

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Acting Chair Marilyn Crittenden asked if there are any legislative issues for future meetings and there was none.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Acting Chair Marilyn Crittenden asked if there were any administrative issues for future meetings and there were none.

PUBLIC COMMENT

Dustin Grabau, the Assistant Wasatch County Manager, indicated that there is one person wishing to make public comment.

Kristin Brown, Wasatch County resident, addressed the Wasatch County Council and made a few comments and then indicated that for the sake of my future and my children's future I would just ask the Wasatch County Council regarding COVID-19 to look at the facts that we do know and then make decisions based upon those facts for the betterment of Wasatch County. Acting Chair Marilyn Crittenden thanked Kristin Brown for coming forward and giving the Council your remarks.

APPROVAL OF THE MINUTES FOR AUGUST 5, 2020

Councilman Steve Farrell made a motion to approve the minutes for August 5, 2020 as written. Councilman Kendall Crittenden seconded the motion. The motion carries with the following electronic vote:

AYE: Acting Chair Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Spencer Park

AYE: Steve Farrell

AYE: Mark Nelson

NAY: None.

COUNCIL

WASATCH COUNTY HEALTH DEPARTMENT UPDATE

Randall Probst, the Wasatch County Health Director, addressed the Wasatch County Council electronically and indicated that school has now begun and things seem to be going along very well and thanked the School District for the efforts that have been put forth. The age group that is at most risk is sixty-five and older. Also Wasatch County ranks about number six overall among the health districts in the last seven day period. Wasatch County has about 81 active cases of the 600 that is shown on the chart. Also running about 8.9 % positivity which is pretty close to the state average now.

Acting Chair Marilyn Crittenden asked what the recovery rate is for COVID-19. Randall Probst indicated that there is about 80 active out of 600 and that could be divided to get the recovery rate. Randall Probst then indicated that with regard to the sewer districts measurements were taken of samples here at the Heber Valley Special Service District and things were going along fairly consistent until the last two samplings which are measured in millions of gene copies per person per day. As a result some interesting things have occurred which these gene copies increase about a week before a significant outbreak and numbers followed what was showing in the waste water. That procedure has been tracked through the State of Utah. Wasatch County has seen a steep increase in our measurement from what was running at 3.2 millions of gene copies per person per day and over the last three week period it has gone from 3.2 to 118 which is a significant increase. This increase seems to be high in recreation areas. Wasatch County is watching that real close to see what happens here with regard to spikes occurring. Samples are taken right at the inlet where the sewage is coming in.

Councilman Mark Nelson indicated that the principal at the high school sent an e-mail out to all the parents and everyone reminding everyone why the students need to wear masks and encouraging the parents to try and help the children understand that. He also said and warned the parents and said if we get 15 cases in the high school the school is closed. Randall Probst indicated that state guidelines indicate that if there are three cases in a single class over that two week period that are tied together in the same class, that the class goes from in person to online. Also the state guidelines indicated that any particular school that has fifteen cases in that two week period that are connected in the same school then the school goes virtual for two weeks. That is accurate.

Randall Probst also indicated the things that can be done to stay healthy and help from getting this virus and build the immune system up which consists of: eating well, getting adequate rest, good physical activity, getting adequate sleep, good mental health, and good health care. Also remember to do adequate distancing, wash hands, stay home if you are sick, and wear the mask. All these things will be posted on the web site and we will be talking about these various healthy ideas that can be practiced.

Councilman Kendall Crittenden asked about the news that COVID-19 was found in eight mink in a mink farm in Utah County. Randall Probst indicated that is correct but there is no evidence that

COVID-19 can go from mink to people but certainly some evidence that it goes from people the other direction. Randall Probst also indicated that the flu shots are available in certain areas but generally that comes in September and encourage everybody to get their annual flu shot. Councilman Kendall Crittenden indicated that is available at Walmart.

CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE COUNTY COUNCIL OF WASATCH COUNTY, UTAH AUTHORIZING THE ISSUANCE AND SALE BY THE COUNTY OF NOT MORE THAN \$5,000.000 AGGREGATE PRINCIPAL AMOUNT OF ITS GENERAL OBLIGATION BONDS, SERIES 2020, AND RELATED MATTER WILL BE PRESENTED BY RANDY LARSEN, BOND COUNCIL, AND DAVID ROBERTSON, FINANCIAL ADVISOR.

The record should show that Councilman Jeff Wade just joined the Council.

Councilman Steve Farrell indicated that the Council needs to pass a resolution authorizing Wasatch County to go ahead and issue bonds purpose of open space purchase conservation easement and Dave Robertson and Randy Larsen will present this matter.

