

**MINUTES OF THE
WASATCH COUNTY COUNCIL
OCTOBER 2, 2019**

The Wasatch County Council met in regular session at 3:00 p.m. at the Wasatch County Administration Building, Heber City, Utah 84032 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 Steve Farrell

PLEDGE OF ALLEGIANCE: Led by Councilman Kendall Crittenden and repeated by everyone.

Chair Danny Goode 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.

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 and there was

none.

PUBLIC COMMENT AND PUBLIC ISSUES FOR FUTURE AGENDAS

Chair Danny Goode asked if there was any public issues for future agendas and any public comment. Pam Patrick asked about how the water tables are in Wasatch County. Councilman Steve Farrell indicated that at the present time a study is being done with the Health Department that will give us a water budget in measuring their water table and different things like that. With the water that Wasatch County has this last year our water table is replenishing and coming back up with the aquifers.

Robert McConnell, Attorney for Extell, addressed the Wasatch County Council and indicated that with regard to the road closures of that frontage road area of our development, a letter was sent to Scott Sweat, the Wasatch County Attorney on September 16, 2019 regarding the matter. Robert indicated that he wants to emphasize a couple of things. First of all with respect to the temporary closure the appropriate process wasn't followed and happy to go through that process. If signs are needed to indicate road work ahead, caution types of signs as opposed to road closure that is something that can be worked out. There are some large trucks and equipment on the property and the road doesn't go to any homes or anything like that. Also will cooperate with Wasatch County in that regard and if there is a process that Wasatch County wants us to go through we will go through that process.

With respect to the gating issue that was done on the basis of the information that we had which is somewhat limited and not very precise. Presently there is not legal descriptions and surveys available. Also by looking at the tax parcel map from Wasatch County there is nothing that indicates that there is a right-of-way that bisects our property. There is an indication of a county road but nothing indicating a conveyance and dedication of plat or anything like that. There was no additional information given regarding the matter from the adjoining property owners that would have helped us in terms to establish a public right-of-way. Now the property owners are now looking to Wasatch County to establish that right-of-way. Also if Wasatch County has some additional information regarding the matter we would love to sit down and look at that additional information which may alter our analysis and may alter the location of where the gate is and it also may mean that there shouldn't be a gate there. The bottom line is that we are willing to cooperate and go through that process and that has been discussed with Scott Sweat, the Wasatch County Attorney.

Councilman Steve Farrell asked wouldn't it have been prudent to discuss that with Wasatch County before putting a gate up. Robert McConnell indicated that perhaps that should have been done differently.

Chair Danny Goode then closed the public comment period.

APPROVAL OF THE SEPTEMBER 11, 2019 MINUTES

Councilman Kendall Crittenden had a question on page 8 regarding Uber transportation issues being used in events in Wasatch County and was wondering if Scott Sweat and Dustin Grabaugh have had a chance to look further into the matter. Both Scott Sweat and Dustin indicated that they don't have further information regarding the issue at the present time.

Councilman Kendall Crittenden also indicated that on page 9 at the top there is a discussion regarding a meeting to be held with Heber City and Red Ledges on the open space. On the second paragraph it indicates that Chair Danny Goode would follow up with the matter with the Mayor of Heber City. Then Mike Davis and Doug Smith will follow up with the Red Ledges. Councilman Kendall Crittenden indicated that he thought that his self and Mike Davis will follow up with the Red Ledges. Chair Danny Goode indicated that it was going to be Councilman Kendall Crittenden and Mike Davis and then Mike Davis was going to follow up with Matt Brower. Councilman Kendall Crittenden indicated that Mike Davis was going to talk with Matt Brower and Doug Smith and I was going to talk to Todd Cates, from the Red Ledges. The meeting has been set up for next Tuesday so we are working with them on that. Mike Davis, the Wasatch County Manager, indicated that he did meet with Matt Brower, Manager of Heber City and he came back to me this week and modified the agreement to include a June 20, 2020 deadline for this agreement on the road, which I didn't sign.

Councilman Kendall Crittenden made a motion to approve the minutes for September 11, 2019 with the noted changes. 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.

