

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
MAY 13, 2020**

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

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

OTHERS PRESENT: No one present because of the COVID-19 Virus problem

PRAYER: Councilman Jeff Wade

PLEDGE OF ALLEGIANCE: Led by Councilman Farrell electronically and repeated by  
by the Council electronically.

Chair Danny Goode called the meeting to order at 3:00 p.m. electronically and indicated that no public is present in the Wasatch County Council Room and then called the first agenda item electronically.

**OPEN AND PUBLIC MEETING AFFIDAVIT**

The Open and Public Meeting Affidavit is 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 and there was none.

## **COUNCIL**

### **UPDATE ON THE WASATCH COUNTY HEALTH DIRECTIVE**

Randall Probst, the Wasatch County Health Director, addressed the Wasatch County Council electronically and indicated that over the weekend there were eight new positive cases. Councilwoman Marilyn Crittenden indicated that she has looked at the figures and it looks like Wasatch County is declining in the number of new cases. Randall Probst then indicated that most of the questions that is coming in is with regard to getting to the yellow status. The Governor of the State of Utah is looking at the criteria for both the State of Utah and the individual counties. Some counties have asked the Governor for exceptions to move to the yellow and as of yet those requests have not been granted.

Hospitalization is looked at in two different areas. One is the ICU utilization and the other is non-utilization and that is looked over the past seven to fourteen days. In the hospitalization Wasatch County is fine and that refers to people that are using the hospital and the number of beds that are being used and in that criteria Wasatch County would be okay to be move to yellow. Also the Governor will issue an order and criteria and if a county wants something different than that an exception application has to be given to the Governor and he can grant that exception or deny that application exception.

Randall Probst then indicated that with regard to testing there are two parts that are looked at which are the number of new cases as well as the number of testing that is being completed. Also over much of the State of Utah the number of testing is declining and what is being looked at is the positivity rate and Wasatch County is not meeting that criteria to go to yellow because our positivity rate has been up around ten percent the last few days. The bottom line is that people should be encouraged to be tested whether they have mild symptoms or have severe symptoms or have been in contact with somebody that has been tested positive. Also it would helpful if Wasatch County could be more aggressive when it comes to testing and everybody should be helpful in that regard as much as possible.

One reason that is keeping us from going into the yellow is because our positivity rate is higher which should be going down. Another thing that is being looked at is the exposure source which means the exposure comes from already known contacts. Also Wasatch County with regard to the criteria is getting close to moving into the yellow. Also with regard to the transmission rate Wasatch County is very good in that regard and the goal is to get to one point zero and at the present time Wasatch County is at one point zero. Wasatch County is looking good in all the criteria but low in the positivity category. Also the State of Utah is not looking at individual case number or counts but looking at trends and looking at active cases per one hundred thousand

people. Randall Probst also indicated that what is important also is get into the habit of proper distancing and social distancing and wearing masks.

Councilwoman Marilyn Crittenden made a comment regarding using too much anti-bacterial disinfectants such as soaps and those kinds of things and that possibly creates super bugs and that is a real concern to me. Another concern is the number of people that are unemployed in the United States which is thirty million unemployed people. Roughly there are 82,000 deaths within the United States which makes it 360 unemployed people for every death and a death is much more serious but that is a very interesting factual bit of data. We should not be overly cautious in allowing the economy to get moving forward again. Councilman Mark Nelson indicated that as he has visited many places and talked with individuals and some are wearing masks and some are not. Also younger people are wishing they are going to get it and get it out of the way and they are not being cautious and taking precautions like other age groups of people are because they don't fear the virus.

Randall Probst also indicated that what worries him is the things that we are finding out each day about the effects on the human body that this virus has such as heart problems, clotting system problems which are showing up in these kids now which were not showing up at first. The thing to remember for everybody is do the best they can with regard to the criteria that has been asked for people to do and hopefully we can get a handle on this COVID-19 Virus problem.

