

**MINUTES OF THE
WASATCH COUNTY COUNCIL
SEPTEMBER 9, 2020**

The Wasatch County Council met in regular session via Zoom and the following business was transacted via Zoom.

PRESENT: Acting Chair Marilyn Crittenden
 Kendall Crittenden
 Steve Farrell
 Jeff Wade

EXCUSED: Chair Danny Goode
 Councilman Spencer Park
 Councilman Mark Nelson

OTHERS PRESENT: No one else present in the Council Chambers except Wendy McKnight from the Clerk's Office running Zoom. Others present Via Zoom:
 Mike Davis, the Wasatch County Manager
 Dustin Grabau, Assistant Wasatch County Manager
 Austin Corry, Assistant County Planner
 Randall Probst, the Wasatch County Health Director
 Rick Tatton, Court Reporter.

PRAYER: Councilman Jeff Wade

PLEDGE OF ALLEGIANCE: Led by Councilman Steve Farrell and repeated by everyone through Zoom.

Acting Chair Marilyn Crittenden called the meeting to order at 3:00 p.m. via Zoom and indicated that Chair Danny Goode, Councilman Mark Nelson and Councilman Spencer Park are excused and then called the first agenda item.

OPEN AND PUBLIC MEETING AFFIDAVIT

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

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Acting Chair Marilyn Crittenden asked if there were any legislative issues for a future meeting and there was none.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT

Dustin Grabau, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that one comment came in from a Kevin Coon and it reads: "What do we have to do to get winter access to Soldier Creek Estates and we pay a lot of money and property tax and really don't know we are getting out of it. Could you please explain where our taxes go?" Mike Davis, the Wasatch County Manager, indicated that the road that goes into the Soldier Creek Estates and when it leaves the highway is a forest road. The developer that owns the property and developed Soldier Creek Estates has an easement with the Forest Service for access into their development on that road. As a result of that, that is not a Wasatch County Road. As a result the ability to plow the road or maintain the road is up to the developer and the forest service not Wasatch County. Also most of the taxes do not go to roads and most of the county roads are paid by Class B Road money which is money that is received from the State of Utah. Mike Davis also indicated that he will write up a response regarding this and then Chair Danny Goode can respond to him with my response.

Kurt Kreig, from Extell, addressed the Wasatch County Council and went through a brief summary up date of milestones that has taken place with regard to their development. Also thanked the Wasatch County Council and staff and others for the help they have given thus far with regard to the development which has made things run smoothly. Also thanked Councilman Steve Farrell for the help that he has given with regard to the MIDA Board participation. Also let's keep the communication going so things can run smoothly.

COUNCIL

WASATCH COUNTY HEALTH DEPARTMENT UPDATE

Randall Probst, the Wasatch County Health Director, addressed the Wasatch County Council and indicated that a number of testing sites were closed a couple of days because of Labor Day and also the strong winds and the loss of electricity to run the labs. There has been spikes but for the last period of time things have actually stayed down below the consistent overall average which is

pretty positive. The schools are doing well. The State of Utah is in the process of trying to come up with an additional dashboard which in the next week or so will be available identifying by district ranges of cases state wide. That will not be broken down by individual schools because of problems identifying who those people are. Right now the Health Board is gearing up for the flu vaccine and have our flu clinics pretty well scheduled and set up at the Event Center and some pods set up in outlying areas such as Wallsburg so they are up and ready to go when the flu vaccine is made available. Randall Probst expressed a thank you to the community for the help that is taking place to help keep the COVID-19 virus cases count down. Just remember to stay home when you are sick, wash your hands, practice distancing and wear the masks.

UDOT BYPASS EIS STUDY UPDATE

Jeremy Bown, from UDOT, presented a power point presentation update in what is taking place with regard to the bypass road process. Jeremy Bowns then indicated that last year a corridor study was done which evaluated some alternatives for the western bypass, also looking at traffic flow and things of that nature and no recommendations were given from UDOT as to what route should be used but also that a more thorough in depth study was warranted to take place concerning this matter. As a result of that this is the more in depth project and analysis and study so a decision can be made and a determination. Just to remember that this project is not starting off with assuming that a bypass road is the solution. The process needs to be followed and gathering data at this point really wanting to understand as a whole the transportation issues through the valley. After that then make transportation decisions and improvements that will help the traffic flow run smoothly in Wasatch County.

