

**MINUTES OF THE
WASATCH COUNTY COUNCIL
FEBRUARY 5, 2020**

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

EXCUSED: Councilman Steve Farrell

OTHERS PRESENT: On 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 excused Councilman Steve Farrell and 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 record

ADMINISTRATIVE ISSUES FOR FUTURE AGENDAS

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

LEGISLATIVE ISSUES FOR FUTURE AGENDAS

Chair Danny Goode indicated that there has been some interest to extend the MIDA Agreement and if that is going to be done we will put that on a future agenda in March. Also if there is to be

an extension of the MIDA Agreement with Wasatch County that the matter be brought before the Wasatch County Council.

PUBLIC COMMENT AND PUBLIC ISSUES FOR FUTURE AGENDAS

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

APPROVAL OF THE MINUTES FOR JANUARY 22, 2020

Councilman Kendall Crittenden indicated that on page 5 where it talks about the Council Members who could participate in the Meals-On-Wheels Program his name was not included in that so if we would just add my name to the list that can participate in that program. Also there is included that Councilman Spencer Park would check and then Councilman Spencer Park said that he hasn't done that yet but will check his schedule.

Councilman Kendall Crittenden made a motion to approve the minutes for January 22, 2020 as written with the noted change. 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

NAY: None.

COUNCIL

DISCUSSION/APPROVAL REMAINING BOARD OF EQUALIZATION PRIMARY STATUS

Cal Griffiths, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that several taxpayers request a primary status through the Board of Equalization and the Council is the Board of Equalization. Currently there are eighteen more individual taxpayers that would like primary status and most of these eighteen are new move-ins that weren't aware of the requirements that were necessary to file for primary status. As a result of this have worked closely with the Wasatch County Assessor's Office and all of these eighteen taxpayers have been qualified

for the twenty/twenty primary status and all but one has met the qualifications for primary status for the year 2019. Also one still outstanding that will need a lease that would show that they had that lease in process or that it was executed for the one hundred and eighty-three days. Cal then indicated that his recommendation would be that the Council would approve these eighteen units as mentioned to have primary status for the year 2019. Also the last major surge of taxpayers were in the middle of January and there was just a couple of others that came in but are just close to bringing 2019 to a close.

Councilman Kendall Crittenden indicated that he received an e-mail from a taxpayer and he would send that to Cal Griffiths to take a look at his request which is a foreclosure which makes it a different issue.

Councilman Mark Nelson made a motion that we follow the Assessor's recommendation to approve these eighteen taxpayers primary status for the year 2019. 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

NAY: None.

PRESENTATION BY JOE WITT ON A PRELIMINARY CONCEPT FOR AFFORDABLE HOUSING DEVELOPMENT LOCATED IN HEBER CITY WHICH WILL EFFECT WASATCH COUNTY.

Joe Witt, a general contractor in Wasatch County and Summit County, addressed the Wasatch County Council and presented a power point showing what he is proposing to build in Wasatch County to help with the affordable housing problem. Joe Witt then went through the building techniques that would be used to make this housing occur. Also to keep the rent amount down around \$600 a month. To keep this project from becoming a slum project and keep the houses totally fenced. Also the very first house will be given to a deputy sheriff with free rent as long as they drive a police car and park that car at the house because the presence of a police office is a good deterrent. The project would consist of sixty-eight houses. Then Joe Witt indicated that he would like Wasatch County to donate a piece of ground to make this possible. The piece of ground is down by the old rodeo grounds complex which is in Heber City and owned by Wasatch County. The ground is centrally located.

Mike Davis, the Wasatch County Manager, indicated that ground was bought with a recreation

federal grant money and has to stay as it presently is and stay in the use with regards to recreation. Also the only way to do that is replace the property with other property. The Wasatch County Council indicated that is a great idea. Chair Danny Goode indicated that we will visit with Tom Bonner, the Wasatch County Recreation Director, about the ground that has been mentioned.

Councilman Mark Nelson indicated that piece of ground will not work because of the federal grant money being used to purchase it for public use. Councilwoman Marilyn Crittenden indicated that she is concerned about the density that this would create but a project such as this is worth looking at and will take time.

