

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
APRIL 17, 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  
Spencer Park  
Jeff Wade  
Steve Farrell  
Kendall Crittenden  
Marilyn Crittenden  
Mark Nelson
- OTHERS PRESENT: On a list attached to a supplemental file
- PRAYER: Councilman Kendall Crittenden
- PLEDGE OF ALLEGIANCE: Led by Chair Danny Goode and repeated by everyone

Chair Danny Goode called the meeting to order at 3:00 p.m. and indicated that Councilman Steve Farrell will be a few minutes late. Then welcomed those present and called the first agenda item.

**OPEN AND PUBLIC MEETING AFFIDAVIT**

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

**PUBLIC ISSUES FOR FUTURE MEETINGS**

Chair Danny Goode asked if there were any public issues for future meetings and there were none.

**ADMINISTRATIVE ITEMS FOR FUTURE AGENDAS**

Chair Danny Goode asked if there were any administrative items for future agendas and there were none.

## **LEGISLATIVE ITEMS FOR FUTURE AGENDAS**

Chair Danny Goode asked if there were any legislative items for future agendas and indicated that he has one. I would like to do a resolution to recognize the month of May as Mental Health Awareness Month and have the Wasatch County Council recognize that at the Council's first meeting in May. Are there any other legislative items and there was none. Chair Danny Goode also recognized two students from Wasatch High School observing how the meetings go and welcomed them.

## **COUNCIL**

### **APPROVAL OF THE MINUTES OF FEBRUARY 20, 2019, MARCH 6, 2019 AND MARCH 20, 2019**

**Councilman Jeff Wade made a motion that we approve the minutes for February 20, 2019, March 6, 2019 and March 20, 2019 as written. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

**AYE: Chair Danny Goode**

**AYE: Kendall Crittenden**

**AYE: Marilyn Crittenden**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Jeff Wade**

**NAY: None.**

### **ANNUAL PILT PAYMENT FROM UTAH DIVISION OF WILDLIFE RESOURCES**

Jason Vernon, Regional Supervisor for the Central Region of the Utah Division of Wildlife Resources, addressed the Wasatch County Council and indicated that he is here to present a check for the in lieu tax payment. The Wildlife Division owns a little over twelve thousand acres within Wasatch County and Wasatch County is not able to realize property taxes. Jason then presented a check for \$6,274.10 as the payment in lieu of taxes.

Jason Vernon then if there were any other questions. Councilman Mark Nelson asked that with all the fires that were in Wasatch County last year did those have an impact negatively on wildlife. Jason indicated that habit wise high elevation fires are really good for elk and deer but the low elevation fires that make up the winter range like the sage brush and those things that we are most concerned about. Also the fire in Strawberry had a tremendous impact and will take years to get

that back to where it was.

The record should indicate that Councilman Steve Farrell just joined the Wasatch County Council.

**DISCUSSION REGARDING COUNTY SSD DECISION AND THE POTENTIAL IMPACT ON THE HEBER CITY/WASATCH COUNTY MOU.**

Chair Danny Goode indicated that there was a decision made in the North Village Special Service District meeting about an annexation with regards to the Hutchinson Property. There was a question on whether or not the North Village Special Service District had potentially or accidentally violated, at least in spirit, the MOU (Memorandum of Understanding) between Heber City and Wasatch County. That Wasatch County had annexed some property or potentially annexed some property out of Heber City that the North Village Special Service District perhaps should not have based on the MOU agreement. Chair Danny Goode also indicated that his understanding is that the North Village Special Service District acted properly and didn't violate the MOU in any way.

Councilman Kendall Crittenden indicated that North Village Special Service District had given them the ultimatum if they came with a request to annex in the North Village Special Service District that would mean the North Village Special Service District would give them both water and sewer and would not split it up. Also if the MOU was violated it wasn't intentional and probably should have met with Heber City and talked about this more together.

Chair Danny Goode indicated that this might be an item to where the Committee that was put together for the bypass road which is a standing committee that when issues like this arise the committee can meet and get together for an issue like this and resolve it where it doesn't come to a heated subject matter and the matter could be short circuited.