Right now UDOT is in the early process with collecting information on transportation needs, where the problem is, gathering some information on potential alternatives, gathering information on issues that need to be considering, understanding what is important to the residents, to the community. Also as this process takes place there will be many opportunities for stake holders and residents to be heard regarding their comments and to keep the communication line open. The first public meeting regarding this matter was held on August 27, 2020 which the first public comment phase started with that meeting which will run through September 26, 2020. After all these various studies are conducted and it is determined that a problem does exist and needs to be fixed then the construction phase is put on a list that is prioritized and whether the funding will come from the state or federal is then determined. The only alternative to that is legislative action. There also is a eighteen member stake holder group that has been set up that will represent the various stake holders of interest and that working group will be a sounding group for the project team and a communication conduit to the community. There also will be surveys taken starting next year. Just remember that with regard to the different information that is obtained there will always be a public comment period and public hearing taken on the different information that is obtained.

Right now traffic data has been collected last summer and right now we are in the process of analyzing that. There are 600 tanker trucks going through the Main Street of Heber on a daily basis, 300 trips up and 300 trips back which is a big concern to people in Wasatch County which

feel there is more than that amount of truck traffic taking place which is four percent of the total traffic using the Heber City Main Street.

Acting Council Chair Marilyn Crittenden also indicated that she has never seen that no commercial will be put on a bypass road because there will always be commercial built on those type of roads in her experience. Jeremy Bowns also indicated that safety is a big issue that is being looked into in making a decision. Just remember that you can view all of this information on the public hearing on the UDOT web site and if there is other questions you can contact me at jrborn@utah.gov.

Jeremy Bowns also indicated that with regard to the comments that have been received so far are: concerns with safety and walkability on Main Street, defer truck traffic, intersection improvements, community and environmental impacts, also the bypass route. Just remember that this study itself does not have its mind made up that a bypass will be done.

Doug Smith, the Wasatch County Planner, asked about access if a bypass road was built. Jeremy Bowns indicated that if a bypass road is gone to it would be my assumption that it would be a limited access type facility and the only accesses to that would be by a pre-determined city street that would be developed through a corridor agreement and then outside of that the access would have to be through the city streets and just keep in mind that is my assumption. Just remember that UDOT can't control how people develop their land and if commercial is used.

Acting Council Chair Marilyn Crittenden indicated that what happens with this will not go away and whatever decisions are made with this will have long lasting affects upon this valley. We need to think very carefully and thoughtfully about what those long affects will be if that is really what we want. Think about that with the comments that will be made and encourage the citizens to be involved in this important decision that will be made.

DISCUSSION AND RECOMMENDATION FROM THE COUNCIL REGARDING A SHARED PARKING PLAN SUBMITTED UNDER WASATCH COUNTY CODE 16.33.12 TO REQUEST AUTHORIZATION FOR A SHARED PARKING SCENARIO FOR THE HUB AT EAST VILLAGE LOCATED AT 1160 LORI LANE ON THE SOUTHWEST CORNER OF THE INTERSECTION OF BROWN'S CANYON/JORDANELLE PARKWAY AND HIGHWAY 248.

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that Chapter 16.33 of the Wasatch County Code regulates the parking standards for the County. Within this chapter, there is an opportunity for applications to include a shared parking study for consideration of adjusting parking requirements for a particular project. Without a study, an applicant can receive approval to share parking spaces between dissimilar uses that have different peak times. The Hub at East Village is requesting a consideration of a shared study for a commercial project at 1160 Lori Lane that will consist of grocery, restaurant, and office uses. As a result of this the applicant has provided a study plan for consideration with regard to the shared parking that would consist of a grocery,

restaurant, and office uses. The proposed study plan suggests a requirement of 106 stalls would be adequate but the application has provided for 113 stalls on the site. This would provide for 7 additional stalls available if the County Council agrees that the applicant's justification is sufficient. Based on the assumptions made in the applicant's study such as the number of outdoor dining tables, or square footages for back of house type uses, the County should memorialize those commitments in a Development Agreement so that future building permits and business licenses are held within the standards accepted by the Council. Any changes with future tenants should be re-reviewed for parking standards. What is needed is a motion of a recommendation by the Council and not a decision for this matter whether it should be approved or whether you would like some changes to the plan or whatever. This type of situation would be done on a case by case basis. The Council would have to feel comfortable that this study that is in front of you today justifies their specific request in their circumstance. It is in the Wasatch County Code that parking spaces can be shared with a shared parking study. The planning staff would like to see more creative thought with regard to parking than forcing more parking than what is needed.

