

Wasatch County Fire Board of Directors Meeting

Tuesday September 10, 2019

Meeting held at the Wasatch County Administration Building located at 25 N Main, Heber City.

Those in Attendance:

Spencer Park

Jeff Wade

Steve Farrell

Marilyn Crittenden

Kendall Crittenden

Danny Goode

Mark Nelson

Chief Ernie Giles

BC Jason Provost

BC Gary Sessions

BC Ben Fitzgerald Excused

Fire Marshal Clint Neerings Excused

Fire Warden Troy Morgan Excused

EMS Director Clair Provost

Merry Duggin

Items of Business to address:

Minutes

A motion was made by Councilman Nelson to approve the minutes of the August 13, 2019 fire board meeting. The motion was seconded by Councilman Parks and the motion passed all in favor. Councilman Wade and Councilman Goode abstained.

Warrants

The listing of warrants totaled \$125,461.59. This total included the added warrants and the payroll transmittals.

A motion was made by Councilman Goode to approve the warrants as presented. The motion was seconded by Councilman Wade and the motion passed all in favor.

Chief report

Chief Ernie Giles- Advisory board positions are expiring. We replaced Danny Goode with Spencer Park. Dennis Goudy and Gil Rodriguez would like to extend their terms and see some things through. I would like to propose those names for approval.

A motion was made by Councilman Goode to extend the advisory board term for Dennis Goudy and Gil Rodriguez. The motion was seconded by Councilman Wade and the motion passed all in favor.

Chief Ernie Giles- Impact fee update, I want to make sure we are still shooting for the 16th of October for the impact fee hearing date. Some council members had concerns and questions, so I re-sent out the ESCI report and the Lewis and Young study. If you have any questions on any of that material, please call me.

Councilman Farrell- We went through the impact fees that we are collecting now. Fire was not in the fee, the study that was done did not include fire as a component. With that being said, the fire district can go ahead and implement their own impact fee without effecting the balance of the fund.

Councilman Nelson- There hasn't been one at all.

Councilman Farrell - Not directly related to fire

Chief Ernie Giles – Mike seemed like he was fine with it and it didn't interfere with the County. I just wanted to make sure that the 16th of October was still going to work for everyone.

Councilman Crittenden- Do we know what will be coming that day on the planning commission?

Councilman Farrell - Do you have anything from Lewis and Young that spells out the suggested fees/pricing?

Chief Ernie Giles – Yes, I will resend it out to everyone. It gives the amount for the commercial side and the residential side.

Councilman Farrell - We can implement it after the first of the year. We can approve it on the 16th- depending on what is said in the public hearing.

Councilman Goode- That public hearing is just for the impact fee, not the tax increase.

Chief Ernie Giles – If we do approve it on the 16th anything that is applied for then will be at that rate according to Fred (with Lewis and Young).

Councilman Farrell - What is the reason for the 90 day delay?

Chief Ernie Giles – It will take me that long to get around to every city and township and get them all on board with it.

Councilman Farrell - I don't think it goes into effect until the 90 days.

Chief Ernie Giles – When I used to build houses in Park City, I had to have a letter from the fire district in saying that their fees had been paid. Once we get it passed, I can go visit the towns.

Councilman Farrell - Make sure you can apply it.

Chief Ernie Giles – Fred will be here to report on that. I will make sure of everything with him, I know he had mentioned a date we could start charging.

Chief Ernie Giles – We have some visitors here from Extell, Leroy and Jesse that will be giving a report.

Jesse (extell)- Here are copies of the fire agreement with extell, if you flip to the last page of this report there is a summary. Basically, this agreement talks about extells agreement to advance funds for fire district staffing and a platform. This is an advance of fund, not a donation. We do expect that other property owners and developers in the area, who are being serviced by the station, will be paying their fair share. The fire district is the sole provider of fire and ems services under the interlocal agreement with MIDA. The development activity of extell requires a platform truck and staffing of the Jordanelle station. There is not currently enough tax revenue in the area to support it so we are willing to advance our share for the platform truck. At least 14 months prior to the opening of the MWR Hotel (Which is expected in December of 2022) Extell will advance \$825,000.00 towards the truck. That is contingent on the fire district showing extell that they have the funds for the balance of the truck, which is about 1.5 million.

Councilman Crittenden - Your share for how many years forward?