Councilman Jeff Wade indicated that the right piece of property has to be obtained and found but it is a great concept.

DISCUSSION ON EMPLOYER ASSISTED HOUSING PROGRAM

Dustin Grabau, the Assistant General Manager, addressed the Wasatch County Council and indicated that this is regard to a shared appreciation mortgage program for county employees using the fee-in-lieu that is generated through development. Also Wasatch County would co-own properties with employees to be able to subsidize the cost of those properties and not deed restrict but the county would have a second position on a home and be a silent second mortgage that the employees wouldn't have to make payments on but would lead to ownership of the home and not a rental assistance aspect built into this plan. Dustin also indicated that there is a great amount of detail that is involved. Possibly the Wasatch County Council would appoint a committee of the Council to help discuss some of the policy implications of this. The plan is being looked as a long term investment and encourage employees to be in Wasatch County for a long term and not be transitional. The Wasatch County Council indicated that Councilman Kendall Crittenden, Councilman Jeff Wade and Councilman Spencer Park be the committee to take a lot at the various details of this plan.

PAUL BERG, ON BEHALF OF DAVID CUMMINGS, REQUESTS AN AMENDMENT TO TITLE 16 TO CREATE STANDARDS FOR RECREATIONAL RESORT PARKS, WHICH INCLUDE RV's, SMALL CABINS, AND GLAMPING WHEN LISTED AS PERMITTED OR CONDITIONAL USES.

Austin Corry, Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that the line that is in there is reference to our fire code restrictions on the length of a dead end street or the number of units that are on there. Also for sake of context the ERU Chart Ordinance said that at 30 resort units or in excess of 1300 feet there was a need to have a second point of access. Also with respect to what is being referred to here with the size of them and facilities they range anywhere from a quarter to a third of an ERU so it would be three to four times in difference between thirty units and thirty ERU's would be three to four times different.

The matter here today is whether the Wasatch County Council wants to restrict the second access requirement to just thirty ERU's or thirty units. Also the ordinance that was presented to the Wasatch County Council was based off units from the fire code as was the applicant was asking for.

Clint Neerings, from the Wasatch County Fire District, addressed the Wasatch County Council and indicated that because of the safety issues involved we would indicate to have a second access present even for what is being asked for here because we want to be able to provide the level of safety that is necessary for a project such as this. Clint Neerings indicated that he was just referring to the ordinance and has never seen the proposal. There is a DRC meeting tomorrow that discusses this matter which is 149 units on 117 acres. Also the fire district is willing to work with people possibly on a case by case basis.

Paul Berg, from Berg Engineering representative for David Cummings, addressed the Wasatch County Council and presented a short power point presentation showing what has been done on other projects that he has been involved in around the state with regard to second accesses in other projects similar to this one. Paul Berg then indicated that we are not in the excess of what the fire department is worried about but certainly more than thirty units by a little bit.

Chair Danny Goode indicated that possibly this matter could be put on the Council's work meeting next week because it sounds like there are still some matters to be work on. Then if some agreements could be worked out the matter can then be put on the next regular Council agenda for a decision.

Councilman Kendall Crittenden made a motion that we continue this matter to the work meeting next week because the DRC meeting hasn't discussed this project and then the project will be relative to the ordinance. 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.

DISCUSSION/CONSIDERATION ON BUILDING INSPECTION FEE REVIEW

Dustin Grabau, the Assistant County Manager, addressed the Wasatch County Council and indicated that this matter is in regard to building inspection fees being raised along with adding three new fees. Dustin Grabau indicated that the present fees goes back to the 1997 building code

rate. The indicated fees to be raised are: inspections outside of normal business hours, re-inspection fees, inspection fees for which no fee is specifically indicated, and additional plan review required by changes, additions or divisions of plans. The other fees that are being proposed to be added are specifically to cover the costs of the recording process and make them pay for that at this stage of the process.

Mike Davis, the Wasatch County Manager, indicated that Paul Morris, from MIDA, is aware of these rate increases which was a big driver and the necessity for these rate increases because of the tax program that is involved with MIDA which needs to be recorded and entered.