**BRETT WALKER REQUESTS AN AMENDMENT TO THE WASATCH COUNTY CODE SECTION 16.27 RELATED IN FARM PRESERVATION REGULATIONS AND TO CREATE A RURAL PRESERVATION SUBDIVISION ORDINANCE IN ORDER TO PROVIDE AN OPTION TO REDUCE INFRASTRUCTURE REQUIREMENTS IN EXCHANGE FOR LARGER LOTS, DEED RESTRICTED DEVELOPMENTS IN THE RESIDENTIAL AGRICULTURE 1-ACRE RA-1 AND RESIDENTIAL AGRICULTURE 5-ACRE RA-5 ZONES. IF APPROVED, THE PROPOSAL WOULD BE ORDINANCE 19-14.**

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council electronically and indicated that the main item that was discussed with regard to whether the rural preservation lots should be in agricultural pursuits and qualifying for Green Belt status. It was discussed that could be removed and there was no reason shown why that requirement would be needed in a rural preservation for the conflict that it would create. The proposal that we are proposing is the text that you saw last week with the one change happening on line 45 to just remove the statement about all lots having agricultural pursuits. That is the only change that has occurred since last week.

Councilman Steve Farrell indicated that is put in here so that Wasatch County can have these type of subdivisions and they don't all have to qualify for Green Belt. Austin Corry indicated that the only change comes from the findings and conditions that were in the staff report because there was just one condition and that was if there were changes that needed to be made that those should get

worked out and whatever was presented in front of the Wasatch County Council should be the version that you are anticipating to pass and have moved past that at this point. If the Wasatch County Council is ready to make a motion it would just be the findings that we would recommend.

**Councilwoman Marilyn Crittenden made a motion electronically that we would go ahead and make the changes to Code Section 16.27 related to the Farm Preservation and create a Rural Preservation Subdivision Ordinance 19-14 with all of the findings included. Councilman Steve Farrell seconded that motion and the motion carries with an electronic vote as follows:**

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

**NAY: None.**

**DISCUSSION/APPROVAL SECOND READING OF THE  
URBAN FARMING ORDINANCE No. 20-09.**

Councilman Steve Farrell indicated that this is the second reading of the Urban Farming Ordinance No. 20-09. This would allow parcels under five acres to be treated as Green Belt if they meet the criteria in the ordinance. Councilwoman Marilyn Crittenden indicated that this is something that has already been passed State wide and we just need to do this so it can be allowed here in Wasatch County.

**Councilman Steve Farrell made a motion to accept this as the final reading and no need for a third reading and pass it as it is stated and this is Ordinance No. 20.09. Councilman Kendall Crittenden seconded the motion and the motion carries with an electronic vote as follows:**

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

**NAY: None.**

**DISCUSSION AND RESPONSE TO ANY PUBLIC COMMENT RECEIVED CONCERNING THE CDBG GRANT AND THE PURCHASE OF A MEALS ON WHEELS TRUCK. CLOSING OF THE PUBLIC HEARING.**

Councilman Kendall Crittenden indicated that we had a public hearing last week on this matter and left the public hearing open until today at 3:00 p.m. to give anybody a chance to make a comment regarding the matter and as of now no public comments have been received. Also would now ask again is there any public comment concerning this matter and there was none. Dustin Grabau, the Assistant Wasatch County Manager, indicated that anybody that would like to make a public comment on any matter would just electronically push star nine on their phone key pad and that would raise your hand indicating that you would like to share a comment and anyone using the app there is a function to raise your hand if any comment would like to be heard regarding this matter. Councilman Kendall Crittenden then indicated that there is no comment indicated to be made so the public comment period would now be closed. Also there is no need to make a motion concerning this matter and we will now just submit the proper papers to get this matter moving forward.

**CONSIDERATION AND POSSIBLE APPROVAL OF TAX SETTLEMENT AGREEMENT FOR ZERMATT LEGACY GROUP RESOLUTION 20-09.**

Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County Council and indicated that a committee was set up and our office was asked to help with a request from Zermatt to do an installment agreement for some back taxes. That has been worked through. There were some changes asked for by Zermatt Legacy and there was one that Wasatch County is not okay with. Scott Sweat then went through what is contained in Resolution 20-09. Zermatt Legacy has requested a longer date than May 15, 2020 to pay that. Councilman Kendall Crittenden indicated that this matter has been in the works for a long time and that date should not be extended is his opinion.