Jesse (extell)- We are advancing ½ of the cost of the truck up front so the fire district can purchase it prior to the opening of the hotel. In terms of staffing we have agreed to advance \$225,000.00/yr for up to 3 years. We were told that would cover 3 EMS personnel salaries/ benefits. When the fire district secures money from other property owners, we would need a yearly true up reducing our portion. In years 4-5 we have offered to pay in arrears any shortfall between the \$225,000.00 and tax revenues/other monies from other property owners.

Councilman Crittenden - What was the amount of the truck?

Jesse (extell)- \$825,000.00 and the annual staffing amount is \$225,000.00. At the end of each year the fire district will give us an accounting of the money they have collected. We will adjust extells obligations for the years going forward.

Councilman Farrell - Is the amount collected tied to a certain area or is it county wide?

Jesse (extell)- That would be the MIDA control area. Any of the property owners and developers being served by the platform truck or staff that we are paying for at the Jordanelle Station.

Councilwoman Crittenden- please clarify that area, is it west of the 40?

Jesse (extell)-If you look in the agreement, we have identified some other developments that we think should constitute the others that are being served and it is more than just those west of 40. Skyridge, Deer Cove, Mayflower Marina, IMH, Jordanelle View, and Deer Crest Villages. You guys know better than I do but there are other hotels and developments that will be going up that could be serviced by the extra staffing and platform truck. We would look to the other owners to pay into that as well, whether it is through assessments or property taxes.

Councilwoman Crittenden - We reimburse you?

Jesse (extell)- We are not asking for reimbursement, we are asking that if the fire district levies, impact fees and assessments in the future be treated as a credit against those fees so we wouldn't pay twice.

Councilman Crittenden - Is there anything in here talking about use of the equipment?

Jesse (extell)- We only ask that the fire district provide the Jordanelle station area with the service equal to what it provides in the rest of the county, I think that is ISO 6 or lower.

Councilman Farrell -Ernie have you talked to these other developers?

Chief Ernie Giles - It hasn't been issued yet, it very well might be in excess of the \$825,000.00. Some of these others will actually reimburse them for the impact fee. I have visited with probably ½ dozen of those, if we can get this impact fee passed then that will take care of the collection.

Councilman Farrell - That will be their share of the platform truck.

Jesse (extell)- Once our credits equalize, then we would pay any impact fee's/assessments/ongoing fees that other property owners pay. We will front the money in order to get the ball rolling.

Councilwoman Crittenden - Is this something that we have done in the past?

Councilman Goode – In the past there was an agreement with St Regis, they would make sure we collected a certain amount of trt funds and if they didn't, they were going to make it up. Some people in the County misunderstood the agreement because it wasn't written. They thought that we were going to get a certain amount of money regardless. I think that this is new to us, but it is written, and it isn't just a gentleman's agreement.

Councilman Wade- We have done this for JSSD.

Councilman Farrell - This could affect us in the new impact fee law. If you get someone paying \$825 towards a million and a half equipment. You can't claim a donation or advance payment in the impact fee amount.

Councilman Farrell - This cash donation comes off that.

Chief Ernie Giles - You need to collect for the impact fees

Jesse (extell)- We have added language clarifying that it is for the commercial portion of the development. We can run it by Lewis and Young to see if it clarifies any issues or solves the problem. We actually wrote the fee on the advance for the platform truck can only be credited for assessments that are charged for commercial components of the property. We are trying to keep it commercial and not residential.

Councilman Nelson - This references the MIDA MOU. Does this agreement need to include MIDA in any other way?

Jesse (extell)- I don't think so. We have no problem showing it to MIDA and getting their blessing. The MOU just designates the Wasatch Fire District as the provider of services and presumably provide the

services based on property taxes, whatever money you are gathering, we are advancing some of that money.

Councilman Farrell - Isn't our contract with MIDA directly with MIDA?

Chief Ernie Giles - This is with Extell, they are just building inside of the MIDA project. This is an agreement with Extell, not a MIDA.

Councilman Goode - MIDA is not a party to this, if we wanted to, we could ask MIDA to approve it. If we are ok with it and Extell is ok with it, I think MIDA would be ok with it.

Councilman Nelson- I just want to make sure because it references the whole MIDA control area and other property owners that aren't Extell.

Councilman Goode - Has our attorney looked at this?

Chief Ernie Giles - Not yet I haven't had it that long. I just wanted you guys to get eyes on it.

