

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
NOVEMBER 6, 2019**

The Wasatch County Council met in regular session at 3:00 p.m. at the Wasatch County Administration Building, Heber City, Utah 84032 and the following business was transacted.

PRESENT: Chair Danny Goode  
Kendall Crittenden  
Marilyn Crittenden  
Mark Nelson  
Jeff Wade  
Steve Farrell

EXCUSED: Councilman Spencer Park

PRAYER: Councilman Mark Nelson

PLEDGE OF ALLEGIANCE: Led by Councilman Jeff Wade and repeated by everyone.

Chair Danny Goode called the meeting to order at 3:00 p.m. and excused Councilman Spencer Park and then welcomed those present and called the first agenda item.

**OPEN AND PUBLIC MEETING AFFIDAVIT**

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

**ADMINISTRATIVE ISSUES FOR FUTURE AGENDAS**

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

**LEGISLATIVE ISSUES FOR FUTURE AGENDAS**

Chair Danny Goode asked if there was any legislative issues for future agendas. Councilman Steve Farrell indicated that he would like to put on the agenda for November 20, 2019 for discussion and possible approval of the MOU with the Fire District and the EMS. There will be one paragraph added to it.

added to it.

#### **PUBLIC COMMENT AND PUBLIC ISSUES FOR FUTURE AGENDAS**

Chair Danny Goode asked if there are any issues for future agendas and if there is please come forward and state your name for the record and there was none.

**Chair Danny Goode made a motion that we leave our regular Wasatch County Council Agenda and go into SSA #1 and Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Chair Danny Goode**

**AYE: Kendall Crittenden**

**AYE: Marilyn Crittenden**

**AYE: Mark Nelson**

**AYE: Jeff Wade**

**AYE: Steve Farrell**

**NAY: None.**

#### **SSA #1**

#### **APPROVAL OF CHECKS**

Board Chair Steve Farrell indicated that there are warrants for the time period of the last three months.

Ben Probst, Financial Officer, addressed the Governing Board of SSA # 1 and indicated that there are four checks going out to Jim Riley Engineering and Jordanelle Special Service District and also to Wasatch County and fees to Larson and Company for the audit. The total is \$11, 906. 00 and the largest check was for the audit which SSA #1 is required to have.

**Board Member Jeff Wade made a motion to approve the warrants in the amount of \$11,906.00. Board Member Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Board Chair Steve Farrell**

**AYE: Board Member Danny Goode**

**AYE: Board Member Kendall Crittenden**

**AYE: Board Member Marilyn Crittenden**

**AYE: Board Member Mark Nelson**

**AYE: Board Member Jeff Wade**

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

**AYE: Board Chair Steve Farrell  
AYE: Board Member Jeff Wade  
AYE: Board Member Danny Goode  
AYE: Board Member Kendall Crittenden  
AYE: Board Member Marilyn Crittenden  
AYE: Board Member Mark Nelson**

**NAY: None.**

Chair Danny Goode indicated that the record should show that the Wasatch County Council again is in session and called the next issue.

#### **APPROVAL OF THE MINUTES FOR OCTOBER 16, 2019**

**Councilman Steve Farrell made a motion to approve the October 16, 2019 minutes as written. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Chair Danny Goode  
AYE: Jeff Wade  
AYE: Steve Farrell  
AYE: Kendall Crittenden  
AYE: Marilyn Crittenden  
AYE: Mark Nelson**

**NAY: None.**

#### **DISCUSSION/CONSIDERATION OF BOARD OF EQUALIZATION**

Cal Griffiths, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that in summary of the Board of Equalization for 2019 in Wasatch County there were 22,637 taxable parcels of which 413 or 1.8 percent of them appealed their value or residency status primary versus secondary. Also the total taxable value in Wasatch County when the tax roll closed the end of May, was \$7,222,835.277 and the amount that was appealed was \$259,440.851 with an adjustment of minus \$53,980.447. Also on the value of their property there were 301 parcels appealed for 73 percent of the property value. Also there have been 10 appeals that have

been presented after the September 16th, 5:00 p.m. deadline and there may be more. The direction that is needed is how the Board would like to proceed on these. Also we have been trying to follow the Standards of Practice of Board of Equalization that was revised July 2019 by the Utah State Tax Commission. Also a sample letter has been drafted to send out to those property owners who have filed late.

