

COUNTY ATTORNEY

DAVID R. BRICKEY

CRIMINAL DIVISION

MATTHEW D. BATES
CHIEF PROSECUTOR

JOY E. NATALE
PROSECUTING ATTORNEY

RYAN P.C. STACK
PROSECUTING ATTORNEY

MARIAH L. HORNOK
PROSECUTING ATTORNEY

CHRISTINA L. SALLY
INVESTIGATOR

LONNIE A. DAWSON
PARALEGAL

CIVIL DIVISION

DAVID L. THOMAS
CHIEF CIVIL DEPUTY

JAMI R. BRACKIN
DEPUTY COUNTY ATTORNEY

HELEN E. STRACHAN
DEPUTY COUNTY ATTORNEY

CHRISTA S. HORTIN
PARALEGAL

DONNA JEAN BLONQUIST
LEGAL SECRETARY



To: Summit County Council

From: Helen Strachan, Deputy County Attorney

A handwritten signature in black ink, appearing to be "HS", is written over the name "Helen Strachan" in the "From:" line.

Date: December 17, 2014

Re: Work Session re Amendments to Historical Society and Dissolution of Landmarks Commission

As the Council is likely aware, Summit County has both a Historical Society and a Heritage and Landmarks Commission. The Landmarks Commission is charged with the role of identifying and protecting historic areas and sites in the county while the historical society's role is to identify, preserve and perpetuate the historical record of Summit County. At the end of the day, the roles of these two boards are quite similar and the Manager's Office desires to combine the two, amending the existing Historical Society by changing it to the "Summit County History and Landmarks Society" and dissolving the existing Summit County Heritage and Landmarks Commission. Aside from the similar purposes, there are other reasons for doing so.

It is often quite challenging to find enough individuals willing to volunteer on the up to nine member Landmarks Commission and the up to eleven member Historical Society. Summit County staff advertises in the local papers for both boards and typically does not receive any interest. Likewise, the Landmarks Commission has been inactive now for a number of years. The Landmarks Commission has no operations budget, while Historical Society does. By combining the two, funding may be used towards identification and protection of historic areas and sites. The Historical Society also has a dedicated staff, while Landmarks Commission does not.

Therefore, attached for the Council's review and eventual consideration is an amendment to the existing Historical Society, which attempts to merge the two boards. It also includes a distinct set of duties for the Summit County Historian versus the Historical Society board, as those duties were rather blurry in the existing language. Please let me know if you have any questions.

Civil Division: 60 North Main Street, PO Box 128 · Coalville Utah 84017 · Telephone (435) 336-3206 · Facsimile (435) 336-3287

Criminal Division: 6300 Justice Center Road · Park City Utah 84098 · Telephone (435) 615-3828 · Facsimile (435) 615-3833

Email: (first initial)(last name)@summitcounty.org

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
THE SUMMIT COUNTY HISTORICAL SOCIETY AND DISSOLVING THE
SUMMIT COUNTY HERITAGE AND LANDMARK COMMISSION**

WHEREAS, Summit County has a Summit County Heritage and Landmark Commission, codified in Title 2, Chapter 2 of the Summit County Code; and

WHEREAS, the Summit County Heritage and Landmark Commission's role is to "identify, preserve, protect, and enhance historic areas and sites lying within the boundaries of the county;" and

WHEREAS, Summit County has struggled to find individuals willing to serve on the Summit County Heritage and Landmark Commission and that board has not been active for several years; and

WHEREAS, Summit County also has a Summit County Historical Society, codified in Title 2, Chapter 37 of the Summit County Code through Ordinance 749-A, whose role is to identify, preserve, and perpetuate the historical record of Summit County; and

WHEREAS, given the overlapping purposes of the Summit County Historical Society and the Summit County Heritage and Landmark Commission, Summit County desires to merge the two different boards, dissolving the Summit County Heritage and Landmark Commission and amending the Summit County Historical Society.

NOW THEREFORE, the County Legislative Body of the County of Summit, State of Utah, hereby ordains as follows:

Section 1. Title 2, Chapter 37 of the Summit County Code is hereby amended as set forth in Exhibit A, attached hereto.

Section 2: Title 2, Chapter 2 of the Summit County Code, "Summit County Heritage and Landmarks Commission, is hereby repealed.

Section 3: Ordinances 225 and 225-A are hereby repealed.

Section 4: The March 22, 1999 Amended By-laws of the Summit County Historical Society are repealed.

Section 5: This Ordinance shall take effect fifteen (15) days after the date of its publication.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this ____ day of _____, 2014.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

By Council Chair

ATTEST:

SUMMIT COUNTY CLERK

Date of Publication _____, 2014.

Chapter 37

SUMMIT COUNTY HISTORY AND LANDMARKS HISTORICAL SOCIETY

2-37-1: PURPOSE:

2-37-2: ESTABLISHED:

2-37-3: THE BOARD:

2-37-4: DUTIES:

2-37-5: HISTORICAL SOCIETY REVOLVING FUND:

2-37-6: CONDUCT OF BOARD MEMBERS:

2-37-1: PURPOSE:

The county recognizes that the historical heritage of Summit County is among its most valued and important assets. It is therefore the intent of the county council to identify, preserve, protect and enhance historic areas and sites lying within the boundaries of the county as well as the historical record of Summit County. ~~has determined that the historical record of Summit County can best be identified, preserved and perpetuated through the establishment of a historical society under the direction of the county manager.~~

2-37-2: ESTABLISHED:

The County Council hereby establishes the Summit County History and Landmarks Society to be administered through an advisory board.

~~There is hereby established a Summit County historical society which shall be governed by a board of trustees.~~

2-37-3: THE BOARD OF TRUSTEES:

- A. **Membership; Appointment; Vacancy; Removal:** ~~The board of trustees~~ advisory board shall consist of ~~no fewer than seven (7) members and no more than seven (7) members~~ no fewer than seven (7) members and no more than eleven (11) members, each of whom has demonstrated interest, competence or knowledge in historic preservation. Members shall be appointed by the county manager with the advice and consent of the county council to serve terms of three (3) years. Each board member may serve a maximum of three (3) terms. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term by the county manager. Board members shall not be considered employees or officers of the county based on their membership on the board. However, nothing in this section precludes an employee or officer of the county from serving as a member of the board. The county manager may remove any member of the board, at any time, with or without cause.

B. Professional Members: To the extent available in the community, two (2) board members shall be "professionals", as defined by national park service regulations, from disciplines of history, archaeology, planning, architecture or architectural history.

C. Ex Officio Member: In addition to the board members, a representative from the Summit County Community Development Department shall serve as ex officio member of the board, but shall have no right to vote on any matter before the board.