Councilman Goode - Who are we using as our attorney now?

Chief Ernie Giles - JSSD attorney or Ballard Spahr.

Jesse (extell)- It is not repaid in terms of a reimbursement of funds, again it is treated as a credit against future fees and assessments, in recognition that we are paying for the staffing that is serving the area.

Jesse (extell)- We could separately seek it through the MIDA tax sharing and reimbursement agreement, we would not be able to double dip. If we did not get the credits back, that is on us. To the extent of fees charged in building fees would be credited against this amount. If we separately got reimbursed through the tax sharing agreement with MIDA, it would be backed out of this amount. We wouldn't get reimbursed twice.

Councilman Crittenden - I still wonder if MIDA shouldn't be signatory

Jesse (extell)- Practically as we seek to apply credits and reevaluate the proportionate amounts, we will all have to show the documentation, whether we have been reimbursed, where we stand with credits etc... We aren't just going to say take our word for it, we will be able to show you documentation. I am happy to speak with the attorney once you have engaged him to talk about it.

Councilman Goode - I agree with your concern because it references a lot of different parties.

Chief Ernie Giles - I appreciate extell coming and going over this. I just wanted to make sure the council knew what was going on and had eyes on all of this as it progressed. The next thing is the intent for the increase in taxes. I have to make notice of the intent to increase, the dollar amount, and the purpose. I need the board to approve it so we can move ahead. Cal put the dates together that you see on the board. The mail out done by the county will be on 10/28/2019.

Chief Ernie Giles -When you actually look down through those dates, that pre-election meeting on 10/8 at the next fireboard meeting will be a layout of our budget and how that is going to proceed before the public hearing takes effect. The notices will be sent out and then the hearing will be on 12/10 for fireboard for budget hearing and our tax increase. This came directly from Cal. We will have the office number on it, it seems like in our wave advertisement we have to have that as well on the tax notice.

We intend to increase the property tax to cover some of the O & M of the fire district and also to cover the EMS portion that the county is currently charging. The percentage of increase of the \$1.4 is a little under the 31 percent. I will need a motion to prepare that, that is the reason they are all listed out on the agenda.

Councilman Goode - This is the upper limit?

Chief Ernie Giles - I thought the 1.4 was locked in for June, he thought we had to have it done with the cities, however we are a calendar year, so we now have to set it by this Monday. We would like an answer so Buff can prepare.

Councilman Goode - 1.4 is the max we can ask for once we advertise.

Councilman Crittenden - what was percentage?

Chief Ernie Giles- Just a little under 31 percent.

Councilman Goode - What would that be on the average home?

Chief Ernie Giles- I don't think I have it with me today, it will be about \$6/m I am guessing. I don't remember what it was. On the advertisement we have to have it in there, and the commercial. What I need today is to list the intent, the dollar amount, the purpose for the increase and the approx. percentage (31%).

Councilman Farrell - When do we narrow it down to the exact number?

Chief Ernie Giles - \$1.4, that is where I think we need to be. The very first one will be on 10/8 I will have a preliminary budget showing fire and ems together (including the increase). It is a preliminary budget so I can get your eyes on it before we send out the advertisements.

Councilman Farrell - The other option is to take a lesser amount and do it over 2-3 years.

Chief Ernie Giles -Correct and we could do it for 3 years if you would like. I know the number was about \$900k and I need the \$500 to hire these 6 FT employees. In a nutshell that is what it will be, I will have a version broken out for you. I will get it out to you before the 8th so you can get your eyes on it prior to the meeting.

Chief Ernie Giles – I know some of you have concerns because it was open ended. It was \$900K but that wasn't the limit. A few things that have come up, we get gramas weekly and I know Scott Sweat is doing depositions for them right now. Attorney fees were never added into this agreement or considered.

Councilman Goode - We don't have a formalized agreement, yet right?

Chief Ernie Giles – I think we are waiting on Ben Probst and a few things.

Councilman Goode - Will you review how the advisory board came up with 1.4 recommendation?

Merry Duggin- I am not sure we have had a formal discussion about that, personally I advised the Chief that the \$900k that the county was currently providing, had to be included and that we should determine how many full time people he wanted to add and that would be in addition to that \$900K. The hope was that they county would agree to decrease their levy and fire district would increase their

levy. I don't know if that will happen, I know there are things going on with law enforcement etc.. It seemed like the place to start and over a period of time that could be refined. We were afraid of underestimating and coming up short which would force the County to subsidize again and again.