Scott Sweat then indicated that Zermatt Legacy has asked if the interest rate on unpaid taxes change through the code that Wasatch County would adjust that interest rate accordingly and Councilman Steve Farrell is comfortable regarding that. Scott Sweat indicated that Zermatt Legacy has asked that this language be put in that Wasatch County acknowledges that Exhibit A and B does not describe the entire interest of the owners of Zermatt and they wanted an Exhibit C which we can show you otherwise and Wasatch County is recommending that this sentence be added in to the paragraph. Where it says that Wasatch County confirms that on this date that there is no delinquent taxes on any other parcel and that doesn't help the agreement or needed as part of the agreement and Wasatch County should not be boxed into a corner as to whether or not there are other taxes due and owing on anything else and would recommend that not be included in the agreement. Scott Sweat indicated that on Paragraph No. 12, Zermatt Legacy has asked that Wasatch County take that out and that doesn't hurt the agreement to take that out. Also Wasatch County is not taking

a position on whether or not they own any other properties which is based on the lawsuit. Also on paragraph 10 the change not be made as has been requested by Zermatt Legacy and am good with the other changes going either way.

Councilwoman Marilyn Crittenden indicated that when Zermatt was present with the committee, Zermatt indicated that they could cut check even tomorrow when that was discussed but do understand there might be paperwork that might have been a hasty statement so would not have a problem with going to Monday, May 18, 2020 but if they could do it on May 15, 2020 that would be great. Also agree not to add the change on paragraph 10.

Scott Sweat indicated that we have labeled this as County Resolution 20-09 so by Resolution Wasatch County would allow this or adopt this and then authorize the Wasatch County Manager to sign on behalf of the Wasatch County.

**Councilman Steve Farrell made a motion that we approve Resolution 20-09 as a tax settlement with Zermatt Resort on some back taxes and leave the date of May 15, 2020 in place and eliminate the requested addition in paragraph 10 because Wasatch County doesn't have time to determine if there are other delinquent taxes such as sales taxes or anything like that. Also to exclude paragraph 12. Councilman Mark Nelson seconded the motion and the motion carries with the electronic vote as follows:**

**AYE: Chair Danny Goode**

**AYE: Marilyn Crittenden**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Jeff Wade**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**NAY: None.**

## **COUNCIL/BOARD REPORTS**

Councilman Kendall Crittenden indicated that with regard to the agreement on Cowboy Village between Wasatch County and Heber Light and Power. Heber Light and Power has put together a land exchange agreement which has been shared with Scott Sweat, the Wasatch County Attorney and shared it with Mike Davis, the Wasatch County Manager. Mike Davis indicated that there was no significant problems and was okay what was put down. There has been some clarifications and one was the appraisal and other little items. It was agreed that the Colliers would be okay in doing the appraisals because they have done other appraisals for Heber Light and Power and Wasatch County. Once that appraisal is done and the matter should then be ready to present this to the two boards, the County Council and the Heber Light and Power Board and hopefully get it passed.

Councilwoman Marilyn Crittenden indicated that she visited with the lady that has a problem and Mike Davis, the Wasatch County Manager, indicated that he would handle that as part of the Manager's Report.

Councilman Mark Nelson indicated that there has been some action and discussion about partially funding a trail person that would be funded by the entities and MAG and they are anxious to keep going down this path.

Councilman Steve Farrell asked when they thought they would get back to having the regular council meetings. Chair Danny Goode indicated that when Wasatch County goes back to Green is when that will happen and if it was yellow the Council would have to sit there with masks on.

### **MANAGER'S REPORT**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and presented a power point presentation and indicated that last week he presented in a very general sense what is going on financially in Wasatch County. The General Fund which is Fund 10 is just under twenty-six million dollars and this Fund 10 basically run all the departments of Wasatch County. The other Funds that need to be looked at is Fund 21 the Class B Roads which comes from the gas tax, Fund 24 Transient Room Tax and Fund 46 Restaurant Tax and these are all separate funds from Fund 10.

Wasatch County has budgeted for 2020 just over \$3 million in sales and use tax. Looking at the data there possibly will be an 18% reduction, decrease in sales tax which would equate to about \$545,000.00 and Mike Davis indicated that what figures will be given are projections. Looking at license and permits cover the following items, engineer inspections, grading permits, etc., there will be about a 27% reduction which would equate to \$679,000.00 reduction in revenue. Charges for services like recording legal documents, maps, copies, certifications, etc., Wasatch County budgeted just over \$3 million in 2020 and projecting about a 15% reduction which would be \$456,000.00. Fines and forfeitures this includes Justice Court, Highway Patrol, fees on fines, etc., and estimating about a 15% reduction which would be around \$87, 000.00. So for Fund 10 and everything together would be \$1,768,000.

