

# Salt Lake County Council

## Committee of the Whole

### ~MINUTES~

Tuesday, March 7, 2017

[10:33:23 AM](#)

#### Committee Members

##### Present:

Jennifer Wilson  
Richard Snelgrove  
Jim Bradley  
Arlyn Bradshaw  
Michael Jensen  
Aimee Winder Newton  
Sam Granato  
Max Burdick  
Steven DeBry, Chair

#### Citizen Public Input ([10:33:23 AM](#))

**Mr. Steve Van Maren** spoke under "Citizen Public Input" suggesting if the Council wanted to remove a use from the Mountain Resort Zone ordinance, it needed to exclude it or someone else would put it back in. He also suggested including tennis courts.

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**Ms. Nancy Carlson-Gotts**, President, Utah Association of Counties (ACCT), spoke under "Citizen Public Input" stating ACCT is opposed to H.B. 293 - Mountainous Planning District Amendments, due to the lack of representation of members and residents in the canyons. She heard on the House and Senate floors that the Mountainous Planning Commission is only a recommending body, when in fact, it is a decision-making body.

With regard to the Central Wasatch Commission, she asked why the project study area had changed from all of Salt Lake County to the Mountainous Planning District, and who changed it. Also, the interlocal agreement on the funding is very confusing. The language references 2015 and 2016, and it is unclear how the money was spent or is going to be spent. Some members appear to still owe money into the fund, and those funds not spent on Mountain Accord projects will be transferred to the Central Wasatch Commission. So, ACCT is asking for an audit, as well as another public hearing.

On the Foothills and Canyons Overlay Zone (FCOZ), ACCT is recommending a 50-foot setback from streams. That is what the Environmental Protection Agency, Utah Department of Environmental Quality, Salt Lake County Health Department, and Salt Lake County Planning Commission all recommend.

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**Ms. Marie Taylor** spoke under "Citizen Public Input" stating she was opposed to the creation of the Central Wasatch Commission, and agreed some things said at the legislative meetings were contradictory. There should be a full accounting of the nearly \$10 million spent on the Wasatch Canyons Tomorrow study, Peter Corroon's transportation study, and the Mountain Accord studies before any more commissions or entities are formed. She asked if anyone could provide tangible results for those studies, and why Laynee Jones, Program Director, Mountain Accord, would receive \$1 million to oversee the \$2.5 million that the Central Wasatch Commission would receive. In addition, she thanked the County for getting involved in the homeless shelter issues.

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**Mr. John Knoblock** spoke under "Citizen Public Input" stating there is no definition of mountain bike terrain parks in the Mountain Resort Zone ordinance, but it should be a conditional use to ensure things like mitigation for erosion can be applied. Also, the ordinance needs provisions requiring that buildings in mountain resorts face the streets or pedestrian zones, and amplified live music above 9,000 feet be banned. He relayed an incident where he was hiking over Alta, and could hear amplified music coming from Oktoberfest at Snowbird. Then, the Central Wasatch Commission is needed to manage the canyons, coordinate amongst the various users and groups, and ensure there are adequate resources for restrooms, parking, trail maintenance, and transportation. Right now, the Forest Service does not have the capacity, manpower, or money to manage that, nor the jurisdictional ability to coordinate efforts.

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**Mr. Charlie Sturgess**, Executive Director, Mountain Trails Foundation, and a member of the coalition for Save Bonanza Flats, spoke under "Citizen Public Input" asking the Council to support saving Bonanza Flats. The next payment of \$38 million is needed March 15, and the coalition has nearly reached that. However, to make closing, which is scheduled in June, it needs another \$5 million and is asking for support from Salt Lake County and Salt Lake City. This is an opportunity to preserve the land, which represents a very significant part of the top of the Wasatch, and the backyard for Brighton and Alta.

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**Mr. Norm Henderson** spoke under "Citizen Public Input" reading the following statement:

*Thank you for the opportunity to provide input into your deliberations regarding land management strategies for the Wasatch Mountains.*

*Before you today is consideration of two such strategies. FCOZ setbacks and the establishment of a Central Wasatch Commission. Both these issues have the potential to cause profound changes to resource management in the canyons, and should not be entered into hastily without due deliberation. The Central Wasatch Commission which would combine the regulatory horsepower of*

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*three cities with extra jurisdictional authority and two counties into a mega-authority that will end up dictating to you how the Wasatch Mountains in Salt Lake County will be managed.*

*The CWC proposal leaves out the town of Alta which is the heart of the Wasatch Mountains and in the middle of the resource that is being touted as needing emergency protection. One of the key components of the Mountain Accord is land transfers to Ski Areas which will allow for mega development. Alta is ground zero for these exchanges and yet is mysteriously left out of the CWC.*

*And where are the people who actually live or own property in the canyons? They have been systematically left out of the process once again contrary to the rallying cry by state legislators and the governor about how Utah desires more local control. It would appear that this cry for local control only applies to all the other counties in Utah. What that says to me is that the county leadership doesn't trust the people closest to the land and who have the most at stake.*

*The CWC intends to implement MA which was a flawed process itself when it comes to respecting private property rights and input of residents who have the most knowledge and understanding of the resources at stake. MA completely excluded input and participation by private property owners and it thumbed its nose at the requirements of the Utah Open and Public Meetings law. With such a track record of defiance and arrogance, why would you believe any assurances that the CWC would operate any differently.*

*At the same time the CWC proposal is being pushed forward, you have the mayor pushing very hard to make sure that the MPD legislation doesn't sunset which will allow the MPD PC to continue to implement draconian measures of the FCOZ ordinance. You are talking about one such feature today, setbacks. But there are several already in the ordinance that if enforced would end up in a regulatory taking as well. The mayor and many of the existing commissioners have publicly stated that variances will not be given and you can assume that administrative determinations of flexibility will be gone as well. The stated fall back to the potential takings that would ensue would be to purchase the devalued property with no stated purpose in mind.*

*The intent of the various processes now ongoing is becoming clear to everyone. There appears to be an all out assault to remove private property from the Wasatch Mountains in Salt Lake County. Whether this is for the public good is usually specified in a comprehensive planning document of some sort rather than by a mob. The county has been told by the state to do this planning yet has stalled that effort in order to move forward quickly with its foregone conclusions. Why is that? Why can't the county wait to complete its resource management plan that would provide clear foundation for any land acquisition strategy. It would seem that the county council would wish to move forward very carefully*

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*with any program intent on removing large swaths of private property from Salt Lake or Wasatch counties.*

*Given this I urge the county council to set aside final passage of the CWC until a public hearing has occurred. There are many changes in the draft before you today that the public had no time to review and provide input. I believe that once the public fully understands what is at stake, it will demand that adequate planning occur prior to unleashing another potentially very powerful*

*recommending body on the property owners of the canyon. The stakes are just too high not to take your time and do it right.*

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**Ms. Kate Puddy**, representative, Friends of Alta, spoke under “Citizen Public Input” stating Friends of Alta is Alta’s local land trust, and seeks to conserve and protect the watershed of Little Cottonwood Canyon. It has been a participant in Mountain Accord, and is in support of the formation of the Central Wasatch Commission. Unlike any other government entity, Alta is wholly encompassed by the study area the commission seeks to impact, so was concerned its mayor was not included on the committee. However, Friends of Alta sees the Central Wasatch Commission as the next step in progressing H.R. 5718 – Central Wasatch National Conservation and Recreation Area Act. The Open Meetings law and transparency of this entity will help public trust and participation. Additionally, Friends of Alta is in support of preserving Bonanza Flats and hoped the County would find a way to support it.

