

**MINUTES OF THE
WASATCH COUNTY COUNCIL
SEPTEMBER 4, 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
Jeff Wade
Steve Farrell

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.

Chair Danny Goode called the meeting to order at 3:00 p.m. and welcomed those present and then called the first agenda item.

OPEN AND PUBLIC MEETING AFFIDAVIT

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

ADMINISTRATIVE ISSUES FOR FUTURE AGENDAS

Chair Danny Goode asked if there was any administrative issues for future agendas and there was none.

LEGISLATIVE ISSUES FOR FUTURE AGENDAS

Chair Danny Goode asked if there was any legislative issues for future agendas. Councilman Kendall Crittenden indicated that Meredith Reed needs to be put on the agenda with regard to a matter involving a Census Outreach matter for the agenda on September 18, 2019.

PUBLIC COMMENT AND PUBLIC ISSUES FOR FUTURE AGENDAS

Chair Danny Goode asked if there were any public comment or public issues for future agendas and there was none.

COUNCIL

DISCUSSION ABOUT NEW ZIP CODE IN THE MIDA AREA

Ariana Farber, Project Manager for MIDA, addressed the Wasatch County Council and indicated that there has been discussion about initiating a new zip code for the MIDA project area. We thought that a new zip code would be beneficial for all of the developers in the area. One of the requirements for getting a new zip code is having one of the elected officials send a letter to the Federal Government asking for this distinction. Such an official can come from Wasatch County and also from MIDA. One of the senators currently serving on the MIDA board, and also from Chair Danny Goode of the Wasatch County Council who is serving on the MIDA board. The developers in this particular area are all in favor of such action being taken for a new zip code. Ariana also indicated that the Federal Government has been contacted regarding this matter to find out what is necessary for such action to be taken. The people who would be involved in this matter is anyone involved in the east side, west side of the MIDA area.

Mike Davis, the Wasatch County Manager, indicated that such a matter needs to be done carefully. Also the local people who live in that area need to be contacted to see what their reaction to this is. The bottom line is that you don't want to create a little island with a new zip code but this is a great idea to take such action. One of the problems is having a postal building. Ariana Farber indicated that having a postal building is not a requirement now. Mike Kosakowski, resident involved, indicated that he would be in favor of such action taking place.

Ariana Farber indicated that it takes three to six months for the Postal Service to make a determination and to ask the local residents what their feeling is with regard to this type of action. At the present time this is just the request phase and the final determination is made by the Post Office itself. Also there is a draft letter that has been created for the Post Office and then have whoever that elected official might be to send the letter off. After that the necessary information will be sent off which will include the area that will be provided by this new zip code. Plus there will be numerous meetings held to talk about this matter. Councilman Steve Farrell indicated that he is not against this action as long as it will include the whole area.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that he has some information and some little cards on the traffic study which is going forward. Also there is an online survey that is available now and the cards will provide the address. There are some interesting questions being presented and would encourage you to take that survey.

Councilman Steve Farrell indicated that the public lands meeting was held this morning and the Forest Service was present. The Forest Service indicated that they will start on a timber project for the Wasatch and Kamas area and will start at the head of the Provo River and try and remove some of the dead timbers which will help improve the forest and have asked for a letter of support. Mike Davis, the Wasatch County Manager, and Jeremy Hales, from the Wasatch County Sheriff's Office will prepare that letter. Also the District Ranger is going a great job in trying to move things along. All the different state parks indicated how busy it has been over the Labor Day weekend and a lot of areas had to be closed because of the overcrowding.

Chair Danny Goode indicated that he sent out an e-mail this past week or maybe the week before indicating that he had met with Glen Wright, Council Member for Summit County and would like to start working on a regional planning group with Wasatch County, Hideout, UDOT and whomever else that needs to be in that planning group to deal with the big chunk of ground that have elements of MIDA in it. As more information comes forth such as looking at times and dates I will inform the Council and others to make sure that everybody is made aware of that.