The three remaining three funds are Class B Roads, TRT and Restaurant. In Class B Roads Wasatch County has budgeted \$1,374,000 but there will be generally about a 25% reduction which would be \$343,000.00. For Transient Room the projection is for about a 50% reduction which would be about \$920,000.00 would be short. The Restaurant Fund would be down about 35% or \$231,000.00. So with what has been discussed so far Wasatch County will be down about \$3.2 million dollars.

Mike Davis indicated that where Wasatch County can go with this is by asking the department heads where can reductions be made because recognizing in the General Fund alone we will be down about \$1.7 million so the departments' heads should be looking to stuff that cannot be purchased. Mike Davis also indicated that over the years we have tried to maintain a reserve balance to be used for emergencies and the State of Utah allows for a 50% carry over to be put

into a reserve fund balance which is about \$7 - 9 million in that reserve fund balance. Right now building in Wasatch County is going great, a lot of homes are being built as well as building lots are being sold and the money for developments are being put on hold by a lot of financial institutions.

Mike Davis also indicated that with the property tax problem that happened last year there will be make up provisions in people's property tax because some of them paid lower than they should have with regard to property taxes and will collect a third of what wasn't collected for three years plus we will also pick up what the normal tax rate should be as a result \$1.5 million will be picked up by way of taxes. The bottom line is that Wasatch County with the rainy day fund should be able to cover things and try and cut back as much as possible our department budgets for this year where reasonable. Also with regard to the trail planner which isn't very much money we should probably proceed with that. We can have some more discussion regarding the trail planner.

Councilman Steve Farrell asked Mike Davis if there is any possibility of getting some of this emergency stimulus money that has been set aside for cities and counties. That stimulus is only related to COVID-19 issues which could cover overtime, etc., and costs related to COVID-19. If there is a second stimulus money possibly the local governments will be offered some opportunity for some money to help with shortfalls particularly the sales tax. And that certainly is a possibility. Mike Davis also indicated that some expenses in the budget are related to MIDA such as in the building department and just on the one building would amount to about a \$600,000.00 hit on the hotel because the hotel is not going to be built this year. Also there are expenses that are being incurred against MIDA for tax programs with regard to employee's time to do that which we will bill for.

Councilman Kendall Crittenden asked if Mike Davis could send the Council a copy of his power point presentation because there was a lot of good information in that.

Also with regard to the Wasatch County staff performing their duties in the building that is going along well but the public is losing their patience especially in the motor vehicle department. Possibly in the next week or so some of the departments will be open for access will help the situation and Wasatch County should move toward that direction. Also with regard to teller windows we haven't received them yet but when they get here they will be put in right away. The formula for the Class B Road Fund is the miles of Class B Roads and population of the County and all that tax goes to the State of Utah in whole and then the State re-appropriates the money back out to the counties.

#### **PHONE CALL RECEIVED BY COUNCILWOMAN MARILYN CRITTENDEN**

Councilwoman Marilyn Crittenden indicated that she just talked with the individual and her concern was with regard to the easement on roads and she is having personal problems with people parking on the easement. She wants to be able to keep the easements along the road nice and not allowing people to park on those improvements along the easement.



Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there are right-of-ways and easements. Wasatch County owns the property on the right-of-way. An easement Wasatch County owns the rights to utilize that property for a road and not just for a road but for utilities and for public use. Any road that is in a subdivision built within the last oh twenty years or maybe more would be a right-of-way and Wasatch County would own it. Some of the older subdivisions your lot line goes to the center of the road and then the County has an easement.

Councilwoman Marilyn Crittenden thanked Mike Davis for that explanation and will have her tune in on the meeting and let her listen to what you have said with regard to that and hopefully that would help her understand right-of-ways and easements.

### CLOSED SESSION

Chair Danny Goode asked if there is a need for a closed session and there was no need for a closed session.

### ADJOURNMENT

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

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

**NAY: None.**

Meeting adjourned at 6:30 p.m.

  
DANNY GOODE/CHAIRMAN

  
CALVIN GRIFFITHS CLERK/AUDITOR