D. Meetings: Regular meetings of the board shall be held in January, April, July and October each year quarterly at a time and place agreed upon by the board and shall conduct its business in compliance with the Utah open public meeting law, including public notification of meeting places, times and agenda items. Special meetings may be held any time at the call of the chairman, or of any three (3) members of the board.

E. Minutes: Written minutes of each board meeting shall be prepared, preserved and made available for public inspection.

F. Attendance: Each society board member shall be responsible for attending all scheduled meetings of the society. Should circumstances arise where a member is unable to attend a scheduled meeting, the member shall be responsible for notifying the chair or his/her designee, as soon as possible. Members who fail to attend three (3) regular, consecutive meetings of the society within any consecutive three (3) month period may, at the discretion of the manager, be removed from the historical society board.

G. Quorum: The attendance of a majority of the board shall constitute a quorum. All official acts of the board shall be by majority vote of those then present.

H. Compensation: Members of the board shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from the revolving general fund.

I. Officers: During the April meeting of the board, it shall elect from its members a chairman and a vice chair annually. The board shall also elect a vice chairman and treasurer from its members. The term of office shall be two (2) years or until a successor shall have been duly elected and installed.

HJ. County Historian: The county manager shall appoint and employ a qualified person to serve as the county historian. The county historian shall act as the executive and administrative officer, as well as the secretary, to the society.

2-37-4: DUTIES OF THE HISTORIAN

The County Historian shall have the following duties:

A. The County Historian shall research, assemble, preserve and disseminate material and information relevant to the social, cultural, economic, and religious history of Summit County.

B. The County Historian shall maintain a Summit County historical museum.

C. The County Historian shall prepare a proposed budget for the Summit County History and Landmarks Society and shall submit an annual budget proposal per the County's budget process.

D. The County Historian shall advise the county manager, county council or to other officials and departments of government regarding identification and protection of local historic and archaeological resources, or any other matter within the purview of the county under Utah Code Annotated section 17-50-326, as amended.

E. Enforcement of State Historic Preservation Laws: The County Historian shall support the enforcement of all state laws relating to historic preservation. These include, but are not limited to, Utah Code Annotated section 9-8-501 et. Seq., "The Historical Preservation Act;" Utah Code Annotated sections 9-8-305, 9-8-307 and 9-8-308 regarding protection of Utah antiquities; and Utah Code Annotated section 9-8-404 regarding notification of the state historic preservation office of any known or proposed action which will destroy or affect a site, building or object owned by the state and included on, or eligible for, the state or national registers.

F. The County Historian shall foster continuing education of county citizens regarding historic preservation and community history.

2-37-4:5 DUTIES OF THE BOARD:

The ~~historical society~~board shall have the following duties:

A. The ~~historical society~~board shall, when requested, assist the County Historian with researching, assembling, preserving and disseminating material and information relevant to the social, cultural, economic, and religious history of Summit County.

B. The ~~historical society~~board shall, when requested, assist the County Historian with the maintainance of the ~~a~~-Summit County historical museum.

C. Survey and Inventory Community Historic Resources: The board shall conduct, or cause to be conducted, a survey of the historic, architectural and archaeological resources within the county. The survey shall be compatible with the Utah inventory

of historic and archaeological sites. Survey and inventory documents shall be maintained and shall be open to public inspection. The survey shall be updated at least every ten (10) years.

D. Review Proposed Nomination To National Register: The board shall review and comment to the state historic preservation officer on all proposed national registry nominations for properties within the boundaries of the county. When the board considers a national register nomination which is normally evaluated by professionals in a specific discipline, and that discipline is not represented on the commission, the commission shall seek expertise in that area before rendering its comments or decisions on review.

E. Provide Advice and Information:

1. The board shall act in an advisory role to the County Historian with respect to preparation of the annual budget.
2. The board shall act in an advisory role to the county manager, county council or to other officials and departments of government regarding identification and protection of local historic and archaeological resources, or any other matter within the purview of the county under Utah Code Annotated section 17-50-326, as amended.

G. Enforcement of State Historic Preservation Laws: The board shall support the enforcement of all state laws relating to historic preservation. These include, but are not limited to, Utah Code Annotated section 9-8-501 et. Seq., "The Historical Preservation Act;" Utah Code Annotated sections 9-8-305, 9-8-307 and 9-8-308 regarding protection of Utah antiquities; and Utah Code Annotated section 9-8-404 regarding notification of the state historic preservation office of any known or proposed action which will destroy or affect a site, building or object owned by the state and included on, or eligible for, the state or national registers.

~~GH. Annual Presentation: The historical society board shall assist the County Historian in her -annual presentation to the county manager and county council of the society's goals and activities. present to the county council and county manager in April of each year a report on the activities of the historical society.~~

I. -The board shall foster continuing education of county citizens regarding historic preservation and community history.

2-37-56: HISTORICAL SOCIETY REVOLVING FUNDSUMMIT COUNTY HISTORY AND LANDMARKS SOCIETY BUDGET:

A. ~~There budget of the Summit County History and Landmarks Society shall be part of the Summit County general fund. shall be created a special fund to be known as the "Summit County historical society revolving fund". Monies received and deposited in said fund shall be~~ The budget of the society shall be used to pay 1) salaries of employees; 2) and operating expenses of the society; 3) , and for costs of printing books, pamphlets or periodicals published by the society; 4) for the , or renting or purchasing property, including but not limited to historical interpretive panels, monuments and placards.

B. The county council shall budget and appropriate funds annually to the ~~fund~~ society.

~~C.~~ The society is authorized to receive bequests, gifts and endowments of money or property. All receipts, including those from the sale of any and all books, pamphlets, periodicals, or items published by the society shall be credited to the general fund, and deposited with the Summit County treasurer.

~~D.~~ Audits of the fund shall be included as part of the general audit of the county, and as the ~~Summit County auditor shall direct.~~

2-37-67: CONDUCT OF BOARD MEMBERS:

A. Ethical Principles: The following ethical principles shall guide the actions of the board and its members in carrying out the powers and duties described above:

1. Serve The Public Interest: The primary obligation of the board and each member is to serve the public interest.
2. Support Citizen Participation In Decision Making: The board shall ensure a forum for meaningful citizen participation and expression in the process and assist in the clarification of community goals, objectives, and policies.
3. Recognize The Comprehensive And Long Range Nature Of Decisions: The board and its directors shall continuously gather and consider all relevant facts, alternatives and means of accomplishing them, and explicitly evaluate all consequences before making a recommendation or decision.
4. Facilitate Coordination Through The Process: The board shall ensure that individuals and public and private agencies possibly affected by a prospective decision receive adequate information far enough in advance of the decision.
5. Avoid Conflict Of Interest: Members shall avoid conflicts of interest and even the appearance of impropriety. At the commencement of any matter before the board, members shall divulge in public, any past, present, or expected relationship with any

party affiliated with such matter. A member with a potential conflict of interest shall abstain from voting on the matter, not participate in any deliberations on the matter, and leave the board table, but may remain in the chamber. The member shall also not discuss the matter privately with any other official voting on the matter.