Dustin Brabau indicated the present fee goes back to the 1997 building code rate. The inspection rates that are being asked to be raised are well justified. The intent is that we would have to bring this back for an actual code change and would do another review with the Council in the next Wasatch County Council's meeting.

Chair Danny Goode indicated that he would like to see these numbers at one hundred percent but is okay with what is being proposed and the other Council Members indicated that they are okay with these proposed rate increases.

Mike Davis, the Wasatch County Manager, indicated that these rates should be reviewed each year to see where they stand or even two to three years adjustments should be made. Dustin Grabau indicated that a plan could be instituted in determining what time period the rates should be looked at and that could be determined by the Wasatch County Council. This matter will be put on the next scheduled Wasatch County Council for their consideration.

Chair Danny Goode made a motion to go into SSA #1. 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**

NAY: None.

SSA # 1

DISCUSSION/APPROVAL OF SSA #1 WARRANTS

Board Vice Chair Spencer Park indicated that today we need to approve the warrants in the amount \$929,259.40. **Board Member Jeff Wade made a motion to approve the warrants in the amount of \$929,259.40. Board Member Danny Goode seconded the motion and the motion carries in the following vote:**

**AYE: Board Vice Chair Spencer Park
AYE: Board Member Jeff Wade
AYE: Board Member Danny Goode
AYE: Board Member Kendall Crittenden
AYE: Board Member Marilyn Crittenden
AYE: Board Member Mark Nelson**

NAY: None.

Board Member Jeff Wade made a motion to leave SSA #1 and go back into the regular Wasatch County Council agenda. Board Member Danny Goode seconded the motion and the motion carries with the following vote:

**AYE: Board Vice Chair Spencer Park
AYE: Board Member Jeff Wade
AYE: Board Member Danny Goode
AYE: Board Member Kendall Crittenden
AYE: Board Member Marilyn Crittenden
AYE: Board Member Mark Nelson**

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Mark Nelson indicated that the TAB Board has a brief power point presentation to make about the recipients of the TAB Board works. Jessica Broadhead from the tourism office representing the TAB Board , addressed the Wasatch County Council and presented a power point presentation and then presented the amount of money that was asked by each party and how much money was awarded by each recipient. The amount of money that each recipient receives is determined on a score sheet that has been created. There was a couple of recipients that were awarded more money than they had requested because they are first year events and don't really have an idea of what they are going to spend on marketing. Councilman Mark Nelson indicated that they will look into whether the Wasatch County Council needs to approve these donations and if the Council needs to approve them they will notice it and put in on a future Wasatch Council Agenda.

Councilman Mark Nelson indicated that someone has approached him and would like to be put on the agenda regarding becoming a “sanctuary county” for the Second Amendment — meaning that the government won’t recognize or enforce some federal or state regulations that restrict a person’s right to keep and bear firearms. He would like to present to the Wasatch County Council about that idea being done for Wasatch County. Uintah County just passed such an ordinance.

Councilwoman Marilyn Crittenden indicated that there was a public lands board meeting this morning and it was indicated that there is an outdoor institute that will be in the Wasatch State Park and there will be further information presented regarding that.

Chair Danny Goode and indicated that a thank you card was received from the Carlson family about the rodeo and that was passed around to the various Council Members.

Chair Danny Goode also indicated that he received a letter from the Triad Valley Watershed Project and public comment must be received by March 2, 2020. Mike Davis, the Wasatch County Manager, indicated that this is something that Wasatch County is co-sponsoring and is a similar project that was done in Wallsburg and present potential flood issues and channel improvements. These meetings need to take place so that they can qualify for the federal funding that comes into the project. Also the meeting will take place on February 12, 2020 at the Wasatch County Senior Citizen’s Center.

Chair Danny Goode indicated that Heber City Council has received a petition for the annexation into Heber City of the Highland’s Annexation and the Council has until February 20, 2020 if there is a protest to this annexation taking place. Mike Davis, the Wasatch County Manager, indicated that he doesn’t think that Wasatch County has any objection within the proposed Heber City Annexation. One concern possibly is that they are trying to push the storm water drainage into the unincorporated areas which Wasatch County would not support because if Heber City annexes they should handle that problem. Chair Danny Goode indicated that he will contact Mayor Potter and Mike Davis contact Matt from Heber City and then let us both talk again and see if this matter should be put on the agenda for the next work meeting and invite Heber City to come and just hear our concerns.