Dave Robertson, the Wasatch County Financial Advisor, addressed the Wasatch County Council and indicated that a resolution needs to be passed today. The interest rates continue to come down which is great for this matter to take place. Also the bond rating will come back about September first which will position Wasatch County to price the bonds and be able to close at the end of September to make sure that Wasatch County has the funds to participate in their portion of the project. There needs to be an underwriter selected and bids were taken for that from five entities. After some consideration and discussion Stifle and Nicholas was selected to be the underwriter for the bond transaction. That entity was selected because we felt more comfortable with them in being able to get the best pricing, retaining flexibility, overall execution because the County will be issuing more of these bonds. The time line is now in order and a resolution will be passed today that will allow us to proceed. As we go along information will be very transparent and will be shared for everybody to see.

Randy Larsen, Bond Council, addressed the Wasatch County Council and indicated that with regard to the bond resolution which is structured to set the parameters for the bond and what the financial terms will be. The Resolution authorized a designated officer and that designated officer was created to be either the Chair, Vice Chair of the Wasatch County Council or the Wasatch County Manager as anyone that can sign the final documentation so long as the terms are within the parameters set in the bond resolution. This will be done with the recommendation of Dave Robertson's firm as your financial advisor. Acting Chair Marilyn Crittenden asked if all three of those designated people mentioned has to sign or just one of the three? Randy Larsen indicated that any one of those three can sign. All these things are built within the resolution. These things are authorized pursuant to the election already held by Wasatch County which was passed and nothing in the resolution that expands that authority because we are bound to issue bonds for the limited purpose of the election. The financial terms are that \$5 million will not be exceeded and that amount will be authorized which will preserve an additional \$5 million to be used at a later

time as projects make themselves available. The maturity date won't be longer than 21 years which lines up with the election. The interest rate on the bond will not exceed six percent. The County will not be paying six percent on these bonds but has to cover the very longest maturity. The interest rate now in some deals is below two percent but things are looking very favorable right now. Also there is a bond purchase agreement that is attached as well as a term certificate that essentially allows the County to wrap up those bonds on the day of pricing. The security for these bonds as approved by the voters is a basic credit accounting which means that will charge the property tax rate whatever is required to make payments on these bonds and they are estimates of what that taxing impact will be in the election so there is nothing surprising in there. Probably these rates will be under what we conservatively looking into being in the election. That is the security for these bonds which would get the best interest rate the County could obtain. Also as the County's Bond Counsel I would recommend the consideration of it. The boxes on Page 19 will be filled in following pricing as long as the necessary parameters are followed.

Councilman Steve Farrell made a motion that we authorize Resolution 20-13 authorizing the Wasatch County issue and sell not more than \$5 million taken out of a general obligation bond for the purpose of open space purchase conservation easement. Councilman Mark Nelson seconded the motion and the motion carries with the following vote;

- AYE: Acting Chair Marilyn Crittenden**
- AYE: Kendall Crittenden**
- AYE: Mark Nelson**
- AYE: Spencer Park**
- AYE: Jeff Wade**
- AYE: Steve Farrell**

NAY: None.

Councilman Kendall Crittenden indicated that your motion needs to be that way that this bond is not more than five million. The amount that was talked about was two million and there is another consideration of another potential action. How is that to be done down the road. This bond won't consume five million. Councilman Steve Farrell indicated that the balance of the five million will be put in an escrow account with the PTIF and get interest on it and hold the money until another project comes up. The money can be held for up to two years or three years before there is a problem. Randy Larsen that there would be a reasonable expectation to spend it within three years.

CONSIDERATION/POTENTIAL ACTION WASATCH COUNTY GENERAL OBLIGATION BONDS, SERIES 2020 OPEN SPACE PROJECTS.

Councilman Steve Farrell indicated that this should have read and to authorize the hiring of an underwriter. Is it okay to do that also because it was noticed property. Scott Sweat, the Wasatch County Attorney, indicated that could be done either way. If you did some sort of a vote today I would recommend that you come back and ratify it or just put it on your next Council meeting.

Councilman Steve Farrell indicated that he would like to have a vote on this today and then come back and ratify it at the next Council meeting.

David Robertson, financial advisor, indicated that this is not time sensitive but if the Council were to just indicate that this makes sense and we are okay to ratify or to process at a future decision. That would make it so that I can get working with Councilman Steve Farrell and review materials and then come back at a future Council meeting to make that formal if you would like.

Councilman Steve Farrell made a motion that we authorize the hiring of an underwriter today to deal with the general obligation bonds and that would be ratified at the next Council meeting which is on September 2, 2020 and authorize Stifle to be the underwriter for the bonds. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Acting Chair Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Kendall Crittenden

NAY: None.

DISCUSSION AND POSSIBLE DECISION ON THE LAND EXCHANGE AGREEMENT BETWEEN WASATCH COUNTY AND HEBER LIGHT AND POWER, EXCHANGE OF COWBOY VILLAGE PROPERTY AND HEBER LIGHT PROPERTY BEHIND THE EVENT CENTER.

Councilman Kendall Crittenden gave some back ground regarding this matter and then indicated that possibly a short Closed Session would be appropriate because there are financial issues that are mentioned. The Council discussed whether to do the closed session now or to do it after the public hearings this evening. The Council decided to hold a Closed Session to the discussion of financial matters after the public hearings and then come back to this matter then and make a determination of the matter by motion or other means.