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**Mr. Carl Fisher**, Executive Director, Save our Canyons, spoke under “Citizen Public Input” stating Save Our Canyons has been advocating for some reasonable standards, backed up by science, to guide development and help protect the values in the canyon. Save Our Canyons is in support of the Central Wasatch Commission to continue the collaboration of the stakeholders in the central Wasatch Mountains in protecting the County and public lands. Many of its members have written him expressing their support, copies of which were sent to the Council. Save Our Canyons is also requesting Salt Lake County support the protection of Bonanza Flats. Protecting that land will help with traffic and impacts to upper Big Cottonwood Canyon. The County’s Open Space board, which he is a member of, sent the Council a letter requesting its support for that project as well.

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**Ms. Joan Degiorgio**, Northern Mountains Regional Director, The Nature Conservancy, spoke under “Citizen Public Input” stating a number of organizations, i.e., The Nature Conservancy, Save Our Canyons, Friends of Alta, the League of Women Voters, Black Diamond, Utah Physicians for Healthy Environment, Wasatch Backcountry Alliance, Utah Chapter of the Sierra Club, Wasatch Mountain Club, Backcountry Hunters & Anglers, Utah Trails, Salt Lake Climbers Alliance, and Mountain Trails Foundation have been involved in the

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process of continuing their efforts to protect the canyons through the Central Wasatch Commission. The Central Wasatch Commission has made an effort to become more transparent, and will be subject to the Open Meetings laws. While the commission itself is fairly small, there is an intent to have a larger stakeholder group, including private land owners, that will advise the commission. The coalition would like this to move forward right away, as opportunities have already been missed due to its delay.

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**Mr. Brad Baker** spoke under “Citizen Public Input” stating he is not associated with any committee, but asking the Council as an individual to protect Bonanza Flats. He personally donated to this project, and knew many individuals who believed in this.

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Review of New Hires ([10:59:18 AM](#))

**Mr. Brad Kendrick**, Budget & Policy Analyst, Council Office, reviewed the following proposed hires:

<u>Agency</u>	<u>Position</u>
<i>Information Services Division</i>	ERP Business Systems Manager 19 Quality Assurance & Compliance 17
<i>Human Resources Division</i>	Employee Benefits Manager 18
<i>Facilities Services Division</i>	Electronic Technician 13 Electrician 13
<i>Assessor’s Office</i>	Personal Property Appraiser 13
<i>District Attorney’s Office</i>	Prosecuting Attorney 17/18
<i>Salt Lake County Health Department</i>	Nursing Supervisor 17 Emergency Response Coordinator 15
<i>Criminal Justice Services Division</i>	2 Treatment Specialists 14/15
<i>Public Works Operations Division</i>	Lead District Worker 11
<i>Mayor’s Office</i>	Community Outreach Specialist - Appointed

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Budget Adjustments ([10:59:34 AM](#))

**Mr. Brad Kendrick**, Budget & Policy Analyst, Council Office, reviewed the following budget adjustment requests:

*Salt Lake County Health Department*

Interim budget adjustment to reclassify a Public Health Nutritionist position to a Health Educator position.

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*Mayor's Office*

Interim budget adjustment to transfer funds in the Class B budget that were posted incorrectly to the correct project to cover overhead charges

Interim budget adjustment of \$110,971 for Countywide Active Transportation Network Improvement projects that were budgeted in 2016 in the Office of Regional Development's budget, but not completed. Funding for these projects will be transferred from the Office of Regional Development's budget on a reimbursement basis as project expenses are incurred.

Interim budget adjustment of \$223,202 for two sidewalk projects that were budgeted for in 2016, but that need to be trued-up; and to recognize a grant of \$168,000 from the Utah Department of Transportation for its Safe Sidewalk Program for the projects.

Interim budget adjustment of \$3,075 for the Magna Pedestrian Crossing project. The project was budgeted for in 2016, but started late. The request is to true-up the actual costs of the project.

**Council Member Jensen, seconded by Council Member Granato, moved to approve the requests and forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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Foothills Canyon Overlay Zone (FCOZ) and Mountain Resort Zone (MRZ) Discussion ([11:01:04 AM](#) [2:45:41 PM](#))

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**Ms. Kimberly Barnett**, Associate Deputy Mayor, continued the discussion from the February 14, 2017, Committee of the Whole meeting relating to the Foothills Canyon Overlay Zone (FCOZ) and the Mountain Resort Zone (MRZ) ordinances. She stated if the review of the proposed changes to the ordinances is finished today, then it will be introduced during the March 7, 2017, Council meeting, and considered for formal adoption at the March 14, 2017, Council meeting. She then presented the following areas for discussion:

- *Amend the definition of “outdoor recreation equipment.”*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated this was discussed during the February 14, 2017, Committee of the Whole meeting. The discussion focused on two issues. The first issue was the removal of volleyball nets, baseball backstops, basketball standards, and soccer goals from the definition. The second issue was the Council concern about ending the sentence with “and similar amenities.”

**Council Member Newton** stated she liked the language proposed by Steve Van Maren during today’s “Citizen Public Input,” which stated:

*“Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, and similar amenities. Specifically prohibited is equipment that requires a large dedication of flat land, such as volleyball nets, baseball backstops, basketball standards, soccer goals and tennis courts.”*

**Council Member Newton** moved to direct staff to replace the draft language under Section 19.13.090 to read: “Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, and similar amenities. Specifically prohibited is equipment that requires a large dedication of flat land, such as volleyball nets, baseball backstops, basketball standards, soccer goals, and tennis courts.” The motion died due to the lack of a second.

**Council Member Wilson** asked if this definition was included in both the village and recreation districts. She did not have a problem allowing these items inside the village district.

**Mr. Woodward** stated this is just a basic definition. The Council can list specific uses or exclusions in the individual sections relating to the village and recreation districts. This definition would not prohibit other uses that are specifically listed elsewhere in the ordinances.

**Council Member Wilson** stated she would like staff to provide clarification on what would be allowable in the village district versus the recreation district. She asked if there was a reason for a baseball stop without a baseball diamond, or soccer goals without soccer fields.

**Council Member Wilson** moved to direct staff to amend Section 19.13.090 to read: “Playground equipment and accessory park related amenities, such as swing

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**sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, and basketball standards. Specifically prohibited is equipment that requires a large dedication of flat land, such as baseball fields, soccer fields, and tennis courts.” The motion died due to the lack of a second.**

**Council Member Burdick** asked why this definition needed to be included here. It would make sense to include this list under each district. Having everything in one place would be a better way to do this.

**Mr. Woodward** stated outdoor recreation equipment is listed as a use under Sections 17 and 18. This is the definition for outdoor recreation equipment, so it did not need to be broken down under the two sections. Section 8 is where the term is defined, Sections 18 and 19 list the uses.