6. **Render Thorough And Diligent Service:** If a member has not sufficiently reviewed relevant facts and advice affecting a public planning decision, that member should not participate in that decision.
7. **Not Seek Or Offer Favors:** A member must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
8. **Not Disclose Or Improperly Use Confidential Information For Financial Gain:** A member shall not disclose or improperly use confidential information for financial gain, and must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest.
9. **Ensure Full Disclosure At Public Meetings:** The board shall ensure that the presentation of information on behalf of any party to a question occurs only at the scheduled public meeting on the question, not in private, unofficially, or with other interested parties absent, and must make partisan information regarding the question received in the mail or by telephone or other communication part of the public record.
10. **Maintain Public Confidence:** A member must conduct himself/herself publicly so as to maintain public confidence in the public body, and the member's performance of the public trust.
11. **Respect For And Courtesy To Other Members, Public And Staff:** Each member has the same rights and privileges as any other member. Any member has the right to be heard and to hear what others have to say about items being considered by the board.

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, NOVEMBER 12, 2014
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

Chris Robinson, Council Chair
Roger Armstrong, Council Member
Claudia McMullin, Council Member

Robert Jasper, Manager
David Thomas, Deputy Attorney
Karen McLaws, Secretary

CLOSED SESSION

Council Member Armstrong made a motion to convene in closed session to discuss property acquisition. The motion was seconded by Council Member McMullin and passed unanimously, 3 to 0.

The Summit County Council met in closed session for the purpose of discussing property acquisition from 3:15 p.m. to 3:25 p.m. Those in attendance were:

Chris Robinson, Council Chair
Roger Armstrong, Council Member
Claudia McMullin, Council Member

Bob Jasper, Manager
Anita Lewis, Assistant Manager
David Thomas, Deputy Attorney

Council Member Armstrong made a motion to dismiss from closed session to discuss property acquisition and to convene in closed session to discuss litigation. The motion was seconded by Council Member McMullin and passed unanimously, 3 to 0.

The Summit County Council met in closed session for the purpose of discussing litigation from 3:25 p.m. to 3:30 p.m. Those in attendance were:

Chris Robinson, Council Chair
Roger Armstrong, Council Member
Claudia McMullin, Council Member

Bob Jasper, Manager
Anita Lewis, Assistant Manager
David Thomas, Deputy Attorney

Council Member McMullin made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Armstrong and passed unanimously, 3 to 0

WORK SESSION

Chair Robinson called the work session to order at 3:30 p.m.

- **Mike Goar to introduce Bill Rock, Senior Vice President and Chief Operating Officer of Park City Mountain Resort**

Mike Goar introduced Bill Rock and stated that he has worked with Mr. Rock for over a year. He commented that they are in great hands, and Mr. Rock is well respected in the ski industry and will be a great addition to the community. He reported that Mr. Rock comes here from Lake Tahoe where he was COO at Northstar and had oversight of Heavenly and Kirkwood.

Mr. Rock stated that he is starting his 19th year in the ski business and has been with Vail Resorts for just over four years. He was pleased to come to Park City and be part of the community. He wants to work collaboratively with the County and the community to do something great.

- **Winter season marketing update presented by Bill Malone and Cathy Miller, Park City Chamber/Bureau**

Bill Malone, Executive Director of the Park City Chamber/Bureau provided a recap of the summer occupancy report, which was pretty strong, but it does not reflect how strong the summer actually felt.

Council Member McMullin asked about the average occupancy rate during the winter season. Mr. Malone replied that on an annualized basis, it hovers around the mid-50's. However, if they look only at hotel rooms, the occupancy numbers are much higher, closer to 70%. During holiday weekends and other busy times, hotel rooms are the only thing that will fill up. Even during Sundance, if they consider the different types of lodging together, there is still a lot of vacancy. He stated that nationally branded hotels have greater ability to draw in people who are driving through the area and come off the interstate.

Mr. Malone reviewed the average daily rates and noted that they were up in 2014. He referred to an ad that ran this summer aimed at promoting eastern Summit County and played a commercial promoting eastern Summit County during the Tour of Utah and one that played during the Tour de France encouraging people to come to the Tour of Utah.

Mr. Malone provided projections for winter 2014-2015. He explained that reservations for this year at this time compared to last year are up by 4%. Rate projections are up 6% from last year, and as time goes on, rates will come down as inventory sits empty. He provided a fill analysis, showing what filled in during the last month and noted that they actually booked 18% more during October this year than they did last year.

Cathy Miller explained that this season is the first time Park City will be in six markets with a strong television campaign, and this is the first year they will use the Fox network. They will have over 3,500 commercial spots in these markets. She explained that they work closely with what the State is doing. She played the commercials they will use this year. She explained that they also leverage and buy value-added promotions that increase their buy by at least 50%. They will also be in Times Square with their video this winter. Ms. Miller described the digital advertising campaign and print advertising campaign.

Chair Robinson requested information regarding how the money the Chamber receives is spent.

- **Annual RVMA update; Jennifer Guetschow, Executive Director, The Canyons**

Jennifer Guetschow, Executive Director of the Canyons Resort Village Management Association (RVMA), explained that the RVMA is a master association formed to manage the Canyons Resort Village pursuant to the Development Agreement for the Canyons Specially Planned Area. She described the purpose of the RVMA and explained that all property owners in the SPA are members of the RVMA. It is governed by a seven-member Board of Trustees, with four members appointed by Class A members and three members elected by the membership. She described the governing documents under which the RVMA operates and explained that it funds its operations through assessments and operations funding sources, a transient occupancy assessment, and retail assessments.

Ms. Guetschow described the lodging development and commercial operations that currently exist in the Canyons. She stated that in 2015 they expect new certificate of occupancy permits for development that is currently under construction. Existing projects represent about 23.9% buildout, and they have an obligation to start planning for employee housing when they reach 25% buildout, which includes updating the 1999 needs assessment. She explained that at least 50% of their employee housing needs must be provided on-site, and the remainder may be provided off-site. The RVMA has engaged Rosenthal & Associates to prepare an update of the needs assessment shown in the current development agreement, and the next steps will be to determine a product type, propose phasing scaled to future development plans, and evaluate funding options to develop and operate the employee housing. They will be looking for a potential partnership with a third-party developer. She verified that they are required to plan for employee housing at 25% buildout and build employee housing at 33% buildout.