John Travis, the applicant, addressed the Wasatch County Council and indicated that this center is really developed to meet the needs of the people that live out there and don't have any services. Will be working with medical groups with regard to the offices which will have people going and coming and not staying. The grocery store usage for parking is about an hour per individuals coming and going. The restaurant usage is about the same. Blake McIntyre, representing applicant, addressed the Wasatch County Council and indicated that parking that was required for this site of 154 stalls was not doable unless the size of the building was reduced. That is when we did this parking plan study which would require 113 stalls.

Councilman Steve Farrell made the recommendation that we go ahead and approve the change not the variance in change more that the method of calculation of the number of parking stalls required here for this development as a shared parking project and add the number of 113 and nothing less than 113. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Acting Council Chair Marilyn Crittenden

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Kendall Crittenden

NAY: None.

COUNCIL/BOARD REPORTS

There were no Council/board reports given.

MANAGER'S REPORT

MAG PARTICIPATION IN TRANSIT STUDY

Chair Danny Goode has indicated to Mike Davis, the Wasatch County Manager, that when you meet as the Wasatch County Task Force concerning the transit study to make sure that MAG (Mountain land Association of Governments) is made a part of that discussion because they are very important resource for both Summit and Wasatch counties and to make sure a representative from them are present when these meetings take place.

RECOMMENDATION FOR CONSTRUCTION /REASSIGNMENT OF PPE STORAGE SHED AT PUBLIC WORKS

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that they have been looking at uses for the CARES money. We need more space for the storage of things that is being purchased with the CARES money which will become more necessary as winter comes. The CARES money has to be used by the end of this year. Brandon Cluff, the Public Works Director, has come up with an alternative idea which will require the spending of funds to build an extra building which bids to do that came to approximately \$500,000.00. One of the other uses for this building would be for the storage for equipment which is important in the winter months to have shelter for the equipment that saves Wasatch County a lot of money on repairs when equipment is left outside. The building will be built out at the public works building by the Airport. The building of this building one way or another won't affect the county tax wise because there is extra money that was supposed to be used elsewhere.

Brandon Cluff, the Wasatch County Public Works Director, addressed the Wasatch County Council and indicated that some projects have been put off to save some of our money so there is some money available for a project such as this building. As a result when more CARES money becomes available that money that would be used to build the building could be reimbursed back to Wasatch County. The extra money comes from the Class B Road money that comes from the gas tax money not property tax money. For the CARES money to be used the building has to be completed before the end of the year to be used for CARES purposes.

Councilman Steve Farrell indicated that we should go ahead and build the building and if CARES money come through fine but there is always a need for covered buildings to store equipment.

Councilman Steve Farrell made the motion that we go ahead and start on the building now. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

CLOSED SESSION

Acting Chair Marilyn Crittenden asked if there is a need for a Closed Session and there was none.

Councilman Kendall Crittenden made a motion that we go in recess until 6:00 p.m. for the public hearing matter. 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.

PUBLIC HEARING SEPTEMBER 9, 2020

PUBLIC HEARING CONSIDERING THE USE OF OPEN SPACE BOND FUNDS FOR THE PRESERVATION OF THE MOUNTAIN SPA PROPERTY IN MIDWAY IN THE AMOUNT OF UP TO \$300,000.00.