**Council Member Wilson** stated this section could be eliminated.

**Council Member Jensen** stated he would not have a problem allowing volleyball nets outside of the village district. His problem would come if cement needed to be poured.

**Council Member Wilson** stated she would like staff to provide the Council with a full list of what is a permitted, a conditional, or an excluded use in the village district as well as the recreation district.

**Council Member Burdick, seconded by Council Member DeBry, moved to direct staff to combine Section 8 with Section 17 and 18, in order to look at the list of uses in its entirety. The motion passed unanimously.**

[Later in the meeting. [2:49:58 PM](#)]

**Council Member Jensen** stated earlier the Council requested staff to come back with a list of what would be allowed in the village district versus the recreation district under the MRZ. The list is now before the Council.

**Council Member Wilson** stated she would like to eliminate from the conditional use list in both the village district and the recreation district the Mountain Bike Terrain Park. These parks vary in terms of amenities and size, but tend to be big structures built for bikes to do flips and creative tricks. She did not think the Wasatch Canyon resorts were the place for these parks.

**Council Member Wilson, seconded by Council Member Bradley, moved to eliminate the Mountain Bike Terrain Park under conditional use in the village district and recreation district.**

**Council Member Snelgrove** stated he sees a Mountain Bike Terrain Park as being compatible with uses in the MRZ. The same slopes can be used to ski on in the winter. It would not have a negative impact on the environment.



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**Council Member Bradley** stated this is not an appropriate use for the Wasatch Canyons. A Mountain Bike Terrain Park could be built anywhere in the County without degrading the mountains.

**Council Member Burdick** stated the Council needs to remember that a mountain resort is a business and would have to carry liability insurance. It would probably have its own limitations due to insurance issues. This is a year-round resort.

**Council Member Bradley** stated the Council is not absolutely rejecting this use. The ordinance could be amended in the future if requested. An ordinance amendment would have additional scrutiny and more of an open process compared to a conditional use process.

**Council Member Snelgrove, seconded by Council Member DeBry, made a substitute motion to allow Mountain Bike Terrain Parks as a conditional use in the village district but not in the recreation district. The motion failed 3 to 6 with Council Members Snelgrove, Newton, and DeBry voting in favor.**

**Council Member Wilson, seconded by Council Member Bradley, moved to eliminate the Mountain Bike Terrain Park under conditional use in the village district and recreation district. The motion passed 6 to 3 with Council Members DeBry, Snelgrove, and Burdick voting in opposition.**

**Council Member Burdick** stated Mountain Bike Terrain Parks need hilly terrains. That would work in the recreation district.

**Council Member Jensen** stated he wanted to be on record indicating that he would be willing to change the ordinance if a resort wanted to construct a Mountain Bike Terrain Park.

**Mr. Woodward** stated added to the MRZ village district zone is the following definition of recreation equipment:

*"Recreation equipment including swing sets, slides, jungle gyms, sand boxes, picnic tables, tennis courts, volleyball nets, and basketball standards, but excluding baseball backstops and soccer goals."*

**Council Member Burdick** asked if there was a section, which listed items that were not permitted.

**Mr. Woodward** stated if it is not on the list, then it is excluded from the zone. There is a provision in the back of the zoning ordinance, which applies to the entire zoning ordinance that says if a use is not listed in the zone, it is by default, illegal in that zone.

**Council Member Bradshaw, seconded by Council Member Jensen, moved to direct staff to amend the draft ordinance to include the submitted list for the MRZ**

village district deleting Mountain Bike Terrain Park from the list and adding the following language:

***“Recreation equipment, including swing sets, slides, jungle gyms, sand boxes, picnic tables, tennis courts, volleyball nets, and basketball standards, but excluding baseball backstops and soccer goals.”***

**Council Member Newton** stated she did the think the Council should exclude baseball and soccer goals from the village district. They are not so different than tennis courts.

**Council Member Bradshaw**, seconded by **Council Member Jensen**, moved to direct staff to amend the draft ordinance to include the submitted list for the MRZ village district deleting Mountain Bike Terrain Park from the list and adding the following language:

***“Recreation equipment, including swing sets, slides, jungle gyms, sand boxes, picnic tables, tennis courts, volleyball nets, and basketball standards, but excluding baseball backstops and soccer goals.”***

**Council Member Bradshaw** amended his motion to remove “but excluding” from the sentence. The motion passed unanimously.

**Council Member Bradshaw**, seconded by **Council Member Jensen**, moved to direct staff to amend the draft ordinance to include the submitted list for the MRZ recreation district deleting Mountain Bike Terrain Park from the list and adding the following language:

***“Recreation equipment including swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, but excluding baseball backstops, basketball standards, soccer goals, and tennis courts.”***

The motion passed unanimously.

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➤ *Setbacks from perennial streams.*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated the proposed ordinance matches the Health Department guidelines for setbacks from perennial streams of 50 feet, and 100 feet for septic drain fields. The proposed ordinance removes all waivers, but allows for up to 250 square feet additions to existing structures, which can be closer than 50 feet.

**Council Member DeBry** stated he received an email from the Ralph Chamness, Deputy District Attorney, relating to possible legal risks if the ordinance is changed from 100 to 50-foot setbacks and the waiver is taken out.

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**Mr. Zachary Shaw**, Deputy District Attorney, stated the big concern is if a regulation is changed rendering a property as undevelopable.

**Council Member Burdick** asked if the current ordinance included the waivers.

**Mr. Woodward** stated yes, the current ordinance includes the ability for staff to waive setbacks if certain standards are met.

**Mayor Ben McAdams** stated he was concerned that including waivers would expose the County to legal liability as far as the guidelines it uses to grant or deny a waiver. Clear guidelines would need to be developed. His recommendation would be to eliminate all waivers and stay at the 100-foot setback. There is risk and potential legal exposure under any circumstance, but this would be good public policy.

**Council Member Bradshaw** stated if the Council adopted the 100-foot setback, then the County would be in compliance with all regulations. Science relating to stream setbacks indicate that a 100-foot setback is appropriate to ensure water quality and provide the buffer wild animals need.

**Council Member Bradshaw, seconded by Council Member Wilson, moved to preserve the 100-foot setback and remove the waivers.**

**Council Member Snelgrove** asked if there had been any litigation where the County had been sued because it denied a waiver or it had been accused of a “taking” due to the FCOZ.

**Mr. Chamness** stated there were none that he knew off.

**Council Member Jensen** stated he sees the motion as a “taking.” The County would be taking away a property right that the property owner currently has. He will not vote in favor of a “taking”.

**Mayor McAdams** stated the current ordinance gives the property owner the right to petition for a waiver. The property owner does not have the right to receive a waiver.

**Council Member DeBry** asked why Council Members wanted to eliminate the waivers.

**Council Member Wilson** stated the Planning and Development Services Division is put into the position of spending a lot of time and energy in the waiver process and of having to grant a waiver.

**Council Member Bradley** stated he did not feel the Planning and Development Services Division was the appropriate place to determine if a waiver should be granted.

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**Council Member DeBry** stated he believes in the 100-foot setback, but would be voting against the motion because the waivers need to be kept in the ordinance.