Councilman Steve Farrell indicated that the letter should be sent to them and then let them respond and then determine whether they have the right to appeal. If the matter was sent directly to the State of Utah, the State of Utah will send it right back because until Wasatch County responds the State of Utah won't touch the matter. The party should fill out a form asking the Board of Equalization to reconvene because of unusual circumstances.

Cal Griffiths also asked the Board of Equalization to approve the work done by Randy Kelly the Hearing Officer.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the State of Utah gave us three options. Also if Wasatch County was to submit the Board of Equalization report it should be submitted now and included in the report. Mike Davis also indicated that all the numbers should be correct and get all the Assessor initiated changes in and then double check the numbers.

**Councilman Steve Farrell made a motion to table this indefinitely until the data is obtained. Councilwoman Marilyn Crittenden seconded the matter and the matter carries with the following vote:**

**AYE; Chair Danny Goode**

**AYE; Jeff Wade**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Marilyn Crittenden**

**AYE; Mark Nelson**

**NAY: None.**

Chair Danny Goode asked Buff Griffiths the Wasatch County Assessor about what her concerns are in assessing the value in Wasatch County. Buff Griffiths indicated that there might have been a mistake in the system. That twenty-seven percent increase and my office and I believe that number is incorrect. Also if we had the staff we definitely would have those values because we don't have the staff to prove it because my office needs more qualified people to send out to obtain those accurate values. Buff then asked that the Wasatch County Council give us the adequate staff and tools to handle such issues. Chair Danny Goode asked Buff Griffiths to present a plan at the next Wasatch County Council meeting on November 20, 2019 that Wasatch County could afford. Also in the future if an error is discovered please let the Wasatch County Council know about that

error immediately. Buff also indicated that the present error should have been found by a number of people but nobody caught the error.

## **DISCUSSION AND POSSIBLE APPROVAL OF PROPERTY TAX SETTLEMENT AGREEMENT WITH ZERMATT RESORT.**

Councilman Steve Farrell indicated that a year ago, Wasatch County was asked to consider a tax extension for Zermatt Resort. Zermatt has some legal problems, lawsuits that they were working through. As a result of that an agreement was entered into that Zermatt would pay the back taxes and bring everything current by the end of this year. Also the legal problem was resolved and then they got hit with a request for reconsideration or an appeal to that decision. That problem has been worked on this year. As a result of that Zermatt contacted me and asked if Wasatch County would consider working with them again and adding another year extension. Zermatt would like to make a payment but would need another year's extension to bring everything current to include the 2019 property tax.

Peter Ramcie, the Zermatt CO, addressed the Wasatch County Council and indicated that he has a check to present to Wasatch County in the amount of \$450,000.00 which is tendered with no condition except it be against the tax payments which will bring Zermatt Resort up to and including 2019 for all units associated with MPG Legacy at Zermatt. The proposal is that with a settlement of that amount comes the end of 2018 for all units associated with Legacy MPG. For 2019 we sit down with the Wasatch County Recorder and the Treasurer and figure out exactly which units based on our operating experience should be billed to Legacy MPG and pay that amount for 2019 as agreed. And then go into the 2020 payment and pay that on time according to when the invoices are rendered.

Councilman Steve Farrell indicated that this proposal needs to be incorporated into a type of settlement or understanding. Also no action will be taken on 2019 until the issues get resolved and then on 2019 we just come back and ask for any interest or penalties that was applied to this amount incorrectly removed and the Wasatch County Council will make that adjustment. Peter Ramcie indicated that this proposal is that any penalties and fees and interest associated with the period up to 2018 be considered part of the settlement. Then 2019 going forward, 2020 going forward, 2021 so on. The legal issues should be ratified by the Court in the next few months and there shouldn't be any of these issues brought up again. Also we need this matter to be a settlement rather than an application and needs to be a complete conclusion of everything past whatever that number is.