Councilman Steve Farrell indicated that this property is in their zone and area of influence.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that agreements that were made to the Hutchinson property precede this agreement by years. Hutchinsons had approached Heber City and asked for municipal services and were denied by Heber City. As a result of that the Hutchinsons approached the North Village Special Service District and the District said that if a pump station/lift station can be built on your property then the Service District would agree when you want to annex you can annex and this was done years ago. As a result that lift station was built and the area redefined in the annexation. This agreement was many, many years ago and was long before the MOU.

Chair Danny Goode indicated that this isn't a major issue and the issue can be worked out because it was just a misunderstanding and the committee was just a recommendation so that the matter can be resolved with Heber City. Let us just move all together to solve this misunderstanding. There was nothing done in malice and intentional and if there was a mistake made Wasatch County

will work to correct that.

Ron Phillips, the Manager of the North Village Special Service District, addressed the Wasatch County Council and indicated that in addition to what Mike Davis said about the lift station and the sewer line and water line running through the Hutchinson property this property also has the right to forty sewer hookups at no cost which was part of the deal to put the sewer line through and no additional impact fees.

Councilman Steve Farrell indicated that there are some concerns and feel that the developer is working Heber City against Wasatch County. The Heber City Council feels that the developer may be working Heber City against Wasatch County. Heber City wants the developer to work with UDOT to get a signal light on Coyote Lane to see what can be done due to the safety hazard. Heber City feels that is one of the reasons that the developer may have went to Heber City for annexation. Mike Davis indicated that corridor management should dictate when overhead traffic lights go in. Another issue is the grade issue and make sure that is done correctly.

#### **DISCUSSION ON WASATCH OPEN LANDS BOARD BY LAWS**

Jon Woodard, Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that he went through the bylaws and changed some things that made it match the Interlocal Agreement a little bit closer. The two biggest concerns are the bylaws could only be adopted by the Wasatch Open Lands Board according to the terms of the Interlocal Agreement and not by the Wasatch County Council. The other thing is that Heber City has agreed to the Interlocal Agreement that was set up by the Wasatch Open Lands Board but Midway has not. As soon as Midway agrees to the agreement everything would then be in place to move forward. Councilwoman Marilyn Crittenden indicated that matter is on Midway's agenda to be taken care of.

Chair Danny Goode indicated to the Wasatch County Council that if they have any feedback or change to these bylaws just contact Councilman Steve Farrell or Councilwoman Marilyn Crittenden or Jon Woodard so that those changes can be made a part of the document.

#### **COUNCIL/BOARD REPORTS**

Chair Danny Goode indicated that the new library director accepted his position and will be joining us on April 22, 2019. Also Chair Danny Goode asked Councilman Mark Nelson a question about who owns the Heber Valley Train. Is it a state entity, federal and where can cars park. Can the railroad cars park all along your right-of-way. Councilman Mark Nelson indicated that the Heber Valley Historic Railroad is an independent entity of the State of Utah and the railroad is owned by the State of Utah but it operates as an independent company. There are several other independent entities in the State of Utah. As far as parking at the Heber Valley Railroad cars we can park the

cars wherever we want to. The right-of-way is leased by us in ten year increments. The land is owned by the Utah State Parks and UDOT and they jointly lease it back to the railroad.

Chair Danny Goode indicated that regardless of the alignment of the bypass regardless of which roads we use or don't use is it still necessary that we must do an EIS (Environmental Impact Statement.) Councilman Spencer Park indicated that we will have to do an EIS regardless but the level of the EIS will depend on whether there is state or federal money but a solid one has to be just for UDOT to get any state money and may have to do an additional portion of it to qualify for federal money which they will want to get because that is a federal highway. Answer to your question is yes Councilman Steve Farrell asked if there is an existing road there can they get an environmental analysis. Mike Davis, the Wasatch County Manager, indicated that when the level of service is expanded if there is an existing road for state and federal purposes it still will require an EIS. If it were a county road it would not. An EIS has to be done to continue with the process.