COUNCIL

DAVID CUMMINGS REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR BERG RIDGE, A PROPOSED LARGE SCALE DEVELOPMENT CONSISTING OF 182 ERU'S ON 180.81 ACRES LOCATED EAST OF TUHAYE AND NORTH OF THE JORDANELLE RESERVOIR IN SECTION 26, TOWNSHIP 2 SOUTH, RANGE 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z. THE ITEM WAS CONTINUED FROM THE OCTOBER 3, 2018 COUNCIL MEETING WITH THE REQUIREMENT

THAT AN UPDATED WATER BOARD REPORT WITH ADEQUATE WATER FOR MINIMAL OUTSIDE WATERING BE PROVIDED BASED ON THE LANDSCAPING PLAN.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this matter was before the Wasatch County Council a year ago almost to this very date. This matter was approved years ago and the final and preliminary approval had expired. The applicant then came back and went through the preliminary process again with the Planning Commission and then came back to the Wasatch County Council on October 3, 2018. And there was a discussion about the water for the outside irrigation and the requirement to come back to the water board which the applicant did and additional water has been provided by the applicant for the outside irrigation.

Doug Smith then went through a brief power point presentation giving a short history of the project. Doug Smith also indicated that the conditions all stay the same from the former application. Councilman Steve Farrell indicated that what this matter comes down to is that based on the landscape plan and the number of units the applicant needed 112.93 acre feet of water. They had approved at that time 87.93 so they needed another 25 acre feet of water. Since then Mr. Cummings filed an additional change application that is before the Utah State Engineer that will yield enough water to meet all the requirements plus some of the Ag requirements. As far as the Water Board is concerned it is all right to move forward with that pending application in place recognizing that nothing will be signed, no plat will be signed until we have the water application approved by the Utah State Engineer and signed by the Utah State Engineer allocating or determining the allocation of the water. The question is just how much of an adjustment that there will be from going from agricultural use to culinary use. It is usually about 70% and if they stay true with that there is ample water to meet this development.

Councilman Steve Farrell made a motion that we go ahead and approve this matter as presented with the conditions and findings of the Planning Commission and staff and the completion of getting an approved change application completing the water requirements. Councilman Jeff Wade seconded the motion and any discussion on 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.

COUNCIL/BOARD REPORTS

Councilwoman Marilyn Crittenden indicated that Heber City Councilwoman Heidi Franco would like to give a report on the Open Lands meeting held on September 25, 2019.

Heber City Councilwoman Heidi Franco, addressed the Wasatch County Council and indicated that the packets for applying for conservation easement information has been completed. The website to be used is on the Wasatch County website. The video of the Open Lands Meeting held September 25, 2019 will be posted by the end of this week. Attending that meeting were about twenty individuals which showed up, of which ten of them were landowners. It was explained to them that their application has to fit within the code that was implemented. At the meeting tax benefits and estate planning was discussed with how the conservation easements would work into those subjects.

There are four phases involved and the last phase is yours. The first phase has been started and anyone can submit an initial application which consists of two pages that get things started. Then phase two will take place where they pick a qualified land trust and then fill out the land trust application which has a lot of detail that meets the IRS standards and also apply for other outside planning sources. When that is complete they will move onto phase three where we will review the whole package not only their initial application but what the land trust is proposing on the cost of the conservation easement and the outside matching sources will follow the criteria in the code that has been passed. Then an official recommendation will be made on all of that. Then it is up to Wasatch County phase four to review it and hold a public hearing and then a vote will be taken whether to approve the application or not. Then if the application is approved then we will proceed to withdraw the bond money.

This is a wonderful opportunity for our private landowners to be able to get long term benefits and preserve what they love about their land. At the next board meeting in two weeks the whole advertising process will be planned on how to push the whole education part but that will take time for us to get a complete application and bring that up to the Wasatch County Council. Also the qualified land trust can answer a lot of questions that are raised exactly per any property. Heidi Franco also indicated that in working with the IT Department that down the road there could be a log in for people applying and all that information could be digitized and kept track of.

Heber City Councilwoman Heidi Franco also indicated that there is a sensitive thing about the bond that ties into the bond election of the Wasatch County School Board Bond which there is a contract to purchase the land at city prices in the North Fields when that area is not annexed yet. The concern is that they are paying city prices for county land that will really up the appraisal values for future applications under the Open Land Program which will make the bond money not go as far as we would like.