Councilman Steve Farrell made a motion to table this matter until we finish the Manager's Report and possibly after the Public Hearings if they are not finished by then but to go into a Closed Session before the matter is heard. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

AYE: Acting Chair Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Mark Nelson
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell

NAY: None.

JACOB BALLSTEADT, REPRESENTING CURRENT JORDANELLE INVESTMENTS LC REQUESTS OVERALL PRELIMINARY APPROVAL FOR THE POINTE, A RESIDENTIAL PROJECT CONSISTING OF 157 TOWN HOME UNITS AND A CLUBHOUSE 148.58 ERU's ON 28.04 ACRES LOCATED NORTH OF STAR HARBOR ON THE EAST SIDE OF THE JORDANELLE PARKWAY IN SECTION 13, TOWNSHIP 2 SOUTH, RANGE 4 EAST IN THE JORDANELLE SPECIALLY PLANNED AREA JSPA.

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and went through a little back ground discussion of where the matter has been and presented a short power point. Austin then indicated that there were discussions about the snow storage, parking, garbage removal and also a modification to the road cross sections. As a result of those concerns the applicant has proposed some changes to the site plan. The applicant also met with the committee that was set up by the Council to discuss the concerns that the Council had. The changes consist of more snow storage areas. Talked about the year round access to the trail network. The dirt maintenance road will be asphalted. Asphalt connection from the Alignment A to Alignment B over on the Westside of the project. The garbage collection has been taken care of as indicated by Jacob Ballsteadt that the garbage will be picked up by garbage containers as in other areas and have received a will serve letter from the solid waste department.

Councilman Steve Farrell indicated there was a concern about the access roads to the south of this property through that other development and was supposed to get some agreements has that happened? Austin Corry indicated that there is a letter from Deer Cove to the south of this property that they are in coordination and working to identify those locations. Deer Cove hasn't advanced far enough to really pin stuff down. The code requirement for the two points of access when they are that close it is going to drive more access through the Deer Cove to create enough separation to meet the County's second access requirements. Doug Smith, the Wasatch County Planner, indicated that the Jordanelle Parkway or the portal needed to be completed to make two accesses and without the portal or the Parkway being done it was still on a dead end road. They meet both the access requirements. Councilman Farrell also indicated has the less density been discussed if the standard road has not changed. Austin Corry indicated that he has seen nothing concerning less density with regard to the road being the same but three units have been dropped.

Applicant:

Jacob Ballsteadt, with Jordanelle Investments, addressed the Wasatch County Council and indicated with regard to the snow removal plan it has been improved. All the monolithic sidewalks have been eliminated and additional snow removal areas have been designated. There is park strips on both sides of the road. Snow storage will be provided along the side of the roads and park strip where needed. Rocky Malin, engineer for the applicant, indicated that the engineer for Wasatch County indicated that there is more than adequate snow storage provided and have more than most people have amounting to over an acre of snow storage. Also thirty foot wide roads are being kept which gives some snow storage. Park strips are remaining on both sides of the road but not sidewalks.

Jacob Ballsteadt indicated that sidewalks are being kept as shown on the plans. Rocky Malin indicated where there is no sidewalks on the side of the street there is an eight foot paved path behind the building units so that people can walk out the back of their unit onto a walking path which will be maintained year round with more connectivity. Also the roads will be private roads not public roads and sidewalks only on one side of the road and park strips on both sides of the road and one section of the road where the park strip is three and a half feet versus the required five and a half feet. Jacob Ballsteadt indicated also cross walks are being provided also. Austin Corry indicated that the units are twenty feet from the road which is the code requirement.

Councilman Steve Farrell asked if a road variance is not granted what that would do your project in terms of density. Jacob Ballsteadt indicated that we would have to widen the roads by ten feet or so. Potentially lose all the units on one side of the road and can't go out any further because there are constraints to slopes. A shallow wide unit could be built.

Rocky Malin indicated that to get the sewer to work we had to go along that back lot line and JSSD right now is working with us to get it fit with what is there. Councilman Steve Farrell asked if road variances have been made on some of the adjacent projects to the streets. Doug Smith, the Wasatch County Planner, indicated that yes there have been. Sky Ridge has had some variances but right now there is more formality with those variances. Jacob Ballsteadt indicated that they are not planning on flipping this because we are builders and intend to build it and develop it.

Councilman Steve Farrell asked what is the road standard in Deer Cove? Austin Corry indicated that hasn't been established yet. Acting Chair Marilyn Crittenden indicated that by losing the sidewalks makes it a safety concern.

Councilman Steve Farrell asked if twenty feet is adequate for a driveway. Councilman Spencer Park indicated that the bumpers of the vehicles will be right out to the back of curb. Also down the road there will be a need to eliminate more units to make everything work. Jacob Ballsteadt indicated that these units are going to be available for nightly rentals so trucks probably won't be parking on the driveways.