Chair Danny Goode asked another question as the bypass road relates to the Heber Valley Airport. My personal position that we don't take any action as a Wasatch County Council member that would assist in the expansion of the airport and would the Council like to make a statement on that as it goes out to the public. Councilman Kendall Crittenden suggested that as to the Resolution that was passed by the Wasatch County Council and that would probably cover what you are asking for. Chair Danny Goode also indicated that the Council should stand by the Resolution. Councilman Steve Farrell indicated that should we bring that Resolution current. The Wasatch County Council indicated that they stand behind that Resolution which indicates that Wasatch County does not want to see the Heber Valley Airport expanded. Councilman Steve Farrell indicated that he feels like the Resolution be brought back up and put a current date on it. The Wasatch County Council indicated to Wendy McKnight, from the Clerk's Office, to put that matter on the next Wasatch County Council meeting as an agenda item.

Megan Dfa, a Wasatch High School Student, addressed the Wasatch County Council and indicated that in support of not expanding the airport the airport is already causing a lot of problems like when an airplane or jet goes over the school the lights start flashing, the projector turns off because the power is so affected by the noise of the airplanes that the work cannot be completed and inhibits our ability to get our work done. Also Megan indicated that she works as a cashier at Arby's and on many occasions taking an order on the drive through and the order becomes really noisy and really loud and the order cannot be understood and everybody then gets really disturbed. The airport should not interfere in our business.

Councilman Kendall Crittenden indicated that Heber City has scheduled the new Interlocal Meeting on May 9, 2019 at 7:00 p.m. in the Heber City Council Chambers. If the Council has any agenda items that they would like to discuss to get back to him so they can be put on the Interlocal Meeting agenda. Chair Danny Goode indicated that the violating the MOU problem that was discussed previously would be a good item to be put on the agenda.

Councilwoman Marilyn Crittenden indicated that there will be a training for Special Service

Districts. Chair Danny Goode indicated that we need to make sure that all the members of the Council are in compliance with all the Open and Public Meetings training, etc. for all of our Special Service Districts. Councilman Steve Farrell indicated that there are two trainings one is an annual on the open meeting act and that should be done every year and Scott Sweat, the Wasatch County Attorney, just did that. The other training is through the State Auditor for elected and appointed positions and that should be given once every four years and everyone should have it. Also that can be found on line or they can come and do it. Ron Phillips, General Manager, of the special service Districts, indicated that the requirement is that every time you are elected to office you do it within the first year after you were elected and then that training is good for the four years. Chair Danny Goode indicated that when you get that training you will e-mail it to Eliza McGaha at the special service district office. Also then our agenda will count for the Public Meetings Act Training and just let Eliza McGaha know the date that we did that. Ron Phillips, the General Manager, also indicated that we show in the minutes of each special service district from a meeting that we have asked if you have done it. We will put that on the agenda for the May meetings and ask you that question.

Councilman Mark Nelson asked the two students from Wasatch High from the U.S. Government Class has anything to say and a few comments were made.

## **MANAGER'S REPORT**

### **PRESENTATION OF HYLAND SOFTWARE'S 2018 GOVERNMENT INNOVATION AWARD TO WASATCH COUNTY.**

Don Wood, the Wasatch County IT Director, addressed the Wasatch County Council and indicated that Bill Premier, President and CEO of Hyland Software is here to present the Hyland software's 2018 Government Innovation Award.

Bill Premier, President and CEO of Hyland Software, addressed the Wasatch County Council and indicated that he is here today to award Wasatch County with the On Base Government Information Award. Bill Premier indicated that his company serves twenty thousand organizations globally and about two thousands of which are government agencies. Also there is a very active user group of government customers and they solicited some submissions for particular innovative solutions. That user group decided on three finalists. Then at the annual customer conference, all of the government customers that were in attendance voted on the most innovative solution among those three finalists. Wasatch County was selected at the top. Also we use our software in many different ways but this particular award was for the Building Permit Plan Review Process and converting that process from a physical and manual time intensive process to the digital and streamline process that it is today which is really impressive for the peer counties that have gone through their own digital transformation journeys. To say this was really good is really saying something and it shows technological competence, project management competence, and change management to see something like this through. Also it was a team effort to bring this all about.

So we present this award to Wasatch County and present the award to Don Wood with our congratulations for a job well done.

Chair Danny Goode then thanked Don Wood and Mike Davis and others who have worked on this process to make this award possible for Wasatch County to receive.