Chair Danny Goode indicated that the Library Board is up to a full board now. Also Councilman Kendall Crittenden has offered to take my place on the Library Board starting in January and the

Wasatch County Council was all right with that change.

Chair Danny Goode also indicated that there is a Project for a Deeper Understanding and was hosted by the Park Record's editor. It was broadcasted on KPCW and there was a lot of discussion about transportation and how the growth in Park City particularly impacts Summit County and Wasatch County and also there was some discussion about MIDA as well. The Senate has two seats on the MIDA Board. The House of Representative has a seat on the MIDA Board and what Wasatch County should advocate for is to have our shared senator and house member between the counties on that board as well as a Wasatch County member so there would be three members from the Wasatch Back representing our interests on the MIDA Board and we should start advocating for that.

Chair Danny Goode indicated that with regard to that road closure issue based on what Robert McConnell said earlier could there be communication started about what we think the process should be for a closed road, whether that is a public hearing process. Mike Davis indicated that a copy of the State Code can be sent to them. Mike Davis indicated that his anticipation is that right now we are in the information gathering process. There needs to be a course of action taken regarding the matter. Also Wasatch County has a duty to protect the private property land rights.

Councilman Kendall Crittenden indicated that the Transit Study Advisory Committee meeting is scheduled tomorrow at 11:30 p.m. at the event center. The deadline has been extended on the transit survey. Input will be taken from the groups that will be there.

Councilman Kendall Crittenden indicated that with regard to the emergency preparedness fair has been moved and joined up with the Heber Valley Hospital to do that which is November 12, 2019 from 6:00 p.m. to 8:00 p.m. and they would like the Wasatch County Council to handle the serving of the food in the new cafeteria,

Councilman Kendall Crittenden indicated that next week is Public Power Week and one event that the Council Members would like to attend is next Thursday October 10, 2019 from 5:00 p.m. to 7:00 p.m. which is an integrated resource plan and plant tour will be given down at the operations center.

Councilman Kendall Crittenden indicated that the Department of Health is doing three drive-through flu clinics over the next couple of weeks. They will be in Wallsburg on October 4, 2019 from 4:00 to 6:00 p.m. October 11, 2019 in Heber City at the Heber Public Safety Building and October 18, 2019 in Midway next to the Midway City Offices.

Councilman Kendall Crittenden indicated that with regards to the CDBG grants the how to apply workshop is October 29, 2019 downstairs in this building. Anybody that is applying for one of these grants needs to attend that workshop. The Senior Citizens are going to be applying for an additional Meals on Wheels truck and a senior citizen van.

Councilman Kendall Crittenden indicated that the State Board of Health issued a new ruling that flavored vape juices including menthol are no longer to be sold in Utah only in specialty shops. There are no specialty shops in Wasatch County. That will start on October 15, 2019.

MANAGER'S REPORT

PRESENTATION OF APPROVAL OF APPLICANTS OR THE LIBRARY BOARD

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he would like to propose two names for the Library Board. One would be Christina Spicer and Nancy Coleman. Mike Davis asked if there are any concerns or questions that could be addressed in a Closed Session and if not then that would be my recommendation.

Councilman Spencer Park made a motion to accept the Manager's recommendation to approve Christina Spicer and Nancy Coleman to the Library Board. 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.

NOTICE FROM THE STATE AUDITOR

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that hopefully those organizations are working on taking care of matters brought up by the State Auditor. Chair Danny Goode indicated that he talked with Barry Hallows, from the financial department on how to make those corrections and what the Wasatch County Council needs to do to help in that regard. Mike Davis also indicated that an action plan needs to be filed with the State Auditor. Also the Wasatch County Council should be approving the action plan also. The Wasatch County Council indicated that the two departments will be contacted indicating what needs to be done which should be done in sixty days.

RELEASE OF THE PARK CITY MANAGER

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the Park City Manager has been released and that the assistant manager is performing the manager duties at this time.

DEPARTMENT HEADS NEW RESPONSIBILITY

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there has been responsibility placed on department heads to be accountable for filling the revenue needs to meet the expenditure needs that are being asked for. We are just trying to work through this so that it is just not ask but there is also a solution to the ask which may be a tax increase or may not be a tax increase. Many of the department heads are looking much harder at where monies are being spent and how they are being spent.