**Councilman Steve Farrell made a motion that this matter be continued this item and discussion until November 20, 2019 and in the meantime ask the assessor's office as well as the treasurer and recorder to work with Mr. Ramcie and come back with a recommendation. Also Wasatch County to hold the \$450,000.00 check so that we don't apply it to something that shouldn't be applied until that date. Also amend my motion that we defer this until our November 20, 2019 meeting to reach a final conclusion and settlement with Mr. Peter Ramcie. Councilman Kendall Crittenden seconded the motion and the motion carries with**

**the following vote:**

**AYE: Jeff Wade**  
**AYE: Steve Farrell**  
**AYE: Chair Danny Goode**  
**AYE: Kendall Crittenden**  
**AYE: Marilyn Crittenden**  
**AYE: Mark Nelson**

**NAY: None.**

Karl McDonald, the Wasatch County Treasurer, indicated that this \$450,000.00 should be applied to the delinquent taxes leaving a balance of unpaid parcels in the Zermatt and then actually there will be free and clear from any kind of tax sale extension that we did with all these parcels this will cover. If this money covers everything that Zermatt owns then there is no reason for any kind of stipulation because the normal process of not paying 2019 taxes will just take its penalty and interest until they do get it paid. It will just go on as the extension is done a year ago and if this does not cover all of the delinquent taxes then those parcels that are not paid will be subject to the tax sale in May unless they are redeemed by the company prior to third Thursday in May. That is what was agreed to and that is what we can execute without further penalties to Wasatch County. Zermatt should give you a list of the parcels that they want to pay off first and take those parcels and apply this payment and clear any kind of tax sale because up until December 3, 2019 by law I can apply this payment to delinquent taxes. On December 3, 2019 becomes delinquent and this payment has to pay 2019 before it pays 2018, 2017, 2016, 2015.

**DISCUSSION/CONSIDERATION OF A GRANT TO COMMUNITY ACTION SERVICES AND FOOD BANK TO ASSIST WITH THE OPERATION OF THE LOCAL FOOD BANK.**

Councilman Kendall Crittenden indicated that as Chairman of the Board of that agency and the Executive Director of Community Action Services and Food Bank has requested a consideration of a grant from Wasatch County to help towards some of the expenses our food bank operator here in Wasatch County. Right now is a great time for this matter to be considered because taxes are being worked on for the next year. The grant would be used to go towards the Manager Bryce Henley. His current pay is fifteen dollars an hour and works approximately 25 hours a week. The food bank is open two days of the week 11:00 to 6:00 p.m. on Thursday and Friday also would like to open it up a third day. Councilman Kendall Crittenden also indicated that he is only asking for five thousand dollars and I would like to see more than that if it would work. Possibly it would be a yearly donation towards the food bank. Chair Danny Goode indicated that Councilman Kendall Crittenden meet with Mike Davis, the Wasatch County Manager, regarding the matter to see where this could go in the budget for these particular type of funds.

**Councilman Kendall Crittenden made a motion to continue this matter to November 20, 2019 and I will have a meeting with Mike Davis and Barry Hallows and bring back some ideas of where that money could come from. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

**AYE: Jeff Wade**

**AYE: Steve Farrell**

**AYE: Chair Danny Goode**

**AYE: Kendall Crittenden**

**AYE: Marilyn Crittenden**

**AYE: Mark Nelson**

**NAY: None.**

### **ECONOMIC DEVELOPMENT IN WASATCH COUNTY. PRESENTATION BY THE WASATCH COUNTY TOURISM AND ECONOMIC DEVELOPMENT BOARD.**

Councilman Mark Nelson indicated that Ryan Starks, the Economic Director, who has now taken a job at the Governor's Office in the State of Utah had recommended to the Tourism and Economic Development Board that Wasatch County consider splitting his job description and creating an economic development management position that would report to Wasatch County and then have tourism and management of the Chamber remain the way that it is. Ryan Starks then prepared more information regarding this recommendation for the Wasatch County Council to consider with regard to responsibilities and duties of such a position.

