation which is right on the edge of town and part of the Brown's property is already in Wallsburg so this annexation would make sense and am fully in support of this annexation.

Also there is an outside group called the Dicio Group, which is a communication company that has been brought in by the Utah Association of Counties to complete an outside analysis of the organization. They are going around meeting with County Commissioners throughout the State of Utah and wanted to meet with Wasatch County. Since we are not on the County Commission form of government any longer and would like to meet with the Wasatch County Council for a couple of hours. They have been hired by UAC. Chair Danny Goode indicated that we will put this on for a work meeting and then review this matter and possibly do this with a subcommittee made up of three Council Members.

MANAGER'S REPORT

APPROVAL FOR IMPACT STUDY NOTICE

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the Wasatch County Council has asked that Tom Bonner, the Wasatch County Parks Director and myself meet with our financial advisors with the potential of doing a revamp of our impact fee study and that meeting did take place and was given some outlines to be considered. One of the things that need to be done is provide a notice of a hearing to start this process and would like your agreement that we would go down this process then the matter will be started with our financial advisors and start setting up the various meetings that need to be done in order for this to happen. Councilman Steve Farrell indicated that all the various impact fees should be looked at. Mike Davis indicated that roads, parks and rec and public safety impact fees would be looked at with this study and the Wasatch County Fire District is also looking into the impact fee adjustment also. Also the study will be funded out of the Wasatch County Reserve Fund because that particular study was not budgeted for and an exact cost figure has not been determined yet but will possibly be in the \$50,000 range. The Wasatch County Council all indicated that they are fine with this matter to go forward as Mike Davis has outlined it.

DISCUSSION ON EXPENSE REPORTS AND WASATCH COUNTY CREDIT CARDS

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there has been a discussion about the use of credit cards within the department heads of Wasatch County. Also there has been a new expense form created concerning this matter. Right now there are two methods that Wasatch County uses to handle expenses for employees and one is Per Diem to an employee which consists of so much for a breakfast, lunch and dinner, motel or hotel plus mileage. Mike Davis indicated that the method he would like to use is that the employees would provide receipts for these various expenses and the employees would be reimbursed pursuant to receipts and have a ceiling put on the meals that is based upon the State of Utah ceilings for Per Diem which is thirteen dollars for breakfast, fourteen dollars for lunch and twenty-three dollars for dinner. Mike Davis also indicated that credit cards are the worst temptations that some individuals could possibly have and would like to cut back on the use of credit cards but some credit cards are needed because the use of checks doesn't work as well as they used to. Chair Danny Goode indicated that possibly Mike Davis would take some time and look into and analyze the matter of credit cards further and then bring that back to the Wasatch County Council for them to look at what you are proposing. The Wasatch County Council indicated that they are okay with the route that Mike Davis, the Wasatch County Manager, is taking to look into this matter and then made a recommendation. Councilman Mark Nelson made a suggestion that Mike Davis would look into some of the larger private organizations not government organizations and try and take a very forward looking view and consider the latest trends that are taking place in this reimbursement issue for the paying of employees which could be electronically. Councilman Spencer Park indicated to keep it as simple as possible.

MONTHLY STATEMENT OF THE FINANCIAL REPORT BEING GIVEN TO THE WASATCH COUNTY COUNCIL

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Barry Hallows, the financial employee of Wasatch County, will be giving the Council pursuant to the Utah State Auditor's instruction. Also if the Wasatch County Council people have any questions with this just get back to Mike Davis, Barry Hallows or Brent Titcomb and raise what questions you might have. Chair Danny Goode asked that the various money that comes in from the different boards that the Wasatch County Council members sit on so we will know what the total of those are.

CONTRACT ON THE SOFTWARE FOR BEAR CLOUD WHICH IS THE PROGRAM LOOKING AT THE NIGHTLY RENTAL ISSUE

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we should have that contract to the Wasatch County Council real soon. There were things that were asked for some things that were a concern for Wasatch County in the contract which was that

they wanted to be able to take our data and sell the data and Wasatch County didn't want that to happen.

APPRECIATION DINNER FOR ALL FIRST RESPONDERS IN WASATCH COUNTY

Jared Rigby, the Wasatch County Sheriff, addressed the Wasatch County Council and indicated that he would like to have an appreciation dinner for all first responder agencies in Wasatch County and also individuals who helped in certain instances so that they know that Wasatch County appreciates what they do on a daily basis. The whole idea is to recognize them and give out some awards for their efforts and that could be done once a year. Jared Rigby then asked if anybody wanted to donate some funds to make this possible. Also will make this a fund raising type of dinner so that no money will come from the budget to pay for this. Also the only establishment that is large enough to handle such an event would be Zermatt. Zermatt would furnish the facility but we would be responsible for the payment of the food. Also would like to do this in the month of May. The Wasatch County Council indicated that they were all right with that type of appreciation dinner being held and would like to see the contribution to this. Councilman Mark Nelson indicated that you have to be careful not to forget somebody and just make sure that is taken care of properly. Councilwoman Marilyn Crittenden indicated that she is supportive of such a dinner and would donate some money to that cause because she indicated that she appreciated what the first responders do. Mike Davis, the Wasatch County Manager, indicated that on behalf of Wasatch County he will make a deposit and Wasatch County may or may not be reimbursed for that deposit depending on how successful the fund raiser is.