Chair Danny Goode indicated that there was a meeting held yesterday consisting of Councilman Kendall Crittenden, Wasatch County Manager Mike Davis, Wasatch County Planner Doug Smith, Wasatch County Attorney, Heber City Mayor Potter, Heber City Manager Matt Brower, Heber City Planner Tony Kohler, and the Heber City Attorney Mark Smedley. A discussion was held regarding the petitions from the Sorensen Annexation and the North Village and mainly concerned about losing the open space, trails and requirements for low income housing, roads and accessibility. Heber Light and Power would have to assume any of the infrastructure of Rocky Mountain Power. There will be a number of discussions held regarding these annexations that Heber City is considering. Wasatch County still has a Development Agreement that still pertains regarding these various issues that still maintains until something changes. Heber City also indicated that they are willing to have the same agreement with the developer as Wasatch County does and the same requirements will be met. One of the big questions is how much density will be there. Pam Patrick, local resident, addressed the Wasatch County Council and asked what happens if those agreements aren't honored? Chair Danny Goode indicated that all of these various issues will be worked out before the annexation takes place and everybody will then be in agreement. Councilwoman Marilyn Crittenden had a question about what is the benefit to Heber City and the developer for these annexations. Chair Danny Goode indicated that possibly the developer could benefit with regard to density and Heber City could benefit from commercial fees possibly.

Councilman Mark Nelson indicated that last week Councilman Member Steve Farrell and I were out at the Kohler Farm in Midway. The **LeRay Callister** Foundation, Wendy Fisher from Open Lands, and Councilwoman Marilyn Crittenden was there. The Kohler Farm's open space application was discussed which will eventually make its way to the Wasatch County's Open Space Committee. Councilman Steve Farrell indicated that the first landowner's meeting held on September 25, 2019 at the Wasatch County Senior Citizen's Center at **7:30** p.m. Cheryl Fox and Wendy Fisher will be there, possibly somebody from the Farm Bureau will be there. At that point there is a letter of interest ready to go and the application ready to go.

MANAGER'S REPORT

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there is a need to keep good people employed and not lose good people to some other entity. As a result for wage increases for various departments the request would be in the neighborhood of \$1.1 million. Mike Davis indicated that the IT Department, Public Works, Attorney's Office, Planning Department, Recorder's Office, Justice of Peace Judge, Assessor's Office and the Sheriff's Office and those offices are being looked at this year. The Wasatch County Sheriff has been working on his end and he thinks he can generate an additional approximately \$450,000.00 in revenues by changing some of the ways he runs the jail and how he brings in Utah State prisoners under the contracts and some additional contracts that could be obtained which leaves a net difference of around \$700,000. The challenge is that Wasatch County will have to declare by the September 15, 2009 the ceiling of what we could do as far as holding the tax rate. Holding the rate would generate more than \$700,000 and would be less than the holding rate. The tax rates will fluctuate quite a bit between now than when they are actually implement in January due to increases of valuation in Wasatch County and other things. Mike Davis then asked what the Wasatch County Council wants to do with regard this matter. The Wasatch County Council indicated that to start the process is just to hold the rate and then that can be adjusted as we know exactly what additional funds will be needed and the rate can then be adjusted. The number to start with would be \$1.1 million which would be given to Cal Griffiths, the Wasatch County Clerk/Auditor. Also the need for a new Administration Building was discussed, because the services that the public needs are not being provided.

Councilman Kendall Crittenden made a motion to leave our regular Wasatch County Council session and go into Closed Session for personnel 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.
REGULAR COUNCIL AGENDA

MARK GARZA AND TERRY DIEHL, REPRESENTATIVES FOR CARDINAL FUNDING L.L.C., ARE REQUESTING PRELIMINARY PLAT AND SITE PLAN APPROVAL FOR WASATCH COMMONS, A RESIDENTIAL PROJECT EAST OF THE EXISTING WASATCH COMMONS APARTMENT COMPLEX CONSISTING OF 348 ERU'S/UNITS ON 114.46 ACRES LOCATED AT APPROXIMATELY 3600 NORTH HIGHWAY 40 IN SECTIONS 19 AND 20 OF TOWNSHIP 3 SOUTH, RANGE 5 EAST IN THE NORTH VILLAGE OVERLAY ZONE NV0Z.

Austin Corry, the assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that with the problem with the technology I won't be able to present the matter appropriately. Austin indicated that at the hearing two weeks ago there were two issues at that time. One was a question about vesting and the wording in the Development Agreement about vesting and that had been resolved with the attorney's office. There was still one other question and that was what was kept being referred to as a setback issue. That is why the presentation material would be helpful if the technology was working right. The issue is that in the code there is a minimum setback requirement of five feet. There is a PUE requirement of ten feet and there is a building to building proximity requirement of twenty feet. As far as the staff is concerning in the review process of that and with regard to the single family lots there is not a whole lot of detail brought in that gets brought in as far as exactly where you are going to place a home on the lot at a preliminary plan stage . The lots are just being developed by themselves. Also the issue is being raised wanting the distance from building to building to read as ten feet. This matter was continued so that the legal department could provide the Council with an option should the Council request to grant that request from the developer.