Also a discussion was held with regard to the hangovers on the units whether they meet the code requirements. Jacob Ballsteadt indicated that if the setback requirements aren't meet the units will have to be moved back and whatever is indicated we will be in compliance with whatever the code indicates.

Doug Smith indicated that this matter doesn't come back to the Council for final approval but goes to the JSPA Planning Commission for final approval. Councilman Spencer Park indicated that if we are going to grant the variance to the road cross section that we maybe decrease the unit number a little bit possibly by six or nine to allow for some better snow storage throughout the project would be my recommendation. Councilman Steve Farrell indicated that he likes the concept but I don't know realistically how that can be done with the number of units to be eliminated.

Mike Davis, the Wasatch County Manager, indicated that he is not sure if the park strip will have any significant snow storage what has been found where there are driveways like this there is no snow storage where those driveways are. The bottom line is that they are going to have to haul the snow because the snow won't be plowed because there is no place for the snow to be plowed to. Councilman Jeff Wade indicated that most of the snow will have to be hauled off.

Councilman Jeff Wade made a motion to approve the preliminary plan for the Pointe and allow them to have the road variance to meet the cross section standard with all the conditions and findings of the staff and the planning commission. Councilman Mark Nelson seconded hat motion and the motion carries with the following electronic vote:

AYE: Acting Chair Marilyn Crittenden

AYE: Mark Nelson

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Kendall Crittenden

NAY: Spencer Park

Councilman Steve Farrell indicated that he doesn't like the proposal but I don't think there is another option so that is why I voted yes. Councilman Kendall Crittenden indicated that he agrees with what Councilman Steve Farrell indicated but I will vote yes. Councilman Steve Farrell indicated that there is going to be problems with this plan when they get to the Planning Commission because there possibly will be some density reduction coming on this plan in order to make it work. Councilman Jeff Wade agreed with what Councilman Steve Farrell just said.

Councilman Spencer Park indicated that he was going to make a motion to approve this plan with a reduction of ten units and maybe we will still get there anyway and that is why I voted no.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that the Open Lands Board has been having a public hearing on a project here in Midway that has to do with the Mountain Spa development and that will be on for public hearing on August 24, 2020 at 6:00 clock and will have the same hearing with regard to the Wasatch County Council which will be on September 2, 2020 for a public hearing and a recommendation because Midway will be asking the County for some of their open space money but not near as much as they are asking from Midway. The problem will be separating the conservation easement away from the development and what would be our bonding criteria and hopefully those questions will be taken care of so the matter is ready for the Council on the September meeting.

Councilman Kendall Crittenden indicated that he received an e-mail from Mr. Ellis with a concern he had with traffic in Beaufontaine and don't think it is any different than in other subdivisions but possibly people have discovered a shortcut coming from 1200 South and through that development and Cobblestone and on across. Mr. Ellis in his e-mail was proposing some portable speed bumps that can be placed on the road in the summer months and then removed for the wintertime. Mike Davis, the Wasatch County Manager, indicated that those roads were private at one time and the development petitioned the County to take those roads back and make them public and then as a result the public would start using those roads which would make increased traffic. Speed bumps destroy the roads and are dangerous. The Council indicated to Councilman Kendall Crittenden that he should relay what was discussed here today to Mr. Ellis. Mike Davis indicated that law enforcement is the best route to control the speeding as is done in other parts of Wasatch County with regard to public roads.

Councilman Kendall Crittenden indicated that just a reminder to the Council that USAAC fall convention is being held September 23 and 24 at the Homestead Resort in Midway. The convention will be an in person and a fee is for those who want to attend virtually. The Council needs to decide who would like to attend and then take care of the registration information because that will be paid for by Wasatch County for those that attend. It is \$225.00 to attend in person. Acting Chair Marilyn Crittenden indicated that she would like to see an agenda to see what is being offered at the convention. Councilman Kendall Crittenden indicated that he will find out more information and then e-mail it to the other council members. USAAC includes all County Commissioners and Councils. The UAC down in St. George which is November 18, through 20 consists of everybody else.

Councilman Kendall Crittenden then indicated that with regard to Affordable Housing, it was discussed that possibly it might be time to have a full time Director to manage the deed restricted units that are being given as part of meeting the Affordable Housing requirements and also to manage the direct oversight. To have a full time director would be funded by the Affordable Housing Board with money that comes in to pay the fee-in-lieu requirement. Councilman Steve Farrell asked if the Affordable Housing set up with an MOU or is it now with Heber City, Midway and the County. Councilman Kendall Crittenden that he has seen an MOU with Heber City and would imagine that Midway City did one at some point and the Affordable Housing is set up as a instrumentality of government. Councilman Steve Farrell indicated that if we didn't want to lose

the fee-in-lieu an assessment could be set for the unit and have the municipality or County pay so much depending where they came from towards the operation of this board and a salary of a full time director. Also have the Affordable Housing Board bring back a recommendation to the Council on how the matter could be handled for further discussion.