ARRANGEMENT OF THE NEW COUNCIL CHAMBERS BY DON WOOD

Don Wood, the Wasatch County ITT Director, addressed the Wasatch County Council and indicated to them where things will be put in order to make their chamber area better for them and for the public. Don indicated that if any of the Council Members have suggestions please let him know because this will be done on March 21, 2019 so let me know before March 21, 2019.

DISCUSSION ON TWO ROADS THAT WILL BE TRANSFERRED TO WASATCH COUNTY FROM THE FOREST SERVICE AND THE CASCADE SPRINGS ROAD AND THE SHEEP CREEK AND INDIAN CREEK OVER IN STRAWBERRY.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that in the meeting last week the issue that came up was that Wasatch County has required ATV's to be street legal licensed when used in public lands areas. Also the Cascade Road and the Alpine Loop Road that goes up the Alpine Loop and the Strawberry road are going to be paved. Also the Forest Service has concerns as well as Wasatch County. In the past there has been restrictions in the past with regard to vehicular traffic which is fine and good. There needs to be a policy

regarding the ATV's with regard to being street legal licensed and right now Wasatch County doesn't have a policy regarding whether ATV's need to be street licensed or not. This issue is not an easy one. Right now the Forest Service requires ATV's to be street licensed. Councilman Spencer Park indicated that he is in favor of leaving the current Wasatch County policy intact. Councilman Steve Farrell also indicated that he would like to leave the policy the way it is at the present time and if the current policy creates problems then the Wasatch County Council can then discuss the matter further. Councilman Mark Nelson indicated that he would look to Mike Davis, the Wasatch County Manager, and Brandon Cluff, the Wasatch County Public Works Director who has been attending these meetings with the Forest Service and are more familiar with the issue to make recommendations to us for our further review.

LAKE CREEK GATE ISSUE

Brandon Cluff, the Wasatch County Public Works Director, addressed the Wasatch County Council and indicated that this problem has arisen again because the snow is receding and only a certain few people have access to a snowmobile. Brandon Cluff also indicated that he would like some guidance on how to handle this gate issue. Also there has been a report that a certain rental company has been given the code to the gate and are unloading snowmobiles and taking their clients up through that area. Councilman Spencer Park indicated that he would make the suggestion or motion or whatever needs to be done that we look into negating that contract that we have with the landowners on the keys because there has been several breaches of that contract and get rid of that gate/key contract issue. Councilman Steve Farrell indicated that he agrees with Councilman Spencer Park that the contract should be terminated if it is not being lived up to. Also if that gate is opened up then the gate going up Pine Creek in Midway needs to be opened and the gate going up Snake Creek also and the gate going up over Cascade Springs and just opening up a can of worms for Wasatch County. Chair Danny Goode indicated that he would like to have the Wasatch County Attorney's Office to review the contract and then give a report to the Council.

Councilman Mark Nelson made a motion that we leave our regular council meeting and go into Closed Session to discuss personnel and litigation. Councilwoman Marilyn Crittenden made a second and the motion carries with the following vote:

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

NAY: None.

PERSONNEL

There were no minutes kept on the personnel matter because of persons being involved.

Councilman Kendall Crittenden made a motion to leave our Closed Session and go back into regular session. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

**PUBLIC HEARING
MARCH 6, 2019**

POSSIBLE APPROVAL FOR OPEN LAND BOARD ORDINANCE-STEVE FARRELL

Councilman Steve Farrell indicated that we have got Ordinance 19-01 which spells out the process that will be used as an open land board to represent to the County the properties that qualify and those property owners interested in using the funds that were approved at the last election. This is more of the frame work of what we want to work through. Chair Danny Goode indicated that this matter probably should be republished as a public hearing and then make this matter available on the web site for the public to look at. Councilman Steve Farrell indicated that probably this matter should be continued until March 20, 2019 Wasatch County Council meeting.

Chair Danny Goode then opened the matter up for public comment and then a continuation could be done. What will be done is this matter will be put on the calendar for March 20, 2019 for a public hearing. There will be some of the language that will be taken out but that will be decided on March 20, 2019 which will be some of the directives in the bylaws. Also will be passing Ordinance No. 19-01 and the Interlocal agreement in the same action at that time potentially.

Heidi Franco, Heber City Councilwoman, addressed the Wasatch County Council and indicated that we are at the starting point now and appreciate all the support that the Wasatch County Council has shown. There will be some other people look at the ordinance between now and March 20, 2019 meeting

Chair Danny Goode then closed the public hearing comment.

Councilman Steve Farrell made a motion that we continue this matter until the March 20, 2019 meeting and reopen this up on March 20, 2019 for the ordinance have a public hearing on Ordinance 19-01. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Kendall Crittenden made a motion to go back into Closed Session for a litigation matter from Mike Davis, the Wasatch County Manager. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Spencer Park made a motion to leave the Closed Session and go back into the regular Wasatch County Council Meeting. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

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

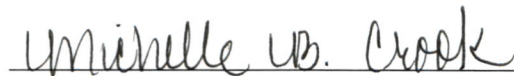
**AYE: Marilyn Crittenden
AYE: Mark Nelson
AYE: Spencer Park
AYE: Steve Farrell
AYE: Chair Danny Goode
AYE: Kendall Crittenden**

NAY: None.

Meeting adjourned at 6:45.



DANNY GOODE/CHAIRMAN



BRENT TITCOMB/CLERK/AUDITOR