Jon Woodard, the assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that we are at a point where we all agree that we can move forward. The language has been changed to reflect that the minimum side yard in the two districts of the North Village Overlay Zone, this project shows five feet. There will be no or maximum proximity requirement for single family detached which makes it so that you have that five foot in one area and twenty foot in another and this just makes it so that the twenty foot isn't going to apply for single family residences. The twenty foot building to building would apply for other products and that would make it so these attached units would still be twenty feet apart from each building. For single family detached you would have five feet for each unit which would make a total of ten feet between the units. This is allowing more density in that sense.

There is another proposal that has been thrown out and not supportive of that proposal. The proposal that I just went through the applicant will accept that as long as the Wasatch County Council will approve the preliminary step. Austin Corry indicated that the original Master Plan had a density bonus written in with a lot of conditions. There also is a performance requirement that the developer has to be able to meet.

Chair Danny Goode asked the developer Terry Diehl if the Wasatch County Council would change next week's meeting to a regular session does one week delay harm you? The problem is that the Wasatch County Council will have a hard time making a decision without being able to see a lot of the presentation which the technology would do if it was working right. Jon Woodard indicated that he is good with recommending that the Wasatch County Council go with the proposal he just indicated. Also there would never be less than a 10 foot PUE if you added up both lots together from building to building. For the attached product there will be room there for a twenty foot PUE. Austin Corry also indicated that the provisions of code would have the developer go through the DRC process which isn't even scheduled to occur until after next week's meeting any way so I don't see that this meeting would have any bearing on that. Terry Diehl, the developer, indicated that he would like the Wasatch County Council to have all the material in front of them so we would have no objection to the continuance to the meeting next week.

Councilman Kendall Crittenden made a motion that we reschedule next week's Council work meeting to a regular meeting and continue Item 2 on today's agenda until next week for discussion and consideration at the 3:00 p.m. agenda. Councilman Mark Nelson 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 Jeff Wade made a motion to leave our regular Wasatch County Council agenda and go into another Closed Session. 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 Jeff Wade made a motion to leave our Closed Session and go into the Public Hearing scheduled for 6:00 p.m. 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.

**PUBLIC HEARING
SEPTEMBER 4, 2019**

BERG ENGINEERING, REPRESENTING VARIOUS WALLSBURG PROPERTY OWNERS, IS REQUESTING AN AMENDMENT TO THE WALLSBURG AND SOUTH HILLS PLANNING AREA ELEMENTS OF THE GENERAL PLAN TO ALLOW FOR AN OVERLAY ZONE TO TRANSFER DEVELOPMENT RIGHTS INTO AND ALLOW FOR INCREASED DENSITY IN THE P-160 ZONE. ALSO AN AMENDMENT TO THE WALLSBURG ELEMENT OF THE GENERAL PLAN TO ALLOW INFRASTRUCTURE TO ACCOMMODATE GROWTH. THE AMENDMENT WOULD ALLOW FOR DIFFERENT SEWER OPTIONS THAN IS STATED IN THE EXISTING GENERAL PLAN LANGUAGE ON PAGE 237.

Chair Danny Goode indicated that with regard to this public hearing there are some technology problems which will make it difficult to have this public hearing and be able to see the extensive presentation materials that will need to be shown by the Wasatch County Staff and the applicant. As a result of that the Wasatch County Council would like to continue this matter to another date when everybody can be present. No public comment will be taken this evening.

Craig Hall, attorney for the applicant, addressed the Wasatch County Council and indicated that he has a concern about the extensive presentation that cannot be seen by the Wasatch County Council because there has been a lot of work go into the presentation. As a result of that I would ask that this matter be continued to another date when the technology is working correctly and there is a full Wasatch County Council present. Also the people of Wallsburg should have the right to see and know what is being proposed by the developer which the technology would make possible.

Councilman Kendall Crittenden made a motion that we reschedule the Wasatch County

Council meeting on September 18, 2019 and that Council meeting be rescheduled to September 25, 2019 and continue Item No. 1 on the public hearing agenda concerning the Wallsburg General Plan Amendment to September 25, 2019. Councilman Mark Nelson 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 Jeff Wade made a motion to adjourn. 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.

Meeting adjourned at 6:15 p.m.



DANNY GOODE/ CHAIRMAN
WASATCH COUNTY COUNCIL


CALVIN L. GRIFFITHS
CLERK / AUDITOR



The seal is circular with a double-line border. The outer ring contains the text "STATE OF UTAH" at the top and "WASATCH COUNTY" at the bottom. The inner circle contains the text "COUNTY" at the top and "CLERK" at the bottom, with a horizontal line and a central dot between them.