Councilman Mark Nelson then presented a presentation regarding the matter. Councilman Steve Farrell asked if Midway City and Heber City is okay with such a recommendation because Midway and Heber put forth some money regarding the economic development of Wasatch County. Councilman Mark Nelson indicated that if such a management position was created would that be the best move for Wasatch County. Also most likely both Midway and Heber City would likely participate financially if there was a Wasatch County Economic Development Manager that reported to the Wasatch County Manager. The question to be asked and answered is this a good idea for Wasatch County. Also as Jordanelle expands it will be important to have somebody who can manage the economics that will come up with regard to the Jordanelle area and be able to communicate that to the Wasatch County Manager and the Wasatch County Council. Chair Danny Goode indicated that a PIO type of person combined in this position would be a good move. Councilman Mark Nelson indicated that would be a good move with the PIO type of person. There is some time sensitivity that the matter needs to be decided one way or the other and if so start the ball rolling in filling such a position. Councilman Mark Nelson indicated that he will find further information and bring it back before the Wasatch County Council on November 20, 2019.



## **COUNCIL/BOARD REPORTS**

### **DISCUSSION/DECISION ON PLACEMENT OF PURPLE AIR MONITORS IN THE COUNTY.**

Councilman Kendall Crittenden indicated that these purple air monitors have been placed in various areas of Wasatch County. Recently one has been put at the Heber Valley Airport, Soldier Hollow School, Midway Elementary, Wasatch State Park and one at UVU and only three of them are working right now. So that there will be a better coverage in Wasatch County there would be a placement of some additional purple air monitors. The cost of one of them is \$250 and a minimal cost of installing them. Some of the potential areas would be, the Wasatch County Administration Building, Wasatch County Attorney's Office, Wasatch County Sheriff's Office, Public Works Building, Tourism Building, Heber Light and Power, which would give a pretty good spread around Wasatch County. Also placing them in all of the schools in Wasatch County. Also if Wasatch County wanted to pursue such placements the money should be set aside to cover such placements. Chair Danny Goode indicated that he would be okay in pursuing this further if we had a map of Wasatch County and make sure that there is even distribution of placing these monitors and possibly have a plan in moving forward. Just take back to your board and identify some sources and locations so that there is an accurate count for the Wasatch County aggregate.

### **CROSSINGS AT LAKE CREEK MATTER REGARDING STREET LIGHTS**

Councilman Kendall Crittenden indicated that he had a meeting with Heber Light and Power regarding this matter. As a result of that Heber Light and Power is in the process of working out some kind of a service agreement with the Crossings at Lake Creek to take care of their lights.

### **TRANSIT STUDY MEETING**

Councilman Kendall Crittenden indicated that the transit study group wants to have another follow-up discussion which will be held next Tuesday November 12, 2019 at 11:30 a.m. to 1:00 p.m. at the Rec Center.

### **PREP FAIR**

Councilman Kendall Crittenden indicated that the annual Prep Fair will be held on Tuesday November 12, 2019 and will be done in conjunction with the Heber Valley Hospital Open House.



## **THE HEALTH BOARD STUDY**

Councilman Kendall Crittenden indicated that the Health Board Water Study is moving forward and a request for a grant was made to the State of Utah DEQ for additional funding. As a result the Health Department was granted a \$100,000 grant from the Department of DEQ that can be used.

## **MANAGER'S REPORT**

### **BOARD OF ADJUSTMENT APPOINTMENT REQUEST**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he has a recommendation for an empty position on the Wasatch County Board of Adjustment and an application was received from Greg McPhie and would recommend him for that position. Board Chair Danny Goode asked if there was a need for a closed session regarding the applicant. The Wasatch County Council indicated that it was not necessary.