**RECOMMENDATION OF MEMBERS FOR  
SHERIFF MERIT SYSTEM COMMISSION**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he apologizes to the Wasatch County Council and especially to Councilman Spencer Park that these names weren't sent out prior to the meeting. There are three applications for the Sheriff Merit System Commission and my recommendation that we put Leo S. Lucy, Joseph T. Dunbeck and Greg McPhie as members of the Sheriff Merit System Commission. Chair Danny Goode asked if there needs to be a closed session held to consider these recommendations and the Wasatch County Council indicated that is not necessary.

**Councilman Steve Farrell made a motion that we go ahead and approve the names as they have been recommended by Mike Davis, the Wasatch County Manager for the Sheriff Merit System Commission. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Chair Danny Goode**

**AYE: Kendall Crittenden**

**AYE: Marilyn Crittenden**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Jeff Wade**

**AYE: Steve Farrell**

**NAY: None.**

**THE STATE AUDITOR'S AUDIT CONCERNING THE USE OF  
TRANSIENT ROOM TAX**

Mike Davis the Wasatch County Manager, addressed the Wasatch County Council and indicated that an audit was done on Wasatch County and eight other counties concerning that item and they found that Wasatch County had done nothing inappropriately and the funds were used for the right purpose. Wasatch County had never received the request for the report from the State of Utah and the request was finally received about six months after the request should have been made and then you fill out these questionnaires that are received. Councilwoman Marilyn Crittenden



indicated that she would like to see those reports. Mike Davis indicated that the Wasatch County Clerk's Office has those. Chair Danny Goode indicated that we put this on a Wasatch County Council meeting as an agenda item on the first meeting in May and have a formal presentation take place so that all Wasatch County Council Members have the information presented to them. Mike Davis indicated that he will take care of in the Manager's Report. Councilman Mark Nelson indicated that this will be very good because there have been some misunderstanding in Wasatch County with some of our citizens and people that have businesses such as hotels and resorts that don't understand the process. That process then can be explained to them. Mike Davis indicated that there have been a lot of questions about this and mistrust brought forward.

### **MEETING TONIGHT AT 6:30 FOR THE PARKWAY**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he has been asked to be on the panel this evening and it would be my opinion that the Wasatch County Council has not taken any position as to a specific route at this point and that would be my answer if asked that question. The Wasatch County Council indicated that is the correct position that has been taken because it is still in the study phase and the EIS is required and not trying to do anything with respect to the Heber Valley Airport. Councilwoman Marilyn Crittenden indicated that there is a potential of damage being done to the North Fields with whatever route was taken. Also my position would be that the Wasatch County Council do everything that can be done to make sure that Wasatch County doesn't violate what the trust the community has in not having any commercial in that area. Councilman Kendall Crittenden indicated that the position that Wasatch County has taken as this was developed and worked with MAG (Mountain Lands Association of Governments), over the last ten to twelve, fourteen years that there would be a fly over on Midway lane with an on-ramp coming off the South Field Road and an off ramp coming off to go to Midway with no commercial. Councilwoman Marilyn's concern is what will happen in the future.

### **BIDS ON THE NEW PICKLE BALL COURTS**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Tom Bonner, the Wasatch County Parks Director, has received those bids. The intent is that the Wasatch County Recreation Board will address those bids specifically. The financing possibly could be up to \$200,000 or so to take care of the project. There was a semi-commitment from Midway City and Heber City to participate and the intent would be that if those cities did participate to the amounts that were indicated along with some of the money that we got left over from the bond for South Field Park that has to be used in South Field Park. The pickle ball courts could be accomplished with those funds. If that isn't enough money there is some impact fund money specific to the Wasatch County Parks and Recreation funds that could be used for that. That is how the pickle ball courts would be financed. Tom Bonner, the Wasatch Parks and Recreation Director will go to the entities and remind them of the commitment that was made. Also the bids were very favorable and the courts should be done sometime in July. The Wasatch



County Parks and Recreation Board will have to approve those bids. Mike Davis also indicated that Tom Bonner could get a really good bid on some large trees. And had talked about quite a few trees at the Veteran's Park. That would be considered as new construction from a classification of funding. South Field Park which could use some of that bond money if there is any leftover around the event center and around the fairgrounds which would have to come out of another fund. And I told him to go ahead and proceed to purchase those trees and how much money would come out of each fund. And then Wasatch County could facilitate in getting those trees purchased.