Councilman Kendall Crittenden indicated that the Park Place Development by South Fields road are ready to do their first phase which includes twelve homes and the approval is within Heber City but with those first approved applicants in the first phase all of them are essential employees and employees of different groups within Wasatch County and Heber City and Midway and are providing some affordable units for the local employees. The intent of that was to be an essential worker development as it moved forward.

Councilman Kendall Crittenden indicated as it pertains to Hideout, they passed a motion to withdraw their petition for annexation or to cancel the action of annexing. A town meeting is scheduled for tonight at 7:00 p.m. to hear from all the people that got on last Wednesday when there was a problem with Zoom meeting.

Councilman Mark Nelson indicated that the Tourism and Economic Development Board has met a few times and had meetings with regard to the CARE's funding and how to potentially use some of this CARE's Act money to help the businesses in Wasatch County. Mike Davis in the Manager's Report will present that to the Council.

MANAGER'S REPORT

REVIEW OF PROPOSED CARE'S FUNDING ON ECONOMIC SUPPORT AND SCHOOL DISTRICT EXPENSES.

Dallin Koecher, Director of the Wasatch County Tourism and Economic Development, addressed the Wasatch County Council and indicated that what is being looked at is doing the vast majority of the money grants will be used for businesses to help retain employees, pay rental, take care of PPE, (Personal Protection Equipment) things necessary to keep the business doors open as best they can. Heber City has committed \$123,000.00 of the current funds that they have available and an additional \$494,000.00 when the next allocation comes forth from this program. That is almost matching dollar for dollar what is coming from Wasatch County. Still working with Midway to see what their potential ability will be regarding this.

Also we will look at how these businesses have documented loss with the COVID-19 and what can be done to help with those losses. Ask for profit and loss statements, payroll statements so that we can get a good idea of what these businesses are intending to use these funds on and how they would get the funds out. A survey was taken and the number one need of these businesses was to cover payroll.

Councilman Kendall Crittenden indicated that the CBDG Grant that was received there is a second round of funding for that and a meeting will be held next Tuesday to decide how the second round will be divided up.

Dallin Koecher also indicated that they have not reached out to Charleston, Hideout or Daniels with regard to the CARE's Funding and how much they are receiving. Dallin also indicated that a local incentive plan is being set up for the local businesses which amount is \$250,000.00 which can go up and down. The need to set up their own incentive plan on how to get customers to shop at their stores. Time is running for these things to take place because the deadline is November 30, 2020.

Councilman Steve Farrell indicated that he likes the concept but would like to see us use that money to help the businesses that are going to be struggling. Right now I have a little bit of concern with the incentive program. Acting Chair Marilyn Crittenden indicated that not only do the businesses need to stay open but one of the big missing links right now is that people just aren't going out to buy and shop and if customers aren't coming in all these programs will be for not. The incentive plan is just too hopefully to keep people coming into their businesses and purchasing and buying things. Dallin Koecher indicated that there is a lot of work to be done

Dustin Grabau, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that the million dollars that we had is for expected expenditures that we know are coming down the pipe line. Some equipment that hopefully can be purchased is some for the fire district, purchases in the health department of approximately \$250,000.00, and those things that we are prioritizing the funding for and the important thing is we don't want to overspend. The money has been spoken for but not spent. Dustin also indicated that an option is to partially fund these suggestions now and then come back to the Council when more funds are available or if you are okay with what has been suggested in concept and then just update the Council as the funds actually come in but that is up to the Council. We just want to make sure that the Council is comfortable with what we are expecting to use these funds on.

Councilman Mark Nelson indicated that this doesn't need to be a motion but would suggest that the Council approve or tell them to go ahead and begin the planning and process of steps for this kind of a program and there is a limit of around \$250,000.00 to \$350,000.00 and nothing can be done that commit more than that. Future approvals will have to be made by the Council about more specific plans and the criteria. The Council needs to give them approval to keep moving down the path that has been suggested because time is of the essence.

Mike Davis, the Wasatch County Manager, indicated that if the local incentive plan can be put together and bring it back so that the Council can see it and then allocate a specific amount of dollars to this allocation. For the future ones as we get the money we will take that money and then make those allocations at that time. The business grants will take a little bit of time and some of the businesses are under the gun and do all that we can to facilitate getting this going even though not all the money has been received. The process needs to get going so applications can be received so when some of the money comes available some of the process has already been done.

Dustin Grabau, the Assistant General Manager, indicated that with regard to the School District expenses, we went over a list of specific items that the School District is requesting and Dustin Grabau then put up a list on the screen showing what the School District is requesting and don't have funding available to purchase those things. A discussion was held with regard to these items and what they would be used for. Dustin then indicated that he wanted to make sure that the Council is okay with what is being asked for here from this outside entity such as the Wasatch County School District.