**Council Member Bradshaw, seconded by Council Member Wilson, moved to preserve the 100-foot setback and remove the waivers. The motion failed 4 to 5 with Council Members Granato, Bradley, Bradshaw, and Wilson voting in favor and Council Members DeBry, Jensen, Snelgrove, Newton, and Burdick voting in opposition.**

**Council Member Snelgrove** asked if the recommendation made by the County Planning Commission for 50-foot setbacks for structures and 100-foot setbacks for septic drain fields included the ability to waive the requirements.

**Mr. Woodward** stated the only waiver that would be available would be to allow up to 250 square foot additions to existing structures, which can be closer than the 50 feet.

**Council Member Snelgrove, seconded by Council Member Newton, to direct staff to include the draft language as recommended by the County Planning Commission, which is the 50-foot setback for structures and 100-foot setback for all septic drain fields.**

**Council Member Bradley** stated approving a setback that allowed structures to be closer to the stream goes against science in this area. It might not affect water quality, but there are a lot of studies that show potential impacts between sub-surface water and the surface water, how vegetation provides a filter, and the effect on wildlife habitat and fish population.

**Council Member Newton** stated there are also other science organizations, such as the Environmental Protection Agency, the State Environmental Quality Control, and others that indicate 50-foot setbacks make sense. This would be consistent with other governmental jurisdictions and it helps eliminate any potential liability. Property owners have been left out of this process and it is incumbent upon the Council to recognize property rights.

**Council Member Bradley** stated he did not understand the drive to move the setback to 50 feet. Property owners brought their property knowing there was a 100-foot setback requirement.

**Council Member DeBry** stated this is a property rights issue. There is evidence that a 50-foot setback would not hurt water quality. Government should not be able to tell a property owner that he cannot do what he wants with his property if it is perfectly safe to do so.

**Council Member Burdick** stated John Bennett, Utah Quality Growth Commission, who has a lot of expertise on watershed issues stated he was not aware of any studies on Salt Lake Watershed areas that would indicate the need for a 100-foot setback. Mr. Bennett seemed to be supportive of the 50-foot setback and had concerns with the 100-foot setback based on the lack of scientific justification and possible legal issues.

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**Council Member Snelgrove** stated a person could get scientific data and studies to justify any setback. The motion on the floor is the recommendation from the County Planning Commission, and it is consistent with recommendations from the Department of Environmental Quality, the Environmental Protection Agency, the Army Corp of Engineers, and the Salt Lake County Health Department. This motion would achieve balance, protect property rights, and preserve the environment.

**Mayor McAdams** stated once the Council grants the right to build a structure within 50 feet of a stream, it cannot decide to take it back without a taking. There is a separate right under State law to petition for a variance if a lot is rendered undevelopable by a zoning ordinance. The administrative waiver is hard to administer and makes it hard for the Planning and Development Services Division to set clear standards. He would rather the County use the State law and not have a County administrative waiver. The 100-foot setback without the County administrative waiver is the right approach.

**Council Member Snelgrove**, seconded by **Council Member Newton**, moved to direct staff to amend the FCOZ ordinance to allow for a 50-foot setback for all structures and 100-foot setback for all septic and drain fields. The motion failed 5 to 4 with **Council Members Granato, Wilson, Bradshaw, Bradley, and DeBry** voting in opposition and **Council Members Newton, Snelgrove, Jensen, and Burdick** voting in favor.

**Council Member Jensen**, seconded by **Council Member Newton**, moved to direct staff to stay with the current FCOZ ordinance, which includes 100 foot setbacks for all structures and septic drain fields, and the administrative waivers. **Council Member Bradley** amended the motion to remove the exception of allowing for up to 250 square feet additions to existing structures that can be closer than the 50 feet. **Council Member Jensen** did not accept the amendment.

**Council Member Jensen**, seconded by **Council Member Newton**, moved to direct staff to stay with the current FCOZ ordinance, which includes 100-foot setbacks for all structures and septic drain fields, and the administrative waivers. The motion passed 8 to 1 with **Council Member Burdick** voting in opposition.

[Later in the meeting.]

**Council Member Burdick** stated earlier in today's meeting he paraphrased some remarks from John Bennett. Utah Quality Growth Commission. He has since talked with Mr. Bennett who indicated this issue has not gone before the Commission and he was not comfortable with his comments coming out at this time. The comments came from a private conversation and some of the comments were not entirely correct. **Council Member Burdick** asked if the comments could be withdrawn.

**Mr. Jason Rose**, Legal Counsel, Council Office, stated the comments could not be withdrawn; however, the clarifying statement will be included in the minutes.

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➤ *FCOZ waivers for mountain resort property not in a Mountain Resort Zone*

**Council Member Bradshaw** stated the District Attorney's Office recommends the ordinance, as it relates to public notice requirements regarding waivers, have the same 14-day notice requirement as other public notices within the ordinance.

**Council Member Bradshaw, seconded by Council Member Snelgrove, moved to direct staff to amend the ordinance to follow the District Attorney's recommendation that the public notice required for public hearings shall be at least 14-days prior to the hearing date. The motion passed unanimously.**

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➤ *Slope waivers by planning commissions for lots of record*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated the Mayor is recommending the following language be included in this section:

*"In the interest of protecting the public health, safety, and welfare, the County may pursue negotiations with a property owner to purchase their property as open space as an alternative to granting a waiver. These negotiations shall not delay the County's processing of any land use application."*

**Council Member Bradley** asked if the County would be required to purchase the property.

**Mr. Woodward** stated no, the County would not be required to purchase the property.

**Council Member Snelgrove, seconded by Council Member Bradley, moved to direct staff to amend the ordinance to include the above language. The motion passed unanimously.**

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➤ *Limit MRZ boundaries to existing resort boundaries*

**Mr. Patrick Reimherr**, Senior Advisory & Director of Government Relations, Mayor's Office, stated the Council reviewed this change during its February 14, 2017, Committee of the Whole meeting, and directed staff to include the following language under this section:

*"The minimum area requirement for a Mountainous Resort Zone shall be 1,000 contiguous acres located within the Salt Lake County Mountainous Planning*

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*District and may not exceed the acreage or boundaries acknowledged in the adopted County General Plan as a ski resort or a mountain resort.”*

**Council Member Burdick, seconded by Council Member Newton, moved to direct staff to include the following wording:**

**“The minimum area requirement for a Mountain Resort Zone shall be 1,000 contiguous acres located within Salt Lake County Mountainous Planning District, and be identified as one of the ski resorts or mountain resorts as adopted in the County General Plan.”**

**Council Member Bradshaw amended the motion to add the following Legislative Intent:**

**The Salt Lake County Council, in order to facilitate land trades, intends to include in the Mountain Resort Zone the property owned by Snowbird Ski & Summer Resort on the north side of Utah State Road 210, if, prior to the rezoning of such property, Snowbird and Salt Lake County execute a development agreement with the following provisions:**

- 1. Except for property that has already received subdivision approval, Snowbird will only use its remaining property on the north side of Utah State Road 210 for land trades with the US Forest Service.**
- 2. If Snowbird applies with the County to develop any portion of its remaining property on the north side of Utah State Road 210, Salt Lake County shall have an option to purchase that portion for its fair market value.**

**The processes for the option to purchase and for the fair market value determination will be outlined in the development agreement.**

**Council Member Burdick accepted the amendment. The motion passed unanimously.**

**Council Member Jensen** disclosed that Bob Bonar, Snowbird Resort, is one of 17 people he sent a text to asking him to contribute to his legal fund regarding a private issue. He has not talked with Mr. Bonar about this nor has he received any funds from him.