Cheryl Fox, from the Summit Land Conservancy addressed the Wasatch County Council and indicated that this is a 78 acre property and presented a power point presentation. This property has pretty intensive zoning rights. The plan that we are offering is these two farm estate lots is where we are asking for support from Wasatch County Open Space funds for the \$300,000. These two farm estate lots will be protected under a permanent conservation easement that the primary purpose of that is the view shed and the agricultural uses on the property. The plan is to sell these two farm estate lots to a single buyer. There will be 34.6 acres will be in the conservation easement. The conservation easement will prohibit subdivision so won't be able to come in and develop it. The open space money is being used to secure these large parcels for agriculture going forward. Also we will be very transparent with regard to the money as to where it is going and coming from. The open space money will be used to buy down density. Last week Midway City committed to \$1.5 million from their own open space funds and hopefully that Wasatch County

will contribute \$300,000. The funds of the sale of those two large parcels it goes to offset the purchase price.

The water rights are a concern on this property and if the water rights are not satisfied then this project will not happen and the County's Open Space money does not get spent. Legal counsel will make sure that things are done right.

The Wasatch County Open Space money is being used in the no build zone which is 31.6 acres. Also agreed to Midway City's conditions and Midway City has given us an 18 month window for this to happen. This is an important point which is that Wasatch County's open space bond money contribution of up to \$300,000 will remain in escrow and will not be disbursed until Lots 4 and 5 have been legally encumbered by the conservation easements and/or deed restrictions approved by Wasatch County's legal counsel and bond counsel.

Conditional approval of these funds for this project will be valid for six months, Should the land as we have described it will not be legally encumbered by the conservation easements and/or deed restrictions imposed on Lots 4 and 5 within 6 months from County Council approval, this approval will expire and the County may, at its sole option, decline to provide funds. We would like Wasatch County to amend the six months to 18 months. We would be willing to come back after the six months and give an update of where we are on the project. It is very important to put a time frame on the commitment to fund the money. Councilman Steve Farrell indicated that the Wasatch County Open Space Board wanted the six month window but would have the ability to extend that if they felt there was adequate process progress made on the transaction. If the six months come and nothing has been done and there is no resolution to any of the conditions then we don't want to tie that money up. Councilman Steve Farrell indicated that he would like that to stay at the six month window. Adequate process could be on the Midway City Planning Commission for consideration. Cheryl Fox further indicated that it meets the criteria set forth by the Wasatch County Open Lands Board. There is also collateral benefits to this such as trails, public access, restoring the site, spa will be available to the public with a fee, great view sheds maintained, pastoral nature of the land, proximity to other conservation easement lands, and access to a public park in the middle of the property. Also there is a memorandum of understanding with Chuck Heath. We hope that this will provide a public benefit for everybody.

Steve Dougherty, Midway City Councilman, then went through the conditions that Midway City has put on this conservation easement. Steve just mentioned that he is an immediate neighbor to the south edge of the Mountain Spa Property and not to the property that is being the subject of this contribution both by Midway City and Wasatch County. Midway City has conditionally committed to \$1.5 million of our Open Space funding for this project and very supportive to this project. This proposal consists of several projects. A lot of work still needs to be done in terms of the actual land use planning to this property but that is not being worked on now. There is a memorandum of understanding between the Summit Land Conservancy and the purchaser of the property who is Chuck Heath. The memorandum of understanding is incorporated in our letter which outlines what will be done. Also the view corridors are very important to visitors who come to Midway and to the Wasatch County area. Also the planning process has not taken place yet.

The property will be restricted outside of these estate lots which will have conservation easements on them. The whole plan is that the total 78 acres will not suffer the highly dense development. Some of the zoning may need to be tweaked a little bit on this property. The water also needs to be available for this project. The proposal was unanimously approved by the Midway City Council with these conditions in our letter and signed by the Mayor of Midway City and sent to the Summit Land Conservancy. The conditions as outlined by the Wasatch County Open Space Board look very sensible to me. Midway City will not be an investor into this project. Councilman Steve Farrell asked Midway City Councilman that unless these conditions are made Midway City is not going to spend a dime on this project. Councilman Dougherty indicated that the main condition is that we see the conservation easements imposed before there has been any subdivision approval. To ensure that happens one of the things that we aren't quite certain on right now is when the money will be needed to close this purchase. Once the conservation easements are administered by the Summit Land Conservancy overtakes that obligation and no money will hit any table from Midway City until those conservation easements are on those properties even before they are subdivided.