Council Member Armstrong asked if the County has any consulting or approval rights with respect to employee housing or if the RVMA is entitled to rely on whatever the needs assessment says. Deputy County Attorney Dave Thomas replied that, as they go through the process, the County needs to be convinced that the needs assessment is viable and complies with the needs assessment provisions in the agreement. The RVMA is required to prove that the needs assessment is viable, and ultimately, the County will approve the affordable housing structures. If the County believes the needs assessment is insufficient, they can take the position that the Canyons has not fulfilled its workforce housing requirement. Council Member Armstrong suggested that they talk to each other as they move forward so any potential concerns can be identified early, not when the RVMA comes in to try to get something approved.

Ms. Guetschow recalled that the County and RVMA entered into a transit agreement in 2010 with an initial term of four years with an automatic renewal for five years upon agreement between the parties of the costs that would be charged for the services. They are also required to submit a transportation master plan before the end of that term. She reported that the transportation master plan is under way, and they anticipate completion and submittal on December 9. They have consulted with and met with County Staff on numerous occasions as they have moved forward to develop that plan, and they will continue to do so. Council Member Armstrong commented that, for him, transportation is probably the number one issue right now, especially with the amount of anticipated development, and they appreciate close cooperation as they move forward.

Chair Robinson asked how much of the transportation plan falls on the RVMA as compared to TCFC or Vail Resorts. Ms. Guetschow replied that TCFC and Vail Resorts are also involved in the plan. She believed the RVMA's responsibility would be to implement the strategies and plans they come up with.

Mr. Thomas noted that the transit agreement expires in a few weeks, and part of the automatic renewal was to re-look at the fees and costs. He asked if the RVMA has had an opportunity to look at that with the County. Ms. Guetschow explained that she and County Engineer Leslie Crawford are trying to schedule a meeting in the coming week. With the RVMA turning in its plan on December 9, they hope they will not need a five-year renewal.

Ms. Guetschow stated that the Canyons Golf Course is up and running and looking great. She referred the Council Members to the RVMA website to get the most up-do-date information. She understood that the golf company is coordinating with the County on mitigation measures for Hole 15. Mr. Jasper explained that, with completion of the golf course, the County is opening the door for a lot more development, and he believed it is timely that they are having this discussion at this time.

CONVENE AS THE BOARD OF EQUALIZATION

Council Member McMullin made a motion to convene as the Summit County Board of Equalization. The motion was seconded by Council Member Armstrong and passed unanimously, 3 to 0.

The meeting of the Summit County Board of Equalization was called to order at 4:45 p.m.

CONSIDERATION OF APPROVAL OF 2014 STIPULATIONS

Travis Lewis, an appraiser in the Assessor's Office, reviewed the four stipulations shown in the staff report.

Board Member McMullin made a motion to approve the stipulations as presented. The motion was seconded by Board Member Armstrong and passed unanimously, 3 to 0.

CONSIDERATION AND POSSIBLE APPROVAL OF A TAX REFUND REQUEST BY JEFF AND KATIE GIDEON DUE TO PARCEL #JB-5 HAVING INCORRECT SQUARE FOOTAGE AMOUNT SINCE 2003; MITCH FERRY, APPRAISER

Chair Robinson confirmed with Mr. Gideon that he agrees with the new value placed on his property and that he is requesting a refund of 11 years of taxes of approximately \$1,800. Mr. Gideon explained that the estimate of square footage for his home was off by about 20% for the last 11. Mitch Ferry with the Assessor's Office explained that it came to their attention at the Board of Adjustment hearing this year that the square footage of the Gideons' home was incorrect. It was corrected for 2014, and afterward Mr. Gideon requested a refund for prior years. It was his understanding that the limit on a refund is five years, and the refund for the last five years would be just under \$800.

Mr. Thomas explained that the burden is on the property owner to demonstrate an error; therefore, there is a statute of limitations period. County Code states that, if the County made an error, they can go back five years to look at taxes. However, nothing allows them to look back further than five years. If they want to go back further, they would have to use the abatement provision, which requires that good cause be shown and that it is in the best interests of the State and the County to abate the taxes. He noted that those circumstances should be rare. To the extent an error occurred by the County, he would suggest that they go back five years.

Mr. Gideon stated that the County made an error in estimating his house size, and they should consider doing the right thing. He had no idea the County had made a mistake, and when it first came to his attention, he brought it to the County's attention and tried to rectify it. If it is a significant mistake of 20% over a long period of time, he believed the right thing to do would be to not put the burden on the taxpayer.

Chair Robinson stated that, if the County starts to ignore the statute of limitations and relieve the taxpayer of any burden to show there is an error, there is the potential that many people in any county in the State could claim there are factual errors, which would become a huge issue. He believed the rule of law has to come in at some point.

Board Member Armstrong asked how this mistake occurred. Mr. Ferry explained that the mistake occurred when the Gideons made an addition to their home, and the square footage was incorrectly entered into the computer. Mr. Gideon clarified that whoever did the assessment on the home assumed there was a basement underneath the entire house, when there was not.

Board Member McMullin confirmed with Mr. Ferry that the County agrees that they made an error in the square footage, which they have now corrected.

Board Member Armstrong made a motion to correct the assessment for Parcel #JB-5 to reflect the current square footage of the house and to refund the excess taxes paid for the past five years in the amount of \$799.31. The motion was seconded by Board Member McMullin and passed unanimously, 3 to 0.

DISMISS AS THE BOARD OF EQUALIZATION AND RECONVENE AS THE SUMMIT COUNTY COUNCIL

Board Member McMullin made a motion to dismiss as the Summit County Board of Equalization and to reconvene as the Summit County Council. The motion was seconded by Board Member Armstrong and passed unanimously, 3 to 0.

The meeting of the Summit County Board of Equalization adjourned at 5:05 p.m.

REGULAR MEETING

Chair Robinson called the regular meeting to order at 5:05 p.m.

- **Pledge of Allegiance**

DISCUSSION AND POSSIBLE APPROVAL OF THE RENEWAL OF THE CANYONS SPA DEVELOPMENT AGREEMENT; JAMI BRACKIN, DEPUTY COUNTY ATTORNEY

Deputy County Attorney Jami Brackin explained that the SPA agreement provides for potential extension of the agreement. The original term started November 15, 1999. The provision in the agreement states that it can renew for three additional five-year periods, assuming the parties are in substantial compliance with the SPA agreement. Normally, they would let this automatically renew. However, in light of numerous enforcement actions over the last 11 years, there is a question as to whether they are in compliance and whether the automatic renewal provision is in effect. In order to be cautious, she requested that the parties submit a letter requesting that the County Council formally extend the SPA agreement so there will be no question as to whether it has been extended. Staff is recommending that the SPA agreement be extended for the first renewal period of five years.