Chair Danny Goode indicated the Wasatch County Library has received a grant from the State Library Services and Technology Act for \$28,350.00 because a new system is being migrated over to a new circulation system.

Councilman Kendall Crittenden indicated that back in March of 2019 the Whistle Blower Policy was brought up and asked if the Wasatch County Council was interested in adopting such a policy because it was talked about quite a bit back in March of 2019. Mike Davis, the Wasatch County Manager, indicated that currently Wasatch County has a line that qualifies for the State Auditor requirements. Scott Sweat, the Wasatch County Attorney, indicated that he will look into the matter and report back to the Wasatch County Council. Chair Danny Goode indicated that we will

put the matter on the work meeting to see if further action needs to be taken.

Councilman Kendall Crittenden indicated that there is a Foster Grandparents program that is being proposed. If such a program was passed in Utah County then they would sponsor Wasatch County within their program coordinator of the Utah County Foster Grandparent's Program. The program would take place in the schools and spend time under the supervision of the Principal in that particular school and would spend time working, tutoring, sitting with, and reading with kids that have challenges, issues or problems within the school. If such a program was put into place there would need to be an Interlocal agreement with Utah County and presently there is one with Utah County called the Senior Companion Program. Also the Wasatch County School District would have to do a MOU with Utah County to allow to take place in the schools. The cost to Wasatch County would be no more than potentially \$5,000 a year depending on the number of volunteers. Also the matter could be discussed in a work meeting and after that work meeting if the Council is interested the matter could be put on a future Wasatch County Council Agenda. Councilman Kendall Crittenden indicated that he will do some more research on the matter.

Councilman Kendall Crittenden indicated that as he talked with Superintendent Sweat of the Wasatch County School District he asked if Wasatch County Council would be interested in meeting with the Wasatch County School Board and talk about future schools. Chair Danny Goode indicated that should be put on a Wasatch County work meeting or go to the Wasatch County School District building for that discussion to take place. Councilman Kendall Crittenden indicated that he will coordinate to have such a meeting take place.

Councilman Kendall Crittenden then brought up the matter that Councilman Mark Nelson brought up about the second amendment issue regarding gun rights. Also Uintah County passed an ordinance regarding this on January 29, 2020 in order to make a statement indicating who Uintah County is and there certainly are legal questions involving such an issue. Councilman Jeff Wade indicated that a matter such as this is not a bad idea but it has to be done very carefully. Councilman Spencer Park indicated that he is okay with either being done or not being done. Scott Sweat, the Wasatch County Attorney, indicated that he will look further into the matter and then get back with the Wasatch County Council.

Councilman Kendall Crittenden indicated that Heber Light and Power writes off the cost of the Wasatch County street lights and the cost that was written off for 2019 was \$17,884.92 and for all of the other jurisdictions was \$71,703.28 for the year which service is great.

Councilman Kendall Crittenden indicated that there was a meeting regarding the Heber Parkway held and Dustin Grabau, the Assistant County Manager, was the representative for Wasatch County in that meeting. The meeting consisted of Heber Light and Power, UDOT and Rocky Mountain Power regarding the power line and it was encouraged that the EIS study move forward and the consultant has been selected and the contracts presently are being worked out so that the matter can move forward.

Councilman Kendall Crittenden indicated that an e-mail was received today from the gentleman concerning the Strawberry Road and wanted to know if Wasatch County was still interested in having that road annexed into Duchesne County. Mike Davis, the Wasatch County Manager, indicated that gentleman has every right to petition the annexation of that road into Duchesne County but Wasatch County doesn't facilitate or initiate that.

Councilman Kendall Crittenden indicated that just a reminder of the 2020 Issues conference is Wednesday March 4, 2020 at 6:00 p.m. which has been a great conference over the years.

Councilman Kendall Crittenden indicated that with regard to the Lincoln Day Breakfast that in the past I have facilitated in getting a table purchased and that he wouldn't be doing that this year. The breakfast is February 22, 2020 at 8:30 a .m. over at Soldier Hollow. Councilman Mark Nelson will be one of the speakers and will share that duty with Senator Mitt Romney.