As a result of that one of the issues that have now come up with the Fire District contacting the Sheriff's Department and indicated that the Fire District wants to withdraw the communications group that was formed to pay for communication, radio pagers and participate in that. Wasatch County hasn't been charging and obviously the EMS has been a department of Wasatch County so no charge has been for the use of the Spillman modules or fire district Spillman modules or for the Spillman Software Program itself. The Wasatch County Sheriff has been carrying those costs along with some of those communication things and dispatch. Things such as that should now be covered by the District. We need to look at those kinds of situations in the different departments.

The County is very heavy with these kinds of things in the IT Department which amounts to about eighty-five thousand dollars a year that has been helping the Wasatch County Health Department. Chair Danny Goode indicated that the problem with the fire district could be put on the next agenda and be discussed among the board members. Mike Davis indicated that whatever is done with these kinds of issues it should be consistent across the board for every department. Councilman Mark Nelson indicated that there should be a line in the different departments which indicate that below this line is what your department will be responsible for and that should be consistent throughout all the departments also things need to be identified in each department and well documented.

Chair Danny Goode indicated that with regard to resource services for MIDA within Wasatch County Departments. Also have they paid part of Doug Smith's salary, etc., and how has that been done? Mike Davis, the Wasatch County Manager, indicated that he has received a check which hasn't been cashed yet because there is no agreement as to defining what those services are. Chair Danny Goode indicated that those things need to be defined and written it up and submitted to MIDA and then Wasatch County would be eligible for reimbursement for these various services. Also there needs to be buildings and facilities that should be taken into account also. Mike Davis also indicated that Wasatch County hasn't really known what services will be provided by the

County for MIDA's benefit.

2020 CENSUS INFORMATION

Dustin Grabaugh, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that at the UAC Conference the census was discussed. That included any resident that has a post office box as their mailing address will not receive a mail notification to participate in the 2020 census. They still can participate on line and should be having a census representative come to their physical address and then give them the information. Something like that has the potential to affect Wasatch County. Also it was emphasized that having an accurate census count is one of the best things that Wasatch County can do because every missed person is a missed opportunity for a host of various issues.

DEBT COLLECTION PROCESS

Dustin Grabaugh indicated that the next item that came up that may affect Wasatch County is that NACO which is the National Association of Counties raised the idea of using a debt recovery program where we would participate with other entities including counties and cities to basically garnish income tax rebates for unpaid dues or debts in a county. Instead of sending people who haven't paid their bills they could be entered into this data base and so when they file for a tax return that tax return gets diverted to pay off their debt instead of giving the refund to the individual. This type of program is already taking place in Utah. As an example, Salt Lake City does it for parking violations.

NATURAL HISTORY MUSEUM INFORMATION

Dustin Grabaugh indicated that the Natural History Museum of Utah wants to place a marker in each county for natural history passport program. That means that they want to encourage people to see the natural history around the State of Utah and would like to place a marker in Wasatch County. They will work with Wasatch County on the placement of such a marker and the identification of the natural history marker and have feedback on what type of marker would be placed and in exchange they would like Wasatch County to help facilitate in any property deals that would be needed to place the marker. Possibly they could be invited to come and visit with us concerning the matter. Mike Davis, the Wasatch County Manager, indicated that the Crater in Midway came to mind.

PLACEMENT OF AN (IT) WORKER BEING PLACED IN THE OLD JURY ROOM

Don Wood, the Wasatch County IT Director, addressed the Wasatch County Council and indicated that an idea has come regarding placing an IT worker in that old jury room right behind where the Wasatch Council sits and presently that is where the technical equipment is and that could be done if we were able to fill that position. The Wasatch County Council indicated that would be fine.

Councilman Mark Nelson made a motion to leave the regular Wasatch County Council agenda and go into Closed Session for Potential Litigation and Personnel. 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

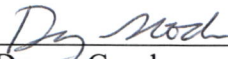
NAY: None.

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

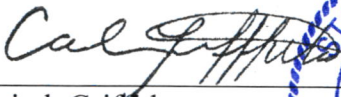
**AYE: Chair Danny Goode
AYE: Kendall Crittenden
AYE: Marilyn Crittenden
AYE: Mark Nelson
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell**

NAY: None.

Meeting adjourned at 7:00 p.m.



Danny Goode
Chairman



Calvin I. Griffiths
Clerk / Auditor