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- *Add notification of Forest Service to Area Plan and Village Development Plan review.*

**Council Member Bradshaw** stated he would like to change the wording in this section in order to provide additional clarification, so that if a development plan application is approved the applicant does not have to apply for a conditional use permit. Also, as it relates to the notification to the Forest Service it is important to put a time limit for the Forest Service to respond to any notification. He would recommend that time limit be 30 days.

**Council Member Bradshaw, seconded by Council Member Jensen, moved to direct staff to amend the previous vote taken on this section to read: No additional**

conditional use permit approval is required once a development plan is approved; the applicant need not obtain a separate conditional use permit when each component of that plan is developed, unless sufficient plans are necessary to obtain the conditional use approval where not submitted with the development plan application. Also, to add a 30 day review period to this section. The motion passed unanimously.

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➤ *Grading standards*

Council Member Bradshaw, seconded by Council Member Jensen, moved to direct staff to amend Section 19.72.070(d) to read: *Separate public pads for accessory building, (such as barns, or recreational structures such as tennis courts, swimming pools, and similar facilities) are prohibited except where the natural slope is 20 percent or less.* The motion passed unanimously.

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➤ *Natural Resource based recreational facility*

**Mr. Curtis Woodward** stated the Council approved the following definition during its February 14, 2017, meeting:

*“Natural Resource Based Recreational Facility: An activity or facility that encourages outdoor recreation and enjoyment of nature that, to the extent practicable, harmonizes with the natural environment: including uses such as zip lines, mountain bike terrain parks, and trails, disc golf course, and ropes courses, but excluding tennis courts, water slides and water parks, swimming pools, golf course and amusement parks.*

**Council Member Wilson** stated she would like to amend the definition to limit zip lines to 3,000 feet in total length within private property. She stated if the Council keeps the definition as it is, then any length for a zip line would be approved. Currently, the longest zip line in Utah is 3,925 feet.

**Council Member Wilson, seconded by Council Member Bradley, moved to limit zip lines to 3,000 feet.**

**Council Member Jensen, seconded by Council Member Snelgrove, made a substitute motion to leave the definition as is. The motion passed 5 to 4 with Council Members Jensen, Snelgrove, Burdick, Newton, and DeBry voting in favor and Council Members Bradley, Wilson, Granato, and Bradshaw voting in opposition.**



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**Council Member Bradshaw, seconded by Council Member Newton, moved to forward the FCOZ and MRZ ordinances with all the changes to the 4:00 p.m. Council meeting to be introduced. The motion passed unanimously.**

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[The Council recessed at [12:31:48 PM](#) and reconvened at [1:40:44 PM.](#)]

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Legislative Team Update ([1:40:44 PM](#))

*S.B. 276 – Transportation Funding Modifications (Sen. Kevin T. Van Tassell)*

*This bill modifies the Motor and Special Fuel Tax Act by amending motor and special fuel tax provisions. It requires the State Tax Commission to annually reduce the amount of a deposit of sales and use tax revenue to the Transportation Investment Fund of 2005 in certain circumstances; and amends provisions governing the calculation of the statewide average rack price of a gallon of motor fuel for purposes of determining the motor and special fuel tax rate.*

**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated this bill is going to index the gas tax. Back in 2015, when the Legislature introduced H.B. 362, the intent was for there to be an inflationary adjustment in the gas tax, which was not being realized because of the price of gas. This bill is setting up a mechanism to adjust the floor of the rack rate and the ceiling. Without this bill, inflationary adjustment would not be realized for 10 years.

**Council Member Bradshaw** asked if this tax is ultimately based on the Consumer Price Index (CPI). Closing with CPI is a great idea and should be applied to property tax.

**Ms. Trevino** stated this increases the B&C road formula, and helps cities and counties. The League of Cities and Counties and the Utah Association of Counties support it. She recommended the Council support it.

**Council Member Bradshaw, seconded by Council Member Granato, moved to support S.B. 276. The motion passed unanimously.**

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*S.B. 277 – Highway General Obligation Bond (Sen. Wayne A. Harper)*

*This bill enacts and amends provisions relating to transportation funding. It authorizes the issuance of general obligation bonds to pay for certain state*

*highway construction or reconstruction projects; authorizes the issuance of general obligation bonds to pay for certain state or local highway construction or reconstruction projects, transportation facilities, or multimodal transportation projects in a county of the first class; specifies the use of general obligation bond proceeds and the manner of issuance; exempts certain general obligation bonds from certain debt limitation provisions; and requires the Department of Transportation and the Transportation Commission to report the amount of bonds needed to fund certain projects in the next fiscal year to the Executive Appropriations Committee of the Legislature before the bonds may be issued.*

**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated this is a bonding bill for road projects. It was her understanding it was for state projects that the Transportation Commission has prioritized, but the State is also going to bond for \$47 million for Salt Lake County road projects that are going to be paid for with the quarter of a quarter tax.

**Council Member Bradshaw, seconded by Council Member Jensen, moved to support S.B. 277. The motion passed unanimously.**

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*H.B. 365 – Homeless Resource Center Zone Amendments (Rep. Joel K. Briscoe)*

*This bill modifies the Utah Controlled Substances Act. It modifies penalties related to violations of the Utah Controlled Substances Act when the violation occurs in or near a homeless shelter.*

**Mr. Patrick Reimherr**, Senior Advisor & Director of Government Relations Mayor's Office stated Representative Briscoe has had people in his district needing a place to go, but were afraid to go to the Rio Grande shelter because they had a substance abuse problem. The idea of this bill is to help such people access the shelter without being offered drugs. It creates a protection zone around homeless shelters so they are safer to access. Another thing the sponsor is trying to target is the cartel activity that is happening downtown.

**Council Member DeBry** stated he was a proponent of making shelters a drug free zone, and making possession of certain drugs on the premises or within 1,000 feet of it a felony, just as it is with a school.

**Mr. Sim Gill**, District Attorney, stated prior to the implementation of the Justice Reinvestment Initiative (JRI), there was a removal of the traditional drug free zones and the enhancements. This allows a one-degree enhancement option. There are three populations among the homeless. One population is just there for services; another is drug-addicted and being exploited by profiteers; and the third is profiteering through a drug cartel or they are addicts who are mules, meaning they secretly hold other addicts' drugs or money while transporting them in and out of the zone. This bill targets those who are profiteering. There has been some concern it is a rollback on JRI, but it is a surgical application against predators

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selling and distributing drugs. The District Attorney's Office supported the bill believing it was a tool the County could rely on.

**Council Member DeBry** stated he thought it was an enhancement to JRI, not a rollback. It helps the County with its goals.

**Mr. Gill** stated the goal is to supplement JRI. The County has been very careful, as it has shown through Operation Diversion, to separate those who are victims of addiction versus those who are profiteering from others' addiction.