Heidi Franco, from the Heber City Council and a member of the Wasatch County Open Space Board, went through the Wasatch Open Lands Board Recommendation form which is a positive conditional recommendation for the issuance up to \$300,000 towards this 36+ acres being reduced down to two homes on these large estate lots. The Open Space Board feels this is a real good fit for trying to spending the Open Space Bond Money to preserve open space, historical agricultural and grazing uses, incredible view sheds. Also this recommendation form that has been submitted meets the general criteria that the Wasatch County Open Space Board have for a conservation easement to go forward. Heidi Franco then went through the proposed conditions for this. Also the Wasatch County Open Space Board recommends a six month expiration so at least an update within six months where you can continue it or not. Also just want to thank the Open Land Board members for their work with regard to bringing this matter to this point.

Public Comment:

Acting Chair Marilyn Crittenden then opened the matter up for public comment.

Woody Woodruff, member of the Midway Open Space Advisory Council for Midway, also serve on the Wasatch County Open Lands Board addressed the Wasatch County Council and indicated that this project started months ago and has evolved with a lot of hard work thanks to Cheryl Fox. Also this is a unique project in the fact it combines public, private partnership to achieve what would otherwise be a very unlikely scenario. In Midway three of these types of projects have been done and each one was different. If the money is spent the land is protected in perpetuity with a conservation easement and open space has been preserved on 34.5 acres of land. If no easements are put in place no money is spent. I would just encourage the Wasatch County Council to approve this and let's move forward and make it happen.

Acting Chair Marilyn Crittenden then closed the public comment period.

Councilman Jeff Wade asked if the resort zone will have residential in it. Midway City Councilman indicated that is just a resort zone and will not have residences there because it has to have commercial because it is in the resort zone.

Councilman Steve Farrell indicated that Wasatch County has three options on this project. One, we just deny it outright and say that we don't want to participate. Two, we table it until they get the answers to the conditions or three, we approve it conditionally similar to what Midway City does and bring it back to the Wasatch County Council once the conditions are met. We have the understanding that they meet the conditions that the \$300,000 is committed. I am leaning to the last. I think they have done an accurate job outlining our concerns in the conditions. If the conditions are met that we can put a conservation easement on that 42 acre of estate lots that would give us and we are only in it \$300,000 of Wasatch Open Land Board money that money will be well spent.

Councilman Jeff Wade indicated that he agrees with Councilman Steve Farrell that the last proposal that you talked about is probably the best.

Councilman Kendall Crittenden indicated that if we follow that we are willing to commit if they come through. We are committing based on the conditions being met. It should be a degree of comfort of at least the Open Land Board money.

Councilman Steve Farrell indicated yes. They need that degree of comfort to move forward. I think that we have got enough comfort in our conditions and requirements to make sure that we are not spending money on something that we don't want.

Acting Chair Marilyn Crittenden indicated that it is all based on the conditions. Also there are only four members of the Wasatch County Council present tonight.

Councilman Steve Farrell made a motion that we approve this conditionally and require that all the conditions outlined by the Wasatch Open Land Board be met as we put in our condition letter to both the Summit Land Conservancy as well as what the Council has in their hands now and go ahead and conditionally approve this. Councilman Jeff Wade seconded the motion and the motion carries with the following electronic vote:

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Acting Chair Marilyn Crittenden

NAY: None.

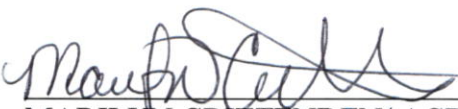
ADJOURNMENT

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

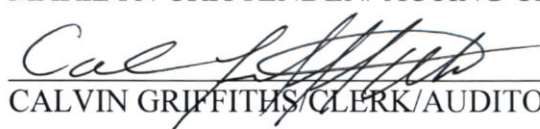
- AYE: Jeff Wade**
- AYE: Steve Farrell**
- AYE: Kendall Crittenden**
- AYE: Acting Chair Marilyn Crittenden**

- NAY: None.**

Meeting adjourned at 8:00 p.m.



MARILYN CRITTENDEN/ ACTING CHAIR



CALVIN GRIFFITHS/CLERK/AUDITOR