Councilwoman Crittenden - These extra employees, are we bringing them in from EMS and making them FT. Or are we bring EMS in and hiring more employees? What is going on there.

Chief Ernie Giles - We could use some EMS employees, there is only one FT EMS employee. These new 6 employees of the district could be hired out of volunteers. In a nutshell we are adding 6 more people, one to each crew on the fire/ EMS side.

Merry Duggin- If they have trained personnel, that are part time currently, they will have an edge to be hired as full time. If they are qualified and trained then they would definitely be considered to be hired as full time, that is my understanding.

Chief Ernie Giles - If you saw the call volume presentation that Clair put on a few months ago, our calls are going through the roof. The FT guys that we have are just running and running. The other night I don't think they got even an hour of sleep. We need to be able to start splitting the crews up so that it eases up on our guys a bit. With the new 6 employees, it would help us on some of these transfers as well. The ems group could definitely apply, and our volunteers can be full time. We like to hire in house, but we have pretty much exhausted our in-house guys. Park City, the richest fire dept in the state is down 7 firefighters. It is getting really hard to fill these positions. We are hoping with the new legislature changing the retirement system that we will see more guys applying. The pay rate is low, so that is what most of them are here for is the benefits. I see McDonalds signs advertising wages that are more than fireman get paid.

Councilman Goode - What are the 3 elements of the motion you are looking for?

Chief Ernie Giles – Intent to increase property taxes, the dollar amount, the purpose of the increase and the approx. percentage of the increase. We need to make sure we are approved for these dates that are on the board. The pre-election public meeting needs to happen prior to the election. That will be the 8th and the November one is the notice of what and when. The hearing will actually be the 12th of December.

Councilman Nelson - We need to make sure that the description of why we need the funds and what they are being used for is well written, very accurate and defensible. It is a potential contentious point.

Chief Ernie Giles - The hard thing to explain will be the \$900k because in reality it is a \$500k increase for the fire department which would be about a 15% increase if I wasn't taking on EMS and the \$900k. I realize it is hard for the county to say they will credit the \$900k because in 3 years of time it might just be eaten up but attrition.

Councilman Goode - If we get an agreement written between the county and the district that we wouldn't need that \$900k in this tax increase or do you think that you will need both. If we had a written agreement by the time budget comes around and the time, we vote than this amount can be \$600k provided we had the written and signed agreement. Or were you looking to get 1.8 total?

Chief Ernie Giles- No, just the \$900k

Councilman Parks- The \$900k would only be for one year until the tax catches up.

Councilman Farrell – If we get \$900k then the agreement with the County should go away and that is when we could reduce our tax rate.

Councilman Wade- That is the issue, the county can't drop their levy until this passes.

Councilman Farrell - If we drop ours, and this one doesn't pass then we are short.

Chief Ernie Giles - The county is currently charging that and the way I see it, we will get a check from the county for the \$900k in January at some point and time. If you aren't comfortable with the \$900k then I need to know. I need to be able to prepare. I don't want to prepare the \$900k and then have you say we are only going to do \$300k this year. I need some decisions made so I can be prepared.

Councilwoman Crittenden - How much will it cost each citizen?

Councilman Goode- If we were doing the \$1.4 million, we guessed about \$6/m.

Chief Ernie Giles - I will have it on the advertisement, I want to think it was around \$100 and some change.

Councilman Wade - If you look at it like the county is removing \$900k of that 1.4 the following year, you are taking it from here to here.

Councilman Goode - This doesn't obligate us to do the increase. It is a notification.

Chief Ernie Giles – With your support I can handle it. If you took the \$900k out it is 13% if I had just done the \$500k for the 6 new employees. It is a huge swing taking on this EMS and that's why it's so hard to explain. The question will be "are we going to reduce it?" I don't know if anyone knows what the case will be in 2-3 years from now. I would rather just do the \$900k than do \$300k, \$300k, and \$300k.

Councilman Crittenden - How would we do the increase on the county side if we did \$300k, \$300k, and \$300k?

Chief Ernie Giles - It would drop over a 3-year period.

Councilman Crittenden – You would just spread it over 3 years instead of \$900k one year.