Acting Chair Marilyn Crittenden indicated to just make sure that Council will have the funds to do the other things that are needed too and we are not putting money where it isn't actually absolutely needed and waste shouldn't be going on. Dustin indicated that they will ask about the face shields but largely this list is intact. Dustin indicated that we need to know if the Council is comfortable with us authorizing the School District to purchase these things. Mike Davis indicated that we need to categorize these things to the ones that are needed right away and the others that can wait and after see what the use is and then purchase more of a particular item and purchase some items in increments. The Council indicated that they were fine with proceeding with this plan with the Wasatch County School District proceeding with the purchase of the more pressing items.

OPEN LANDS BOARD

Dustin Grabau addressed the Wasatch County Council and indicated that with regard to the Open Lands Board and the potential of holding a public hearing for the County Council on September 9, 2020 which is just a work session. A vote needs to be made to change the September 9, 2020 work meeting to a regular session so that public hearing can take place appropriately.

Councilman Kendall Crittenden made a motion that we change our council meeting on September 9, 2020 from a work meeting to a regular meeting to accommodate a public hearing. Councilman Steve Farrell made that motion and the motion carries electronically as follows:

AYE: Acting Chair Marilyn Crittenden

AYE: Mark Nelson

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Kendall Crittenden

NAY: None.

The record should show that Councilman Spencer Park could not be heard electronically to make a vote on this matter.

The record should show that Councilman Spencer Park left the council.

**PUBLIC HEARING
AUGUST 18, 2020**

PAUL BERG, REPRESENTING BRETT WALKER, REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR THE CENTER CREEK MEADOWS, A PREVIOUSLY APPROVED RESIDENTIAL DEVELOPMENT THAT HAS SINCE EXPIRED AND THAT CONTAINS 23 LOTS ON 36.86 ACRES LOCATED AT APPROXIMATELY 2100 SOUTH 3600 EAST IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 5 EAST IN THE RESIDENTIAL AGRICULTURE 1-ACRE ZONE.

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that the Council has actually seen this before a little bit over a year ago. The reason this matter is back before the Council there are code requirements for how a project moves forward to show that it is compliant with moving forward with reasonable diligence. This project went beyond the expiration deadline and one extension was granted but no additional extensions were granted and went past that time as a result the project expired. The applicant is now back before you requesting the same project with no changes. The only thing that was looked at with changes in the code that would affect this application. The application came through as a preliminary and final all requested at once. The code has changed since this came before the Council which is for a conceptual connectivity plan to be presented. The developer has to show based on where they are placing the stubs how those stubs would continue or could continue outside of the property within at least a quarter of a mile to make connections to the main part of the road network or master plan roads. What that entitles the Council to do as the legislative body is take a look and identify a local road plan, if the road stubs are in an appropriate locations and what makes sense. Simply providing them might be a good idea but in some cases the locations that might work well for the developer that is proposing something could really hinder a property that is adjacent to them. There is undeveloped ground to the northeast and south of this project and the code before just said that you had to provide the stubs to go to future roads. The plan is not binding on the other property owners. They could carry the stubs through a completely different manner if the applicant wanted to but the main intent of these plans is for you as a Council to be able to identify whether what the developer is providing makes sense. There is one section that causes a little bit of concern for Planning is they are showing a road carrying through onto Center Creek. That is really up to the Council as to whether that seems acceptable to you or not. The connectivity plan was put so it would give the Council a little bit of reviewing where the stub locations are going so that if you felt like it created a hindrance on an adjacent area the Council could decide whether it was an appropriate location or in some instances you could eliminate a stub altogether if the connectivity plan could show that those block standards still could be met.

Austin Corry indicated that the only other change to the code is there was a requirement in the initial approval about receiving a Will Serve Letter from Center Creek water. With this application the Will Serve Letter has been given by Center Creek water.

Austin Corry then went through the DRC comments:

JORDANELLE comments: Developer to note and comply with the requirements outlined in the Will Serve Letter and Development Agreement. Developer to present 2 hard copies of detailed drawings, a PDF of design drawings, and a dwg file of the utility plan to the District for detailed design review. The development must receive the District stamp of approval or the design drawing prior to beginning construction.

MANAGER'S OFFICE comments: Need will serve letter from Twin Creeks, feasibility letter is not Will Serve. County cannot accept stub roads without cul de sac bulbs at ends. Cannot maintain. I do not support stub roads as shown.

PLANNING comments: The fencing plan should be included on this sheet. Council will need to review stub locations per the connectivity plan requirements to determine if the connections necessitate a local road plan.

TRAIL PLANNER comments: the pedestrian trail plan is approved.

Austin Corry then went through the proposed findings:

1. Upon meeting the listed conditions, the proposal can comply with the Wasatch County Code Title 16.
2. The proposed subdivision is in the Residential Agriculture 1-acre RA-1 zone.
3. The proposed density does not exceed the base density of one unit per 1.3 developable acres.
4. The Moderate Income Housing Requirement of 10 percent would be 2.3 Affordable Unit Equivalents AUE.
5. Water is serviced by Center Creek Culinary Water Company and Center Creek Irrigation Company.
6. Sewer is services by Twin Creeks Special Service District.