**Council Member Snelgrove, seconded by Council Member Newton, moved to support H.B. 365. The motion passed unanimously.**

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*Public Engagement Process for Homeless Resource Center Site Selection*

**Ms. Kara Trevino** stated this came out of H.B. 441, Rep. Francis D. Gibson's bill about homeless shelters.

**Ms. Michelle Schmitt**, Mayor's Office, stated the Mayor's Office has scheduled two open houses and an opportunity for the public to submit feedback to a site evaluation committee, but has a tight timeline to gather that feedback.

**Council Member Newton** asked when and how the Mayor's Office would publicly announce the sites.

**Ms. Schmitt** stated the Mayor's Office does not have a date set yet, but will be announcing that before the first open house. It is working to get a website up with some basic information on it. When that website is up, she will email Council Members and their staff, so they have a chance to review things.

**Council Member Bradley** asked who was on the site selection committee and who appointed them.

**Ms. Schmitt** stated that committee has not been established yet. It will be made up of various community members from the State, faith leaders, and service providers.

**Council Member Bradley** asked if the Council would have significant input on that.

**Ms. Schmitt** stated yes. The Mayor's Office wants to have a broad perspective on that committee.

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**Council Member DeBry** asked if once a site is selected by the site selection committee, if it had to come back to the Council for approval or if the Mayor could make the final determination.

**Mr. Patrick Reimherr**, Senior Advisor & Director of Government Relations Mayor's Office, stated there are two levels of approval outlined in the legislation. First, the Mayor can propose a site based on a public input process. The site commission will go through the different sites and use criteria to determine what it thinks is the best recommendation. Ultimately, that proposal will be presented to the State Homeless Coordinating Committee, which is a state body that oversees various pots of funding for homelessness and housing. Then, based on approval by that body, funding would be made available for that specific location. It does not need to come back to the Council. There may be opportunities for the Council to be represented on the site selection committee.

**Council Member DeBry** asked if the Council had to ratify funding.

**Mr. Reimherr** stated if there were County funding, the Council would have to approve that. Right now, the Mayor's Office thinks everything can be built with state and private dollars.

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*H.B. 381 – Law Enforcement Body Camera Footage (Rep. Paul Ray)*

*This bill modifies provisions regarding the release of recordings made by body cameras worn by law enforcement officers. It provides that any release of recordings made by a body camera that is worn by a law enforcement officer shall be subject to the Government Records Access and Management Act; allows a requestor to immediately appeal to a district court any denial of access to a recording if that denial is based solely on the grounds of a pending criminal action; and provides that a respondent government entity has five business days to request that an appeal be assigned to the same judge who has jurisdiction over the pending criminal case related to the requested recordings.*

**Mr. Sim Gill**, District Attorney, asked the Council to support H.B. 381. It reflects the rare instance when media groups, law enforcement, prosecutors, and the American Civil Liberties Union (ACLU) agree on how to address the body cam footage issue and how it interacts with GRAMA. The bill provides that when law enforcement or prosecutors withhold police body camera footage, under two specific sections of GRAMA, the fair trial rights of a defendant and the individual requesting that footage both have the right to a fast track appeal to district court. The person requesting the body camera footage gets to bypass all local level GRAMA appeal procedures and go straight to district court for a quick decision by a judge on whether the governmental entity is entitled to withhold a record or instead must produce it. It balances the public interest with the due process rights of someone accused of a crime. H.B. 381 does not change any of the substantive provisions in GRAMA. It does not add additional categories of protected or private records and it does not take any away. When law

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enforcement rushed to embrace the use of body camera footage, there was no clarity on how to classify this material. So, one of the things the District Attorney's Office proposed to best preserve its investigative phase, should it file a criminal charge, was for the defendant to have a hearing in district court within 30 days. Creating the statute gives the District Attorney the clarity it needs.

**Council Member DeBry** asked if in the case the defendant could not get a hearing within 30 days, the District Attorney's Office would be required to release the footage. If that were so, that could compromise its case.

**Mr. Gill** stated there are two phases to this. The first part of it is the investigative phase, which is protected under GRAMA. For example, if there were an officer involved critical incident and an investigation into the use of force, that investigation would be protected under GRAMA. Once that came to a conclusion, the fundamental outcome would be that if the use of force was justified, the footage would be immediately released because there would be no subsequent filing against a third party, such as a defendant against an officer. However, if the District Attorney's Office made a decision to file charges, within 30 days of that decision, a judge would determine whether the footage should be released. That phase gets triggered once criminal charges are filed.

**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated this bill passed the House 71 to 0, and 4 legislators were absent, so she did not see it as being controversial.

**Council Member Snelgrove, seconded by Council Member Granato, moved to support H.B. 381. The motion passed unanimously.**

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*S.B. 198 – Utah Communications Authority Amendments (Sen. Wayne A. Harper)*

*This bill amends provisions related to providing 911 emergency service. It defines terms; repeals an emergency services telecommunication charge; modifies the composition of the Utah Communications Authority Board; modifies the duties of the Utah Communications Authority; creates regional advisory committees that report to the Utah Communications Authority Board; creates an operations advisory committee; repeals certain provisions that gave the Utah Communications bonding authority; imposes certain charges on each access line within the state, and provides for the collection of the charges and the distribution of the proceeds of the charges; directs the State Tax Commission to distribute the proceeds of a 911 emergency service charge to public safety answering points within the state according to a formula based on a public safety answering point's proportion of total 911 emergency communications; provides that a public agency may not establish a new public safety answering point after a certain day; directs the State Tax Commission to report on access line providers that are delinquent in paying emergency service charges; provides that the Utah Communications Authority may secure a bond by pledging a state appropriation;*

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*requires the Utah Communications Authority to meet with stakeholders to identify existing communications sites and develop a plan for the public safety communications network; provides future repeal dates; provides future effective dates; designates appropriations from certain restricted accounts as nonlapsing; repeals certain advisory committees within the Utah Communications Authority; allows the Utah Communications Authority to assess a service fee on a user of the public safety communications network; requires the Utah Communications Authority to consult and receive approval to issue bonds from the Utah State Treasurer under certain circumstances; requires a county to conduct an audit of the county's emergency services under certain circumstances; and delegates, to the executive director of the Utah Communications Authority, certain duties formerly assigned to divisions within the Utah Communications Authority.*

**Undersheriff Scott Carver** stated this bill revamps a lot of the structure of the Utah Communications Authority (UCA), and it does directly affect Salt Lake County. First, the bill reconstitutes the UCA Board from 27 members to 9 members. The 27-member board membership was established so that the main users throughout the state could have representation. Representation included all the rural areas, police, fire, and other users. An audit was conducted of the board, and determined a board of that size could not do anything. So, the nine-member board was a compromise, and includes three representatives of the Governor, one by the President of the Senate; one by the Speaker of the House; two from the League of Cities and Counties (the League); and two from the Utah Association of Counties (UAC). The complication with the legislation is a board member cannot be a user, yet has to have knowledge of the service. That creates a dilemma about who would qualify. The board is a very busy board, and things have to get done. So, there is concern about that makeup. He is the current County representative, but that will change.