Council Member Armstrong stated that it feels like the Council is being asked to find that the RVMA is in substantial compliance. He asked if the County would waive its rights of enforcement if the Canyons is not found to be in substantial compliance. Ms. Brackin replied that she did not believe so. If they let the automatic renewal provision go into effect, it is possible that argument could be made. She believed bringing this to the Council would preserve the status quo without saying the RVMA is or is not in substantial compliance. Mr. Thomas explained that, if there were not substantial compliance, the Council would have to make a motion to renew the agreement; it would not be automatic. Making a motion reserving the County's position with regard to substantial performance and enforcement action would be consistent with doing that. The ongoing enforcement action and Manager's decision agendas over the last 10 years could trigger the 90-day notice addressed in the agreement for not renewing, and the County does not want to have a third party come in and say the 90-day notice had been triggered and that there was no automatic renewal. By renewing this for five years, the County can reserve all of its rights and obligations without the risk of a third party saying the Canyons does not get an automatic renewal.

Chair Robinson asked about making a motion saying that the County acknowledges it has not given the notice required under 5.9.2 within 90 days. Mr. Thomas replied that it would be cleaner if they would just make a motion to extend the development agreement for the first additional five-year period, reserving to the County all of its rights to any enforcement action. Chair Robinson asked if the agreement could automatically renew at the end of the next five years, or if it would have to come back to the Council. Mr. Thomas replied that it can automatically renew if there is substantial compliance. Ms. Brackin noted that within the next year some letters should be issued by the County regarding substantial compliance, and hopefully within five years, that will no longer be an issue.

Council Member Armstrong felt the problem is that the County does not have a right to extend the agreement; the developer does, and they have the right to do that if there is substantial compliance. It either automatically renews, or it does not, and he asked how they can get to a point where the County can make a motion to renew something they don't have the right to renew. Mr. Thomas stated that, in terms of the equal dignities rule, since the Council approved the agreement, they can extend it. If the Council takes the point of view that the County has not given notice that the Canyons is not in substantial compliance and let it automatically renew, a

third party could try to attack it and say the Manager's decision in the addendum provided the 90-day notice and that the development agreement has expired. Council Member Armstrong suggested that they say they recognize the amended agreement is automatically renewed, but they do so in reliance upon substantial compliance having been accomplished in accordance with the Manager's decisions. He asked if the RVMA would object to that. Ms. Guetschow stated that it is the RVMA's position that the agreement automatically renews, and nothing needs to be done at all. Council Member Armstrong clarified that, in order for the agreement to automatically renew, the RVMA must substantially comply, and he asked if they are taking the position that they have substantially complied and will refuse to do what the Manager's decisions require or whether their position is that they substantially comply that they are going to follow the Manager's decisions. Ms. Guetschow replied that she believes they are taking the position that they substantially comply, and they also intend to follow the Manager's decisions. If they do not, the County has other options to prevent development from moving forward. In the case of the SPA agreement, the Canyons thinks it automatically renews, that they are substantially in compliance, that they have every intention of following the Manager's decisions, and there will be consequences to not following them. Council Member Armstrong stated that he wants to get to a point where someone will not present a situation in the future that cannot be untangled in trying to figure out the obligations, and he is trying to determine what their understanding is. Substantial compliance means the RVMA has complied with the Manager's decisions or is in the process of doing so. He does not want to take a position that there is substantial compliance and, therefore, there is no requirement to comply with the Manager's decision. Guicho Pons with the Canyons stated that their position is that they have substantially completed the Manager's decisions. However, there are still items that need to be done and completed.

Chair Robinson stated that he does not understand the nature of the Manager's decisions in the overall context of what has and has not been complied with or the definition of substantial. He believed for the County to exercise their rights to terminate under 5.9.2, they would have to give specific notice that prior to 90 days from that date they would terminate the agreement or not automatically renew. He did not believe a punch list from the Manager of things that need to be completed rises to that level, and he would be inclined to do nothing. He believed the burden is on the RVMA, and the County can say whether the Canyons has or has not substantially complied.

Council Member Armstrong asked if the other party has substantially complied with everything they were obligated to comply with as of the expiration date on November 15. Ms. Brackin replied that, as of the expiration date, there are still things that were due in 2002 that have not yet been completed. One is the transportation plan, another is the completed golf course, and there are others. They acknowledge that the parties are working toward doing that, and they anticipate that they will be finished. The County wants to be sure the SPA is renewed with no question that it has been renewed. He suggested that they make an amendment to extend the date to renew by 30 days while they figure out where they want to go with this and craft language that the parties acknowledge that the Manager's decisions are outstanding, but notwithstanding that, the Council elects to renew for an additional five years without waiving the rights to having those decisions complied with.

Chair Robinson stated that he would prefer that the Council simply acknowledge that the agreement is extended effective as of November 15, 2014. Council Member Armstrong expressed concern that all the demands in the Manager's decisions would go away. Chair Robinson maintained that substantial compliance is a milestone, but it does not relieve the other party of having to come into compliance. He believed they could acknowledge that the agreement is automatically extended and that the outstanding issues still need to be resolved. He would also be comfortable with just acknowledging that the agreement automatically renews. Mr. Thomas expressed concern about acknowledging that the agreement automatically renews. He suggested that the Council either do nothing or extend the agreement for 30 days and let Legal Staff talk to the parties about bringing something more formal to the Council.

Ms. Brackin explained that the Attorney's Office came to the Council as the legislative body and contracting party to the SPA agreement, and there is provision in the SPA that the County has the enforcing authority and is the enforcing party. That is why they asked the Council to approve this with a simple motion to acknowledge the extension as the legislative and enforcing party. Chair Robinson asked if the Attorney's Office thinks the County will not have enforcement rights if this automatically renews. Mr. Thomas replied that the County's position is that the SPA is still in force, and the County will still exercise enforcement authority. The purpose of this was to ensure that there would not be any third-party attacks. If Vail, TCFC, and the RVMA are willing to go forward with that risk, they can let it automatically renew.

Council Member McMullin agreed with Council Member Armstrong that they should not ratify the extension. She believed they should do nothing. The other Council Members agreed that they would do nothing about renewing the development agreement.

MANAGER COMMENTS

Mr. Jasper referred to the new County Health Code and explained that it includes some sweeping changes in how they do things. He stated that this is a significant transfer of authority and how the County operates. He also reported that he met with the Homebuilders Association, and they have some compelling arguments. When they get into the Planning and Building Department's budget, he may recommend some changes.