Chief Ernie Giles - In theory it should be. In theory it is only 500k that the district is after because the \$900 is already being paid. We are just shifting the money, whether the county is going to lower theirs the \$900k I don't know.

Councilman Goode - When would you start to see your revenue from this?

Chief Ernie Giles - December of next year (2020). It would be on the budget for 2021. When I prepare this budget that \$900k is going to come in but the \$500k I am just going to have to pick up.

Councilman Crittenden - It will be on your budget for 2021 but on the county for 2020. Do we want to chunk it and be done or spread it out?

Councilman Parks- We can evaluate that at a later time, right now we just need the motion

Councilman Goode - How specific do we have to be with the purpose.

Chief Ernie Giles - The last time when we did away with the special assessment area and that was roughly \$650 and then I hired 3 more, so it was the employees and to take care of that. No different.

Councilman Crittenden – So you said O&M of the fire district and EMS costs that the county is now paying, but EMS will move under fire.

Chief Ernie Giles- That is the purpose.

Councilman Crittenden- What all does the motion include?

Chief Ernie Giles- It needs to include the intent to increase the property tax, that will be the number, the dollar amount of increase (1.4), approx. percentage.

Councilman Goode - Is there anyone that is uncomfortable to go with the 1.4 for the advertisement.

Councilwoman Crittenden- It doesn't mean that we have to do it.

Councilman Nelson - I am fine with it.

Chief Ernie Giles - Why beat yourself up 3 years, when you can just do it once.

A motion was made by Councilman Crittenden that the fire district board has the intent to increase property tax in the amount of 1.4 million for the purpose to cover O&M of the fire district and cover the EMS costs that are shifting to the fire district from the county. The approx. percentage is 30.78%. With the pre-election meeting on 10/8/2019 the mailing date is 10/28/2019. In the Wasatch Wave the first notice will be advertised 11/27/2019 and the second notice will 12/4/2019 and the public hearing will be 12/10/2019 at 6pm. Motion seconded by Councilman Goode. The motion passed all in favor.

Chief Ernie Giles - We have our sealed bids for the surplus equipment that is for sale. I would like Steve to open them, I haven't opened them, I thought it would be best to do it in council because some of my firemen have bid and I didn't want issues. We do have the option to reject any.

Councilman Farrell-

- Dan Bueller-1971 Ford at \$1500.00
- Gene Chatwin- 2008 Chevy 250 for \$1525.00
- Ben Fitzgerald- 1971 Ford \$750.00, 1981 Platform \$1501.00 2008 Chevy \$5501.00
- Rick Mecham – 1971 Ford \$1500.00, 1980 Mack \$2000.00, 2008 Chevy \$5000.00
- Jeff Winterton \$750.00 for the Ford
- TJ Mcphie- 2008 Chevy \$5000.00
- Steve Corky- 2008 Chevy \$3800.00
- Blake Allen- Mack truck \$7000.00
- Kayden Davis - Chevy \$7001.00
- Rocky Kirkham- \$2340.00 on ford pickup
- Riley Triggs- 2008 Chevy \$5011.00, Ford \$2351.00

Councilman Goode- Did you have assessed values done on any of these?

Chief Ernie Giles- The dealers put a value on the platform.

Chief Ernie Giles- My recommendation is to sell these to the highest bidder.

Councilman Crittenden – Is there any benefit to take these to auction?

Chief Ernie Giles - The only one we could auction would be the Chevy. The dealer thinks we would only get about \$5000 for it at auction though.

A motion was made by Councilman Crittenden to accept the high bid on the vehicles. The motion was seconded by Councilman Wade. The motion passed all in favor.

Councilman Farrell - Troy and Clint are not here?

Chief Ernie Giles - They are on the Little Pole fire.

Councilman Crittenden - Have any crews gone to other fires in the state to assist?

Chief Ernie Giles – We have been asked to a few. This time of year, I am leery to send anyone because we need our guys close. If something happens here, I don't want it to be catastrophic. The lightning has been pounding and I'm shocked we haven't had a fire from it. They have sent out a state memo asking for help. It is early in the year for us to go, this is our fire season here.

We appreciate Extell coming today.

Fire Marshal Report

Fire Marshal Neerings- Not in attendance – on a fire

Fire Warden Report

Fire Warden Morgan- Not in attendance – on a fire

A motion was made by Councilman Goode adjourn. The motion was seconded by Councilman Parks and the motion passed all in favor.