**Councilman Steve Farrell made a motion to accept the Wasatch County Manager's recommendation and appoint Greg McPhie to the Wasatch County Board of Adjustment. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Jeff Wade  
AYE: Steve Farrell  
AYE: Chair Danny Goode  
AYE: Kendall Crittenden  
AYE: Marilyn Crittenden  
AYE: Mark Nelson**

**NAY: None.**

## **PRESENTATION AND DISCUSSION OF DRAFT 2020 BUDGET**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that with the events that happened recently did set me back quite a bit with regard to the budget. Also some of the numbers are very good but right now don't know exactly where they fall within the budget. The proposal is for a \$25,716,323.00 budget which would be a balanced budget so we are expecting that revenue and we are expecting that expenditure. Less than half comes from property tax which is about eleven million dollars. Much of it comes through fees, sales tax and other taxes, and so forth to make that up. The biggest challenge is with the Wasatch County Sheriff's budget and that was not finished. The budget anticipates receiving that tax increase for the full amount of one point one million. Also have details of what is proposed for both the Sheriff's Office, the Search and Rescue and then the staff incorporated into the department budgets

the raises that were anticipated and would like to discuss that in detail in a Closed Session but eventually that will become public at some future point. Right now I am prepared to do that in a Closed Session.

Mike Davis, the Wasatch County Manager, then indicated that the details haven't been put together yet but will have that in the next few days. If there are any questions that the Wasatch County Council would have please let me know.

### **REQUEST FOR INCREASE IN PLANNING FEES**

Dustin Grabaugh, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that following the census Wasatch County will shift to a higher class of counties which means with that comes certain restrictions on what types of municipal services we offer and what funds can be used to cover the cost of those municipal type services. That means that certain activities will not be subsidized like planning using property tax from all of the county. The idea being that if we are offering municipal services people not in municipality should be the ones covering that or other sources. As a result we need to make our fees more accurately reflect the cost of providing the services and a lot of effort by the Planning Staff has gone into this and they have come up with a recommendation to raise all planning fees and adjustment. Dustin then presented a power point regarding the matter. The important thing is with regard to how much time it costs to do these various steps associated with each of the items. Also there is a cost for each of the staff time that goes into each of the different fees. Also taken into consideration was comparable to other entities and if some of the fees were raised too high that we might incentivize developers to annex or provide some incentives or be perceived as if we were being unfair.

Councilwoman Marilyn Crittenden asked if the fees have been covering the actual costs. Dustin indicated that we haven't been but subsidizing them. Generally, the General Fund has been subsidizing the cost of planning. Councilwoman Marilyn Crittenden indicated that she is not for charging anything more than what it is costing us but concerned about charging enough to cover the expenses and time. Chair Danny Goode indicated that we need to have a study done and our study is accurate where at least as close to accurate that Wasatch County can defend it then why aren't we at one hundred percent. Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and said the staff put their heads together and figured out how much time we spent on these different reviews and took an average. Also tried to be conservative with the costs. Chair Danny Goode also indicated that he is good in going with the Staff's recommendation. Councilman Mark Nelson asked if it has an impact on existing agreements like for example MIDA, Extell, etc. Dustin Grabaugh indicated that it only affects the new things. If these fees were changed it would have to take place with a code change. Councilman Steve Farrell indicated that he is find with the recommendations that have been presented also Councilman Mark Nelson, Councilman Kendall Crittenden, Councilwoman Marilyn Crittenden and Councilman Jeff Wade all indicated that they were okay with the recommendations.

Lee Burbidge, local developer, addressed the Wasatch County Council and indicated that possibly a broader look be taken regarding this matter. Lee also indicated that he just went through a Board

of Adjustment matter and the fee was only \$250 that the applicant paid. That Board of Adjustment matter cost me \$18,000 in proving certain aspects of the request and the applicant only paid \$250 and the matter was put on hold for months because of requesting that Board of Adjustment and paid \$250 so in my opinion things such as this should be looked into regarding fees, etc.