COUNCIL COMMENTS

Chair Robinson reported that Mountain Accord had a good charrette in Midway last Wednesday and Thursday. The executive board and systems group co-chairs met and came up with a combined scenario which is being further refined, and then there will be a 45-day public comment period. One of his main concerns is the Council's concern about connecting between the Cottonwood Canyons and the Snyderville Basin. He has tried to make it so that all the parties have to agree that no connection will be made without the consent of Park City and Summit County, and they need a lot more information about whether that will be good for the community or not. Council Member Armstrong asked how this will end up as it evolves. He asked if there will be a written document and where they anticipate the process will end up. Chair Robinson believed there would be a written document. He explained that they want public comment on certain specific things, rather than on the whole process or the whole document.

Council Member Armstrong reported that he attended one of the charrette meetings last week, and one comment he heard from the participants was the need for more data and information. He believed they need a much better understanding of the potential benefits and detriments to the Wasatch Back in any of the scenarios. He was not certain the executive committee has been provided with enough information to begin assessing the issues.

PARK CITY FIRE SPECIAL SERVICE DISTRICT; BILL PYPER, CHIEF FINANCIAL OFFICER

Bill Pyper, Chief Financial Officer with the Park City Fire Special Service District, explained that they plan to amend the 2014 budget at the end of the year with an increase in revenues over expenses of \$21,000 overall. For 2015, they have budgeted a 2% increase in property tax revenues. He noted that they have an RFP for some communications equipment, and \$270,000 has been budgeted in the capital outlay expenditures, which would be the Fire District and ambulance portion of that expenditure. There is also an expenditure on the County's side. He reviewed and explained several other line items in the budget.

Council Member Armstrong asked about the location of the new fire station. Fire Chief Paul Hewitt explained that they are looking at some parcels in Quinn's Junction to see what they can work out. He explained that about \$100,000 is budgeted for that, and the other \$160,000 will go into improvements at the Summit Park station. He discussed the capabilities of the Fire District and its employees and the benefit they are to the community.

PUBLIC INPUT

Chair Robinson opened the public input.

There was no public input.

Chair Robinson closed the public input.

PUBLIC HEARING AND POSSIBLE ACTION REGARDING A SPECIAL EXCEPTION TO AMEND THE LIST OF ALLOWED USES OF THE EXISTING HOME SAVINGS BANK BUILDING LOCATED AT 4580 N SILVER SPRINGS DR., PARCEL HSBSPA-A; DOUGLAS CLYDE, APPLICANT; SEAN LEWIS, COUNTY PLANNER

This item was postponed to a later date.

PUBLIC HEARING AND POSSIBLE APPROVAL OF ORDINANCE #832, AN ORDINANCE REPEALING SUMMIT COUNTY ANIMAL CONTROL ORDINANCES 113 THROUGH 113-L AND ENACTING A NEW SUMMIT COUNTY ANIMAL CONTROL ORDINANCE; HELEN STRACHAN, CIVIL ATTORNEY

Deputy County Attorney Helen Strachan recalled that the Council has held a couple of work sessions to discuss the proposed changes to the animal control ordinance, and she has made changes according to those discussions. Her staff report includes the substantial changes since the last work session.

Mr. Jasper explained that one change involves adding staff, which depends on the budget discussions. He believed some additional changes might be needed based on the budget discussions. Brian Bellamy explained that they have made no changes to the off-leash provisions that were recently passed, and the proposed budget does not address the extra licenses and fees proposed by the off-leash task force. Ms. Strachan explained that they could come back after the first of the year to make any changes reflected in the budget.

Ms. Strachan explained that one policy issue that needs to be discussed is proof of sterilization and whether they want to require individuals to sterilize their dogs. Chair Robinson stated that he likes the higher fee for people not sterilizing their animals. Council Member McMullin stated that Council Member Carson has sent an email stating that was her understanding of what the majority of the Council Members wanted. Mr. Bellamy explained that Staff had concerns about requiring proof of sterilization and not being able to release an unaltered animal that may have been picked up until it is altered. If they added a fee for having an unaltered animal when the animal is picked up from Animal Control, that could act as an incentive for people to alter their animals. Council Member McMullin suggested that they apply increased fees in every situation where a citation is issued if an unneutered animal is involved. Ms. Strachan offered to research additional fees for unneutered animals. Council Member Armstrong explained that a higher fee will not be an incentive unless it is significantly higher. He hoped they could come up with a fee that would incentivize people to do the right thing and neuter their dogs. Council Member McMullin stated that she would prefer a requirement that dogs must be neutered and discussed how that might be addressed. After further discussion, Ms. Strachan summarized that they will not require proof of sterilization prior to licensing, but if Animal Control is called out on a complaint and the dog is not licensed, they will issue a citation for failure to license. If the dog is unaltered, they will significantly increase the fee. If the owner provides proof of sterilization within 30 days, they will reduce the fee.

Ms. Strachan addressed barking dogs and recalled at the last work session they discussed issuing a warning had having a 10-day correctional period. Then if the nuisance barking is not cured, they will issue a citation. One outstanding issue is the maximum number of dogs when a kennel permit is issued. They previously talked about having a maximum number and a variance process. She drafted a 5-dog maximum for private kennels, and a 30-dog maximum for commercial kennels, with a variance process if they want more than 30 dogs. Mr. Bellamy noted that some kennels are located in areas where a Conditional Use Permit (CUP) is not required for a kennel due to zoning or a development agreement. Council Member McMullin asked if the Conditional Use Permit process works where it applies. She suggested that they allow a maximum of 30, and any more would require a CUP. Chair Robinson agreed. Ms. Strachan explained that commercial kennels require a CUP regardless, and the limit of 30 was intended to be in addition to the CUP requirement. Council Member McMullin stated that she sees no reason to change the process and put a cap on commercial kennels; they should just be required to get a CUP, because the CUP addresses the impacts. The only issue is whether a CUP is required in every zone, and if it is not, they need to make sure it is. Mr. Bellamy addressed the issue of sled dogs that are brought in during certain months, and the operators do not get kennel permits. There seem to be more and more people bringing in dogs for dog sled runs over which the County does not have much control. Ms. Strachan explained that anyone with five or more dogs in their possessions is required to get a kennel permit. Chair Robinson confirmed with Ms. Strachan that the animal control ordinance will apply County-wide.

Ms. Strachan reported that she received a few non-substantive changes from Sterling Codifiers last week.