The legislation also creates an operations committee made up of the users. The users will have representation on that board; however, Salt Lake County's representative on that would have to come from an association, like the Sheriff's Office, Unified Police Department, Unified Fire Authority, etc. Hopefully, somebody from Valley Emergency Communications Center (VECC) would be appointed. The legislation does not say how many members would be on that board or what state department would create that board. In addition, the legislation creates a regional advisory committee made up of the Association of Government districts. The district Salt Lake belongs to is the most populous in the state. That committee would identify the needs and gaps, and formulate the requests, then push those ideas to the operations committee, which would then pass them onto the UCA Board. Salt Lake County needs to have as many representatives on each of those boards as it can get because its needs are great.

Another thing the legislation does is increase the 911 funds by 42 cents, and eliminate the user fees for the radios, which for Salt Lake County is a lot of money. It also funds the debt service on a \$140 million bond to rebuild the aging infrastructure in the public safety radio system throughout the state.

**Council Member Jensen** stated the user fee is \$29.50 per radio.

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**Undersheriff Carver** stated that would be over \$300,000 for the Unified Police Department, and about the same for the UFA. That would be a great benefit.

**Council Member Jensen** stated Salt Lake County has by far the most interest and the most at stake by having a seat at the table. When there are only nine members on the board, based on where they are coming from, the County had better hope a representative represents it. All the entities inside of Salt Lake County – the 17 cities and the unincorporated need to have a say on the UCA board. The problem for UAC is going to be rural versus urban. The governor might be a good balancing act. Currently, the president and the speaker are from Salt Lake County, and that will help the County, but that may change in two years.

**Mr. Patrick Reimherr**, Senior Advisor & Director of Government Relations Mayor's Office, stated the County could try to seek a membership change or a guarantee that Salt Lake County will be represented. The Mayor's Office could talk with UAC.

**Council Member DeBry** stated he wanted to support the bill to a point, but not carte blanche where the County is not going to have the right representation.

**Undersheriff Carver** stated the main thing is to get it passed because of the funding aspect. Private vendors are opposed to the bill and will be out in force to advocate for their position, so the sponsor has asked the users to ask their legislators to sponsor it.

**Council Member Jensen** asked where the bill was at.

**Undersheriff Carver** stated it is #26 in the House, and has passed the Senate.

**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated both the League and UAC support it.

**Council Member Newton, seconded by Council Member Jensen, moved to support S.B. 198. The motion passed 8 to 1, with Council Member Wilson voting in opposition.**

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Resolution Establishing the Central Wasatch Commission ([2:06:38 PM](#))

**Ms. Kimberly Barnett**, Associate Deputy Mayor, stated last October, the Council reviewed the interlocal agreements creating the Central Wasatch Commission (CWC), at which time, a lot of public input was received. The agreements have now been changed to reflect the concerns expressed. The changes include: membership of an At-Large County Council Member; elimination of the the catch all powers language, and addition of language requiring that the CWC notify the legislative bodies when exercising the power to acquire real or personal property, sue or be sued; or levy and collect fees and charges. Language was adjusted to clarify the CWC would not supersede any local, state, or federal authority. Finally, the map was adjusted to only include the Mountainous Planning District boundary and portions of Summit

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County. The creation of the CWC will allow officials among multiple jurisdictions a formal way to work together and reach decisions about the Central Wasatch Mountains.

**Council Member Wilson** stated she had a lot of concerns when this was first presented. Mainly, she questioned the empowerment of this advisory group and that the Council did not have enough say. She wanted the Council to be involved in conversations where some of those decisions were made. The agreements now have language that clarifies if there are financial transactions or legal matters, the legislative bodies will be informed. Narrowing the map also made sense.

**Council Member Burdick** stated at first, he was concerned about the powers that the Council would be turning over to the CWC, and that it would create another level of government.

**Council Member Burdick, seconded by Council Member Bradshaw, moved to approve the resolution authorizing execution of the interlocal agreements establishing the Central Wasatch Commission.**

**Council Member Burdick** stated he may want to hear from the entities involved before a final resolution is approved. He was not sure whether Sandy City or Cottonwood Heights City had seen the proposed changes.

**Council Member Bradshaw** stated having been part of discussions and worked through compromises, he thought the best step was for the Council to approve the resolution and then have the other legislative bodies approve it as well. Any concerns or changes could be brought back to the County Council.

**Council Member Snelgrove** stated he still had reservations with the creation of the CWC and would be voting no. For decades, Salt Lake County, the U.S. Forest Service, and Salt Lake City have been the stewards of the Cottonwood canyons, and no one has made a compelling argument that they have been so deficient or negligent it now warrants the creation of a new government entity. He did not know why a new government entity with overhead costs of millions of dollars would be put in place when the stewards were already doing a decent job.

The CWC acknowledged it was the next step in the Mountain Accord, but he felt the process going forward was inadequate. If the CWC is building upon the Mountain Accord, then decisions need to be data driven. A compelling argument has not been made for the four fundamental steps of putting any future progress in place. Those arguments include:

1. What is the objective?
2. What is the strategy to accomplish the objective?
3. What is the timeline to accomplish the objective?
4. What is the budget to accomplish all of the above?



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There are overhead costs with an executive director, yet there is no pro forma as to what the taxpayers are expecting to get for these more than \$2.5 million on top of the other millions of dollars that have been put into Mountain Accord.

**Council Member DeBry** asked legal counsel if the CWC was advisory in nature. He wanted to make sure it could not enact laws, levy fees, raise taxes, or bond because it should be the Council that makes those decisions.

**Mr. Zach Shaw**, Deputy District Attorney, stated the CWC does have the ability to bond with limits, which are spelled out under c.5:

*"The commission may not impose a tax, fee, or any other revenue stream unless the tax, fee, or other revenue stream is approved by the legislative body of each member."*

Then, there are additional limits, which say that no bonds of the CWC will be a debt of the member, which is Salt Lake County, without the approval of the legislative body of the member. So, the CWC cannot obligate Salt Lake County unless Salt Lake County's legislative body says okay.

**Mr. Jason Rose**, Legal Counsel, Council Office, stated right now, the CWC does not have any revenue stream to bond against, so it would not have the ability to bond. The Legislature could change that, but it would have to go through the legislative process.

**Council Member Newton** stated she was concerned that the Council was ceding some of its legislative authority; however, she was comfortable with the new draft because bonding, property acquisition, fees, or things of that nature, have to go back to the individual jurisdictions for approval. The County Council has not done enough for the canyons. There are some issues that need to be fixed, such as transportation. She suggested appointing Council Member Snelgrove as the At Large Council Member on the commission. He brought up some great points and was an avid hiker.

**Council Member Jensen** stated he still sees the County as a steward of the canyons, but agreed that one of the issues the CWC needed to tackle was transportation up the canyons. The County does not have the authority to get that done, as it is a state road. He asked where parking structures were going to go since the only logical place was in Cottonwood Heights City, and that also affected Sandy City. Since those cities are involved, the makeup of the board made sense.

**Council Member DeBry** asked if the CWC had to get the Council's permission first, or if could levy a tax, fee, or charge and just come back to the Council for a thumbs up or down.