### **LEGISLATURE YEAR 2018 SENATE BILLS 28 AND 29 THAT REQUIRE REGISTRATION OF ENTITIES.**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that these bills are rather complex but essentially required all entities, districts, county anything have to register through Wasatch County with the State of Utah through the Lieutenant Governor's Office. And right now don't know what all is entailed in that because the Lieutenant Governor's Office hasn't completed its end of that but the deadline is July 1, 2019. The State Auditor's office has indicated that if this is not done there will be no funds received as related to the State of Utah. That is said for every entity such as the fire district, recreation district, water districts, the county itself, affordable housing board, library, non-profits done through Wasatch County. The cities have the same issue. All municipalities will have the same issue. Right now Wasatch County is investigating further into this matter. Jon Woodard, Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that it also states that charter schools that are in Wasatch County need to be registered. This is very broad and I'm having a hard time figuring out how Wasatch County is to do this.

### **DISCUSSIONS WITH WHAT IS HAPPENING WITH THE PARKWAY AND WITH MAG.**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he doesn't recall Wasatch County agreeing to what will be paid for the study and the lobbyist with regard to the Parkway. Mike Davis also indicated that Wasatch County received an invoice for \$20,000 for that. What would the Wasatch County Council want me to do with this because there was no approval for that. Chair Danny Goode indicated to talk with Shawn Siggard, from MAG, about this first.

## **DISCUSSION ABOUT MIDA**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there has been some back and forth comments about permitting. Mike Davis also indicated that MIDA said that we are going to permit some of this stuff. Also indicated to MIDA that you can chose to do anything you want to do in your control area. Wasatch County will not do any inspections on things that we don't run the permit through. The way it is supposed to work is that they collect the permit fee and pay Wasatch County, they give us and we process and give it back and they issue the permit and then Wasatch County will inspect. Extell Development is hesitant with that procedure. Paul Morris, from MIDA, reiterated exactly that explanation. Also third parties have been hired to take care of this such as engineers, inspection services, and plan review services. MIDA is good with everything that has been lined up. Also just wanted to make the Wasatch County Council is aware of the conversations that have been going on. Extell wants to get some grading permits and put in foundations but Wasatch County has not seen anything. Councilman Steve Farrell indicated that all this would be conditional on MIDA getting the property deeded to them. Also the MIDA project didn't really exist until they owned the property, their portion of it and Mike Davis indicated that was his understanding as well. Mike Davis also indicated that Wasatch County is willing to process permits, review engineering and willing to do all of that if the fees were paid.

**Councilwoman Marilyn Crittenden made a motion to leave our regular session and go into closed session for potential litigation, litigation and personnel. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:**

**AYE: Chair Danny Goode**

**AYE: Spencer Park**

**AYE: Jeff Wade**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Marilyn Crittenden**

**AYE: Mark Nelson**

**NAY: None.**

Councilman Kendall Crittenden made a motion to leave the Closed Session and go back into regular session and hear the Public Hearing that is scheduled at 6:00 p.m. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Danny Goode

AYE: Kendall Crittenden

AYE: Marilyn Crittenden

AYE: Mark Nelson  
AYE; Spencer Park  
AYE: Jeff Wade  
AYE: Steve Farrell

NAY: None.

**PUBLIC HEARING  
APRIL 17, 2019**

**DAVID FULLEN, REPRESENTING THE DAVID L. FULLEN REVOCABLE TRUST AND THE HEIDI F. TUNNEY TRUST, REQUESTS A PLAT AMENDMENT TO THE THIRD AMENDED TUHAYE PHASE 1 SUBDIVISION IN ORDER TO COMBINE A PORTION OF LOT 38 INTO LOT 39 (9195 NORTH UINTA CIRCLE) AND THE REMAINING PORTION OF LOT 38 INTO LOT 39 (9182 NORTH UINTA CIRCLE) LOCATED IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.**

Austin Corry, Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that the applicant is seeking to amend the Third Amended Tuhaye Phase 1 Subdivision Plat for the purpose of splitting lot 38 and combining the split pieces into the adjacent lots 37 and 39. There is a twenty foot gap between lot 38 and lot 39 that is currently listed as a path easement, presumably for access to the open space area behind the lots. This proposal vacates that easement and absorbs the portion of open space into lot 39 as well.