Chair Robinson asked if cats have the same issues with rabies that dogs do and if they want to license cats. Mr. Bellamy replied that they should have cats vaccinated, but licensing cats is an entirely different issue. Ms. Strachan explained that they do not have many incidences involving cats. Chair Robinson asked about the language regarding protected wildlife and asked if that implies a dog can attack unprotected wildlife. Ms. Strachan explained that language comes from State law, and protected wildlife is probably defined in the State Code. Chair Robinson asked what happens when Animal Control revokes a license. Mr. Bellamy explained that Ms. Strachan has included language that, if a license is revoked, the pet owner can appeal it within 10 days. He explained that a number of people receive multiple citations and just pay their fines but do not solve the problem. Animal control can take the animal when there are multiple violations, and if the animal is adoptable, they will adopt it out.

Chair Robinson opened the public hearing.

There was no public comment.

Chair Robinson closed the public hearing.

Council Member Armstrong made a motion to approve Ordinance 832, an Ordinance repealing Summit County Animal Control Ordinances 113 through 113-L, and enact a new Summit County Animal Control Ordinance, and authorize Deputy County Attorney Helen Strachan to incorporate the amendments discussed at this meeting with the additional comments to be provided by Chair Robinson. The motion was seconded by Council Member McMullin and passed unanimously, 3 to 0.

The County Council meeting adjourned at 6:45 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones

Recommended Citizens Budget for 2015

Presented to
Summit County Council
December 17th, 2014



What We Do



- Public Works
- Auditor
- Assessor
- Treasurer
- Clerk
- Recorder
- County Attorney
- Health Department
- Libraries
- Senior Services
- Search & Rescue
- Ambulance
- Animal Control
- Engineering
- Waste Disposal
- Recycling
- Television Translator Stations
- Motor Vehicle
- Justice Court
- Land Use Planning
- Building Inspection
- Sheriff
- Dispatch Call Center
- Law Enforcement
- Jail
- Fire Protection
- Wildland Fire Protection
- Road Maintenance
- Building Safety
- Business Licensing
- Protection Services
- Parks and Open Space
- Information Technology
- Personnel
- Facilities & Maintenance

2014: Big Jump in Service Demand



Building Inspections as of November 2013 = 7,031
 Building Inspections as of November 2014 = 13,053

Valuations as of November 2013 = \$126,907,465
 Valuations as of November 2014 = \$157,264,933

Building Permits Issued as of November 2013 = 534
 Building Permits Issued as of November 2014 = 930

Engineering-related permits as of November 2013 = 1,874
 Engineering-related permits as of November 2014 = 2,445

Population in 2013 = 38,693
 Population in 2014 = 39,323

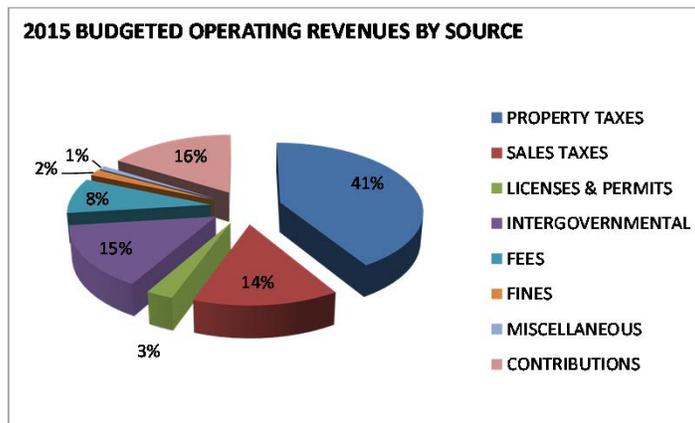
Total jobs in 2013 = 36,649
 Total jobs in 2014 = 38,157

Sources: SC Planning Dept., SC Engineering Dept., Census Bureau, and Utah Dept. of Workforce Services

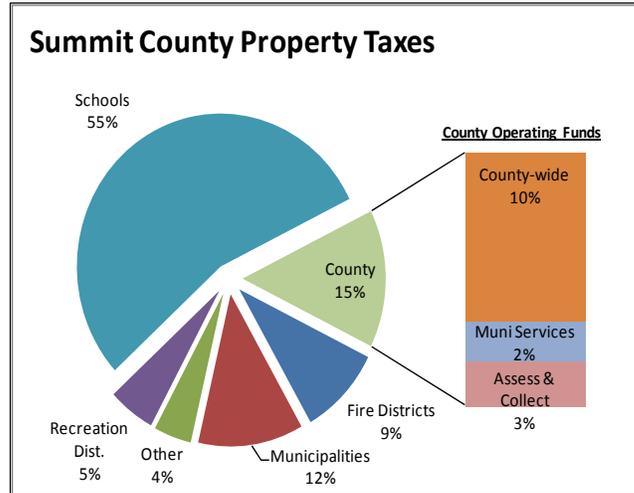
Summit County Primary Funding Sources



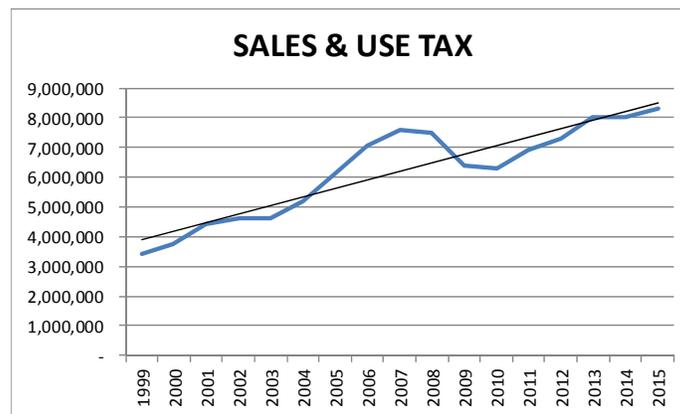
2015 BUDGETED OPERATING REVENUES BY SOURCE