Austin Corry then went through the proposed conditions:

1. The applicant will need to provide a fencing plan consistent with Wasatch County Code 16.27.11(G) (9) to be reviewed for compliance and approved by the DRC prior to plat recording.
2. Applicant will need to pay the \$64,400 Moderate Income Housing fee-in-lieu prior to plat recording.
3. All open space areas will be required to be HOA maintained. Incorporation documents must be finalized and recorded at the time of plat recording.
4. Landscape, access, and maintenance responsibilities for the trails, open space, both driveway easements, and storm water facilities will need to be outlined in a development agreement prior to recording the plat.
5. Applicant must resolve any issues noted by the DRC.

Applicant:

Paul Berg indicated that the reason that we aligned the road the way we did is because it is in a spot where it makes good sense for our development and could be moved and then also the Jacobsmeyer and Fitzgerald pieces are the two larger pieces in this area that could benefit from this road but tried to put it in a location that would allow both of them to use it for future development. There would be a remnant parcel on the Fitzgerald but then the Jacobsmeyer would also have to give a little property back so there is an even trade there. If the Council would like us to put the road all along the Fitzgerald's west property line we are open to doing that and moving this to the west if the Council feels more comfortable only putting it on the Fitzgerald's piece.

Paul Berg also indicated that this is the same project that you have approved before. There have been no changes but have to make a decision if the Council is comfortable with the road plan or like us to move it. Also Mr. Walker has already paid Center Creek for his twenty-three connections in addition to the new Will Serve Letter that they have issued. Paul Berg indicated that the last comment is Phase 2. And immediately we would like to get preliminary approval from you tonight for both phases and phase 1 we would act on. If there is an opportunity to do a road code change where that road is we would like to come back and talk about whether that one is needed but since it is in your current code we could move it to the west property line of Fitzgerald's as recommended tonight but as things change in your code maybe that stub could be eliminated before Phase 2 of the development. Also the code was presented and we never submitted a formal application for a rural preservation on this property so what you see tonight is the same original subdivision that was approved yes.

Council Comments:

Councilman Steve Farrell indicated that what the Council is doing is making this property owner the developer dedicate a section of ground that may never be utilized for a road where they have got frontage on 2400 South this five acre piece and may never utilize this.

Councilman Jeff Wade indicated if the stub is required to be there we would have to put it down the Westside and if the code changes before that other piece ever happens to get developed maybe we can make it so they don't have to put the road down through there and it just stays a dead end. Acting Chair Marilyn Crittenden indicated that she agrees with that. Councilman Kendall Crittenden agrees with that also and like sliding that to the west.

Councilman Steve Farrell asked how did you identify or take care of that ditch channel or creek channel that goes down through the middle of the property. Austin Corry indicated that is actually a flood way. There are some improvement requirements that they would have to do as part of this development to make sure that flood way stays open but with those improvements the Wasatch County engineer was comfortable with moving the project forward. The plat does show that as a water way easement and additional set back requirements for those easements as well per the code. There will be a plat note indicating what those additional set back requirements are.

Public Comment:

Acting Chair Marilyn Crittenden then opened the item up for public comment and there was no public comment so the public comment period was closed.

Acting Chair Marilyn Crittenden indicated that there are only five members of the Council on line so would you want to move forward with a motion. Paul Berg indicated that it will be fine to move ahead with a motion.

Councilman Steve Farrell made a motion that we go ahead and approve the preliminary approval and given preliminary approval to Center Creek Meadows Subdivision with all the conditions and findings of the Planning Commission and Staff and allow them to move that road to what works best for them. That if prior to the development of Phase 2 if the County requirement changes that they could eliminate the road stub on the south. Councilman Kendall Crittenden seconded the motion and the motion carries with the following electronic vote:

AYE: Acting Chair Marilyn Crittenden

AYE: Mark Nelson

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Kendall Crittenden

NAY: None.

The record should indicated that Councilman Mark Nelson left the Council.

**PUBLIC HEARING
AUGUST 19, 2020**

ORDINANCE 20-16 A PROPOSED CODE AMENDMENT TO ADD LAND USE NUMBER 8191 TREE FARMS AS A PERMITTED USE IN THE RESIDENTIAL AGRICULTURE 1-ACRE, RA-1 RESIDENTIAL AGRICULTURE 5 ACRE RA-5 MOUNTAIN(M) AND PRESERVATION P-160 ZONES AND TO AMEND SECTIONS OF TITLE 16 TO CLARIFY THE INTENT OF PERMITTED TREE FARMS IN THE COUNTY.