Dustin Grabaugh indicated that they will bring back some resolutions for the Wasatch County Council to look at.

#### **DISCUSSION AND POSSIBLE ACTION ON PRIOR WASATCH COMMONS APPROVAL. DEVELOPER HAS REQUESTED RESIDING DEVELOPMENT AGREEMENT.**

Mike Davis, the Wasatch County Attorney, addressed the Wasatch County Council and indicated that this has to do with the process that we sent through on the Wasatch Common's property. Now the applicant is asking that the Development Agreement not be recorded. A motion was made which included all the conditions of the staff and one of which was that the approval would not be complete until the recordation of the Development Agreement. By not letting the Development Agreement being recorded there was no approval. The Wasatch County Council has assured me that was their intent that the Development Agreement should be recorded. Last week we were contacted by the attorney for the developer who requested that the Development Agreement be returned. Also because the document was not recorded my signature was on the Development Agreement. Also Mike Davis indicated that he has no problem with returning the document but as a result they will have no entitlement at all. The question becomes do we return the Development Agreement. Also the Development Agreement is a protection to Wasatch County and the applicant.

Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County Council and indicated that in our opinion that was a condition of the approval that the Development Agreement is recorded and without it being recorded the approval has never come fruition and there is not an approval at this point. The Wasatch County Council should recognize that the applicant has not met the conditions so the approval isn't there. Also discussions have been if they want to record a Development Agreement then they have got their preliminary approval but at this point they are asking us not to record the Development Agreement and they want the Development Agreement back so as a result there is not a preliminary approval.

Councilman Steve Farrell indicated that the Development Agreement should be recorded to make this matter official as a protection to the Wasatch County Council. With the Development Agreement out there without a signature could make some misrepresentation. Scott Sweat indicated that his office will make a response to the letter that was received just to make the Wasatch County Council's point clear. Also most every jurisdiction uses a Development Agreement for a protection.

Chair Danny Goode was then excused for another engagement and Vice Chair Mark Nelson took charge.

**Councilman Kendall Crittenden made a motion to leave our regular Wasatch County Council Agenda and go into Closed Session for personnel and litigation. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson  
AYE: Marilyn Crittenden  
AYE: Kendall Crittenden  
AYE: Jeff Wade  
AYE: Steve Farrell**

**NAY: None.**

**Councilman Kendall Crittenden made a motion to leave the Closed Session and go back into the regular Wasatch County Council Agenda. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson  
AYE: Marilyn Crittenden  
AYE: Kendall Crittenden  
AYE: Jeff Wade  
AYE: Steve Farrell**

**NAY: None.**

#### **CANCELLING OF THE NOVEMBER 13, 2019 COUNCIL MEETING**

**Councilman Kendall Crittenden made a motion to cancel the Wasatch County Council meeting on November 13, 2019 because of the UAC Convention. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson  
AYE: Marilyn Crittenden  
AYE: Jeff Wade  
AYE: Kendall Crittenden  
AYE: Steve Farrell**

**NAY: None.**

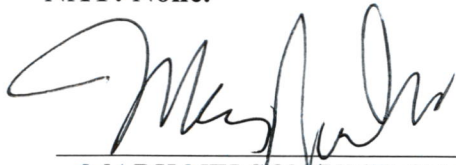
**Councilman Kendall Crittenden made a motion to adjourn. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**  
**AYE: Marilyn Crittenden**  
**AYE: Jeff Wade**  
**AYE: Kendall Crittenden**  
**AYE: Steve Farrell**

**NAY: None.**

Meeting adjourned at 8:00 p.m.

  
DANNY GOODE/CHAIRMAN

  
MARK NELSON/VICE CHAIR

  
CALVIN L. GRIFFITHS/CLERK /AUDITOR