Wasatch County Code requires notice to be sent to all property owners within the plat, as well as property owners within 500 feet of the requested plat amendment. At this time no objections have been received in response to the notices sent.

Austin Corry also indicated the key issues to consider:

1. Lot 38 is 1.37 acres and the open space path easement is 0.13 acres for a total of 1.5 acres.
2. Amendment will result in 54 lots in the same acreage as currently platted as 55 lots.
3. There are existing structures on lots 37 and 39.
4. The proposed combination will not create any non-conforming rights.
5. The path easement is not needed to meet the Tuhaye development's open space requirements.
6. Storied Deer Valley has provided consent to remove the 0.13 acres of open space from the development.

Austin Corry then went through the proposed findings:

1. Good cause for the amendment exists since lot combinations reduce density without creating non-conformities.
2. No public or private roads are being vacated as part of this plat amendment.
3. With conditions noted, this proposed revision conforms to the Wasatch County development standards.
4. The proposal is consistent with Utah Code Section 17-27a-609.
5. The Development Review Committee has reviewed the project and provided a favorable recommendation.

Austin Corry then went through the proposed conditions:

1. The plat amendment approval shall expire if the plat is not recorded within one year from the

date of receipt of final approval by the County Council.

2. The applicant must receive approval from each public utility franchise to realign the PUE's prior to plat recording.
3. Must comply with conditions noted in the DRC report.

Austin then went through the DRC comments:

Engineering - Ryan Taylor comments: The plat should be headed, Tuhaye Phase 1 Third Amended, Amending Lots 37, 38 and 39. The font should be LARGER and BOLDER than it is on the plat at this time. When the Mylar starts around for signatures if the heading hasn't changed, I will reject it.

A deed will need to be recorded after the plat is recorded to identify ownership of each lot. A plat DOES NOT convey ownership.

If the Notice of Recession of Easement is recorded before the plat is recorded, does Storied Deer Valley need to sign the plat? If that is the reason they are signing, I would check to see if they need to sign the plat.

FIRE-WCFD comments: Approved. All applicable fire code requirements.

JSSD/Twin Creeks/North Village - Ron Phillips comments: For sewer service laterals that are to be abandoned they are to be capped at the back of curb and the water service laterals to be abandoned are to be capped at the water main line in the road.

GIS/Addressing - Ivan Spencer comments: The address for lot 38 will be retired and the addresses for 37 and 39 will stay the same.

Health Department - Tracy Richardson comments: JSSD Sewer and Water.

The applicant was not present.

Councilman Steve Farrell asked what do the other property owners think about abandoning the path easement. When they bought their lots they knew that there was access on a path easement going to the open space. Councilman Steve Farrell indicated that he is very hesitant to do away with that access because it was on the Master Plan and presented as a public amenity. Austin Corry indicated that there is access to that open space still through other ways but just this particular access has never been built out or anything and the trail never got built. Also there is no way to feasibly build a trail through there because of the grade and steepness.

Councilman Jeff Wade asked if there is any way to put the open space access back in when these lots were combined. Austin Corry indicated that is a possibility and would be appropriate.

Councilwoman Marilyn Crittenden indicated that she likes the idea of leaving the public access and to make it available in another area.

Chair Danny Goode then opened the public hearing for public comment and there was none so the public comment period was closed.

**Councilman Spencer Park made a motion that we go ahead and approve this lot adjustment, amendment for the Phase 1 of Tuhaye modifying lot 38 and lot 37 and lot 39 as long as the access easement for the trail was continued between the two new lots which would be lot 38 and lot 39. Also I don't care where they put the twenty feet but the right-of-way stays the same as it is now except there is a twenty foot easement between the two lots and they can chose where to put it. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

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

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

**NAY: None.**

Meeting adjourned at 7:00 p.m.



Danny Goode  
DANNY GOODE/CHAIRMAN

Michelle W. Crook  
MICHELLE CROOK, DEPUTY CLERK