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that this is a proposal to amend various sections of the land use code. The first amendment is to allow tree farms in the RA1, RA-5, Mountain and P-160 zones as a permitted use. However, since there is a more specific land use designation for tree farms in the land use code, it would be prudent to amend the code and add the more specific use to eliminate questions regarding their allowance if it were to become an issue. The purpose and intent of this would be

that Wasatch County Code 16.02.05 requires that amendments to Title 16 shall not be made except to promote more fully the objectives and purposes of the General Plan and this Title as stated, proposed amendment should be consistent with the purpose and objectives of the chapter or section being amended. The residential agriculture zones purposes clearly identify a desire to promote agricultural activities that can exist in harmony with residential uses. The second amendment is these two definitions which are being put in and one definition is Nursery Stock: All living botanically classified plants or any part thereof, such as floral stock, herbaceous plants, bulbs, buds, corms, culms, roots, scions, grafts, cuttings, fruit pits, seeds of fruits, forest and ornamental trees and shrubs, berry plants, and all trees, shrubs and vines and plants collected in the wild that are grown or propagated for live sale or distribution. The second definition is Tree Farm: A business enterprise in which land is used for the planting of young trees and /or tree seeds for production of larger nursery stock trees. The business may include but is not limited to stock stored, sold, offered for sale, or held for sale as part of the operation, but does not mean a business that primarily imports, stores, and/or sells nursery stock not grown on the premises. For purposes of this definition, production shall mean the planting, care, and maintenance of young trees for a minimum period of two growing seasons before harvesting for sale.

Austin Corry then went through the proposed findings:

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan as follows:
 - a. The proposal supports additional agricultural uses throughout the County.
 - b. The proposal promotes low impact economic activity.
 - c. the proposal clarifies a distinction between retail operations and production operations when considering tree farms.
2. The proposed amendment is consistent with the purpose and objectives outlined in each of the respective zoning purpose statements.
3. Positive impact of the proposed changes would be increased support for agricultural opportunities.
4. Negative impact of the proposed changes could include the need for the transportation infrastructure to consider truck deliveries or exports from otherwise residential sites. To limit this, and align with the General Plan, establishments with high retail turnover rather than wholesale production should be considered as nursery operations if the retail aspects becomes predominant over the production and growing of trees.
5. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch county Code.

Public Comment:

Acting Chair Marilyn Crittenden then opened the item for public comment and there was none so the public comment period was closed.

Councilman Steve Farrell made a motion that we approve Ordinance No. 20-16 amending the land use number of 8191 for the tree farms and enter it into the residential agricultural zones as outlined, RA-1, RA-5, Mountain and preservation P-160 with all the findings and conditions recommended by the Planning Commission and staff. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Acting Chair Marilyn Crittenden

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Kendall Crittenden

NAY: None.

Acting Chair Marilyn Crittenden indicated that we still need a Closed Session in regard to Item No. 4 so I will entertain a motion to go into Closed Session to consider the purchase, exchange or lease of property.

Councilman Kendall Crittenden made a motion to leave our regular agenda and go into Closed Session for the purpose to consider the purchase, exchange or lease of property. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Acting Chair Marilyn Crittenden

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Jeff Wade

NAY: None.

Councilman Kendall Crittenden made a motion to leave our Closed Session and go back into our regular agenda to consider Item No. 4, the discussion and possible decision on the land exchange agreement between Wasatch County and Heber Light and Power. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

**AYE: Acting Chair Marilyn Crittenden
AYE: Jeff Wade
AYE: Kendall Crittenden
AYE: Steve Farrell**

NAY: None.

CONTINUATION OF ITEM NO. 4 ON THE AUGUST 19, 2020 AGENDA

Councilman Kendall Crittenden indicated that we make a counter proposal to Heber Light and Power. We have taken the value higher price piece of property which is the current piece of Cowboy Village. It is in the appraisal that came in at the rate of \$4.99 square feet so taking out the ½ acre that was taken out with the substation and the Heber Light and Power property behind the event center if you multiply that out using the higher value of the Cowboy Village Property \$108,682.

So I would make the motion that we counter at that price and we recognize that the Cowboy Village property already has water and sewer connections paid for by the County, so as Heber Light and Power moves forward developing some of that infrastructure which is already in place they won't have to pay the cost of doing that, also to throw into that we will complete and make a right-of-way. Also complete the easement agreement into the jail house substation at no cost to Heber Light and Power so we will complete that and get that finished. Also that they will help with connection and we can continue to use Cowboy Village and those other two pieces. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Acting Chair Marilyn Crittenden
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Jeff Wade**

NAY: None.

Acting Chair Marilyn Crittenden asked who is going to write the counter. Councilman Kendall Crittenden indicated that the offer came through Jason Norlen and Scott Sweat, the Wasatch County attorney, will counteract with Adam Long, the Heber Light and Power Attorney. After it is completed I will look at it. Scott Sweat also indicated that he will send a copy to Mike Davis,

the Wasatch County Manager.

ADJOURNMENT

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

AYE: Acting Chair Marilyn Crittenden

AYE: Jeff Wade

AYE: Kendall Crittenden

AYE: Steve Farrell

NAY: None.

Meeting adjourned at 9:00 p.m.


MARILYN CRITTENDEN, ACTING CHAIR


CALVIN L. GRIFFITHS CLERK / AUDITOR