Councilman Kendall Crittenden indicated that an e-mail was received regarding the Water User's Conference which will be held March 16-18 and those interested should contact SSA #1 who has paid for that conference in the past. If members of the Council are interested in going possibly the Wasatch County Council meeting schedule should be looked at and adjusted.

Councilman Kendall Crittenden indicated that does anything need to be done regarding the Micropolitan Statistical Area. Mike Davis, the Wasatch County Manager, indicated that it just needs to be figured out if there is any potential impact from those numbers in any of the federal assisted grants. And possibly talk with MAG and UDOT and others that those grants come through and find out if they use any of those grants which would be an impact to them.

MANAGER'S REPORT

DISCUSSION FOR PROPOSAL OF COUNTY ICE RINK

Shawn Morrow, Wasatch County resident, addressed the Wasatch County Council and indicated that there is an interest in having a Wasatch County Community Ice Rink. Shawn indicated that there is a great Wasatch County High School Ice Hockey Team which consists of three hundred kids participating. The team struggles to find ice time on ice rinks such as the ice rink in Park City. Also forty percent of the use of the Park City Ice Rink originates from Wasatch County. As a result there is a great need for a local ice arena full time year round indoor in Wasatch County. A committee was formed to study the matter and a business plan was put together to see if such an ice rink was feasible. The plan indicated that for this to happen that fifty percent of the money needs to come through philanthropy. The part that we would ask that Wasatch County do with regard to this proposal is contribute the land which the ice rink could be built on which would be about three acres but could get by with an acre and a half. The ice rink approximately would cost around \$2.7 million dollars. This could be done without putting a tax burden on the taxpayers of Wasatch County. Councilman Jeff Wade indicated that possibly the Wasatch County School

District could donate the ground. Also possibly discuss this proposal with Tom Bonner, the Wasatch County Recreation Director. Mike Davis, the Wasatch County Manager, indicated that the JOVID hotel that is being built is putting in an ice rink and to possibly check with them.

RECOMMENDATION AND APPROVAL OF BOARD OF HEALTH APPLICATIONS

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there needs to be approvals and discussions of members for the Wasatch County Board of Health. There are two members that were reappointed a ways back and could not find where the Wasatch County approved those names. As a result of that would like reconfirm the reappointments of Michelle Ludlow and Jay Eckersley. Also a new reappointment would be Dr. Neal Burton. There also is a replacement for Dr. Gerald Hayward who left the Health Board. It would be my proposal to have Roger Ford put into Dr. Hayward's position. Chair Danny Goode asked if there is a need for a closed session for any of these names and there was none indicated.

Councilman Spencer Park made a motion that we approve the Wasatch County Manager's recommendations and appoint those individuals. 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

NAY: None.

Councilman Kendall Crittenden indicated that Wasatch County has a great Health Board and spends a lot of time looking at the issues.

**WASATCH COUNTY AFFORDABLE HOUSING BOARD
IS REFINANCING THEIR DEBT**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the Affordable Housing Board is refinancing the debt at Zion's Bank and for the bank to refinance that type of re-financing Wasatch County has to approve that we have the capacity of \$10 million dollars of bank qualified financing. As a result would want to use \$3.5 million dollars of the \$10 million capacity. Also received a letter indicating that this refinancing has to do with the building of Prestige 11. Councilman Kendall Crittenden indicated that by refinancing with Zion's Bank that will give us a better rate. Mike Davis indicated that he will meet with Scott Sweat the Wasatch County Attorney and find out if this needs to be a Council's decision or if it can be

done administratively and make sure that this matter is handled the right way. Also will let the Council know by an e-mail what should be done regarding this matter.

Councilman Spencer Park made a motion to go into Closed Session for potential litigation. 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**

NAY: None.

Councilman Kendall Crittenden made a motion to leave our Closed Session and go back into our regular agenda. 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**

NAY: None.

Councilman Spencer Park 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**

NAY: None.

Meeting adjourned at 6:30 p.m.



Danny Goode / Chairman



Calvin L. Griffiths Clerk / Auditor