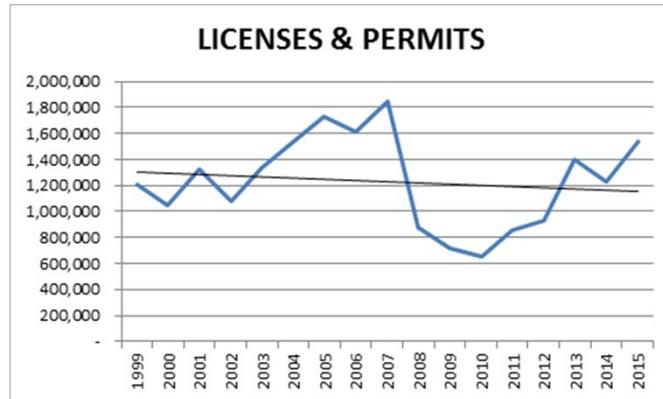
Property Taxes - 15%



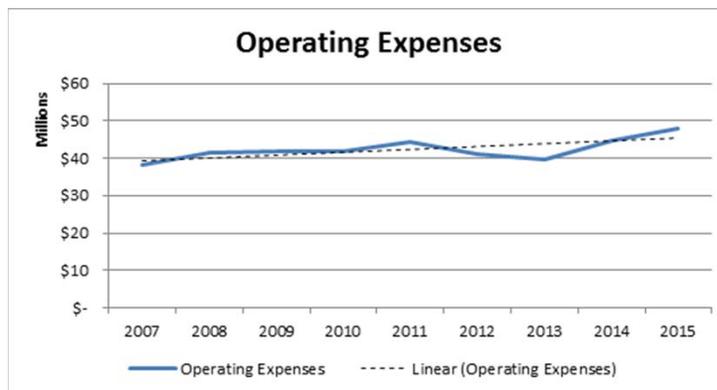
Sales / Use Tax



Licenses & Permits



Operating Budget Past 7 Years



Budget Changes 2015 vs. 2014

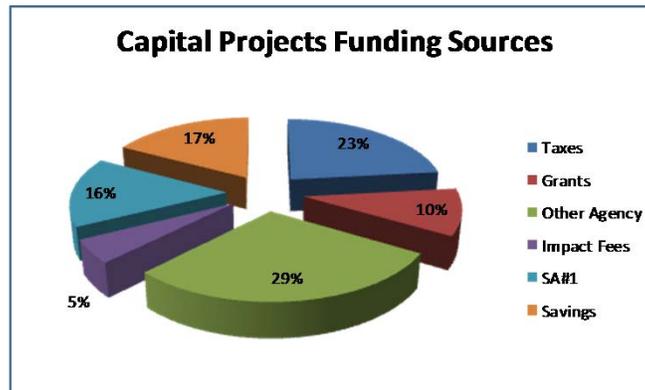


Recommended increase of **\$6.3 million**, including capital projects.

- Capital Projects: \$3.0 million increase
49.0% of total increase
- Additional Pay Period: \$583 thousand
9.2% of total increase
- New Employees: \$553 thousand
8.8% of total increase

\$3.6 million (58.2%) additional in one-time expenses: capital projects and additional pay period

Capital Projects Funding Sources



What Will Summit County Citizens Get From the 2015 Budget?



Added/Restored Positions to Address Growth



Ten New Full-Time Positions:

- Animal Control Director (*Position vacant since 2011*)
 - Animal Control Officer
- Attorney (*three/fifths to full*)
 - Assistant Plans Examiner
 - Building Inspector
 - Court Security Officer
 - Engineer Tech (*half to full*)
- Fair Coordinator (*contract to employee - TRT funded*)
 - Kennel Tech
- Transit District Tech (*contract to employee*)



Capital Projects

Project Area	Amount	Description
Roads		
<i>Pinebrook</i>	\$ 1,101,000	Road reconstruction and overlay
<i>Wanship</i>	1,355,000	Road reconstruction and bridge work
<i>Jeremy Ranch</i>	595,000	Road reconstruction and overlay
<i>Others</i>	1,205,000	Includes overlays, construction, expansion
ROADS SUB-TOTAL:	\$ 4,256,000	

Capital Projects



Project Area	Amount	Description
Facilities		
<i>Fairgrounds</i>	\$ 2,600,000	First phase of new Fairground development
<i>Kamas Building</i>	1,750,000	First phase of new Library / Health / DMV Center
<i>Animal Control</i>	800,000	Renovation of outdated existing facility
<i>Justice Center Solar</i>	425,000	Sustainability - Solar PV cells
FACILITIES SUB-TOTAL:	\$ 5,575,000	



TOTAL CAPITAL PROJECTS \$ 9,831,000

Insurance Plan Adjustments Create Cost Savings



- Increasing General Liability Deductible to \$100,000
- Increasing Property Deductible to \$25,000
- Increasing Auto/Property Damage Deductible to \$1,000

**Projected Annual Savings Between
\$80,000 - \$180,000**

Estimated Changes in Fund Balances



If adopted as is:

- General Fund balance decreases by \$2.0 million left with \$4.5 million
- Municipal Services fund decreases by \$1.0 million left with \$9.4 million
- Assessing & collecting fund decreases by \$182 thousand left with \$4.0 million

All Fund Balances Remain Above Executive Order Minimums

2015 Recommended Budget
Provides Summit County Citizens with:

- ✓ A BALANCED BUDGET
- ✓ RESTORED SERVICE LEVELS and
- ✓ CAPITAL INVESTMENT



**A BUDGET RESOLUTION OF THE MOUNTAIN REGIONAL WATER
SPECIAL SERVICE DISTRICT
2014 BUDGET AMENDMENTS
2015 BUDGETS**

WHEREAS, pursuant to UCA §17B-1-622, on December 10, 2014 and December 17, 2014, the Summit County Council, acting as the governing body of the Mountain Regional Water Special Service District, held a series of public hearings to amend the following 2014 budgets: Operating Fund, Capital Fund, and Debt Service Fund; and,

WHEREAS, pursuant to UCA §17B-1-610, on December 10, 2014 and December 17, 2014, the Summit County Council, acting as the governing body of the Mountain Regional Water Special Service District, held a series of public hearings for the following 2015 budgets: Operating Fund, Capital Fund, and Debt Service Fund; and,

WHEREAS, the Summit County Council, acting as the governing body of the Mountain Regional Water Special Service District, finds that it is in the best interests of the District to amend the 2014 budgets and adopt the 2015 budgets of the following: Operating Fund, Capital Fund, and Debt Service Fund;

NOW THEREFORE, BE IT RESOLVED, pursuant to UCA §17B-1-614, the Summit County Council, acting as the governing body of the Mountain Regional Water Special Service District, hereby amends the 2014 budgets and further adopts the 2015 budgets, as shown herein:

2014

2014 Amended Operating Budget

Revenue: \$9,408,300

Expense: \$8,387,100

Change in Net Position: \$1,021,200

2014 Amended Capital Budget

\$2,108,741

2014 Debt Service Budget

\$3,440,500 (Cash Basis) / \$3,355,500 (Accrual Basis)

2015

2015 Operating Budget

Revenue: \$9,742,600

Expense: \$8,669,800

Change in Net Position: \$1,072,800

2015 Capital Budget

\$8,781,900

2015 Debt Service Budget

\$3,452,700 (Cash Basis) / \$3,642,700 (Accrual Basis)

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit
County Council, this 17th day of December, 2014.

MOUNTAIN REGIONAL WATER
SPECIAL SERVICE DISTRICT
SUMMIT COUNTY, STATE OF UTAH

ATTEST:

Kent Jones
County Clerk

APPROVED AS TO FORM:

David L. Thomas
Chief Civil Deputy

By: _____
Christopher F. Robinson
Chair, Governing Body