**Mr. Shaw** stated Paragraph B. Item 10. is the specific provision regarding authority, and it just says *"collects fees and charges."* Tax is probably a clerical error in Limitations on Commission Powers, because that authority is not listed in Paragraph B. Also,

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the Interlocal Cooperation Act provides certain powers and authorities that interlocal entities such as this have, and the power to tax is not listed as one of those powers. The District Attorney's Office can make that clarification in Paragraph c.

**Council Member Snelgrove** stated it also says that in Paragraph B.12.

**Mr. Shaw** stated the legislative body of a member, such as the Council, can impose a tax, which could be a revenue source to secure a bond for the CWC, but it would have to approve that. The CWC does not have the authority to tax itself. It would have the authority to levy fees under this agreement, but there are limits on that authority, and they are outlined in the agreement. Those fees have to comply with state requirements. They have to be proportionate with the services that they are levied for, and they have to be equitable in who they are imposed on. A fee cannot be imposed on someone who is not using the fee, etc.

With regard to the Salt Lake County Council's role that is explained under Paragraph c. 5. Which says the commission may not impose a fee or other revenue stream, unless the fee or other revenue stream is approved by the legislative body of each member. So, if the CWC wanted to impose a fee, each members' legislative body would have to vote on and approve that fee.

**Council Member DeBry** asked if the CWC wanted to create a \$5.00 fee to go up the canyons, and brought that request to each government on the CWC board and they all approved it, whether it still had to come back to the Council for final approval.

**Mr. Shaw** stated under this language, once the legislative bodies have all said they are okay with the CWC imposing the fee, then it could impose the fee.

**Council Member DeBry** stated that is ceding power then.

**Council Member Bradshaw** stated that is not a unique process. The Unified Police Department has to do that when it asks for a property tax adjustment, and the Wasatch Front Regional Council has to do it if it changes any of its fees.

**Council Member Burdick**, seconded by **Council Member Bradshaw**, moved to approve the resolution authorizing execution of the interlocal agreements establishing the Central Wasatch Commission. **Council Member Burdick** amended his motion to strike the word "tax" wherever it is listed in the agreement. **Council Member Burdick** further amended the motion that in Article 5, Paragraph B, Item 1b, to add that the Salt Lake County Council appoint Richard Snelgrove to be the At Large County Council on the CWC Board.

**Council Member Bradley** stated he would like to bifurcate that part of the motion.

**Council Member Burdick** withdrew his second amendment.

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**Council Member DeBry** stated he agreed the County needed help with transportation up the canyons. Congressman Jason Chaffetz spoke on this issue and said the CWC would need to develop transportation plans in order for the federal government to provide funding.

**Council Member Jensen** stated one thing he liked about the creation of the CWC is that it would be a formal recognized entity. It would be required to have minutes and follow the Open Meetings Act. This is as far as he was willing to go on this issue, and would probably not be in favor of any additional changes.

**Council Member Burdick, seconded by Council Member Bradshaw, moved to approve the resolution authorizing execution of the interlocal agreements establishing the Central Wasatch Commission. Council Member Burdick amended his motion to strike the word "tax" wherever it is listed in the agreement. Council Member DeBry called for a roll call vote, showing Council Member Bradley voted "Aye," Council Member Bradshaw voted "Aye," Council Member Wilson voted "Aye," Council Member Granato voted "Aye," Council Member Snelgrove voted "Nay," Council Member Jensen voted "Aye," Council Member Newton voted "Aye," Council Member Burdick voted "Aye," and Council Member DeBry voted "Aye."**

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#### Budget and Expenditures from Tax Continuation

This matter was not discussed.

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#### Criminal Justice Services' Proposal for Drug Court Fee Schedule ([3:39:33 PM](#))

**Ms. Kele Griffon**, Director, Criminal Justice Services Division, stated in early January, the State Judicial Council informed her office that it needed to implement a sliding fee schedule or risk losing state certification for the Drug Court program. Currently, the Drug Court receives \$555,000 in state funding. She recommended that the Council adopt a behavioral health sliding fee, similar to what the Council approved as part of the Behavioral Health Area Plan. Adopting this would bring a possible reduction of \$130,000 in client fees. To mitigate that loss, she would look to delay hiring employees, seek savings in operating costs, and potentially ask for additional resources from County funding and solicit grants. That would be done through the 2017 June budget process.

**Council Member Jensen** stated Drug Court is very valuable to the County, and he wanted to continue its success. This request was reasonable and a high priority for the County.

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**Council Member Jensen, seconded by Council Member Bradshaw, moved to approve the new Drug Court fee schedule and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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Flood Control Update ([3:41:33 PM](#))

**Mr. Scott Baird**, Director, Public Works & Municipal Services Department, delivered a PowerPoint presentation updating the Council on potential spring flooding. He reviewed current snow pack conditions in various canyons and emergency runoff preparations. Snowpack is above average, but the snow water equivalent numbers really tell how much water is in the canyons. The high elevations have significant snowpack, but mid elevations are fairly average.

**Council Member DeBry** asked how engineers determine how much water is contained in a given volume of snow.

**Mr. Baird** stated snow water equivalent is determined by multiplying snow depth by snow density. That will indicate how much water runoff there will be.

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Review of Real Estate Matter

**Council Member Jensen, seconded by Council Member Wilson, moved to close the open session of the Committee of the Whole meeting to discuss a real estate matter. The motion passed unanimously.**

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The Council reopened the meeting by motion during the closed session.

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Review of Personnel Matter

**Council Member Bradshaw, seconded by Council Member Jensen, moved to close the open session of the Committee of the Whole meeting to discuss a personnel matter. The motion passed unanimously.**

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**CONSENT AGENDA** ([4:08:49 PM](#))

Tax Matters

The Council reviewed the tax matters, which have been placed on the Council agenda for final approval and execution.

**Council Member Bradshaw, seconded by Council Member Granato, moved to approve the tax matters and forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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Resolutions

The Council reviewed the following resolutions, which has been placed on the Council agenda for final approval and execution:

*Bond Resolutions*

Authorizing the issuance and sale of not more than \$45,000,000 of the County's General Obligation Bonds for the purpose of financing the Series 2017 project (acquisition, construction, renovation, improvement, and equipping of parks and recreation facilities, and related improvements); and paying expenses reasonably incurred in connection with the issuance and sale of the bonds.

Authorizing the issuance and sale of up to \$55,000,000 of the County's Sales Tax Revenue (TRCC) Bonds for the purpose of financing the acquisition, construction, improvement, or extension of various capital projects within the County including a mid-valley theatre and a new parks operations center.

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*Amendment to Lease Agreement*

*University of Utah* for the extension of the original lease agreement for the South Main Public Health Clinic for an additional ten years.

**Council Member Bradshaw, seconded by Council Member Granato, moved to approve the resolutions and forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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Committee of the Whole  
Tuesday, March 7, 2017

Other Business ([4:08:49 PM](#))

*Approval of Minutes*

**Council Member Bradshaw, seconded by Council Member Granato, moved to approve the Committee of the Whole minutes for Tuesday, February 14, 2017. The motion passed unanimously.**

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The meeting adjourned at [4:30 PM](#).

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Chair, Committee of the Whole

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Deputy Clerk

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